The Routledge Handbook of Critical European Studies

Edited by Didier Bigo, Thomas Diez, Evangelos Fanoulis, Ben Rosamond and Yannis A. Stivachtis

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This handbook comprehensively defines and shapes the field of Critical European Union Studies, sets the research agenda and highlights emerging areas of study. Bringing together critical analyses of European Union politics, policies and processes with an expert range of contributors, it overcomes disciplinary borders and paradigms and addresses four main thematic areas pertaining to the study of the European Union and its policies:

- Critical approaches to European integration;
- Critical approaches to European political economy;
- Critical approaches to the EU's internal security;
- Critical approaches to the EU's external relations and foreign affairs.

In their contributions to this volume, the authors take a sympathetic yet critical approach to the European integration process and the present structures of the European Union. Furthermore, the book provides graduate students and faculty with ideas for future research activity and introduces critical analyses rooted in a broad spectrum of theoretical perspectives.

The Routledge Handbook of Critical European Union Studies will be an essential reference for scholars, students, researchers and practitioners interested and working in the fields of EU politics/studies, European integration, European political economy and public policy, EU foreign policy, EU freedom of movement and security practices, and more broadly in international relations, the wider social sciences and humanities.

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"This handbook brings together an unprecedented number of experts in the emerging field of critical European Union studies. Their contributions collectively provide a masterful synthesis of critical theoretical approaches, as well as an insightful analysis of the most salient aspects of EU policies, politics and processes in varied issue areas. Employing rigorous research designs and comprehensive empirical evidence, the authors perfectly illustrate how critical studies can revamp EU studies and provide a novel, sophisticated understanding of European integration."

Ariane Chebel d'Appollonia, *Rutgers University, USA; Sciences Po Paris, France*

"Masterly architectured, this volume invites readers to take on insightfully engaging journeys, navigating them into the critical 'pluriverse' of EU theorizing. A reflectively seminal offering; to use a Greek word, a '*spondê*' – libation – to the field!"

Dimitris N. Chryssochoou, *National and Kapodistrian University of Athens, Greece*

"This is a most welcome and comprehensive book by a stellar team of editors and contributors. Acknowledging at a challenging juncture, normative concerns and impositions of power as well as a marginalising impact, the team offers analytical power and to marginalise both apologetic and toxic destructive theory and practice."

Knud Erik Jørgensen, *Aarhus University, Denmark*

"Call it analytical tough love or a paradoxical mainstreaming of critical European studies, this truly impressive handbook stands as an unprecedented achievement, a unique tapestry of critical threads. Lucky readers can at last weave these threads together thanks to a brilliant team of editors and contributors, committed to emancipation from the dark side of our modernity as the ultimate goal of the knowledge we produce."

Kalypso Nicolaïdis, *University of Oxford, UK*

"This is an exceptional contribution to our understanding of contemporary Europe. Much more than a handbook, it shows how Europe's most creative analysts have tried to understand its most unpredictable dynamics. Both appreciative and sceptical, elegantly conceived and diagnostically incisive, it exposes a Europe that far exceeds the usual clichés of nationalism and integration."

R.B.J. Walker, *University of Victoria, Canada*

"With the process of European integration at a critical historical juncture, this Handbook of 'Critical' analyses could not come at a better time. A remarkably valuable and wide-ranging contribution, and an essential guide for understanding some of the key issues of our time."

Michael C. Williams, *University of Ottawa, Canada*

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Critical European studies

An introduction

Yannis A. Stivachtis

The purpose of this volume is multifold: first, to help shape the field of critical European Union (EU) studies; second, to encourage and promote critical analyses in the field of European studies; third, to offer a comprehensive and up to date account of critical perspectives to the study and theorising of European integration; and finally, to provide a critical approach to the policies of the EU in the fields of political economy, internal security, and external relations. Consequently, this volume constitutes a core publication of the *Critical European Studies* Series published by Routledge.

European Studies as a field of academic inquiry is often conflated with EU Studies. The result is that many significant trends, processes, and events pertaining to Europe as a whole are not given adequate critical analysis. The *Critical European Studies* Series aims at filling this gap. However, the present publication focusses exclusively on the EU.

The *Critical European Studies* Series seeks to develop a strong grounding in many fields of research in its effort to introduce critical analyses to the study of Europe and the EU that is rooted in a broad spectrum of theoretical perspectives. Approaches based upon historiographical, sociological, linguistic, anthropological, post-colonial, ethnographic, philosophical, post-structuralist, feminist, etc. perspectives are particularly welcome, since these frameworks only receive sporadic attention. In other words, the *Critical European Studies* Series seeks to provide a publication venue for scholars and analysts adopting and pursuing a critical approach to European issues, in general, and the EU and its policies in particular.

Moreover, without putting into question the value of specific policy approaches, although individual studies in the series have undertaken this task, the *Critical European Studies* Series attempts to bring together alternative approaches to critical analyses of European politics (including EU politics), while overcoming disciplinary borders and paradigms. Behind this scholarly enterprise stands an enthusiastic embrace of the project and accomplishments of the EU, but we perceive the EU and EU Studies in need to consider many different critical correctives of its political ideas and ideals.

When Hartmut Behr and I decided to pursue the idea of a book series focussing on critical approaches to European studies, a set of questions needed to be addressed before we could complete a book series proposal and secure a publisher. Such questions included: what constitutes Europe? What do we mean by European studies and what would the subject matter of the book

series be? What do we mean by 'critical'? How do we understand the EU as an international actor? Is the EU *suis generis*? Could one draw any comparisons between current EU policies and historical European practices and how could the past inform contemporary EU approaches and policies? The following sections seek to respond to these questions thereby providing the theoretical and philosophical ground on which both the *Critical European Studies* Series and the current publication are based.

The meaning of 'critical'

For the *Critical European Studies* Series the term 'critical' has a dual meaning. First, generally speaking, *Critical European Studies* seeks to question every single approach and policy that appears to be or it is presented to be as 'just', 'good' and 'appropriate'. For example, what do we mean by 'just', 'good' and 'appropriate?' 'Just', 'good' and 'appropriate' for whom? Who defines what 'just', 'good' and 'appropriate' is? To this end, particular attention should be paid to the contestation of EU approaches and policies both from within and outside the EU.

Second, and more specifically, *Critical European Studies* question the starting assumptions of traditional approaches to European integration by raising three questions: what is being studied? (ontological questions); what can we know? (epistemological questions); and how are we going to know? (methodological questions) (Hay 2002, 61–3). As Ian Manners (2007, 77) suggests, the answers to these questions are always political rather than neutral. According to Hoskyns (2004, 224), 'theory constitutes as well as explains the questions it asks (and those it does not ask)' and therefore, 'theory is always for someone and for some purpose'. In contrast to the traditional approaches to European integration, which attempt to apply theories to political questions without questioning the broader power consequences, 'critical theories are distinctively political theories in that they understand the political nature of political enquiry' (Manners 2007, 78). As a result, critical scholars seek to uncover 'preconceptions about historical reality and the contextual nature of knowledge and question assumptions about political systems and institutions, economistic rationalities and methodologies' (Manners 2007, 78).

In this respect, the meaning of 'critical' for *Critical European Studies* includes the contribution of what Manners has called 'critical perspectives' to the study of EU politics, such as historical materialism, which draws on the work of Karl Marx and Antonio Gramsci,[1] the Frankfurt School Critical Theories,[2] identified with the work of Max Horkheimer, Theodor Adorno, and Jürgen Habermas; the postmodern theories[3] associated with the critiques of Friedrich Nietzsche, Michel Foucault, and Jacques Derrida; and finally, feminist perspectives, which seek to question gender and power. To these critical perspectives, one may add the more critical writings associated with the international society approach of the English School of International Relations (Behr 2007; Stivachtis 2008).

The question of 'Europe' and 'European'

While reflecting on the subject matter of the *Critical European Studies* Series, Hartmut Behr and I thought that although the EU would constitute the main focus of the book series, the study of political, economic, social-cultural, and geopolitical processes pertaining to the broader Europe should not be excluded from consideration. This was for three reasons. First, Europe is much broader than the EU and, therefore, European Studies should not be used as a synonym for EU studies.

Second, during our deliberations we thought that if we use the term 'European studies' as a synonym for 'EU studies', this would imply that the EU and Europe would be understood

as identical constellations. As a result, European countries, which are not members of the EU could not be considered as being 'European'. For example, how could one argue that countries, such as Norway, Switzerland or, most importantly, the United Kingdom after 'Brexit' are not European? One could also go far and ask the same question in relation to Russia and Turkey. Therefore, the use of the terms 'EU' and 'Europe' interchangeably would add an unnecessary, unwanted, and perhaps dangerous imperial and civilisational feature to the nature and character of the EU. For instance, academic and political discussions about and emphasis on European civilisation would imply that only parts of Europe associated with the EU could be regarded as 'civilized'. In this respect, relations between the EU and non-EU European countries could be construed as relations between a 'civilizer' and a 'civilizee'; a relationship, which as we will discuss later in this introductory chapter is reminiscent of a historical process associated with the historical expansion of Europe.

Consequently, our proposed solution was the use of the term 'European Studies' to demonstrate that the *Critical European Studies* Series is not only about the EU but also about Europe as a whole. Nevertheless, in our very open and constructive discussions with Routledge we agreed that people would perhaps find the proposed series title confusing in the sense that some may think that the series is about Europe as a whole and not focussed enough on the EU while others may arrive to the opposite understanding. To avoid this problem, we decided to go along with the title 'Critical European Studies' and we were happy that Routledge was very open to our suggestion that the book series was not necessarily only about the EU.

Third, although the EU would constitute the main focus of the *Critical European Studies* Series, we thought that EU's interactions and the study of those interactions with other countries located on its periphery would automatically broaden the scope and the subject matter of the book series. Indeed, a very recent study (Giusti and Markina 2019) focusses on political, social, and economic interactions in highly interconnected areas, stretching from Europe to Eurasia, East Asia, North Africa, and the Middle East labelled as 'Trans-Europe'. Looking at this decentralised space requires an examination of various political projects beyond traditional categories of territory. According to Giusti and Markina (2019, 1), 'Trans-Europe' is not a geographical entity but rather a cognitive, mental framework that serves the purpose of capturing political, economic, and social interactions in a vast and very dynamic area. 'Trans-Europe' is largely viewed a by-product of political developments after the end of the Cold War. The overthrow of the bipolar structure of the international system gave many countries the opportunity to set their own political and economic course of action. Giusti and Markina argue that this process of emancipation affected the re-organisation of political spaces and regions across the world. In this situation, 'spatial logic came forward to fill in the ideological vacuum and to promote regional interests within the international system' (Giusti and Markina 2019, 1).

Although it is hard to separate the effects of systemic changes on the sub-system levels (regional regimes, nations, sub-national entities) from the effects of sub-systemic changes at the system level, international, regional, and sub-regional systems constantly modify and counterbalance each other. According to Giusti and Markina (2019, 2), the process of regionalisation, together with the process of globalisation, regularly changes the size and structure of regional orders. Moreover, the spread of global interdependence has reduced states' capacity for self-governance, and therefore these regional, localised, gradual changes can only be fully explored from the perspective of a much larger process of global structural change (Giusti and Markina 2019, 2). As a result, the current fluid and loose international system favors regional and transregional configurations, which are usually the result of a few leading countries and actors, such as the EU exerting influence over their neighbourhoods. Trans-Europe lies at the intersection of

various regional systems – differently organised and differently developing due to cooperation, competition, and frictions (Giusti and Markina 2019, 2).

In addition, relations between the EU, on the one hand, and transatlantic and pan-European international organisations like NATO, the Organization for Economic Cooperation & Development (OECD), the Council of Europe (CoE) and the Organization for Security & Cooperation in Europe (OSCE), on the other, in conjunction with the fact that EU member states have also been members in some of those organisations has led to the creation of a strong linkage between the EU and the broader, trans-Europe. As a result, Hartmut Behr and I thought that disregarding the forces of European interdependence and separating the EU from the broader Europe would take away considerable value from the study of European affairs.

The 'suis generis' argument

One of the fundamental questions facing EU studies has been how should one conceptualise 'Unions of States', and in this respect, the EU. A first way of doing so is to analyse the EU in terms of the Westphalian state system, which introduced a legal distinction between national and international law. National law is the sphere of subordination and compulsory law, while international law constitutes the sphere of coordination and voluntary contract. Since sovereignty is the defining characteristic of the modern state and the anarchical state system, there could be no higher authority above the state. How, then can the 'Westphalian' international law explain Unions of States, like the Swiss Confederation or the United States of America?

In an anarchical system based on the idea of state sovereignty, 'Unions of States' appear to be what Robert Schutze (2016, 28) has called 'constitutional oddities'. As a result, these political entities have raised serious conceptual problems. In order to bring federal unions into line with the idea of state sovereignty, political and legal theorists were forced into a conceptual dichotomy: these entities must be either an international organisation or a sovereign state. With regard to Union of States, this has led to a famous distinction: *either* a 'Union of States' constitutes a 'Confederation of *States*' *or* it is a 'Federal *State*' (Schutze 2016, 29). Any third possibility has been excluded.

Thus the traditional Westphalian way of thinking has prevented the development of a proper understanding of the nature of the EU. According to Pierre Pescatore (1970, 182), the EU has been 'established on the most advanced frontiers of the [international] law of peaceful cooperation and its principles of solidarity and integration had even taken it to the boundaries of federalism'. However, the crucial question is whether the EU has been inside those federal boundaries or not. There is a growing body of literature that has demonstrated that over time, the EU assumed 'statist' features and combined both international and national elements. But if this is the case, how should one conceptualise this 'middle ground' between international and national law? According to Schutze (2016, 29), in the absence of a federal theory beyond the state, European thought invented the term 'supranationalism' and proudly announced the EU to be *sui generis.*

There are three problems with the *sui generis* argument (Schutze 2016, 30). First, it lacks explanatory value for it is based on a conceptual tautology (Hay 1966, 37). In other words, the EU is 'what it is; and it is not… what it is not!' In this respect, the *sui generis* theory 'not only fails to analyse but in fact asserts that no analysis is possible or worthwhile' (Hay 1966, 44). Second, the *sui generis* argument only views the EU in *negative* terms – it is *neither* an international organisation *nor* a Federal State – and thus indirectly perpetuates the conceptual foundations of the Westphalian tradition (Schutze 2016, 30). Moreover, the *sui generis* argument recognises that the EU does not fit into classic Westphalian categories but at the same time, it

does not critically question these categories themselves. Instead, it considers the EU as a 'unique' exception to the Westphalian system. Third, since it does not provide any external standard, the *sui generis* theory cannot analyse the EU's evolution. Moreover, the *sui generis* theory is historically unfounded (Schutze 2016, 30). All previously existing Unions of States lay between international and national law. Therefore, the power to adopt legislative norms binding on individuals, which constitutes the acclaimed *sui generis* feature of the EU cannot be the basis of its claim to specificity (Schutze 2016, 30). The same lack of 'uniqueness' holds true for other normative or institutional features of the EU.

In sum, the mixture of international and national elements within the EU is seen as a 'novelty' or 'aberration'. However, research on the nature of various 'Unions of States' has shown that this view of the EU is incorrect and misleading. For example, Robert Schutze (2016) has examined the early constitution of the United States to illustrate and demonstrate that the case of the EU resembles the case of the United States and has argued that the EU can easily be thought in 'Madisonian' or 'Tocquevillian' terms. For the above reasons, the *Critical European Studies* Series has adopted and has advocated an anti-*suis generis* position.

Europe in a comparative historical perspective

The last, but not least in terms of importance, question that Hartmut Behr and I sought to address is whether EU's international behavior, approaches and policies could be compared with past behavior, approach and policies of European powers. This was a fundamental question for it was directly relevant to our research.

Specifically, adopting a critical approach to EU's Enlargement and Neighborhood (ENP) policies and their associated policy of conditionality, we have sought to demonstrate that the EU not only resembles an empire internally, as Jan Zielonka (2006) has argued, but most importantly in its external relations the EU acts as such (Behr and Stivachtis 2015). We have argued that contemporary EU rhetoric and practices resemble past European rhetoric practices that have been discredited. Consequently, we have explained that this is the reason for which those EU policies have been strongly contested and/or rejected by third states, such as those associated with the Eastern Partnership and the Mediterranean Partnership, but also by countries which have entered into international trade agreements with the EU, such as the ACP[4] countries.

To develop our argument, we have utilised the theoretical framework associated with the international society approach of the English School of International Relations. The latter has enabled us to draw historical comparisons and reach conclusions, which have the potential of informing contemporary EU decisions and policies. This effort has allowed us to add a critical element both to the classical English School theory, which has been generally regarded as Eurocentric, and EU studies.

European Union as a regional international society

At the core of classical English School theory lies the distinction that Hedley Bull has drawn between an international system and an international society. Bull (1977, 9–10) defined the international system as being formed 'when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions to cause them to behave as parts of a whole'. An international society, on the other hand, exists 'when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions' (Bull 1977, 13).

By introducing the system/society distinction, Bull sought to distinguish the homogeneous relations among a particular constellation of states from the heterogeneous relations of these states with the remaining of political entities prevailing in the international system. For example, the homogeneous relations among the EU Member States signify the presence of an international/EU society while the heterogeneous relations between the EU Member States, on the one side, and third states on the other, point to the existence of an international system.

However, as Bull's distinction came under closer examination, it ran into criticism. Although in the past we could easily distinguish the historical European international society from its broader international system, this is difficult to do today since the expansion of the European international society has resulted into the creation of the contemporary global international society (Bull and Watson 1984; Dunne and Reus-Smit 2017; Watson 1992). Therefore, the debate surrounding the validity of Bull's distinction resulted in the acceptance that the international system is just a 'thin/weak' form of international society. In other words, the concept of the 'international system' equals that of a 'weak/thin' international society and the real distinction is between a 'weak/thin' form of an international society and a 'strong/thick' one.

It has been acknowledged (Buzan 2015, 57) that within the contemporary 'thin' global international society there exist some 'thicker' regional international societies. Hence, it is possible to distinguish a 'thick' regional international society from its broader, 'thinner' global international society within which it is embedded. For example, Diez and Whitman (2002) have argued that the EU constitutes a regional international society that it is embedded within a global international system ('thin' international society) and that through its enlargement policy the EU international society has sought to expand itself outwards thereby transforming the broader international system ('thin' international society) in which it is embedded into a much 'thicker' international society. A similar conclusion was drawn by Yannis and Mark (2014). As it is argued elsewhere (Stivachtis 2015), the ENP constitutes an instrument through which the EU seeks to transmit its norms and values in an effort to establish order and stability in its periphery. As a result, the boundaries of the European international society are extended. Moreover, it has been suggested that this process resembles the process of the historical expansion of the European society of states (Stivachtis 2008).

The historical expansion of Europe and the globalisation of European order

Before the European expansion, the world was comprised of several regional international societies built upon elaborate civilisations, including distinctive religions, different systems of governance, different types of law, and different conceptions of the world and ways in conducting relations. Relations between members of different regional international societies could not be conducted on the same moral and legal basis as relations within the same society because the rules of each individual regional society were culturally particular and exclusive. It was the European international society, which expanded gradually and brought other regional international societies into contact with one another. In fact, the European international society was superimposed on various regional international societies the members of which had to eventually adopt the rules, norms, and institutions of the European international society. Initially, non-European societies attempted to contest European norms and rules but due to power imbalances they only managed to modify them to some extent (Bull 1984).

In the eighteenth and nineteenth centuries, as religious influences on international relations declined, international society became more secular and it was confined to states of European culture (Watson 1984). As the sense of the specifically European character of the society of

states increased, so did the sense of its cultural differentiation from what existed beyond itself. International society was by then regarded as a privileged association of European and 'civilized' states (Bull 1990, 82). Nineteenth century international lawyers perpetuated the cultural duality between European and non-Europeans, and between 'civilized' and 'non-civilized' peoples. The distinction between 'civilized' and 'barbarous' humanity meant that states belonging to either category were accorded different stages of legal recognition.

In the course of the nineteenth century, as European international society spread over the world, many non-European states sought to join it as a way to avoid marginalisation. Consequently, the European states had to define the conditions under which they would admit non-European political communities to the international society they formed themselves. In this process, the standard of 'civilization' played an essential role in determining which states would join the expanding European international society and which ones would not.

The standard of 'civilization' reflected the norms of the liberal European civilisation (Tucker 1970, 9) and the basic idea behind it was that political communities aspiring to membership of international society should be able to meet standards of performance similar to those which European states expected of each other (Schwartzenberger 1955; 1976, 17). Despite their contestation efforts and due to power imbalances, non-European states had to learn to adjust themselves to new realities, even at some significant cost to their own societies.

The standard of 'civilization' evolved to include a set of political and economic requirements (Gong 1984, 14–15). However, in practice, the European powers failed to observe the standards they proclaimed for themselves while what these 'basic rights' were and what constituted their guarantee was never well defined. This meant that the fulfillment of the standard of 'civilization' became a 'moving target', which would allow the European states to push for further and further reforms before they decided to accord a non-European state a 'civilized' status. Moreover, the standard of 'civilization' was applied opportunistically and selectively – both in terms of countries and time – but the target states were always conveniently reminded about it whenever the European powers regarded it as necessary. In this sense, the standard of 'civilization' served as a mechanism for political control. Yet, different conceptions of and demands for 'civilized' rights made them difficult to enforce, while the conditions of maintaining 'civilized' conditions without 'civilizing' the country's inhabitants were often as difficult as 'civilizing' its inhabitants without estranging them from their cultural heritage (Gong 1984, 22). Most importantly, the standard of 'civilization' served as an excuse and justification for the establishment of a global order fitting the image and interests of the European powers.

The standard of 'civilization' thus became the organising principle for non-European political communities. In their effort to acquire the privileges assigned to 'civilized' states, non-European countries used the standard of 'civilization' to initiate political, social, and economic reforms and as a guideline for changes and adjustments. In practice, the policies that were devised to apply the requirements of the standard of 'civilization' were superimposed by the diplomatic representatives of the European powers and were monitored by international lawyers without any input from local governments.

During the decolonisation period, the standard of 'civilization' was strongly contested by the newly independent states and this contestation eventually led to its abolition. Four were the main reasons for such a contestation: first, the new states realised that the Western powers failed themselves to observe the standards they demanded from others to fulfil; second, by failing to clarify what the 'basic rights' included in the standard of 'civilization' were, what constituted their guarantee, and when and under which conditions were to apply, the Western powers perpetuated the 'moving target' problem; and third, the requirements included in the standard of 'civilization' not only did not take into account the cultural and political particularities of

domestic societies; and finally, the European 'civilizers' and the non-European 'civilizees' did not have joint ownership of the civilisation process.

While the old standard of 'civilization' fell into disrepute, the political context did not change much. According to Benedict Kingsbury (1999, 90), the world is divided into two zones: the liberal zone consists of "liberal states practicing a higher degree of legal civilisation, to which other states will be admitted only when they meet the required standards' and that 'the liberal West as the vanguard of a transformed legal global order contains a new standard of 'civilization'… to promote the advancement of the backward." As a result, new possible successors to the old standard of 'civilization' emerged. It has been argued that the best possible successor of the old standard of 'civilization' is 'conditionality' (Behr 2007; Stivachtis 2008). The standard of 'political performance' (political conditionality) is largely based on the idea of democracy, which has emerged as the predominant form of political governance within the Westphalian international state system (Stivachtis 2006), while the standard of 'economic performance' (economic conditionality) is connected to the adoption of policies aiming at the restructuring of the domestic economies of third states and, as an extension, at market liberalisation.

The EU and the contemporary globalisation of European order

In order to promote its political, security, and economic interests, the EU is in need to regulate and manage its external environment by spreading institutional structures and rules of legitimate behavior (Elgstrom and Smith 2006; Orbie 2009; Zielonka 2011) as well as exporting its norms, values, and practices (Diez 2005; Manners 2002; Stivachtis 2007; Whitman 1998). In so doing, the EU gradually expands the geographic boundaries in which these norms, rules, values, and practices apply and, consequently, the boundaries of the European international society. In this context, the EU is seen as an actor with a post-modern version of '*mission civilisatrice*' (Zielonka 2015; 2013, 36). Hence, the true universality of the EU's normative agenda and the motives behind its policies are questioned (Del Sarto 2016).

Zielonka (2013) has suggested that the EU has the ability to 'influence (if not manipulate) the international agenda and shape the notion of legitimacy (if not normality) in various parts of the world, and especially in its neighborhood'. Moreover, like the historical European international society, the EU exercises control over diverse peripheral actors through formal annexations (EU membership) or various forms of informal domination reflected in a number of policies. In this sense, the EU's normative discourse can be understood as a device to legitimise the Union's policies in its neighbourhood and beyond. In fact, EU actions are associated with what Lewis Samuel Feuer has termed 'progressive imperialism'. The latter is founded upon a cosmopolitan view of humanity that promotes the spread of civilisation to allegedly backward societies to elevate living standards and promote civil and political liberties in territories lying beyond the legal boundaries of the imperial polity, with the allowance of people living in those territories to assimilate into the imperial society (Feuer 1989, 4).

Similarly to the historical standard of 'civilization', EU's 'civilizing' mission is seen as promoting the Union's political, security and economic interests and thus denying to take adequate account of the interests and values of third states with which EU seeks to establish close relations or the differentiation among them in economic, social, cultural and political terms. But as Zielonka (2013, 37) has argued, a 'civilizing' mission is only successful if it generates legitimacy in both the metropolis and the periphery. However, third countries have contested the imposition of EU values and norms. Moreover, this 'top-down', 'one size fits all' EU approach is not new. In fact, the EU's approach is similar to the 'civilizing' process associated with the historical expansion of the European society of states. In order to achieve its political, security and

economic goals, the EU uses norms, standards, and practices that are similar, if not identical, to those included in the historical standard of 'civilization' (Behr 2007). Consequently, if one looks closely to the formulation and implementation of the EU's Enlargement, ENP and conditionality policies, one can observe a continuation of old European practices.

The question of what capabilities are available to the EU to achieve its foreign and security objectives is associated with the question of the Union's identity as a 'civilian' (Twitchett 1976, 1–2; Telo 2006), 'normative' (Manners 2002), and 'market power' (Damro 2012). But as Thomas Diez (2005 and 2013) has suggested, the ideas of a 'normative', 'civilian', or 'market power Europe' are not so innocent since any single of them represents a form of hegemonic power.

To understand the linkage between the EU and the historical European international society, we need to pay a close attention to the concept of 'civilian power' defined as a state '…whose conception of its foreign policy role and behavior is bound to particular aims, values, principles, as well as forms of influence and instruments of power in the name of a civilisation of international relations' (Maull 1990, 92). According to this definition, which resembles that of Feuer's 'progressive imperialism', EU's civilian power lies on the use of its norms, values, and principles in an effort to 'civilize' international relations. In this context, the EU acts as the 'civilizer' whose duty is to create a peaceful and stable international order by 'civilizing' the 'others' thereby establishing a hegemonic and imperial type of 'civilizer-civilizee' relationship.

Like the European powers did previously, the EU has sought to advance a liberal international order as a strategy that promotes international peace and stability. Conditionality, as a new form of the historical standard of 'civilization', serves as an essential tool for achieving this objective. For example, the European Parliament has declared that 'only states which guarantee on their territories truly democratic practices and respect for fundamental rights and freedoms can become members of the Community' and that 'states whose governments do not have democratic legitimisation and whose people do not participate in government decisions, either directly or through fully elected representatives, cannot aspire to be admitted into the circle of nations which form the European Communities' (cited in Pridham 2005, 30).

Facing political, social, and economic instability, third countries – under the pressures of international anarchy – have sought to establish closer relations with the EU, while the Union was quick to realise that its security was intimately connected to the stability of the countries geographically embedded in its neighbourhood. However, the presence of asymmetrical interdependence in favor of the EU has enabled the Union to define certain expectations and demand the implementation of certain standards and policies on the part of third states, seeking in this way to transmit elements of the EU order beyond the EU borders thereby enlarging the boundaries of the European international society. Thus, the relations between the EU and third states can be viewed as an example of a planned extension of the European-led 'civilizing' process that aims to transmit European values to the rest of the world (Linklater 2016, 2005a, and 2005b).

Hence conditionality became a central feature of EU's external policies (i.e. Enlargement and ENP) (Mocanu 2010; Schimmelfennig and Scholtz 2007). Reminiscent of the European rhetoric during the times of the standard of 'civilization', the European Security Strategy (ESS), reminded the world that 'for states that have placed themselves outside the bounds of international society, it is desirable that they rejoin the international community and that the EU should be ready to provide assistance' (EC 2003, 10) However, for those 'who are unwilling to do so should understand that there is a price to be paid, including in their relationship with the EU' (EC 2003, 10).

The use of conditionality-related instruments in the EU's neighbourhood is guided by the objectives set out in the EES and most recently in the EU's Global Strategy. The ESS was rather

explicit in defining the neighbourhood 'as a key geographical priority of EU external action…' (EC 2003, 9). Moreover, the ESS notes that

> 'The quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order…' (European Commission 2003, 10)

In other words, the best protection for the EU's security is a world of well-governed democratic states and EU policies aiming at creating a stable international order are to be guided by a set of principles, values, and norms that reflect those of the EU. Once again, the EU's approach is reminiscent of the historical standard of 'civilization' which prescribed a particular kind of statehood with an efficient administration and which would guarantee basic rights and the existence of a legal system that would provide legal justice for all within its jurisdiction.

In sum, English School theory has helped to develop a critical approach to certain EU external policies by allowing a comparison between old and new European practices. In this context, the EU constitutes the core of the contemporary European international society and that through its external policies the European international society expands outwards thereby enlarging its boundaries. This process resembles the historical expansion of the European society of states with the standard of 'civilization' playing an essential role in determining which states would join the expanding European international society and which ones would not.

Moreover, EU conditionality can be seen as constituting a contemporary form of the historical standard of 'civilization'. No surprisingly, the main reasons for which norms and values embedded in EU conditionality have been strongly contested by third states are the same reasons for which the historical standard of 'civilization' was contested by non-European states: first, EU conditionality has been viewed as establishing an unequal relationship between the EU and third countries; second, the EU has attempted to superimpose its conditions on the third states; a 'top-down', 'one size fits all' approach that did not involve the active participation of the native civil societies and which did not take in to account the diverse social, political, cultural and economic conditions facing third countries, nor their competing values, nor their lack of capacity or willingness to absorb the EU values; third, the ambiguous nature of 'rights' and 'values' and the potential conflicts between them have contributed to EU policy incoherence, lack of credibility, and the perpetuation of the 'moving target' problem.

Hartmut Behr and I thought that such a historical comparison points out to the current shortcomings of certain EU external policies and that a critical approach to past European rhetoric and practices is crucial for it helps to inform contemporary EU decisions and policies.

Book structure

This volume is divided into four sections each of which includes a separate introduction. The first section (Chapters 1–10), which is edited by Thomas Diez, examines various critical theoretical approaches to European integration. The second section (Chapters 11–18), edited by Ben Rosamond, presents various critical approaches to European political economy. The third section (Chapters 19–27) is edited by Didier Bigo and discusses various critical approaches to EU's internal security. The final section (Chapters 28–36), edited by Evangelos (Evans) Fanoulis, focusses on various critical approaches to EU's external relations and foreign affairs.

Notes

1. This category includes neo-Gramscian perspectives.
2. This category includes deliberative theory and critical social theory.
3. This category includes the post-modern condition, genealogy and governmentality, and deconstruction.
4. African, Caribbean and Pacific (ACP) states.

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Part I
Critical theoretical approaches to European integration

Introduction

Towards a critical theorising of European integration

Thomas Diez

Discipline and critique

The theoretical treatment of European integration from its beginning has suffered from a normative bias. Theoretical approaches have been largely focussed on the explanation and possible enhancement of integration. This is of course understandable. For one, the ruinous brinkmanship of nation states in the first half of the twentieth century made their entanglement in regional integration processes a preferable strategy for peace. Even today, integration is credited with the institutionalisation of peace among European Union (EU) member states, and the transformation of border conflicts, so that in 2012, it even received the Nobel Peace Prize. In addition, the general problem that analysts tend to be drawn to an organisation because they are attracted by it, also applies to the EU. If you didn't think European integration was an exciting political project, you wouldn't want to be bored by its institutional complexities in order to write about it.

This normative bias has led to a blind spot of European integration theory, which has often displayed a teleological tendency. The idea of an 'ever closer union' (Preamble, Treaty on EU) was not something to be questioned. Instead, scholars often endorsed it and wrote towards its realisation. Even intergovernmentalists, who continued to see the member states as the driving forces, and thus also as the main constrainers of integration, normally were not sceptical about integration as such but about its limits. Among the classic integration theories, neofunctionalists and federalists were clearly committed to the integration project. Integration theory has thus long ignored questions of resistance and disintegration, although one should not forget that Lindberg and Scheingold (1970) identified the 'permissive consensus' in order to highlight its problems and forecast politicisation, or that Philippe Schmitter (1970), confronted with the 'doldrums era' of the late 1960s to early 1980s (Keeler 2005, 557), started to theorise the possibilities of 'spill-back' and 'spill-around' to complement the logic of spillover, which neofunctionalists had seen as the mechanism behind the integration of successive policy fields.

What is more, European integration theory, in its commitment to the real existing EU (and its predecessors), has done little in the way of reflecting on alternative integration models and strategies. Works on the *Leitbilder* of integration (Schneider 1977) remained marginal to the debate, perhaps because they did not fit the increasingly positivist Anglo-American mainstream in the discipline. Thus, integration theory not only lacked a proper engagement with

the possibility of integration reversal, but also offered few imaginations or sympathetic critiques of alternative European political orders that could be fed back into the broader public debate.

The chapters of this section on Critical Theories of European Integration demonstrate that this situation has changed fundamentally. Such critical theories may not (yet) be the mainstream (presumably they would not be critical then), but they have become an important voice in the canon of integration theory and have a lot to offer to present debates about the legitimacy and presumed crises of European integration.

Disciplinary histories are of course always impositions of power and marginalising. One important strand of analysis that has provided such a marginalised account of European integration is Marxism. Especially in the late 1960s and 1970s, scholars such as Ernest Mandel (1967) highlighted the concentration of capital in the common market and saw the need to work towards the internationalisation of unions. They also called for a greater historical awareness of integration theory to link integration to longer-term economic, societal, and political processes (Cocks 1980).

Disciplinary histories also draw boundaries of what is part of the discipline and what not. What counts as European integration theory? Questions of European identity became pertinent in the 1970s, leading to the establishment of the Eurobarometer, yet their focus was on quantitative measurement (e.g. Inglehart 1970). Anthropological studies of the practices of governance in Brussels (Shore 2013), or interrogations of European identity and its linkages to colonial histories (Hall 2002) rarely surfaced.

One of the main sources of critical theorising on European integration was the wave of critical and constructivist approaches that reached the discipline of International Relations (IR) from the mid-1980s onwards in what is sometimes referred to as the 'fourth debate' (Wæver 1996). Drawing on a variety of critical social theories, scholars started to deconstruct concepts that had previously often been taken for granted, such as sovereignty and anarchy. They offered alternative interpretations of international history that relied on a variety of actors rather than only states. They became interested in the cultures and identities that are produced through and that drive international politics.

Of course not everyone involved in critical theorising of the EU came from IR. But given that most of European integration theories had their origins there, the debates about critical and constructivist theories in IR acted as a sort of door opener, which allowed feminists, sociologists, anthropologists, critical economists, and political geographers to raise their voices, and be heard. Perhaps these explorations of whether 'another Europe' (Manners 2007) or 'another theory is possible' (Manners and Whitman 2016) cannot quite yet be called mainstream. Yet they have drastically changed the landscape of thinking about European integration. Indeed, they have led to a reflective re-writing of European integration theory's own history (Rosamond 2000) and have become an undisputed part of major textbooks (Wiener et al. 2019).

'Critical' in the context of these works does not equate to a rejection of European integration. Indeed, one of the main contributions of the critical IR debate was the problematisation of the territorial state and its marginalising and exclusionary tendencies. Following this line of argument, most of the authors writing within critical European integration theory shared with their predecessors a normative commitment to transcending or at least questioning the appropriateness of the nation–state. From this perspective, European integration offered an opportunity of re-shaping political organisation. Yet this also implied a commitment to further highlighting, analysing and interrogating any continuing practices of domination, marginalisation and exclusion. By and large, the critique offered by critical theories of European integration was not a radical rejection, but a sympathetic one, trying to bring to the fore the normative concerns underpinning European integration.

Critical investigations

The chapters that follow in this section provide an overview of the different critical theoretical perspectives on European integration that have developed since the mid-1980s. They outline the development of each approach, including its main authors, the arguments they have made, and the criticisms they have received. They thus offer a starting point for further exploration. Written by some of the main contributors to the individual approaches, they also make clear assessments of the current state of the art, its strengths and its weaknesses.

The first chapter presents a historical–materialist approach. In IR's fourth debate, those committed to post-Marxian thinking frequently turned to the work of Italian political theorist Antonio Gramsci. Among Gramsci's contributions is his emphasis on social forces rather than classes, and on the importance of ideational factors. While this brought some to follow Laclau and Mouffe (1985) in their predominantly discursive interpretation of Gramsci, others insisted on the continued importance of materialist factors. Andreas Bieler was among the latter (e.g. Bieler and Morton 2008), and in this chapter, he and Jokubas Salyga take up some of the Marxian arguments of the 1970s in their emphasis on the central role of transnational capital for European integration. Their hope lies with social movements forcing a politicisation of the equation of integration with the common market.

Another influential reference point for critical and constructivist voices has been German philosopher Jürgen Habermas, who frequently spoke out in favour of integration but also against a reductionist economic understanding of the EU (Habermas 2011; Habermas and Derrida 2003). His critique of the nation–state, and his arguments in favour of deliberative democracy, have however also inspired many political theorists in their engagement with European integration. One of the most prominent authors of this line of thinking has been Eriksen (e.g. 2006). In his contribution to this handbook, he reviews the consequences of Habermasian thought for the conceptualisation of a *Leitbild* for European integration. In doing so, he is critical of Habermas' more recent emphasis on the importance of member states for the legitimacy of the integration process. To Eriksen (2019), the problem of dominance can only be overcome through further steps towards political union and not by safeguarding member state interests.

While Habermas' understanding of discourse was a normative one, implying a change in political practice, most critical scholars have used discourse in the sense of a set of articulations that produce meaning. In contrast to Bieler, they thus follow Laclau and Mouffe's discursive interpretation of Gramsci, but even more have taken their inspiration from Michel Foucault and other French philosophers such as Jacques Derrida, who were often, albeit wrongly, lumped together as 'poststructuralists'. One of the main purposes of this body of work is to unsettle established, 'common-sense' meanings of 'Europe', 'integration', and other core concepts, through demonstrating their contestedness and historical contingency (Diez 1999). Caterina Carta, whose own work has used this approach to analyse European foreign policy (Carta 2014), demonstrates the breadth of this work in Chapter 3.

In the following chapter, Jessica Lawrence starts from a different aspect of Foucault's work, his conception of governmentality, dating back to his lectures at the Collège de France in the latter half of the 1970s. These lectures have been an inspiration to many who wanted to explore the changing power dynamics in the governance of modern societies. They allowed conceptualising governance beyond the practices of governments and captured the ways in which we govern our *selves* as much as the changing conceptualisations of norms and standards and their power effects. As Lawrence shows, this is particular important to uncover the circulation of power in the formally non-centralised and non-hierarchical political system of the EU, both inside (see Walters and Haahr 2005) and outside (see Kurki 2011).

Questions of power and identity are also central to postcolonial approaches. The colonial legacy of EU member states is hardly part of mainstream narratives of European identity, and migrants continue to be the *Other* that at the same time is excluded and against which a European identity is constructed. Catarina Kinnvall, whose work has highlighted the continuing colonialism in today's European societies (Kinnvall 2016), traces these identity- and boundary-producing practices in her chapter on postcolonialism.

Such practices have also interested critical political geographers. Treating geography not as a natural given, they have analysed how European political identities have been formed and territories determined. And they, too, have drawn on the work of Foucault and emphasised the continued relevance of Othering practices. Their work has been critical to our understanding of the construction of European spaces and projections of European power. Veit Bachmann and Luiza Bialasiewicz build on their critiques of EU geopolitics (Bachmann 2013; Bialasiewicz 2011) to provide an overview of Critical Geopolitics' engagement with the EU in their chapter.

Bourdieu is another French scholar whose work served as an inspiration to many critical and constructivist writers. His concept of practice has been particularly influential and has often been used to counter an understanding of discourse that was too narrowly conceived as including written or spoken text only. These analyses have broadened the analytical scope of research on power and the production of identities and have emphasised its sociological dimension. In her critical overview of the uses of Bourdieu in European integration studies, Sabine Saurugger however warns against a too emancipatory reading of Bourdieu. She highlights the contribution that works inspired by Bourdieu have made to our understanding of the development of society and authority in Europe, and draws linkages to a broader set of sociological approaches (see Saurugger and Mérand 2010).

Gender approaches have made a significant contribution to critical European integration theory. They partly draw on some of the perspectives covered in the other chapters, but in many ways go beyond them. As Gabriele Abels and Heather MacRae argue in their chapter, this contribution is still often neglected. Yet in our understanding of the recurrent crises of the integration project, we would do well to take proper account of how at least parts of European governance are driven by and reproduce certain forms of masculinity, or how our thinking about (not only European) governance continues to be informed by binaries such as public/private or sovereignty/anarchy, which have for long been the target of feminist critique. As the authors have suggested elsewhere (Abels and MacRae 2016), one way forward may be to not only relegate gender scholarship to issues related to the discrimination of women, but to systematically re-read integration theory from a gender perspective.

Whereas most of the concerns of the preceding chapters focussed on the EU's internal development, they all had ramifications for the global context in which the EU is embedded. Indeed, to the extent that normative obligations arise from critical engagement, they transgress the boundaries of the EU and must inform its engagement with other global actors as much as debates about a global political order. In her chapter, Helene Sjursen, whose work has centred on the legitimacy and justifiability of EU foreign policy (e.g. Sjursen 2006), links the EU to broader questions of global political justice. She points to the tensions between different principles of global justice, as well as to the promises and failures of the EU to further such principles.

The final chapter provides a broader perspective that spans across many of the contributions in this section. Ian Manners, whose concept of Normative Power Europe (Manners 2002) contained a critical dimension that is often overlooked, suggests a combination of many of the different strands of theorising in a broader project of Critical Social Theory. At the same time, he also reminds us of some of the historical trajectories of our critical theorising. For

Manners (2007), imagining 'another Europe' becomes possible through a holistic and ecological re-thinking of European integration and governance. This chapter is thus an invitation to move outside of our disciplinary boxes, and not to confine ourselves to critique but to engage in imaginations of alternative European orders, and the global orders in which they are embedded.

Manners thus reinforces the spirit of most of the critical theoretical approaches to European integration, and certainly those included here. These are not chapters that call for withdrawal from the integration project. Instead they call for a sustained critique in order to not forget about the *ethos* that ought to drive integration. They remind us of the need to analyse the power involved in integration, and to remember those that are excluded and marginalised. And they invite us to engage in the envisioning of future European governance that is as fair, just and peaceful as it is appropriate for a winner of the Nobel Peace Prize.

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Historical materialism and European integration

Andreas Bieler and Jokubas Salyga

Introduction

Historical materialist perspectives have grown in importance in the analysis of European integration since the early 1990s (e.g. van Apeldoorn, Drahokoupil, and Horn 2009; Bieler and Morton 2001; Cafruny and Ryner 2003; Overbeek and Jessop 2018). Nevertheless, historical materialist contributions have generally been overlooked by mainstream approaches. In this chapter, we will present a historical materialist approach and argue that it is uniquely placed in unravelling the underlying social purpose of integration especially from the mid-1980s and early 1990s onwards against the background of wider restructuring taking place within the global political economy. In the first section, we will introduce a number of key Marxist concepts, including a focus on the internal relations between class agency and the structuring conditions of the capitalist social relations of production, the centrality of class struggle, processes of uneven and combined development as well as hegemony and hegemonic project. In the subsequent section, these concepts will then be applied to the revival of European integration in the mid-1980s around the Internal Market, Economic and Monetary Union (EMU) and the European Union (EU) eastward enlargement. The third section, in turn, is dedicated to an analysis of the most recent Eurozone crisis against the background of longer-term processes of uneven and combined development across the EU and the emergence of a new authoritarian neo-liberal governance structure. In our conclusion, finally, we will argue that capitalist dominance is never assured but always contested, thereby drawing on a disruption-oriented approach.

Class struggle over European integration

Mainstream European integration approaches start their analysis by taking the state and market, the political and the economic as separate entities. While intergovernmentalists assert the continuing dominance of the political over the economic through a focus on the centrality of the state, neo-functionalists emphasise economic spill-over pressures forcing political change. As a result, they are unable to acknowledge the historical specificity of capitalism and end up with a historical analysis. From a historical materialist perspective, by contrast, the analysis starts with asking why it is that in capitalism the state and the market appear separate in the first place.

The answer is provided by examining the way production is organised around capitalist owner-ship and control of the means of production and wage labour. Typically, workers who do not own the means of their social reproduction, are not directly, politically compelled to work for a specific employer. However, without owning one's own means of production, people are indi-rectly forced to look for paid employment. They are forced to sell their labour power in order to reproduce themselves. Thus, to understand the inequalities and exploitative characteristics of capitalism, we need to investigate the 'hidden abode of production' (Marx [1867]1990, 279–80). It is 'the netherworld of production, outside and beneath the market, where economic necessity compels workers owning only their labour power to seek employment' (Barker 2013, 44). This is specific about the capitalist historical period and this is why the state and market appear to be separate, while they are ultimately only two different forms of the same underlying configura-tion of the social relations of production. In short, it is this indirect enforcement of exploita-tion that conditions the separate appearance of the economic and the political and it is a focus on the social relations of production that allows us to comprehend the internal relations between the two.

In a first step, starting our analysis through a focus on the social relations of production, allows us to identify social class fractions as the key collective actors. We understand class as a relational concept with workers having to sell their labour power to those who own the means of production, that is capital. However, importantly this does not suggest a homogeneous understanding of identities in their class relevance. Depending on the forms of capital within the overall process of surplus accumulation, we can distinguish between different circuits of financial and industrial capital and labour as well as, due to the level on which production is organised, between national and transnational fractions of capital and labour (van Apeldoorn 2002, 26–34; Bieler 2000, 10–11; Bieler 2006, 32–5; Cox 1981, 147; van der Pijl 1984, 4–20). In relation to European integration, Otto Holman was the first who distinguished in more detail between different class fractions. Based on companies' production sites and trading horizons, he identified four ideal typical fractions of capital: (1) Import-competing producers of trad-able goods for the domestic market; (2) import-competing producers of tradable goods for the European market; (3) export-competing producers of tradable goods for the world market; and (4) globally-operating financial institutions (Holman 1992, 16). Thus, different class fractions are regarded as emerging through the way production is organised in capitalism. Equally, starting from the social relations of production, we can identify the structuring conditions of capitalism. As it is not only workers who compete with each other for jobs, but also employers who depend on the market and compete with each other for market share, a dynamic of competitiveness is infused into the production system, leading to constant technological innovation and increasing specialisation of production methods. It is this dynamic that fuels the relentless search for higher profit levels and makes capitalism such a dynamic production system. However, the inner logic of capitalism in this relentless search for higher rates of profits also implies that there is an inner tendency towards crisis. While the constant search for higher profits through the introduction of new machinery and technology into the production process may be a logical thing to do for the individual capitalist, for capitalism as a whole it is disastrous. In other words, if all capital-ists attempt to produce more goods at cheaper prices and with fewer workers, then eventually there will be a lack of demand for their products resulting in a crisis of overproduction (Harvey [1982] 2006, 188). How can capitalists overcome such a crisis? One way is the search for new markets and cheaper labour power elsewhere. Rosa Luxemburg argued that in order to ensure a constant increase in the accumulation of surplus value, capital relies on bringing non-capitalist and/or decommodified space into the capitalist social relations of production in an outward expansionary dynamic (Luxemburg [1913] 2003, 332). Outward expansion is not, however, an

even process, but occurs along uneven and combined development lines as shaped by agency in class struggle.

It is the moment of class struggle, in which the internal relations between class agency and the structuring conditions of capitalism come to the fore (Bieler and Morton 2018, 49). In moments of class struggle over the future direction of capitalist accumulation, different alliances of class fractions attempt to gain hegemonic status for their particular project. Importantly, 'the struggle over hegemony revolves around shaping intersubjective forms of consciousness in civil society' (Morton 2007, 93). As Gramsci noted, it is in moments of class struggle, that 'organic intellectuals' as representatives of particular class fractions play a crucial role (Gramsci 1971, 5). For Gramsci, organic intellectuals are engaged in active participation in everyday life, acting as agents or constructors, organisers and 'permanent persuaders' in forming social class hegemony, or by performing a valuable supporting role to subaltern groups engaged in promoting social change, that is then '"mediated" by the whole fabric of society' (Gramsci 1971, 12, 52–4). Thus, organic intellectuals concretise and articulate strategies in complex and often contradictory ways, which is possible because of their proximity to the structurally most powerful forces in society. In other words, 'organic intellectuals' play a leading role in struggles over hegemony, based on a coherent fit of material structure, ideas and institutions (Cox 1981, 139), with the material structure of ideology revealing the underlying social purpose of a particular course of action (Bieler and Morton 2018, 67–75). When analysing the revival of European integration from the mid-1980s onwards, the focus, therefore, has to be on various hegemonic projects, the particular ideas they include and the material structure that underpins them. The focus has to be on organisations that provide organic intellectuals with a platform to develop and disseminate these projects.

Transnational capital and the revival of European integration

Revival of European integration around Internal Market and EMU

After unsuccessful attempts by European states to cope on their own with worldwide recession during the 1970s, European integration was revived from the mid-1980s onwards around the Internal Market programme. The Single European Act (SEA) of 1987, which institutionalised the Internal Market programme, spelled out the goals of the four freedoms, that is the freedom of goods, services, capital and people. While tariff barriers had been abolished by the end of the 1960s in the EU, there had been many non-tariff barriers that had impeded free trade. This was now to be remedied. The social purpose underlying the Internal Market programme was clearly of a neo-liberal nature (Grahl and Teague 1989). A bigger market was supposed to lead to tougher competition resulting in higher efficiency, greater profits and eventually through a trickle-down effect in more general wealth and more jobs. National markets should be deregulated and liberalised, national companies were to be privatised. An emerging common competition policy was to secure that the market was no longer disturbed through state intervention or ownership in areas such as telecommunications, public procurement and energy.

Neo-liberal restructuring in line with globalisation was continued through EMU, part of the Treaty of Maastricht in 1991. It included a single currency to be administered by a supranational and independent European Central Bank (ECB). In January 1999, 11 member states carried out this step, when they irrevocably fixed their exchange rates. The underlying rationale of EMU is embodied in the statutory role of the ECB and the convergence criteria. As for the former, a common monetary policy is now dealt with by the ECB. The primary target of the ECB and its interest rate policy is the maintenance of price stability and low inflation. Economic growth

and employment are only secondary objectives, subordinated to price stability. In relation to the institutional set-up of the ECB, we experience what Stephen Gill calls a 'new constitutionalism', which 'seeks to separate economic policies from broad political accountability in order to make governments more responsive to the discipline of market forces' (Gill 2001, 47). The ECB has to report to the European Council and the European Parliament, but neither states nor supranational institutions are in a position to force any kind of policy upon the ECB. As for the convergence criteria, most importantly, the criteria oblige member states to have a government budget deficit of no more than 3 per cent of GDP and government debt of no more than 60 per cent of GDP (Grauwe 1992, 131). In sum, both the Internal Market and EMU represent instances of neo-liberal restructuring.

At the structural level, neo-liberal restructuring was underpinned by increasing transnationalisation of production and finance in the European political economy. While the annual average of inward Foreign Direct Investment (FDI) flows into the EU between 1989 and 1994 was $76,634 million (UN 2001, 291), inward FDI in 2007 as a pre-crisis peak year was $842,311 million (UN 2009, 247). The corresponding figures for outward FDI are $105,194 million as annual average between 1989 and 1994 (UN 2001, 296), and $1,192,141 million in 2007 (UN 2009, 247), indicating the closer integration of production processes across borders. As most FDIs are mergers and acquisitions, organised by investment banks on the stock markets, they are closely related to financial market dynamics and the processes of financial integration. Moreover, integration was underpinned by manifold processes of financialisation, often triggered by the privatisation of social security (pensions) and public services (rail, telecommunication, post, energy, etc.). Hence, past decades have been characterised by the strengthening of a European financial capitalism (Bieling 2013), based on a single legislative framework (Underhill 1997, 118). This increase in structural power of capital has put European labour on the defensive.

Transnational capital is well organised at the European level with especially the European Round Table of Industrialists (ERT) having played a key role in the revival of European integration around neo-liberal economics. The ERT was formed in 1983 by 17 leading CEOs of transnational European corporations and the two commissioners Davignon and Ortoli. Membership is in personal capacity and on invitation only. Currently, there are about 55 captains of industry from European TNCs as members (as of 23 November 2018, see https://www.ert.eu/). The main strategy is the direct lobbying of the Commission and individual governments by individual CEOs. The ERT was the main driving force behind the Internal Market programme. In January 1985, the ERT chair Wisse Dekker (Philips) published the report 'Europe 1990: An Agenda for Action'. Three days later, the new President of the Commission Jacques Delors gave a speech to the European Parliament with very similar contents. In fact, the Commission White Paper on Completing the Internal Market, published in June 1985, resembles very much Dekker's report. The only real difference is the postponement of the deadline from 1990 to 1992 (Balanya et al. 2000, 21).

However, as van Apeldoorn's (2002) detailed analysis of the different projects behind the Internal Market programme reveals, neo-liberalism had initially not been the only possible basis. Two further projects can be identified. First, there was a neo-mercantilist project supported mainly by transnational European firms that predominantly produced for the European market, but were still not fully global players. Considering the success of their US and Japanese counterparts, these companies regarded the fragmentation of the European market as the main cause of their lack of competitiveness. An integrated market and support by EU industrial policies was supposed to allow them gaining competitiveness for the global market. The second alternative was a social democratic project, especially supported by Jacques Delors. For social democrats, the European level offered the possibility of re-regulation of the market at a higher level and thus the

opportunity to regain some control over capital lost at the national level. The eventual outcome of the struggle between these three projects constituted a compromise, aptly labelled 'embedded neo-liberalism' by van Apeldoorn (2002, 141–57). Transnational social forces in favour of neo-liberalism and the corresponding model of an "open Europe" won over their neo-mercantilist rivals. Nevertheless some of the latter's concerns for a European industrial policy had been met in the chapters on 'Trans-European [infrastructure] networks' and 'Research and Technological Development' of the Maastricht Treaty. The Social Chapter, finally, signified a concession to the social democratic project and incorporated social democratic forces and trade unions into the compromise. Overall, however, the social purpose underlying the Internal Market programme and Maastricht Treaty is clearly neo-liberal with all its implications.

The ERT should, however, not be misunderstood as a lobby group next to other lobby groups such as environmental or human rights groups. Rather, from a historical materialist perspective, the ERT is an institution that provides a platform for organic intellectuals, who formulate a coherent hegemonic project for transnational European capital, which is at the same time able to transcend the particular interests of this capital fraction to attract wider social forces towards the formation of a historical bloc, 'bringing about not only a unison of economic and political aims, but also intellectual and moral unity … on a "universal" plane' (Gramsci 1971, 181–2). Embedded neo-liberalism can be understood as the hegemonic project of transnational European capital. The fact that it is so influential is not because the ERT is the more effective lobbying machine, but because neo-liberalism has been grounded in the material structure of transnational capital and the related power resources of this class fraction, reflected in the increasing transnationalisation of production and finance mentioned above.

Outward projection of European integration

From the mid-1990s onwards neo-liberal economics was also increasingly projected onto the wider world. First, the 1995 enlargement brought Austria, Finland and Sweden, all three traditionally countries with a strong focus on a Keynesian welfare state and corporate decision-making structures including trade unions in policy-making at the highest level, into the neo-liberal fold (Bieler 2000). Moreover, the EU's new free trade strategy Global Europe pushed trading partners around the world towards neo-liberal restructuring from 2006 onwards (Bieler 2013). The strongest impact, however, was reserved for the processes around the transition of former communist countries in Central and Eastern Europe (CEE) towards free market economies.

The extension of the European project towards the 'East' followed the first rather chaotic phase of transformation in the early 1990s. Whilst throughout the latter, a devastating imprint on the living standards of large segments of the population coalesced with the region's accelerated integration into an increasingly liberalised global economy, in the course of the former, more systematic attempts to promote neoliberalisation had been forged. It was after the Copenhagen European Council meeting in June 1993 that the EU undertook a particularly interventionist stance. Its move from passive to active engagement has been displayed in three-fold conditionality criteria, including a functioning market economy and related capacity to withstand competitive pressures as well as the ability to adopt the EU *acquis communautaire* – the accepted aims of political, economic and monetary union. Eight CEE countries joined the EU in 2004 including the Czech Republic, Slovakia, Slovenia, Hungary, Poland, Estonia, Lithuania and Latvia, with Bulgaria and Romania acceding in 2007 and Croatia following suit in 2013. Particularly emblematic in this conjuncture had been the influence of transnational capital insofar as it pushed for the liberalisation and deregulation of former Soviet-style economies to attain new markets for expansion. One pertinent outcome of such 'scramble for markets' is reflected in

foreign capital's control over strategic sectors such as telecommunications and utilities with not less than 90 per cent of the CEE banking system under non-domestic ownership (Hardy 2010).

Accounts finding an inspiration in Gramsci's oeuvre emphasise that the decision to apply for the EU membership in CEE was taken by cadre elites within state institutions, eager to secure neoliberal restructuring externally in a strategy resembling passive revolutionary conditions (Gramsci 1971, 105–6; see also Morton 2010). Rather than structural change being driven by domestic coalitions of social forces, the incorporation of international ideas and foreign production methods in tandem with an internalisation of the interests of transnational capital in the national CEE forms of state took centre stage. According to Bohle (2006, 75), 'the revolutions in eastern Europe were bourgeois revolutions without a bourgeoisie', for in the absence of powerful domestic economic groups, it was intellectuals and elites within the state apparatuses who authored the region's incorporation into the transnational historical bloc (see also Shields 2006). Up to the middle of the 1990s, restructuring initiatives in the CEE were increasingly secured via the IMF, the World Bank, the European Bank for Reconstruction and Development as well as a plethora of consultancy firms. When domestic hardship got out of hand, EU membership attained the position of an ideal external anchor. Ostensibly, an anticipated forthcoming affluence and a cultural return to "Europe" were deemed more than adequate compensation for the prevailing poverty. What in effect amounted to forging 'neoliberal economies of violence', Dauphinée posited (2003, 200–1), '[were] articulated in the language of democratisation, modernisation and marketisation' (for critical assessments of the signifiers of 'Europe' and 'the EU' from a post-colonial perspective, see Kinnvall's chapter in this volume).

While the Europe Agreements and Single Market White Paper (1995) began exporting the deregulatory programme eastwards by focusing on a competitiveness agenda, sectoral policies and industrial standards, it was the 'Accession Partnerships', concluded from 1997 onwards, that vigorously reshaped macroeconomic, fiscal and monetary policies as well as promoted administrative, regional, industrial and welfare reforms (Bohle 2006, 70). Indeed, the country opinions, prepared by the Commission for the 1997 Luxembourg European Council, were the chief documents informing the decision whether an applicant would gain candidate status or not. They echoed the neoliberal view and severely criticised internally oriented capital accumulation strategies, urging for greater foreign economic involvement. In December 1997, the country opinions gained even grander political significance, when the European Council decided to begin accession negotiations with only five applicants (Estonia, Hungary, the Czech Republic, Poland and Slovenia). Others were either relegated to the subsequent wave of negotiations (Bulgaria, Latvia, Lithuania, Romania and Slovakia) or left to expect only a theoretical invitation (Ukraine, Turkey and Russia). Thus, far from bridging the Europe's East-West division, the Commission's pre-accession strategy attested to selective commitment to 'democratisation' reserved to instilling the discipline on 'the candidate members in terms of free market integration' (Holman 2001, 180–1; Kagarlitsky 2004).

Alongside the Commission, the prospective supply of reservoirs of highly skilled and typically cheap labour not to mention an additional 150 million or so consumers to the Internal Market enticed the support for enlargement on the part of transnational European capital. The ERT, reflecting the material structure of transnational capital, lobbied intensively in order to urge the EU to reform its institutional structure to facilitate enlargement and work closely together with the governments of applicant countries towards meeting conditionality criteria. Portraying the expansion as a 'golden opportunity to raise the competitiveness and prosperity' of the European economy, in the action plan for candidate member states published in 1997, the ERT insisted on sound economic principles, free competition and open markets (ERT 1997). Two years later, it identified obstacles facing European companies (and ERT members) pertaining to ineffective

public administration, inadequate regulatory framework, poor staff skills and attitudes to work, uncompetitive local suppliers, subpar infrastructure and out-dated social attitudes (ERT 1999). The package of recommendations to rectify these barriers entailed the implementation of the Internal Market, liberalisation of taxation regimes, training schemes for enterprise managers and government officials, thereby attesting to explicit commitment of making CEE safe for transnational capital (Holman 2001). In case of delays, the whole process would be derailed supposedly precipitating the rise in Euroscepticism in the candidate states, increased risks for investors, 'waves' of illegal immigration to the EU and decline in trade flows (Grabbe 2001, 128).

Nevertheless, as several commentators asserted, the departure from an analysis circumscribed to the national spatial scale, informing intergovernmentalist approaches in particular, ought not be taken to imply that restructuring had been enacted primarily from outside. In this connection, underlining that a considerable part of the former state-owned companies were sold to foreign capital, Holman contested the claim that in CEE capitalism was 'being introduced' in the absence of capitalists (Eyal et al. 1998). Instead, a new transnationally linked, domestic power nexus emerged around a so-called 'auctioneer elite', 'whose interests [were] entirely subordinated to those of foreign capital, and which function[ed] as a kind of staging-post … for the implantation and reproduction of foreign capital' (Holman 2004, 223; see also Böröcz 1999). Similarly, drawing on the opus of Poulantzas, Drahokoupil's (2008) in-depth engagement with foreign investment in the Visegrád Four of Hungary, the Czech Republic, Slovakia and Poland, highlighted the agency of a domestically-based comprador services sector (i.e. investment promotion state agencies, local branches of consulting, legal and advisory service firms and companies providing other services to foreign investors) as working in sync with interests of transnational capital. It is the latter perspective in particular that offers a fecund entry point to align transnationalisation of CEE countries' production structures to complex pathways in which neoliberal restructuring has been internalised in the various forms of state.

Another subset of historical materialist interventions, moreover, contend that transformation had not been reducible to a straightforward process whereby the restructuring of the state was simply about guaranteeing the conditions for the operation of transnational capital. Unearthing elapsed domestic class categories, Hardy's (2009) discussion of Poland illustrates well how competing interests of different ruling class sections (some of which were quick to convert their earlier positions of control and privilege into the ownership of assets) and struggles of organised labour made restructuring processes protracted and redolent of political compromise in cases of privatisation and welfare cuts (see also Hardy and Rainnie 1996). Her contribution transcends 'capitalism from without' perspectives (Eyal et al. 1998; King and Szelényi 2005) by considering agencies of transnational capital and the new layer of managers facilitating its entrance, alongside consolidation of large domestic capital blocs that emerged as powerful players in countries like Poland, Lithuania or Latvia. In a similar vein, recent reappraisals of transformation began to question the view of neo-liberalism as an 'imported project' on the eve of 'formal' transition in 1989. In the context of a deepening crisis of the Kádár regime in the mid-1980s, Fabry's (2018) rendition traces 'organic' emergence of ideas centred on the liberalisation of markets, privatisation and pursuit of macroeconomic stability to the corridors of the Financial Research Institute, operating as a platform for organic intellectuals. It is chronicled how the latter, populated with the economists trained in neoclassical thought through East-West knowledge exchanges, emerged as the main reform citadel shaping Hungarian public discourse well in advance of 1989 (see also Bockman 2011).

Considered retrospectively, it is evident that the interests of transnational European capital were echoed in the pre-accession strategy more broadly. Dangling the carrot of membership, the EU could adopt selective protectionism in the trade clauses of the Europe Agreements,

targeting those sectors (steel, textile, apparel, chemicals and agriculture) in which CEE had a short-term competitive advantage. The export-potential of these sectors was undermined, encouraging instead specialisation in labour-intensive, low-tech industries. The simultaneous lowering of trade barriers triggered an enormous influx of imported finished products (Baldwin 1994; Gowan 1995; 1996). Engaged in competition for subcontracting arrangements with, and direct investment from, foreign firms, governments in the region were compelled to implement FDI-friendly policies and put downward pressure on wages and taxation. Correspondingly, although championing 'the four freedoms', several old member states restricted the movement of east European workers for up to seven years, whilst the extent of financial transfers to new member states remained limited. Through the mixture of conditionality and power, the EU exported models of neo-liberalism, which proved to be far more radical than those regulating Western European capitalisms.

Europe in crisis

While eastward enlargement was hailed as an enormous success for the EU, the global financial crisis of 2007/2008 plunged the EU into crisis. To a great irony, loudest alarm bells sounded over the Baltic economies whose hyper-neoliberal growth model, predicated on a high degree of dependence on Scandinavian capital flows (in banking and real estate), with tendencies to develop large current account deficits and weak export performance came crashing down in 2008. Following the burst of property bubbles, exports slumped, financing for imports dried up and deficits, already large, exploded. Against the backdrop of cumulative output losses in 2008 and 2009 reaching 18.3 per cent in Estonia, 21 per cent in Latvia and 11.9% in Lithuania, unemployment rates shot up leading to unprecedented emigration (Staehr 2013, 293). Furthermore, when global financial markets froze and banks and financial institutions ceased lending to each other as well as industrial companies due to high levels of uncertainty, especially peripheral Eurozone countries found it increasingly difficult to re-finance their debts. Closer analysis of the crisis indicates, however, that the global financial crisis only triggered the Eurozone crisis. The main causes of the crisis can be found in the uneven and combined development underpinning the European political economy. Post-Keynesian observers of the Eurozone crisis have pointed out how Europe has been divided between export-driven versus debt-driven growth models (Stockhammer 2016). EMU has limited countercyclical state intervention in times of crisis and has relied from the beginning on downward pressure on wages for adjustment alongside the development of financialisation and the creation of national and personal debt for economic growth. The main problems of EMU are understood to be the result of insufficient demand and in particular the asymmetries in the formation of such overall demand across the European political economy as a whole (Patomäki 2012, 79). The export-driven growth model of Germany and the debt-driven models of countries such as Greece and Portugal are, thus, mutually dependent on each other. Firms in core countries would not have been able to pursue export-led growth strategies if global aggregate demand had not been supported by the real estate and stock market bubbles that occurred in the periphery. Peripheral countries, unable to compete with German productivity levels and strong export performance, ended up as countries with large account deficits. In the long run, such development strategies based on capital inflows – also FDI, but mainly credits – were unsustainable.

Nevertheless, unevenness across the European political economy is not only due to EMU, but is a general feature of capitalist expansion and, thus, has characterised the European political economy for much longer. Free trade policies, as initially embedded within the

EU Customs Union since 1968 and then especially the Internal Market from the mid-1980s onwards—when free trade was extended from trade in goods to trade in services and finance—generally tend to deepen the inequality between countries, as advanced countries with higher levels of productivity benefit disproportionately from trade. 'Unevenness is not … a result of market imperfections, but is in fact a product of the way competitive markets work in the real world' (Kiely 2007, 18). Hence, from joining the EU during the 1980s, unevenness in countries such as Portugal has been reflected in different productivity levels with Portugal historically linked to labour-intensive sectors and states such as Germany mainly involved in capital-intensive sectors of global value chains (Bieler, Jordan, and Morton 2019; Jordan 2017).

In the end, Eurozone members were provided with bailout packages by the EU. In May 2010, March 2012 and again July 2015 Greece received financial help, Ireland was bailed out in November 2010, in May 2011 it was Portugal's turn, followed by Cyprus in March 2013. Italy and Spain, although they did not have to be bailed out, had to present austerity packages, developed nationally, before EU institutions agreed on the extension of loans to recapitalise their banks. The bailout packages came at a high price. Financial support was made conditional on the implementation of austerity policies including cuts in public services, cuts in public sector employment, the privatisation of national companies and further liberalisation of labour markets (Bieling 2012). 'Hence, the real purpose of the bailout programmes is to restructure political economies and to open up the public sector as new investment opportunities for private finance. The balance of power is, thereby, shifted further from labour to capital in this process' (Bieler, Jordan, and Morton 2019). In addition to disciplining peripheral EU member states, the economic governance system of the EU as a whole has been restructured. At the EU level itself, the bailout packages were, thus, backed up in November 2011 with a new set of regulations around the so-called 'six pack' on economic governance applicable to all member states. 'According to these six new EU laws, Eurozone countries that do not comply with the revised EU Stability and Growth Pact or find themselves in a so-called macroeconomic excessive imbalance position, can be sanctioned by a yearly fine equalling 0.2 per cent or 0.1 per cent of GDP respectively' (Erne 2012, 228). These mechanisms have been further enhanced by the 'Fiscal Compact', which came into force on 1 January 2013 requiring that national budgets are in balance or surplus. The whole new economic governance of the EU form of state continues to depoliticise economic-political decision-making enshrining further neo-liberal austerity policies across the EU (Bieler and Morton 2018, 239–42).

This shift towards tighter economic regulations in the EU constraining further state sovereignty and possibilities for alternative policies at the national level is sometimes referred to as a moment of 'authoritarian neo-liberalism'. It can 'be observed in the reconfiguring of state and institutional power in an attempt to insulate certain policies and institutional practices from social and political dissent' (Bruff 2014, 115; see also Tansel 2017). Some even describe this as an 'iron cage of neo-liberalism', from which there is no escape (Ryner and Cafruny 2016, 219–27). In the Conclusion, we will challenge this assessment and ascertain that capitalist accumulation is always contested.

Conclusion

In a leading contribution to understanding neo-liberalisation, Nikolai Huke, Mònica Clua-Losada and David Bailey had developed what they describe as a disruption-oriented approach to resistances. This overcomes a negative assessment of the state of the left by pointing out that 'social struggle has not ceased to exist but … has instead shifted in form towards mass

mobilisations and collective, autonomous, self-organisation' (Huke, Clua-Losada, and Bailey 2015, 745). Hence, neo-liberalism is not firmly and securely established. It 'should instead be viewed as a fragile, troubled and hard-fought development' (Bailey et al. 2017, 214). Equally, transnational capital itself is not a homogenous actor but exhibits internal tensions and contradictions. In order to analyse the ongoing disruption of neo-liberalism, we therefore need to move beyond a focus on the struggle for state power and widen the optic to encompass different territories of resistance and radical ruptures. For example, social class forces to date have successfully continued to challenge the privatisation of water in Greece and Portugal with some attempts at transforming water into a commons, which indicate a path beyond capitalism (Bieler and Jordan 2018). Moreover, Vio.me, a large metallurgy factory in the north of Greece, has been occupied and run by its workers for some time, indicating that capitalist relations of property and control are not the only way of how production can be organised. Throughout Greece, furthermore, not for profit social health care clinics run by volunteers have compensated for the collapsing public health care sector (Daskalaki and Kokkinidis 2017; Jordan 2017, 215–20). In turn, social class forces have successfully mobilised in Spain against the eviction of people, who could no longer keep up with their mortgage payments (Bailey et al. 2017, 210). In the UK, one of the most vicious areas of austerity has been around cuts to welfare services. An increase in sanctions of welfare payments has resulted in incredible levels of hardship. Nevertheless, even social groups, perceived by many to be some of the weakest members in society, have been able to organise collectively and fight back against state repression with considerable success. As Vera Weghmann (2017, 199) reveals, for example, 'in Dundee, which has become known colloquially as "sanctions city" due to its disproportionately high number of sanctions in Scotland, the advocacy practices of the Scottish Unemployed Workers Network led to a 40 per cent reduction in sanctions'.

In CEE, the introduction of neoliberal programmes and flirtation with 'third way' ideology by social democratic parties throughout the 1990s generated fertile grounds for a sharp move to the right. What Stuart Hall, Dale and Fabry (2018, 242) designate as the reappearance of 'authoritarian populism', has been evidenced in the proliferation of neo-conservative and neo-fascist forces. The amalgamation of chauvinism (anti-gay, anti-women, anti-minorities, xenophobic, anti-Semitic and anti-communist) with militarism and Euroscepticism as an alleged alternative to neo-liberalism resulted not only in electoral breakthroughs for unambiguously neo-fascist parties in Hungary (*Jobbik*) and Slovakia (*Ludová Strana–Naše Slovensko*), but also in the espousal of an extreme-right agenda by political parties such as Hungary's *Fidesz,* Poland's *Prawo i Sprawiedliwość*, Estonia's *Konservatiivne Rahvaerakond* (EKRE), Slovenia's *Slovenska demokratska stranka* or Latvia's *Nacionālā Apvienība*. Yet, despite financial pressures, selective politicisation of public discourse via concentrating lines of division predominately in the cultural symbolic sphere (national-religious identities and historical events) and other safety valves (most notably, mass emigration) against progressive mobilisation, new movements and political parties envisioning radically different futures are proliferating. The ability of NGO-rooted formations to transform themselves into citizen-led, progressive political platforms in Poland (municipal movements and *Razem*), Romania (*Demos*), Slovenia (*Levica*), Latvia (*Progresīvie*) or Croatia (*Zagreb je NAŠ*), offer reasons for optimism. Similarly, struggles by militant workers' unions with a focus on cross-border solidarity, such as Polish *Inicjatywa Pracownicza,* are capable of challenging transnational capital. A slowdown strike against forced overtime in Poznań's Amazon fulfilment centre in July 2015, organised in co-ordination with striking warehouse workers in Germany, is one indication of how cross-border solidarity can open up spaces for labour organisation in precarious, low or non-unionised sectors. Ultimately, it is in such moments of class struggle that the way towards a different future may be forged.

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2

Justifying democracy in the European Union
Reasoning with Habermas against Habermas

Erik O. Eriksen

Introduction

Jürgen Habermas has been a proponent of European integration and the constitutionalisation of world order.[1] He has pleaded for overcoming the past, for reconciliation (through the public use of reason) and collective action at the supranational level; for catching politically up with economic globalisation (Habermas 2000, 2001a). In the European integration project, Habermas sees a new sensitivity for difference and the decentring of perspectives, and hence the prospects for European civic solidarity. A conflict-ridden continent has managed to cope with difference through the institutionalisation of peaceful mechanisms of conflict resolution. It has in fact learnt from catastrophes. The continent's experiences 'have shaped the normative self-understanding of European modernity into an egalitarian universalism that can ease the transition to postnational democracy's demanding contexts of mutual recognition for all of us – we, the sons, daughters, and grandchildren of barbaric nationalism' (Habermas 2001a, 103). Habermas' ideas of post-national democracy and of constitutional patriotism have left lasting imprints on the academic debate of the European Sonderweg.

The European Union (EU) is an unprecedented experiment in establishing a democratic vanguard for a rightful world order. It is a voluntary, although powerful, entity that respects the identities of its constituent parties. European states have domesticated international relations among themselves and created a union for peaceful and prosperous cooperation united under Community law. The EU has taken the defining characteristic of sovereignty away from the nation states, namely that of being able to act egoistically upon their own action norms. Because of its depth and reach, the EU should not be seen merely as an intergovernmental order based on treaties among states and their bargaining power. There are hardly areas of *core state powers* left (Genschel and Jachtenfuchs 2018). The European Treaties have achieved the function of a superior legal structure, which establishes both a unitary European citizenry distinct from national ones and a set of autonomous European bodies.

However, the EU was not fit to handle the worst financial crisis in global history, which commenced in the USA but hit Europe and the Eurozone economies hard (Tooze 2018). Due to the weakness of the Lisbon Treaty, the sovereign debt crisis was allowed to unfold for a long time. The crisis arrangements of the Eurozone eventually transgressed competences and defied legal

procedures. These arrangements undermined the very legitimacy of Europe's political order and put the whole integration project at risk (Offe 2014; Scharpf 2014). According to Habermas, the choice is now between *post-democratic executive federalism* and transnational democracy. The shortcomings of the Lisbon Treaty concern among other things the lack of supranational competences and the veto rights of the member states. They are the Masters of the Treaties and are permitted to behave as kings under absolutism. Treaty changes require unanimity: If not everyone agrees, no change will be made. The question is, however, whether Habermas' own model for the legitimation of the EU is fit to handle such a crisis. In other words, does it provide the necessary justification for the competences needed for an empowered Union? Can Habermas' model handle the crisis, enable collective action, and deliver European democracy?

I commence with the plea for a constitutionalisation of international law and then spell out Habermas' idea of the EU as a federation of nation states. Thereafter, I address his proposal of a *mixed constituent power.* I find this proposal unsatisfactory. It blurs the distinction between popular and state sovereignty. Habermas is known as a champion of European federalism and cosmopolitanism. However, his plea for democracy beyond the state has been watered down. Neither post-national nor cosmopolitan democracy is on the agenda. In the next section, I discuss Habermas' original constitution making theory, which has strong cosmopolitan implications. Lastly, I question his revision of the concept of solidarity in light of the present crisis of the EU.

Constitutionalising international affairs

In a democratic republic, citizens are subject only to co-authored law. Freedom entails, according to Rousseau ([1762]1994), not being subject to the will of another as well as not ruling over another. The antonym of freedom, of democratic autonomy, is heteronomy in the form of arbitrary rule, viz. dominance.

Habermas proposes only a rule of law regime for the international level, which aims at 'a juridification of political power […] [that is,] the domestication of power through the division and channelling of *existing* power relations', (Habermas 2006, 138). This regime is complemented by a world parliament with meagre competences. As there are no lawless areas left – as the Charter of the UN prohibits the threat or use of force by states, as there is a change from coordinating to cooperative international law – a normative and institutional order for the protection of peace and freedom already exists. At the supranational level, it is then not a question of solving the problem of order in a state of nature, as was the case with the establishment of constitutional democracies. Rather it is about establishing *agency* for realising established norms, that is, organised capabilities for handling pressing problems that arise within already constitutionalised and politically integrated orders. According to Habermas, therefore, a *collective state subject* is not needed at the global level. Also because the civic solidarity required for democratic procedures of legitimation cannot be extended at will, 'constitutions of the liberal type recommend themselves for political communities beyond states' (Habermas 2006, 139).

There cannot be a *democratic law-state* beyond the nation state because of the lack of civic solidarity, but there can be regimes complying with the *liberal principle of rule of law* pinned on the juridification of political power. The rule of law principle refers to *the generality of laws*, equal cases be treated equally; *the predictability of the laws*, people must be able to foresee consequences; and *due process*, the ability of impartial judgement by an independent judiciary. In Habermas' model, there is little space for democracy among states. The rule of law principle warrants non-intrusion and human rights' protection, but not self-rule. Legitimation based on the rational will of the people is not needed because human rights are legal norms of a special kind, 'ones which can be justified exclusively in moral terms' (Habermas 2012, 64–65). Human rights possess an

exclusively moral content because they circumscribe precisely that part of universalist morality, which can be translated into the medium of coercive law. They are juridical and not political in nature, and can be positivised and turned into bankable basic rights.

The cosmopolitan community, learning from the European constitution building project, would not be 'a world republic but a supranational association of citizens and peoples in such a way that the member states' retain ultimate control (Habermas 2012, 58). Because a UN that is confined to security issues, to upholding international peace, and to the protection of human rights needs limited legitimation, the order is relieved of the exacting task of providing legitimacy through collective will formation. 'The elections to the world parliament would only express the in essence justified "yes" or "no" to the supranational application of *presumptively shared* moral principles and norms' (Habermas 2012, 65–66). Because competencies are confined to peacekeeping and human rights policies, there is a reduced legitimacy requirement. With this conceptual move, Habermas avoids constitutionalising already constitutionalised orders, viz., the problems that arise from superimposing a constitution on already democratised orders – as an order of second nature (Schmalz-Bruns 2005, 80).

However, international powers with an unclear popular mandate affect the rights and duties of the citizens and make intrusions in zones of freedom. Hence, the spectre of dominance. The EU, in particular, is a power-wielding system, which has the power to modify rights and duties, and whose actions affect the interests and identities of European citizens. The EU, which is based on Treaties, is in the possession of competences that cannot be legitimated on this basis (see also Habermas 2007, 447). Such an entity requires a constitution that establishes the basic normative conditions for its exercise. Laws do not justify themselves. The legitimacy of the law stems from the presumption that it is made by the citizens or their representatives and that it is made equally binding on every part of the polity. This is, so to speak, inherent in the legal medium itself, as it cannot be used at will. It has to comply with principles of due process and equal respect for all. A legally integrated community can only claim to be justified when the laws are enacted correctly; when the rights are allocated on an equal basis. Constitutions assign competences, positions and powers, and specify fundamental procedural conditions for democratic legislation. A proper constitution has to include, in addition to a charter of inalienable rights, a competence catalogue delimiting the powers of the various branches and levels of government enabling and warranting government by the people.

Habermas does, however, not foresee the United States of Europe based on hierarchy and the unity of law directly emanating from an empowered parliament, because of the position and legitimacy of the nation-states (Habermas 2004, 31–32). The second chamber of government representatives – *the chamber of nations* – 'would have to hold a stronger position than the directly elected parliament of popular representatives, because the elements of negotiations and multilateral agreements between member states that are decisive today cannot disappear without a trace even for a union under a political constitution' (Habermas 2001b, 99, see further 2004, 32). To him, the EU can at most become a *federation of nation states,* not a federal republic. And in fact, in contrast to the American constitution, which makes amendments through a qualified majority vote among the states, amendments to the European treaties require unanimity. European states retain veto power.

Mixed constituent power

Habermas (2012) tries to solve the integrational problems in Europe (and of world citizenship) with the help of the idea of mixed constituent power ('pouvoir constituant mixte'). Mixed constitution refers to the fact that there are three types of constitution: Monarchy, oligarchy, and

democracy (Aristotle 1962). The concept of constituent power is well known from the writings of Emmanuel Sieyes and James Madison, as well as Carl Schmitt. Drawing on the works of Von Bogdandy (2006) and others, Habermas (2012) contends that the EU's basic 'constitutional' order represents two major innovations in the process of pacifying the international state of nature. First, supremacy of EU law is granted in the areas in which it has competences, but the binding effect of EU law is grounded neither in the monopoly of violence at the European level nor in the final decision-making authority of the EU. Rather, it is grounded in the decision-making procedures that grant the parties an equal say. The second innovation has to do with *the sharing of the constitution-making power* between the citizens and the states (the European peoples). The 'constitution-founding powers' are shared by 'legitimating subjects' whose role is simultaneously national and transnational (Habermas 2012, 34). 'Citizens are involved in a twofold manner in constructing the higher level political community – directly in their role as future EU citizens and indirectly as members of one national community' (ibid., 36). The European legitimating subject is perceived as being split into 'two persona': Both as a 'constitution-founding subject', and as a citizen of 'an already constituted national people' (ibid., 38).

Democracy in the Union, as it is, rests on two pillars. The EU is a union of states and of citizens, as epitomised by the role of the member state representatives in the European Council and the directly elected European Parliament (EP), representing the states and the citizens respectively. The treaties speak of *the peoples,* of the member states and of the citizens of the Union (see Meyer 2003, 24-26, cfr *Official Journal of the European Union* 2012). Therefore, one could, as a thought experiment, conceive of the Union *as if,* from the very beginning, two different subjects were involved in the constitution building process (Habermas 2012, 38, 54; 2014a, 2015a). The co-decision procedure (formerly the Community method) has become the ordinary legislative procedure of the EU. The EP and the Council participate on an equal footing in European law making in areas where the EU has competence.

Yet, the European Council consisting of the heads of governments retains the upper hand in constitutional issues and has played a central role in the crisis management of the Eurozone. The EU democratic procedures were sidestepped through resort to international agreements between states, such as the European Financial Stability Facility Treaty, with the opaque European Council assuming a far greater de facto role in EU decision making (see Eriksen 2018). From time to time, the European Council wielded extra-constitutional power comparable to the king in pre-democratic constitutionalism (Franzius 2010, 58).

Habermas builds on EU's legal construction in foreseeing not a European federation based on an empowered Parliament and basic rights, but rather one that is contingent on the power of the member states, as is envisioned by the power of the European Council in the Lisbon Treaty (see Habermas 2012, 44). The nation state is seen as the main container of solidarity and democratic legitimation. The achievements of the nation state, with regard to rights' protection, democracy, solidarity and welfare, must not be put at risk, but furthered by the integration process. Insofar as there is 'an element of institutionally consolidated political justice in these historical formations' there are reasons to insist on a constitutive role for the state at the supranational level (Habermas 2012, 59). But then, what about democracy?

Constituent power

First of all, seeing the EU as a federation of nation states runs into a problem similar to that of Kant's conception of 'the cosmopolitan community' as a federation of states and not of world citizens. Kant warned against a world state as a potential *world despotic Leviathan*. For Kant, the *ius cosmopoliticum*, the right of the individual does not entail unbridled membership in a

supranationally organised community. It is balanced and mediated by the *ius gentium*, the right of states. Previously, Habermas found Kant's conception inconsistent:

> Kant derived every legal order, and not just that within the state, from the original right that attach to every person 'qua human being' […] But if Kant holds that this guarantee of freedom […] is the essential purpose of perpetual peace […] then he must not allow the autonomy of citizens to be preempted even by the sovereignty of their states. (Habermas 1998, 180–181)

The term 'a federation of nation states' sits uneasily with the idea of democracy as a self-governing citizenry as well as with Habermas' own claim that we should not substantialise 'the people' or 'the nation' nor reify the nation state (Habermas 2012, 48, see 1996, 463-5). The people – the sovereign – is artificially created and can only be understood in constructivist terms (see also Günther 2017, 214). The people does not constitute a specific entity capable of action. Such a suggestion would be tantamount to asserting that the essence of democracy is the collective people as the absolute sovereign (Pettit 2006, 315). The people is not an already existing bounded corporate entity. Rather it is created when the subjected assemble, 'take to the streets' and demand action in the name of 'we-the-people'. The people is not a pre-political entity, is not an agent and appears only in the plural: It consists of many peoples. The people is made up of several groups, each with its own collective consciousness. Nations are abstract communities based on a mythology of a heroic past and the promise of a bright future. Every nationality is territorially dispersed and every 'state people' is created by socialising, disciplining, and centralising coercive powers.

The very concept of *constituent power* is problematic as it is pinned on the idea of a pre-legal or pre-political community of a specific lifeform. It describes the people's uninhibited freedom in the making and amending of the constitution. The concept makes a conceptual link with popular sovereignty. It makes clear that the power to make the law is with the people:

> The people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which several branches of government hold their power, is derived. (Madison, Hamilton, and Jay 1788)

However, who is the people, where is it to be observed, and how can we know it when we see it? What if 'the people' does not already exist or is up for grabs (see Dahl 1989, 3)? Hence the boundary problem, that is 'the fact that democratic theory is unable to specify, in terms consistent with its own theory of political legitimacy, the boundaries of the people that forms its constituency' (Abizadeh 2008, 45–46). In liberal democracies, the constituent power is with the citizens not the people as a macro-subject. The concept of *pouvoir constituant* is autocratic in its origin with a contempt for popular judgement and participation. The concept is associated with Carl Schmitt's authoritarian interpretation of the constitution as limiting citizens' legislative power. That is, the people as an ethno-ethical community in the state of nature where it has a natural right to act as constituent power. The people need no legitimation if they act as sovereign (Schmitt 1932). People are, according to Schmitt, related to the constitution in three different ways; 'they are prior and above the constitution, within the constitution and finally next to the constitution' (Kalyvas 2008, 85). The concept of constituent power allowed Schmitt to insist on strict limits to political and legal change (Schmitt [1928]2008, 140–168). For Schmitt, it is the homogenous people as an extra legal entity that makes those fundamental 'existential' decisions of making and amending the constitution.

The system of rights

Habermas has been an ardent critic of Schmitt and the idea of constituent power, which he saw as consisting 'of the plebiscitary force of a presumably homogenous, empirical popular will' (Habermas 1996, 184). It is through law that people have rights, can assemble, make claims and demand justifications, and hence amend the constitution. Habermas derives the immanent principles of higher law making from the illocutionary binding force of communication oriented towards understanding. When citizens regulate their living together – solve problems and resolve conflicts – with the means of positive law, they are, if they are going to be consistent, compelled to give themselves rights (and hence duties), ultimately resulting in a binding constitution. In the democratic law making process, parties only rely on the process itself and the presuppositions of understanding-oriented communication about symmetry, equally, inclusiveness, etc.

Habermas reconstructs the entire system of rights – the democratic constitution – from procedural presuppositions of the law making process; that is, from what free and equal citizens must presuppose when they set out to handle common affairs peacefully through the artificial medium of law. The system of rights is the outcome of a a process in which a horizontal association of citizens mutually accords rights to one another and recognises one another as equals (see Habermas 1996, 457).

> The performative meaning of this constitution-making practice already contains in nuce the entire content of constitutional democracy. The system of rights and the principles of the constitutional state can be developed from what it means to carry out the practice that one has gotten into with the first act in the self-constitution of such a legal community. (Habermas 1996, 453)

The democratic principle entrenched in modern constitutions refers to the manner in which citizens are involved in public deliberations, collective decision making and law making through a set of rights and procedures that range from freedom of speech and assembly to eligibility and voting rights. These political rights, and their attendant institutions and procedures, are to secure the *public autonomy* of the individual. They ensure that the addressees of the law can also participate in the making of the law.

However, are rights and principles then not constitutive of the democratic process, hence prior to the procedures? Can proceduralism be sustained all the way down or does not discourse theory have to reckon with substantive, normative elements, which open for de-politicisation? Habermas' co-originality thesis is a forceful antidote to technocratic politics and undue de-politicisation as it conceives of individual freedom, which is guaranteed by basic rights, as both a condition for and a result of the legislation process. Habermas' constitution making model provides a solution to the boundary problem – defining criteria for claiming membership – as 'the democratic principle of legitimacy simply requires replacing coercive relations with relations of discursive argumentation' (Abizadeh 2008, 48).

Human rights cannot be conceived of as supra-positive norms that oversee and sanction the law; rather, they must be understood as embedded in the procedures that give the laws their legitimacy. Moreover, the alleged problem of the so-called infinite regress between rights and democracy disappears, according to Habermas, once the constitution is conceived in generational terms. Even though the people are constrained by the constitution authored by their ancestors, the current understanding and the full use of the constitution depend on the agency of the present generation. As a self-correcting learning process 'the allegedly paradoxical relation between democracy and the rule of law resolves itself in the dimension

of historical time, provided one conceives of the constitution as a project that makes the founding act into an ongoing process of constitution-making that continues across generations' (Habermas 2001b, 768).

The concept of constituent power sits uneasily with Habermas' own view of constitutional politics as a dynamic, possibly self-correcting, historical learning process. It is a continuing, open-ended project where the contributions of present and future generations remain as important as those of the constitutional framers (Habermas 2001b). Hence, 'his theory arguably leaves little room for a neat delineation of constituent from constituted powers' (Scheuerman 2019, 58).

Pre-empting autonomy

International Treaties, which are agreements reached by states, are contingent on state sovereignty. They relate to *Willkür* and *Staatsraison*. State sovereignty designates the status states are granted under international law, and which regulates their external affairs. States control the borders, admission, exclusion, and naturalisation. Treaties, unlike constitutions, do not spring from the united will of the people but from states' will and bargaining power. Hence, the roles of governments and that of parliamentary assemblies are distinct: The first exercises executive and representational functions, and the latter legislates and holds the executive to account.

Sharing sovereignty raises concerns as it blurs the distinction between popular and state sovereignty; between the rights of the citizens to autonomous participation in collective opinion formation processes, and the rights of the states regarding the conditions for external action conferred on them by international law. In such a blurred system of constitution making, the following question arises: How can we protect the autonomy of citizens if the autonomy of a collective (macro) subject – the state – is also to be protected? Habermas' thought experiment is a construction that devaluates the democratic principles of citizens' self-rule. There would be no criterion for approximating the autonomy principle – citizens should only obey laws that they also have been the co-authors of – when this is discounted and weighed against the principle of state sovereignty. It risks exactly what Habermas saw as the problem in Kant's construction, namely the pre-empting of citizens' autonomy by the sovereignty of their states. Therefore, there can be pooling of state sovereignty but not of popular and state sovereignty – not of two types of sovereignty. That would entail the danger of arbitrary rule – of subjection to alien rule. That would run the risk of pre-empting the autonomy of European citizens by the sovereignty of EU member states. There is and can only be one constitutional subject in democracies.

Habermas' model of *originally split sovereignty* prioritises the already constituted nation states and is protectionist and conservative. It deprives the constituting authority of constitution making power; it 'sacrifices part of its sovereignty in order to conserve the revolutionary constitutional achievements of the past' (Habermas 2015a, 554). This model raises the problem of whether there are group rights – collective rights – that request unconditional protection and political status. Minority groups as well as member states may need protection from hierarchical intrusion through majority rule – and modern constitutions and federal orders are set up exactly to accommodate such concerns – '[…]but do not in themselves justify claims to the comprehensive exercise of political autonomy' (Niesen 2017, 188).

There is thus a risk of pre-empting democracy by including the peoples organised as states – premised on *collective rights* and with external action as the prerogative of the executive – as constituent power of the EU. Habermas himself, who tries to counter this criticism by seeing the democratic states as a 'distributive totality', concedes that with this construction, an alien

element is introduced in the shape of collective rights (Habermas 2017, 176). This construction would not be able to banish dominance (see Eriksen 2019b).

Ius Publicum Europaeum

Although the EU is not a state with a monopoly on the legitimate use of force, it is in possession of extensive powers compared to ordinary international organisations in the transnational realm. The EU amounts to a powerful commanding height to be seized by the citizenry (Eriksen 2014, 87). European states' self-help means of reciprocity and countermeasures have been removed, and the institutions of the EU affect the freedom, security and well-being of all the subjects – they benefit and threaten, reward and punish EU citizens, as well as third parties. There is free movement and an economic system with distributive effects, there is European citizenship and European political rights. Hence, a particular context of social cooperation exists, which gives rise to obligations and legitimate claims.

As the European integration process has redistributed power and resources, it has affected the interests and identities of Europeans and is in need of legitimation, as also euro-sceptic populist opposition attest to. The Eurozone has brought its members into a community of fate, in which all are dependent on all, and where some are profiting and some are suffering from the same economic regime. There is thus a comparable *context of justice and democracy* to that of the nation states. Moreover, by creating or consenting to the Economic and Monetary Union (EMU), the members have taken on obligations to level out disparities in living conditions and creating a political union.

However, Europeans are not only jointly affected by causal interdependence, they are also jointly subjected to a public coercive structure that sets the basic rules for their interaction. There is a common legal structure – an *Ius Publicum Europaeum* – constituted by EU law and the common constitutional traditions of member states, as well as other relevant legal sources. Through its fundamental principles, laws, and an *EU citizenship*, the EU equips individuals with rights across borders (cf. TEU article 2, 9–12). While originally tied to the creation of the internal market and an integrated European economy, rights are now protecting important individual interests. The EU is a rights-based and rights-enforcing polity.

This is another reason for questioning Habermas' model. The idea of two constitution-making subjects makes the EU foundationally shaky and not equipped to tackle its problems nor to enable a democratic government that the citizens will find worthwhile to vote for. One may also ask, when given constitutional status, how the *pouvoir constituant mixte* can be changed democratically. This idea may in fact be an instrument in the hands of EU sceptics who deplore European integration. How could this model lend legitimacy to a supranational union with the power and financial muscles required to solve Europe's common problems? 'What room, for example, is really provided those who seek a more cosmopolitan, federal Europe as, in fact, Habermas himself did, until recently? Habermas seems to foreclose this option: those who might pursue this strategy simply misunderstand what Europe's hypothetical constituent power must have had in mind' (Scheuerman 2019, 58–59).

The weakness of Habermas' justificatory account of the EU is that the requisite unifying component of the European political order is lacking. How can it be legitimate without a we-feeling and a sense of *finalité* that can provide the necessary foundation for collective European decision making? Moreover, as his proposal basically leaves the nation states unaltered and takes the very imperfect constitutional order at face value, it falls prey to the danger of justifying status quo – an incoherent political and legal system. The question is, how to mobilise for change, for new competences and capabilities at the European level that are needed to the solve crises of the Union.

Political or civic solidarity?

The growing inequality between Eurozone members is one of the least welcome outcomes of the euro and sovereign debt crisis. The idea that the less well-off member states would catch up with the better-off in terms of GDP per capita was one of the promises of the Maastricht Treaty, although very little emphasis is given to it whenever Eurozone reforms are discussed. The economic meltdown after the financial crisis makes it clear that a monetary union without a political union is futile and undemocratic and makes a country fiscally fragile. The crisis also makes the need for solidarity evident in the functional sense: Solidarity is needed to solve the Eurozone crisis (Offe 2014). If all stood for one, all would be better off. But solidarity is hardly an administrative category. Solidarity is a virtue reflecting a shared sense of responsibility for the welfare of others.

In addressing the current crisis in Europe, Habermas (2014b, 11–12) has changed his mind about solidarity as the reverse side of justice conceived deontologically, to wit, justice as a moral duty. His new concept of solidarity is less demanding 'than the deeper sort of solidarity that he once saw as a necessary complement to any defensible conception of justice' (Pierce 2017, 547). The kind of solidarity that Habermas now suggests is of purely political kind. It refers to the obligations that arise in cooperative schemes, where it is a question of the will and the onus of compatriots to pay for each other's misfortune. Solidarity involves a specific moral motive of ensuring social cohesion and mutual recognition. Being jointly involved in 'a network of social relations', the actor understands his or her action as help, which they believe they are obligated to provide (Wildt 1998, 212; Habermas 2015b, 23). But if solidarity can be reduced to obligations, how can it then be the source of rights and obligations in the first place?

Solidarity cannot be accounted for only with reference to rights and duties because solidarity in the form of ethical-political dispositions is what makes them possible in the first place. It refers so to say to *the non-contractual element in the contract*, to talk with Durkheim ([1893]1933). A pre-political *Sittlichkeit (ethical life)* based on primordial customs and practices, into which the citizens, through their social belonging, have been socialized, is not what is required. Rather, what is required and what is a precondition for individualistic principles of justice, is a particular modern version of the good society, to wit, an ethical-political culture cherishing freedom, tolerance and equality. Solidarity has to do with civic virtues, which refer back to a socio-culturalist value substrate – a shared form of life, and which under dire conditions gives force and motivation to concerted action. The type of solidarity that gives rise to equal rights and duties is one that from time to time involves normative convictions strong enough to rally people to collective action.

Habermas has always distanced himself from the communitarian credo of a pre-political agreement as the basis for solidarity (see Eriksen and Weigård 2003, 78–79). Still, he claimed that justice is 'permeated by ethics':

> Because ethical-political decisions are an unavoidable part of politics, and because their legal regulation expresses the collective identity of a nation of citizens, they can spark cultural battles in which disrespected minorities struggle against an insensitive majority culture. What sets off the battles is not the ethical neutrality of the legal order but rather the fact that every legal community and every democratic process for actualizing basic rights is inevitably permeated by ethics. (Habermas 1998, 218)

Solidarity has to do with a *lifeform* that is worthwhile to protect. "Any universalistic morality is dependent upon a form of life that *meets it halfway*" (Habermas [1983]1990: 207). 'However, if

'abstract, individualistic principles of justice arise out of concrete, intersubjectively shared forms of life', how can they at the same time be purely political (Pierce 2017, 546)? Whereas "morality" and "law" refer to equal freedoms of autonomous individuals, ethical expectations, and appeals to solidarity refer to an interest in the integrity of a shared form of life that includes one's own well-being' (Habermas 2015b, 23). The problem is how solidarity can be purely political, delinked from 'pre-political' social forces, from the articulation of common interests and a we-feeling that reflects commonality and shared values. Inevitably, solidarity refers to ethical-political discourses of self-clarification and self-determination in a value-based community.

Solidarity is the building block of every democratic community. It expresses a norm of equal membership. Solidarity springs from commitments to care for affected parties; from the common interests that can be articulated; from the social forces that mobilise collective action for a better future. Solidarity sustains the value of the victims and invites a common struggle against injustice – to end the misery, hardship and unfairness. It is this stronger, *civic concept* of solidarity that is called for in the reform process of the EU. It is needed to mobilise for the putative valuable European project and for the redistributive measures that are necessary to solve the Eurozone crisis (see also Habermas 2015b, 28).

Justice and solidarity

In the aftermath of the financial, economic, and social crises in Europe, there is a rallying cry for reform – for democratisation. As long as the European integration project could be portrayed as advantageous for everyone, the citizens of Europe were not called upon in the name of solidarity. However, as social protest and political claims making also attest to, the financial crisis has rendered the integration project visibly moral. European integration is not a win–win arrangement and it is not merely a matter of joint convenience and choice; instead, it is a matter of collective responsibility – of justice and solidarity – in a project under construction.

The rigid rules for the Eurozone regarding debt and balanced budgets, without compensatory competences at the EU level, punish the poor and favour the economically stronger members. The euro area, with its centralised monetary policy and decentralised fiscal policy, lacks the resources to establish a countercyclical fiscal policy, and to redistribute income across different levels of economic development. It also lacks fiscal instruments fit to handle sudden demand shocks. Likewise, the refugee crisis documented lack of harmonised national asylum standards and of a supranational burden-sharing mechanism. Reforms are needed and collective action is required to handle present glitches. Solving the economic crisis and compensating those harmed by economic globalisation require social welfare policies to be pursued at the Union level.

However, this is hardly possible as long as member states have the right of veto. The framework of pouvoir constituant *mixte* is said to reveal a substantial need for EU reform, in the form of more power to the EP (Habermas 2012, 43, 2015a, 554–5; Patberg 2017a, 208). However, who should undertake the requested reform of the EU when, as Habermas (2012, 39) underlines, the concept of 'originally shared' popular sovereignty precludes the possibility of supreme constitutional authority at the European level? The member (nation) states would continue to be the sovereigns – the Masters of the Treaties not the European citizenry. The latter does not take the shape of a democratic sovereign, and we can only put our hope in the improbable willingness of the European Council to establish a convention to revise the Treaties.

The preconditions of a European democratic republic are not in place, according to the 'no-demos' thesis and now also Habermas. In other words, there is no common identity produced by a nation-like culture. Still, the founding fathers created institutional arrangements to foster such an identity. This type of undertaking rested on the thought that one cannot bemoan the lack of

civic solidarity as long as the political institutions necessary to bring it about are not in place. One should not give up on the identity-forming effects of institutions: what happened at the national level can also happen at the European level, that is supranational political institutions precede and create the requisite underlying basis of solidarity. Through the formative role of political institutions, through media and communication, through social movements and political mobilisation, a shared basis for collective action could come about.

Solidarity relates to the very nature of equal citizenship in Europe – of equal standing, of equal human worth – and is basic to the idea of the EU as a regional cosmopolitan entity (Eriksen 2009, 200–202; Eriksen and Fossum 2012, 32–34). Solidarity and justice belong to the same class of virtues (Eriksen 2019a, 209–10). The struggle for EU reform is the struggle to discharge the promise of equal citizenship, which is intrinsic to the European unification process. Therefore, the point is not simply deeper fiscal integration, but rather political integration. A true political framework of the Eurozone would abolish today's problem of inadequate solidarity and risk-sharing, stemming from the perceived danger of encouraging budgetary indiscipline in fiscally unsound countries, as well as allowing for freeloading on the back of taxpayers' money in fiscally sound countries. Deeper fiscal integration with an empowered European Parliament, a Eurozone budget, a treasury and a finance minister, would constitute the components of a political structure that has the authority to rule in the name of all. A true political Union would allow for macroeconomic adjustment, redistribution and, hence, socio-economic justice, and it would put an end to forms of dominance caused by a lopsided political system.

Conclusion

The EU is a polity in its own right, which contributes to global steering. It possesses higher-level political decision-making capabilities, but possesses neither a collective identity nor the coercive instruments of a state. To overcome present predicaments, the EU must solve its collective action problem and ensure that all do their due part in the European cooperative scheme. The question is whether Habermas' model can provide a proper legitimacy basis for the Union, as well as an organised capacity to act. The European context is one of justice in the sense that its cooperative scheme affects interests and gives rise to claims for assistance or remuneration. The reason why the Eurozone crisis was not solved, and why the Commission's plan for allocation of refugees in 2015 was not implemented, is due to lack of political power at the European level. Habermas' justificatory account of the EU, which assigns constituent power to the nation states, gives a weak basis for assigning new European competences and capabilities. It is questionable whether his revised conception of solidarity is equipped to handle the challenges facing European citizens under the present circumstances of injustice in Europe.

Moreover, the proper answer to right wing populism, xenophobia and rising nationalism, is to do something with the underlying problems not to downscale ambitions. Complacency and status quo hardly mobilize anyone. Rather, there is the risk with the strategy of preserving achieved results, that the integration process is reversed and that the whole European political order is dismantled.

Note

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3

Discursive approaches

Caterina Carta

Introduction

This chapter outlines the historical and intellectual development of discourse analytical approaches to European Union (EU) studies by connecting them to their wider intellectual traditions. In doing so, the chapter specifically looks at Foucauldian/Laclau–Mouffian discourse approaches (for a review of Habermasian, governmentality and practice approaches, see respectively, Chapter 2, Chapter 4 and Chapter 6, this volume). It reviews and discusses the major claims that key authors have pushed forward, by highlighting the merits and limitations of the poststructuralist contribution to EU studies. Finally, it critically assesses whether discourse analytical approaches are still relevant in analysing the EU.

Historical and intellectual development

Discourse analysis originates in the disciplines of humanities – a broad field which includes rhetoric, linguistics, literature, poetics – and expands in parallel to the field of social sciences writ large, from sociology to anthropology, from psychology to political science. If the origins of this approach can be traced back almost 2,000 years ago, in the fields of *grammatica* and *rhetorica* (Van Dijk 1985, 1–2), it is by the beginning of the 20th century that the interdisciplinary works of Russian formalists and those of the Swiss linguist Ferdinand de Saussure inspired structuralist approaches to linguistics (Benveniste 1971; Lyons 1981; Robins 1997). Both formalist and structuralist linguistic approaches strove to find regularity in conceptualizing the relationship between language as a structure of signification (la langue) and the use that individuals make of it (la parole).

If formalists were concerned with the "study of forms" (e.g. *morphology*, Propp [1928]1968: xxvi) and structuralists were concerned with the systematic study of "the life of signs with society" (e.g. *semiotic*, de Saussure [1919]1995, 16; Lévi-Strauss 1955), gradually a diversified group of authors drew on structuralism to counter and/or expand its core assumptions. The heterogeneous groups of scholars gathered – more or less willingly, more or less coherently – under the labels "post-modernism" (Lyotard, 1979) or "poststructuralism" blended structuralism with a variety of intellectual references, ranging from Heidegger to Wittgenstein, from Nietzsche to

Marx, from Bakhtin to Lacan. Their works targeted structuralism in both historical and her-meneutical terms. For one thing, they rejected the assumption that we can approach linguistic manifestations synchronically (De Saussure 1964). From this standpoint, Foucault underscored that language must be approached in the light of historical power struggles. For another, they discarded the assumption that linguistic phenomena are cohesive systems of signification that can be analysed in isolation from their non-linguistic environment (Bloomfield 1961). Accord-ingly, Derrida rejected the distinction between the *linguistical* and *non-linguistical* and denied the possibility of retracing the origin or inner logic of texts.

If discourse analysis has expanded from linguistics to anthropology, from psychoanalysis to the social sciences throughout the 1960s and the 1970s, the field of International Relations (IR) slowly opened to a "linguistic turn" in the wake of the so-called third debate during the 1980s and the 1990s (Lapid 1989). As was the case for the general flourishing of these approaches in humanities and the social sciences, IR "reflectivist", "postpositivist" and "post-modernist" approaches developed in opposition to coeval intellectual trends in IR, and most notably, "rationalist and positivist orthodoxies" (George and Campbell 1990, 270), with their emphasis on a static theory of politics, a historical conception of the state and an appeal to universal validity and value-neutrality (Ashley 1988, 237). Since the outset, inter-family hetero-geneity characterized the approach in further cautioning against generalizations (for a review see Debrix 2003; Glynos et al. 2009; Carta and Morin 2014; Holzscheiter 2014; Carta 2018).

While the label "post" was often taken with a pinch of salt by its very proponents, its use was generally associated with "a crisis of modernity" (Rengger 2000, 9–10) and the subsequent chal-lenges of its "foundational unities – the autonomous subject, the sovereign state, grand theory – and its synthetic oppositions – subject/object, self/other, inside/outside" (Der Derian 1988, 189). More specifically, this was a crisis where

> Objective reality is displaced by textuality, modes of production are supplanted by modes of information, representation gives way to simulation, imperialism takes a back seat to the Empire of Signs; the legitimacy of tradition suffers on several counts, the unifying belief in progress fragments, and conventional wisdom becomes one of many competing rituals of power used to discipline (international) society. (Der Derian 1988: 189)

This crisis informed three specific epistemological concerns (Lapid 1989, 239). The first stressed "the preoccupation with meta-scientific units" (paradigmatism) and underscored that objectivity cannot be regarded as a realistic goal of scientific knowledge. The second targeted perspectivism and warned against the impossibility to eliminate the researchers' bias from the analysis. The third advocated for methodological pluralism (relativism) against "methodological monism", that is the attempt to "institutionalize standardized, explicit, and unchanged criteria for regulating scientific domains…" (Tianji 1985, 415, as quoted in Lapid 1989, 243). Reflec-tivist approaches, thus, opened the field to epistemologies suited to *understanding* reality, rather than *explaining* it (Hollis and Smith 1991). While explaining commits to the search of causes of a given event or behavior, "understanding" strives to enquire "the kind of power that is productive of meanings…" (Doty 1993, 299).

With its emphasis on semantic, hermeneutics and the weight they bear in the determination of both the structure's configuration and agents' practices, it is no wonder that IR discourse analytical approaches, with post-structuralists at the forefront, have flourished during the 1980s and 1990s (Butler 1990; Ashley 1987; Der Derian and Shapiro 1989; Walker 1992; Doty 1993; George 1994; Campbell 1992; Milliken 1999; Epstein 2008). The "rhetorical" or "linguistic" turn in IR mobilized around the idea that "any 'reality' is mediated by a mode of representation"

and that these "representations are not descriptions of a world of facticity, but are ways of making facticity" (Shapiro 1989, 13–14). In this context, the linguistic turn widely applied poststructuralist methods, from Foucauldian genealogy to Derridean deconstruction, to counter some foundational assumptions of the discipline.

EU studies "opened" to Discourse analysis in the wake of the "linguistic turn" in IR. Two specific developments in Europe prompted the consolidation of poststructuralist discursive approaches to the field of EU studies. The first was the so-called constructivist turn in EU studies, sealed by the seminal *Journal of European Public Politics* special issue on "the social construction of Europe" (Jørgensen, Christiansen, and Weiner 1999). The second was the rise of the Copenhagen school and their structural model of national discourse (Wæver 1995; Buzan and Wæver 1997).

The 1999 *The Social Construction of Europe* represented one of the first coherently organized epistemological criticisms to positivist approaches to EU studies. Drawing on the work of Wendt (1992), Searle (1997) and Kratochwil and Ruggie (1986), the editors of the volume identified some common features of a broad constructivist agenda in the attention to processes such as socialization and learning; the socially constructed nature of reality and the intersubjective nature of meanings, norms, rules, institutions, practices and discourses (Christiansen, Jørgensen, and Wiener 1999, 530–531). The editors acknowledged the existence of intra-family differences based on whether things exist independently of the field of discursivity (Christiansen, Jørgensen, and Wiener 1999: 530–531). The reaction of Steve Smith (1999, 683–690) to this collective endeavor echoed this assessment and preconized that the co-presence of "mutually exclusive [ontological and epistemological] assumptions"– ranging from more rationalist (Checkel 1999) to more reflectivist (Diez 1999) ones – anticipated a split into two main camps. While constructivism in its earliest formulations had the ambition of seizing a middle ground between rational choice and reflectivism (Wendt 1992; Adler 1997), the common ground between rational choice and radical reflectivism was rather small (Risse and Wiener 1999, 776–777). Smith (1999, 690), therefore, concluded that "a fundamental gulf" existed between constructivism and radical reflectivist approaches.

The second specific development that characterized the consolidation of poststructuralist approaches to EU studies was the "Struggle for Europe" project – led by Ole Waever, Hulla Holm, Lene Hansen and Henrik Larsen. The project – associated with the contribution of the so-called Copenhagen school – aimed at establishing a theoretical framework to analyse the intersection between identity, foreign policy theory and security from a post-structuralist discursive perspective. This collective endeavor has culminated, among others (e.g. Holm 1997; Larsen 1997), in the publication of the edited volume *European Integration and National Identity: The Challenge of the Nordic States* (Hansen and Waever 2002). The Copenhagen school's rendition of poststructuralism approached "the production of structures of meanings" from a "structuralist" or "early structuralist" perspective, for example one that recognizes that "key political concepts of state, nation, society and "the people" are highly influential and – indeed structuring – for the way in which policies of "Europe", and European integration, can be argued" (Hansen 2002a, 2). In this framework, concepts such as the "nation", the "state" or "Europe" all contribute to different "forms that 'we' take" (Wæver 2002, 24). Hence, they constitute the "conceptual constellations" which inform national debates on Europe and European integration. So, at the national level, different conceptions of state and national identity compete and inform national debates on "Europe" (Wæver, 2002, 25). Methodologically, the ambition of building up a "structural model of national discourse", as both a "property of the national political arena" and a "groups of rules proper to discursive practices", is yet another element that suggests different "poststructuralist ways" to discourse analysis. On the one hand, instead of focusing on the ways

in which identity is produced in relation to difference (e.g. the Other, considered as an existential alter-ego), the Copenhagen school looked at ways in which national debates on Europe are inherently constructed around specific national structures of meanings. Secondly, the focus on the articulations of the national "we" as point of departure to understand attitudes towards European integration was regarded as reifying national borders (Diez 2001, 6).

If in 1999, Christiansen, Jørgensen, and Wiener (1999, 530–531) conceded that there was not enough reflectivist research on the EU in order to assess its contribution to the field. Soon a diversified group of scholars – which included Thomas Diez, Lene Hansen, Ole Wæver, Henrik Larsen, David Howarth, Jacob Torfing, Iver Neumann and Yannis Stavrakakis – pioneered poststructuralist approaches to the EU. In what follows, the chapter will discuss the major claims and development of poststructuralist discursive approaches to EU studies, with reference to such authors.

Major claims, developments and key contributors

Approaching poststructuralist scholarship as a coherent whole imposes caution. While poststructuralists share a conception of discourse as an inescapable medium through which we make sense, reproduce or challenge reality, they have drawn on a varied body of thinkers, such as Foucault, Derrida, Lacan, Kristeva and Laclau and Mouffe. For one thing, these authors' approach to discourse theory differs widely from one another's. For another, the intellectual legacy of all these authors escapes the imposition of a single "unified schema" (Gutting 2005), so that there exist a "*Lacan contre Lacan*" (Stavrakakis 1999) and different Foucault-s (Vucetic 2011). The way in which EU scholarship approached their own "intellectual mothers/fathers" thus cannot but depend on the way in which individual scholars interpreted their legacy.

With this cautionary note in mind, we can identify some of the core claims advanced by EU poststructuralist scholarship. Thomas Diez (1999) used three discursive moves – an Austinian, a Foucauldian and a Derridean one – to establish an agenda that sets discourse at the core of EU studies. In what follows, this section uses Diez's three moves to sum up the main claims of poststructuralist approaches to the EU.

Through the Austinian move, Diez underscored the performative power of language, for example, the way in which "language serves as an instrument of will and intention" (Diez 1999, 600). Indeed, words have a performative power (Austin 1962) and produce effects (Searle 1997). By uttering certain words, social agents interact actively and imbue their social context with meaning. This move, thus, can be regarded as relying "more on agency than structure" (Haas and Haas 2002, 577), since "without agents promoting [certain discourses], identifying with them and struggling over them discourses could not exist" (Liftin 1995, 253). Constructivist scholarship thus widely drew on speech-acts, conceived as "social performances", to explain ways in which agents' words relate to normativity and "give rise to rules" (Onuf 1989, 183). The signing of treaties – embedding both the agreement on certain rules and/or the power of certain actors to convey agreements around certain rules – exemplifies such move. From this perspective, Fierke and Wiener (1999) have established "a dialectical relationship between *context*, *speech acts* and *institutional change*" to analyse the process of EU and NATO enlargement to Central and Eastern European countries.

If this move allows us to focus on the ways in which we "do things *with* words", a Foucauldian move allows researchers to locate action and power "on the level of language as such" and to focus on "how … things [are] done *by* words" (Diez 1999, 600–601). Indeed, social agents do not utter words and do things in a vacuum. The process of discursive framing and articulation entails the use of social codes, shared perspectives, expectations that anchor individual perceptions and choices into a wider semantic context (Torfing 2002, 2005). Thus, if "individuals – rather than objective reality – are the sources of meaning" (Doty 1993, 437), the positioning of

individuals towards things is not unconstrained, but constantly mediated by language. As vehicles of meanings, discourses thus provide horizons of understanding and establish the rules, borders, and markers for the identity of individuals, together with their location in both the social and discursive field. Since power relations shape both social reality and subjectivities, the poststructuralist commitment is "… to logically connect more decisively given 'truths' and 'meanings' to power…" (Foucault 1980, as quoted in Howarth 2002, 128).

From this standpoint, scientific discourses massively contribute to the making of the social world: "the various attempts to capture the Union's nature are not mere descriptions of an unknown polity, but take part in the construction of the polity itself… they are not politically innocent, and may themselves become the subject of analysis…" (Diez 1999, 598). In the field of IR, this critique was symbolized by Ashley's reflections on the concept of anarchy (1988), in the field of EU studies, this critique extended to functionalism. So, Hansen and Williams (1999) noted that discourses on functionalism have fueled a fundamental contradiction. On the one hand, functionalism has been widely associated with a romantic and positive reading of EU integration and its founding fathers in European history. On the other, it has been portrayed as a scientific, rational method, one that is structurally unable to build up "political community-building and/or mythical foundations of identity" (Hansen and Williams 1999, 235). From this perspective, the characterization of functionalism as a scientific method obscured the case that functionalism did draw on a mythological foundation based on "utilitarian, liberal, economic" and ultimately "*rationalizing*" myths (Hansen and Williams 1999, 240). So, while portraying the functionalist logic as the panacea for all problems, such discourses conceal the matter that it is precisely the elitist and technocratic nature of functionalism that triggers popular resistance against the "disembodied and non-democratic nature of the EU and its bureaucracy" (Hansen and Williams 1999, 235). Hence, they highlighted not just that competing myths should be weighed against their respective social foundations and relative power, but that reflections on the validity of the functionalist myth and its potential alternatives are ultimately eclipsed from political reflections.

Finally, a Derridean move allows to shed light on the inherent instability – and hence the potential for change – of all discourses. In this regard, not just texts, but also history and society are not "intelligible totalities constituted around conceptually explicable laws" tied up to their materiality, but contingent discursive fields cut across by a plurality of logics (Laclau and Mouffe 2001, 3). The idea of discourses constituting social reality – with social forces being constituted in the general "field of discursivity" (Laclau and Mouffe 2001, 135) – signals an "impossibility of closure" of social facts. As with the constitutive diffuseness of power, the material structure of society is described as an unstable order (Laclau 1988, 250). The definition of hegemony provided by Laclau and Mouffe suggests this link: Hegemony does not emerge from the distribution of social power; but it is "a dispersion, detotalization and decentering of subject positions within an intertextuality that 'overflows it' due to the infinitude of discursivity" (Laclau and Mouffe 2001, 113, 115, 139). Discourses thus become spaces of dislocation and discontinuity, crisscrossed by intradiscursive, interdiscursive and extradiscursive sets of dependencies. By retracing the articulation of different metanarratives around discursive nodal points, it is nonetheless possible to follow the cross-contamination of different narratives and the way in which a dominant discourse evolves, by assimilating certain overlapping discourses and by marginalizing others.

These theoretical considerations shape methodological choices and analytical strategies. Poststructuralist scholarship has consistently drawn on Foucault's genealogy, Derrida's deconstruction, and Laclau and Mouffe's articulation. Due to the core position of language in their theorization, their methodology also includes reading and textual selection (Hansen 2006, 2). Genealogy can be conceived of as "a style of historical thought which exposes and registers the significance of power-knowledge relations" (Devetak 2009, 185). As history reflects representations of the past

informed by dynamic power relations, post-structuralist scholarship denies that history can be "singular" or "true" in itself and rejects the possibility of retracing historical origins (Rabinow 1984, 12). The awareness that historical accounts reflect and temporarily crystalize power struggles reveals that different historical accounts do not just compete to "frame the signification of past" but also to establish a "platform from which present and future events can be decoded" (Carta 2017, 349). This awareness combines commitments to retrace what is omitted, concealed and obscured by official historical accounts (Molloy 2006). Attention is given to the "microphysics of power" that underpin the exercise of power and "the establishment of political frontiers between differently positioned social actors" (Howarth 2002, 130–131).

Deconstruction takes steps from the idea that no authoritative meaning can be assigned to any text or historical account. It assumes that what we perceive as "real" is always "an effect of representation" which systematically conceals its duplicity (Zehfuss 2002, 202). Departing from the idea that meanings do not rest on a correspondence between signifiers and signified, Derrida posited that any text is a living terrain of constant dislocation and postponement. He thus change to coined the word *Différance*, which conjoins the term to "defer" and "differ". From this perspective, discourses emerge from a plurality of voices, entailing the "structured totality resulting from articulatory practices" (Laclau and Mouffe as quoted in Howarth and Stavrakakis 2000, 8). The concept of "articulation" helps retrieve "practices establishing relations among elements such that their identity is modified as a result of the articulatory practice" (Laclau and Mouffe 1985, 105).

Having introduced some of the core claims of post-structuralist approaches to the EU the next section will give a glance into some empirical applications.

A glance into empirical research

As with the theoretical commitments highlighted above, poststructuralist scholarship has enriched EU studies through two main contributions. One concerns the reflection on traditional theoretical dichotomies, such as those between ideas and interests; the material and the linguistic and agency and structure and their conflation into the general field of discursivity. The second concerns the study of identity and the third the process by which identity formation constantly shapes up through processes of othering.

With its role of medium between the world and our perceptions of it, "discourse incorporates both material as well as ideational factors"; it is relationally structured and ontologically productive (Hansen 2006, 17). Hence, "discourses" and "material practices" are mutually constitutive (Lunborg and Vaughan-Williams 2015), whereas "the separation between the ideational or the discursive and the material collapses insofar as what is said… is intimately tied with what is done with them, and neither is possible without meaning" (Epstein 2008, 5). The interest of poststructuralists, thus, is one of exploring how things acquire meaning.

In a post-structuralist understanding, discourse – that "is both constituted, and ensues the production of the social system" (Hook 2001, 522) – *dominates* perceptions and imposes "a field of regularity for various positions of subjectivity" (Foucault 2011, 70), in so both coercively *centering* and *dispersing* the subject. As with the blurred borders between social and semantic structures and between agency and structure, "what is called the speaking subject is no longer the person himself, or the person alone, who speaks": "the speaking subject… discovers his irreducible secondarity, his origin that is always already eluded" (Derrida 2005, 223–4). Hence, for certain poststructuralists, studying social identities from a "deconstructionist, sociological angle" means focusing "on the processes and practices by which people and groups construct their self-image" (McSweeney 1996, 82).

In empirical discursive analyses, post-structuralist scholars tend to focus on *engines of discourse*, such as articulations or discursive struggles, or subject positions within a discourse rather than on speaking subjects (Epstein 2011; Diez 2014). Poststructuralists generally acknowledge that discourses about European governance are articulated in wider semantic fields, which include the member states' internally heterogeneous polities (Hansen and Sørensen 2005). From this standpoint, the EU is conceptualized as a "heterarchical" "discourse-based multi-level governance structure", encompassing domestic, governmental and supranational (societal and political) levels (Neyer 2003, 687).

Following the layered structure of the EU discursive field, the focus of post-structuralists with regard to European integration varies widely. Diez (2001, 6) has relied on nodal points and conceptualized European policy "as best understood as a part of a discursive formation on European governance that is linked to a set of metanarratives on basic questions of 'what the world is about'". By following "discursive struggles", Diez (2014) retraces the producers of utterances on three levels, the level of the individual discourse participants; the level of collective discursive positions and the level of the overall discourse. He thus highlighted that the relationship between discourse and structure is difficult to identify, as discourse provides "a constitutive context for policy articulations" which re-produce but also reshape this context. The focus on discursive struggles, thus, allowed Diez to demonstrate how in the British context, discursive articulations of the construction of Europe ended up consolidating a neoliberal Thatcherite agenda.

Drawing on the work of Laclau and Mouffe, Rogers explored the nexus between strategic context and culture, which allowed the EU to stand out as a "locus of identification" (2009, 849) and "focal point for the realization" of projects promoted by *discourse coalitions* (2009, 834). He retraced the emergence of a Euro-Strategist discursive coalition – composed of national and European officials from different institutions, agencies, Ministries, academics and pundits from different think tanks and security and defense institutions – which developed as a countermelody to an "EU as a civilian actor" discursive coalition. Competing views cluster around different discursive coalitions and are alternatively hegemonic or marginalized (Rogers 2009). In this regard both think-tanks' and academics' strategic assessments converge in institutional reasoning and take part to the "struggle" over final meaning. The focus on discursive coalitions thus allowed Rogers to account the gradual shift from a "civilian power" discourse to a global power one.

While the research strategies highlighted above locate the speaking subjects in a wider discursive polity without focusing on organizational features, other empirical analyses, such as the ones performed by the Copenhagen School sought to analyse "politics around established identities" (Buzan and Waever 1997, 243), to focus, as we have seen, on national identities and ways in which concepts such as "nation" and "state" are articulated in relation to the "EU" (Hansen 2002a; Wæver 2002, 39). So, Larsen (2014) focused on ways in which the Danish Ministry of Foreign Affairs articulates state identity with the EU by individuating five possible co-articulation patterns. The analysis of the "national articulation of actorness" allows Larsen to explore changes in discourse across geographical and thematic issue-areas: In some policy areas the national and EU identities are interwoven; in others loosely connected. Similarly, Hansen (2002b) has thoroughly retraced the distinctively *national* features of Danish competing discourses on European integration during the referendum campaign of the early 1990s. The "conceptual constellation of state, nation, and People" brought about a discursive construction of the EU as alternatively "a normal interstate cooperation or as a classical state-building project" (Hansen 2002b, 81). On the one hand, the pro-EU front insisted on the compatibility of European integration with the welfare state. On the other, the anti-EU front characterized the EU as a "super-state in the making" and, hence, a threat to national sovereignty. Invariantly, the impossibility of conceptually disentangling the "state" from the "nation" brought about a fluid discursive environment which explain the "Danish exception" within the EU.

Post-structuralist scholarship takes issue with the way rationalist scholarship conceptualizes "identity" as yet another variable in the analysis "without asking how the other categories and units are constituted politically, how they get identity" (Waever 1995b). Identities are generally conceived as "points of temporary attachment to the subject positions which discursive practices construct for us" which "chain" the subject into a discourse (Hall 1996, 6). This awareness requires to approach identity through the attention to subject formation processes, that is, historical practices through which a particularly identity is discursively produced through dynamic struggles among competing metanarratives or myths. This is particularly important in the EU context, since "integration by definition disrupts national territorial spaces, yet it also creates new boundaries… we have so far failed to imagine a political community that is fully deterritorialized yet at the same time democratically organized" (Borg and Diez 2016, 137).

In this direction, poststructuralist scholarship has connected the study of identity formation to both myths (Kølvraa 2016; Della Sala 2018) and narratives (White 1980; Bruner 1991; Somers 1994; Biegón 2013). From this standpoint, Kølvraa (2016) drew on the Lacanian works of Stavrakakis (1999, 2007), Glynos (2001) and Glynos and Stravakakis (2008) to analyse the way in which different mythological grand narratives on the EU has been progressively embraced and dismissed. Dominika Biegón (2013) has enquired into the legitimation strategies embedded in the Commission's discourses. She systematically looked at the destinator, the receiver, the subject, the object, the adjuvant and the traitor (Biegón 2013, 200) in a corpus of 107 Commission documents between 1973 and 1994 and found the way in which several legitimating narratives evolved through time, from the narrative of a functionalist Europe to the one of a European identity and finally of a democratic Europe.

Poststructuralists have systematically enquired on dynamics of othering embedded in the construction of the EU identity (Campbell 1992; Neumann and Welsh 1992; Neumann 1998, 1999; Rumelili 2004). From this perspective, the process of self-formation is constantly shaped in relation to a constitutive outside, where "the elements of signification function not through the compact force of their nuclei but rather through the networks of oppositions that distinguish them and then relates them one to another" (Derrida 1991, 63). The link between identity and its Other, hence, links back to the "desire for bounded identities, subjects or entities, whose constitutive boundaries must continuously be patrolled, and whatever deemed as threatening the claim to competition of identity, subject, or entity and therefore expelled" (Borg and Diez 2016, 138).

Neumann (1988, 1999) has eminently analysed the dynamic construction of Russia as "part, but apart from Europe". Through an in-depth analysis of intellectual production – from both Russia and Western Europe and from a variety of ideological standpoints – he explored a variety of interlocking narratives from the 17th century onwards. The traditional vision of Russia as an "ideological Other" that emerged during the cold war is therefore enriched through the genealogical exploration of a variety of myths, from the myth of Russia as a "civilizational other" that emerged throughout the 17th century to a construction of Russia as the "bulwark of Europe against Asia" in the 18th century. He noticed the weight of Russia in the European balance of power during the 19th century coexisted with its representation of the "barbarian at the gate", as Neumann epitomized it. Invariantly, Western Europeans drew on these constructions to tell their own story and used the "Russia as the Other" trope to reinforce their own identity constructions.

Conclusion

As Lapid (1989, 235–255) noted, critical approaches in general and discourse theories specifically had the merit to infer self-reflectivism into a field of study – IR and, by extension, EU studies – that so far remained one of the least self-reflective fields in the social sciences. They broadened

conceptions of the political and forced one to systematically look beyond governmental politics. They have advocated embedding the analysis of the present in historical context and critically question taken-for-granted assumptions in both the analysis and the making of politics.

However, discursive approaches are not exempt from criticisms. In the first place, as Georg Sørensen (1991, 86) has pointed out almost thirty years ago, there is a tendency "to monopolize meta-theoretical discussions and progress in IR […] as if there was no meta-theoretical reflection whatsoever in IR […] beyond the merely surface-scratching 'ritualistic insistence'". Thus, as Rosamond (2007, 250) has posited, in EU studies, the challenge remains one of countering "[disciplining/ary] tendencies without imposing a form of intellectual isolationism, where each island in the EU studies archipelago is a subdisciplinary autarky with little motivation to communicate with the others".

In the second place, and relatedly, an over-emphasis on meta-theoretical issues can fuel the impression that these approaches are merely "pursuing theoretical agendas distant from the empirical concerns of policy-making or political analysis" (Favell and Zimmermann 2011, 491). While the criticisms that accompanied the entry of poststructuralism in the discipline (Keohane 1988) at least partially explain this tendency, the risk for post-structuralist scholarship is one of remaining stuck in meta-theoretical debates at the expenses of empirical research. This consideration underscores the need to set up transparent and replicable research enterprises (Milliken 1999; Hansen 2006). Conceptions of discourse as all-encompassing and interpretation as virtually borderless should not prevent from establishing the parameters of how individual researchers conduct empirical analysis, including how they analyse and select texts. After all, as Eco (1990, 143) has posited, "to say that interpretation (as the basic feature of semiosis) is potentially unlimited does not mean that interpretation has no object and that it 'overruns' merely for its own sake…".

In this regard, the reference to linguistic and extra-linguistic practices has opened a debate on how to avoid that "text-based analyses of global politics" are not complemented with "data that may illuminate how foreign policy and global politics are experienced as lived practices" (Neumann 2002, 628, see also Banta 2013 and Chapter 6). This consideration has enshrined a further distinction between *discourse*, conceived as the "study of the preconditions of social action", and *practices* "understood as the study of social action itself" (Neumann 2002, 627–8). While both are discursive and symbolical manifestations, establishing an analytical distinction between the two could allow identifying the "repertoires of actions" which correspond to "a particular type of subject in a particular type of context" (Neumann 2002, 633).

Undoubtedly, the aim of poststructuralist theorization is one of the criticising not one of the solving problems "for someone and for some purpose" (Cox 1981). Nonetheless, discourse analysis has much to offer to stem the drifts of current political discussions *in* and *about* Europe. Semantic struggles are dramatically shaping the future of the EU and the European continent. Exclusionary discourses, based alternatively on nationalist, xenophobic or civilizational cleavages are strengthening their grip over European societies, while alternative, or for that matter, mainstream liberal discourses are not able to keep pace. In that, *performing* alternatives has to do with the ability of inventing new vocabularies to win political arguments (Finlayson 2005).

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4

Governmentality approaches

Jessica Lawrence

Introduction

Over the past 50 years, Michel Foucault's work has had an enormous impact on academic scholarship. Disciplines from sociology, to media, to criminology and culture studies have taken up his analyses of power, knowledge, discipline, subjectivity, and many other themes, and deployed resources from the Foucauldian 'toolkit' to think about their subjects in new ways. Because his major studies paid relatively little attention to questions of law or the international, however, Foucauldian approaches have historically had a more limited effect on scholarship in the fields of legal, international, and European Studies.

This has now begun to change. In recent years, researchers in the areas of political science, international relations, and law have also boarded the Foucault train (for more on the spread of discursive approaches in IR, see Chapter 3, in this volume). Foucault's work is vast, and 'governmentality', the topic of this chapter, is only one aspect of his scholarship – as noted, his early genealogical studies, with their focus on discipline, institutions, and individual behaviour, have long been popular in the social sciences. However, his work became newly relevant for studies of transnational legal and political order in the 2000s, when his lectures from the late 1970s and early 1980s at the Collège de France were translated into English for the first time (Foucault 2003, 2007, 2008). These lectures contain a wealth of material on a new theoretical approach that Foucault referred to as 'governmentality': the study of the political rationalities that motivate government; the mechanisms or technologies through which government occurs; and the complex relationship between the subject and power. Foucault never developed this work on governmentality into a major publication before his death in 1984, and as such his writing on the subject is somewhat unsystematic and scattered. However, the ideas he developed in these lecture series have been taken up and expanded upon by an increasing number of scholars working in the fields of world politics, international law, and European integration, and have burgeoned into a fully-fledged approach within the international studies literature generally, and within European Studies in particular.

Governmentality is a refreshing, interesting, and useful approach to the study of politics because it emphasizes the mutually constitutive relationship between practice and theory, and explores the way in which governmental behaviour not only *organizes* or *constrains*, but also *presupposes* and actively *constructs* its subjects. This prompts a reconsideration of concepts that

are often taken for granted, such as 'the state', 'Europe', and so on, and emphasizes the role that governmental techniques play in creating and reinforcing the very subjects and objects they seek to govern. In this way, it is particularly useful for rethinking reified discourses, and de-naturalizing and particularizing supposedly natural and universal concepts.

This chapter provides an overview of the current state of the art of governmentality approaches to European Studies. It begins by introducing the notion of governmentality, describing the historical origins of the approach and its most important conceptual terms and features. It then discusses the major intellectual developments in the field of governmentality studies that have taken place in the years since Foucault's work, explaining the methodological 'toolbox' of post-Foucauldian governmentality studies as it is currently conceived. Following this, it turns specifically to the application of governmentality approaches within European Studies and introduces the most important areas of research in the field to date. It then goes on to set out the most important critiques of the governmentality approach, weighing its downsides and noting its potential blind spots. The chapter then concludes by commenting on the continued usefulness of governmentality approaches within European Studies and potential future developments in the literature.

The governmentality approach

Governmentality is a term that Foucault uses to describe our understanding of what government is, who its subjects are, and how, why, and to what ends it governs them. Governmentality is the 'art of government'; the 'conduct of conduct': the way that the social order induces individuals and groups to think and behave in certain ways. As Foucault (2007, 193) explains, in his typical style:

> [T]he word "conduct" refers to two things. Conduct is the activity of conducting (*conduire*), of conduction (*la conduction*) if you like, but it is equally the way in which one conducts oneself (*se conduit*), lets oneself be conducted (*se laisse conduire*), is conducted (*est conduit*), and finally, in which one behaves (*se comporter*) as an effect of a form of conduct (*une conduite*) as the action of conducting or of conduction (*conduction*).

The field of analysis laid out in this brief passage is broad. Governmentality, here, is not simply the governmental activity of the state, but encompasses a disaggregated understanding of power that takes into account many diffuse drivers of institutional and individual behaviour. In the Foucauldian model, government operates at multiple levels, through multiple actors, and along multiple social pathways. The state remains an important part of this picture, as a (perhaps the) privileged locus from which the power relations making up a social space are consolidated, organized, and codified (Jessop 2011). However, it is not the only node or site of governmental authority within the complex networked field of governmentality. 'Government' extends far beyond the activities of the courts, police, legislators, bureaucracies, or any other agency normally associated with the idea of public power. Instead, it includes any effort to guide the behaviour of subjects or to induce them to guide themselves in accordance with the particular aims and ideologies that make up the background rationality of government. Mitchell Dean (1999, 18) puts it well:

> Governmentality is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through the desires, aspirations, interests and beliefs of various actors, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes.

Governmentality operates according to a specific organizing logic, 'conducting conduct' in keeping with a particular understanding of the role and objectives of government. This organizing logic is a political rationality, a framing discourse that brings with it a host of assumptions regarding how government does and should operate, with respect to which subjects and objects it should act, and to what ends or purposes it should direct social behaviour. The political discourse of governmentality 'problematizes' the world in accordance with the discourse's own internal logic, highlighting certain relationships, subjects, and themes as important or relevant, and judging the value and validity of individual and collective conduct according to its own conceptual matrix. In doing so, it marks some practices and behaviours as reasonable and comprehensible, others as unreasonable and irrational, and still others as simply irrelevant or invisible. When political actors adopt a governmental rationality and problematize the social order in line with its conceptual framework, they 'build in' all of the assumptions that this rationality implies. And when this problematization is accepted by others, they too adopt not only the discourse itself but also the organizing logic of the political rationality that undergirds it.

In this sense, political rationalities are highly correlated with the regimes of truth that generate 'knowledge' about the nature of government, human behaviour, and the relationships between the two. What we 'know' to be 'true' about the world and the drivers of individual and institutional conduct has a major influence on the type of social order we deem possible and preferable. For example, if one 'knows' that 'human nature' is dominated by 'competition', then it follows that a society that attempts to organize itself according to a cooperative or non-competitive logic will inevitably require either totalitarian control or break apart under the centrifugal force of the 'natural' competitive drive. In this way, 'knowledge' both structures the perceived realm of political possibility and emphasizes certain logical relationships and points of data as relevant and controlling, while ignoring or minimizing others. Because of this close relationship between 'truth' and 'political rationality', the production of scientific, social, bureaucratic, and other forms of knowledge by experts such as economists, biologists, statisticians, and historians is another important node or locus in the network of governmentality.

Political rationalities are contingent, meaning that different governmental logics hold sway in different historical moments, geographical areas, and social contexts. Foucault himself sketched out a history (a 'genealogy') of the different forms of political rationality that have existed in Western Europe (in particular in France) over the past several centuries. His Collège de France lectures trace the evolution of ideas about why, how, and with respect to what and whom government should happen as they developed from the late middle ages with its *raison d'état* emphasis on consolidating the power of the state; to classical liberalism with its separation of *homo juridicus* and *homo economicus* into the spheres of political and economic life; and up through neo-liberalism and the colonization of governmental practices by the logic of the market with its focus on efficiency, cost-benefit analysis, flexibility, and the development of human capital (Foucault 2007, 2008). However, because the particularities of location and circumstance are so central to the analysis of governmentality, it should not be assumed that the same progression of rationalities, or the same forms of political reason, apply elsewhere or elsewhen.

To complicate the picture even further, political rationalities are not totalizing, but instead may coexist alongside one another, providing alternate narratives for thinking about government and behaviour within a particular social order. Different forms of political reason develop out of; in dialogue with; and in resistance to one another. As these frameworks evolve from their predecessors, they do not entirely replace one another, but rather create complex overlapping governmental assemblages in which one can find elements of different political rationalities operating in parallel (Walters 2012). As a result, individuals and institutions within a political

order may have access to multiple different frameworks from which they can understand, explain, and justify governmental choices.

These various forms of political reason, and their associated problematizations and knowledge complexes, also imply corresponding sets of practices or technologies through which the work of government can and ought to be carried out. These governmental technologies are 'the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions' (Rose and Miller 1992, 175). They are, essentially, the way that government is performed, that rationalities are made operable, and that subjects are understood and guided to act. Governmental technologies can include everything from the production of maps and administrative forms to the issuing of identification documents, from the collection of statistical data to the performance of Environmental Impact Assessments. Indeed, law itself can be seen as a political technology – one among the many tools through which governmental power acts and enacts.

These governmental technologies both reflect and reinscribe political rationalities, operationalizing the logic of government by making some objects visible, countable, or actionable while obscuring others from view. Different political rationalities, which frame the world in alternative ways, suggest the use of governmental techniques particular to their forms of reason and knowledge. In the neoliberal context, in which metrics used to gauge success in 'the market' are imported into other areas of social organization and used to assess the legitimacy of public and private behaviour (a process of truth-making known as 'veridiction' in the literature), these techniques include not only centralized authority but also de-centred, de-formalized governance tools, such as best practice reports, public-private partnerships, 'nudging', and stakeholder consultations. Such techniques make sense, however, only from within a frame that views aggregate human behaviour as strongly influenced by rational cost-benefit analysis and the drive for self-improvement, and that conceives of political legitimacy in terms of input and output criteria (for instance, favouring stakeholder consultation over democratic control).

A third aspect of the governmentality picture is the relationship between political rationalities and the construction of subjectivity. Just as different political rationalities imply the application of corresponding governmental technologies, so to do they conceive of the subjects they govern in distinct and correlated ways. Each political rationality presupposes different forms of self and identity among the governed, seeing individuals through different frameworks, anticipating different forms of conduct and response, and seeking different behavioural changes through the imposition of governmental authority. Government may 'see' its subjects as a flock to be shepherded, as stakeholders to be consulted during relevant processes, as potential threats to be deterred, or via any number of other framing narratives. And these frames, in turn, impact the type of interventions that will seem reasonable and necessary; the technologies that will be deemed appropriate to evaluate and execute these interventions; and the appropriate goals of governmental activity.

Subjectivities or identities are also important because, from the governmentality perspective, power operates not only through the exercise of coercive or disciplinary power 'from above', but also by shaping expectations and causing individuals to govern themselves. As particular rationalities and the forms of knowledge and types of problematizations they bring with them come to dominate political and social discourse, individual subjects are induced to understand themselves and their actions in accordance with the framing narratives they suggest. People and institutions thus come to evaluate their own behaviour along the lines suggested by the truths that power produces. In the neoliberal world, for example, governmentality operates 'at a distance' to influence individual behaviour, encouraging ideals of personal responsibility and self-regulation that instrumentalize individual freedom and autonomy for the purpose of self-government

(Rose and Miller 1992, 180). Further, these subjects then reproduce and understand government according to the framework of political reason that has colonized their self-understanding, creating a mutually constitutive relationship between governmental rationalities and subjectivities.

Since Foucault's work on the topic, scholars adopting governmentality approaches have created a wide body of supplemental scholarship that has expanded on and deepened Foucault's original ideas. Kim McKee (2009) usefully refers to this body of work as the 'Post-Foucauldian governmentality' literature. These studies set out to explain the governmentality approach in much greater detail and with much greater systematicity than it is described in Foucault's Collège de France lectures. Key contributions to expanding on Foucault's original themes and developing a usable method of undertaking governmentality studies are the work of Andrew Barry, Thomas Osborne, and Nikolas Rose (1996); Ulrich Bröckling, Susanne Krasmann, and Thomas Lemke (2011); Graham Burchell, Colin Gordon and Peter Miller (1991); Mitchel Dean (1999, 2007); Thomas Lemke (2012); and Nikolas Rose and Peter Miller (Rose and Miller 1992). These fundamental texts provide explorations of governmentality as a theoretical approach, including further explications of its key concepts and examples of its application in scholarly practice.

Despite this further development, however, governmentality remains a 'thin' theory that is better characterized as an 'approach' or 'cluster of concepts' (Walters 2012, 2) rather than a fully formed theoretical model. Instead of attempting to make generalizable claims about causation or produce testable prediction models of order and authority, governmentality offers a set of tools for understanding the relations between power, procedure, and people in a given political context. As Foucault (1975) himself wrote in an oft-quoted passage:

> All my books … are little toolboxes, if you will. If people are willing to open them and make use of such and such a sentence or idea, of one analysis or another, as they would a screwdriver or a monkey wrench, in order to short circuit or disqualify systems of power, including even possibly the ones my books come out of, well, all the better.

The tools offered by the governmentality approach have been particularly popular among those aligned with social constructivist, reflectivist, and post-structuralist schools of international relations theory and heterodox political economy, and among legal studies scholars from critical legal studies, law and sociology, and similar schools of thought. Governmentality's emphasis on contingency and the social production of norms and knowledge is broadly aligned with anti-foundationalism and rejection of the idea of a pre-social self. It is also useful from the perspective of political praxis. As William Walters and Jens Henrik Haahr (2005, 6) write, 'Governmentality research is a critical, diagnostic practice because it seeks to make political reason more intelligible, and thereby more available to political practice'.

Methodologically, research in this vein tends to focus on micro-level analyses of practice and discourse in order to trace the means through which power acts upon and shapes individual and group behaviour. It interrogates the normative content of political rationalities, the forms of knowledge on which their claims to legitimate authority rest, and the discourses through which government articulates its political programmes. In order to do so, governmentality approaches frequently make use of techniques drawn from discourse analysis (e.g. Fairclough 2006) (though typically with a greater emphasis on the material and technical aspects of discourse than is sometimes the case with more semiotic approaches) and network analysis in the vein of actor-network theory (ANT) (e.g. Latour 2005) to determine where, how, and through which mechanisms political rationalities are transmitted and taken up. For more on the relationship of Foucault with practice theory, see Chapter 7 in this volume.

Key questions include such inquiries as: How are taken-for-granted concepts such as 'Europe', 'the international', and 'the economy' actively constructed in discourse and practice? How do various actors problematize or frame the social issues that they perceive? According to what logics do 'experts' and other privileged producers of knowledge construct their understanding of 'truth'? Through what mechanisms or concrete practices does government operate? What do specific governmental technologies make visible or hide from view? How do the various individual and collective subjects of government understand and evaluate their behaviour?

Governmentality approaches in European studies

As demonstrated above, approaching European Studies through the lens of governmentality has provided scholars with a rich set of analytical techniques for exploring the ways in which different forms of political reason shape individual and institutional behaviour. Some of the earliest work that explicitly adopted a governmentality approach in the context of European Studies was done by scholars such as Andrew Barry (1993, 1994), William Walters (2004), and Walters and Jens Henrik Haahr (Walters and Haahr 2005). These pieces set the stage for the later application of governmentality approaches to a number of different areas of European law and policy, and have continued to serve as touchstones in the field. Since that time, scholars have developed a small but rich body of work examining Europe and the EU from the perspective of governmentality. In doing so, they have demonstrated that the governmentality approach is particularly useful in the European context.

To begin with, this approach is well-suited to European Studies because it de-centres the sovereign state and thus allows for a focus on a plurality of actors, both individuals and groups, at multiple levels. This emphasis on de-centralized networked governance allows scholars to bypass or downplay questions such as whether and to what degree the EU, with its pluralist power structures and unresolved hierarchies, should be thought of as meeting the formal characteristics of sovereignty or as being analogous to a nation-state (Walters and Haahr 2005). Governmentality allows for a more network-oriented focus on the power relationships within and among various formal and informal nodes of governmental activity within the EU; between the EU and the Member States; between and among the Member States and their various sub-organs; between (EU)rope, its 'neighbourhood', and the wider world; and so on.

Second, the governmentality approach is useful for European Studies because of the way in which it permits a 'de-familiarization', 'de-stabilization', or 'de-naturalization' of categories such as 'democracy', 'the state', 'the citizen', and even 'Europe' itself (Walters and Haahr 2005). By viewing Europe or the EU or its various institutions or policy domains not as predetermined identities or categories, but rather as a result of social construction that requires elaboration and continual reproduction, governmentality draws attention to the boundary-drawing exercises and problematization practices that are a part of European political life. Investigating the social construction of Europe is not unique to the governmentality approach – indeed, it shares this feature with a number of other critical and post-structural approaches to law, politics, and geography. However, it is an important feature of governmentality research and one that is highly relevant for scholars wishing to destabilize and unpack what have often become over-reified categories, allowing the reclamation of a critical distance from Europe as an object of study. In this vein, Luis Lobo-Guerrero and Anna Stobbe, for example, have described the way that Europe is contingently constituted through power practices (2016).

Relatedly, scholars have attempted to de-familiarize and unpack European power, exploring how the EU justifies its exercise of authority by examining the rationalities of government that guide its political action. Neo-liberalism is, of course, among the key themes within much work

on European governmentality. However, neo-liberalism is not completely hegemonic within the European political order. Other forms of governmental reason continue to exist alongside and in dialogue with the neoliberal frame. Owen Parker, for example, explores in detail the way competing 'market' and 'legal cosmopolitan' visions of Europe coexist and compete within the EU's internal framework (2012). Similarly, I have argued elsewhere that both a 'market rationality' and a 'rights rationality', each with a number of internal variants, can be traced through the discourse and practice of the EU (Lawrence 2018). Because of this complexity, studies often speak of contemporary European political rationality not as univocally 'neoliberal', 'liberal', and so on, but rather under the more inclusive rubrics of 'advanced liberal governmentality' (Rose 1993) or '(neo)liberal governmentality' (Kurki 2011; İşleyen 2014), which better encompass the polysemic nature of European power.

Third, the governmentality approach is appropriate for studying European politics because of the EU's tendency to conduct its governmental activities through (neo)liberal 'governance' mechanisms such as coordination, best practices, public-private partnerships, and other decentralized and deformalized tools. Governmentality studies aspire to go beyond state- and institution-centric analyses, and instead seek to understand the micro-physics of government from the 'bottom up'. This entails an empirical investigation into the means and mechanisms by which discursive artefacts render populations knowable and governable. In doing so, this approach highlights the ways in which the operation of dispersed governmental technologies serves a productive function, constituting subjects as political actors in accordance with their underlying political rationalities. Scholarship in this vein includes Roger Dale's work on the EU's 'open method of coordination' (2004) and Cris Shore's study of the Commission's 'governance' initiatives (2011), both of which focus on the relationships between political reason and governmental technologies.

Other important bodies of work focus on distinct policy spaces within the European legal and political order.

European foreign policy has been a particularly productive area of governmentality scholarship. To provide a few examples, Milja Kurki (2011) examines the export of neoliberal governmentality through the EU's democracy-promotion activities in third countries, exploring the links between governmental rationalities and techniques in EU external relations. Tagma, Kalaycioglu, and Akcali (2013) and Beste İşleyen (2014) have examined the effects of the European Neighbourhood Policy and its development promotion objectives in Tunisia and Egypt, arguing that they illustrate 'a neoliberal governmentality agenda with which the EU aspires to circulate market principles and logics into the minds, choices, habits and actions of individuals and public institutions across a broad array of issues' (İşleyen 2014, 673). And Jonathan Joseph has used a governmentality approach to analyse the EU's 'resilience building' projects in the Horn of Africa, examining the public policy paradigm that sees such programmes as useful and legitimate governmental aims (2014).

Governmentality approaches have also had an impact within the European security studies literature. Early work by Didier Bigo (1994, 2006) and Ole Wæver (2000, 2005), for example, explored the EU's role as an internal and external security actor from the governmentality perspective. More recently, scholars such as Michael Merlingen (2011) and Lucie Chamlian (2016) have applied the governmentality approach to analyse the EU's Common Security and Defence Policy (CSDP).

Migration and the construction and policing of European borders have been another area of interest for governmentality approaches. For example, Jef Huysmans (2004) and Matthias Leese (2016) have examined technological devices, such as European visas and the EU's Registered Traveller Programme. Didier Bigo (2002) and Andrew Neal (2009) bring the topics of migration and security together with an examination of the securitization of the border and

the development of FRONTEX. Martina Tazzioli explores the impact of European migration controls in the Mediterranean region (2014). And Bal Sokhi–Bulley (2016) examines the problematization of migration within the EU, asking how migrants themselves are constructed and addressed by governmental activity.

European environmental policy (Neale 1997; Lawrence 2017); human rights (Sokhi–Bulley 2013); gender policy (Woehl 2008; Repo 2014); culture policy (Shore 2006); economic policy (Orbie et al 2017; Lawrence 2018); and many other areas have also been addressed using governmentality techniques.

In short, since the late 1990s, European Studies has seen the blossoming of a rich literature applying governmentality approaches to various aspects of (EU)ropean law and policy. This literature shares a focus on diffuse and de-centralized governance practices, on the de-familiarization of received categories, and on the impact of political reason on the construction of the subjects and objects of government.

Critiques

As this chapter has shown, governmentality approaches have particular merits and have been usefully applied in the area of European Studies. However, the governmentality 'toolbox', as with any other methodology or approach, also comes with its own set of biases, limitations, and blind spots.

To begin with, many have pointed to the terminological ambiguities (Lemke 2012) and lack of historical rigour (Gutting 1989) in Foucault's own work as leading to conceptual difficulties, imprecision, and inconsistent usage in contemporary work on governmentality. Such charges are unassailably correct. Foucault's informality and the lack of conceptual rigour in his lectures have caused ongoing confusion. To give just one example, even the word 'governmentality' itself is used in two distinct ways both by Foucault and within post-Foucauldian literature – to mean both the 'art of government' in general and the specific *neoliberal* 'art of government' in particular. This imprecision is something of which scholars should be aware, and which should lead them to carefully explain their use of terms and historical data.

Second, and of particular relevance to the field of EU studies, some have argued that one should be cautious in applying the governmentality approach to the international sphere, whether as a whole or in part. Jonathan Joseph, for example, has questioned whether there can really be a transnational or global governmentality at all, as different countries, regions, and so on operate according to different political logics (2010). Neumann and Sending, similarly, caution that 'it would be analytically unwarranted simply to extend [Foucault's] own analyses to the international' (2007, 678). Others, however, see no difficulty in applying the governmentality approach outside the realm of the state. Lipschutz and Rowe, for example, argue that 'the extension of this idea to the international arena is rather straightforward' (2005, 15). Painting different political systems with the same brush would indeed be problematic from the perspective of contextual specificity. That said, however, exploring transnational or international governmentality is far from impossible, as the growing body of work within EU studies attests. It simply requires the same careful attention to the micro-physics of process as any state- or sub-state-level analysis.

Third, the governmentality approach has been criticised for reinscribing hegemonic discourses through its tendency toward the teleological. Derek Kerr, for example, argues that governmentality 'enthrones the market' as a new top-down conception of power (1999). Relatedly, Bevir points to governmentality's continued adherence to what he calls 'structuralist tropes' (2016). This critique may be particularly salient when it comes to the tendency among some scholars to take an overly simplistic view of power and political rationality, concentrating perhaps

too heavily on the role of the state or supra-state as a neoliberal evangelist. In light of this, as Thomas Lemke notes, 'studies of governmentality not only have to assume a plurality of rationalities and technologies, they also have to conceive of them as plural, messy, and contradictory' (2012, 91).

In addition, two critiques from the realm of Marxian and radical political theory deserve particular attention.

The first longstanding objection is that Foucault's work is insufficiently political and that he fails to articulate a theory of political resistance or revolution to accompany his analytics of power. These critiques focus, variously, on Foucault's rejection of the idea of a pre-social subject outside of society and discourse (Taylor 1984); his totalizing view that there is no 'outside' to power (Lentricchia 1988); and the lack of a normatively desirable alternative to contemporary power relations in his work (Fraser 1981). If power is always already present everywhere, and we lack any 'outside' Archimedean point from which to judge its effects, the argument runs, this seriously undermines the struggle for political change.

It is true that Foucauldian scholarship tends towards the genealogical, preferring to trace and analyse historical and contemporary power flows and their effects rather than drawing ontological conclusions about structure and agency, class relations, and so on. However, this does not mean that Foucauldian analysis cannot usefully be coupled with a politics of resistance. Because power, in the Foucauldian view, flows everywhere, it is also subject to tactical reversals, resistance, and change. As Foucault himself wrote: '[w]here there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power' (Foucault 1978, 95). Mitchell Dean elaborates further that in this schema, power is 'more like a duel than a total system of subordination', the result of 'the incessant cut and thrust of relationships of resistance and power' (Dean 2007, 9). Making use of Foucauldian analytical techniques alongside other critical theories such as a Gramscian analysis of hegemony (Joseph 2017) or a Bourdieusian analysis of political fields (Zimmermann and Favell 2011) can be particularly useful in this sense.

The second critique is that Foucault seemed in his later work to move away from radical politics and instead to embrace neo-liberalism as providing new space for individual freedom due to its emphasis on self-government rather than disciplinary or sovereign power (Zamora and Behrent 2016). In particular, Foucault seems to underestimate both the extent to which repressive sovereign authority continues to exist under neo-liberalism and the extent to which the subjectivization of the individual under neo-liberalism is its own form of totalitarian control. In response, some have argued that the late Foucault's seeming turn to political liberalism and universal humanism disqualifies him as a thinker useful to building a left political movement, and limits the critical or emancipatory potential of Foucauldian scholarship.

Scholars who find the Foucauldian toolbox useful have nevertheless continued to deploy governmentality and other concepts central to his work. Indeed, many have demonstrated that Marxian and Foucauldian scholarship can well go hand in hand. Scholars such as Wendy Brown (2015) and Jacques Bidet (2015), for example, have argued that one should read Foucault with, alongside, or through Marxian scholarship, rather than in opposition to it. Michael Merlingen, too, reclaims Foucault from neo-liberalism by 'reading Foucault against Foucault', arguing that his later work fails to take seriously his own previous focus on power and knowledge and their constitutive effects (2016, 18).

These critiques point to the need for reflexivity and self-evaluation among those employing the governmentality approach. Awareness of the dangers of imprecision, structuralist reification, oversimplification, and de-radicalization should inform scholarship in this area, suggesting the need to correct or compensate for these shortcomings by maintaining a critical distance and supplementing the Foucauldian approach with insights drawn from other methodological toolkits.

Conclusion

The governmentality approach continues to offer important benefits to European Studies and represents a growing field of analysis within the literature. Its ability to account for power outwith the state, its focus on empirical and discursive research into the mechanisms by which subjects are constituted in accordance with political rationalities, and its ability to de-familiarize conceptual categories that are too often taken for granted gives the Foucauldian toolkit great analytical potential for European legal and political research.

The further development of this literature is particularly important given the relative paucity of critical analysis in the world of European Studies. Mainstream scholarship's failure to interrogate received knowledge regarding government, the social order, and the relationship between power and truth means accepting *ex ante* the structures and limitations that they impose. Tracing the ways in which these forms of knowledge shape individual and collective behaviour is key to overcoming or rethinking the boundaries imposed by the operation of ideology, itself a crucial step in developing strategies for resisting the distribution of power under the status quo.

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5

Postcolonialism

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Catarina Kinnvall

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Introduction

When a narrative is constructed, something is left out. When an end is defined, other ends are rejected, and one may not know what those ends are. … What is left out? Can we know what is left out? (Spivak 1990, 18–19).

Most postcolonial accounts of Europe and European integration are concerned with how narratives of Europe, the European Union (EU) and the West can be understood from a post-colonial perspective in which notions of empire, borders and historical trajectories cannot be divorced from current understandings of EU politics. In such accounts, what is left out, to speak with Spivak, is the idea that EU member states have largely purged the anxieties of their colonial pasts by forgetting how empire once structured Europe and its relations with the rest of the world and how it successfully has entrenched the myth of its own 'virgin birth' (Nicolaïdis, 2014; Spivak 1999; Bhambra 2009). Here, it is important to point out that many of these accounts are more concerned with notions of Europe, eurocentrism, and European migration- and border politics rather than with the institutional, historical and geographic consolidation of European states into a European Union. The kind of 'entity' that can legitimately be called 'Europe', as Balibar (2009) has argued, is fraught with uncertainties and ideological conflicts and the European integration process continues to be caught in a process of integration and differentiation, simultaneously. Europe is, as W.B. Gallie noted already in 1962, an 'essentially contested concept'. A postcolonial perspective of Europe is thus not coterminous with a postcolonial perspective of the EU, even if they often overlap in accounts of foundational narratives, migration, integration, borders, citizenship practices and policies.

Postcolonial accounts of Europe tend to stem from a particular understanding of the Euro-centric basis of what we take to be the West and Western civilisation. At a most fundamental level, postcolonial theory explores the continuities and discontinuities between colonial pasts and postcolonial presents. It is both a cultural phenomenon that can be empirically studied, and a political and intellectual project for confronting and rewriting historically developed knowledge structures (Shome and Hegde 2002). In this regard, postcolonial theorising is concerned with occidentalism, described as a particular form of 'non-European' engagement of western counterparts that rarely reflects upon the normative underpinnings of such engagement (Buruma

and Margalit 2005). Occidentalism displays the same logic as Eurocentrism as it tends to over-look the 'interactive, co-constitutive complexity of here and there, now and then' (Hooper and Kramsch 2007, 529; see also Venn 2000). In academia, and especially in the field of international relations (IR), a focus on postcolonial understandings of Europe and the West not only moves us beyond established critiques of realist, liberal or constructivist theories and their preoccupation with the state as a sovereign body, but also towards a thorough investigation of the pervading white mythology of IR as a discipline – what Hobson (2007) refers to as the 'Westphilian' narra-tive of much IR theory – that 'renders racist hierarchies and racism invisible in the world while simultaneously issuing racist Eurocentric explanatory models of the world' (ibid: 93). Postcolo-nial criticism is thus about 'decentring' or 'provincialising' Europe in order to revisit the 'con-struction of European identity' through historical memory (Fisher Onar and Nicolaïdis 2013; Chakrabarty 2007), a critique not entirely dissimilar from Spivak's (1999) suggestion to change the title of an Essex conference in 1992 from 'Europe and Its Others' to 'Europe as an Other', documenting and theorising the itinerary of Europe as a sovereign subject (Kinnvall 2016).

In this chapter I start by providing an outline of the historical and intellectual development of the field of postcolonialism and postcolonial ideas about Europe and European identity. This is followed by a discussion of its implications for studies of European integration and EU politics, where I outline some of the major claims of these bodies of literature and their main contributions to the field. Finally, I make a number of suggestions for the continued relevance of postcolonial analysis for understanding contemporary and future developments in Europe and the EU, with a particular emphasis on migration, integration and border politics in the light of the presence of postcolonial subjects in European space.

Postcolonialism and European identity: Historical and intellectual developments of the field

The intellectual origins of postcolonial thought go back to the writings of Frantz Fanon, Gayatri Spivak, Homi Bhabha, Judith Butler, Edward Said, V.Y. Mudimbe, Stuart Hall, Ashis Nandy and Partha Chatterjee, among others, as well as more recent work by for instance Chandra Mohanty, Julia Kristeva, Etienne Balibar, and Lila Abu-Lughod. Without going into the details of these accounts, they all converge in their focus on universalism, eurocentrism, and the vision of the 'other', as explicated in studies of colonialism, imperialism, dominance, hybridity, cultural ste-reotypes and racism, with a more contemporary focus on multiculturalism, migration and dias-pora politics. Postcolonial accounts detail how in the age of exploration and colonial conquest western European countries gradually conceived of themselves as part of a civilisation, what Stuart Hall describes as 'the West against the Rest'. 'The Other was the "dark side" – forgotten, repressed and denied; the reverse image of enlightenment and modernity' (Hall 1992, 314). Societies, they claim, were thus ranked along an evolutionary scale from 'barbarism' to 'civi-lisation', identifying the other with nature – the 'primitive' in contrast to the 'civilised world' (Hall 1997; Mudimbe 1988).

At heart is the 'writing of the nation' (Bhabha 1990) by colonial powers in cultural essential-ist terms. This specifically involves questioning the idea of the desirability of the nation-state, as grounded in a notion of an essentialised universal subject, as the form through which self-governance, autonomy, self-respect, and justice are to be pursued (Kinnvall 2016). This claim goes together with poststructural notions of anti-essentialism together with their critique of modernity (Seth 2000; Diez 2004; see also Caterina Carta's chapter on poststructural discursive approaches in this volume). In her insistence on deconstruction Spivak (1999), for instance, examines the processes through which we naturalise personal history and desire into general truth, thus dismantling the

very tradition of western thought that has provided the justification for European colonialism and neo-colonialism. This modern subject is described as the source of knowledge guided by Enlightenment principles of reason and science, but also by the 'urge to shut the other out into the opacity of the unknown alien, to be excluded or reduced to the status of a beast of burden and treated accordingly' (Comaroff and Comaroff 2005, 127). In this regard the postcolonial is not a thing of the past: The traces of the colonial state have not withered away as sovereignty in the postcolonial world has often remained provisional and partial, and at times even despotic and viciously violent. As Jean Comaroff and John Comaroff (2005, 127) write:

> Identity struggles, ranging from altercations over resources to genocide, seem immanent almost everywhere as selfhood is immersed – existentially, metonymically – into claims of collective essence, of innate substance and primordial sentiment, that nestle within or transect the polity. In short, homogeneity as a "national fantasy" is giving way to a recognition of the irreducibility of difference.

This national fantasy is closely connected to imaginations of territory and borders as bounded spaces, and often hinges on an obsession with the limits of sovereignty as defined in territorial terms. The ways in which the state and the subject have been imagined as essentialist bodies have for many postcolonial authors also been associated with 'the subject of colonial modernity' which refers to a particular body – 'male, elite and especially European and "white"' (Fuss 1994, 23; Spivak 1999). Feminist postcolonial writers have thus problematised the image of the Western and white European man that came to underlie conceptions of the East as it is opposite in terms of an effeminate powerless oriental other. In these accounts, the western man was simultaneously a conqueror and a knowledge seeker, while knowledge itself was both feminised and sexualised. Orientalist accounts thus pictured the colonised woman as unable to speak and known only through European writers (Mohanty, Russo, and Lourdes 1991) – or the 'subaltern other' to speak with Spivak (1999), in which she describes how the English male colonisers were collectively represented as the protector, the saviour of Indian women from an oppressively patriarchal Hindu society: 'how white men were saving brown women from brown men' (1993, 93). Postcolonial criticism is thus concerned with the sociopolitical construction and consolidation of white masculinity as normative and the subsequent racialisation and sexualisation of colonised peoples (Mohanty, Russo, and Lourdes 1991; Kinnvall 2016; see also Abels and MacRae's chapter on gender approaches in this volume).

The colonial subject is always 'overdetermined from without', Fanon (1952) writes. 'It is through image and fantasy – those orders that figure transgressively on the borders of history and the unconscious – that Fanon most profoundly evokes the colonial condition' (Bhabha 2013, 118). As a condition it has been explored through Fanon's discussion of negritude; through Mudimbe's ideas around the concepts of ethnocentrism and race, and through Bhabha's (1984) accounts of the irony of imitation and hybridity. In *Black Skin, White Masks*, Frantz Fanon recounts his problematic relationship with the negritude movement aimed to create pride in being black, by exploring how his subjectivity as a colonised other was constructed where a politics of white assimilation contributed to his self-fragmentation. In *The Intervention of Africa* (1988), Mudimbe similarly outlines the birth of epistemological and cultural ethnocentrism as based on universal knowledge claims originating in Europe where the ideal way of thinking and behaving is always viewed from the lenses of Western consciousness, as well as from Eurocentric cultural and social principles. Similarly, Bhabha explores in the *Of Mimicry and Man*, (1984) the irony of imitation as founded in racial prejudices where, no matter how hard one tries to imitate the colonisers, the racist structures make assimilation an impossible venture. Here Bhabha

argues that the colonial mimicry is 'the desire for a reformed, recognizable Other, *as a subject of a difference that is almost the same, but not quite'* (1984, 86). This focus on the 'writing of the nation' and a subject created, evolved and measured through western imperialism and knowledge construction is also at the heart of postcolonial understanding of Europe and European integration.

Postcolonial perspectives of Europe largely converge on the idea that imperialism has seldom been understood as an aspect of European civilisation, despite the fact that it has been crucial to its very construction (Bhambra 2009; Hansen 2002; Hansen and Jonsson 2012; Polat 2011). As Spivak has argued, postcolonial theory makes absolutely clear that the term 'civilization' is part of 'Eurocentric strategies of narrativizing history, so that Europe can congratulate itself for progress' which in contemporary terms invokes the 'culture of capitalism' (Spivak 1999, 91 in Manners 2016, 77). By glossing over its imperial past, an idea of Europe is created in which unity in diversity prevails, focused on what keeps Europe together in the face of non-European values, cultures and citizens. As Bhambra (2017a, 35) maintains: 'There's a way in which we speak about empire as a state form that already exists, without talking about the processes that enable empire to come into being'.

This is also the story of European identity as read through Europe's external relations. As a story it tends to lack an exterior and rely on universal categories, what Derrida calls *catachresis*, and has been used to represent groups who are more or less internally divided, such as women, workers, or the colonised (Spivak 1999). This, Stuart Hall (1991, 18) argues: 'tells us more about how cultural identities are constructed – as 'imagined communities', through the marking of difference with others – than it does about the actual relations of unequal exchange and uneven development through which a common identity was forged'.

The story of European identity is difficult to separate from the idea of a cosmopolitan Europe associated with the post-war project, the image of a peaceful Europe, open to other cultures and continents and able to have mutual and peaceful dialogues (Bhambra 2009, 2016, 2017b; Hansen 2009). Underlying such cosmopolitan understandings of Europe is the notion that all human beings belong to a single moral community that transcends state boundaries or national identities (McCormick 2010). It is an emphasis on liberal values and the reimagining of European identity and culture as propping up particular understandings of an economic and political union. Emerging from a world of war, chaos and toxic nationalism is a clear narrative structure that presents reason as the basis for the post-war construction of the EU. 'It rejects or is agnostic about material power as the basis for organising political communities and governing. … It is a narrative that is rooted in universal principles that are seen to be the basis for a different kind of international actor and international system' (Della Sala 2018, 270). As Spivak (1999, 93) has emphasised, 'it is not just Eurocentric communitarian strategies that are problematic, but also the 'culture of capitalism' which, as a result, also evokes a wider critique of neo-liberal cosmopolitanism'. As a particular form of neo-cosmopolitanism, (Bhambra 2016), it reflects an underlying postcolonial concern that such a cosmopolitan Europe will attempt to 'civilise the world (again)' (Manners 2016). Instead, Bhambra (2016, 157) maintains, there is a need to replace this notion with a postcolonial cosmopolitanism that would expose 'contemporary forms of exploitation of those represented as "outside" Europe'. To provide more adequate and inclusive accounts of such 'others', she says, historical connections must be interlinked with contemporary issues shared by all.

Postcolonial European union studies: Claims and contributions

The foundational narrative of the birth of the union is almost always told in relation to the 'decline' of the state and nation in the international system. … The EU constantly projects its foundational narrative as universal and one that can be the basis for promoting democracy, economic prosperity, and resolving conflicts (Della Sala 2018, 270).

Even today interpretations of European integration often suffer from what Patel (2013) has referred to as 'asymmetric ignorance' in which the EU is seen as a kind of gold standard with its alleged exceptionality serving as the yardstick of interpretation of non-European life-worlds (Chakrabarty 2007). This idea of a universal Europe has repercussions for the ways in which the foundational myth of the EU is told as it was emerging from its own 'chaos' of two world wars and the hyper-nationalism of the inter-war period (Della Sala 2018). From a postcolonial perspective of European integration (see e.g. Behr and Stivachtis 2016; Bhambra 2009; Hansen 2002; Fisher Onar and Nicolaïdis 2013; Della Sala 2018; Zielonka 2016), this foundational myth largely ignores how European states, over the past 500 years, have conquered and colonised virtually every single corner of the world in one form or another. It also tends to mask 'Europe's current complicity in the production of exploitative and oppressive relations within as well as beyond its newly minted frontiers' (Hooper and Kramsch 2007, 527), and the combination of its continued colonial legacy in terms of institutions, and sustained exploitation through globalisation (Manners 2016). More recent scholarship of the EU has reiterated this legacy through emphasising the colonial bequests of the EU (Hansen and Jonsson 2012; Hooper and Kramsch 2007), the postcolonial move to Europe (Kinnvall 2016, 2019; Kastoryano 2010), EU as an empire (Behr and Stivachtis 2016; Bhambra 2009; Polat 2011), and current EU postcolonial relations (Adler-Nissen and Gad 2012).

Many authors have also dealt explicitly with external perceptions of the EU in which the postcolonial has figured at the margin (e.g. Chaban et al. 2013; Fioramonti and Poletti 2008; Lucarelli and Fioramonti 2010; Bachmann 2011), focussing on the macro-dynamics of EU external policy-making beyond established territorial dimensions. Lucarelli and Fioramonte (2010) consider for instance political and economic elites, civil society organisations and the media by looking at other global powers, the Middle East and the developing world, as well as at international agencies and media, to provide insights about attitudes of the EU that may differ from EU policy makers' assumptions. Bachmann (2011) deals with the political instruments used by European actors to project their geopolitical vision in a development context with a particular focus on how development cooperation is organised and how Europe positions itself in the international development industry (see Bachmann and Bialasiewicz's chapter on critical geopolitics in this volume), while Chaban et al. (2013) investigate regional and issue-specific variation in external perceptions of the EU as a global power and an international leader. From a postcolonial perspective, these authors are credited for providing valuable insights into external perceptions of the EU, but critiqued for being unable to depart from a static, homogenous and Eurocentric view of that 'external' world (see e.g. Hooper and Kramsch 2007, 527), as well as for their inability to recognise how Eurocentrism survived European imperialism. Accounts such as these, Fisher Onar and Nicolaïdis (2013) argue (see also Nicolaïdis, Sebe, and Maas 2014), tend to overlook the EU's 'neo-colonial' behaviour in its external relations. Due to attitudes that echo the era of European imperialism, the EU is accused of being oblivious to negative outcomes in the 'non-European world', whether in the context of Euro–African trade agreements, World Trade Organization negotiations or the International Criminal Court.

Some EU scholars have also looked closely at the notion of empire. In their joint edited volume, *Revisiting the European Union as an Empire*, Behr and Stivachtis (2016) ask whether the EU can be understood as an empire and what kind of empire the EU is? Here, Behr (2016) deals with the question of political violence in relation to 'governing from a distance', in which he asserts that EU policies are ignorant of contextual, culture-specific factors and are inevitably neglecting situated knowledge and practices and are, therefore, intrinsically violent. Stivachtis (2016) similarly approaches 'the governance from the distance' issue, by concentrating on the norms and values of the EU and on EU conditionality, developed due to pressure

of international anarchy and the need of certain states to maintain close relations with the EU. In this, he argues, the EU's norms, rules, and practices are transmitted, globally, in three ways: Through EU's Enlargement Policy, the implementation of the European Neighbourhood Policy, and through the EU's Development Policy. As a result, he argues, the EU constitutes a modern form of empire that contributes towards the creation of a global order compatible with the EU's vision and interests.

Other works within European integration studies focus more directly on what kind of 'entity' or subject the EU actually is, often in relations to various others, where the EU has been described as a 'postmodern polity' (Ruggie 1993); a 'post-sovereign state' (Waever 1996); a 'civilian power' (Duchêne 1972); a 'normative power' (Manners 2002), or a global actor more generally. According to Diez (2005, 314), debates about the character of EU's identity as a global actor tend to ignore or underestimate the 'power' that lies in the representation of the EU as a 'normative power.' In particular, he argues that such a representation works both as a precondition for other actors to agree on norms set by the EU, and for constructing an identity of the EU against an image of 'Others' in the 'outside world'. Without going into detail of these debates, the importance of situating any discussion of Europe as a global actor in its postcolonial context cannot be overstated (see discussion of EU as a global actor in Ian Manners' chapter on critical social theory in this volume).

The fact that the original members of the European Economic Community (ECC) were also former colonial and imperial powers adds to this picture, with France, the Netherlands, and Belgium entering with colonial possessions, while Germany and Italy had lost their colonies due to wartime defeat. Later member states, such as the UK, Spain, and Portugal were also former colonial powers, with the UK still having significant colonial commitments as it joined (Bhambra and Holmwood 2018). This has led a number of postcolonial scholars to argue that the idea and practice of 'Europe as a model' reflects a hybrid strategy of 'amnesia, redirection and atonement on the part of public figures, intellectuals and broader publics' (Fisher Onar and Nicolaïdis 2013, 293). As Fisher Onar and Nicolaïdis (ibid) have argued, the European Community was not only born out of a desire for a radical break with war and nationalism, but also out of a desire for continuity: 'the yearning to manage collectively a colonial world that was escaping its Member States individually' (see also Hansen 2002). This foundational narrative of a beginning and a 'virgin birth' relates to the universalism described by Della Sala (2018) above, as it conceals a traumatic past in favour of a greater union between the peoples of Europe.

As discussed at the outset, the EU and Europe are not coextensive, and any attempt to define a particular European self-understanding has to consider the variety and diversity of polities within Europe. However, the idea of modernity as the birth of a European civilisation is there in the debate on the EU as well, with Delanty (2003) arguing that Europe must be regarded as a 'motif of modernity', where the relationship between European national states and the EU is reflected in the EU becoming a symbol appropriated by national discourses. Modernity as a colonial phenomenon thus constitutes a particular form of colonial governmentality that continues to define itself in relation to its 'shadow boundaries'. As Kramsch (2006, 293) explains:

> In this sense, for the British, French and Dutch the colonial arena was not just a foreign territory separate from the metropole but a true 'laboratory of European modernity', a theater within which a certain metropolitan European order and rationality was made 'visible' and intelligible as it worked its way in and through colonial space before looping back to its respective motherlands.

From this perspective, the building of a European Community could be viewed as a way for colonial powers to reconsider the futures of their empires in which European integration, at least partly, offered a way for these powers to make up for and adjust to the changing economic and political circumstances of decolonisation (Kinnvall 2016). Grievances associated with the empire thus offered an opportunity to exchange the grievances associated with the loss of empire – damaged national pride, international prestige, being humiliated, and defeated by those seen as 'inferior races' – for a new beginning, a new sense of national direction and a new purpose in a 'New Europe' (Hansen 2002, 494; Gilroy 2005).

However, the EU has not only been debated in regards to its internal others (a theme returned to below), but also in regard to its internal/external others, to refer to enlargement and its eastern dimension. Todorova's (2009) *Imagining the Balkans* emphasises for instance Europe's orientalising of the Balkans at the same time as the same Balkan is subtracted from its postcolonial imaginary by claiming the Balkans as 'predominantly Christian' and void of any colonial legacy. The EU-Turkey deal has similarly been viewed as an attempt to solidify the differentiation between those postcolonial subjects seen as 'redeemably, racially, and geographically 'European' and designated for EU inclusion' while 'all Others must remain outside' (Rexhepi 2018, 932). Highlighting the experience of Eastern Europe, also points to a tendency of postcolonial critique to be dominated by the spatiotemporal dimension of South Asian or African postcolonial studies, while other colonial experiences on the periphery of Europe have remained unexplored (ibid; see also Rico 2005). This is also the focus on an emerging postcolonial literature on the European Neighbourhood Policy (ENP), in which the aim is to show how the EU is reproducing neo-orientalism in its encounter with the Maghreb (see e.g. Dimitrovova and Kramsch 2017).

This has led a number of postcolonial writers (e.g. Hansen 2002; Polat 2011; Kastoryano 2010) to argue that EU is in the grip of the nation-state: That 'the EU, in its efforts to overwhelm the nation-state, has been unsettled and shaped via a number of hybrid demands, as symbolised in the imagery tied to the nation-state, which the EU has incorporated: a European flag and a hymn, currency, citizenship, a constitution, and so on' (Polat 2011, 1260). Here the argument is that the EU has only paid lip service to what would be the European *demos*, where attempts to reach out to the public are only ways to resist criticism against its lack of democratic authority. In such accounts, the EU is only a reflection of an elite-led integration process in which external others have been replaced by internal ones. As Balibar (2003) has noted, to be poor and non-white in Europe today is not a good situation, as it often means overexploitation and insecurity. In this, he points to how a dominant form of European secularism has become a form of resistance to real multiculturalism as many 'cultures' are considered too religious to be acceptable.

Rather than seeing the EU as a case of exceptionalism, Balibar (2003) uses Frederic Jameson's original notion of a 'vanishing mediator' to account for an EUtopia or myth where the EU becomes the anti-systemic mediator – a 'transitory institution, force, community … that creates the conditions for a new society by rearranging elements inherited from the very institution that has to be overcome' (in Manners 2016). This EUtopia is different from that envisioned by other postcolonial writers who tend to see it as a specific image that the EU seeks to project onto the rest of the world – a narrative of protrusion, constructed on the bases of what many within the EU would like it to be (Nicolaïdis and Howse 2002). Instead, Balibar's EUtopia resembles more Bhambra's call for a postcolonial cosmopolitanism. There is a need, he says, to critically assess the limits of the capacities of Europe to influence and mediate the conflicts and historical processes that are changing the structure of the world, but there is also a need to explore the possibilities for Europe to use its own fragilities and

indeterminacies – 'its own "transitory" character, in a sense – as an effective mediation in the process of bringing about a new political culture, a new pattern of politics as such, in our context of acute national and international crisis' (Balibar 2003, 334).

Europe and the EU: Migration, integration, and postcolonial borders

So how is a postcolonial perspective on European integration and European identity still of interest for contemporary European politics and European integration? Postcolonial analysis, I maintain, can add to our understandings of postcolonial subjects in European political space, specifically in a context of border policies, migration, integration, and multiculturalism. As argued elsewhere (Kinnvall 2016, 153; see also Mezzadra 2006) 'the European imaginary lives on not only as institutional practices in postcolonial societies, but as unequal power relations in European societies in which narratives of autonomy and separation have become closely linked to narratives of security and survival'. These narratives are not only about the physical survival of Europe as territorial space, but equally about the cultural survival of Europe, in which identities, nationalities and religions are being delineated and clearly defined. A postcolonial perspective can thus help us to understand how the process of othering taking place in European political space.

Julia Kristeva's work on the 'self as other', for instance, provides a neo-Lacanian psychoanalytical approach for appreciating how the other is always part of the self – an abject foreigner. 'Abject. It is something rejected from which one does not part, from which one does not protect oneself as from an object' (Kristeva 1982, 4)

> The foreigner is within us. And when we flee from or struggle against the foreigner, we are fighting our consciousness – that "improper" facet of our impossible "own and proper" … To discover our disturbing otherness, for that indeed is what bursts in to confront that 'demon', that threat, that apprehension generated by the projective apparition of the other at the heart of what we persist in maintain as a proper, solid "us". (Kristeva 1991, 191–2)

Across Europe we see how an increasing number of people are turning to nationalist, xenophobic, and ultra-conservative far-right movements and parties. Behind this seems to be a belief that such configurations will somehow solve their political, economic, cultural, and ideological uncertainties by providing simplified solutions to complex questions. The attraction of these parties and movements, and the hatred expressed in recent EU-wide discourses, can be read from a postcolonial and psychoanalytical understanding as an abject-foreignness in questions of immigration, European integration, white supremacy, homophobia, and imperialism (Bhambra 2017b; Kinnvall 2018). It is a particular kind of emotional governance that cannot be separated from imperial pasts and fascist and anti-democratic ideas and values and which has as its foundation the preservation of whiteness as its key concern. As Bhambra (2017b) has discussed in relation to the Brexit debate and the election of Donald Trump, underlying these events is an emotional and methodological whiteness.

> The skewing of white majority political action as the action of a more narrowly defined white working class served to legitimize analyses that might otherwise have been regarded as racist. In effect, I argue that a pervasive "methodological whiteness" has distorted social scientific accounts of both Brexit and Trump's election victory and that this needs to be taken account of in our discussion of both phenomena. (Bhambra, 2017b, 214)

This emphasis on whiteness is also at the heart of postcolonial psychoanalytical accounts of European integration, especially for understanding the role of the unconscious, as for instance in the British desire for a 'return' to the comforting familiarities of a post-World War II imperial 'homeland' (Manners 2018). As Gilroy (2005) has argued, psychoanalytical approaches can be used to grasp Britain's postcolonial melancholia at the loss of empire and how this translates into support for Brexit. 'Postcolonial melancholia has become a major approach to understanding the (re)production of identity and difference in the Brexit debate since 2016, with Andrews (2016) arguing that "colonial nostalgia is not just confined to Brexiteers" and Akala (2017) asking "how can Britain move beyond its postcolonial melancholia, selective memory, and national forgetting… to understand the roots of Brexit?"' (Manners 2018, 1223). It is a melancholia that is bound up with a particular form of European nationalism, a nationalism not directed outwards towards other countries, but inwards towards national or (by proxy) EU establishments, towards feminists or supporters of multiculturalism, and towards migrants and minority populations. It is within this context that the so-called 'migration crisis' has been used to substantiate a 'race to the bottom' (Kinnvall 2019) by introducing strict border controls and citizenship rituals, thus justifying a dangerous illusion that ethnic diversity is a problem to be solved.

The development of EU policies on security, migration, and discrimination is thus clearly related to bordering practices among movements and parties on the right. Compared to the 1980s when European integration was largely supported by these movements, most of them became increasingly EU-skeptic from the 1990s and onwards. Hence, the Maastricht Treaty and the Treaties following it were portrayed as favoring multinational companies and disregarding national small businesses and farmers (Geddes 2003; Neal 2009). This nationalistic economic approach was complemented by one focusing on the negative effects of open intra-European borders as well as of pure supranational attempts to handle migration from third countries. Most far right rhetoric also relies on what Held and McGrew (2000) refer to as 'globaphobia', in which economic globalisation is rejected on the basis of neoliberal policies and mass migration, and where cultural globalisation is opposed because of its potential for destroying nations' cultural distinctiveness, while political globalisation is discarded due to a conspiratorial belief in a mythical US-led New World Order (Kinnvall 2015).

As discussed in many postcolonial accounts of Europe, this is where the politics of memory comes in – especially as related to far-right populist and centre-right movements – where collective emotions, such as love for the nation, or hate, fear and contempt for the stranger other become central in the narrative construction and consolidation of collective identities (Kenny 2017). The institutional and the emotional are here brought together through racist narratives of 'imaginary protection' from the immigrant 'other', often manifest in fetishism for 'pure' identities. For populist leaders, it is about channelling and governing emotions to reduce anxiety, defuse anger, relieve guilt, and fulfil illusory needs for pride, attachment, and desire. In a postcolonial sense it involves illusory narratives of past greatness, transmitted to new generations in search of answers to their own anxieties, while simultaneously defining those who have taken this 'greatness' away – the establishment, the immigrants, and the Muslims (Kinnvall 2018).

Far-right populists respond to this logic of anxiety by providing a picture of the state (and the nation) as stable, uniform, and strong in line with the Eurocentric narrative of sovereignty, where those deemed not to belong are portrayed as enemies – as homogenous others. It is, therefore, no coincidence that far right populist and some centre-right parties and movements have both biological and cultural racism as a rhetorical source of their imaginary nations. Whiteness, as Seshadri-Crooks (2000) has argued, is not only the saviour of an imperial past, but is also closely related to existing masculinity norms where heteronormative values often characterise

the political rhetoric. Hence, we should not be surprised that anti-feminist values often go hand in hand with demands to forbid the veil or other specific items of clothing associated with particular groups (Kinnvall 2018). The unveiling of the Muslim woman is thus a strategy closely connected to hegemonic masculinity and whiteness.

Even if the EU is often used as a punching sack in these stories or narratives, as the Brexit debate is evidence of, it is interesting to note how anti-EU populists have in many ways changed tactics in terms of their relationship with the EU. Instead of consistently maintaining that their respective societies should leave the EU, we see how many populist European parties are set on reforming the EU from within as evident from the 2019 EU parliament elections. From having portrayed the EU as mainly an external enemy opposed to the nation and the will of the people, increasingly the debate has been about migration where the EU is accused of being unable to prevent migrants from entering Europe. To this can be added an imagined fear that multiculturalism and ethnic diversity will weaken the 'own' ethnic community and, as a result, a demand for a stronger Fortress Europe with more obstacles put in place to prevent migration. 'The boat is full', 'migrants are a threat to *our* culture', become narrative shortcuts to a fantasy in which immigrants and minority communities are narrated as not being 'proper' nationals, as 'stealing jobs', as 'bogus' economic migrants, 'criminal foreigners', and 'welfare parasites' (Hansen 2002; Kinnvall 2019).

Conclusion

Rather than limiting postcolonial analysis to (post)colonial societies or to EU's external relations in a more formal sense, it is important to consider how Europe and the EU can be understood both temporally, EU and Europe in relation to their imperial past, and spatially, EU and Europe in relation to the periphery of Europe. However, it is equally important to pay attention to the subjective dimension of Eurocentrism and how it plays out in relation to Europe's and EU's internal subaltern others – those 'outsiders' who exist on the margin, while being spatially inside are met with the hostilities of an abjective longing for a nostalgic past. The postcolonial is no longer outside of Europe but has moved into European political space and is challenging Europe from within. In this, the narrative of a beginning is being challenged through a narrative of plurality and hybridity, in which multiple others are demanding to be treated as subjects of their own. In Spivak's terms, it is about giving the subaltern a voice that is not already prescribed through a homogenous past and through white nationalism. This is also why it is so important for centrist democratic parties in Europe to turn away from alliances with far-right fascist movements and provide alternative narratives of Europe, the EU and of diverse, heterogeneous communities. To make democracy viable again, the myth of white nationalism must be dismantled and prevented from gaining power at any level of society.

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6

Critical Geopolitics

Veit Bachmann and Luiza Bialasiewicz

Introduction

Until very recently, the term "geopolitics" was striking in its complete and utter absence from the lexicon of European institutions, as well as within scholarship in European Studies. As an edited collection from the early 2000s noted in its opening pages, the EU as a geopolitical player "remains largely an 'unidentified international object'", with the even more vexed question of "European power" falling into "the gaps within the literature of international political analysis" (Elgström and Smith 2006, 1). Critical geopolitical scholar James Sidaway put it even more succinctly in a 2006 editorial, noting the seemingly insurmountable challenge of deciphering the geopolitical "nature of the (EU) beast" (2006, 4). Even with the appointment in 2009 of a new EU High Representative for Foreign Affairs and Security Policy, and the creation of the European External Action Service (EEAS), scholars remained doubtful whether the EU could develop a distinct "geopolitical persona". As political geographer Merje Kuus (2010, 381) noted at that moment, while the creation of the EEAS signalled the emergence of "a European diplomatic culture and the operation of the Union as a (geo)political subject", it was entirely unclear how effective the Service could be in crafting a single "European" geopolitical vision and praxis. The EEAS reflected, in many ways, the strange nature of the EU geopolitical beast. The Service was to be

> independent, but accountable to the Council, the Commission, and the Parliament, with its own headquarters, budget, and staff, but its diplomats are to be either seconded or transferred from the Commission, the Council Secretariat, and the member states' diplomatic services. The EEAS's geographic and thematic desks are to manage the Union's external relations, except in enlargement, trade, and development. The agency's relationship with national foreign ministries is to be complementary because EU foreign policy is supposedly agreed upon by the member states, but nobody really believes this. (Kuus 2010, 381)

Although many of the ambiguities and institutional complexities identified by Kuus in that instance have persisted, much has changed over the past 10 years. The appointment of HR

Federica Mogherini and the subsequent drafting of the EU's Global Strategy in the summer of 2016 marked important shifts in this respect, with the language of "classical" geopolitics entering the EU's lexicon much more explicitly (see, for e.g. Mogherini 2017; on the Global Strategy: Tocci 2016). Although scholars have questioned the true extent of the "geopoliticisation" of EU foreign policy discourse, and especially of EU foreign policy practice (see Nitiou and Sus 2019), a significant (at least semantic) shift does appear to be taking place, with the European Council's 2019–2024 Strategic Agenda explicitly calling for a concerted European geopolitical strategy (European Council 2019). This long-standing reticence of the EU to admit to being a "geopolitical actor" accounts, in many ways, for the fact that the relationship between European Studies and Critical Geopolitics appears, at first glance, to be under-developed; at least in its attention to what have been the traditional concerns of "geopolitical" scholarship.

However, and as we hope to outline in this brief overview, a wide range of critical geopolitical work has contributed in important ways to understanding the changing nature of the European project, in its external but also internal dimensions (and, indeed, complicating this apparent spatial distinction). Drawing on critical geopolitical approaches, scholars have examined the longer and more recent histories of European integration and their implicit "geographical imaginations" (looking, for instance, at the (geo)political "work" done by inherently spatial concepts such as subsidiarity and cohesion); others have turned their attention, instead, to the different scales of EU action, from cities and regions (with work on urban geopolitics as well as regional development agendas), to EU external action, including both foreign and security policy and development aid. Critical geopolitical approaches have thus investigated how the integrating European polity has been socio-spatially constructed, through different processes and on multiple scales. At the same time, critical geopolitics has contributed important scholarship inquiring what the EU means to various audiences, how such meanings are forged (discursively, as well as materially) – and how those meanings in turn influence what the EU is and what it does. Such scholarship has thus examined how the spaces of EU power and "actorness" are discursively narrated and legitimized, in both formal policy documents and political "performances" as well as in popular geographies (such as the mass media) – but also how such discursive practices are indelibly bound up and sustained by material practices of the "Europeanization" of spaces, both within and beyond the Union's borders (see also Carta's chapter on "Discursive Approaches" and Lawrence's chapter on "Governmentality Approaches" in this volume). In the section below, we summarize the emergence of Critical Geopolitics as an approach, then proceeding to discuss its contribution to a critical European Studies research agenda.

The troubled histories of geopolitics and the "critical" turn

The term "geopolitics" has a long and troubled history. Its racist and environmental-determinist origins are commonly seen as drawing upon ideas rooted in colonial and imperial geographical traditions of the end of the 1800s, most visibly in Germany, France and the United Kingdom. A key figure in the development of modern geopolitical thought was German zoologist and geographer Friedrich Ratzel (1844–1904). Ratzel admired Darwinian theories but regarded them as lacking attention to space and spatial configurations. For Ratzel, Darwin's struggle for existence was a struggle for space and his theories should thus also be applicable to human societies and political structures (Reuber 2016, 2012; Heffernan 2000). Influenced by Ratzel's social/political Darwinism, the Swedish political scientist Rudolf Kjellén is frequently cited as the first to actually have used the term "geopolitics" in 1899 to "denote the territorial aspects of the state". Kjellén and Ratzel were instrumental in developing "geopolitics as an organic

theory of the state" whereby the state is "not only bound to earth but also determined by it" (Moisio 2015, 221; see also Ó Tuathail 1996). Such classical geopolitical understandings spurred the development of a number of national geopolitical "schools" from the early 1900s onwards, most prominently in Germany, Italy, France and the UK, but also in Japan. Throughout the long 20th century, "geopolitics" served as pseudo-scientific legitimation for the militarist, racist, fascist and imperial expansion of the world's great powers, most prominently in the *Geopolitik* of Nazi Germany (Bassin 2005; Natter 2003) and the Italian school of *Geopolitica* (Antonsich 2009; Atkinson and Dodds 2000).

The emergence of a "critical geopolitics" towards the end of the 20th century was precisely motivated by the rejection of this violent past. The forerunners of what became known as Critical Geopolitics even rejected the term geopolitics completely. Gearóid Ó Tuathail (a.k.a. Gerard Toal), in many ways considered the "founder" of the approach, describes his first encounter with the term "critical geopolitics" as follows: 'I didn't like the term at all. I protested: "I'm not a geopolitician! I don't want anything to do with geopolitics". I only adopted the term under protest' (Bachmann and Toal 2019, 151). Ó Tuathail's reaction was illustrative of the resistance amongst critical scholars to what was commonly understood as "geopolitical thought" until the 1990s. Critical Geopolitics emerged, in fact, as a direct rebuttal of such classical geopolitical thought, rejecting its geo-determinist nature, its focus on territory as the sole spatial category of analysis, and its state-centricity. Also, importantly, it rejected geopolitics' direct ties to politics and geography's infamous function as "an aid to the practice of statecraft" (Ó Tuathail 1987, 197); or, as surmised in the title of French radical geographer Yves Lacoste's 1976 book (re-published in 2012) '*la géographie, ça sert, d'abord, à faire la guerre*' (Lacoste 1976/2012).

Over the past three decades, scholarship in Critical Geopolitics has, not focussed on great power politics, but rather on the deconstruction and problematization of hegemonic discourses and power relations (Ó Tuathail 1996; Ó Tuathail and Dalby 1998). Influenced by post-structuralism, and emerging alongside similar developments in "critical" international relations theory (most importantly, the early work of Ashley 1987; Campbell 1992; Der Derian and Shapiro 1989; Walker 1993), Critical Geopolitics analysed the taken-for-granted constructions on which conventional international politics is based (and, accordingly, conventional political geographic readings of politics). By refusing to accept "reality" as presented by dominant discourses, these analyses explicitly called into question the very foundations of geopolitics and international politics. Their explicit aim was to:

> subvert the discursive practices of conventional politics, calling into question all the silences and taken-for-granted constructions on which they are based. [If we] refuse to accept reality as presented […], numerous new ways of looking at politics are opened up. These challenge the conventional notions of both scholarship and political practice. Theory is not just a tool of analysis here, rather *it too is the object of analysis, following the Foucaldian theme of asking questions about the production of questions*. (Dalby 1991, 269, emphasis added)

From its inception in the 1990s, Critical Geopolitics has indeed had at its centre a questioning engagement with key assumptions regarding the constitution and workings of (political) power relations, and a focus on the analysis of how dominant discourses shape geopolitical agency and processes (see also Carta's chapter on "Discursive Approaches" and Lawrence's chapter on "Governmentality Approaches" in this volume). Early writings in this tradition called, in fact, for geopolitics to be "critically re-conceptualized as a discursive practice" (Ó Tuathail and Agnew 1992, 192), drawing attention to "the politics of the production of global political space

by dominant intellectuals, institutions, and practitioners of statecraft in practices that constitute 'global politics'" (Ó Tuathail 1996, 185).

Since the 1990s, Critical Geopolitics has evolved and broadened as both a methodological and conceptual lens for geopolitical inquiry which encompasses "various ways of unpacking the tropes and epistemologies of dominant geographs and scriptings of political space" (Power and Campbell 2010, 244; see also Dodds et al. 2013; Moisio 2015; Bachmann 2019). John Agnew and Stuart Corbridge's focus on political spatialities beyond the nation-state (including firms, social movements, international organizations, etc.) in their influential *Mastering Space* (1995) provided a crucial contribution in this respect, interrogating geopolitical agency and constellations that transcended the power hierarchies of a nation-state dominated international system. Equally important was their attention to the material regulation and intellectual representation of the "international political economy", a preoccupation that would remain central to certain strands of critical geopolitical scholarship. At the core of early Critical Geopolitics, therefore, lay the emphasis on the socially constructed, rather than naturally given, practices and ideas through which the international political economy was "realized geographically" (Agnew and Corbridge 1995, 4–5). The aim of this early scholarship was thus to "bear witness to the irredeemable plurality of space and the multiplicity of possible political constructions of space" (Ó Tuathail and Dalby 1998, 2–3).

As such, at its origins, Critical Geopolitics was not concerned so much with the (re)formulation of geopolitical concepts, but rather sought primarily to unmask geopolitical discourses and imaginations as social and political constructions, querying how such constructions and discourses create "realities". In the words of Simon Dalby (1991, 274), along with Ó Tuathail a key scholar in the development of this approach, the role of Critical Geopolitics was to be "nothing less than a recognition of the importance of studying the political operation of forms of geographical understanding, recognizing that [all] geo-graphs are *specifications of political reality that have political effect*" (emphasis added). The aim of critical geopolitical analysis was, then, to expose "the politics of the geographical specification of politics" (Dalby 1991, 274). In so doing, Critical Geopolitics drew strongly on feminist, postmodern and postcolonial readings, asking 'who talks about what and whom, for whom, and from which position?' (Reuber and Wolkersdorfer 2001, 7, author translation; see also Hyndman 2007) (see also Kinnvall's chapter on "Postcolonialism" and Abels' and MacRae's chapter on "Gender Approaches" in this volume).

Not just powerful states and powerful men: The fields of Critical Geopolitics

Over the past two decades, Critical Geopolitics has greatly extended both its methodological and conceptual repertoire, as well as its range of focus. Scholars inspired by this approach understand the "making of geopolitics" as not only dependent on government texts and actions, or the speeches and deeds of "powerful statesmen", but also as expressed on other scales and in other sites, from classrooms and city streets to the president's office, and as including all those mundane strategies that constantly and often unquestioningly (re)produce purportedly natural orderings (Lossau 2002, 78). Critical Geopolitics today can be said to be about the analysis of power relations not only on the scale of global politics, but on *all* scales of geographical inquiry, starting from the human body to the family, the neighbourhood, the city, the sub-national region, the nation, the macro-region and the world. Geopolitics is thus seen as being constituted in and through a variety of cultural, social and economic texts, gestures and practices, articulated by a variety of agents, formal and informal, in a variety of sites, both material as well as virtual.

Critical Geopolitics scholars have structured these heuristically in three intertwined dimensions: Formal, practical and popular geopolitics (see O'Loughlin et al. 2005). *Formal* geopolitics comprises the "formalized theories and grand strategic visions of geopolitical intellectuals" (Ó Tuathail 1999, 113) as they are primarily advanced by geopolitical "strategy makers", such as public intellectuals and thinkers or think tanks, research institution or academia. *Practical* geopolitics refers to what Geraóid Ó Tuathail calls the "everyday practice of statecraft" (ibid, 111). This implies concrete geopolitical action by practical geopolitical actors, such as politicians, civil servants and public office holders, etc., as well as geopolitical reasoning articulated by public institutions and channels (at a variety of scales). *Popular* geopolitics, on the other hand, has at its core the interest in popular culture and the mundane, "commonsensical", production of geopolitical knowledge, including in film, television, the visual arts, literature, newspapers and, of recent, social and other online media (including gaming). Such popular forms and sites of geopolitics both shape and are shaped by formal and practical geopolitical imaginations and agendas (Dittmer and Dodds 2008). In this sense, the trinity of formal, practical and popular geopolitics is not to be considered exclusive. Ideally, these "fields" are to be understood as interlinked and employed in shifting combinations (Ciuta and Klinke 2010).

Indeed, over the past two decades especially, critical geopolitical scholarship has attempted to go beyond some of its early focus on "dominant intellectuals, institutions, and practitioners of statecraft" (Ó Tuathail 1996, 185), while also extending its gaze beyond its original deconstructionist focus on texts. The work of Müller (2008), for instance, employs Ernesto Laclau's and Chantal Mouffe's understanding of discourse and calls for the inclusion of social practices into discourse analysis (see also Carta's chapter on "Discursive Approaches" and Saurugger's chapter on "Practice Approaches" in this volume). Sharp's (2011) work on subaltern geopolitics and McConnell's work on non-state diplomacy (McConnell 2016; see also Dittmer and McConnell 2015), on the other hand, has helped extend the focus on other actors and sites of geopolitical production.

At the same time, Critical Geopolitics has been methodologically enriched by new approaches and methodologies. This comprises ethnography (Megoran 2006; Bachmann 2016) including institutional ethnographies (most prominently, Kuus 2014; Jones and Clark 2015) and also, more broadly, engagement with the practice turn (in European Studies, see Adler-Nissen, 2016). Much recent work has focused specifically on the role of performance and affect in geopolitical practice (especially Dittmer 2017; Dittmer and McConnell 2015; McConnell 2016). Such work builds on a much longer body of research by feminist geopolitics scholars on affective and embodied geopolitics, including the geopolitics of the everyday: Highlighted by Dowler and Sharp (2001) already in the early years of critical geopolitical scholarship, and extended by scholars such as Pain, Smith and Staeheli with their work on the "geopolitics of fear" and "intimacy geopolitics" (Pain 2009, 2010; Pain and Smith 2008; Pain and Staeheli 2014). Most recently, scholars have also added a focus on materialities to Critical Geopolitics. As Squire suggested in her 2015 piece "Re-shaping critical geopolitics?: the materialist challenge", while concerns with the affective and embodied dimensions have by now become an important part of critical geopolitical work, the field as a whole has continued to privilege "representation, culture and interpretation" (Squire 2015, 140). Squire argued, rather, for critical geopolitical approaches able to capture what she termed the varied "*materialdiscursive intra-actions* that cut across such ontological, analytical, and disciplinary divides", and focused "not so much on political performance as it is on the mutual enactment or co-constitution of subjects, objects, and environments" (Squire 2015, 141).

The call to go "beyond the representational" has also been taken up by one of the founders of the field, Geraóid Ó Tuathail, who in his latest book, *Near Abroad*, calls for a similarly "thick" geopolitical analysis of the complexities of the contemporary world, an analysis able to capture

> the importance of spatial relationships and in-depth knowledge of places and peoples. Grounded in the messy heterogeneity of the world, it [thick geopolitics] strives to describe the geopolitical forces, networks, and interactions that configure places and states. It recognizes that local conditions matter, that agency is rarely singular, that power is exercised geographically, and that location, distance, and place influence its operation. (Ó Tuathail 2017, 279)

Such thick analysis differs from and gives more depth to our understanding of the world than approaches "viewing geopolitics as a grand game" (Murphy et al. 2018, 293) between the world's major powers. And it is precisely this sort of "thick" account of the different spatialities of the European project, within, at, and beyond Europe's borders, that scholarship informed by critical geopolitical approaches is able to offer, and we outline some of its contributions to date below.

Critical geopolitical contributions to European Studies

We can summarize the contribution of work in the critical geopolitics tradition to European Studies around three broad topics (for a more detailed overview, see the review article by Moisio et al 2013, to which we also contributed):

1   *The EU's self-representation as a geopolitical and "global" actor* and, related, *the perceptions of EU actorness abroad*;
2   Critical perspectives on *local and regional development* and, more generally, space- and *scale-making in EU policy*; and
3   A wide range of scholarship on *the bounding of Europe* – both symbolic (for e.g. the framing of the borders between East and West) as well as material, with *critical work on border and migration management* at and beyond the borders of the EU.

Work on the "geographical imaginations" underpinning the European project, both internally and in its external projections, has been an important part of critical geopolitics scholars' analyses. "Myths of origin" have served as a particularly important support to all national geopolitical visions (see Dijink 1996), and Europe – both as a project and as a geopolitical subject – has its own set of founding myths, and associated set of mythologized geopolitical imaginations. Scholars such as Foster (2015) or Pollard and Sidaway (2002) have interrogated the role of symbols and visual cultures, in particular cartographic representations, in the making of the EU, and their longer-standing imperial and colonial legacies. More recently, others have turned a critical gaze to the 'carto-political' constitution of the European Union as a bounded space (Bueno-Lacy and van Houtum 2015 and the work of the 'antiAtlas' collective, Parizot et al. 2014).

More specifically, and directly engaging with the large body of work in European Studies on Europe as a civilian or normative power, work in the critical geopolitics tradition has extended these analyses with attention to their *spatial* dimensions, also drawing attention to their longer-standing genealogies in classical geopolitics. Geographers including Bachmann (2011), Bachmann and Sidaway (2009) or Hooper and Kramsch (2007) have interrogated in depth the imperial legacies of Europe's imagined world roles, while related scholarship has examined the EU's self- and other-positioning in transatlantic relations (Bialasiewicz and Minca 2005;

Elden and Bialasiewicz 2006). At the same time, other work has contributed to understandings of how the world "returns the gaze" on Europe, and thus how context-specific articulations and interpretations of the EU's global role, are inescapably interwoven with other spatial relations, including colonial histories as well as those of im- and emigration (among others, Bachmann and Müller 2015; Ferrer-Gallardo and Kramsch 2016; Ferrer-Gallardo and van Houtum 2013) (see also Kinnvall's chapter on "Postcolonialism" in this volume).

An important focus of critical geopolitics scholars' attention in this regard has been the Mediterranean, for decades the privileged space of EU external action and imagined, since colonial times, as Europe's "natural" space of responsibility. The work of geographers such as Alun Jones (2006, 2009) has been key in better understanding both the making of such imaginaries – and their very material effects, both on EU policy "for" the Mediterranean, and within the partner states on the southern and eastern shores. A number of other scholars have extended this work, providing critical analyses of the spatialities, real and imagined, of the European Neighbourhood Policy (including Boedeltje and van Houtum 2011, Dimitrovova and Kramsch 2017; Scott et al. 2018). The EU's "East" has also been the object of extensive critical geopolitical research, including on the geopolitics of the accession of Eastern and Central European states "into Europe" (Kuus 2004, 2005, 2007; Jones and Clark 2008; Scott and Liikanen 2010), but also interrogating wider relations between the EU, Russia and the Eastern Neighbourhood (Nitiou and Sus 2019).

Such critical geopolitical perspectives on the making of the EU's Neighbourhoods provide an important counterpart to the existing literature in European Studies, with much of it still marked by "diffusionist" understandings of the externalization of EU governance and the "stretching" of EU actorness in space. As this scholarship has contributed to highlighting, what is at play is rather a much more complex and fluid process of reworking the confines of what and where Europe is; a series of constantly shifting re-articulations of European economic but also political-juridical and regulatory spaces. Indeed, as such work has highlighted (much of it relying on in-depth empirical research), Neighbourhood "region-making", whether in the Mediterranean or at the EU's Eastern borders involves a multiplicity of political and economic projects at a variety of geographical scales, sometimes complementary but often contradictory. It highlights how the making of "European spaces" is built on a shifting and tenuous balance between integration and exclusion, and an ongoing re-definition of what is to be shared, how, and with whom, choosing to make selectively mobile certain categories of capital, goods, labour and investment. The work of Casas-Cortes et al. (2013) and Pickles and Smith (2016), for instance, has shown how the "bordering" of a Euro-Mediterranean region relies on just such differential inclusion and exclusion, made possible by a wide range of policies and practices ranging from selective visa liberalization, to selective market access for different products such as fisheries or agricultural goods, but also through the extension of the EU regulatory space via the dissemination of technical and sanitary standards in industrial and agricultural production systems, allowing these to "dialogue" with (and thus access) the Single Market (see also Smith 2015).

The above described scholarship on the re-making of the EU's Neighbourhoods is closely related to critical geopolitical work on the *internal* "spatial constitution" of Europe and its associated geographical imaginations. A long-standing body of work has focused, indeed, on the Europeanization of territorial structures and spatial policies, highlighting the discursive nature of the making of a rationally-organized single market and "space of flows". Critical geopolitical approaches have highlighted how European space-making (including the European Spatial Development Perspective [ESDP] and EU-orchestrated regionalization) is explicitly about the political production of space, rather than a non-political implementation of supranational

policies in an already-existing political space (Bialasiewicz et al. 2013; Clark and Jones 2008; Jones and Clark 2008; Kramsch and Hooper 2004; Luukkonen and Moisio 2016; Moisio and Luukkonen 2015; Painter 2002). Other studies have highlighted how the construction of the supranational EU political space has been a highly contested process, marked by struggles over the location of power and authority, and how Europe means different things in different places, and that the politics of integration evokes different responses, tactics and strategies in different geographical contexts (Antonsich 2008, 2010; Smith 2002, 2013, 2015). The active production of political space in the EU has also been approached from the perspective of a critical political economy of scale. These include the promotion of "city-regionalism", which arguably has become one of the central spatial constituents of the EU's geo-economic persona, and has been an integral part of attempts to build "open" political spaces for the operation of the "EU"ropean economy. As Jonas and Moisio (2018, 351; see also Moisio 2011, 2018) have highlighted in their work, city regionalism has become "a key focus of geopolitical experimentation and economic problem-solving on the part of [EU] states as they strive to construct a more functional trans-national statehood for the 21st century; indeed it might well be becoming central to how states orchestrate international competitiveness". What their work adds in particular, however, is an appreciation of how the different scales of the "local" (here: city-regions), the "European", and the "international" are constructed in practice in order to enable a specific political economy; as they note, the current vogue for "city regionalism" among European policy makers "needs to be understood not solely as the medium and outcome of territorial reorganizations internal to the state", but also as 'a decisive moment in the internationalization of the state itself' (Jones and Moisio 2018, 351).

The last body of work that we wish to highlight here is the extensive critical geopolitical scholarship on the making of borders in and beyond the territorial boundaries of the Union. This has included research examining the bordering discourses and practices of EU institutional actors, as well as the making of the border regimes of individual member states (for an overview, see Scott et al. 2018). Extensive attention has been given, in particular, to the ways in which the EU extends its border-regimes through recourse to a range of externalized and off-shored border solutions – and how such a spatially-extensive border-regime shapes the EU's geopolitical relations, in its immediate Neighbourhoods but also with third states across the globe, increasingly bound to the EU by a variety of "mobility partnerships" (see, among others, Bialasiewicz 2012; Casas-Cortes et al. 2016; Collyer 2016; Scott and van Houtum 2009). Work has also looked at the re-scaling of borders *within* the EU that now enter into, for instance, the spaces of cities (Collyer and King 2015; Darling 2016), as well as the governance of migration through exceptional sites such as the camps, detention centres and "hotspots" that have emerged not just at the EU's land and sea borders but also within the national territory of Member States (Ferrer-Gallardo and Albet-Mas 2016; Tazzioli 2018, 2019; Tazzioli and Garelli 2018; Vaughan-Williams 2015; Vradis et al. 2019). It should be noted that much of this scholarship has developed in dialogue with – and inspired by – a broader body of work in critical border studies, not just by geographers. Political sociologist Chris Rumford's conceptualization of "border-work" (2008, 2009) was an inspiration to many of the critical geopolitical analyses that followed (for an overview of this cross-disciplinary conversation, see the collective piece "Lines in the Sand: Towards an Agenda for Critical Border Studies", Parker et al. (2009).

Most recently, important work has drawn attention to the representational and material geopolitical re-shaping of the Mediterranean as a humanitarian space for Europe's intervention (most importantly, Pallister-Wilkins 2015, 2017, 2018; also Garelli and Tazzioli 2018). As Jean-desboz and Pallister-Wilkins (2016) noted in their introduction to a special issue of *Mediterranean*

Politics on this topic, the making (representational and material) of a "Mediterranean migration crisis space" is key to understanding how EU policies of migration management are currently developing and theirs and other scholars' research inspired by critical geopolitics approaches has been crucial in this regard. This has also included pioneering work on the role of geo-optical tools such as mapping and other remote sensing and real-time visualization technologies in governing migration at Europe's sea borders (Tazzioli 2016; Cuttitta 2018a, 2018b).

Future research directions?

As the EU struggles for a new "vision" in order to bolster both domestic legitimacy and support, as well as to re-define its worldly engagements, a critical geopolitical perspective can furnish useful conceptual – and perhaps also practical – tools. One such perspective could be that which Bachmann and Moisio (2019) describe as a *'Constructive Critical Geopolitics'* (see also Manners' chapter on "Critical Social Theory Approaches to European Integration" in this volume). This approach goes beyond the deconstruction of hegemonic discourses or geopolitical constellations and opens the door for a more applied, constructive formulation of geopolitical alternatives. It remains centrally concerned with power relations – asymmetrical power relations in particular – and sensitive to historical, spatial, political, economic, social or cultural inequalities. It also remains firmly anchored in Critical Geopolitics' antiauthoritarian tradition and thus sensitive to the traps of imposing (political) visions as side-effect. Bachmann and Moisio (2019, 14) argue

> It is precisely because of its established strength in excavating and deconstructing hegemonic narratives that critical geopolitics has the analytical and explanatory potential to be applied to the construction of possible geopolitical visions. Through its emphasis on accounting for historical, geopolitical and local sensitivities in different time-spaces, critical geopolitics is particularly well suited as an approach for constructive geopolitical visionizing that is sensitive to unequal power relations and the pitfalls of earlier/ other "subjective, ethnocentric, essentialist and implicitly authoritarian" (Olson and Sayer 2009, 180) geopolitical accounts.

For European Studies specifically, it could furnish accounts of the European project that are not merely anti-authoritarian, but that are also able to consider the multiple constellations and effects of the European integration process. As we have in part summarized above, critical geopolitical scholarship has drawn attention to the EU's past and present (and future) neoliberal pushes, its austerity policies, the prioritization of corporate over social interests, and its increasingly violent border and migration regimes. Critical Geopolitics' focus on the socio-spatial construction of geopolitical power relations at such diverse sites and scales thus offers a rich conceptual and methodological toolbox for studying the "nature of the [EU] beast" (Sidaway 2006). At the same time, a *constructive* critical geopolitical approach can also offer avenues for re-thinking the European project (and the EU's role in the world) as a multilateral peace and integration process, stressing the significance of an example that illustrates consensual and non-violent conflict resolution and a mode of political cooperation that is often laborious and cumbersome, but that embodies the rule of law and the rejection of anarchy amongst its members. In particular, at a time of rising nationalism within the EU and beyond, the EU remains a decidedly non-nationalist example that, by its very nature, always has to be sensitive to multiple interests and viewpoints and find ways to mediate those. Critical Geopolitics is well suited to account for such sensitivity and multiple perspectives, not just as a basis for understanding how the Union works, but also for the formulation of future, alternative (geo)political visions.

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Practice approaches

Sabine Saurugger

Introduction

Amongst theoretical approaches to study European integration, practice approaches are the 'newest kid' on the block. Finding inspiration in anthropology, sociology and ethnography, they have applied and further developed a specific ontology in order to understand European integration as a process of day-to-day politics. Practice scholars are interested in the actual actions of agents in the exercise of their work. Through fine-grained case studies, they focus on micro-sociological processes and pay attention to the role of habitual and unreflective behaviour in European integration. In other words, in rejecting the dichotomy of actors versus structures, prominent in social sciences, practice approaches are interested in what happens on the ground. What sense do taxi drivers make of European integration, how do diplomats negotiate directives, how does a migrant experience the European Union (EU) when she first arrives on EU territory, these are just some of the subjects the practice approach deals with.

The term practice approach seems to indicate the existence of a homogenous group of scholars working with one particular approach. But as most conceptual approaches, practice scholars subscribe to a widespread spectrum of both ontological and epistemological bases, which reach from positivist to post-positivist with an emancipatory or critical agenda. All scholars share, however, the idea that in order to understand phenomena, processes must be studied using a 'deeply inductive approach, which starts from the micro to explain the macro' (Adler-Nissen 2016, 99).

This chapter aims to outline in a second section what the practice approach entails in analysing in particular the historical and intellectual development of the approach. A third section

will then present the main claims and research results of practice scholars in European studies, before turning in a fourth, and last section to possible limits of the approach as well as alternative approaches offering similar methods to study European integration as a process.

Historical and intellectual origins of the practice approach

Practice theorists, while being a heterogeneous movement in the social sciences, are unified around the idea that it is in practices that we must investigate phenomena such as agency, knowledge, language, power and science (Schatzki 2001, 22; 2012). Practice approaches are not a recent invention. Philosophers such as Ludwig Wittgenstein (1921) argued that practices underlie subjects and objects, leading to the assumption that understanding the world requires practices. Other practice theorists such as Anthony Giddens, Pierre Bourdieu, John Dewey or George Herbert Mead use the practice approach in an emancipatory vein. They argue that the analysis of practices allows social science to free the observation of the 'determining grasp of objective social structures and systems, to question individual actions and their status as building blocks of social phenomena, and to transcend rigid action-structure opposition' (Schatzki 2001, 10). While being part of the practice approach, pragmatist sociologists would contradict this activist understanding (Thevenot 2001; Boltanski and Thevenot 2006). Bourdieu's practice approach in particular is criticised for constructing practices and custom like regularities and ground activity solely in shared habits (habitus) or dispositions (Bourdieu 1977). Such approaches, Thevenot in particular claims, ignore how the world responds to human intervention and thereby orders activity. They also reduce wrongfully the good governing human activity to social norms that actors follow. While this debate between Bourdieusians and pragmatist sociologists is particularly interesting from an EU studies perspective, as many practice scholars explicitly refer to Bourdieu as their inspiration, Thevenot's criticism depicts Bourdieu's sociology as structuralist, and hence contrary to the interactionist philosophy that is the basis of practice approaches. Finally, some practice approach scholars propose an even more encompassing research design, allowing the interaction between individuals and non-human entities to be analysed as social processes (Latour 1992).

Practice scholars insist that social activity is embedded and that taking into account this embeddedness is necessary to study the nature and the transformation of the subject matter. Practices are hence the source and carrier of meaning, language and normativity. In other words, 'the generation, maintenance and transformation of these phenomena are achievements of extant practices that are realized in the public realm of actions' (Schatzki 2001, 21).

Studying social processes and phenomena from a practice approach is based on the idea that the individual is always in relation with someone. Power, in this sense, is always a relation in the Weberian or Arendtian sense and never a list of capabilities or material factors (Adler-Nissen 2008; 2016). The term 'governmentality' captures this phenomenon particularly well (Baily 2006; Shore 2011). Therefore, studying the preferences of actors such as rational choice theorists are won't to do, is useless. Preferences can only be thought in relation with the field of practices.

Hence ontologically, practice approaches concentrate on European society, its attitude towards European integration and how European integration has influenced society in daily life, a characteristic they share with sociological approaches (Saurugger 2013). Analysed individually, the actor becomes the main protagonist of decisions taken at the EU level. The difference between sociological studies and practice approaches might lay in the fact that practice scholars concentrate on the local context to study the interaction practices amongst social agents, whereas sociological approaches aim to contextualise the agent in a broader sense, in concentrating her

social attributes and history. This contextualisation refers to the sociological attributes of agents, the training they received, the family background they come from or the socialization process they went through.

Emergence in European studies

Approaches focusing on the interaction amongst actors are at the heart of some of the seminal analyses which established European studies (Favell 2007): Ernst Haas' (1958) work on elite socialisation during the creation of the European Coal and Steal Community; Karl Deutsch's et al. (1957) research on the consequences of increased transnational interaction between citizens of European states, pinpointing these phenomena as the most propitious to regional integration; Amitai Etzioni's (1965) study on the role of elites in the integration process in four regional integration projects and Stanley Hoffmann's essays in the sociological tradition of Raymond Aaron, on the influence of governmental elites on the European integration process (1995).

Subsequently, however, these research subjects were partially abandoned by European integration scholars. An increasing large portion of the studies were based more on formalisation and abstraction, searching for conditions under which a politics of rationality could emerge than on analytical reflexivity (Cafruny and Ryner 2009; Rosamond 2007). This was particularly due to the fact that scientific accounts of European integration were strongly influenced by ideological foundations about the sense and direction of this particular process (Milward et al. 1993). It is only from the end of the 1990s and the beginning of the 2000s that practice and sociological approaches to European integration have once again curried favour, as the conceptual analyses of Virginie Guiraudon and Adrian Favell (2011), Chris Rumford (2009), Ian Manners (2007), Adrian Favell (2007), Niilo Kauppi (2003) and Rebecca Adler-Nissen (2014) have shown.

Methods

While the ontology of practice scholars might slightly differ, insofar as the importance of taking into account the influence of structures during the interaction of actors is concerned, their methodological approach is relatively homogenous. Practice scholars are critical of explanations based on correlational logic or law-like statements, and like 'to narrate the unfolding history and disaggregate it in smaller bits of time' (Pouliot 2016, 237; see also Adler and Pouliot 2011). Process tracing approaches are hence the preferred method, which Pouliot has baptised 'practice tracing' (ibid). The aim of practice tracing is not so much theory development and testing, or in other words test whether the theory matches the empirics, hence not to be true or false, but to make 'sense of messy arrays of practices' (ibid, 239). Practice approaches aim to interpret local contexts (Bennett and Checkel 2014). Ontologically speaking, study objects are, therefore, situated at the micro-level and not at the macro or meso-level of analysis. To capture the sense of local contexts ethnographic methods such as participatory observation, semi- or unstructured interviews are amongst the preferred tools of practice scholars (Bellier and Wilson 2000). The researcher refrains as much as possible from imposing categories and typologies but works in an inductive manner. In this approach, mechanisms become analytical constructs and not ex ante assumptions that drive practices and that can be observed in their objective nature: 'local causality is inferred through the interpretation of contextual data, not from some sort of predetermined or a-contextual logic' (Pouliot, 2016, 252). They attempt nevertheless to draw lessons from these inductive case studies that travel beyond the specificity of the cases as such. Understanding these processes allows for going beyond the tension between structure and agency and for observing more how power works on the ground, less than why power works the way it does.

In this sense, practice methodology is not very different from its sociological counterpart. Sociological approaches argue that not the actions and attitudes of European institutions or states should be taken as a starting point in European studies, but the interaction, the personal exchanges, the coordination mechanisms between individuals, as well as the training of groups and elites, the power games and normative games and conflicts.

Practice and sociological approaches in EU studies share an interest in a specific type of empirical data that has been partly left aside by other European integration research: Sociological and practice studies are based on the analysis of the role individual and collective actors play in European integration. Thus, not only are power relations between stakeholders in decision-making processes of interest – which are at the heart of studies of political science approaches – but also, and more especially, the transformations within societies themselves. In fact, sociological approaches recognise the construction and transformation of institutions and the results of this construction, that is the restructuring of social, political and public spaces at the national level.

As we will see below, this approach is used both at the elite level to observe institutions such as the European Commission or the European Parliament from the inside as well as at the domestic, or citizen level. This allows not only to trace practices, but also to interpret the context in which they are performed (Pouliot 2016, 246; see also Pouliot 2008, 2012).

Practice approaches in EU studies

This chapter argues that practice approaches in European studies are very similar, and to some extent synonymous to a group of work that is subsumed under the heading of 'sociological approaches' (Favell 2007; Guiraudon and Favell 2011; Saurugger 2013). Both approaches aim 'to bring the actor back in'. Furthermore, both traditions emphasize the production and reproduction of social practices and insist on the situated character of social action, both criticise the creation of false dualities such as the opposition between interests and ideas, or values and preferences (Merand 2008; Jenson and Merand 2010) and defend that 'social facts' do not exist independently of interpretive schemes and institutions (Searle 1996; for a debate see Saurugger and Merand 2010). As argued in the previous section, the actor is understood both in her collective and individual form.

While approaches are heterogeneous, it is nevertheless possible to distinguish three groups of more or less coherent fields of research within the practice approach of European integration: The study of everyday practices and identity construction, power as relation approaches and emancipatory approaches.

Everyday practices and identity construction

Everyday practices studies aim to flesh out what European integration means for individuals. They do so through immersion in the field (Ross 1994; Abélès 1992; White 2011) or through the study of focus groups organised over a period of time with discussions lasting several hours (van Ingelgom 2014). Instead of using polling data to understand what citizens think, these studies analyse the practice through which a common or differentiated understanding of European integration appears.

If the methods diverge, reaching from interviews to anthropological methods of participant observation, their aim is very similar. Thus, Jonathan White's research looks at how citizens draw Europe into a wider discussion of politics and political problems. Based on a series of group discussions with taxi drivers in Britain, Germany and the Czech Republic, it examines

the motifs speakers use to explain the origins of problems, the assumptions they make about their susceptibility to address, and how, when these patterned ways of speaking are applied to the EU, they serve to undermine its credibility as a positive source of political agency (White 2011). In-depth observation of citizen debates also allowed to identify not opposition to European integration, but indifference to it, an aspect polls and Eurobarometer results could not discern. Virginie van Ingelgom's study on Euro-indifference was based on 24 focus groups conducted in Brussels, Paris and Oxford analysing how citizens talk about European issues, and under what conditions citizens politicise discussions of European integration. She discovered in this context that the French participants only evoked the famous Constitutional Treaty very sporadically, albeit the focus groups were organised less than a year after the impassioned debates that surrounded the referendum of May 2005. Van Ingelgom observed a certain indifference regarding the pursuit of integration rather than a genuine rejection. At the same time, indicators of the Eurosceptic attitudes, particularly in the working-class milieu, were difficult to identify in these discussions. This specific form of a practice approach allowed van Ingelgom to conclude that the decline in support for European integration and the increase in Euroscepticism are not causally linked, insofar as the indicator of support for one's country belonging to the EU is itself not binary.

Finally Carolyn Ban's (2013) as well as Michelle Cini's (2007), Abélès and Bellier's (1996) or Chris Shore's (2000) work on the European Commission, show, through a practice approach, how a European identity amongst specific Commission officials working in different directorates emerges. Shore uses interview data as well as participant observation to illustrate how European identity has been constructed from above through the establishment of the funding scheme of 'Jean Monnet Chairs' aiming at developing EU studies throughout academic curricula.

These studies do not analyse these processes under the heading of abstract 'socialisation' experiences but as a meso- or micro-sociological meandering which, very often, includes role-playing and strategic considerations. This approach can be found in studies of political identity construction in the field of EU trade policy through the study of trade deal negotiations between the EU and the US in the World Trade Organization (Duina and Smith 2019), the role of euro-outsiders and more particularly Danish diplomats in the European Council of Ministers (Adler-Nissen 2014), or micro-level struggles about the adoption of the participatory norm at the European level (Saurugger 2010). These studies have in common that they introduce a strategic variable in their analysis of actors' attitudes and interactions.

Research on European citizens' mobility in the EU shows how complex the identity production of free-moving Europeans is in day-to-day dealings (Favell 2008). Favell investigates migration within Europe, focusing on West Europeans, who have left their countries of origin to live elsewhere in Europe. Why, given the freedom of movement provided by the EU, do less than two per cent of West Europeans live, work and settle abroad in other European states? Based on 60 interviews with these 'Eurostars' in three European cities – Amsterdam, London and Brussels, he shows that most of them are educated and highly skilled individuals. Their identity is a multi-dimensional layer of values, interests and ways of living that cannot be subsumed by one coherent European identity; it is also still deeply entrenched with the organization of life in the nation. Thus, asked whether she feels French or British, a French living in London explained that she feels French in Britain and British in France. Favell's study suggests the continuing power of national cultures despite the flows of capital, culture and persons across borders. McNamara (2015) takes a broader approach and questions not the multi-layered identity construction of the citizens, but those of the EU more broadly. In her research, she shows how a common currency, a burgundy coloured passport, the 'Made in the CE' logo or the architecture of EU buildings in Brussels, Strasbourg, Luxembourg or Frankfurt can create legitimate rulers.

Her research illustrates how social processes create a common identity and the 'banal authority' of the EU (see also Foret 2008 or Bialasiewicz and Bachmann (this volume) on the construction of European spaces).

Closer to critical sociology, a series of studies look at the socialisation processes and re-appropriation approaches at the domestic local level by European integration (Baisneé and Pasquier 2007). These authors see Europeanisation more as a tool for emphasizing a series of transformations in European societies than a legal transfer of rules from the EU to the domestic level. They criticise so-called 'mainstream' Europeanisation approaches for not seeming to recognise the multiplicity of actors involved and the constant interdependence between levels of governance. On the contrary, according to this research, European institutions participate in the production of global cognitive matrices within a broad scope of social frames, which affect a wide variety of structures and sociopolitical groups (see also Hobson and Seabrooke 2009). To better understand the processes of *reception* and *appropriation* of European norms, these studies question the dynamics of change generated by European integration and its effect on the self-representation and practices of domestic political and administrative elites. Microsociological process analyses of these mechanisms of being exposed to and, thus, socialised by, European norms are considered a better way to illustrate the effects of European norms on domestic political systems and the role of political and administrative elites (Pasquier and Weisbein 2004). These studies are characterised by the authors' deliberately 'microscopic' research design, based on a very small number of microsociological and detailed case studies, as well as on the analysis of the interaction of a limited number of actors and small groups.

In a broader meso-sociological approach, Fligstein (2008, 2011) does less concentrate on microprocesses but on the interaction and practices of broader sociological categories. He adopts the premise that a specific form of European society is in the process of emerging via horizontal and vertical relationships between citizens and elites. Fligstein's research investigates three policy areas in depth: The European defence industry, telecommunications and European football. In these three areas, the author illustrates how cooperation between domestic and European actors has led to deregulation, allowing for the opening up of the markets to foreign as well as other European firms. Through this market building, the middle class of European Member states was largely transformed into European citizens: They increasingly feel European. This transformation, however, also led to the emergence of new conflicts – mostly between rich and poor social classes (see also Kriesi et al. 2008).

This analysis enlarges Fligstein's economic sociology approach, which perceives the EU as a specific economic system based on a particular form of capitalism. Here, Fligstein and his colleagues (Fligstein and Mara-Drita 1996; Fligstein and Merand 2002; Fligstein and Stone Sweet 2002, 2000) question how markets emerge, stabilise and are transformed in the EU. In this both practice-based and sociological approach, these norms become variables that need to be explained and are no longer considered as simple data.

Power as relation

The first attempt to study elites and marginalised agents in the European integration process focused on the individuals and organisations that constitute, and contribute to shaping, this new political space (Guiraudon 2001). Its aim was to enable the analysis of collective identities, action repertoires, processes of framing and political opportunity structures open to actors in Brussels. This set of literature empirically analyses the socio-professional trajectories of different actors before they moved to Brussels, Luxembourg or Strasbourg and their socialisation process got underway. These approaches identify the competencies sought by European institutions, interest

groups and companies and the process of constructing the role that specific actors play in the European policy-making arena. The starting point, then, is not public policy *per se*, but the power game at play between actors as public policy is developed. Empirical research in this area concentrates on individual and collective actors, such as the European Commission and European civil servants more generally (Bach 1999; Ross 1994, 2008; Georgakakis 2017; Shore 2000), members of the European Parliament (Marrel and Payre 2006), as well as on actors working in specific policy fields in particular such as foreign, defence and security policies, for example (Merand 2006, 2008). The majority of these studies analyse the influence of factors such as gender, education and political experience on political careers and collective action. In this context, the EU is a specific power structure in which agents evolve according to their sociological background. The main argument here is that practice approaches are crucial in order to understand how policies are made: 'To understand the EU as a distinctive form of social organization and power structure, its influence and the effects of its policies, one has to "get inside politics". One must identify who the individuals and groups making up the EU are, where they come from, what kinds of resources and networks they have access to, how they perceive realty – their roles, the institutions in which they work and, more broadly, the social world around them' (Kauppi 2010 150–151). Some of these studies, in particular those on European civil servants, have been criticised for the way they focus on describing actors' attitudes, at the expense of analysing what should be the main research question – how to explain European public policies through actors attitudes.

Hence, another group of scholars more centrally study the influence of actors' attitudes and strategies on public policy outcomes. By developing a "strategic constructivist" or "actor-centred constructivist" approach, a number of authors, in particular, Kathleen McNamara (1998), Craig Parsons (2004) and Nicolas Jabko (2006) re-introduce power into their analysis of European public policy process. In their work, based on the study of the interaction between agents, they stress the key role of actors in the production of ideas and cognitive frameworks which, when they are used strategically, lead to reformed public policies. Their research inspired Sophie Jacquot and Cornelia Woll's (2010) work on usages in Europeanization processes of public policies for strategic means. European integration is used to either increase one's powers or legitimacy at the national level or to circumvent the domestic level and to intervene directly at the European level. These authors focus on the role of ideas and perceptions in institutional development, while emphasising actors' strategies in decision-making processes through process-centred methods. This idea is also developed in studies aiming to link sociology to neo-institutionalism (Merand 2008; Jenson and Merand 2010). These studies underline the fact that new institutionalisms – in particular those with a historical and sociological background – share the sociologist's concern for the empirical analysis of social action, systems of meaning and patterns of conflict. In this vein, Merand (2008) analyses the Common Foreign and Security Policy (CFSP) as a process made possible by progressive socialisation between relevant European actors. According to those authors, and in line with the principles of the process approach sketched out earlier, it is particularly important not to downplay the social dimensions of strategy and the conflict-ridden nature among actors engaged in norm construction (Kauppi 2010). As ideas and values, norms do not float freely. Their establishment, development and maintenance imply constant strategic calculations that can only be analysed in adopting a process-centred approach.

One of the most central studies in EU practice-approaches is Rebecca Adler-Nissen's (2015) research on power games in the Council of ministers in which she analyses the constant renegotiation of what is considered in Bourdieuian terms a 'diplomatic capital'. In order to influence intergovernmental negotiations in the Council, diplomatic capital must be 'channelled through

narrowly defined and accepted roles and scripts defined by the Council. To be influential, one must respect the informal norms of problem-solving and consensus-seeking' (2015, 96; 2014).

Emancipatory approaches

The third group of studies – post-positivist or critical EU practice studies – question human capacity to objectively describe and effectively control what exists. This approach finds its origins in radical approaches in the social sciences more broadly: Scholars argue in general terms that scientific knowledge cannot be objective, that is philosophically or culturally neutral. They insist on the fact that academic methods to grasp reality cannot be limited to organising facts around hypotheses, because the way these hypotheses are formulated depends on the position of the researcher and on academic fads, that is the funding of research projects depends on its accordance with a specific paradigm that is shared by a majority of researchers. Post-positivists, in other words, refuse to separate the subject from the object of their research. This refusal is based on two arguments: On the one hand, theory is not independent of reality and on the other, reality is not external to the theory that it is analysing.

The authors in this field are inspired by critical philosophers and sociologists such as Foucault, Bourdieu or Elias, who analyse actors' attitudes through their embeddedness in constant political conflict and competition, as some of the other chapters in this section illustrate. The main subject of their research is the scope of power in European integration. Political activism is considered as a strategy within a given social field 'in which actors seek to monopolise resources, reproduce the benefits of the dominant parties to the detriment of the dominated, control sociopolitical actors' access to the Commission and to Parliament, and dominate weaker actors in a discursive way through the strategic use of ideas and values' (Favell 2007, 127; Manners 2007). While this field is much broader than the group of practice scholars in it, it is nevertheless possible to identify a relatively coherent group of authors that draw on practice approaches.

The studies of Didier Bigo on police forces (Bigo 1996), of Niilo Kauppi on members of the European Parliament (Kauppi and Rask Madsen 2008), Bieler and Salyga on transnational capital in the context of the EMU crisis (Bieler and Salyga, forthcoming) and Antoine Vauchez's and Stephanie Mudge's work on judges or the European Central Bank (Vauchez 2015, 2019; Mudge and Vauchez 2016) are illustrations of this research. In his work on judges, initially labelled 'sociological' (2015), and more recently 'process-driven' (2019), Vauchez highlights, for example, the fact that the European Court of Justice does not only interpret EU law and ensure its equal application across all EU member states. The Court has managed to become an influential actor participating in the government of the EU not because it is legally authorized to interpret law, but through the strong interpersonal relations between national and European judges as well as their participation in the same professional associations (see also Alter 1996). For this reason, it is impossible to study European law separately from the study of the legal practice of lawyers who produce this law. According to Vauchez (2015), law alone has no importance: The social and national background of lawyers, their legal training and their interaction must be analysed in order to explain the symbolic power of the European legal system and thus the European judicial system as such.

Niilo Kauppi and Michael Rask Madsen (2008) further develop the issues and hypotheses surrounding critical approaches to European integration. Their central critique of 'mainstream' EU studies questions the objectivity of institutional studies using institutional structures as data while, according to the authors, systematically ignoring the crucial role of individuals and groups that (re)produce these institutions. In other words, the political reality cannot

be treated as an objective fact that can be observed, but rather as a subjective construction. The interpretation of political reality is offered by the very actors that contributed to its establishment. The reflexive sociology approach allows scholars to 'break with these visions by focusing on two crucial aspects of political power in the EU: firstly, the political practices of individuals and groups in the dynamic and generally structured context of the EU today; secondly, the representations that these groups and individuals make of their own political activities' (Kauppi and Rask Madsen 2008, 87).

This analysis partly reflects the work of sociological institutionalists' who place even more emphasis on individual and collective actors as the premise for, and focus of, empirical research.

Limits and future developments

Practice approaches have added a crucial element to European studies in zooming in on the day-to-day politics within the EU. As such, they have opened up the black boxes of institutions or social categories in analysing the interaction and, through this interaction, the development of European integration. However, there are some limits to the approach, which might call for a more nuanced evaluation.

First, studies using the practice approach have often *described* rather than *explained* processes. While it is important to understand the transformations of the European society, but also those of European elites, an attempt to attach these research results to more general questions would be useful to create a critical dialogue between different approaches. This would help to better explain the reasons for and the effects of European integration. Several practice studies do precisely this. Thus, Adler-Nissen's (2015) work on sovereignty games in the EU and more precisely on the sovereignty strategies played by the UK and Danish diplomats to obtain opt-outs respectively in the field of social policy and Justice and Home Affairs, illustrate extremely well how power is not an attribute but emerges through interaction, in other words concrete practices. McNamara's (2015) or Fligstein's (2008) work on day-to-day practices of European citizens and elites sheds important light on the creation of a European identity and 'banal authority' through social practices. Van Ingelgom's (2014) approach on citizens' indifference, while using the methodological approach of focus groups, has added a crucial element to the Euroscepticism debate in showing that the spectrum of attitudes towards the EU is much larger than only those situated between of Europhiles and Eurosceptics.

Second, the novelty of the approach seems perhaps a bit overestimated. Thus, while practice scholars have particularly aimed at explaining the emergence of common beliefs, standards and identities as the result of an interaction between agents, others had initiated this movement in previous work as well. In the studies of institutional sociologists, we find the argument that these beliefs, standards and identities are purposively used by actors to create a feeling of belonging, and establish a certain context in which actions become possible (for an overview see Jenson and Merand 2010). One of the main objectives of this literature was to identify the actors and track the process by which shared norms and identities develop. Based on Paul DiMaggio and Walter Powell's (1991) sociological institutionalism sociologists advanced the assumption that repeating interaction can lead to the creation of common rules that primarily support the dominant actors in a given political sector. These developments are not natural phenomena: These norms are far from being homogeneous, but permanently redefined and re-interpreted based on interaction as well as power struggles between actors. Focusing on the interaction among actors in order to explain the outcomes of processes is indeed a crucial method for sociological institutionalists, whose focus is on the interaction of practices and structures. And it is precisely this value-added

of earlier sociological institutionalist studies, that is sometimes missing in some of the empirical practice approaches.

Finally, and this is particularly linked to some of the approaches influenced by a Bourdieuian framework, critical practice approaches in EU studies sometimes give the impression of having an emancipatory agenda. Starting from the assumption that practice studies will help to uncover the underlying structure of the relation between *dominants-dominés* (the power of dominant actors over dominated ones), they establish an explanatory pattern that makes it impossible to show when those considered dominated, in turn, dominate those who are considered dominant. Bourdieu's approach of *field* and *habitus* was developed in a specific French context and might have a harder time adapting to the very scattered European context in which these structures are not as carved in stone as they seem in the French context. The usefulness of Bourdieu's practice approach, when used as a conceptual framework and not as an ideology, can be found in Adler-Nissen's, Fligstein's and Merand's work. These authors use a reflexive practice approach that allows to uncover different aspects of power-relations less than starting from the assumption that there are unbreakable structures forged through century long dominance.

All in all, however, practice as well as sociological approaches in EU studies, as heterogeneous as they are, have added a fundamental and under-researched aspect of European integration: That of society construction at all levels through interaction and practices amongst agents. Far from taking preferences as stable constructs these scholars force us to open up categories such as institutions, groups or preferences and study the transformation of those over time.

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Gender approaches

Gabriele Abels and Heather MacRae

Introduction

Beginning in the early 1990s, gender scholars started to investigate the process of European integration. Since then, they have analysed how women and gender relations shape the European Union (EU) and its policies, as well as how EU gender equality policies affect national gender regimes. Although the research focus has been, more often than not, policy-driven, it has brought with it consequences for theorising European integration. This literature 'has helped to shed light on otherwise hidden effects and drivers of European integration' (Abels and MacRae 2016, 10), illuminating the EU's gendered nature and the gender-blindness of established theories.

After a phase of rather implicit theorising, the last fifteen years have seen a growing body of literature explicitly aimed at the gendering of European integration theory. The first contributions came from Abels (2006), Hoskyns (2004), and Kronsell (2005), later followed by Galligan (2019), Kronsell (2012, 2016) and Locher and Prügl (2009). Recently a full-blown textbook was published (Abels and MacRae 2016), and a recent 'Handbook on Gender and EU Politics' (Abels et al. forthcoming) contains a section on gender and integration theories.

Nonetheless, the relationship between gender scholarship and mainstream integration theory is anything but clear. In 2009, Locher and Prügl (2009, 183) asserted that 'gender perspectives do not constitute substantive theories of European integration'. Kronsell (2012, 23) similarly confirms that it is 'safe to say that … many key concepts used in theorizing integration have remained virtually untouched by gender analysis'. Meanwhile, as Diez and Wiener (2019) argue gender scholars deliver important pieces to the unfinished 'mosaic of integration theory'. Moreover, gender approaches (amongst others) are, as Wiener (2019, 261) declares, 'clearly the most prolific approaches, generating multiple perspectives on theory and practice of European integration', and thus now provide insights not only to policies, but also to the study of polity and politics in European integration. Manners and Whitman (2016, 3) consider feminist scholarship to be a vital part of the chorus of 'dissenting voices', which 'attempt to theorise Europe differently and advocate another European trajectory … [and which have been] largely excluded and left unheard in mainstream discussions over the past decade of scholarship and analysis'. Based on Manners' and Whitman's position, we could assume that gender voices are not marginalised in the mainstream

because they are *gender* voices, but because they are dissenting voices and, hence, simply share the fate of the rest of the 'dissident chorus'. Is this really the case?

We argue that gender voices actually face a dual marginalisation. Firstly, they are marginalised in the mainstream *as part of* the dissenting, polyphonic chorus. Secondly, they are too often also marginalised as feminist voices *within* this dissenting chorus of critical approaches. We certainly do not deny that gender chapters have made it into some important textbooks. These are especially important contributions because they bring together more classical theories and critical approaches and, thereby, encourage dialogue (Bieling and Lerch 2012; Wiener and Diez 2004, 2009; Wiener, Börzel, and Risse 2019). In fact, several of the critical approaches in this handbook refer to feminist and gender perspectives (see especially Kinnvall and Manners in this volume). The inclusion of gender chapters is certainly a sign of the growing recognition of gender perspectives and a good starting point for dialogue. As Hoskyns noted in 2004: 'Certainly progress has been made and far more material is now available. The areas for theorizing have opened up and significant gender material is beginning to be used in the European politics mainstream' (Hoskyns 2004, 233). Overall, however, she argues that it is 'hard to evaluate exactly where we are in terms of the success or otherwise of gender perspectives in influencing study of the EU and the development of theories' (ibid.).

In this sense, the contemporary poly-crises, which is a good case to test the usefulness of current theoretical developments, is simultaneously a good case to test the degree to which gender analyses and gender theorising have been integrated and 'mainstreamed' into EU studies. Overall, we do not find gender approaches to be widely included in studies on the EU crisis. For the most part, the literature is dominated by mainstream theories plus some critical approaches (e.g. IPE or, see Eriksen in this volume, normative Habermasian reflection). Although some scholars do argue in favour of combining approaches and theories, they do not include gender – despite, for instance, the obvious gender effects of the 'eurozone crisis'.[1] This gender marginalisation is only slowly changing (see Börzel and Risse 2019, 244–245). Against this background, Guerrina et al. (2018) even speak of a 'gender problem' in EU studies.

We do not shift the blame to the 'male-stream', this would be too simplistic. In fact, most of EU gender studies remain relatively blind to integration theory (Abels and MacRae 2016, 23). Kronsell (2012, 40) argues: 'For gender to be taken seriously in integration studies, we need to engage directly with existing theories.' Consequently, we have called for precisely such an engagement:

> There remains very little systematic dialogue between gender perspectives and the existing theories of European integration. This silence is problematic from both sides. Certainly, gender remains side-lined and marginalized in integration studies. Mainstream scholars in their search for a 'reliable theory' have not turned to gender studies to enrich their findings about the nature of the integration process. Concurrently, gender scholars have not raised their voices in the 'mainstream' theoretical debate … .
>
> *(Abels and MacRae 2016, 10)*

In this chapter, we illustrate that gender scholarship has contributed and continues to contribute to our understanding of the EU. In so doing, it brings important issues into the dialogue. This is especially important and potentially fruitful given that even after '[h]alf a century of uninterrupted theorizing about Europe has produced a situation where one would expect that little remains to be said … EU scholarship is still in search of a reliable theory' (Chryssochoou 2009, 3). Manners and Whitman confirm this perpetual 'search mode' several years later when they argue that 'both the EU and EU studies are in analytical and normative crisis' (2016, 5).

Our key argument is that this situation of multiple – scholarly and political – crises offers an opportunity for gender-sensitive readings and theoretical approaches. Gender approaches can enrich the toolbox or 'mosaic' of integration theories by providing critical reflections as well as empirical and theoretical insights. They also provide a clear normative foundation rooted in feminism. However, gender approaches should not simply add elements to the already rich mosaic. To be taken seriously, they need to be integrated and 'mainstreamed' in the sense of gendering European integration theory (Abels and MacRae 2016).

This chapter proceeds as follows: First, we introduce the historical and intellectual background against which gender approaches to EU integration have developed in the last 15 years. In the following section, we outline some of the contributions of several key theorists, focusing on those that speak directly to other critical approaches. We then turn to some key criticisms of gender approaches and, finally, reflect on potential future developments.

The development of gender approaches in EU studies

Theorising European integration is shaped by 'external' (political) as well as by 'internal' (academic) drivers (Rosamond 2019, 84). These drivers are also visible in gender EU studies. Since the 1990s, historical, sociopolitical and academic developments have dramatically altered the landscape of the EU and relatedly, EU studies. The 1992 Maastricht Treaty was a major *external driver*, giving rise to new directions in EU studies and prompting contributions from more feminist academics interested in the EU. In addition, in the mid-1990s, we can observe important progress concerning gender in international and EU politics; prominent examples are the UN 1995 Beijing Declaration and Platform for Action and the inclusion of the new principle of gender mainstreaming in the EU's 1996 Amsterdam Treaty.

Internal drivers also came into play because of paradigmatic shifts both in gender studies and in EU studies. Since the mid-1990s, we observe enormous progress regarding the inclusion of women in the study of politics. Along with this, we have seen a growing acknowledgement that 'add women and stir' scholarship is insufficient; rather the focus has to shift to the analysis of gender as a relational category (see Celis et al. 2013). This development is stimulated by the rise of social constructivism as a meta-theory in the social sciences and its profound impact on gender studies. As a result, gender is no longer perceived as a 'naturalized presumption', but an 'analytical category' (Hawkesworth 2013).

Simultaneously, a shift in theorising European integration, involving 'constructing the EU' (Diez and Wiener 2019, 8), was also taking place. This phase coincided with the rise of other critical approaches – in Manners' and Whitman's wording: 'dissident voices' – including social constructivism, post-structuralism, international political economy, postcolonial and normative political theory and, recently, practice approaches. The focus is

> on substantial questions about 'constructing' (and limiting) European integration. It is answering these questions that the critical and constructivist approaches in IR theory were take up alongside or combined with insights from the 'constitutional turn' later in the second phase, which, sparked by the Maastricht and Amsterdam Treaties and the increased public debate about the legitimacy of European governance, brought normative questions about the EU's constitution from political theory to the heart of the analysis of governance.
>
> *(Diez and Wiener 2019, 12)*

This shift – spilling over from IR to EU studies – provides a more favourable environment for gendering integration theory. Given feminist normative, constitutional and democratic

considerations, gender approaches 'share the critical and problematizing line with discursive approaches, building in part on the advances of feminist approaches in other disciplines' (Diez and Wiener 2019, 13).

Before introducing gender contributions to integration theory, it is important to sketch out what we mean by gender and gendering. There are, in fact, different notions of gender. Gender scholars share the ontological premise that gender is an ascriptive social category and not a 'natural' biological condition (Hawkesworth 2013). They assume that gender relations go hand in hand with social power structures creating divisions – such as the separation between the public and the private sphere – and hierarchies and inequality, which usually work against women and their interests. With regard to the EU, gender scholars use various tools and methods to identify and analyse hierarchies and power relations. This includes the study of national gender regimes and the potential emergence of an EU gender regime. Furthermore, gendering European integration theory means adopting a gender lens, which 'allows us to illuminate the hidden biases and assumptions upon which many traditional categories of analysis are built' (Abels and MacRae 2016, 11). This includes, for instance, assumptions such as that the state acts as a gender-neutral institution; that actors are non-gendered beings; that there is a 'natural' division between public and the private, the international and the domestic, as well as the economic and the social spheres. These challenges may be undertaken in different ways, depending on the specific gender and feminist approach adopted (for the five different approaches see Kantola and Lombardo 2017a) on the one hand, and on the specific integration theory or approach subject to a gender lens on the other hand. In sum, different gender approaches will deliver different analyses about the nature and process of European integration. Consequently, there cannot be a single feminist theory on European integration, but there must be multiple and varied approaches. In this respect, gender approaches align with the majority of approaches today who do not engage in 'grand theorizing'. However, some 'malestream' approaches and theories – as well as some critical approaches – are more compatible with gender theorising than others. The overall aim of gender approaches is 'to give visibility to values and situations normally ignored or marginalized, thus helping to create more inclusive and better-grounded histories and theories' (Hoskyns 2004, 217; see also Locher and Prügl 2009).

In line with many textbooks, we apply a broad interpretation of what integration theory is, because 'theoretical innovations have gone beyond a fairly narrow interpretation of what theories are and what they are good for in order to understand European integration and the surrounding processes and their implications' (Abels and MacRae 2016, 14–15). This pertains to gender as well as other approaches and conceptual frameworks.

Major claims and developments in gendering integration theories

In this section, we illustrate different strands and outcomes of the gender project of the past two decades. Despite variation, all gendered interpretations of integration theories agree that mainstream approaches and theories have a blind spot (i.e. gender and gender relations; see Abels and MacRae 2016).

One of the first analyses of European integration from a gender perspective, Hoskyns' *Integrating Gender: Women, the Law and Politics in the European Union* (1996), is proto-typical for future gender approaches in terms of its integration of micro- and macro-level analyses. Hoskyns (1996, 4) argues that 'paradoxically … the integration of states (and of markets) has the effect of destabilising existing patterns of social integration, including those relating to gender'. The empirical focus of her study is on the development of gender equality policy in the EU – a widespread focus in gender and EU studies. Furthermore, her work represents an important shift away from

an over-reliance on International Relations theories to explain EU integration. She proclaims that 'not only were these theories [neo-functionalisms and intergovernmentalism] unhelpful' to analyse her material, 'but also that the way they attempted to order the European arena marginalized (important) issues and approaches' (ibid., 17). To break away from this, Hoskyns adopts approaches taken from Comparative Politics and combines both structure and agency in her analysis, although her emphasis remains on women's agency, which she assumes has an impact on interests, norms and perspectives (ibid., 10). Networks, especially feminist networks, with their 'capacity, by no means always realised, to stretch down into the grassroots politics of the member states and up into the EU decision-making process' (ibid., 17), play a crucial part in her work.

Hoskyns does not claim to create a theory of European integration, but she critically assesses existing theories. At the time, only two theories were mainstream: Neo-functionalism and intergovernmentalism. The first Hoskyns views as potentially fruitful because of its emphasis on supranational law and its recognition of the role societal actors play in shaping EU policy. However, its focus on mainly economic actors renders it too narrow in focus. Her critique of intergovernmentalism is not surprising. She does not see much use for this approach as it is too state centric and does not allow for actors and interests from beyond the state. In her review of Hoskyns' work, Abels (2006) concludes that this classical study bridges the 'add women in' and the gender approach. The empirical case analysed by Hoskyns sheds light on the ways in which European publics are shaped and acting, while simultaneously illustrating the gendered nature of the process of European integration.

A decade after Hoskyns, van der Vleuten (2007) took a much more explicitly theoretical approach. She aims to explain why the member states – represented by an exclusively male body of delegates – included the 'equal pay for equal work' provision (Article 119) in the 1957 Treaty on European Economic Community. This provision subsequently served as a constitutional reference point for the development of equality policies since the 1970s. van der Vleuten argues that the inclusion can be explained by, what she terms a 'pincer effect'. National governments are constrained by domestic actors pushing from below, at the same time, supranational actors push from above. She argues that national governments do not consider only economic costs in shaping domestic preferences, but must also consider political and ideological costs. This recognition of internal and external pressures on national governments provides important nuances to intergovernmentalist approaches. In a later work (2016), van der Vleuten maintains that modifying various forms of intergovernmentalist approaches by including a discussion of the domestic pressures involved in shaping national preferences can make the theory somewhat more useful for gender analyses. She further emphasises that the strong emphasis on state leaders and the quality of leadership, which was important in Hoffmann's classical intergovernmentalism, needs discussion through a gender lens. She concludes that the ontology and epistemology of intergovernmentalism cannot be stretched far enough to integrate critical gender perspectives, yet, it can be applied in a more gender-sensitive way (ibid., 94–95).

In 2005, Kronsell published a seminal article in which she reflects on a total of six established theories of European integration – ranging from intergovernmentalism and neo-functionalism, multi-level and network governance to supranationalism and constructivism and critiques each for its gender blindness (see also Kronsell 2012). She finds the first two to be particularly difficult to gender and, although the others (especially constructivism) are more open, they too, have blind spots. Kronsell notes that, despite fundamental differences, mainstream theories share some remarkable similarities. She points to four main issues: (1) An inherent state-centrism, (2) a view of the state as unitary actor, (3) their non-structural view of power and (4) an understanding of national interest defined as the state's control over national resources and the emphasis on

security issues. She thus critiques integration theories for their emphasis on 'the male-as-norm unquestioned and invisible' and for the fact that they 'work from a simplistic view of power' (Ibid., 1035–1036). For her, the strength of a gender, that is 'feminist viewpoint is its understanding of how hierarchies of gender power are expressed in embedded institutions' (Ibid., 1036).

In her most recent contribution to the debate, Kronsell focuses on power and masculinities in European Common Security and Defence Policy. Drawing on the concept of gender regimes, she argues, 'if masculine power is embedded in European integration and not carefully examined, it is simply reproduced' (Kronsell 2016, 104). For Kronsell, gender regimes can be related to 'variable', 'shifting' and 'relational' gender identity constructs (Ibid., 105–106), which 'can be traced at different levels (macro, meso, micro), but also in different sectors' (Ibid.). Looking at the macro-level (global politics), she identifies that in the security field, there at least two identity constructs: An 'EU protector masculinity' and a 'vulnerable other femininity', which both are deeply embedded in EU institutions. Gender regimes are not unique to the security sector but can be seen in other sectors as well:

> [D]ifferent gender regimes exist across issues including security, agriculture and climate, but likely also in crisis management, environment, transport and research, for example. To establish what type of EU gender regime is relevant in these sectors, we may ask the following questions: how are masculinities and femininities constructed in relation to gendered path dependence through institutional practices? What do power relations between different identity constructs look like? How do power relations emerge in decision-making as the result of gendered logics of appropriateness?
>
> *(Kronsell 2016, 115)*

In contrast to Kronsell, who was critical of multilevel governance (MLG) approaches in her earlier work, Abels (2016) sees real potential for these approaches, particularly in combination with a policy network approach. This perspective is very much in line with Hoskyns' classical work, which illustrated the power of actor networks linking and crossing policy levels. Similarly, Simona Piattoni (2010) offers a useful understanding of multi-level governance as a theory of mobilisation among different actors and across different levels. However, network approaches need to be gendered to fulfil the needs of gender analysis; again, the inclusion of gendered power towards relation is vital. The beauty of MLG is, firstly, to inspect the (often male) homosociality of actor networks due to the strong focus on agency; secondly, the focus on sector-specific networks allows to analyse the framing of policies and its implications for policy-making and actor mobilisation (Abels 2016, 116–118).

A new contribution to the mosaic of integration theory comes from geography and was recently adopted by Lang and Sauer (2016; see also MacRae 2010). They argue that level-based concepts (federalism and MLG) are too static because they rely on formal levels of authority. In contrast, Lang and Sauer refer to 'scales' as a more open concept, which highlight the dynamics of 'scalar politics':

> [W]hat drives European integration is a messy set of multi-scalar and inter-scalar policy processes in a plurality of spaces with many more entry and resistance points than federalist or governance theories allow for. Feminist analyses, we submit, have historically paid close attention to scales in policy making and activism, seeking to explain women's policy successes as well as marginalities and exclusions as a result of the interplay between different scaled arenas of activism and political spaces within the EU.
>
> *(Lang and Sauer 2016, 217)*

They argue that scaling approaches have four advantages, which could also offer advantages to main- or malestream theories. They counter state-centric approaches by viewing interactions as a dynamic 'processes of scaling, re-scaling and de-scaling' (Ibid., 231); they highlight the democratic question by analysing 'institutional form, inter-scalar and trans-scalar proximity, resources, and experience' and the 'deeply ambivalent outcomes that scaled EU politics have generated for women' (ibid.). Finally,

> If scales and scaling are foundational principles of how the EU operates, then any theory would have to take into account the complexities of different scaling processes going on in different places, communities, and member states at any given time. Scales of intervention and regulation increasingly happen aside from, besides, or below the nation state.
>
> *(ibid., 232)*

Several authors have criticised that gender approaches have focused too much on agency at the expense of institutions. Locher and Prügl (2009, 196) argued quite early on that 'relationships of agency at different levels and their embedding in different opportunity structures presents a weakly explored frontier of feminist research' and needs further investigation in order to identify drivers of European integration. Recent developments in 'feminist institutionalism' (see Haastrup and Kenny 2016; MacRae and Weiner 2017) have taken up this critique. Feminist Institutional approaches (FI) bring a gendered lens to new institutionalist analyses of the EU, thereby bringing new elements into the institutionalist research agenda. New institutionalism encompasses various strands (Lowndes and Roberts 2013) all of which share a general understanding that 'institutions matter' and that norms, values and policies are co-constitutive. Furthermore, new institutionalists share a general interest in the forces of institutional continuity and change (Pollack 2009). However, until recently, they have presented these as 'gender-neutral, which ostensibly silences aspects of institutionalisation that feminists have long considered crucially important for understanding political processes and their outcomes' (Haastrup and Kenny 2016, 197). Here, the application of a gender lens through FI can be particularly enlightening.

Such a lens draws on many of the tools developed by institutionalist analyses, but begins from the premise that institutions are inherently gendered. Focusing on both formal and informal rules and norms, FI recognises that 'gender relations are construed not only as "institutional" – that is, playing out within institutions – but also "institutionalised" – i.e., incorporated into the very structure of institutions' (MacRae and Weiner 2017). It is thus crucial to analyse and acknowledge the gendered elements of power which are continuously at play within and among the institutions (Ibid.; see also Haastrup and Kenny 2016). Through its understanding of gender as profoundly entangled in institutions, FI highlights how formal and informal rules and norms can influence the policy process and reproduce instances of hegemonic masculinity within EU institutions and policy processes. Thus, FI can offer important insight into for example how and why policies continue to be gendered, despite institutional attempts to 'mainstream' gender equality.

Foucauldian governmentality and other poststructuralist approaches have also attracted much attention among gender scholars. This can be primarily attributed to governmentality's focus on the relationship between governing and power and knowledge (see also Lawrence in this volume). However, although governmentality approaches are widely used by gender scholars for studying national politics and in other work on EU governance,

they have been far less prolific in gender EU studies. Yet, there are good reasons to utilise a governmentality lens:

> Looking at technologies of power on different levels (micro, meso and macro) and sites they [governmentality approaches] can therefore be an added value to feminist research on European integration since much of the feminist literature draws on knowledge as a key site of subjectivation. A governmentality approach combines knowledge production and subjectivation with governmental rule and therefore describes certain knowledge/power complexes through institutionalization.
>
> *(Wöhl 2016, 237)*

The EU is a 'contested geopolitical space', in which different kinds of power relations 'can take on ambivalent forms which can be repressive as well as enabling and empowering' (ibid., 239). According to Wöhl, the specific kind of neo-liberal governmentality exercised in and by the EU is a form of gendered technology. It illustrates 'how a gendered symbolic order is embedded within norms, policies, polities and law, taking into account how technologies of governmental power historically have shaped the gendered division of labor, of societies, of states and supranational institutions in ambivalent and limiting ways for all genders' (ibid. 241). In addition, it allows the researcher to trace subject positions linked to ethnicity and class and how they insect with gender. In so doing, the construction of norms and representations can be identified as power techniques. The gendered division of public/private and its impact on shaping nation states is a key contribution of gender scholars to governmentality approaches (cf. ibid., 242–243). Wöhl concludes that the potential of this approach is that 'once engendered, [it] can thus provide key insights on the (re-)construction of differing subject formations through discourses and governmental technologies and describe the macro-political technologies going along with them' (ibid., 250). Unlike Gramscian approaches, which also recognise policies and polity formations as inflicted by coercive power, governmentality 'does not conceive them as hegemonic' (ibid.).

Other gender approaches, such as Wilde's 'civic constitutionalism' (2016), share the neo-Gramscian understanding of civil society as a power-laden social sphere. However, Wilde (2016, 273) tends to focus on gendered power relations and divisions in civil society 'as a power dispositive in European integration and asks about opportunities for re-configuring gendered power and dominance structures in the form of empowerment and counter-hegemony'. She argues that critical approaches also often ignore the gendered nature of hegemonial structures that exist within civil society (see also Bieler and Salyga in this volume).

Finally, social constructivism is widespread in gender studies. This is perhaps not surprising, given that gender is often understood as a category constructed by social and institutional practices. In this sense, gender scholars are all social constructivists. However, gender scholars have only recently begun to make systematic use of social constructivism for studying the EU, even though some of the pioneering gender scholars identified the value of social constructivism quite early on (cf. Hoskyns 2004; Kronsell 2005; also Locher and Prügl 2009). With regard to internal divisions in social constructivism, gender scholars are often on the reflectivist epistemological side, adopting a more interpretative position 'interested in the role language and discourses play in the construction of reality' (Lombardo 2016, 125, 130; see also Lombardo and Forest 2012.). What makes social constructivism fruitful is, firstly, viewing the EU as a dynamic and constantly changing polity; secondly, the opportunity to address social structures and agents as interlinked and mutually constitutive, and thirdly, its emphasis on ideas, meanings, norms and discourses (cf. Lombardo 2016, 126–127). Simultaneously,

gender approaches challenge these three tenets of social constructivism by adding a gender perspective on power and (soft) norms by, for example, 'unveiling the inequality of norms and analysing processes of contestations and transformation of such norms' (ibid., 131). Also, they investigate who has power in EU institutions; they look at 'how hegemonic masculinity is institutionalised with the EU' (ibid., 133). According to Lombardo, the feminist interest in power not only as 'power over' but also 'power with' allows to identify agents and processes of empowerment (ibid., 134). In addition, she emphasises that the contribution of gender scholarship to social constructivism cannot be a gender only analysis. It ought to be inter-sectional in order to develop 'an understanding of European integration that is more aware of the constitutive effects of EU norms and institutions on embodied European women and men, whose gender intersects with their social class, ethnicity, or sexuality, producing dynamics of privileges and exclusions' (ibid., 124). Thus, with regard to some intersections these approaches can profit from postcolonial readings of European integration (see Kinnvall in this volume), Finally, through social constructivism, gender scholars have contributed to framing approaches, which highlight processes of framing and contestation in policy-making (a key example is Critical Frame Analysis developed by Verloo and Lombardo 2007).

Key points of critique from and of a gender perspective

In sum, gender approaches can be used to critique and nuance a range of mainstream, but also critical theories. While there is, as illustrated, a myriad of gender approaches, they share at least four key characteristics. First, they all see gender as central to the process of EU integration and the construction of power therein. EU institutions are viewed as gendered actors in which hegemonic masculinity prevails. Second, there is a strong, but not exclusive focus on agency including the role of 'femocrats' and feminist movements. Third, they view the state as a diverse actor with preferences shaped through social struggle. Fourth, they are critical of binary divisions such as public/private or supranational/domestic.

Clearly some of these insights are not exclusive to gender approaches. In fact, 'gender approaches and many other critical and constructivist approaches are rather complementary and work with similar concepts and ideas' (Bieling and Diez 2016, 290). For example, a relational concept of power and a strong focus on agency is also applied in discursive and, recently, practice approaches to European integration (see contributions by Carta and Saurugger in this volume). The exclusive contribution of gender scholars is, firstly, to emphasise the gendered nature of EU integration and its manifold manifestations; secondly, to offer a broader understanding of power in the context of European integration (cf. Weldon 2019); and, thirdly, to take an explicit normative approach linked to feminism as a political ideology (not implying that there is only one feminism).

While some gender scholars open up their analysis to intersectional issues and thus easily link their insights to other critical approaches, especially those related to class and ethnicity/race issues, others still apply a gender analysis as a relational analysis with both (or all) genders and engaging in the de-construction of gender. Many policy-oriented studies in particular still restrict themselves to only a selection of feminist approaches – especially impact on women – as outlined by Kantola and Lombardo (2017a).

This is a key point that is central to some critiques of feminist approaches. For instance, Diez and Wiener (2019, 13) make the point that 'focusing on how European integration and EU policies build on and (re)produce a particular image of "women" and "men", implicitly or even explicitly favouring on over the other' actually limits the potential of gender approaches. In order to avoid the reification of gender binaries, it is necessary to investigate the construction of

different masculinities and femininities and de-essentialise the category of gender (see Bieling and Diez 2016, 288–289). Some scholars from the field of gender studies and critical masculinity studies are beginning to apply this perspective to the EU (see Kronsell 2016; Lombardo 2016). Hearn et al. (forthcoming) claim, for instance, that

> current social and political events across Europe provide much topical and fruitful material for critical analysis and reflection on men and masculinities: men in power, polarisation of public debates regarding gender issues, and assessment of 'crises' of men and masculinities. The place of men and masculinities is increasingly clear in EU politics, party politics and policy-making.

Future developments

Kronsell (2016, 106) rightfully argues that '[f]eminist theory belongs to a critical theory tradition with theories that share an interest in power, change and emancipation'. In this sense, critical approaches are more 'natural allies' for gender approaches, especially discursive, critical, postcolonial and practice approaches (see contributions in this volume). They share, for example, a number of characteristics such as a post-positivist ontology, a critical view on power, or an emancipatory ambition. However, this alliance still necessitates that such critical approaches enrich their ontological, epistemological and normative toolbox with 'gender tools', which can allow for a 'theorization of how masculinities and femininities are constructed, reproduced, and sustained in the European integration process' (Galligan 2019, 193). While some critical approaches seem to be more prepared to do so, others remain reluctant. In addition, applying a gender lens can also bring fruitful insights to other, more mainstream or classical integration theories, which are generally still gender-blind (see Abels and MacRae 2016). Bieling and Diez (2016, 285–286) praise gender approaches for their

> illuminating practice, which aims to reveal the hidden gender dimensions of European integration. Though gendering primarily refers to the theories of European integration, the concrete results are more extensive than some readers may have presumed. The gendering of the selected theories is not confined to their epistemological and normative dimensions, but also concerns the ontological dimension, which provides a specific understanding of the key dynamics of the integration process.

This ontological dimension is key to linking gender to other critical approaches. One of the key challenges for the future of theorising European integration is to build theoretical bridges in order to better describe and explain often contradictory and ambivalent developments in the sociopolitical process of European integration.

For gender scholars, a key concern is how to tackle the 'fundamental changes to the conceptual, methodological, and normative paradigms' (Celis et al. 2013, 16) resulting from a need to integrate intersectionality. This coincides with a more complex conceptualisation of men and masculinities and diverse forms of feminities shaping European integration in manifold ways. Last, but not least, gender EU studies have to move beyond analysing equality policies. These are certainly important, but they are only part of the story. The challenge is to develop theoretical innovations 'that better link structure, action, and ideas' (ibid., 17). This will require future ontological, epistemological and normative innovations to be developed in a dialogue with other critical and possibly even mainstream approaches.

Note

1. For a theoretical interpretation of the poly-crises see, for many, Caporaso 2018; Genschel and Jachtenfuchs 2018; Schimmelfennig 2018. For a critique of the "malestream" see Cavaghan and O'Dwyer 2018; Guerrina et al. 2018; Kantola and Lombardo. 2017b.

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The European Union and global political justice

Helene Sjursen

Introduction[1]

Formerly a marginal concern, the subject of global ethics and justice has attracted increasing interest in recent years, and now occupies a prominent place within international studies. Nevertheless, the dialogue on how global ethics and justice may be relevant to the specific issue of the European Union's (EU) global role remains quite limited. Global ethics concerns the rights and duties that arise beyond state borders. Such issues seem to have less resonance within scholarship on the EU's external policies than within international studies in general. Still, there are several connecting points between the concerns of global ethics and those raised in scholarly research on the EU's global role. This is particularly so with regard to global *political* justice. In this chapter, I identify these connecting points, with a particular focus on how different approaches to global political justice may inform analyses of the EU's global role.

Global ethics, political justice and the EU's global role

Political theorists long regarded the question of justice as something that was mainly relevant for domestic politics. International relations scholars, especially those with realist leanings, have tended to concur on this point (Bull 1982; Hoffmann 1966; Mearsheimer 2001; Morgenthau [1948] 1993; Waltz 1979). Prominent exceptions, including world system theorists (Wallerstein 1974); dependency theorists (Galtung 1971; O'Connor 1970); and to some extent the solidarist wing of the English School (Wheeler 2000**)**, merely confirm the main assumption of international relations scholarship, namely, that the duties of governments stop at the borders of their own state. However, against a backdrop of intensified globalization and economic integration, there has been an increase in support for the idea voiced by scholars, such as Charles Beitz (1979) and Thomas Pogge (2002), that principled reflection on ethical dilemmas and questions of justice cannot be confined to domestic political settings. In this context, the question of global *political* justice has come to the fore (Buckinx, Trejo-Mathys, and Waligore 2015; Eriksen 2016; Fraser 2005). Defining dominance as the essence of injustice, theories of political justice draw attention to the underlying structures of power within the global system, as well as the procedures through which problems might be settled, and by whom. The term 'dominance'

refers to a particular kind of unfreedom that people experience when they are in the discretionary power of others. It signifies forms of unauthorized rule – the absence of constitutional provisions – or lack of reciprocal power (Shapiro 2012, 293–294).

Dominance between states has been a permanent trait of international politics. However, with globalization, there has been a diversification and intensification of forms of dominance at play in the international arena. As Nancy Fraser (2005, 71) has suggested, there is 'a new sense of vulnerability to transnational forces'. The fact that actions in one part of the world may directly affect the lives of people in another part raises questions of justice. What are our duties when what we do has consequences for other people? And, as dominance is the essence of injustice, how should relations between actors be organized in order that dominance might be reduced? Rather than reject the importance of distributive justice beyond the state (Beitz 1979; Pogge 2002), the literature on *political* justice further expands the research agenda, suggesting that redistribution would be insufficient. A fair distribution of resources, it is argued, would not protect people against arbitrary interference. Freedom requires that people themselves are able to participate in or contribute to decisions about the principles upon which such distribution should be organized (Forst 2015; Fraser 2005).

These core concerns in theories of political justice become more acute as political, economic, and security challenges that affect not only people's interests, but also the fundamental conditions that should ensure their autonomy, increasingly originate in transnational and international contexts, not just national ones. Forces of global finance outpace the authority of elected governments to regulate them, and patterns of consumption, growth, and lifestyle in one part of the globe have measurable effects on the lives and well-being of citizens on the other side of the world. Flows of communication blatantly ignore state borders and easily overcome the challenge of geographical distance. The ability of the state to function as an adequate shelter for its citizens is reduced. Accordingly, while the modern territorial state was previously taken for granted as the unit within which justice applied, such a framing can no longer be assumed: 'it has ceased to be axiomatic that the modern territorial state is the appropriate unit for thinking about issues of justice' (Fraser 2005, 71).

The increased interest in global political justice is paralleled by the so-called normative turn in scholarship on the EU. In the wake of the ratification of the Maastricht Treaty in 1993, there was growing recognition that European integration was not just a pragmatic issue of market liberalization, but also something that affected people's ideas and values (Bellamy and Castiglione 2003). However, this normative turn mainly addressed questions of legitimacy and democracy (Beetham and Lord 1998; Bohman 2007; Eriksen 2005; Schmalz-Bruns 2002). To the extent that democracy is a claim of political justice there are links between this scholarly debate on EU legitimacy and the concerns of this chapter. However, legitimacy is a broader concept than justice. And theories of justice approach normative questions from a more principled perspective, seeing justice as a question of equal freedom for all. There is no consensus on how justice is linked to legitimacy. Thus, the two research agendas are not identical.

A critical analysis of the EU's global role

When scholars develop their positions on global political justice, their preferred 'oughts' depend on different assumptions regarding what actually 'is'. A core issue of contention is to what extent the state remains a key institution that must condition thinking about global political justice. Some political theorists take the view that boundaries between states are increasingly porous. Others, while recognizing the significance of globalization, continue to emphasize that borders are an inescapable and determining factor in global politics. Adhering to the latter position, Philip Pettit (2015, 37), for example, assumes that 'there is unlikely to be a sea change in the

configuration of national regimes', and suggests that the fact of borders must therefore condition any reflection on global justice. The EU, which is a political experiment in establishing binding supranational law and in institutionalizing duties beyond borders, is particularly relevant in regard to this debate amongst theorists of justice. Even though research on the EU does not provide clear-cut answers, insights from EU scholarship allow for a better and more nuanced understanding of the likelihood of change in the 'configuration of national regimes'.

The very existence of the EU constitutes a break with the state-centered global order, and the EU may be considered a testing ground for different theories of global justice. But the potential connections cut both ways. Theories of global justice may also influence scholarship on the EU. They provide tools that allow for clarification of the responsibilities that arise owing to transformations taking place both within the EU and in the EU's relations with the rest of the world. They further provide tools for critical analyses of the EU's global role. By clarifying and distinguishing between different value positions, which may constitute reasons for action or reaction, theories of global political justice also open up for accounts of EU policies, including accounts of why they succeed or fail.

As noted, theories of global political justice take as their starting point that dominance is the essence of injustice. They differ, however, in relation to what freedom from dominance implies; how best to proceed in order to approximate non-dominance; and thus what kinds of responsibilities arise, and for whom. In the following section, I outline some major claims that emerge from the scholarship on global political justice and briefly discuss what they would imply for the EU's global responsibilities.

Clarifying the EU's global responsibilities

Following Eriksen (2016), we may distinguish between three strands, or lines of thinking, which conceive of justice as non-domination, impartiality, and mutual recognition, respectively. Distinguishing between these three strands allows for more fine-grained analyses than those based on the more familiar distinction between cosmopolitan and communitarian perspectives (Brown 1992; Held 2010; Jones 1999; Miller 1995). In fact, as communitarians consider that justice concerns should be addressed in the context of the nation-state, they have little to say about global responsibilities. This would leave the cosmopolitan perspective alone to define the kinds of duties that arise at the global level, rendering alternative perspectives less visible. As outlined by Eriksen, the conception of justice as impartiality corresponds broadly with the cosmopolitan approach. The conception of justice as non-domination, while sharing some of the assumptions that we find in communitarian perspectives, acknowledges that there are duties beyond state borders. As for the conception of justice as mutual recognition, it cuts across the communitarian – cosmopolitan divide in the development of its position on global responsibilities.

As these strands of theory start from different premises, they lead to different readings both of the EU's global role and of the responsibilities that follow from it. In the first strand, which conceives of justice as *non-domination,* states have the main role, even though the global context of justice is acknowledged. While diverging on a number of issues, theorists within this line of thinking consider freedom from arbitrary interference as best secured within bounded communities, such as states (Nagel 2005; Pettit 1999, 2015; Rawls 1999; Skinner 2010). The EU's obligations to actors beyond its own borders would be limited. To assist others would be an act of charity. The EU (as well as its ambition to be a global actor) appears at first sight an anomaly from such a perspective. The establishment of a polity such as the EU, which is neither a state nor an international organization, might even be considered a risky experiment, potentially bringing instability and reducing rather than enhancing the ability of states to protect their citizens

from the risk of dominance. On the other hand, one might conceive of the EU as a state in the making. Such a state could be considered as more apt to protect European citizens from arbitrary interference from third state or non-state actors. In order to counter dominance globally, a central concern in this perspective is the need to organize relations between states in a manner that would ensure their equal status. The EU might also be a more powerful provider of support to other states in this endeavor, and also in their efforts to ensure that they have well-functioning institutions that would enable them to protect their citizens' rights.

Scholars that would be considered representative of this first strand within theories of justice, tend to rely on a relatively thin conception of liberty, where the main concern is to establish mechanisms that prevent arbitrary interference (Pettit 2015). Scholarship in the second strand, which draws on a conception of justice as *impartiality* (Eriksen 2016), work with a thicker conception of liberty or freedom (Dworkin 2011; Forst 2015; Kant [1979] 1996). Justice does not only require that people are safe from non-arbitrary interference: People's public autonomy must be ensured, and this requires that they are authors of the laws that they have to obey. In this perspective, justice is a context-transcending principle, and the state is not identified from the outset as the preferred institutional arrangement (Forst 2015). There is, however, an emphasis on the need for a neutral standard for dealing with colliding interests, values, and norms. We may infer that demands for stronger institutions and laws beyond the state would be considered acceptable and even necessary. In principle, a non-state actor such as the EU would not be problematic in this conception of justice. Indeed, from the perspective of scholars drawing on the normative arguments that underpin this conception, the EU might represent a potential first step towards a reconfiguration of global politics that would allow for greater protection of people from arbitrary interference – from both domestic and international actors. It would be a cosmopolitan polity on a regional scale (Eriksen 2019). The EU would be expected to contribute to strengthen the role of law as a means to regulate relations between states, as well as to ensure the rights of people beyond and above the rights of states. Further, one would from this perspective expect the EU to contribute to build global institutions with the right to sanction non-compliance with collective decisions.

With the third strand, in which justice is conceived of in terms of *mutual recognition,* there is a shift in focus. The concern in this strand is that in order for justice to be realized, it is necessary to recognize difference. Unlike in the conception of justice as impartiality, in this perspective, there is a concern that a given solution to a particular problem of justice may not be suitable for all actors and in all contexts (Gilligan 1982; Honneth 1995; Taylor 1992; Young 1990). Particular experiences and different histories must be taken into account, as well as unequal access to resources. What is required is a mechanism that ensures that each actor's perspective is given due hearing, along with solutions to questions of justice that adequately match the actors and their particular experiences: 'Justice as mutual recognition makes us aware of the fact that people may be treated unfairly under just formal procedures' (Eriksen 2016, 19). The institutional implications that emerge from this strand of scholarship are less clear-cut, as no one size fits all. Institutional frameworks would need to be context sensitive and to take heed of particular concerns and vulnerabilities. As the positions within this strand speak to a more complex global context in which states, non-state actors, and individuals are all potentially legitimate claimants of justice, the EU does not stick out as particularly unusual. Its responsibilities would be linked to establishing and guaranteeing interactive processes that ensure that all actors receive a due hearing.

Although each starts from a principled perspective, the different conceptions of justice outlined above express different priorities regarding what would be considered global responsibilities. While they are all reasonable positions, they come with different strengths and weaknesses. Turning now to scholarship on the EU, I consider to what extent, if at all, as well as how these different perspectives on global political justice are reflected in scholarly analyses of the

characteristics of the EU's global role and in assessments of its contribution to global order. I suggest that concerns for the principles that underpin the conception of justice as impartiality figure particularly prominently, and also discuss what insights we may derive from scholarship on the EU regarding the viability of this conception of global justice.

Claims regarding global responsibilities in EU scholarship – justice as impartiality

Exceptions notwithstanding, research on the EU's foreign policy has not paid much attention to clarifying the responsibilities ensuing from the Union's global ambitions. In their quest to conceptualize the EU's global role, scholars have described the Union as, among other things, a gentle power (Padoa-Schioppa 2001), a civilizing power (Linklater 2011), an ethical power (Aggestam 2008), a civilian power (Rosecrance 1998; Smith 2000; Telò 2006; Whitman 1998), a normative power (Manners 2002), and as carrying out a 'structural' foreign policy (Keukeleire 2004). While different, these conceptions share an understanding of the EU as a polity that, in its internal organization, breaks with the organizing principles of the existing global order through its establishment of supranational law. Further, they suggest that the way in which the EU organizes itself internally also affects its foreign policy. These conceptions mainly aim to capture the empirical manifestations of the Union's global role. Still, they all describe the EU's foreign policy in ways that suggest it is committed primarily to the principles that underpin the conception of justice as impartiality.

A main priority in the conception of justice as impartiality is to ensure the autonomy of the individual. It is not automatically assumed that the state is the most suitable institutional configuration for achieving this objective. The emphasis is on the rights of the individual to be a free agent among other free agents, and on establishing institutions and procedures that are geared to ensuring equal treatment of all. This aim trumps collective goals, such as that of ensuring respect for norms that are considered crucial within a specific cultural context or have emerged through common practice within a particular group. The idea of a neutral arbiter capable of defining what freedom entails and how it should be interpreted is an important factor within this perspective (Eriksen 2016).

Much of the scholarship on the EU's global role centers on a search for evidence to support the assumptions of the above conceptions, this is, that the EU defines its duties at the global level as reaching beyond states to encompass also the people living in them, thus potentially challenging the principle of state sovereignty (Duchêne 1972; Lucarelli 2018; Manners 2002, 2006; Rosecrance 1998; Sjursen 2006; Smith 2000, 2006; Telò 2006; Whitman 1998; Ypi 2008). In pursuit of this objective, scholars have drawn on a variety of methods and empirical sources. Some scholars have analysed the constitutive documents of the Union – that is, the various EU Treaties and the EU's Charter of Rights – and the debates surrounding their establishment, in order to uncover the formal and informal sources of the EU's obligations in foreign policy. In these documents, the Union's normative ideals are specified as the rights of the human person, democracy, and the rule of law. With the ratification of the Lisbon Treaty, the EU's Common Foreign and Security Policy became embedded in the general EU constitutional framework, which made the Union's external policies subject both to the same fundamental principles that apply to any other area of EU competence and to the Charter of Rights. Corresponding to a conception of justice as impartiality these documents are thus usually understood as suggesting that the EU has a duty to prioritize the rights of individuals in its foreign policy.

Other scholars have analysed the substantive policies of the EU. Also here, the emphasis on human rights stands out. In fact, some consider the promotion of human rights to be the defining factor and primary objective of the EU's external policies (Kissack 2015). In addition to

the EU's across-the-board emphasis on human rights, the EU's issue-specific initiatives – such as the 1998 initiative on torture and the death penalty, which the EU has raised on a bilateral and multilateral basis worldwide are often-quoted examples of the EU's commitment. Manners (2002, 249–250), among others, has also analysed the EU's efforts to influence the overall human rights situation (particularly with regard to the abolition of or reduction in the use of capital punishment) in Albania, Azerbaijan, Cyprus, Poland, Russia, Turkey, Turkmenistan, and Ukraine through various means and measures. And Karen Smith (2006, 170–171) has studied the EU's influence both in the UN Commission on Human Rights and in the Third Committee of the General Assembly of the UN.

Other scholars have looked further back into the history of the EU. Also focusing on human rights and democracy promotion, Susannah Verney (2006) has analysed to what extent concerns for human rights and for the respect for democratic principles influenced the decision to enlarge the Union through the incorporation of Greece. She points to the European Parliament's Birkelbach Report, which was issued in response to Greece's potential membership candidature in the early 1960s, as being particularly important in this context (European Parliamentary Assembly 1962). According to Verney (2006), once the issue of Greek accession had been turned into a question of democracy, rejecting the country's membership for economic or administrative reasons would have meant a major loss of Community credibility and legitimacy. The commitment to ensure respect for principles of human rights is also widely considered to have been critical in mobilizing support for the costly 'big bang' enlargement of the Union to include Central and Eastern Europe (Schimmelfennig 2001; Sedelmeier 2005; Vachudova 2005).

The principles that underpin the conception of justice as impartiality have also been used as a critical standard to assess the policies of the EU. The critique is particularly acute with regard to the Union's agreements with third states on migration, such as the so-called EU-Turkey deal (Ceccorulli 2018; Lucarelli 2018; Menendez 2016). However, reliance on a conception of justice as impartiality as a critical standard is also evident in other analyses, particularly those pointing to inconsistencies in the EU's external policies (Brummer 2009; Gegout 2016; Olsen 2000; Panebianco 2006; Smith 2014).

An important strand in the scholarly literature on the EU's global role describes the Union as a polity that thinks of its global responsibilities in a manner similar to that within a conception of justice as impartiality. However, others are skeptical. Some scholars question the empirical accuracy of such an understanding of the EU's global role. Others point to the risk that a focus on impartiality brings the EU to create new problems of dominance.

Counter claims: The impossibility of a rights-based foreign policy?

An important principled critique that is often raised against a conception of justice as impartiality relates to its alleged vagueness. While such a conception supposedly rests on certain universal principles, these principles will require interpretation in order to have relevance in specific situations. There are few guidelines on how such interpretation should be carried out. Trust is put in the idea of a neutral arbiter. However, this raises the problem of authorization: By what right can this supposedly neutral arbiter claim to speak on behalf of all and ensure that solutions are acceptable to all affected? There is a need for democratic procedures. This is a principled objection to the conception of justice as impartiality. In addition, there are the practical problems related to the establishment of such procedures that are particularly evident at the global level. Further, the idea of universal principles and of respect for human rights as a commitment that should bind all states is also contested. To be sure, all of the United Nations' members have signed up to the Universal declaration on human rights (Brunkhorst 2011; Fassbender 1998;

Risse 2004). There are also examples that testify to a general acceptance of human rights as a universal standard in global politics – for example, the sanctions regime imposed on South Africa. However, debates in the UN, such as those regarding the principle of the Responsibility to Protect, highlight the many differences and ambiguities that exist with regard to the question of how to respond to breaches of human rights standards, as well as with regard to which rights, political or social, should be made legally binding. Respect for human rights and external sovereignty does not have to be an either/or question. However, a large number of the member states of the UN remain skeptical of the practical implications of giving human rights priority over the principle of (external) sovereignty in international legal arrangements.

The principled critique of the conception of justice as impartiality is also reflected in analyses of the EU's foreign policy. In this literature, the critique is amplified by evidence testifying to the difficulties in conducting what might be termed a rights-based foreign policy, inspired by the principles that underpin the conception of justice as impartiality. Most importantly, this literature highlights the difficulties and risks particularly in committing to human rights promotion in a state-centric global order. As long as there is no explicit, autonomous, and uncontested legal standard to legitimize it, individual actors' insistence on human rights, even if based on the best of intentions, risks being an imposition. This raises the question of whether it is at all feasible, or indeed desirable, to conduct a rights-based foreign policy. This concern that liberal universalism turns into liberal imperialism is evident in the literature on the EU's global role. Scholars analysing the EU's policies towards states along the Mediterranean, for example, have argued that the EU has a tendency to assume that its own approach will by necessity fit others. Failing to understand the particular context within which 'EU principles' are projected, the EU has been accused of developing new forms of dominance (Bicchi 2006; Onar and Nicolaïdis 2013). Related concerns also emerge from the scholarship that examines how the EU is perceived by third states. In this research, a common finding is that the EU is criticised for taking it upon itself to identify what is right, as a kind of self-appointed arbiter (Lucarelli 2014). Scholars also find that third states often experience the EU as an actor that talks 'to' rather than 'with' them, and that it aims to impose European values under the guise that they are universal (Chaban, Knodt, and Verdun 2017).

The skepticism to variants of a rights based foreign policy is, however, multifaceted. Some warn against the dangers of reinforcing dominance by imposing a specific understanding of rights, on other states. Others, highlighting the lack of consistency of the EU in its pursuit of such rights are thus seemingly less concerned by the risk that imposing human rights might reproduce patterns of dominance rather than ensure justice (Smith 2014).

They often see the lack of consistency in how the EU pursues human rights as evidence of hypocrisy and of a lack of genuine commitment to ensure respect for such rights across the world. Incidentally, such understandings of the EU's policy are also sometimes accompanied by skepticism regarding the relevance of conceptions of justice as analytical tools for understanding the EU's global ambition altogether, along with suggestions that appeals to justice are merely a cover for the promotion of particular interests (Brummer 2009; Hyde-Price 2006; Seeberg 2009; Smith 2014). This realist-inspired perspective usually aims to account for the state of global affairs rather than to argue for a particular normative position. However, in line with the approach of Hans Morgenthau ([1948] 1993), for example, some of this scholarship is actually also prescriptive, and suggests that the EU *ought* to focus on promoting its own interests rather than on promoting rights (Biscop 2018). To the extent that there is any conception of 'justice' in this argument, it is one of the mutual advantages, which alleviates actors of responsibility towards other actors at the global level.

While a number of scholarly analyses of the EU's global role seem to take a normative stance in favour of the promotion of human rights as a foreign policy objective, their findings also

testify to the difficulties involved in committing to human rights promotion in a state-centric global order. A degree of skepticism regarding approaches to justice that proclaim to have universal answers is required (Aarstad 2015; Diez 2005). However, the question is how to nevertheless ensure respect of basic rights as well as the right of people to have a say in decisions that affect them as well as the community in which they live.

Global justice through states?

The conception of justice as non-domination proposes an alternative approach to both mutual advantage and impartiality. In this conception, it is suggested that, rather than being irrelevant, human rights are better protected through other means than the establishment of binding law above states. Scholars working with a conception of justice as non-domination argue that they do not deprioritize human rights (Mikalsen 2017). Instead, they regard the freedom of the individual as being best protected within the state structure. Further, such a conception of justice is concerned with how best to provide each people with a 'collective version of individual freedom' (Pettit 2015, 38). Crucially, though, in order to ensure that states are able to fulfill their promise as freedom-enabling institutional frameworks, other states must recognize them as equal and refrain from interfering in their affairs. The expectation is that this will lead to less domination than would be the case in an integrated global political structure in which all states would be subject to the same laws. This conception of global justice as non-domination gives priority to sovereign states, as do scholars in the Realist tradition of International Relations. Yet, it differs from the Realist position through its suggestion that the organization of global politics should aim to ensure the equal treatment of states and that adequate solutions to problems of global justice will only be found if all states are able to have their say on an equal basis. This entails an emphasis on international law as a crucial mechanism for regulating interactions at the global level, as well as on the establishment of multilateral institutions to enable deliberation on common problems. To be sure, within such a perspective, involvement in multilateral institutions, as well as commitment to any agreement entered into during deliberations within those institutions, can only be voluntary. Binding commitments would contradict the idea of external sovereignty. Still, the expectations on states are of a different kind than those encountered within a realist perspective, where only mutual advantage is expected to guide cooperation and there is no expectation that states should take it upon themselves to assist other states when or if they fall prey to acts of dominance. The ideal of multilateralism echoes many of the concerns of the conception of justice as non-domination. In fact, as Ruggie (1992) has shown the earliest multilateral arrangements were designed to ensure that states were treated equally, to prevent the seizure of territory, and to guarantee the right to exclude others from one's own territory.

Some scholars have highlighted traits of the EU's external policies that echo some of the concerns of the conception of justice as non-domination. Marise Cremona (2017) has shown that an emphasis on international law and multilateralism is a consistent feature of the EU's foreign policy that can be found both in the predecessors to the Global Strategy of 2016 (European Council 2016) – that is, the European Security Strategies of 2003 and 2008 – and in the EU Treaties. She has also noted that 'the EU characteristically shapes its external relationships through legal instruments, and the promotion of a rule-based approach to international relations is threaded through its Treaty-based external objectives' (Cremona 2017, 39; see also Hillion 2014). According to the Treaties, the EU's aim is to 'promote an international system based on stronger multilateral cooperation and good global governance' (Article 21.2 of the Treaty of European Union; see Official Journal of the European Union 2012). Others, however, argue that European states fail to respect the principle of sovereign equality of states.

Analysing European contributions to the bombing of Libya in 2011, for example, Fioramonti and Kotsopoulos (2015, 472), have written that

> The North saw it [the bombing of Libya] as a necessary act of assistance during the euphoric early 'Arab Spring' phase, as well as the deposition of a notorious dictator. Jacob Zuma and others saw it as in insult, a failure of the North to heed any of its own rhetoric about 'partnership of equals' or assisting the continent with its pledge to find 'African Solutions for African Problems'

Owing to its less stringent demands on states than those supported by a conception of justice as impartiality– the conception of justice as non-domination might be considered more realistic. Yet, the ideal of non-domination and the requirement of giving states equal status is demanding. It is also far from realized in world politics. The multilateral system has several built-in mechanisms that perpetuate inequality and Western hegemony rather than contributing to more equality between states (Acharya 2016). Insights from the domestic politics of the EU also suggest that the conception of justice as non-domination is more demanding than it might appear at first sight. One challenge is pragmatic and linked to the lack of efficiency, as it is difficult (for states) to agree on a common course of action and to get them to stick to it if it is not possible to sanction non-compliance. However, there is also a more principled concern that there would be a need for stronger measures than would be allowed by the conception of justice as non-domination, in order to protect both individuals and states from arbitrary interference. As long as there is no formal obligation to treat all states equally, there is an obvious risk that the will of the most powerful will prevail. Incidentally, some scholars do argue that it is indeed the most powerful states that determine the EU's foreign policy (Gegout 2010). Others, however, have found that smaller often successfully resist the tendency of great power dominance by referring to the principle of equal status of member states in the EU's foreign policy making (Sjursen and Rosén 2017).

Only a small portion of the scholarship on the EU's global role rests on assumptions that correspond with those within the conception of justice as non-domination. Those that are skeptical towards the viability of the EU's rights based foreign policy, tend instead to adopt a position that is closer to what Eriksen (2016) has referred to as a conception of justice as mutual recognition. It is the EU's desire for standard solutions and legal blueprints leading to a lack of context sensitivity, that is often criticised. The alternative proposed by critics seems to be to search for an approach that would allow for solutions that are adapted to the issue at hand and to the actors involved (Diez 2005; Keukeleire and Lecocq 2018; Onar and Nicolaïdis 2013). The call for a "decentering" Europe (Onar and Nicolaïdis 2013) also seem to be in line with such thinking.

Taking the context seriously

Global institutions relying on the voluntary commitment of states as suggested in the conception of justice as non-domination, may not be sufficiently robust to deter certain forms of dominance. They do not provide solutions to the question of what should be done (if anything), for example, if states systematically violate the basic rights of their citizens. Further, they do not allow for problems of dominance that cuts across borders to be tackled, and they are ill-equipped to deal with climate change, which hits states asymmetrically. From a perspective of justice as mutual recognition, deliberation and 'coalitions of the weak' are not considered sufficient. Yet, universal solutions do not fare much better, as they risk triggering new patterns of domination (Eriksen 2016).

Some scholarship suggests that the EU's Global Strategy of 2016 took the EU further in the direction of justice as mutual recognition. Ben Tonra (2017) reads the EU's launch of the

concept of resilience as an expression of a normative agenda that has shifted from a commit-ment to universal norms to a focus on differentiated norms, which would be better suited to capturing the particular situations of different actors. He thus suggests that resilience can cred-ibly be presented as being transformative of how the Union might conduct its foreign policy, as well as enhancing its efficacy and credibility. In his view, this would be the case if resilience is understood as 'a process not a goal; a means to greater ends, and also if it is centred upon responsiveness, adaptability, flexibility and hybridity – very much as a proactive strategy rather than a defensive approach'.

Tonra points to the emphasis on partnership and the heterogeneity of partners (states, cities, local authorities, or even private entities such as companies, foundations, etc.) in the EU's Global Strategy. On this basis, he suggests that resilience implies a commitment on the part of the EU to engage at all levels of state and society, and that each level is assumed to have its own role and potential in contributing to strengthened capacities. What is particularly significant for Tonra is that resilience implies that, in its dealings with these partners, the Union signals a willingness to engage with them on the basis of their perspectives rather than its own.[2]

In the same vein, scholars examining the EU's development policies have examined the Union's commitment to local ownership as a way to mitigate established patterns of dominance in development policy (Keijzer et al. 2019). If taken seriously, such a commitment does have important and novel implications for the EU's approach to global politics, as it rests on the idea of a need to speak 'with' rather than 'to' its interlocutors. Much of the scholarship on EU devel-opment policy appears supportive of the principle of local ownership. Yet, they question the EU's commitment to the principle, which would no doubt require an increased investment in the skills of EU diplomats, as well as in their knowledge of the countries in which they would operate. They seem less conscious of the difficulties in determining how much contextualization is sufficient, and when the concern for difference must give way to that of certain basic rights.

In this vein, the principles that underpin the conception of justice as impartiality as a criti-cal standard to assess the policies of the EU. The critique is particularly acute with regard to the Union's agreements with third states on migration, such as the so-called EU-Turkey deal (Ceccorulli 2018; Lucarelli 2018; Menendez 2016). However, reliance on a conception of justice as impartiality as a critical standard is also evident in other analyses, particularly those pointing to inconsistencies in the EU's external policies (Brummer 2009; Gegout 2016; Olsen 2000; Panebianco 2006; Smith 2014). While scholars such as Karen Smith, for example, seem to take a normative stance in favour of the promotion of human rights as a foreign policy objective, their findings also testify to the difficulties involved in committing to human rights promotion in a state-centric global order.

Conclusion

In this chapter, I have highlighted the many connecting points between scholarship on global ethics and that on the EU's global role, focusing in particular on theories of global political justice. I have suggested that insights from theories of global political justice may be useful for analyses of the EU's global role, and vice versa. More specifically, I have suggested that the prin-cipled concerns of a conception of justice as impartiality inform much of the scholarship on the EU's global role, but that they also testify to the difficulties involved in conducting a rights based foreign policy in a state centric global order.

One might object that the relevance of theories of global justice for understanding interna-tional affairs is decreasing rather than increasing in a context where geopolitical concerns are on the rise and the validity of global norms is increasingly contested. In this context, prominent

scholars and policy analysts have highlighted the concepts of spheres of influence, balance of power, and alliances as "the sturdiest building blocks for understanding and constructing international order" (Allison, 2020). Theories of justice suggest a different approach to understand international order, as well as a different way of accounting for the contestation of global rules and norms. Through their focus on the underlying structures of power within the global system, theories of justice direct attention to the ambiguities of global norms, and to the possibility that their contestation is a counter reaction to dominance.

They further provide tools that allow scholars to examine questions of political organization and of rights that arise in this context of resistance to dominance. They allow for a disentangling and assessment of the significance of conflicting perspectives with regard to what should be the key organizing principles of global order. Such analyses are important if we are to grasp the complexity of global politics of the 2020s.

Notes

1. The research presented in this chapter is part of the GLOBUS – Reconsidering European Contributions to Global Justice project, which has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement no. 693609.
2. It should be noted that Tonra's understanding of resilience differs from the way in which this concept is understood in the international relations literature. For a review of that literature, see Marco Krüger (2019).

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Critical social theory approaches to European integration

Ian Manners

Origins of critical social theory of emancipation

Critical Social Theory (CST), in its broadest sense, is a transdisciplinary approach to the social sciences that applies critique to the status quo in order to emancipate humans and the planet from the negative consequences of modernity.

A broad understanding of CST includes historical materialism, Frankfurt School theory, cultural theory, poststructural theory, feminist theory, and postcolonial theory (Manners 2018a, 322–3). For example, Craig Calhoun's seminal 1995 study of CST included engagements with Horkheimer, Adorno, and Habermas' Frankfurt School; Derrida and Foucault's postmodernism; Bourdieu's habitus, field, and capital; Haraway and Fraser's feminist theory; and hooks and Spivak's politics of identity and recognition. The *transdisciplinary* approach of CST demands the reorganisation of disciplinary practices in order to transgress and transcend pre-existing frames of knowledge organisation found in the social sciences and humanities, in particular history, sociology, economics, ecology, and politics. In this context, CST is an 'interpenetrating body of work which demands and produces critique … [that] depends on some manner of historical understanding and analysis' (Calhoun 1995, 35). This historically-grounded *critique* is essential because 'theory is always for someone and for some purpose' since 'theory constitutes as well as explains the questions it asks (and those it does not ask)' (Cox 1981, 128; Hoskyns 2004, 224). Scholarship and activism within CST is concerned with understanding how 'tradition', the 'status quo', and the 'mainstream' are self-perpetuating practices of *modernity* that have significantly negative consequences for humans, society, and the planet as a whole. As Max Horkheimer put it in 1937, these conditions necessitate a 'critical theory of society as it is, a theory dominated at every turn by a concern for reasonable conditions of life' (Horkheimer 1972[1937]: 198–9). As discussed in the final section on imagining another Europe is possible, CST is different to the other critical theoretical approaches in setting out a holistic, ecological, and progressive approach to the planetary politics that characterise the 21st century.

This contribution is a continuation and development of two decades of work on CSTs of European integration including 'unconventional explanations', 'critical perspectives', and 'dissident voices' that help make 'another theory' and 'another Europe' possible (Manners and Whitman 2003; Manners 2007; Manners and Whitman 2016), building on the intellectual heritage

of Karl Marx, Antonio Gramsci, Horkheimer, and Theodor Adorno. However, this chapter takes two steps further in broadening the range of critical social theorists to include the heritage of Karl Polanyi and Hannah Arendt, and the work of Stuart Hall, Chantal Mouffe, Étienne Balibar, and Nancy Fraser. It also takes the current literature further in deepening the field and its contributions through examination of 'ideological common sense', 'symbols and myths', 'democratic sovereignty', 'public interest', 'transnational solidarity', the 'normative power approach', and CST political theory. The rest of this first section sets out the origins of CST of emancipation through its historical and intellectual development in the study of European integration. In section two, this intellectual heritage forms the foundation for examining the development of CST through critique in the study of European integration. Section three analyses the contribution of CST to the study of European integration by focusing on its principal contributions. The final section reflects on being critical of the critical before arguing how CST imagines 'another Europe is possible' through an ecological critique and political theory of European integration.

Interest in CST has dramatically increased over the past 50 years since the publication in English of the works of Gramsci and the Frankfurt School during the 1970s. However, it is only since the end of the Cold War that interest in CST has exploded with numerous works surveying CST in the social sciences. The original publications within early CST include Gramsci's *Prison Notebooks* published in Italian between 1948 and 1951, and published in English in 1971; Horkheimer's 'Traditional and Critical Theory' in 1937 [1972]; and Polanyi's *The Great Transformation* in 1944. More controversial is the identification of the works of Arendt with CST. However, Arendt did argue 'it is true that in his early work [Marx] spoke of the social question in political terms and interpreted the predicament of poverty in categories of oppression and exploitation' (Arendt 1963, 63). As Heather and Stolz (1979, 2) have argued, 'it is Arendt rather than the Critical Theorists who embodies the mode of thought appropriate to what Rosa Luxemburg once referred to as the "school of public life itself"'.

The origins of many CST analyses of European integration are found in the works of scholars such as Hall (1986) and Mouffe who began working with Gramscian hegemony in the 1970s and 1980s, while Balibar drew on Marx and Gramsci to examine race, nation, class, and Europe in the 1970s and 1980s. Fraser introduced a gender critique of Frankfurt School theory and Habermas into CST in the 1980s, with a later series of interventions on the rescaling of economic regulation to regional trading blocs like the European Union (EU)EU. The second generation of post-Cold War CST analyses of European integration built on these origins and insights to contribute to increasing interest from scholars such as Calhoun examining the works of Habermas and Arendt (see Eriksen's chapter on Habermas in this volume).

The development of CST as a critical theoretical approach to European integration grew through the 1990s, with an increasing concern for understanding and challenging the social production of knowledge; for historicising and contextualising subjectivity; and a commitment to progress and emancipation as the goals of research (Manners 2007, 81).

Development of critical social theory through critique

The intellectual heritage sets out above provides a foundation for examining the development of CST through critique in the study of European integration, including its major claims relating to cultural, economic, gender, social, historical, and political theories. The first of these claims and developments has come from the cultural, political, and economic theory contributions that have their origins in the works of *Gramsci*, *Polanyi*, and *Balibar*. Drawing on the work of Gramsci, Hall co-developed the field of Cultural Studies and applied its insights to the British relationship with the European Community/Union over four decades (Anderson and Hall 1961). Hall's

(1993, 349) use of Gramsci occurred within 'the development of Cultural Studies…; and in anguished conversation in the eighties, as we all tried in different ways to make sense of the disorientation of the left under the impact of Thatcherism and the forces it unleashed'. For example, Hall (2003, 60–1) argued that the search for the myths of Europe to imagine the EU will license Europe to disavow its historic instability and its deep inter-connections with other histories. Cultural studies scholars have used Hall's work to examine political communication and democracy in the EU, with Philip Schlesinger (1999) arguing that the growth of transnational Euro-media has not opened general access to communication by European publics. Giorgia Aiello and Crispin Thurlow (2006) examine visual discourse and EU identity to show how political/cultural/economic ideologies underpin the production of a supposedly pan-European identity. Similarly, the political philosophical work of Chiara Bottici and Benoît Challand (2013) comes from the intellectual direction of critical theory, Gramsci, and Hall in their scholarship on political myth, Europe, and civilisation, arguing that Europe's formation, myth, and memory are merged in a common attempt to construct an identity for its present and its future.

Particularly important for the CST of European integration has been the claims of political theory based on the work of Mouffe. Building on the use of Gramsci and hegemony in social-ist strategy, Mouffe (1993, 4) developed a theory of 'agonistic pluralism' as an essential struggle where the political opponent should not be considered as an antagonistic enemy to be destroyed, but as a legitimate agonistic adversary to be tolerated, and which 'represents the very condition of existence of such democracy'. The theory was subsequently extended to the EU; 'instead of taking the role of the vanguard in the unification of the world, the EU should be visualized as one important region in this multipolar world…. By promoting a pluralist approach, it could contribute to fostering an agonistic world order that acknowledges the diversity of forms of life and modes of organization' (Mouffe 2013, 64). Kalypso Nicolaïdis (2013, 354) has set out the 'strong affinities' between Mouffe's agonistic democracy and what Nicolaïdis calls "European demoicracy" within the EU, arguing that 'if we believe in agonistic politics, the point is not to co-opt but to converse' in the processes of European integration (Nicolaïdis and Youngs 2014, 1418). For Nicolaïdis (2013, 351), 'the idea of European demoicracy is seductively simple: a Union of peoples govern together, but not as one', thus including both the pluralism of multiple democratic spheres and the necessity of agonistic coexistence and conversation.

Gramsci's influence also comes through critical political economy and its critique of neo-liberalism in the EU. The neo-Gramscian perspective associated with Cox, Gill, and the Amsterdam School became influential in the late 1990s (Manners 2007, 80; see also Bieler and Salyga's chapter on historical materialism in this volume). Within this approach, Magnus Ryner and collaborators use Gramscian terms to describe the emerging transnational hegemonic bloc of social forces in the EU formed by 'influential national politicians, transnational alliances and supranational institutions' (Bieling, Jäger, and Ryner 2016, 61), building on two decades of neo-Gramscian scholarship (Ryner and Cafruny 2016). More recent research focuses on the regula-tion of EU corporate governance and competition policy within the context of EU austerity politics (Horn 2012; Buch-Hansen and Wigger 2015). In parallel with Gramsci has been the influence of Polanyi's concept of the 'double movement' of economic liberalism counteracted by social protectionist forces (Birchfield 1999, 38–9). The work of Vicki Birchfield and Annette Freyberg-Inan demonstrates how Polanyi's theory of society's counter-movement is useful under conditions of market ideology (Birchfield and Freyberg-Inan 2004; Birchfield 2012). Similarly, Vivien Schmidt (2009, 20) uses Polanyi to understand how 'governance *for* the people', or 'throughput' can be part of re-embedding markets in society.

The works of Balibar on European integration, in particular *We, the people of Europe?* (2004), are important on questions of mediation, borders, and citizenship. Nicolaïdis (2013) has drawn

of Balibar's work to argue for the need to avoid the exclusionary tendencies and discriminatory language within the EU, and the same time as evoking Balibar's 'borderland' in the search for 'European demoicracy'. Similarly, Catherine Guisan (2005, 2012) uses Balibar's work on the European Communities, and a community of fate rather than of descent, in order to answer difficult questions regarding the EU as a 'union of peoples' that is a worksite of citizenship that enlarges mentality beyond borders.

The second set of major claims and developments come from the gender, social, and political theory of the contemporary *Frankfurt School* (see also Abels and MacRae's chapter on gender approaches in this volume). Fraser's critical theory brings together gender, Polanyi, and critique in the analysis of the EU arguing, for example, that in 'the commodification of money … Polanyi was remarkably prescient… [as] financialization recently has threatened to destroy the euro, the European Union, and any presence of democracy, as bankers have routinely overruled parliaments and installed governments that might do their bidding' (Fraser 2014a, 553). At the same time, 'efforts to expand the scope of gender justice beyond the nation-state are increasingly resigned to cohere with neo-liberalism's global governance needs, as "femocrats" have entered the policy apparatuses of the United Nations, the European Union, and the "international community" ' (Fraser 2013a, 15). Catherine Hoskyns' critical theory of gender in the EU followed Fraser's 1995 lead by arguing that 'the achievement of justice in political terms requires both the recognition of difference and the redistribution of socioeconomic resources' (Hoskyns and Rai 1998, 346) and that there has been 'little in Critical Theory that shows a sensitivity to gender' (Hoskyns 2004). Sylvia Walby also draws on Fraser's gendered critical theory, in particular *Justice Interruptus: Critical reflections on the "postsocialist" condition* (2014b), in the analysis of the politics of recognition and equality, and gender mainstreaming (Walby 2004, 2005). Among the contemporary, Frankfurt School theorists Calhoun's emphasis on 'liberation, equality, justice, and all the other problematic terms that join with freedom to make up the most popular normative and political path for critical theory' has been important in broadening critical theory to explore feminist and poststructuralist theory on the path to critical social theory (Calhoun 1995, xvi & xx). In particular, Calhoun's work on identity and plurality, democratic integration, solidarity in Europe, and cosmopolitan Europe has been influential in shaping the development of CST in the study of European integration (Calhoun 2003a, 2003b, 2009).

The third set of major claims and developments are coming from the historical and political theories anchored in the work of one of the twentieth century's leading political philosophers and theorists; *Hannah Arendt*. In particular, the critical work of Arendt herself, as well as Arendtian scholars, such as Peter Verovšek, Guisan, and Bonnie Honig, is important to the contemporary critique of ethics, memory, and agonistic cosmopolitics in the study of European integration. Arendt's *Jewish Writings* and *Essays in Understanding*, written between 1940–1945, sets out her support for a European federation of nationalities to replace the nation-state: 'A good peace is now inconceivable unless the States surrender parts of their economic and political sovereignty to a higher European authority: we leave open the question whether a European Council, or Federation, a United States of Europe or whatever type of unit will be formed' (Arendt 1945 in Kohn 1994, 113).

Subsequent interpretation of Arendt's writings suggest several different critiques at work. Firstly, Arendt argues that the collapse of the European nation-state was the result of nineteenth-century imperialism, anti-Semitism, and the European colonial project (Selinger 2016): 'Unquestionably fascism has been once defeated, but we are far from having completely eradicated this arch-evil of our time. For its roots are strong and they are called Anti-Semitism, Racism, Imperialism' (Arendt 1945 in Kohn 1994, 150). Verovšek (2014, 412–3) and William Selinger (2016, 446) argue that Arendt's political theory provides unexpected support

for European integration, but memory must 'function as a resource for political transformations in the aftermath of historical ruptures' and that the 1980s resurgence of neo-liberalism and the resulting return of the far right in Europe demand greater reflection on Arendt's writings. Secondly, Arendt warned that 'now European federation is a definite political possibility, new constellations of world powers make it only too easy to apply their former nationalism to a larger structure and become as narrowly and chauvinistically European as they were formerly German, Italian, or French' (Arendt 1948 in Kohn 1994, 422), raising the risk that building a bigger and better state – a EU – would leave the problems of interstate politics precisely where they are.

Lars Rensmann (2019) and Nicole Dewandre (2018) use Arendt to argue for rethinking European democracy and politics after its legitimacy crises, in particular reconstructing Arendt's writings on European post-national democracy by moving beyond both national sovereignty and technocratic supranational governance. As Selinger (2010, 445) and Rensmann (2019, 14) have set out, Arendt advocated post-sovereign republican diffusions of power, with democratic legitimacy requiring autonomous, grassroots political activism, combined with decentralised and Europeanised publics constituting transnational political communities. Calhoun argues that her idea of public speech – the public sphere – is essential for the democratic integration of Europe (Arendt 1958 in Calhoun 2003a, 243). Similarly, Alessandra Beasley (2006, 135) uses Arendt to argue for more cosmopolitan citizenship based on Arendt's ideas of 'universal communication', while Dewadre (2018) uses Arendt and Balibar to rethink of plural EU political agents as relational selves.

Guisan argues that, following Arendt, the EU has forgotten its 'lost treasure' of ethical and political impulses behind the 50-year-old European integration process. The role of the EU's 'principles of action' has been hermeneutically retrieved by Guisan's (2012, 11–12) studies of the principle of reconciliation, the principle of power as action in concert, and the principle of recognition in the memories, and actions of participants. Guisan (2011) argues that reconciliation is a crucial, yet forgotten aspect of European integration, starting with Franco-German reconciliation with the 1951 Treaty of Paris, extending to post-Cold War reconciliation in central Europe, as well as reconciliation between Greece and Turkey. In her analysis of EMU political leadership vs. Greek civil society, Guisan (2016) argues that power as action in concert ('promise') was demonstrated more by Greek civil society organisations than by the financial Troika and Taskforce.

Honig's 'agonistic cosmopolitics' is 'located squarely in the paradox of politics – that irresolvable and productive paradox in which a future is claimed on behalf of peoples and rights that are not yet and may never be' (Honig 2006, 118; 2009, 130). Drawing on Arendt, she argues that 'an agonistic cosmopolitics is committed to the perpetual generation of new sites of action in concert on behalf of worlds not yet built or on behalf of those still emergent and in need of activist support and sustenance' (Honig 2006, 12; 2009, 133). In this respect, 'Arendt sees the self as a creature that is always agonistically engaged …. When Arendt takes these arguments to politics, she theorizes a practice that is disruptive, agonistic, and, most important, never over' (Honig 1993, 9). The work of Heidrun Friese (2010) has subsequently developed Honig's Arendtian approach to the EU, focusing on the limits of hospitality in the Mediterranean. At the same time, Paulina Tambakaki (2011) has used both Honig and Mouffe's agonistic theories to examine European citizenship, arguing that citizenship is not simply taken as a means to participation, but as a channel for political mobilisation.

Contribution of critical social theory to European integration

This third section examines in more detail a selection of six contributions that CST has made to the understanding of European integration. These contributions demonstrate both the transdisciplinary and holistic approach of CST by asking questions and demanding answers that

open up European integration to historical context, political consequences, and public scrutiny beyond disciplinary domains.

The first contribution is a critique of *ideological common sense*. As Hall demonstrated throughout his career, Gramsci understood that 'contradictory forms of "common sense" 'constitute crucial sites for the construction of popular hegemony; political and ideology struggle; and practice (Hall 1986, 26). For Hall, 'common-sense neo-liberalism' is a central part of political life where, following Gramsci, it is 'not something rigid and immobile, it is continually transforming itself' (Hall and O'Shea 2013, 9). In the study of European integration, CST helps understand how the English neo-Thatcherite class were able to construct a popular cultural hegemony: 'The ideological common sense of this new era was that established politicians and parties, working with the EU, were responsible for the United Kingdom's poor economic situation and that none of the established political institutions were to be trusted' (Manners 2018b, 1226). CST sets out a method for addressing and undermining ideological common sense using immanent critique. As Calhoun (1995, 23) has argued: 'At the heart of critical theory lay the notion of "immanent critique", a critique that worked from within the categories of existing thought, radicalized them, and showed in varying degrees both their problems and their unrecognized possibilities'. Theuns (2017, 287) uses an immanent critique of European Neighbourhood Policy (ENP) regional progress reports to argue that EU 'democracy promotion is in conflict with other goals of ENP such as market liberalization, trade policy reforms and private sector development' (see also Nicolaïdis 2013 and Verovšek 2017 use of immanent critique). In sum, the first contribution 'encourages a move beyond accepting the status quo of power relations by using critical social theory to open space for thinking beyond occupation' of European integration (Manners 2018a, 322).

The second contribution uses CST to (re)construct systems of *symbols and myths*. Collective symbols and myths are fundamental to the understanding of issues such as European social solidarity, citizens feeling of belonging to the EU, political advocacy for and resistance to European integration, and concrete political actions in planetary politics. It is important to clarify that symbols are understood not just as the official 'icons' of the EU (the flag, the motto, the anthem, the day, or the Euro), but as including official and non-official images and representations of the EU. Similarly, myths are understood not as imaginary or unreal folklore, but as cultural and political narratives that provide meaning of the EU in society. Symbols and myths include performative 'rituals', 'totems', and 'taboos'. Such rituals and practices of meaning-making ensure that symbols and images, myths and narratives are represented and inscribed with particular understandings for the producers and consumers of European (dis)integration. The final step is to realise that such symbols and images, myths and narratives, rituals and practices are read, and must be interpreted, through political psychology (Manners 2018b, 2020), as the work of Laura Cram, Aiello, and Thurlow illustrates. Cram has drawn on Pierre Bourdieu's concept of the habitus and Michael Billig's notion of banal nationalism to analyse the case of 'banal Europeanism' where the process of routine formation is described as enhabitation: 'thoughts, reactions and symbols become turned into routine habits and, thus, they become enhabited' (Cram 2009, 114). Cram asks 'To what extent must the new attractive way of life be based on an objective reality and to what extent can symbols and myths be manipulated to encourage a shift in expectations and activities towards the new political centre or to encourage particular 'imaginings' of the Union?' (Cram 2001, 237). Working in another direction, Aiello and Thurlow (2006, 149) have emphasised the importance of examining symbols and myths in research on European identity and the critical importance of understanding how 'cultural and symbolic processes are as central to the experience of Europe as any monetary or economic resource'.

The next three interconnected CST contributions critically engage with the three crises of the EU over the dilemmas of political, economic, and social order (Manners and Rosamond 2018, 32;

Scholl and Freyberg-Inan 2018). Thus, the third contribution is to the understanding of *democratic sovereignty* in European integration, with an emphasis on the importance of agonistic cosmopolitics. CST scholars argue that 'cosmopolitics combine communitarianism with cosmopolitanism… If cosmopolitanism relies on a discourse of individual rights; communitarianism is based on a discourse of social rights that is often expressed in exclusive and localist terms. Both run the risk of substituting ethics for politics' (Kinnvall and Nesbitt-Larking 2011, 92; Manners 2013, 483). Cosmopolitics combines agonistic understandings of 'pluralism' taken from Gramsci by Mouffe (1993, 4–6); and of 'contest' taken from Arendt by Honig (1993, 15–16). Thus agonistic cosmopolitics links local politics with global ethics to demand EU democratic sovereignty that is contentious, not hegemonic; that is pluralistic, not majoritarian; and that is both multicultural and cosmopolitan at the same time as strengthening grass-roots democracy and local solidarities (Honig 2006, 117; Mouffe 2013, 43–64). Leading CST scholars, including Mouffe's (2013) 'agonistic democracy', Balibar's (2017) 'new foundation' of democracy, and Nicolaïdis' (2013) European 'demoi-cracy', represent important radical voices in the reimagination of democratic sovereignty in response to the crisis of politics across Europe.

Interconnected with political crisis is the fourth CST contribution to understanding *public interest* in European integration, with an emphasis on the importance of social market economics. CST scholars argue that the political, economic, and social crises of contemporary neo-liberalism invite the Polanyian double movement of social protectionist forces in European integration. But CST goes further to identify why the double movement is not occurring and to advocate for a 'triple movement' comprising marketisation, social protection, and emancipation instead; 'the globalization of finance requires a new, post-Westphalian way of imagining the arenas and agents of social protection' (Fraser 2014a, 554; 2013b). More specifically, the achievement of social market economy requires a 'system of close ties between industrial capital and financial capital (bank-mediated corporate finance) on the one hand, and an institutionalized class compromise between owners, managers and employees on the other' (Horn 2012, 72–3). The move to social market economics helps displace neoliberal ideology with its emphasis on capital markets and the rejection of ideological austerity, including 'reframing austerity measures as a political choice as opposed to an inevitable necessity' (Scholl and Freyberg-Inan 2018, 115). It is clear that political choices that have severe social consequences need to be taken in the public interest, with deliberative democratic transparency and accountability as advocated by Schmidt (2013, 19–20). Ultimately, as Ryner (2014, 72) argues, 'it is not surprising that one of the primary political casualties of the [financial] crisis' has been European social democracy: 'The tragedy is that in a situation where the radical right is moving forward its positions, Europe truly needs' a social democratic alternative. Similar to democratic sovereignty, CST scholars of political economy, including Fraser's 'triple movement', Schmidt's 'gouvernement économique', and Ryner's 'social democratic alternative', are important contributors to the rethinking of public interest in social market economics in response to the economic and financial crisis across Europe.

Doubly interconnected with political and economic crises is the fifth CST contribution to understanding *transnational solidarity* in European integration, with an emphasis on the importance of cosmopolitical solidarities sets out in Carol Gould's (2007) work on transnational solidarities through rethinking cosmopolitical democracy. CST scholars argue that the political, economic, and social crises of contemporary multiculturalism, citizenship, and solidarity demand cosmopolitical solidarities. This scholarship argues the need to identify clearly transnational EU solidarities as overlapping networks of relations that share and support actions to eliminate oppression or reduce suffering, and that cosmopolitical solidarities networking and sharing global ethics with local politics are more likely to take actions in concert that are caring and empathic towards

distantly situated others (Gould 2020; Manners 2020). Calhoun has set out, in the aftermath of 11 September 2001, how cosmopolitical perspectives differ from cosmopolitanism in that they seek a 'strong sense of cosmopolitanism [which] calls for confrontation with deep and necessarily contentious differences between ways of life', rather than a 'soft cosmopolitanism … [where] contemporary cosmopolitans meet others of different backgrounds in spaces that retain familiarity' (Calhoun 2003c, 106–7). At the same time, cosmopolitical approaches seek to engage with communitarianism by establishing a connection to the 'idea of political action rooted in immanent contradictions of the social order', where 'immanent struggle for a better world always builds on particular social and cultural bases' (Calhoun 2003c, 102–3). In terms of transnational solidarity played out within multicultural European societies, 'cosmopolitics consists of self-reflective culturalism combined with equal access to resources and power, globally and locally. A cosmopolitical approach is thus in line with deep multiculturalism and proceeds from an understanding of self as dialogical' (Kinnvall and Nesbitt-Larking 2011, 92). However, Balibar (2011a, 13; 2011b, 222–3) argues that 'the so-called return of the religious has produced the dissociation and crisis of the idea of a "multicultural" cosmopolitical agenda, or *cosmopolitanism as multiculturalism'*, and that 'progressive movements' at the 'cosmopolitical level' need to grant 'more concrete character to the idea of hospitality' through recognising the 'diasporic citizen'.

The sixth contribution is the *normative power approach* (NPA) to the EU in planetary politics that uses CST as part of normative political theory addressing both global ethics and global justice (Manners 2014, 2018a). Working within CST, the NPA should be *normative*, *explanatory*, and *practical*, all at the same time. In this respect, the NPA is *normative* in arguing that agonistic cosmopolitical theory linking local politics with global ethics provides a normative basis for critique in planetary politics. Second, the NPA is *explanatory* in approaching the EU as a 'European communion'; a sharing of communitarian, cosmopolitan, and cosmopolitical relationships that provide an explanation of the EU as an actor in planetary politics (Manners 2013). This means that the EU cannot be simply explained as either a constellation of member state communities cooperating in foreign policy, or as a cosmopolitan space integrating its external actions, but it opens the possibility of explaining the EU as an example of cosmopolitical co-existence both within and without the region. Finally, the NPA argues for an analytical focus on the EU's use of 'normative justification', rather than physical force or material incentives, which provides a *practical* guide for the practice of EU normative power in planetary politics. The NPA has, over the past two decades, used CST to anchor a normative political theory of EU foreign policy (Manners 2011), that address both global ethics (Manners 2006, 2008) and global justice (Manners 2009, 14–15): 'More sustainable global economics, a more sustainable global environment, more just human development, and more sustainable systems of democratic global justice require different thinking and a different direction in national, international and transnational politics [if not] then we are likely to continue to reproduce and accelerate the great wars, great famines, genocides, poverty and starvation, and impending eco-catastrophe that traditional international relations has cultivated'.

Critical social theory imagines another Europe is possible

This final section first reflects on being critical of the critical, before arguing how CST imagines 'another Europe is possible', including an ecological critique and political theory of European integration.

Being *critical of the critical* in CST involves including the problems of understanding, the defence of ideological common sense and orthodoxy, and the need for imagination in

critique. CST is not well understood in the mainstream of social sciences and humanities, including European integration and European studies. While different disciplines have a variety of understandings of CST, they are often particular to the discipline; for example, historical materialist theories to economic history, neo-Gramsian theories to critical IPE, or postcolonial theory to literature (although see Kinnvall's chapter on postcolonialism in this volume for an exception). In this respect, the most common misunderstanding is to read CST as unique to sociology rather than transcending the social sciences and humanities, as illustrated here.

The second criticism is that disciplinary mainstreams are paradigmatically defensive of their theoretical and methodological core, and certainly do not embrace critiques of their assumptions and their boundaries readily. As discussed extensively from a variety of CST perspectives, within EU studies the disciplinary mainstream of political science has become dominant at the same time as the 'ideological "common sense" of economic orthodoxy' has 'hidden in plain sight the neoliberal preferences for market economics' (Manners and Rosamond 2018, 33–35). Hence, it is fully expected that the orthodox core of political science and economics will continue to seek to discredit CST as 'confusing' or 'unscientific'.

The third criticism is inherent in CST itself, as Calhoun (1995, 23) points out the development of CST as a broader, transdisciplinary approach to the social sciences requires recognising both the strengths and weaknesses of immanent critique and the possibilities of a pragmatic critique. In contrast to immanent critique, Cochran (1999, 276) argues that pragmatic critique:

> … begins with the acknowledgement that the social tensions which give rise to immanent critique may not be sufficient for initiating anything more than reform in some instances. Perhaps nothing more is required and this is how inquiry is temporarily concluded. However, the same tensions may suggest the need for moral imagination to play an important supplementary role to immanent critique by projecting the possibilities for radical change that may be only available through an engagement with that which is other or different, outside of our immediate resources of value.

Thus addressing these criticisms of the critical involves addressing the wider, sometimes interdisciplinary, misunderstandings of the differences, similarities, and applicability of CST across the disciplines in order to be both practical and imaginative in confronting ideological common sense and orthodox disciplinary defences.

In contrast, CST *imagines 'another Europe is possible'* through three important developments of the approach involving the need for a more holistic approach to theorising European integration across the social science, the further need to include an ecological critique of European integration, and to realise the importance of CST political theory to the contemporary challenges of Europe. The first step to imagining another Europe is possible is to develop CST through recognising the holistic nature of the challenges, theories, and solutions to contemporary crises. For example, just as the 'holistic social science of Karl Polanyi' (Block and Somers 1984) was important to previous generations, so his insights are invaluable for contemporary thinking about economic, democratic, and gender crises demanding 'civil society successfully acting to prevent catastrophe' (Walby 2015, 32). As Birchfield (2011, 141) has suggested, working within the normative power approach, that a holistic research programme 'forces us to move beyond the conventions and conformities of linear thinking with their analyses of self-interest, narrow context, isolation, and discrete questions, in order to think about holistic, contextual, inclusive, and global European studies' (Manners 2003, 78–9).

The second step to developing CST for the 21st century goes beyond narrow understandings of social science to include an ecological critique of European integration. As Fraser has argued, we lack a critical theory for our times:

> It is the convergence of these three strands – the ecological, the financial and the social – that constitutes the distinctive character, and special severity, of the present crisis.... A critical theory for our time must encompass all three of these crisis dimensions. Today, however, we lack such a critical theory. Our received understandings of crisis tend to focus on a single aspect, typically the economic or the ecological, which they isolate from, and privilege over, the others. (Fraser 2014a, 542)

Instead, by developing a more holistic CST it is possible to encompass the crises dimensions of society, economy, ecology, conflict, and 'planetary politics [that] are characterised by truly planetary relations of causality that can only be understood and addressed holistically' (Litfin 2003, 481). As CSTs have previously made clear, progressively integrating the 'economic, social and ecological dimensions' into 'sustainable development' though integrating 'green theory brings particular challenges to regional integration... because ecological perspectives require us to stretch our concepts of belonging, loyalty, responsibility and identity not only beyond our own community or nation, but also to other species and across time' (Nicolaïdis 2010, 36; Brianson 2016, 128).

The last step in imagining another Europe possible is to realise the importance of CST *political theory* for the contemporary challenges of Europe. Mouffe (2013, 51–53) draws on Nicolaïdis' (2013) notion of 'European demoï-cracy' to argue for an 'agonistic model of Europe' with a 'plurality of democratic spaces for the exercise of democracy' and the need to constantly balance between different levels – the European and the 'national' – but also the regional – 'recognising the tensions existing between them'. For Mouffe (2013, 53), such a EU would thus 'not only be a 'demoï-cracy' composed of nation-states, but one where there would be a multiplicity of different kinds of *demoï*'. At the same time, Nicolaïdis has systematically argued the need for the progressive principles of 'mutual recognition' and 'non-domination' to be at European demoicracy's normative core (Nicolaïdis 2007, 684; 2013, 358–60). Both Nicolaïdis and Guisan place emphasis on Taylor's 'politics of recognition' where 'recognition facilitates the rapprochement of parties previously opposed' and suggests a 'way out of the stalemate of self-perpetuating antagonistic positions' (Guisan 2005; 2012, 83–4). Similarly, Fraser has argued that while 'the politics of recognition is a crucial precondition for identity formation' the question of the social-economic inequalities of class remains critical (Pető and Manners 2006, 111; Nicolaïdis 2007, 684; Guisan 2012, 84–5). Thus, progressive CST of European integration is concerned with 'developing a *critical* theory of recognition, one which identifies and defends only those versions of the cultural politics of difference that can be coherently combined with the social politics of equality' (Fraser 1995, 69).

The second of Nicolaïdis' demoïcratic principles develops a CST of democratic freedom by shifting to a 'transnational context the goal of non-domination as democratic freedom by which [humans] are free from one another's arbitrary power' (Nicolaïdis 2013, 358). Guisan (2005; 2012, 15, 73) has also developed this idea through the progressive principles of reconciliation and 'power as action in concert', arguing that 'the principle of reconciliation is *the* foundational principle of the European integration' and the need to 'break away from the ancient tradition of power as domination.' Instead, Guisan (2012, 60) argues for non-domination to be theorised through Arendt's work 'recasting political power as action in concert rather than domination'. In this way, instead of conceptualising enactions of power

as the 'imposition of a will over another(s)' (a self-empowering exercise), 'Arendt's concept of power as power *with* explains best the intents and some of the actions of European actors' in the past and potentially the future (Guisan 2012, 61; Manners 2013, 483–4). Thus, the CST of the normative power approach provides a means of critically examining the legitimacy of principles, acts of recognition, and reconciliatory impacts of the EU in planetary politics (Manners 2018a, 331).

Imagining that another Europe is possible through more holistic, ecological, and progressive political theory helps realise the importance of critical social theory for emancipating humans and the planet from the negative consequences of modernity, capitalism, neo-liberalism, and the ideological common sense they naturalise.

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Part II

Critical approaches to European political economy

Introduction

Critical political economy and European integration

Ben Rosamond

Introduction: The EU as a political economy problem

The European Union (EU) is an elaborate beast, but at its most basic it is a political economy phenomenon. European integration is an exercise in market making, arguably on an unprecedented scale and certainly in ways that yield a complex set of multi-level relationships between economic space on the one hand and the exercise of both regulatory and political authority on the other. Put simply, the EU's central raison d'être amounts to the accomplishment of an area where constraints on economic transactions across national borders are minimised and, ideally, eradicated. The achievement of the 'four freedoms' – of goods, capital, services, and persons – might appear, at first sight, to be a highly technical matter – and is often presented as such. But market making also implies market regulation. Put another way, the development of a single market across any group of countries must also imply the construction of an institutional order to set the rules of the game for that market, to safeguard that the market stays free and competitive and to ensure that contracting member-states do not renege on their treaty commitments. The upshot is that the EU is often depicted as a 'regulatory state' – a form of authority charged with the establishment, maintenance, and reproduction of a market order (Majone 1997).

This last claim – of the EU's status as a regulatory state – is not only an analytical statement. It is also a normative position – that the EU *should* be like this. This then begs the question of what a regulatory state does (or should) *not* do. If an authority is established, first and foremost, to make and maintain a market, then it does not follow that the authority has no responsibility for market correction – for the kinds of social policy interventions that seek to diminish the negative societal effects of market freedom. Equally, if the art of regulation is presented and performed as a solely technocratic exercise, then we might ask what role democratic authorisation has in determining the scope and nature of the market and of the substance of the policy regime that sets market 'rules'. In short, we might ask questions about the legitimacy of the EU's regulatory state (see Wincott 2006 for a critique along these lines). The asymmetry between the Europeanisation of market making and the failure to develop large scale supranational policy competence in areas of market correction and social policy is well known and much debated (Scharpf 2010). The relevance of politics should be obvious. Markets are made and governed. Understanding, who makes markets, why markets are made, how markets are made and in

relation to which values, and in what ways markets ae governed sit at the heart of political economy analysis.

In the EU's case, the market order imagined in the 1957 Rome Treaty is accompanied by a distinctive institutional framework that has also developed into a quasi-constitutional legal order. But we also know that the EU's economic space is subject to a variety of modes of governance, some of which – particularly those seeking to establish and enforce fiscal norms for member states – appear to have been fashioned relatively recently in the wake of the Eurozone crisis. The move beyond the common market to the creation of a common monetary regime and in particular the management of that regime in crisis raises acute questions about the relationship between political authority and economic governance in Europe, not least in light of the austerity treatment meted out to debtor Eurozone states.

Perhaps it is helpful to think about the political economy of European integration in terms of three long-standing and largely (unresolvable) dilemmas or tensions (see Rosamond 2017b for more detail). The first is the tension between market making and social solidarity. Does the former imply the erosion of the latter? Can the latter be protected in light of the former? The second is the tension between the development of a supranational legal/constitutional order and the requirement of democratic authorisation. Are markets made through democratic means? Or does the creation of authoritative institutions and systems of economic law effectively by-pass popular consent and democratic scrutiny? The third is the tension between the cosmopolitanism of a supranational market order and the persistence of communitarian/national identities. How does free factor movement impinge upon cultural identities and does the growth of transnational economic exchange activate nativist political sentiment and countervailing economic nationalist claims? In short, the study of the EU must attend to the origins and operation of the European market order, to the related regime of supranational economic governance, and the extent to which the consolidation the internal order and its regime plays a shaping role in the global economy more generally. To follow this logic also requires a focus on the range of political factors, including interests, ideas and institutions, that shape the workings of this emergent economic space.

Critical political economy

Many who would self-identify as 'political economists' would see themselves by definition as critically oriented. With the exception of those economists who treat political economy as a distinct issue domain of orthodox economic analysis and others (including political scientists and some economists) who think of political economy as the study of political objects using the methods of (again orthodox) Economics, the nomenclature tends to indicate a discomfort with rigid disciplinary boundaries and the need to find intellectual space that supports the study of the economy and politics together. This was very much the view of scholars such as Susan Strange who is often presented as one of the key founding figures of the field of International Political Economy (IPE) (Strange 1970). While this move might be seen as a crucial step in the direction of criticality, it could also signal the emergence of a new mainstream or the simple reproduction of orthodoxies as a new bounded field of inquiry develops. If (International) Political Economy is to become a field in its own right, then it would have the potential to develop its own orthodoxy. It could exclude heterodoxy through standard disciplinary practices and it could end up asking predominantly 'problem-solving' rather than 'critical' questions, to draw on the very influential distinction made by Robert Cox (1981).

To be critical in this Coxian sense involves at least two key moves. The first concerns a refusal to accept the immutability or neutrality of prevailing political-economic orders (Cafruny,

Martin, and Talani 2016), a sentiment that sat at the very heart of Marx's critique of political economy dating from the 1840s (Browning and Kilmister 2006). But it also characterises work found in other critical traditions represented in this book and in this section. The second move supports the first by problematising the status of academic knowledge itself. Critical political economists – again across theoretical traditions – tend to refute the idea that the world we study is objectively given and further argue that generating knowledge about that world – at least in the mainstream traditions of social science – cannot be a purely objective and detached exercise. Rather knowledge can be constitutive of the world it describes. And the world described by supposedly objective knowledge can lead to the concealment or the exclusion from analytical focus of real power relations. For example, a central tenet of much feminist work is that conventional forms of (economic) knowledge, by accepting the distinction between the public world of the economy and the private sphere of domestic life, not only reify that divide, but also actively render invisible particular types of economic activity and pervasive forms of exploitation.

For a critically inclined political economist, the trick is to ask questions that are faithful to these broad methodological priors (see also Jäger, Horn, and Becker 2016). A lot of conventional work (for example on the EU) 'brackets' the question of how a particular order came to be and looks for (typically) relations of cause and effect within established systems. Instead a critical perspective might prefer to shine a light on the origins of institutional orders, but less in terms of the rational solution of collective action problems or interest driven institutional design, but much more in terms of situating and entity like the EU within a broader patterning of socio-economic relations. Needless to say, the questions asked by critical political economists tend to situate their chosen object of study within contexts such as capitalist development or the operation of patriarchy. They are often questions about power. From these perspectives, where power lies is not simply to be established via the measurable observation of relational dynamics between actors, but rather through the operation of deep structures, through systems of language, through the naturalisation of some facets of the social world and the silencing of others, and also though the very process of knowledge production itself. For critical political economists, 'the market' is never a technical or neutral construct, even though it is usually presented as such (Watson 2018). A key issue is always that of how markets relate to politics and, more specifically, the extent to which market orders are constructed as an escape from politics and from the types of interventions that usually follow from the operation of democratic politics (Slobodian 2018).

Critical political economy meets the EU

The eight remaining chapters in this section are written to explore particular facets of the EU's economic order from a selection of critical political economy perspectives. As such they explore a variety of empirical sites and to showcase a variety of critical work. There is no attempt to weigh one critical perspective against another to see which 'best' explains EU political economy or some facet of it. They are gateways to traditions of scholarship and types of social science that are oftentimes neglected by mainstream EU studies (Rosamond 2017a). This means that they canvass literatures that are typically very different from standard EU studies work and which are less likely to share the latter's 'orthodox codes' (Ryner 2012). In some cases, such as Nyberg's chapter on the EU's competition regime or O'Dwyer's contribution on EU economic governance, they apply alternative readings to quite familiar topics. These chapters write about facets of the EU order that are quite familiar. It is *how* they write about them that is different. In others, such as Becker, Weissenbacher, and Jäger's piece on core-periphery relations in the EU or Montgomerie and Tepe-Belfrage's chapter on austerity and financialisation, the familiar EU of textbooks is much

harder to find. In such work, we are not simply told different stories about the object of study; the very application of a critical lens reconstitutes and refocusses the object.

In some cases, the act of criticality involves working with, but ultimately moving beyond and transcending, promising lines of orthodox scholarship. Thus Andreas Nölke acknowledges the importance of the 'comparative capitalism' (CC) research tradition as a wellspring for important critical work. The central insight of CC applied to the EU is that deepening European integration has not eradicated distinctive national models of capitalism across the member states. In mainstream institutionalist versions of CC work, this would imply that convergence to an EU standard economic model would be folly since member states are differently endowed with both mechanisms of coordination and sources of comparative institutional advantage. However, more critical versions of CC work show how both institutional designs (such that that of Economic and Monetary Union - EMU) and governance tools (such as those used to manage the Eurozone crisis) actively disadvantage those economies with consumption led growth models. The forced convergence of member state economic and social models, visible over the past three decades, but accentuated in post-crisis governance forms, reveals the privileging of the export-led growth models of north-west Europe, particularly Germany.

Muireann O'Dwyer's chapter focusses on those post-crisis reforms, which have operationalised a method of budgetary surveillance to normalise particular versions of economic rectitude across the member states. Much has been written on the new economic governance toolkit of the EU, but O'Dwyer argues forcefully that the mainstream literature has failed to appreciate the gendered nature of that governance regime, which – in turn – means that insufficient attention is paid to the gendered impacts of EU economic governance. This is not only an analytical blind spot. It is also apparent in the policy regime itself where gender concerns are simply written out of both the policy regime and the metrics used to evaluate its success.

Linda Nyberg's chapter examines the EU's competition policy regime. It is one thing to say that competition policy in general and state aid rules in particular have become more neoliberal over time. Nyberg's point is to show now neoliberalism works in this context as a rationality of government, not only normalising a particular set of policy choices around how the single market should work, but also naturalising and idea of the market as self-regulating and competitive and radically expanding the scope of domestic interventions by government that are understood to be anti-competitive.

Johnna Montgomerie and Daniela Tepe-Belfrage develop a distinctive optic, that of 'everyday' feminist political economy, to shine further light on some of the issues already developed in O'Dwyer's chapter. The point is not simply to examine how policies of fiscal contraction (austerity) create profound disruptions – often of a deeply gendered kind – at the level of the household. Standard ways of measuring the impact of economic policy choices typically fail to bring such impacts into view. The point is also to develop an analysis to show how negative societal impacts of austerity are not accidental, but rather imbued with a deep structural logic that creates a distinctive 'distribution of harm'. To focus on the mundane and the everyday is, in fact, a means to develop a very different form of theorisation about the domestic macroeconomy and its relationship with supranational and global economic institutions. It's EU studies, but not as we know it.

In her chapter, Roberta Guerrina links up many of the insights and concerns already in play form previous chapters in this section. The dominance of market liberal rationalities in the EU has meant that the likes of social policy and gender equality policy have either been marginalised at the EU level or developed a means to accomplish the project of supranational market making. Moreover, the mindsets that have traditionally shaped economic policy making have worked with largely gender and race-blind understandings of market correction and welfare – reifying

rather than challenging the care-work binary, for example. The experience of the post-crisis period has been of a general weakening of the EU's social policy and gender equality capacities. The solution is not to reboot the status quo ante, but to think seriously about how standard ways of narrating the economy give rise to gendered and racialised exclusions.

Joachim Becker, Rudy Weissenbacher, and Johannes Jäger follow a similar critical path to that laid out in Nölke's chapter. Their explicit aim, via the deployment of a regulationist approach (see also Bieling, Jäger, and Ryner 2017), is to reveal the 'real structures' that sit behind standard narratives of European integration. This leads to a radical recasting of European political economy away from the idea of integration as convergence and towards an understanding of Europe as a site of uneven development where clear core-periphery dynamics underscore a distinctive regime of accumulation. Again, this is a very different way of thinking about the EU.

Owen Parker's chapter works with an interesting paradox. He shows how a particular line of reasoning within critical political economy arrives at the conclusion that there must be a trade-off between an open immigration regime (such as freedom of movement in the EU) on the one hand and the maintenance of welfare and labour rights on the other. One common resolution of that trade-off is a form of communitarian left nationalism that treats the free movement of people as an expression of market cosmopolitanism. Building on his earlier work (Parker 2012), Parker argues that there is space for a critical position that treats human mobility as freedom-enhancing rather than an inevitable adjunct of a neoliberal regime.

Finally Thomas Jacobs and Jan Orbie turn their attention to the external projection of the EU's internal market order. While EU trade policy is well understood as a site for the pursuit of neoliberalism, Jacobs and Orbie find existing theoretical work to be somewhat limited. Their solution is to make the case for poststructuralist discourse theory as a way to enrich understanding of how this policy field works and why it is important. They do this via a short study of the conceptual relationship between 'free trade', 'fair trade', and 'protection' is recent European Parliamentary discourse. This is also a piece with a broader agenda, inviting critical political economists to incorporate and work with insights from the poststructualist tradition.

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Capitalist diversity in Europe

Andreas Nölke

Introduction

Policy-makers as well as orthodox economic scholarship on the European Union – and the Eurozone in particular – prescribe similar economic policies for all member economies. The focus currently is on external competitiveness via wage restraint, public sector austerity and – to a more limited extent – private sector investments in research and development. Comparative Capitalism (CC) scholarship, in contrast, has long pointed to the diversity of capitalist models in the EU, inter alia including the Liberal Market Economy of the United Kingdom, the Coordinated Market Economies of Germany and Austria and the Dependent Market Economies in the Visegrád countries. Depending on the institutional complementarities within these economies, very different economic policies may be adequate. Correspondingly, CC scholarship has been critical with the development of the homogenizing tendencies of the Common Market, particularly since the 1990s.

More recently, Critical Comparative Capitalism (CCC) scholarship has highlighted that the co-existence of this capitalist diversity necessarily leads to far more – and even destabilizing – tensions, especially if combined with a common currency. It also has highlighted that the demand-compressing policies, advocated in the wake of the Eurozone crisis by orthodox economic scholarship and policy-makers alike, produce highly destructive effects in those Southern economies that traditionally have been based on consumption-led growth. Finally, CCC scholarship highlights the considerable political constraints that accompany the policies advocated by orthodox economics. However, the specific policy prescriptions that would follow from CC scholarship have remained rather less clear. The general thrust of the latter is obvious: In order to stabilize the economies of the member states (and the EU as a whole), the EU has to decrease its homogenizing pressure – a position that stands in stark contrast to the call for more Europeanization articulated by both conventional economists and policy-makers.

In order to support this argument, I will first discuss the character of CC as a 'critical' perspective. Next, I will detail the critique by CC scholarship regarding the long-term development of the EU, that is since the formal establishment of the European Communities in the 1950s. The subsequent two sections focus on critical CC perspectives on the Eurozone crisis and

on policies for the stabilization of the latter. Finally, I will summarize some policy conclusions that can be derived from the previous sections.

Comparative capitalism as a critical research perspective

As a (critical) institutionalist perspective, CC scholarship is broadly united by three features that distinguish it from both mainstream macroeconomics and most schools of Marxism (Jackson and Deeg 2006, 6, 30): Firstly, different institutional contexts lead to different economic capacities and problems, secondly national institutions are highly relevant for economic outcomes and thirdly institutions are path-dependent. In addition, most scholars in CC study economies with a focus on certain specific institutional spheres such as corporate governance, financial systems, industrial relations and skill regimes (Jackson and Deeg 2006, 12–20). Within this broadly conceived research programme, we can identify three generations of CC scholarship.[1] Each generation has a somewhat different theoretical background, a typical country focus and offers slightly different analytical contributions (and equally has particular limitations).

Although there is a longer history to it (Jackson and Dee 2006, 7–11, 21–30), the 'Varieties of Capitalism' (VoC) approach as formulated by Hall and Soskice (2001) can be considered the common point of departure for the first CC generation. It draws on a theoretical background in microeconomics and rational choice institutionalism. The most prominent country cases are Germany (and Japan) versus the US (and the UK). At the core stands a binary juxtaposition of coordinated and liberal market economy types (CME/LME) that each constitutes an economic equilibrium based on a specific coordination mechanism.

During the last two decades, the VoC approach has become very widely used, but also has become very widely criticised. Typical problems include, for example, its overly binary orientation, an exclusive focus on the supply side and a neglect of common tendencies within contemporary capitalism. Still, its conceptual apparatus remains very influential for later CC developments, in particular due to its canonical formulation of many core concepts. Even those authors who take a very critical stance towards VoC still often build upon many of its conceptual developments, such as the distinction of different wage bargaining-systems (coordinated versus non-coordinated), of different skill regimes (general versus company or sector-specific) or of different types of innovation (incremental versus radical).

The broad critique of the VoC approach has led to a second generation of CC scholarship with a stronger focus on historical and sociological institutionalism, instead of rational choice institutionalism (e.g. Yamamura and Streeck 2001; Schmidt 2002; Amable 2003, 2008; Jackson and Deeg 2006; Hassel 2006, 2014; Hancké, Martin Rhodes, and Thatcher 2007; U. Becker 2009; Hall and Thelen 2009; McCann 2010; Crouch 2012; Thelen 2014). This 'post-VoC' (Bruff, Ebenau, and May 2015, 34) research programme has transcended the very narrow geographical focus of VoC, by also developing concepts for the study of Eastern, Northern and Southern Europe, Asia, Latin America and South Africa. Based on the somewhat different theoretical angle, it emphasizes the importance of history and politics (in contrast to economic equilibria) for the emergence of capitalist institutions, of distributive struggles and inequality (in contrast to a focus on growth only) and of the role of the state for capitalist coordination – but also for rent-seeking and state capture, particularly in the more vaguely conceptualized 'Mixed Market Economies' (MME) of Southern Europe and France (Molina and Rhodes 2007; Hall and Gingerich 2009, 478–479; Beramendi et al. 2015a). A particular focus has been the comprehensive (often EU-driven) processes of liberalization and financialization, and on the various forms of institutional change that these processes have triggered, most notably a weakening of trade unions. As will be demonstrated below, this second generation of CC research has not only developed

important insights into Southern European capitalism, but also on the transformative forces of liberalization and financialization that are helpful for explaining the Eurozone crisis.

However, the second generation of CC scholarship still shares important common features with the original VoC approach. This is quite different with the third generation that is usually discussed under the heading of 'growth models'. This third generation of CC scholarship differs from the first two based on three main features. First, it looks at the demand side of economic growth (instead of the supply side which was the focus of the first two CC generations). Second, it studies the political coalitions that stabilize a certain growth model. Third, it pays more attention to the international economic interdependencies between national growth models, particularly in the context of the Economic and Monetary Union (EMU).

This third generation of CC scholarship is often more critical with regard to existing political structures and cares even more strongly about conflicts, power differentials and income inequalities, although not being squarely in the Marxist camp (Ebenau 2015, 55–57). On the one hand, this 'Critical Comparative Capitalism' (CCC) scholarship combines the concepts of (post-)VoC with those of (Critical) International Political Economy and European Studies, focusing on the interactions and problematic interdependencies between national varieties of capitalism. A particular focus is on the problematical co-existence of very different growth models within the unified framework of EMU (e.g. Scharpf 2011, 2016, 2018; Gabor and Ban 2012; Hall 2012, 2014, 2018; Höpner and Schäfer 2012; Hancké 2013a, 2013b; Johnston, Hancké, and Pant 2013; Panagiotarea 2013; Höpner and Lutter 2014; Becker 2014a; Kuokštis 2014; Streeck 2014; Beramendi et al. 2015b), but also on tensions within the global political economy, due to a shift of production towards emerging markets (e.g. Nölke and Vliegenthart 2009; Nölke 2011; Bohle and Greskovits 2012; Kalinowski 2013; Vermeiren 2014; Nölke et al. 2015; De Ville and Vermeiren 2016; De Ville 2018). On the other hand, some CCC scholars find their prime source of inspiration not in (post-)VoC, but in (institutionalist) regulation theory, the dependency approach or post-Kaleckian macroeconomics. Even so, they come to similar conclusions about the fragile interdependence between nationally (and institutionally) distinct capitalisms within the EMU (Stockhammer 2011, 2013; Armingeon and Baccaro 2012; Becker and Jäger 2013; Regan 2013; Gambarotti and Solari 2014, 2019; J. Becker 2014a, 2014b; Jessop 2014; Stockhammer, Durand, and List 2014; Baccaro and Pontusson 2016; Suau Arinci, Pessina, and Ebenau 2015; Johnston and Regan 2016, 2018; Baccaro and Benassi 2017; Regan 2017; Stockhammer and Mohib Ali 2018).[2] These studies usually ignore most institutions that are considered to be important for company finance by the post-VoC approaches, looking instead at macro-economic data, as well as on institutions that are important for demand composition, for example those for collective bargaining, unemployment insurance or the regulation of limits on household indebtedness. Moreover, these studies do not speak of varieties of capitalism, but of export-led or profit-led growth regimes (or models) in CMEs, to be juxtaposed to the demand-/consumption-/debt-/wage-led growth regimes that typically can be found in LMEs and MMEs. Still, (post-)VoC country types and growth regimes are not identical as, for example, demonstrated in a juxtaposition of recent developments within the one-sidedly export-led German economy and the more balanced export and consumption-led Swedish economy; both usually classified as CMEs (Baccaro and Pontusson 2016).

Despite all of the differences highlighted above, the three generations of CC research still share important commonalities. Against the generalizing tendencies of most schools of macroeconomics and Marxism, they share a common focus on country heterogeneity. Capitalism works institutionally differently from country to country. Notably, the recent development of CCC scholarship has led to a quite eclectic, but highly useful synthesis, particularly with regard to the combination of comparative and international/European as well as of supply- and demand-side

perspectives. The three generations of CC research, however, differ with regard to their character as 'critical approaches'. Whereas the first generation of CC research has been scorned for its somewhat functionalist, apolitical and 'nationalist' perspective on the emergence of different varieties of capitalism, these shortcomings have only to a limited degree been addressed by post-VoC research. From a holistic Marxist perspective, the first two generations of CC research focus too strongly on country-related institutional differences and not enough on the exploitative features of global capitalism per se (Bruff and Ebenau 2014), something that is partially remedied in the third generation of CC research, with its much stronger emphasis on center-periphery relations, inequalities and the demand side. However, even CCC could be challenged by a perspective that fundamentally casts into doubt the idea that socio-economic models have to be understood via their institutional support for the competitiveness of certain types of domestic business and instead posits that these institutions have to be understood as regulators of social conflict (Amable and Palombarini 2009). Nevertheless, all three generations of CC research have led to a critical perspective on the economic development of the EU.

Comparative capitalism and the critique of the long-term development of European economic integration[3]

From the start of the CC research programme, applications of CC perspectives on the have been critical of the development of the European Union. In particular, scholarship developed at the Max-Planck-Institute for the Study of Societies (Cologne) had highlighted problematic aspects of the EU well in advance of the onset of the Eurozone crisis. At the core of this, critique is a concern about the increasing pressure for economic homogenization that has being exercised by EU institutions.

If we take a CC perspective on the history of the European economic integration, we can identify three main phases of development (Höpner and Schäfer 2007):

- A phase of easy coexistence of different European economic and social models (from the late 1950s until the mid-1970s);
- A phase of increasing competition between European economic and social models (from the mid 1970s until the late 1990s);
- A phase of convergence of European economic and social models – or of the attempt to enforce this convergence (since the late 1990s). The Euro and the Eurozone rescue policies are the apex of this attempt.

Unlike the customs union of the first phase of European economic integration, the Common Market in goods that marked the second phase already had considerable implications for the economies of the member states. The principle of mutual recognition, first based on case law by the European Court and then later enshrined in the Single European Act, substantially reduced the sovereignty of member states in the regulation of product markets. This has led to a massive increase of competition between companies from different Member States. It also indirectly fostered competition between the national social and economic institutions supporting these companies, without, however, challenging the existence of these institutions.

The peaceful co-existence between the national economic institutions of the Member States changed in the third phase of European economic integration when liberalization was extended from the markets in goods to the markets in services, capital and persons (free movement of workers). The liberalization of these markets under the common denominator of convergence towards a liberal model of capitalism interfered far more deeply with the institutions

of differently organized economic and social models. This has become obvious, for example, in the case of the original proposal of the Takeover Directive that has been put forward by the European Commission with the target of establishing an open market for corporate control. The latter is a central element within the corporate governance systems of liberal economies such as the UK. There, the threat of an unfriendly takeover serves to discipline management in the favour of shareholder primacy, as exercised by pension funds, activist hedge funds and other institutional investors. In other economies, in contrast, corporate control is exercised by interlocking directorates, house banks, block-holders or the state. Unfriendly takeovers are an alien element that does not work well with other institutions in these economies, such as worker co-determination or state direction. Thus, the enforcement of an open market for corporate control would have changed the power relations within companies in many European countries considerably in favour of the side of shareholders such as institutional investors, as established in the liberal model of economic and social organization (Höpner and Schäfer 2007, 15–18).

The main drivers of this liberalization process were the European Commission and the European Court of Justice, two non-majoritarian institutions. Typically, initiatives of the Commission first have been hampered by resistance from within the societies of the member states as, for example, in case of the 'country of origin principle' within the Services Directive (Höpner and Schäfer 2007, 12–14). The original Commission proposal would have undermined the regulation of services by the governments of the economies where these activities are to be undertaken. This has been successfully opposed in many European societies, due to concerns about safety or quality standards, or the undercutting of locally paid wages – for example, with regard to the prominent discussion on the 'Polish plumber' during the 2005 debate on the European constitutional treaty in France. Correspondingly, the principle was eliminated from the Directive. The substantial steps for liberalization later still have been enforced via case decisions of the European Court of Justice, such as the Laval decision (2008) that put limits to the right of Swedish unions to strike in order to protect Swedish remuneration standards against cheap labour from Latvia.

Comparative capitalism and the critique of the establishment of the Eurozone[4]

As highlighted in the previous section, CC studies of the European Union have highlighted the problematic development of the latter long before the outbreak of the Eurozone crisis. However, the Eurozone crisis has stimulated a large number of studies that point towards the misconstruction of the common currency. They have done so via an explanation of the crisis, understood as a combination of private and public indebtedness, as well as price and productivity competitiveness. In order to explain the latter, CC scholarship has developed four strands of thinking, each focusing of a different factor of the research programme (wage coordination, innovation systems, general coordination systems and finance). However, all wings of CC research agree that the introduction of the Euro has led to a highly problematic deepening of the German specialization in export-led growth, and of the Southern European specialization in consumption-led growth.

The first and, so far, most widely discussed CC account of the Eurozone crisis looks at the very divergent wage coordination systems within Eurozone countries. These systems deal very differently with the linkage between productivity development and wages, thereby leading to sharp differences in the development of unit labor costs. This observation first has been made by Collignon (2009), Scharpf (2011), Iversen and Soskice (2012), Carlin (2013), Ramskogler (2013), Hall (2014), Höpner and Lutter (2014) and Vermeiren (2014). However,

Hancké (2013a, 2013b) and associates (Johnston, Hancké, and Pant 2013) have studied the issue most systematically. Crucially, we not only see substantial differences in unit labor cost developments between countries, but we also observe that some countries consistently gain cost advantages over others. Normally, mainstream economic theories would expect that countries with cost advantages – and related gains in price-based competition – would substantially increase wages later on, due to the excellent economic condition of their companies, whereas countries with cost/price-disadvantages would depress wages, in order to regain competitiveness. This does not take place. CC approaches can help explaining this puzzle. They highlight the different institutions for wage-bargaining in the Eurozone economies as well as their stickiness. The CC-literature then further develops this line of argument by highlighting institutional complementarities in the CME ideal types, where factors such as protection against dismissals and co-determination allow employees to take a long-term perspective and to forego short-term benefits (such as immediate wage increases) for long-term ones (such as employment protection). In the context of CC discussions about the Eurozone crisis, these institutions arguably enabled the German workforce to permanently implement comprehensive wage restraint – and therefore to gain price competitiveness – whereas the workforce in Southern economies was not able to repeat this fate. In contrast to the comprehensive system of wage bargaining in Germany, where there usually is only one union per sector, Southern economies usually have several unions in each economic sector whose competition for support by workers can lead to ever increasing wage demands. Moreover, Southern European economies are lacking the German system of a 'lead negotiator' ('Leitabschluss'), where the most important union (in an export sector) – usually the metalworkers union – indicates the maximum wage increase for negotiations in other economic sectors.

Moreover, a currency union increases incentives for wage restraint, since the latter provides a perspective for job security and – in the long term – possibly wage increases due to increased export shares. In contrast, under flexible exchange rates the potential long-run advantages of wage restraint may be undone by periodic currency revaluations (Höpner and Lutter 2014, 7). Given a currency union and mostly intra-regional trade, steady wage moderation by only one group of economies automatically leads to the accumulation of trade imbalances (Armingeon and Baccaro 2012, 272–3; Johnston, Hancké, and Pant. 2013, 10). Whereas the two types of economies were able to co-exist prior to the existence of the EMU, the destruction of two safety valves – firstly nominal exchange rate adjustments and secondly national central banks with individual inflation rates – has led to the permanent crisis that we are witnessing in Southern Europe (Johnston and Regan 2016).

Discussions so far have assumed that the competition between companies is based on homogeneous products and is mainly concerned with price competition. However, it is more realistic to assume that companies are producing different goods and competition is not based on prices alone (Lehndorff 2012, 80; Vermeiren 2014; De Ville and Vermeiren 2016; De Ville 2018). This is where a third CC explanation of the Eurozone crisis comes into play. More specifically, VoC scholarship assumes that specific national production systems cater particularly well for specific types of products, based on an appropriate system of skill formation. According to VoC, CMEs have comparative institutional advantages in incremental innovations in high-quality manufacturing, based on a sophisticated system of skill formation, in particular through vocational training (Hall and Soskice 2001; Iversen and Soskice 2012). Southern European economies, in contrast, have more advantages in producing medium-quality goods, based on a more uneven system of skill formation. The first implication of this distinction is that typical (Southern) goods should be (even) more price-sensitive than typical CME-type goods (Vermeiren 2014, 102–104; De Ville and Vermeiren 2016).

We also need to broaden our view from inter-regional trade balances (within the European Union) to extra-regional trade balances (between the European Union and other world regions), the main issue being the economic rise of China and other large emerging economies (Chen, Milesi-Ferretti, and Tressel 2012, 8, 21). Here, several mechanisms are at play, as pointed out by De Ville and Vermeiren (2016). Firstly, emerging market producers are very strong competitors for the typical labor-intensive goods produced by the Southern European economies (both intra- and extra-regional) but so far much less so for advanced German products, such as capital goods (Chen, Milesi-Ferretti, and Tressel 2012; Baccaro and Pontusson 2016). Correspondingly, the Southern European economies suffer much more from the rise of China, irrespective of the common currency. Relatedly, much of the extra-regional demand created by emerging markets is for typical German products (such as luxury cars or advanced machinery), much less so for the typical goods produced in Southern Europe (such as food and fashion). Again, the Southern economies benefit much less from the rise of the large emerging markets, compared to Germany and its neighboring countries. Thirdly, the rise of China and other emerging economies brought with it an appreciation bias for the Euro, due to massive euro acquisitions by the People's Bank of China. Again, this affects typical Southern European goods more than German ones, because of their higher price-sensitivity. Customers will choose, for example, a plain t-shirt much more based on price considerations than a sophisticated German luxury automobile. Fourthly, the extra-regional German export success – ceteris paribus – also leads to a higher exchange rate for the Euro as a whole, compared with a Southern European currency alone, thereby further intensifying the competitiveness problem for Southern European producers.

A third strand of CC scholarship focuses on the general coordination mechanism. From a CC perspective, each type of capitalism is based on a typical coordination mechanism, be it markets and formal contracts in LMEs, or associations in CMEs. For the MMEs in Southern Europe, CC scholarship highlights the central role of the state (Hassel, 2014), instead of direct coordination between the business community and labor as in CMEs (Schmidt 2002; Galletti 2018). Access to the state – or even state 'capture' (Beramendi et al. 2015a, 49–55) – was always a highly important resource in Southern European economies, based on clientelistic relations and political lobbying. Whereas this resource has before been utilized for the protection of companies and labor forces via periodic devaluations, the focus increasingly shifted to the utilization of fiscal resources after the introduction of EMU, supported by the lower interest rates for sovereign debt that went along with the introduction of the latter. Correspondingly, Southern European economies such as Greece were able to increase public spending to a much higher degree as was the case before the introduction of the Euro. Moreover, a comparison of Germany and Southern Europe with regard to nominal wage growth shows a diverging pattern, with strongly increasing wages in Southern European public sectors (Hassel 2014, 20).

A fourth CC explanation for the Eurozone crisis focused on the increasing financialization of Southern Europe, in particular with regard to household debt. Increasing private indebtedness can be seen as an alternative to increasing public indebtedness as fuel for a demand-led growth regime, as highlighted by the third generation of CC research. Moreover, financialization – in terms of strongly increased cross-border financial flows – relaxes the balance-of-payments constraint of credit-based consumption for some time (Baccaro and Pontusson 2015, 21). The focus of economic activity moved from industry towards finance, real estate and construction and often from production for export to the management of imports (Chen, Milesi-Ferretti, and Tressel 2012, 8; Becker and Jäger 2013, 171; Schweiger 2014, 163–165). Temporarily, the deteriorating export competitiveness in production after the introduction of the Euro had been masked – more precisely, over-compensated – with regard to its negative effect on economic growth by an increasing private indebtedness and rising asset prices, fueling booms in

construction and consumption (Stockhammer, Durand, and List 2014, 8, 11–13). In the end, however, Southern Europe became trapped in a fragile position of peripheral financialization (Gambarotto and Solari 2014; 2019).

Comparative capitalism and the critique of Eurozone stabilization polices[5]

By 2011, it had become obvious that the fundamental problems of the construction of the Eurozone had to be addressed. In order to stop the divergence of interest rates for the sovereign debt of Eurozone member economies, the European Union introduced reform programmes for heavily hit countries that are based on the provision of financial support (e.g. by the European Stabilization Mechanism/ESM), in exchange for fiscal contraction and the liberalization of labour markets. Moreover, all Eurozone economies have been put under an intense regime of economic surveillance based on the prescriptions of, notable, the 'Six Pack' and 'Two Pack' in 2011. Again, the response of the European Union was dominated by the logic of 'one best way' in which the economies of the South had to follow the blueprint of a liberal economic model, now combined with German fiscal restraint. From a CC perspective, this approach is deeply flawed. The Southern Eurozone countries simply do not possess the institutions necessary for pursuing export–led growth, in particular for the organization of wage restraint and for continuous incremental innovation in a similar way as in CMEs. Moreover, the Eurozone rescue packages and their austerity policies undermine the existing growth models in the Southern Eurozone that were based on demand-led growth, at least in part relying on increasing private or public debt (Hall 2018, 5–10; Johnston and Regan 2018).[6]

From a CC perspective, a common institutional blueprint cannot work throughout the whole Eurozone and has already led to a deep economic and social crisis in the Southern economies. Recently, the Southern economies seem to have stabilized somewhat. Closer scrutiny shows, however, that this stabilization occurs at a low economic level, with extremely high youth unemployment, and that the underlying reduction of balance of payments deficits is less based on increasing competitiveness but rather on a sharp reduction in imports. The latter also leads to growing conflicts with other economic zones such as the US, because of the related reduction of global demand. The European Central Bank (ECB) policy of quantitative easing – the purchase of financial assets for the purpose of increasing the money supply in order to stimulate the economy in a situation of very low interest rates – intensifies this problem by causing a devaluation of the Euro, potentially leading to global currency wars.

It would be a grave mistake to continue on this chosen path. For the South of Europe, at least one or two decades of social and economic stagnation look very likely. From the perspective of the North, this not only weakens important export markets but also still contains the threat of a chaotic implosion of the Euro system, at very high costs. Furthermore, a continuation of the current path of 'forced structural convergence' (Scharpf 2016) will not only lead to permanent tensions with economies outside of the Eurozone, but also between the governments and the peoples of the Eurozone, with the one side focusing on the need to implement additional adjustment programmes and the other side highlighting the need for compensating fiscal transfers; both sides will be highly unlikely to give in.

Conclusion

Even after more than six decades of European economic integration, the national economic and social models in Europe still differ fundamentally. Economic heterogeneity should not be considered a bad thing, because there is no 'one best way' of organizing an economy. In contrast, the different

models of the liberal United Kingdom, the coordinated economies of Northern Europe, the French state-led economy, the Southern European consumption-led economies and the former transition economies of Eastern Europe all have their specific economic advantages and disadvantages.

However, with increasing frequency over the past couple of decades, the European Union has increased the pressure on its member states to equalize these differences, guided by the vision of a pan-European (ordo-) liberal model. This process has gone way too far. We should rather change course in order to rescue the European integration process and to decrease the tensions between the peoples of Europe that have (re-) emerged during recent years. From a CC perspective, it is indispensable to give more flexibility to the economic systems of the member states. This particularly pertains to the very rigid system of Eurozone rescue policies, but possibly also to a somewhat less strict coupling of the currencies of the member states. One option would be a return to a modified European Monetary System, with the option for currency appreciations and devaluations (Höpner and Spielau 2018; Scharpf 2018). More generally, a CCC perspective does not argue in favour of even deeper integration within the EU, but rather for a certain degree of relaxation, in order to safeguard economic well-being and to decrease the current EU challenges to democracy and egalitarian politics (Sumonja 2019).

However, we should also note that the CC perspective discussed here is unable to explain the recent political and economic development of the European Union in total. In particular, it lacks analytical instruments to make sense of the political dynamics behind the recent evolution of the Eurozone stabilization regime. While it can contribute to the explanation of national preferences – for example, the German preference for fiscal and wage restraint in order to the support price competitiveness of the German export-led growth model – it has no adequate analytical instruments for understanding inter-governmental and transnational power politics.[7] Correspondingly, it has to be complemented by other political economy approaches in order to fully develop a critical perspective on the development of the European Union.

Notes

1. This section updates a previous, slightly more detailed discussion of the distinction between these three generations, see Nölke 2016a.
2. For a perspective on economic heterogeneity in the EU drawing on regulation theory and the dependency approach see also the contribution by Jäger, Becker and Weissenbacher in this volume.
3. This section is in large parts based on Nölke 2016b.
4. For a more detailed discussion of CC applications for the explanation of the Eurozone crisis see Nölke 2016a and Hall 2018.
5. The subsequent section summarizes ideas originally articulated in Nölke 2016b.
6. For the devastating effects of austerity policies see also the contribution by Montgomerie and Tepe-Belfrage in this volume.
7. For surveys of contributions towards the latter see Frieden and Walter 2017 or van Apeldoorn and Horn 2018.

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European economic governance
A feminist perspective

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Introduction

Is European economic policy gendered? The answer may seem obvious. But it may seem obvious to those who answer in both the affirmative and the negative. It seems obvious to those who regularly consider questions of gender equality that European economic policy is gendered. Many would even argue that all policy is gendered (Fraser 2013; West 1988). Politics and policy are about power, and power is gendered. Additionally, economies are gendered by inequalities, segregation and stereotypes. Policymaking is done by individuals, and so will reflect the gender, life experience and biases of those individuals. However, to read the prominent literature on European economic policy, of which there is a veritable library, it would seem clear that the answer to the above question is no. Obviously economic policy isn't gendered. Apart from some rare interconnections with gender equality policies, economic policy is about managing the economy. It is about questions of the relationship between the state and the market. It is about managing scarce resources and regulating firms and individuals. It is gender-blind. For people who hold the latter view, it is not unusual that the policy makers of European Economic Governance rarely, if ever, discuss gender. It makes sense that the major texts of the economic crisis and the governance regime that followed do not examine the gendered nature of policy or crisis (Baldwin and Giavazzi 2015; Blyth 2013; Dawson 2015; De Grauwe and Yuemei 2015; Fabbrini 2016; Hall 2012; Jones et al. 2016; Laffan 2014; Matthijs 2016; Scharpf 2015; Schmidt 2016; Streeck 2014). This chapter will explore why such analysis is limited by its lack of gender-sensitivity. It will begin by outlining the current economic governance regime, then it will explore the gendered impacts of that regime, and finally it will explore how the omission of gender analysis is a fundamental part of European economic governance.

EU economic governance since 2008

In the wake of the European Economic Crisis, the European Union adopted several reforms in the field of economic governance and budgetary surveillance. These reforms, in the Six Pack, Two Pack and the Fiscal Compact Treaty, have established the European Semester system of governance and oversight. Described as a 'silent revolution', these reforms have key implications

for the legitimacy of the European Union (EUObserver 2011). Despite the expectations of many scholars that the politicisation of European policy in the wake of the crisis would make reforms and further integration more difficult (Falkner 2016a, 2016b), there have been 'major integrative changes' to the architecture of European Economic Governance (Kreuder-Sonnen 2016, 3). Intervention in the form of surveillance, measurement and recommendations for member state economic policy marks the biggest shift in power in the wake of the crisis. While fiscal policy remains officially a devolved competence, with member states formally in control of domestic budgetary decisions, the development of a broad range of measurement, oversight and recommendation mechanisms means that decision-making power has shifted decisively towards the EU institutions. This shift in power has led to increased questions about the Treaty basis for such invasive oversight (Gearty 2015; Kilpatrick 2015). Goals for economic policy – at both the level of broad macro-economic indicators and more specific employment and budgetary reforms – are set at the European level. I will now describe the procedural changes that have been involved and the new timeline for budgetary approval, as well as the requirement to supply information to, and respond to questions or comments from the Commission, all of which have changed the way economic decisions are made and debated at the member state level.

The new powers allocated to the Commission comprise a preventative arm, with monitoring, reform recommendations and goal setting, and a corrective arm, with procedures for increased oversight and scrutiny, as well as new procedures for issuing fines to member states that breach the rules (European Commission 2012; Dinan 2016). The establishment of the new economic governance regime took place in three stages, with the adoption of the Six Pack of five regulations and one directive in December 2011; the *Treaty on Stability, Coordination and Governance* (Fiscal Compact) in January 2013, and the Two Pack of regulations in May 2013. These reforms built on, rather than replacing completely, the pre-existing economic governance regime that was structured around the Stability and Growth Pact. The Stability and Growth Pact, made up of two regulations, operated through the Open Method of Cooperation and was based around norms of benchmarking and collective learning and reflexive adjustment (Hodson and Maher 2001). The new regime refers to similar norms, however, as discussed below, there have been significant changes in scope and implementation.

The surveillance system is managed through the European Semester, which seeks to harmonise the budgetary procedures of the member states, with several key moments for oversight at the EU level. These include the Annual Growth Survey (AGS) and monitoring report, the submission of draft budgetary plans, reviews within the excessive deficit procedure, and the excessive imbalance procedure. This process of review culminates in the publication of yearly Country Specific Reports (CSRs), which identify areas for correction, and review progress towards the goals set out in the Six Pack and the Fiscal Compact, along with additional goals and targets set out in period statements, such as the Five Presidents' Report, and within the broader frame of the Europe 2020 strategy (Begg 2017; Dawson 2015; Laffan and Schlosser 2016).

According to an official in the European Parliament, 'non-compliance with rules was identified as the cause of the crisis, not the good or bad performance of economies' (Laffan and Schlosser 2016b, 239). As discussed above, a large part of this can be traced back to the timing and narrative of the crisis, whereby Greece was perceived to have created the euro crisis by failing to abide by the EU's fiscal rules (Laffan 2014). This analysis reflects much elite rhetoric whereby the problem was identified as one of compliance, rather than, for example, as an inevitable result of a currency union without a political or fiscal union. As such, the priority in the negotiations that shaped the reforms of the economic governance regime was to strengthen the rules, by making them both broader in scope and more detailed and specific, and by increasing the power for sanctions. A summary overview of the reforms is offered in Table 12.1.

Table 12.1 Economic governance reforms in the EU

Reform	Legal nature	Member state involvement	Purpose
Six Pack (December 2011)	Secondary EU law	All	Reform of the Stability and Growth Pact; detecting and addressing macroeconomic imbalances; establish the European Semester
Two Pack (May 2013)	Secondary EU law	Eurozone member states	Establish process of enhanced surveillance; ensure deeper fiscal surveillance/ institutionalise the European Semester
Fiscal Compact (January 2013)	International treaty	All except the UK, Croatia and Czech Republic	Enshrine the balanced budget rule into national law; automatic correction mechanism

The European Semester has implications for the budgetary politics of member states. The European Semester sets out the timeline not just for actions by the EU institutions, but by the member states themselves. This temporal shift requires member state governments to adjust their processes of budget drafting and debate, as well as impacting significantly on the actual budgets. This level of interference suggests that economic policy can no longer be described as a competence devolved to the member states, since both the decisions and the process are subject to intense EU interference. The idea of 'coercive comparisons' (Erne 2015) captures the politics of how the European Semester process uses the various moments of publication to influence the policy debate in each member state. The ranking of member states' economic situations (via the score card) influences economic debate within member states. This, along with the temporal transformation wrought by the Semester, has led to a real transformation of economic governance in EU states.

All of the above reforms have contributed to the centralisation of economic decision-making. This has occurred at several levels. At the EU level, decision-making rests with the Commission and the Council. While the Parliament itself has sought to increase its power in this area, through increased levels of economic expertise and the publication of alternative reviews and documentation (Schout et al. 2016), the limited impact of these publications shows that the Parliament is mostly side-lined.[1] Furthermore, developments within the Council and the Commission themselves have centralised decision-making, with an increasingly dominant Germany in the Council (Dinan 2016) and a newly centralised bureaucracy and College of Commissioners under the former Commission President Juncker (Dinan 2016).

The centralisation of decision-making illustrates the very political nature of these new governance reforms. Power has shifted, and rarely, without contestation (Laffan and Schlosser 2016b). Further, politics can be observed in the operation of the new economic

governance process. In contrast to the Stability and Growth Pact, the requirements and recommendations that follow from the new regime are inherently subjective, based on the interpretation and collection of data by the Commission (Scharpf 2014). Further, despite the streamlined process for the use of so-called 'automatic sanctions', tangible sanctions have yet to be applied. This is in spite of repeated and clear breaches of the targets by some countries. Both Portugal and Spain, for example, were judged to have failed to meet to the standards set out by the new regime but due to political circumstances, no financial penalty was applied to either member state (European Council 2016; Financial Times 2016). What has developed is a system of increased oversight, without increased enforcement.

The detail, scope and enforcement mechanisms of the new economic governance regime signify a qualitative advancement in the power of the EU to intervene in member state policy-making. The level of oversight and detail of guidance given to countries that have been identified by the EU institutions as requiring additional oversight in macro-economic management is extensive, covering areas of policy that were previously within the purview of member state governments: Fiscal and labour market reforms. It is this focus on the supply side structural reform that is central to the new economic growth model promoted through contemporary European economic governance (Stockhammer 2016).

The structure of the Eurozone meant that labour market (wage and other benefits) and fiscal choices were all that was left to member states seeking to steer their economies when confronted with a crisis (De Grauwe 2013; De Grauwe and Yuemei 2015; Stiglitz 2016): Monetary policy was moved to the European Central Bank, and the rules of the Stability and Growth Pact (now the Fiscal Compact) meant that, in most cases, debt-financed public investment was no longer an option. Under the new economic governance framework, fiscal and labour market policies are now subject to EU scrutiny, through the pre-submission of budgets, and EU intervention, through recommendations and sanctions. The economic governance is, therefore, clearly different to the structures in place prior to 2007–2008. The very nature of the oversight involved in the European Semester, therefore, reflects a distinctive shift in competence.

Under the European semester, the Commission and its experts are reviewing budgetary policy at a level of detail that far supersedes the evaluations under the Stability and Growth Pact. Before 2008, few could have imagined the Commission making recommendations on housing policy, for example. The length and specificity of the Country Specific Reports published each year, covering budgetary and policy areas such as child care, pensions and labour market regulation (Bauer and Becker 2014; Dawson 2015), provides clear evidence of a transformed governance system. There is also a change in the accountability mechanisms of the regime, with the traditional avenues of contestation and evaluating of policy decisions noticeably absent. As the recommendations are country-specific and not hard law,[2] they do not emerge from any of the previous legislative processes of the EU. As such they appear not to be contestable before the courts (Chalmers 2015), as they are not 'laws'.

Further, this large corpus of 'technical' recommendations is not presented as ideological or political, though of course they are. They have deeply redistributive consequences and major implications for the budgetary policy of and economic debates within member states (Scharpf 2014). As such, they *should* be subject to either political or judicial oversight, or both. As it stands, the European Semester is a deeply political process, removed from political oversight. This is not a technocratic regime; decisions are not based solely on an objective review of the numbers. At various points in the cycle of the regime, there are opportunities for political decisions. This is seen most clearly when the choice is taken not to apply sanctions. But it is also seen in the prioritisation of reforms that takes place within the Semester. The European Semester is political then, in that it requires decisions by political actors. It is not, for example, a simply mathematical

algorithm that rules on member state budgets. There are multiple opportunities for human judgement and, therefore, for politics. Most recently, there have been attempts to 'socialise' the European Semester, with the inclusion of social policy recommendations. However, the primary goals of economic growth and stability still overwhelmingly shape the recommendations (Dawson 2018).

Additionally, there is a variation in the number and significance of recommendations given to each member state, with the goal of convergence asking a lot more of some states than others. It is this diversity in the experience of the new framework, as well as the increased potential for penalties (whether formal sanctions or informal shaming), that has led some to talk of a new type of governance. Dawson (2015) describes it as 'asymmetric sovereignty transfer', whereby countries which already comply with the norms of the European Economic Governance regime are required to change little, whereas those who had historically operated on a different social and economic model, have to give up much of their decision-making scope (Dawson 2015; Dawson and Witte 2013). Further, this asymmetry is exacerbated by existing divergences in the economies of the member states (Johnston and Regan 2015; Regan 2017). The bifurcation between export-led and domestic demand-led growth models played a role in the crisis itself (Johnston and Regan 2015) and continues to complicate the policy responses.

The asymmetry of the European Economic Governance regime reflects the divergence in the economic structure of member states, and also their various economic fortunes since 2008 (Magone et al. 2016; Stiglitz 2016). This diversity can be viewed in light of the literature on other diversities, such as linguistic and cultural amongst EU member states (Héritier 1996; Kraus 2008), and raises key questions for the legitimacy and democratic character of the regime. Integration in the context of such diversity, whether it's economic, cultural or linguistic, will mean that any European policies may have different impacts when translated into the national context. This helps to explain why, even though the stated aim of the regime is convergence to a European growth model based on competitiveness (Ryner 2015; Scharpf 2010; Stiglitz 2016), the evidence shows that, in fact, divergence is the trend (Censolo and Colombo 2016; Matthijs 2016; Regan 2017; Stiglitz 2016).

Gendered impacts of the European economic governance reforms

This question of divergence mirrors the literature on EU gender regimes (Walby 2004). Gender regimes in the EU reflect a diverse understanding of gender among policy makers, elites and society at large (Cavaghan 2013; Ostendorf 2012). Different gender regimes reflect different norms around equality, gender roles and gender itself. In particular, this literature highlights how a universally applicable, or apparently neutral policy or framework can have significantly diverse outcomes, mediated through the different gender regimes of member states or policy areas. For example, attempts to increase participation of women in certain economic roles will have different outcomes depending on the generally held understandings of gender and its relationship to such positions. This experience is replicated in the different experiences of the implementation of the Six Pack and Two Pack. That is, both the existing economic structure of a member state and the dominant gender regime influence the implementation of the EU recommendations. The greater difference between the economic or gender regime of the member state and the overarching ideology of the EU, the more adjustment that is required (Dawson 2015). Further, existing gender and economic structures and beliefs can cause unanticipated consequences when the recommendations are implemented. Indeed, in the case of European Economic Governance, there have been significantly gendered impacts documented by feminist scholars.

Beginning with work in the field of gender and development (Elson 2004; Elson and Cagatay 2000; Howes and Singh 1995; Singh and Zammit 2004), a rich body of scholarly work on feminist political economy has developed on the gendered nature of economic policy. This literature highlights key gender biases embedded in economic regimes, with a particular focus on neoliberal economic policies. This research has explored the application of austerity, in particular in the United States and the United Kingdom (Griffin 2015; Pearson and Elson 2015), and there has been some application of this approach to the economic governance of the EU (Cavaghan and O'Dwyer 2018; Klatzer and Schlager 2014; Paulì 2014; Rubery 2015). These early studies have demonstrated how the policy changes which have resulted from the governance regime described in this chapter have had significant gendered impacts, for example, leading to an increased risk of poverty for some groups of women (Karamessini and Rubery 2013). However, there has been little interaction between feminist political economy and European integration studies (Allwood et al. 2013; Kronsell 2005; Weiner and MacRae 2014), or in the literature on economic governance. Indeed, the absence of gender mainstreaming from the European Economic Governance framework itself is a striking puzzle that has not yet been addressed significantly.

This absence has meant that the political debate ignores the deeply gendered nature of redistributive economic policy. The absence of what was supposed to be a fundamental aspect of all EU policy-making, namely gender mainstreaming (Cavaghan 2017b; Lombardo and Meier 2006; Verloo 2005), speaks to the crisis context, to the broader questions of legitimacy and the place which gender equality as a principle holds within the contemporary EU. Additionally, the lack of awareness of this absence within the mainstream literature on European Economic Governance speaks to the wider disconnect between such literature and feminist EU studies.

An economic policy regime that set out to discriminate against either men or women would clearly be gendered. Similarly, an economy that was built on explicit discriminatory laws around work and commerce would be easily identifiable as gendered. However, the absence of such outright discriminatory practice and language is not, in itself, a sign of a regime without any gender bias. There are multiple ways in which economic policy can be gendered, and an economic policy can be gendered in multiple ways simultaneously. In fact, the absence of any reference to gender can be conceived as an indicator of a gender-biased regime. Such an absence ignores the ways in which the actual economy itself is 'gendered via the social norms and networks which are functional to the smooth operation of those institutions' (Elson 1994, 39). Presenting something as gender-neutral or unrelated to gender excludes considerations of the different positions and experiences of men and women (O'Dwyer 2018). As a result of this exclusion, such discourses are likely to bias towards one gender. Clearly, this process of gendering through exclusion could happen within the context of European Economic Governance.

In the absence of gender sensitive analysis, economic policy perpetuates male biases. For example, while the austerity policies of the United Kingdom never overtly targeted women, several empirical studies have shown the gendered impact of this regime (see also Montgomerie and Tepe-Belfrage in this volume): For example, women have been more likely to face pay cuts or even redundancy due to public sector cutbacks (Elomaki 2012; Karamessini and Rubery 2013; Pearson and Elson 2015). So, the first empirical test for the economic governance regime of the EU is to see whether or not there are checks for such discriminatory impacts. Including this sort of analysis in the policy-making process was one of the aims of the European gender mainstreaming project. However, there is no evidence that gender mainstreaming has been embraced in the field of economic governance (Bruff and Wöhl 2016; Cavaghan 2016; Weiner and MacRae 2014). This means that, in Elson's phrasing, 'even though the policy reforms may not be male biased by design, they will be male biased by omission' (Elson 1994, 40).

Gendering by omission

According to Elson (1994), it is the gendered nature of institutions and social relations that make gender neutral economic policy-making impossible. In this analysis, the existing gender biases generated by male dominance in networks, institutions and social relations more broadly are simply reproduced by policy that does not take account of them. This can be clearly seen as a potential risk in EU economic policy-making, given the male dominance of key decision-making sites, both within the EU institutions such as the European Commission and the European Central Bank, and at national level in finance ministries (Schuberth and Young 2011).

Table 12.2 below outlines the references to gender and gender inequality contained within a broad collection of documents of the European Semester. The table shows the results of NVivo analysis. I began by identifying the mentions of some widely accepted economic terms, as a base-line (Banking, Employment, Competitiveness and European Economy). As is to be expected, the mentions of these terms are in the thousands. I then identified some key terms for gendered analysis. Additionally, I performed a search for other categories that may be excluded by the dominant definition of the economy, such as racial or ethnic discrimination. The results are stark, with gender or gender equality garnering only one or two mentions across the documents in some years. Other discrimination concerns are equally underrepresented.

As is shown in Table 12.2, there is a clear picture of the economy that emerges from these documents. This sets the terms for the debate over economic issues. The first four terms reflect the dominant themes of the European semester. They are among the most used words in the documents, and were selected due to their centrality to the regime. They provide a baseline with which to compare the frequency of other keywords. The other keywords were selected as representative of a gender-sensitive understanding of the economy. They provide an illustration of the low level of attention paid to concerns with gender equality, gender differences in the economy and women's particular economic experiences.

Table 12.2 Keyword analysis of the European semester

Year	2011	2012	2013	2014	2015	2016	Total
European Economy	4	336	168	266	254	150	**1170**
Employment	505	601	758	850	997	906	**4617**
Banking	117	213	193	142	223	144	**1032**
Competitive/ Competiveness	107	321	277	333	249	202	**1489**
Social Policy	0	0	5	3	9	2	**19**
Gender	1	3	0	7	20	11	**42**
Gender Equality	1	1	0	2	2	1	**7**
Care Work/Care Responsibilities	0	0	0	0	0	1	**1**
Unpaid Work	0	0	0	0	0	0	**0**
Child Care	6	5	20	21	22	9	**83**
Segregation	0	0	0	1	1	0	**2**
Pay Gap	0	0	0	1	2	1	**4**
Discrimination (not gender-specific)	0	1	1	0	0	1	**3**
Race/Ethnicity	0	0	0	0	0	0	**0**
Roma People	0	2	4	1	3	8	**18**

Source: Author's analysis.[3]

Over a vast collection of documents, there is a border being drawn between what should be the concern of economic policy-making, and what should not be. This indicates that 'gender bias by omission', as outlined in the previous section, is definitely a problem within these policy documents. This analysis indicates a view of the economy that ignores the very real economic differences and pre-existing gender inequalities across the member states.

These documents make up the corpus of European economic policy. The Country Specific Reports evaluate each member state's economic policy. The Annual Growth Survey establishes the context for policy for the forthcoming year. The CSRs set the specific agenda for reforms. As such, the fact that gender and gender equality receive such scant mention is of great concern. As I discuss above, this can lead to a wide range of gendered outcomes. In particular, the policy of austerity and structural reforms that are promoted throughout the documents have significant redistributive effects. These effects have led to an increase in inequality both within and between member states (Emejulu and Bassel 2017; Matthijs 2016; Stiglitz 2016) Having no regard for the gendered nature of such redistributions is a key factor in the outcome of 'gendered austerity' observed across the member states (Bruff and Wöhl 2016; Elomaki 2012; Kantola and Lombardo 2017; Karamessini and Rubery 2013). For example, decisions about spending cuts in the public sector did not consider that women would be disproportionately impacted, both as users of publicly provided services and as disproportionately represented in the public sector workforce (Karamessini and Rubery 2013; Rubery 2015b).

The absence of gender analysis in the EU's economic policy-making reflects a broader issue: Concerns with gender equality are presented as 'political' in contrast to the more technocratic concerns of economics (Cavaghan and O'Dwyer 2018; O'Dwyer 2018) . Economic governance is presented as a political – technocratic, objective, incontestable. This presentation is a key aspect in the exercise of authority for institutions that lack democratic mandates. Gender analysis, done by NGOs and academics, has shown the very political outcomes of the policy decisions of the Commission and the broader economic governance regime (Annesley and Scheele 2011; Bruff and Wöhl 2016; Cavaghan 2016b; Elomaki 2012). In the first year following the onset of the crisis, there was an atmosphere of 'fire fighting', and the absence of gender sensitive analysis was accompanied by the absence of other social or environmental concerns. However, as the reforms enacted in response to the crisis become normalised as the governance system, the narrow focus remains.

A close reading of one of the key documents of economic governance, the Five Presidents' Report (European Commission 2015), illustrates how the omission of gender works in practice. This report was officially delivered by President of the Commission Juncker, in close cooperation with the other presidents from the Parliament, the European Central Bank, the Euro Group and the European Council. The report sets out the vision for the Economic and Monetary Union, and has set the agenda for economic governance since its publication in June of 2015. It sets out the priorities for the development of the economic governance system, and as such is representative of the norms and ideology of the system. Additionally, it is an illustrative document given the high profile and decision-making power of its authors.

The Five Presidents' Report sets out to transform the post-crisis economic regime into a normalised and sustainable governance system. In doing so, it relies on the assumption of a European economy (Rosamond 2002). It refers to the EU as 'the world's largest trading block and the world's largest trader of manufactured goods and services' (European Commission 2015, 17). It also refers to a Europe which is 'emerging' from 'the worst financial and economic crisis in seven decades' (European Commission 2015, 4). This reliance on an image of a unified European economic sphere is a key foundation in the depiction of the economic governance regime that this report seeks to normalise. As Rosamond has noted 'there seems to be considerable weight

attached to the assertion of a European economic self as the basis for enhancing the legitimacy of both the deepening of integration in particular policy directions and the "Europeanization" of governance capacity' (Rosamond 2002, 157).

The Five Presidents' Report is a core document of the new regime. It sets out all of the key reforms and goals for Economic and Monetary Union, with a focus on structural reforms and convergence at its core. It does not mention gender or inequality. It is a clear example of economic policy-making that can be gendered by omission. Despite the focus on convergence, the diversity of gender inequality across member states is never mentioned. Additionally, as the reforms focus on transforming the labour markets of member states – in some cases dramatically – the lack of appreciation of the role of unpaid and care work is striking. Indeed, even child-care is not mentioned within the report. The Five Presidents' Report represents an economic governance regime that has 'generalized the immediate crisis responses of fiscal restraint and supply-side reforms without systematically considering their impact on structurally heterogeneous Eurozone economies' (Scharpf 2016, 17).

It perhaps not surprising then, that the gender blind analysis of the crisis response is now being embedded into a gender blind economic policy regime. However, the absence of any reference to gender mainstreaming in the document is notable. Even in policy areas where gender mainstreaming was judged to have failed in its transformative goals, high level agenda setting documents tended to acknowledge its importance, and propose plans for meeting its standards (Cavaghan 2017). Even the EU's treaty commitment to gender equality is not referenced. This is, therefore, quite a striking example of omission of gender concerns.

The issuing of EU-wide goals during each round of the European Semester furthers the framing idea of a European economic sphere. While these goals and targets are adapted for the particulars of each member state in the CSRs, it is in the EU-wide goals that the major priorities, and shifts in these priorities, can be observed. For example, issues of social protection were long absent in the EU-level goals, and this was reflected in the CSRs. Additionally, when the Commission and other actors sought to 'bring the social back in', it was through change to the EU-level targets (Clauwaert 2015; Zeitlin et al. 2014). This deployment of EU-wide goals and metrics is now a key symbol of European Economic Governance – it represents the shift in competence from the national to the EU level. As such, the discourses of these goals and metrics are a key site of the discursive construction and legitimation of European Economic Governance.

All of this is reflected in the development of EU-level economic measurements. The Commission, the European Central Bank and Eurostat have all developed economic indicators that seek to measure and evaluate interaction at the broad European level. National level indicators such as inflation, unemployment, foreign direct investment and GDP have all been redeveloped as EU-wide measures. Indeed, the Commission in particular has worked to harmonise the use of these measures across the member states (Penissat and Rowell 2015). However, such measurements are not completely neutral. In encouraging discussion of developments in EU-level data, they shape a shared understanding of the European economy as a defined sphere (Mügge 2015). These measurements are presented as measures of the European economy, implicitly asserting that such an economy exists, while also shaping the boundaries of that economy through the decisions over what to include and exclude from such measurement.

There are existing biases in measures such as GDP (Fitoussi et al. 2009; Stiglitz and others 2009) which are carried over from their use at national level to the European level. While some of the measures do address gender as a demographic factor, such as by breaking down unemployment numbers by gender, there is an overall absence of understanding of the gendered nature of society and economics. GDP, in particular, does not capture unpaid work (Saunders

and Dalziel 2017; Waring 1999). This work, which is overwhelmingly carried out by women, goes uncounted and therefore never discussed. Additionally, there is a wide variety in the levels of unpaid care work across the member states. This means that economic measurements that do not address this aspect conceal evidence of the heterogeneity of the EU member state economies (Höpner and Schäfer 2012; Wolski 2015).

Conclusion

This biases of omission can be seen to culminate in one of the key policy proposals – that of austerity. As I have argued elsewhere (O'Dwyer 2018), the omission of gender is essential to both the coherence and the legitimacy of austerity. This is true in the rhetoric of policy makers, such as in the Five Presidents' Report, but is also observable in the economic models and measurements used by the EU. These instruments led to extreme human suffering (Kantola and Lombardo 2017; Stiglitz 2016). They also led to great enrichment for some (Mattei 2017; Matthijs 2016). Understanding the nature of these decisions comprehensively is therefore essential. And any understanding that excludes gender will only exacerbate the gendered distribution of such suffering. It is intellectually remiss to continue to discuss economic policy as though it was gender neutral. Gender sensitive analysis, such as that suggested in this chapter, will allow for more nuanced and more comprehensive analysis of economic policy.

In a Europe that is now defined by the presence of crises, it has perhaps never been more difficult to have gender concerns taken seriously. Crisis rhetoric can serve to side-line gender concerns, and the immediacy of events can excuse simplistic analysis that doesn't take account of the implications of gender in the economy, and in the discourses of European integration. However, in this, same Europe defined by the presence of crises, it has never been more essential to take such concerns seriously. The EU may never live up to its promise of peace and prosperity for all, but if it is to try, there are worse places to start than in recognising that gender matters.

Notes

1. Informal dialogues between the Parliament and the Commission have been established, and there are proposals in the Commission's recent reflection paper on economic governance to formalize them.
2. "Recommendations" are explicitly mentioned in the Treaties, and defined as non-binding
3. The list of documents analysed is available here https://muireannodwyer.com/2016/09/27/european-economic-governance-documents-appendix/

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The market as norm

The governmentality of state aid regulation

Linda Nyberg

Introduction

The EU rules on *state aid* prevent member state governments from distorting competition in the market by granting economic support to individual market actors. The legal definition of state aid includes both direct and indirect forms of aid, thus encompassing both direct transfers of money, such as state subsidies and grants, as well as measures that reduce the economic burdens of companies, such as tax exemptions or loans and guarantees on preferential terms, offered only to certain competitors. Furthermore, the prohibition of state aid covers not only aid given to private businesses. Aid given to publicly owned or non-profit organisations can also be defined as state aid, if the recipient is found to be acting in competition in a market. As a result, EU state aid regulation impacts on a wide range of policy areas – not only industrial policy, but also regional, environmental and social policies where states might want to support certain actors or activities in order to steer economic and societal developments in certain directions. National governments, at regional and local levels as well, must take state aid regulation into consideration when deciding what policy options to pursue.

By restricting political interventions to what is good for competition, state aid regulation can be seen as an example of neoliberal government. Supporters of this form or government argue that free competition leads to economic growth by providing incentives for higher quality at lower prices and more innovation. Rules that prevent decision-makers from distorting competition can, therefore, contribute to more rational economic policies, and thus strengthen the trust in political institutions and democracy. Against this view, the critics of neoliberal government argue that such rules create unjustified restrictions on governmental autonomy by reducing the policy options available for political representatives, which in turn threatens to reduce the trust in the efficacy of democratic rule. Furthermore, neoliberal government has been criticised for affecting a change in the very language of democracy by turning normative deliberations about the public good or the general interest into a technical discussion of what is good and bad for competition, expressed in an economic language (Brown 2015).

The purpose of this chapter is to provide a critical account of EU state aid policy from a governmentality perspective that approaches neoliberalism as a *rationality of government*, understood as a particular way of reasoning about how government should be exercised, centring on a

particular understanding of competition. From this perspective, state aid policy appears less as an instrument for *governing competition*, and more as a tool to *govern governments* through a particular understanding of competition.

By showing how state aid policy has come to rest on a neoliberal rationality of government, it is argued that we gain a closer understanding of the ideological basis of this policy, as well as appreciating how neoliberalism is upheld as a dominant form of governmental reasoning. Furthermore, I believe that a governmentality perspective on state aid policy can also help nuance critical accounts of the EU as based on 'market-fundamentalist dogma' by showing what function neoliberal reasoning fulfils in justifying EU interventions and to smooth over fundamental ideological conflicts inherent in its treaties in order to move the European integration project forward.

Governmentality

Governmentality (see also Jessica Lawrence's contribution to this volume) can be described as a critical perspective on government (understood as a practice not an institution). Its main purpose is to investigate the different rationalities that inform different ways of governing, both to better understand how we are governed (and its consequences), and to open up for alternative ways of governing by challenging underlying assumptions. By using the term rationality, the aim is not to determine whether a particular government intervention is rational or not. Rather, a 'thin' understanding of rationality is used, understood as any form of reasoning which provides a relatively systematic explanation 'about how things *are* and how they *ought to be*' (Dean 2010, 18). Governmentality studies start from the assumption that all forms of government are based on some form of reasoning. As explained by Townley (2008), in order to govern, some form of reason must be given in order not to revert to blunt coercion: 'they may not be adequate, well thought out, based on viable analyses, believed or credible, but they must be offered' (Townley 2008, 4).

To govern it is necessary to identify certain situations as problematic, in order to present a particular solution. Rather than seeing government as a practice of problem-solving, a governmentality perspective directs attention to government as a practice of *problematization*: Of defining problems in particular ways. Such problematisations are bound to express claims, not only about how things should be, but of how things *are,* grounded in ontological assumptions about the nature of things. Thus, government is not only understood as something restrictive, that prevents us from acting in certain ways, but also as something *productive* by giving shape to certain subject positions that make certain actions possible (Foucault 1982). These subject positions can have negative consequences for people's life, such as being categorised as 'welfare queen' or 'illegal immigrant'. But government can also aim to produce 'productive', 'creative' or 'empowered' citizens. A governmentality perspective turns our attention to the fact that even when there are good reasons to assume that the objectives of government are benign, as driven by an honest will to develop, empower or enable, it inescapably creates a relationship of power between those who know what it means to be developed, empowered or able, and how to get there, and those who must be taught (Li 2007, Cruikshank 1999). Finally, government is defined as a practice of *depoliticisation*, understood as an attempt to close off alternative problem definitions in order to put forward particular government intervention as the rational solution to objective problems (Li 2007).

In sum, by asking the question 'what governmental rationalities are at play when those who govern govern?' (Flyvbjerg 1998, 6) we can gain knowledge of how certain ways of thinking and being are produced and reproduced (Foucault 1981). Instead of asking whether government is

rational or not, governmentality studies seek to answer the question of how it has become possible for certain ways of governing to appear to be rational (Lemke 2010). This further carries the critical ambition of challenging the underlying assumptions of current ways of governing in ways that might open up for being governed in different ways, towards different objectives, by different means.

Building on Rose and Miller (1992), I propose the use of the term 'rationalities of government' as an analytical tool consisting of three dimensions: (1) A moral dimension containing claims about what the objectives of government should be and why; (2) an ontological dimension consisting of assumptions about what exists and the nature of what exists and (3) an epistemological dimension containing claims about what kind of knowledge we can rely on to know what exists (Nyberg 2017; Altermark and Nyberg 2018).[1] These three dimensions will be used in order to structure the analysis of the neoliberal rationality of government in the following sections.

Neoliberal government

Neoliberalism is a contested concept. It has been used to describe a belief system, a set of policies or a particular stage of capitalism. Following Foucault's governmentality lectures from the end of the 1970s, there is a growing literature that instead approaches neoliberalism as a *rationality of government* that centres on a particular understanding of competition.

The benefit of this perspective is that it moves away from understanding neoliberalism as a fundamentalist belief in free markets and instead shows how neoliberalism operates as 'sophisticated common sense' (Brown 2015, 35) – as a way of reasoning about what should be done, why and how, that makes certain ways of governing appear as the rational response to economic and societal problems, rather than the expression of a particular ideological vision. From this perspective, it becomes possible to see how a wide range of different policies and programmes have come to rely on similar patterns of reasoning. Thus, approaching neoliberalism as a rationality can help us to make sense of neoliberalism in a more coherent way. Neoliberalism is often described as a multifaceted phenomenon: As a weave of 'contradictory strands' (Hall 2011) or as 'unruly historical geographies' (Peck 2010). Seeing it as a form of reason helps us see a pattern in the complexity that connects different expressions of neoliberal government with each other.

Using the definition of a rationality of government provided in the previous section, this part of the text will investigate its moral, ontological and epistemological dimensions in order to understand how statements about how things *should* be, are tied up with assumptions about how things *are*, and what we can *know*.

Moral dimension

Neoliberalism is often equated with *laissez faire* and the dismantling of the state, but a closer inspection of neoliberal thought shows support for an interventionist state allotted positive functions in upholding the necessary conditions for well-functioning markets in a capitalist economy (Dardot and Laval 2013, Mirowski 2014, Mirowski and Plehwe 2009). In contrast to the belief that markets are self-regulating, neoliberal thinkers expressed the need for a strong state that possesses the means for creating the necessary legal and institutional framework for free market competition, and to protect this framework from interests who seek to distort competition in their own favour. As expressed by Friedrich von Hayek ([1973] 2013, 46), the problem is not state planning *per se*, only planning *against* competition. Planning *for* competition is on the contrary seen as necessary and requiring central authority.

It is believed that by creating and upholding the conditions for free competition, governments can ensure the most efficient (and fair) distribution of societies scarce resources. By rewarding hard work and innovation, and creating pressures for higher quality goods and services at lower prices, free competition is believed to maximise economic growth. Neoliberal thinkers also provide support for other positive functions of the state in providing public goods that, due to technical reasons, the market cannot provide efficiently on its own (so called *market failures*). In such cases, the state can provide funding or organise the production of such goods and services within the public sector. The important principle is that such intervention should not go beyond what is strictly necessary to address the market failure. Governments should not try to replace functioning markets with public service provision.

From this follows a negative view of redistributive policies since they intervene in the distribution of resources through free competition. According to neoliberal thought, the state should act as a neutral umpire upholding the rules of the game, but never intervening in its outcome by trying to affect who wins and who loses (Knight 1935, 294). By protecting free competition, governments can ensure maximum economic growth which will benefit society as a whole, in the long run. This requires refraining from listening to the demands for protection from the negative effects of competition from different interest groups, such as particular companies, sectors of production or labour unions (Hayek [1979] 2013, 483).

Besides creating the conditions for free competition, wherever possible, and targeting market failures, neoliberal thought also gives support to a positive role of the state in fostering support for free market capitalism amongst its citizens (see Feher 2009; Read 2009). Accordingly, the state should create an institutional framework that shape subjects in a competitive spirit by encouraging values of entrepreneurship and individualism (in order to ward against collectivism and the view that the state should protect the interests of particular groups) (Hayek [1979] 2013, 414).

Ontological dimension

Neoliberal reason rests on a paradoxical understanding of the nature of competition. On the one hand, competition is perceived as a self-regulating process, in the sense of having its own, independent dynamic or direction that can be 'distorted'. On the other hand, competition is also assumed to be in *need of regulation*, in that, it needs a central authority to uphold the necessary regulatory and institutional framework for it to function effectively.[2] This paradoxical understanding of competition (as both self-regulating and in need of regulation) fulfils an important function in neoliberal reason by making it possible to argue for certain state interventions, while being against others. In this way, competition acts as a principle for separating between good and bad acts of government.

As the literature on neoliberal reason has made clear, this rests on an understanding of competition as a superior principle for allocating resources. What is perhaps less clearly stated in these accounts is that the positive understanding of the nature of competition rests on a mirroring negative view of the nature of politics. In fact, it is only in comparison with the potentially damaging effects of politics that it becomes possible to argue that competition is a better way to allocate resources than through central planning.

Political decision-making is assumed to be plagued by inescapable conflicts between different interest and majority decisions, therefore, always ending up in the suppression of the minority view. Because of these conflicting interests, politics is assumed to end up in sub-optimal economic decisions that fail to serve the general interest. In comparison, resource allocation through free competition is assumed not only to make the most efficient use of scarce resources,

but to lead to a more harmonious society. Instead of forcing people to strive for agreement on irreducible conflicts, free competition is assumed to 'reduce the strain on the social fabric' (Friedman [1962] 2002, 24) by allowing people to pursue their own ideas of the good life by through choices between different alternatives on the market. This, in turn, is said to lead to richer, freer, fairer and more dynamic societies than those with extensive political interference in who gets what, when and how.

Furthermore, political decision-makers are assumed to lack the knowledge necessary to make complex economic decisions. Early neoliberal thinkers criticised socialist plan economies not only for being a threat to freedom, but because of their assumed inability to make assessments of supply and demand, thus leading to constant shortages and inefficiencies. In contrast, competition has been described as a 'discovery procedure' (Hayek [1979] 2013, 405), a way to harness the knowledge of millions of individuals sending signals through the price mechanism, instead of relying on the competences of a small group of central planners.

The ontological dimension of neoliberal reason can thus be described as resting on a dichotomous view of competition and politics, as summarised in the table below.

Competition	Politics
Efficiency	Inefficiency
Knowledge	Ignorance
Innovation	Stagnation
General interest	Self-interest
Consensus	Conflict
Freedom	Coercion
Justice/Fairness	Partisanship/corruption

If accounts of neoliberalism as a dominant rationality of government are correct, this description of competition and politics should ring familiar as taken for granted assumptions in contemporary debates on the relationship between state and market. While this view might appear as 'common sense', its ideological nature becomes clearer if contrasted with what could be described as a socialist rationality of government that can be illustrated by changing places between the headings in the table. In socialist thought, competition has traditionally been seen as a destructive and coercive in its nature, forcing people to act in their self-interest instead of the common good and thereby leading to a less free, more unequal and therefore unjust, society (see Polanyi [1944] 2001). Such criticism is less often heard today, perhaps because they appear to us as 'irrational' from the view of neoliberal reason as common sense.

Epistemological dimension

Investigating its moral and ontological dimensions, we have seen how the neoliberal rationality of government elevates competition as a norm for government. This leaves the question how those who govern can *know* what is good and bad for competition, in order to separate good from bad decisions. Based on the assumptions about the nature of politics described in the previous section, such judgements must not become the subject of political deliberation, since this would risk igniting conflict between different interests seeking to define competition according to their own self-interest. Instead, such knowledge must be found outside the political sphere, in some objective science. As perhaps already evident, neoliberal thought turns to *Economics* as the necessary knowledge-base for revealing objective facts about competition.

Foucault (2008, 32) has described the role of the market in neoliberal thought as acting as a 'source of veridiction' about how government should be exercised. In line with this analogy, economists could be seen as the prophets of the market order by possessing the instruments for discovering the truth about its proper functioning. Thus, neoliberal government can be seen to bring about what Davies (2014) has described as 'the disenchantment of politics by economics' where normative deliberation on the public good or general interest is turned into economic assessments of distortions of competition, welfare maximisation or market failures.

To conclude this section: Understanding neoliberalism as a rationality of government helps us understand its attraction to policy-makers from across the political spectrum. It promises a win–win solution to economic problems. High unemployment? Increase competition and industries will become more competitive and jobs will be saved. Increasing demand for public services in combination with shrinking public budgets? Increase competition between service providers in order to make them more efficient. Growing social exclusion with an increasing number of people ending up in welfare dependency? Invest in their human capital in order to increase their competitiveness, while reducing their social insurance levels in order to make it more attractive to enter competition on the labour market. By framing political problems as problems of competition, they become possible to act upon in ways which promises to increase the total welfare of society. Understanding the rationality of neoliberal thought also helps us understand how neoliberal government can be associated with an expansion of the penal institutions of the state: If the state cannot meet the demands of competition's losers through redistribution, they must be kept under check through more disciplinary means (Wacquant 2012).

The rationality of state aid policy

State aid policy is part of the broader category of EU competition policy, which also includes rules on mergers, cartels and abuse of dominant market position. Competition policy is part of the so-called exclusive competences of the EU which means that the courts and Commission have considerable influence over the development of this field. Consequently, it has been described as a policy area where the EU is most supranational to its nature (Cini and McGowan 2009, 1) and as an 'extreme case of law-driven policy' (Wilks 2015, 162).

Buch-Hansen and Wigger (2010) have identified a neoliberal shift in the Commission's approach to competition policy, expressed in a 'competition only' vision that puts the objective of competition over other policy considerations. In the following sections, this neoliberal shift will be traced in state aid policy. But first, I would like to suggest that there is nothing inherently neoliberal about the foundations of state aid policy as they are expressed in the EU treaties. State aid policy is founded on a general prohibition set out in article 107.1 in the Treaty of the Functioning of the European Union (TFEU) that reads the following:

> Save as otherwise provided in the Treaties, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market.

From this paragraph, the prohibition of state aid can be interpreted broadly or more narrowly, depending on what is taken to be a distortion of competition that has an effect on trade. Furthermore, this general ban on state aid is immediately followed by a number of exemptions for

types of aid that may be permitted due to being 'compatible with the internal market'. Articles 107.2–107.3 TFEU include exemptions for, amongst others, state aid having a social character, aiming to help the economy recover after a serious crisis, to even out economic differences between regions, or to promote a project of common European interest. Furthermore, article 106.2 TFEU provides exemptions for so called *services of general economic interest* by stating that the rules on competition may not be applied to these services in ways that conflict with their effective functioning. Adding to these exemptions, the so called *de minimis* regulation states that aid measures that do not exceed 200,000 euros over a three-year period are also not included in the prohibition of state aid.

Taken together, the treaty can thus be seen as a compromise between different ideological positions on the relationship between state and market. The objective of free competition is balanced with exemptions for state interventions aiming to achieve other policy objectives, such as environmental protection, evening out economic inequalities between regions or ensuring the proper functioning of public services. But the treaty is less clear on how different objectives should be balanced in practice. Instead, it has been largely left to the EU Commission and Court of Justice to decide what should take priority when conflicts arise. This leaves them vulnerable for accusations of being 'politicized' in the sense of pushing their own agenda, or acting in the interests of powerful member states or corporate groups. In order to avoid such allegations, the Commission has strived to communicate the message that state aid regulation is based on objective principles giving every case equal treatment (Akman and Kassim 2010). The next sections seek to show that the Commission, in developing a rationale for state aid regulation, has come to draw on the neoliberal rationality of government as previously defined.[3]

Disciplining politics

A prohibition of state subsidies that have a negative impact on cross border trade was included already in the 1951 Treaty of Paris establishing the European Coal and Steel Community. But the official justification of why state aid regulation is necessary has shifted over the years. In the early days, it was mainly motivated as an instrument for preventing the rise of protectionist measures that would have a negative impact on the economies of other Member States. State aid was seen as similar to import duties and quotas in that they created an impediment for the creation of an internal market with free movement for goods and services. Without a prohibition of state aid, it was feared that national governments would engage in subsidy wars in order to ensure the competitiveness of their national industries. Thus, the main objective of state aid regulation was to protect *cross-border* competition, and to protect the member states from each other.

Competition has always been described as a beneficial force that can increase economic growth, but until the early 1980s it is also possible to find references to potential negative effects of competition, if taken too far, or introduced to fast, in the Commission's official documents (European Commission 1972, 1978). Since then, a 'competition only' position permeates the Commission's discourse in the sense that competition is presented in exclusively positive terms. More competition is described as leading to more economic growth through lower prices, better quality and more innovation and choice for European consumers (European Commission 2019). Instead of presenting free competition as one policy objective among many, the Commission has come to present competition as a means for achieving objectives in other policy areas. As such, state aid policy has been described as an important instrument for reaching the objectives of the EU growth strategies, the Lisbon strategy and Europe 2020. For example, since

increased competition is assumed to force industries to become more competitive, the prohibition of state aid has been presented by the Commission as an instrument for reducing the risk of unemployment caused by global competition.

With this shift in emphasis towards economic growth and efficiency, state aid policy is seen less as an instrument for protecting cross-border competition and more as an instrument for protecting competition *in general*. By preventing national governments from intervening in the economy in ways that distorts competition, state aid regulation is described as a growth-enhancing policy. Instead of protecting the member states from each other, the main role of the Commission is to protect European citizens against the potentially unwise decisions of their own governments by ensuring a 'sound use of public resources' (European Commission 2012 pt. 6). Thus, one of the main objectives of current state aid policy appears to be to discipline national governments into making economically rational decisions. Underlying this way of reasoning is the neoliberal assumption that free competition is the best way of allocating economic resources compared to the dangers of political planning.

What is state aid?

This shift in the rationality of state aid regulation is not only reflected in the justification for why state aid is needed (moral dimension) but also in the legal criteria that defines the nature of state aid (ontological dimension). Originally, the main focus of state aid regulation was large subsidies to national industries, granted by governments in attempts to create 'national champions' that would be leading in global competition. With time, state aid regulation has come to intervene in what might appear as more marginal issues, where the cross-border dimension appears more obscure – for example, the selling of a property below market value in a small town in mid-Sweden with roughly 3000 inhabitants (see Janssen 2013). State aid regulation has also come to include not only aid to private corporations, but to public service providers and civil society organisations, if these are seen as engaged in market competition. In order to understand this expansion of state aid regulation it is necessary to understand the meaning of the legal term state aid, as it has developed through the Commission's decisions and the judgements of the European Court of Justice (ECJ).

The definition of state aid has come to rest on a hypothetical assumption that any government intervention that affects 'normal market conditions' constitutes a distortion of competition. Normal market conditions are in turn defined as those existing in the absence of state intervention (European Commission 2016 pt. 66). This means that if governments offer economic support to individual companies that these companies would not have been able to access without state intervention, competition is automatically assumed to be distorted.

Consequently, in the assessment of state aid, it is not necessary to provide evidence of the *actual* effects on competition. The relevant point of comparison is not the recipient's position in relation to its competitors, but the economic situation of the recipient itself before and after government intervention. If its economic situation has improved, compared to what it was before, it is assumed that competition has been distorted (European Commission 2016 pt. 67).

In this way, the definition of state aid can be seen to rely on a neoliberal ontology where competition understood as a 'natural' or 'self-regulating' process that is automatically 'distorted' if the state intervenes in the allocation of resources. Any government intervention that affects the way resources would 'normally' be allocated under free competition is thus seen as a distortion of this process and therefore, an impediment to economic growth.

A more economic approach

Returning to the question of how the Commission balances the broadly defined prohibition of state aid, with the forms of aid that may be given exemption according to the treaties. As mentioned, the Commission has strived to develop criteria that can be used to determine what objective should be prioritised, in a transparent and predictable way. To this end, the Commission launched what is referred to as a 'more economic approach' as part of the reformist 'State aid action plan' of 2005 (European Commission 2005). This approach has involved an increasing influence of neoclassical economic theory in the Commission's assessments of compatible aid, mainly expressed in an increasing reliance on the concept of market failure in order to separate between 'good' and 'bad' state aid (Kaupa 2009). This concept builds on the idea that there are certain goods that the market is unable to provide in a satisfactory way, due to the technical nature of the good itself. Key examples include so-called 'natural monopolies' that can be shown to be more efficiently organised by the state due to large investment costs and coordination issues (common examples are the building of infrastructure such as roads and railways). Another example are goods that result in 'negative externalities', meaning costs to society that are not included in the price, such as harmful effects on the environment. In these cases, government intervention might be justified in order to force producers to take these costs into consideration.

Building on the notion of market failures, the Commission defines 'good' state aid as targeting situations where markets fail to function efficiently while 'bad' aid distorts competition on already functioning markets and thereby leads to suboptimal resource allocation. As explained by the Commission in the launch of the State aid modernisation initiative in 2012: 'state aid which does not target market failures and has no incentive effect is not only a waste of public resources but it acts as a brake to growth by worsening competitive conditions in the internal market' (European Commission, 2012 pt. 12). If governments wish to grant aid in accordance with the treaty, they must be able to argue that the measure will target a market failure, and that there is no other way to resolve this market inefficiency that would be less distortive on competition (European Commission 2014). A similar mode of reasoning also informs the guidelines for state aid to public services that rests on the idea that such services are basically defined as services that the market fail to deliver effectively and, therefore, motivates government intervention (European Commission 2011).

The concept of market failures provides the Commission with an 'objective' criterion for determining whether exemptions from the prohibition of state aid is justified. The Commission does not have to engage in deciding what policy objectives are more important: Instead of having to tackle the normative question about what the state *should do*, it can turn to an empirical assessment of what markets *cannot* do. This way of reasoning effectively resolves the conflict between free competition and other policy objectives because in the event of a market failure, there is no functioning competition that can be distorted in the first place. Thus, state aid policy gives expression to the neoliberal view that the state should limits its interventions to mitigating market failures. As expressed by Neelie Kroes, the former Commissioner for competition in a speech from 2005:

> When state subsidies are used intelligently to fill clearly identified gaps, they can deliver sizeable spin-offs — for citizens, for consumers, for companies, for Europe's overall competitiveness, for social and regional cohesion, for public services, for sustainable growth and for cultural diversity. (Kroes 2007)

By restricting state aid to filling the gaps in the market, governments can make sure that they are maximising the conditions for economic growth.

Conclusion

This analysis of state aid policy from a governmentality perspective shows how EU policy can act as a conduit for neoliberal ideology by enforcing the view that the difference between 'good' and 'bad' politics should be determined according to what is good for competition. State aid policy has been shown to rely on the market as a norm or as formulated by Foucault, a source of *veridiction* (truth-telling) (2008, 32) for governments seeking to know what policies to pursue. This result is in line with previous studies, departing from other theoretical perspectives, showing how ideas about 'the market' fill a central function in the justification for EU interventions (Bartl 2015, Akman and Kassim 2010, Jabko 2006). The 'added-value' of a governmentality perspective focused on the rationality of state aid policy is that it provides a deeper understanding of the underlying assumptions that makes it 'rational' to argue that politics must adjust to what is good for competition. By analysing the rationality of state aid regulation as a reflection of neoliberal reason we can better understand how the reasoning of the Commission and the courts appear as based on objective principles rather than a specific ideological stance. Neoliberal reason has made it possible to claim that state aid is an objective concept and the decisions of the commission and courts based on objective criteria – based on assessments of market conditions rather than taking sides in conflicts between national governments or between governments and private companies.

By studying state aid regulation in this way, we also gain a better understanding of how neoliberalism is spread and reinforced as a dominant form of common sense. In order to avoid breaking EU law, national governments must learn to reason like neoliberal subjects. In this sense, state aid policy cannot only be understood as restrictive, but as productive of a particular way of understanding the role of the state and the nature of the market. It has been argued that the assumption of the positive effects of free competition builds on an opposite assumption about the nature of politics. State aid regulation can thus be seen as reproducing an understanding of politics, and by extension democracy, as a suboptimal and potentially dangerous, means for allocating resources.

What are the effects of state aid policy in the member states? It has certainly put limits to democratic autonomy by restricting the use of policy instruments previously available to governments. But at the same time, this picture of state aid regulation as a barrier to the autonomy of member states must be nuanced in several respects. Firstly, state aid policy holds much more complexity and room for manoeuvre than the short summary in this text has been able to elaborate. There appears to be plenty of room for governments to use state aid under the exemptions provided in the treaty, judging by the large sums of aid approved by the Commission each year (see the Commission's state aid scoreboard[4]). Secondly, research has suggested that member states still have certain bargaining powers with the Commission in influencing its decisions (Zahariadis 2013). Finally, the commission itself has lately expressed a wish to restrict the ambit of state aid regulation by moving away from dealing with smaller cases of state aid and be 'big on big things and small on small things' (Vestager 2017).

While the effects of state aid regulation on national politics demand further studies, the study of its rationality tells us of the effects of state aid policy on the discourse on politics, competition, the role of the state, the nature of the market, etc. Even if the application of EU law is sensitive to politically controversial areas, it can be said to have contributed to a fundamental shift from a 'state centred philosophy' to a 'market-based approach' where it has become increasingly important for governments to motivate the added value of government intervention in economic terms (Schweitzer 2011, 53).

The threat to democracy, from this perspective, lies not only in the restriction of the policy options available to political representatives, but also in the transformation of political discourse in economic terms. Neoliberal reason turns conflicts between different political objectives into technical questions that can be resolved with reference to the market. State aid regulation thus illustrates what Brown has described as a neoliberal 'stealth attack' on democracy through the 'widespread economization of heretofore noneconomic domains, activities and subjects' (Brown 2015, 32).

Something else that can be taken from a governmentality perspective is that in order for more fundamental changes to state aid regulation to take place, it needs to be based on an alternative rationality of government. Providing a different way of reasoning about what should be done, why and by whom that connects to different ontological and epistemological claims.

Notes

1. Rose and Miller defined a 'political rationality' as having a moral form, and epistemological dimension, expressed in a certain language. I find it helpful to introduce an ontological dimension as an analytical category in order to investigate the connection between claims of how things *are* and how things should *be*.
2. Hayek argues that the result of a competitive order can still be seen as "spontaneous" even though the rules that makes up the order are the result of government planning (Hayek, 1973/2013: 44).
3. See Nyberg 2017 for a more detailed account.
4. https://ec.europa.eu/competition/state_aid/scoreboard/index_en.html

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Financialisation, crisis and austerity as the distribution of harm

Johnna Montgomerie and Daniela Tepe-Belfrage

Introduction

This is a chapter about the everyday Feminist Political Economy (FPE) of debt–driven austerity in the European context, examining the political conditions created by persistent financial crisis. We understand austerity to act as a mechanism for the distribution of harm onto households in order to sustain unconventional monetary policy objectives, which has profound distributional effects. Austerity encompasses the monetary union commitment to zero-bound interest rates and unconventional monetary policy while preserving national governments' support for austerity. We argue that this combination enables austerity to enact targeted redistribution. As financial crisis intensifies as a result of financialisation, it facilitates new political methods for sustaining the profitability of financial institutions by downloading the costs onto society. In particular, as we have stated before, this has been accomplished via the household sector by cutting back on social security provisioning by the state (Montgomerie and Tepe-Belfrage 2016). Using a FPE methodology we draw conclusions about the profoundly unequal distributional outcomes of austerity in Europe in ways that makes visible the connection between the household, the domestic macroeconomy and the supra-national structures of the monetary union. The advantage of an FPE lens is that it brings into focus how the mundane daily routines of economic participation have become integrated into austerity in ways that produce distinctly gendered outcomes. It is precisely because the household is the site of social reproduction that public policy support for austerity results in the downloading of structural economic problems onto the household. FPE offers a methodological approach to empirical analysis and in–depth theorising of financial crisis in which crises are not accidental or unforeseen. This in turn challenges and troubles assumptions that austerity is both temporary and necessary. This is accomplished by paying close attention to the temporal, spatial and social frameworks required to frame crisis as a temporary aberration in the normal functioning of markets and connect them to systemic trends within financialised capitalism.

Remembering the period of financial crisis in 2008, it seemed at the time that financialised capitalism was on a precipice. The systemic collapse of leading global financial institutions and a total seizure of global markets, followed by the European sovereign debt crisis, seemed to herald the end of financialised expansion. Indeed, many believed 2008 was another 1929 moment –

one that would bring about a New Deal style recovery and give rise to a Bretton Woods style agreement to establish clear parameters for rebalancing the regional monetary policy/domestic fiscal policy conundrum of the European Monetary Union, a moment to redesign the functioning global financial system to curtail the excesses of financialisation (for a discussion see: Helleiner and Pagliari 2009). A decade later, very little has changed. Financialised growth continues enabled by a continued commitment to zero-bound interest rates and unconventional monetary policy. This pattern continues in Europe, the United States and the United Kingdom. The initial bailouts, deemed necessary to simply keep the financial system afloat, were followed by drastic reductions in interest rates that have yet to return to pre-crisis levels. Risk guarantees offered by global Central Banks and Treasury Departments in Europe (and across the Global North) committed to providing any amount of money (liquidity) necessary to maintain the stability of their respective financial systems (Krampf 2014; Matthijs 2016). Further asset buy-back schemes and long-term refinance operations became systematised into successive rounds of Quantitative Easing (QE), which over the past decade has come to be called, rather euphemistically, the 'era of unconventional monetary policy' (Guerini, Lamperti, and Mazzocchetti 2019; Dominguez 2006). In plain terms, this has amounted to a coordinated build-up of public debt to support the financial sector. Therefore, those that believed 2008 could have been a reckoning for the failures of financialisation could not be more mistaken. Financialisation is as entrenched now than it was before 2008, and the political power of austerity, as the combination of monetary expansion and fiscal consolidation, is accepted as the 'new normal' – at least among policy elites.

The mainstream study of International Political Economy (IPE) has tended to emphasise a top-down institutional focus which frames financial crises, including the global financial crisis (GFC) of 2008, in a distinctive way: Crisis appears as an aberration in the normal functioning of – otherwise rational – markets (Blyth and Matthijs 2017). What emerges is a standard boom and bust framing of financial crisis: There is a long period of what appears like stability and growth before the market comes crashing down. This methodological frame is backward looking inasmuch as it seeks to determine the causal relationship that immediately preceded market failure. This way of reasoning promotes generalisations about systemic forces as they manifest in one case study of financial crisis at a time. This business-cycle logic then yields a well-rehearsed typology of crisis that in turn entrenches a set of research practices specifically geared to recognise the pattern in what 'caused' this particular financial crisis. Because of this methodological framing, subsequent debate revolves around discussions on whether the underlying causal relations of the 2008 GFC were more similar to 1929 or 1973, for example; whether particular configurations of national and global financial regulations or norms generate financial crisis in different locations (see, for example Reinhart and Rogoff 2008). Either way, this tendency to create typologies of crisis creates, methodologically, a somewhat backward looking temporal frame that focuses on institutions and indicators to look for similarities in the configurations of forces that cause the supposedly temporary event of crisis (Kaminsky, Reinhart, and Vegh 2003). This framing of 'crisis' assumes that before the causal events occurred markets were functioning optimally. It treats as axiomatic the claim that crisis is an aberration in the – otherwise normal – functioning of the global financial system.

In contrast, Feminist Economics and Feminist Political Economy (herein collectively referred to as FPE) offer detailed empirical analyses and in-depth theorising of 'crisis' that extends the temporal framing of the 'peak-to-trough' of the business cycle, where time outside of crisis is either a build-up or a recovery, regardless of how long it takes. This move seeks to reframe financial crisis, not as accidental or unforeseen, but rather as a political process through which policy mediates the distributional outcomes of macroeconomic forces. Troubling the temporal, spatial and social frameworks that confine financial market crises to the

technical management of the economy begins with expanding the temporal frame of market crisis as a short-lived episode or merely a temporary aberration in the normal functioning of global markets. Next, the FPE lens extends the empirical focus to how international financial institutions (IFIs) act as the as organisational structures that narrate boom, bust and austerity in ways that bring coherence to the technocratic norms governing in normal times and times of crisis. Also, FPE fundamentally integrates the politics of scale used to theorise about 'crisis' - connecting what economists frame as micro/macro and political sciences frame as levels of analysis between national, regional and global – as overlapping and cascading scales that, cumulatively, shape the conditions of everyday life.

Therefore, for FPE 'crisis' is much bigger than financial market downturns and economic recessions. Admittedly this can create an all-encompassing understanding of crisis, such as that offered by Nancy Fraser's (2014) articulation of 'triple-crises' – the overlapping ecological, economic and political crises that paralyses domestic governments and international financial institutions. Fraser's (2016) reading of crisis is vast in scale and deep in scope because it maps onto overlapping threats to humanity. Crisis, in this context, signals a terminal decline of financialised globalisation. What is more relevant here is how FPE situates the manifestation of 'crisis' on the 'small' scale of the household and/or community-level (Elias and Roberts 2016; Dowling and Harvie 2014). Thus, the focal points of such work become the places and spaces where the outcomes of market crisis are 'managed' by public and statecraft. This methodological lens makes visible the redistributive tail-end of crisis by focusing on the distributive outcomes caused by the forms of restructuring imposed in response to market downturns (Elson 2012). Indeed, disaggregated analysis of financial crisis reveals how costs are downloaded onto households via labour market and social security reform under the auspices of austerity to produce gendered and racialised forms of economic harm (Bargawi, Cozzi, and Himmelweit 2016; Clarke et al. 2015; Davies 2014).

This chapter goes on to explain how the 2008 financial crisis and the EU's 'sovereign debt crisis' and the subsequent period of fiscal consolidation used the household as 'shock-absorbers' in which public policy was used to download the costs of economic restructuring located in global financial markets onto the domestic economy, itself redistributed on to households via austerity measures. Rather than focus on the specific institutional arrangements of the EU's monetary union and its differentiated impact on domestic economies across Europe (see the chapters by Becker, Weissenbacher and Jäger; O'Dwyer in this volume; see also Perez and Matsaganis 2018; Monastiriotis et al. 2013; Hermann 2017), this chapter uses the FPE methodology to make generalised claims about the unequal distributional outcomes of austerity in Europe. FPE affords a robust means of accounting for the overlapping scales of household, national growth and welfare-regimes, regional monetary integration and international financial institutions. In turn, this produces novel insights into both European Studies and IPE.

Locating financial crisis in the global political economy

Those seeking to contextualise the significance of the post 2008 global financial and European sovereign debt crises typically emphasise, through the drawing of historical parallels, what *type* of crisis each was. Similarities between the present-day and the past are used to explain the connection between each case of past financial crisis in Europe, but also the global economy. The temporal limits of 'crisis' becomes like dots to be joined to produce recognisable (and thus generalisable) patterns or configurations of economic and political structures that produce crisis. For example, it has not been unusual to draw on the idea of the post–2008 period as signalling another Great Depression (the 'Great Recession') in which uncertainty gripped

investors, workers and consumers to such an extent that economic activity ground to a halt (Krugman 2012). This apparently explains why, over ten years since the financial crisis struck, the economies in the global North, especially the engines of finance-led growth in the US and UK, are nowhere near to surpassing pre-crisis levels of income, employment or growth. For others, 2008 mirrors the 1970s stagflation crisis where the cause of crisis and persistent failure to revive growth to pre-crisis levels is the result of a deeper structural crisis in the mechanics of the economy (Hay 2013). In this case, the boom times were a self-reinforcing cycle of high wage growth for workers, increasing retail price inflation (related to oil prices), and fiscal spending that stifled economic activity. The post-crisis period allows cheap credit to continue fuelling asset price inflation and a complete lack of fiscal policy to act as a self-reinforcing cycle that only ekes out growth through debt-driven economic activity. For still others, today's crisis parallels the Japanese financial crisis in the 1990s, which still lumbers on, where the debt overhang creates a balance sheet recession (Koo 2014). This is particularly true in the Anglo-American economies where the stock of outstanding private debt cultivated during the boom years and public debt accrued to rescue the financial sector here is generating a persistent drag on economic renewal (Keen 2015). In the European context, the Japanese disease, manifests as a persistent belief that growth and revival are around the corner. However, the added complication is that, despite the rise of populism and the far-right across Europe and the specific case of Brexit, the economic status quo has remained in place. Therefore, sluggish growth is compounded by public policy commitments to austerity which rely on the simultaneous deleveraging (paying down debts) of both the public and private sectors at the expense of spending or investing, which in turn creates a significant drag on economic renewal.

The FPE lens offers a different account of crisis because it challenges the enforced distinction between the public and private sphere, the state and the market, the national and the global. The influential concept of 'privatised Keynesianism' (Crouch 2009) explains how the domestic policy regime privatises financial profits through tax and regulation policies and socialises financial losses through austerity-induced cuts to the state, is relevant here. But it too easily naturalises the enforced distinction between the public and private sphere. FPE analysis highlights precisely how the public/private distinction obscures material power relations between the spheres of commerce and domestic life, despite their intensifying mutual dependencies. The macro-economy is made of complex interconnected social systems that can be theorised as the social reproduction of market society. The idea of 'scandalous Economics' frames the power dynamics of financial crisis as overlapping and reproduced: 'where most analysts see *the crisis*, we see multiples – seemingly disconnected, often forgotten, at times cascading crisis' (Hozić and True 2016, 12, emphasis added). The connection between economic crisis and social costs, or the public and private, or the market sphere or national economy, is the social reproductive practices of households in everyday life.

Methodologically, this is accomplished by paying close attention to scale at which crisis manifests itself. This can be at the scale of the body; either as the material needs to sustain life or the affective elements of care needed to sustain human society. As such, following Kjonstad and Willmott (1995, 447) '[E]motion is no less important for moral performance than reason'. Economic harm articulates the effects on 'the body politic' that is more complex than the individual preferences of 'rational economic man'. Thus, harm is not rooted in individualised cost-benefit analysis, but rather in the aggregated negative effects of structural economic reform.

At the scale of the household, top-down economic processes interact with established social hierarchies to bring coherence to the national accounts framework that governs the national domestic economy. Understanding the overlapping, or cascading, scales of political economy is important for drawing conclusions about the effects of austerity in Europe. Extending the temporal frame of the 2008 financial crisis to the present day makes visible the ways in which

national politics, regional monetary policy and global markets produce secular stagnation, another technocratic framing of perpetual crisis and managed economic decline. By considering the different scales at which crisis manifests and for how long this lasts, reveals how the power relations of financialisation and social reproduction are co-constituted. In other words, the power of financialisation to shape, and be shaped by, everyday life does not exist in separate public and private spheres.

Next, extending the temporal frame of the crisis to include its 'long-tail' of structural adjustment, integrates the protracted economic restructuring required to bring the market from trough to peak. Secular stagnation is the indefinite extension of this long-tail. Austerity continues long after market benchmark indicators recover and firm profits are restored. The EU is mired in these overlapping crises of financialisation and social reproduction because monetary policy produces an ever-growing amount of sovereign debt, while austerity ensures domestic economies are focused on retrenching fiscal stimulus and cutting expenditure. Indeed, the EU follows a recognised pattern of economic restructuring after financial crisis in which social provisioning for households is eliminated by state-funding cuts to social security. This in turn, as research repeatedly shows, has distinctly gendered effects (Seguino 2000; Warren 2006; Elson 1995). The common feature is that:

> the burden of excessive financial risk-taking is … shifted to the people, mainly women, who provide the unpaid care that keeps families and communities going. Particularly in poor and middle income families, women are called upon to spend more time and effort in providing non-market substitutes for marketed goods that their families can no longer afford to buy, and providing substitutes for public services that are no longer available. (Elson 2002, 6)

Contemporary austerity has developed out of the logic of structural adjustment developed in within IFIs during the rolling financial crises of the post-Bretton Woods period from the 1970ss onwards. Structural adjustment builds up a set of norms and policy processes for downloading the costs of financial crisis on to households in ways that are not shown in GDP statistics. Decision making within finance ministries and central banks, as well as within international Institutions, prioritise a narrowly defined set of national statistics and macroeconomic (DSGE[1]) models to assess the success of austerity. Yet, the gendered and racialised inequalities produced by austerity are visible only in disaggregated macroeconomic figures (see Stuckler et al. 2017; Hoskyns and Rai 2007; Rai, Hoskyns, and Thomas 2013). The material loss and physical harm created by the downturn in the economy cannot be adequately captured by standard economic metrics (Basu, Carney, and Kenworthy 2017, 204–7). This point is echoed in efforts to change National Accounts to include measures of well-being (Stiglitz, Sen, and Fitoussi 2010; Coyle 2015). It remains to be seen if well-being measures could capture economic harm or make visible the gendered and racialised effects involved in these processes. Nevertheless, this is a welcome recognition of the connection between public and private spheres, between economic and social policy, between the macro and the micro.

Austerity is a mechanism for redistributing harm caused by financial crisis

To understand the significance of austerity in the contemporary European context, it needs to be positioned as part of a longer period of financial market liberalisation and capital market integration. Since the collapse of the Bretton Woods fixed exchange rate arrangements in 1971

and the subsequent rise to prominence of neoliberal policy regimes, the global economy has experienced ever more frequent and ever more intensifying financial crises. Indeed, neoliberalism *is* perpetual crisis. Beginning with the Volcker Shocks in 1979, until the present day, the most significant finance crises were the so called Third World Debt Crises (1981), the Savings and Loan (S&L) crisis (commencing in 1986), the Japanese financial crisis (1991), 'Black Wednesday' (1992), the East Asian financial crisis (1997), the Long-Term Capital Management (LTCM) crisis (1998), the dot com Crash (2001), the GFC (from 2007) and finally the Eurozone Crisis (from 2008). At times, crises are triggered by volatility in the valuation of national currency. On other occasions, firm-level valuations on stock markets are the proximate source. Still other instances are associated with the circulation of credit claims. Sometimes, the crises are triggered by through the interaction of such phenomena. Yet, whether it is finance as credit/debt, finance as money/currency or finance as equity that triggers a crisis, it scarcely matters to the systematised response (Montgomerie and Williams 2009). When we shift the temporal frame, we see a different pattern emerge: Each financial crisis under neoliberalism marks an up-scaling of targeted to systemic interventions. Taking a global perspective shows each case of crisis as part of a continuation of intensifying market volatility that produces more intense crisis as time goes on. Once again, through this optic, crises are categorically not aberrant episodes in otherwise efficiently functioning markets.

Extending the temporal frame of crisis, as this chapter advocates, involves evaluating not just the conditions leading up to 'crisis' and the unfolding of crisis event itself, but also including the short- and medium-term responses of states and markets as well as the length of the aftermath, where the costs of 'structural adjustment' are actually meted out. Looking at the pattern of medium and short-term responses, we can trace progressively more systemic bailouts as the public policy response to crisis. What begins as tailored packages of bailouts targeted at institutional losses leads to central banks using ever-more monetary measures to bail out the whole equity market, then the entire financial system. For example, the Third-World debt crisis used Brady Bonds (low-cost long-term refinancing of sovereign debt) as a targeted short-term bailout of investors in US dollar denominated debt in countries the global South who had been overexposed in the wake of the Volcker shocks.[2] Tailored bailouts to investors continued to work from the S&L crisis in 1986 to LTCM in 1998; that is, except for in Japan which was the first to move to whole market bailout by reducing interest rates. It was not until the dot com crash in 2001 that the US used cutting interest rates to shore up the entire equity market, nationally and globally, by making short-term credit cheap for all institutional borrowers. Therefore, by the time the 2008 crisis gripped the Anglo-American economies, followed swiftly by the European Monetary Union in 2009, cutting interest rates had minimal effect. The next step was to follow Japan's lead, using an array of monetary measures from institutional refinancing and asset buybacks to shore up the entire financial system against losses and preserve the solvency of financial institutions deemed 'Too Big To Fail'.

The standard peak-to-trough analysis assumes that all markets recover over time, which ignores the costs of market shock. Extending the temporal frame of crisis makes visible how structural adjustment after crisis are important mechanisms for redistributing harm caused by financial crisis. Widening the scope of analysis to include economic harm seeks to account for the unequal ways in which harm is distributed as a result of crisis. In this context, harm is the conceptual representation of the material loss, emotional suffering and social breakdown that result from capitalist economic activities. This draws directly from the feminist tradition of giving voice to harm in academic research to ensure that our collective privilege as members of the academy seeks to provide some social good (Ackerly and True 2010; Elias and Rai 2019). Shining a light on the unseen or unacknowledged sources of harm within the global political

economy requires a move away from the duality of the states and markets approach to make visible the harm being done by agents, institutions and power structures. We want to think about what purpose the harm of others serves and how it is culturally constituted and mediated.

In the context of the post–2009 sovereign debt crisis, the European manifestation of 2008, harm manifests in deeply gendered and racialised ways in which austerity in Europe was imposed on national domestic economies while unconventional monetary policy supported regional capital markets. Harm, in this context, can be the loss of material wealth (bankruptcy, housing eviction, indebtedness, losses to pensions and investments), loss of income (unemployment and precarious work, cuts to state income transfers), loss of state provisioning (health care, education and social services), loss of social security (welfare, old-age and disability pensions, social housing), loss of protection from market forces (rising cost of living, declining wages, rising energy and food costs), loss of well-being (mental health, life chances, happiness), loss of emotional and physical security (cuts to protection services, cuts to police and social services).

Widening the scope of analysis further to introduce a recognition of the harm caused by the Eurozone crisis, makes visible how crisis is a mechanism for at once, guaranteeing state-backed financing to firms and global markets to underwrite their profitability while imposing the costs of bailouts onto households. FPE has long documented the political and institutional processes of offloading the costs of crisis onto households. As Elson's (2002) analysis of the aftermath of the Asian financial crisis 1997 shows IFIs seeking to mitigate crisis do so by bailing out investors in the name of supporting market confidence. What comes after is imposed conditionality of capital market liberalisation and the offloading of costs on to households, thereby de-linking of international finance from responsibility for achieving societal needs or goals.

There is a great deal of literature explicitly outlining how IFI's imposed structural adjustment programmes in the Global South throughout the 1970s and 1980s, with distinctly gendered effects (Çağatay and Özler 1995; Elson 2012; Sparr 1994). Austerity is a logic that developed over time, and structural adjustment packages act as a policy incubator for mechanisms that shift responsibility for financial market failure onto human populations. First in the Global South, via IFIs, now wrought on the populations of Europe, via the EMU. In this way, crisis becomes not the end point of a process of ongoing neoliberalisation but the constant starting point of renewed and intensified financial market liberalisation (Van Staveren 2002; Floro and Dymski 2000).

In the present day, continued austerity involves the huge monetary expansion of sovereign debt to feed capital markets combined with fiscal austerity to reduce government expenditure and investment in other parts of the budget. Austerity manifests as harm as ever more creative methods are devised for public policy to justify giving financial institutions state support at the same time as withdrawing that support from society, via cuts downloaded onto the household sector. Therefore, crisis does not bring cuts to state-funded provisioning; rather, provisioning is redistributed away from households and communities to firms and markets because stability believed to be achieved only through sustained profits. After all, profit and profitability are the cornerstone of the assumed recovery from crisis, in theory, it is what drives the boom after the bust by providing the means to move from trough to peak. Therefore, over a decade on from 2008, what can now be seen is how regular financial crisis is the manifestation of the power relations of finance to enact the distributional mechanism for privatizing gains and collectivising losses, with households acting as shock-absorbers for global financial markets (Bryan and Rafferty 2014).

Currently, 'unconventional' monetary policy uses technocratic language to develop a package of measures that underwrite the profitability not just of banks but the entire global financial system and, by extension, capitalism itself. This includes an unquantified risk guarantee by the

national treasury or regional central bank to protect the stability of the banking system. In practical terms, this means providing liquidity (or money) directly to markets by the Treasury transferring newly issued government bonds or gilts to the Central Bank; thus, monetising government debt. Next, the central banks take this newly created debt and transfer it to banks, who then (hopefully) transmit this new money directly to the 'real' economy as interest-bearing loans; or, central banks directly buy corporate stocks and bonds. At the same time, central banks have kept interest rates at 'zero bound' or negative when adjusted for inflation, but only for those institutions able to purchase government debt in the discount window as part of open market operations. Thus, the coordinated response to the 2008 GFC has been to empower central banks to use artificially low interest rates and government-backed monetary measures – collectively called QE – to restore the profitability of not just banks but the entire corporate sector. In-depth research from Credit Suisse examined how much central banks' balance sheets have grown since 2007, with the leading finance-driven economies – US Federal Reserve, the Bank of England and the Swiss Central Bank – leading the way with more than 500% growth over the past decade, and the European Central Bank(ECB) grew by over 300% (Adler et al. 2017). This astronomical build-up of government-backed debt is precisely the mechanism for distributing the harm caused by successive crisis emanating from unfettered financialised expansion. In other words, a crisis is not a temporary downturn in the business cycle, it is the onset of structural adjustment, or austerity.

It is the distribution of who gets bailed out and who gets austerity is the central to public policy that supports neoliberalism and sustains perpetual crisis. Who gets access to privatised profits and which populations must bear the costs of socialising the losses is deeply uneven. It is a hierarchy of those few that accrue wealth from crisis and the many that suffer harm as a result of it. The 5% of households that are wealthier from QE are at the top and the rest of the costs are distributed more heavily as we go down the income and wealth ladder, mediated by gender, race, age, (dis)ability and location. More significantly, that these groups track very closely with those groups that cause and perpetuate crisis – financial institutions and the parts of the state that govern them – and those that must bear the cost of it – the household sector and the public provisioning provided to it by the state. For a very small group, the crisis has vastly increased their wealth, but for other groups, like poor women of colour or disabled people, the financial crisis has taken away their ability to maintain a basic level of economic and social security – extending their crisis beyond the event. The harm caused by financial crisis materialises in the human population, it is not a downward trendline on a computer screen in London, New York or Frankfurt. Rather, '[T]he people most affected by austerity cuts are not only struggling under the financial strain but becoming ill, physically and emotionally, and many are dying' (Cooper and Whyte 2017, 2).

Conclusion

Stepping back to reflect on the scale and scope of the deepening 'triple-crisis' we face, there are many prospects for change. For critical political economy to continue offering relevant and meaningful accounts of contemporary capitalism it must also change. We must abandon the 'orthodox' and 'critical' dichotomy that always leaves critical as 'anti' or in opposition to positivist social science and/or orthodox neoclassical economics. Of course, critical political economy and cultural economy eschew sterile formalism. Both agree that explaining the social world primarily in terms of the degree of relationship between variables based on *a priori* assumptions about individuals and markets is not particularly useful for understanding how the economy works or why it is in perpetual crisis. Critical scholars did, on many occasions and in many

different ways, understand and diagnose the 2008 financial crisis (Palan 2009). Moreover, critical political economy routinely advances current understandings of ecological and social crises (Gills 2010; Brand and Wissen 2013; Griffin 2007; Elias and Rai 2015). Triumphalism is not enough; we need more.

This chapter is an invitation to take a confident step forward by no longer defining 'critical' as in opposition to positivism, orthodoxy, mainstream, neoclassical economics, methodological individualism, and the list goes on and on. It is also a call to move beyond defining 'critical' strictly in terms of different ways of 'thinking'; that is, in relations to various theoretical and philosophical traditions such as Marxism, Feminism, Post-Modernisms, Constructivism, Post-Colonialism and so on. Instead, we need to foster a new research agenda focusing on the distribution of harm – by developing a research agenda in which we reflexively incorporate decades of feminist and other critical political economy critiques of neoliberalism. In doing so, we locate key transformative sites where harm can be bettered, and injustices countered. By starting this conversation, we seek to enrich our collective understanding of what critical political economy *does*. There is a great deal of potential in forging a research agenda around the distribution of harm that builds bridges of common understandings among those studying inequality, political economy of the everyday, postcolonial political economy and political ecology. As each new field of inquiry seeks to define and reproduce itself a set of disciplining practices, our hope is that we can extend the hand of collaboration to engage those wishing to come together in mutual pursuit of concepts, theories and research practices that not just understand capitalism but work to reduce the harm caused by it.

Notes

1. Dynamic Stochastic General Equilibrium.
2. A sudden contraction of the money supply engineered by the US Federal Reserve in 1980 that involved steep rises in interest rates.

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Gendering the political economy of the European social model

Roberta Guerrina

Introduction

As a new European Commission assumes its position at the end of 2019, it is apt to assess the direction of travel of the European social model, particularly in relation to outgoing Commission President Jean-Claude Juncker's ambition to renew the European social dimension and relocate social issues at the heart of the process of European integration. In his first speech to the European Parliament following his election Juncker stated:

> Huge challenges await us. It is up to us to shape these challenges. If we want a role to play in the future we have to play it now. It is up to us to ensure that the handwriting of the European Social Model is clearly visible in everything we do. Because Europe is a protective shield for all of us who can call this magnificent continent their home. (Juncker 2014)

This statement was issued as a response to the increased footprint of populist and Eurosceptic parties following the 2008 financial crisis. Recognition that trust in the EU has been at an all-time low, this new narrative was supposed to re-engage citizens with the wider European political and economic project. The European Social Model was intended to provide a 'shield' for the citizens of Europe, by driving growth and employability. In this context, equality and social inclusion were implicitly folded into the social Europe discourse.

The question that this opening statement by Juncker and his Commission failed to address was about the position of social justice in the context of this revitalised Europe. This omission raises important questions about the direction of travel and which 'foundational' norms come to the forefront of European integration as it navigates it way out of the crisis. Related to this is a more specific, but no less important, question about whose prosperity is this project advancing and how these trends are reshaping the European gender regime (Cavaghan and O'Dwyer 2018). Specifically, by exploring the gender regime of the European social model, it is possible to shine a light on how different interests at the heart of European integration reproduce socio-economic hierarchies.

This chapter examines the latest developments in European social and employment policy from a feminist standpoint. Specifically, it examines trends in the way the mainstream literature

has treated the impact of Lisbon and the financial crisis on European social and economic cohesion as core principles of European integration. The analysis unfolds as follows. The chapter opens with a summary of the historical development and key features of the European Social Model. Starting with an exploration of the mainstream literature on the nature of the European social dimension, it introduces a discussion of the impact of both the Lisbon Treaty and the financial crisis on European social and economic cohesion as core principles of European integration. This analysis is followed by a discussion of the evolution of the EU as a normative social and gender actor. Introducing feminist analysis of the way gender, and specifically the equality principle, was included in the process of European integration, this section highlights the constraints of a social model predicated on neo-liberal economic rationalities and the limits of the functionalist logic to social justice. The discussion thus the analysis of gender regimes as an alternative approach to understanding the gendered and racialised nature of the European social dimension. Taking the financial crisis as a critical juncture for the European social policy, this chapter unpacks the impact of the crisis on the EU's gender regime and the future of gender equality policies in Europe. More pointedly, it draws attention to how the crisis, whether real or manufactured, reproduced gender hierarchies. This chapter finishes by exploring the idea of the de-evolution of a racialised gender regime and its impact on the politics of social cohesion and equality in Europe.

Defining the European social model

Discussions about the role of the EU as a social actor remain a fairly niche area of research. However, Whyman et al. (2012) point out that the development of a social dimension is what sets the EU apart from other international organisations and other emerging forms of regional cooperation. This silence in EU scholarship, now more widely preoccupied with issues perceived to be of higher political interest such as external affairs, economic and monetary union and Brexit, is indicative of a failure to acknowledge the salience of social politics, particularly at a time of crisis and rising Euroscepticism. Perhaps more pointedly, it is interesting that this is a policy domain that has largely been ignored, at least in mainstream EU studies scholarship, in the context of the politics of austerity following the 2008 financial crisis.

In the simplest terms, the idea of a European Social Model is about finding a way to combine economic growth and social responsibility (Bercusson 2009). At the heart of it are key foundational norms embedded in the Treaties and the EU Charter, such as equality and fundamental rights, which the EU so often invokes and draws upon in its discursive acts. Included in some kind of embryonic form in the founding treaties, it was the Lisbon Treaty, effective from 2009, that was supposed to embed these principles into the EU's social, political and economic fabric, by expanding the scope of the principle of 'mainstreaming' (Bercusson 2009). First introduced in the Treaty of Amsterdam (1997) as a vehicle for integrating equality between men and women into all areas of EU activity, mainstreaming as a policy strategy has been extended to environmental and social affairs. This is an interesting and significant turn, in so far as Lisbon adopts this model in order to ensure the horizontal integration of social issues in the work of the Union (Bercusson 2009). The idea underpinning this approach is that social policy and social issues, such as gender equality and environmental protection/climate change, require a holistic approach to policy-making. The cross-cutting nature of these issues thus requires us to think beyond specific policy domains or policy silos. This is, of course, something that women's rights/equality activists have historically campaigned for, in so far as it requires policy makers to think about the structural nature of inequality. However, if the history of gender mainstreaming in the context

of the EU teaches us anything, it is that this approach requires both embedded knowledge of the issues and, perhaps more importantly, the political will to affect change beyond the introduction of reporting and monitoring mechanisms (Alonso 2017; Allwood 2014; Masselot 2007; Cavaghan 2017a). This approach in turn requires a rebalancing of key priorities in favour of social justice and equality over competitiveness and growth (Bercusson 2009, 105; Cavaghan and O'Dwyer 2018; Emejulu and Bassell 2018). Without such rebalancing, it is unsurprising that many gender scholars found gender mainstreaming – both as a principle and as a strategy – fundamentally deficient in the context of the financial crisis and associated austerity policies (Cavaghan 2017a).

In order to understand the process that produced these silences, it is useful to go back to the foundations of the European social dimension. The Treaty of Rome included a number of social provisions, but three are particularly worthy of attention: Article 117, seeking to improve the living and working conditions of workers; Article 118, outlining key health and safety measures and Article 119, introducing the principle of equal pay for men and women. It has been widely argued that the European project was never solely an economic endeavour. However, the history of European integration has also been marked by a disjuncture between the normative foundations of the Treaties and the policy prescriptions that followed in the way of secondary law and soft-policy initiatives (Whyman, Bainbridge and Mullen 2012; Guerrina 2005; Kantola 2010).

The introduction of a number of action programmes in the 1970s and the development of the equality *acquis* through case law and the Equal Pay and Equal Treatment Directives laid the foundations of the European Gender Equality Agenda. The treaty foundations provided the legal competency for policy entrepreneurs in the European Commission to develop this area into one of the most wide-reaching agendas in the field of European social policy (Guerrina 2005). These are important developments as they created a body of legally binding measures and supportive institutional mechanisms for the principle of equality to become embedded in the process of European integration. It is, however, important not to overstate their reach and assume that the social dimension or gender equality are actual drivers at the heart of the project (Whyman, Baimbridge and Mullen 2012). Resistance to the full actualisation of these agendas came both from within the Commission as well as from some member states. A functionalist logic about the role of social policy and equality as supportive pillars of the single market, either by preventing social dumping or averting an impeding demographic crisis, crystallised the marginal position of social policy and social rights in European integration. The UK's opt-out from the 1989 Community Charter on the Fundamental Social Rights of Workers cemented this trend (Guerrina 2005; Woodward 2008; Cavaghan 2017b; Guerrina 2008).

Of course, Article 2 of the Treaty of Maastricht (1992) sets out the main aims of the European social model: (1) Working towards full employment; (2) Balanced and sustainable development; (3) Economic and social cohesion. None of these ideas are particularly new, but they help to re-affirm the highly commodified nature of the European social dimension (Hantrais 2018; Fagan and Rubery 2018). Rooted in multilevel governance, the European Social Model was intended to provide opportunities for key stakeholders and interest groups to come together in order to ensure the operationalisation of the principle of economic and social cohesion (Bercusson 2009: 88). However, as Whyman, Baimbridge and Mullen (2012, 2–3) summarise, despite this ambition, the European social dimension has remained largely undefined and aspirational. Perhaps more worryingly, over the years it has become co-opted in the pursuit of 'higher' political priorities. Officials are always ready to reference to core foundational norms and values, which include social cohesion and equality, as drivers of EU action. However, there

is scant evidence that the European Social Model is little more than the collection of hard and soft policy measures and case law, all of which were introduced in order to facilitate the functioning of the common market (Whyman, Bainbridge and Mullen 2012; Ter Haar, Beryl Philine and Paul Copeland. 2010). Arguably, it is because of this functionalist logic that the European social dimension has failed to fulfil its potential, as originally envisaged by Commission's 1994 white paper A way forward for the Union' (European Commission 1994). The Lisbon Strategy (2000), the Open Method of Coordination as operationalised by the Lisbon Strategy, and the European Employment Strategy (1997) were supposed to provide a way forward for European social policy (Beveridge and Velluti 2008). However, the very nature of this form of soft policy governance allowed for the marginalisation of this policy agenda in the context of the 2008 crisis.

The Financial Crisis has become an important test of the European social dimension. The limits of economic and social cohesion, as underlying principles, became apparent through the mechanisms instituted in the context of the European Semester and the Stability and Growth Pact to support post-crisis European economic governance (Cavaghan 2017c). Since 2008 the trend has been to retrench social provisions, thus highlighting the vulnerability of the European social dimension as a building block of the European project (Whyman, Bainbridge and Mullen 2012). As Romano and Punziano (2015) point out, the 2008 crisis re-opened the debate about the nature, scope and impact of the social contract, and by extension the social underpinning of the European project. Their argument points to the way in which the crisis, and specifically austerity policies, undermined social cohesion. As they explain, 'the economic crisis and, more specifically the austerity measures that are introduced to tackle it, is increasingly causing a deterioration of the living conditions of the working class, not to mention individuals excluded from the labour market, for whom the ongoing restrictions on social and economic rights generally result in even deeper material deprivation' (Romano and Punziano 2015, 3). The story of the distance between European social policies and the people of Europe is also often presented in an overly simplistic way. This point is particularly relevant in the context of the political debate started in the UK after Brexit, but now taking root in many parts of Europe around the 'left behinds'. This process not only reshapes the social contract, it also unravels the very foundations of social cohesion and solidarity that are supposed to be the cornerstones of the process of European integration (Romano and Punziano 2015). This is an important consideration, but it is only surprising if we ignore the vast body of feminist work on European social and employment policy. Feminist analysis of the crisis as well as the EU's social policy and welfare regime has long pointed out the deeply gendered and racialised nature of those models, which ultimately rely on gender hierarchies and divisions of labour in the private sphere. More on this in the next sections of this chapter.

While austerity programmes and policies have an impact on the nature of the social contract (Romano and Punziano 2015) and the EU's approach in the wake of the 2008 crisis matters, this is also only a limited way of thinking about social policy and the European Social Model. The material consequences are extensive and important. As Romano and Ponziato (2015) point out, poverty rates have increased across Europe, as the crisis legitimised significant cuts in national welfare provisions. Statements from EU officials double down on this retrenchment. Take for instance Mario Draghi's comments after being appointed as the President of the European Central Bank in 2012 that the European Social Model is 'gone', which set the stage for the debate about the nature and reach of the European Social Dimension post-crisis (Hermann 2017). This highlights the transition, that is currently under way. For Romano and Punziano (2015, 8–9) is evidence that the roots of the European social model were not as deep as anticipated by many

commentators and scholars. Moreover, the dominant narrative often used to justify these choices is that 'the former type of social solidarity is no longer sustainable under current circumstances' (Romano and Punziano 2015, 8).

Hermann's (2017) work also demonstrates the structural reforms embarked upon by the member states in the context of the financial crisis have undermined the foundation of social models at the national level. As he explains, 'the shift from the Open Method of Coordination to Economic Governance could increase pressure on other countries to introduce similar reforms even if they are not on the verge of bankruptcy' (Hermann 2017, 52). This analysis points to an increase in the commodification of the European Social Model. Even Juncker's social pillar focuses centre employment and labour market activation in the context of his social mainstreaming agenda (European Commission 2019). This is something that has been consistently highlighted by gender scholars as one of the key limitations of the European social dimension, which is grounded on gendered assumptions about activation, employability and value. For instance, the social and economic value of care is largely overlooked, unless deployed to support work–life balance policies aimed at increase women's labour market activation at the 'service' of economic growth.

In the context of the latest crisis, it poses a challenge to the way the Commission has gone about integrating economic growth and social/economic cohesion (Ter Haar and Copeland 2010). Part of the issue at stake here is related to the objectives of the policy agenda, which favour economic growth above all else. As Cavaghan and O'Dwyer (2018) found, this approach tends to overlook the way growth, recovery and austerity affect different socio-economic groups. This, Cavaghan and O'Dwyer (2018) find, is affected by implicit bias in the way we formulate, decide and then implement policies. Cavaghan (2017a) adds that the shift towards macro-economic policies further harms marginal groups in so far as the emphasis on aggregate outcomes and associated metrics shifts attention from everyday politics that affect the lives of women, and particularly women of colour.

The European Social Model has always been and continues to be a highly contested concept/principle, and it is an aspiration that requires significant political will, which is lacking at this juncture in the history of European integration (Whyman, Bainbridget and Mullen 2012). Most of the literature and analysis conducted on the evolution of the European Social Model focuses on the EU's approach to managing and adapting to different types of welfare regimes. However, what is often overlooked is the way social policy is itself shaped by gender norms. This is all the more striking considering the footprint of the gender equality *acquis* in the EU. A more detailed engagement with this body of work would also have highlighted the impact of adhering to a functional logic to support social cohesion on the future prospects of a European social dimension. As Romana and Punziano (2015) point out, the discursive push to centre European values, including mainstreaming social priorities, in the wider narrative of the EU as it seeks to navigate its way out the crisis, should not be taken as an indicator that social policies and politics are being elevated to the top of the policy agenda. Rather, the absence of a meaningful discussion of social justice and solidarity, coupled with a move towards soft-policy governance, highlights the loosening of the social regulation agenda. This is a result of two overlapping trends. Firstly, the European social dimension has always been fairly hollow, focusing mostly on those areas of policy not to be considered core to national welfare provisions. Secondly, it has largely been devoid of any meaningful engagement with the idea of a European society or social realm. Taken together these points to a fairly superficial project from the outset that has been hollowed out by the same market rationalities that were initially deployed to include social policies in the Treaties in the first place (Daly 2006, 463–464).

The EU as a social and gender actor

The emergence of the EU as a social actor is inextricably linked to its role as a gender actor. The European Commission's role as a policy entrepreneur in both areas has allowed for the development of this policy domain, but it has also defined the boundaries of its social and gender regime (Bain and Masselot 2012). Critical actors operating in the Commission were able to navigate the complex institutional structures and mediate competing interests by compromising on the way key principles, such as equality between men and women, were operationalised through the European *acquis.* Linking social rights to employment and activation through economic rationalities helped to embed this agenda, but ultimately commodified the principles thus weakening the links to social justice (Woodward 2008; Jacquot 2015).

The introduction of the principle of equal pay in the founding treaties has led to the mythologisation of the EU's role as a gender equality actor (MacRae 2010). Bain and Masselot (2011) extend this analysis further pointing to the way gender equality law has been used as a vehicle for the development of the EU's identity. The inclusion of Article 119 in the Treaty of Rome indeed provided a platform for the establishment of the European equality agenda, though the founding fathers' reasons for including these provisions should not be overstated. Indeed, equality came to be part of the process of European integration in order to ensure the functioning of the newly established common market and thus prevent social dumping. Since the signing of the Treaty of Rome in 1957, the EU has developed an extensive gender equality framework that spans beyond employment policies to include the mainstreaming of gender in *all* policy areas. Following the Defrenne case in 1976, the European Economic Community first and then the EU developed an extensive body of legislation to protect women's employment rights and access to the labour market. The 1990s proved to be particularly important as the European Commission and European Parliament worked to institutionalise the principles through a range of binding provisions, for example, the 1992 Pregnant Worker Directive, and soft policy measures, for example, the 1992 Childcare Recommendations (Guerrina 2005; Kantola 2010; Jacquot 2015).

The 1996 European Commission's communication 'Incorporating equal opportunities for men and women into all Community policies and Activities' (European Commission 1996) sets out the EU's approach to gender mainstreaming, whereas the inclusion of the principle as a Treaty provision in 1998 as part of the Treaty of Amsterdam was supposed to signal the organisation's commitment to this principle. Gender Mainstreaming has since been included in the Treaties, first as Article 3(2) TEC of the Treaty of Amsterdam and then with an expanded reach in the Treaty of Lisbon.

The European Commission has responsibility for the operationalisation of this strategy in order to achieve the overarching aims of the European equality agenda. Structural Funds and employment policies have been two areas where gender mainstreaming has been largely institutionalised. The inclusion of the equality pillar in the European Employment Strategy being an example of this. Beyond these narrow areas, the EU2020 strategy and the Euroepan Semester were also supposed to ensure gender was mainstreamed throughout the policy process, thus increasing awareness and sensitivity to the structural obstacles and institutional biases to achieving equality of opportunities (Cengiz 2019; Hubert and Stratigaki 2016).

Gender Budgeting is a key tool of gender mainstreaming in economic governances as it is based on the explicit acknowledgement that macro-economic policies are inherently gendered (Guerrina 2020; Rubery 2002; Cavaghan 2017a). However, the patchy and piecemeal way in which gender budgeting and other gender mainstreaming tools have been adopted across the full policy spectrum underscores the limitations of this policy strategy. This is why

Jacquot (2015) has argued that Gender Mainstreaming enabled the dismantling of institutional platforms and mechanisms that have historically contributed to the development and institutionalisation of gender equality in the EU. This process of dilution that has accompanied mainstreaming can only be understood if we look at way social and economic policies underpin the EU's gender regime. In this context, gender mainstreaming thus becomes the vehicle for the diffusion of gender practices and norms through the process of European integration.

From European gender regimes to the EU as a gender regime

Feminist critiques of gender regimes theories emerged as a response to the widespread adoption of Esping-Andersen's (1990) *Three Worlds of Welfare Capitalism* as an analytical frame for understanding the development of distinct European social models. At the heart of his work is the idea that welfare regimes can be situated on a spectrum between commodification and de-commodification. Whereas the Social Democratic regime is highly decommodified, and thus access to social and welfare benefits is not linked to participation in the labour market, the Liberal Welfare regime is highly commodified. The European social dimension has sought to integrate the diverse welfare regimes of the Member States. In this context, it is seen as a hybrid of the Conservative Corporatist and the Neo-Liberal model (Guerrina 2002). Jane Lewis (1992) provided a detailed critique of mainstream approaches, drawing attention to how Esping-Andersen's regimes are blind to the gendered nature of social and economic provisions. She developed an alternative model of welfare regimes that placed gender divisions of labour in the family front and centre of the analysis. In this context, she argued that there were three broad times of welfare regimes: (1) The strong male breadwinner model; (2) the modified male breadwinner model; (3) the weak male breadwinner model. This provided an entry point for gender scholars looking to expose the gendered nature of the European social model, and the EU's social *acquis* in particular. With the introduction of the European Employment Strategy first and then the Lisbon Strategy, activation became the driver of European social policy. In particular, increasing women's access to the labour market and retention of women with caring responsibility took centre stage. The 2000s were thus marked by a new range of policies on reconciliation between work and family. It is in this framework that gender scholars looked to the transition from the male breadwinner model to the adult worker model. The focus was on the role of EU policies in the transition from the male breadwinner to the adult worker model (Guerrina 2015; Giullari and Lewis 2005; Annesley 2007; Lewis 2001).

Walby (2005) took this analysis further exploring the idea that the EU is in fact a gender regime in its own right. For Walby, gender divisions of care work in the family are important. But, she argues, that is not sufficient to understand how gender regimes operate and the way they shape social, political and economic institutions. Walby's gender regime model includes four levels of abstractions: (1) Social system; (2) Gender inequalities along the public-private continuum; (3) Political and policy domains; (4) Social Practices. This is a complex model that seeks to capture the relationship between economic structures, social practices and the relationship between political domains and, in so doing, aims to show how gender inequalities are (re) produced. Identifying the biases underpinning policy making processes is key to understand the emergence of a gender regime. Given the way the EU has evolved as a system of economic governance, Walby argues it also plays a key role in regulating inequalities. As she further explains, the principles of social and economic inclusion 'are not only a form of ideological political legitimation but are given effectivity in the institutional structure and practice of the EU. This historical compromise is embedded within social, economic and political institutions and policy frameworks' (Walby 2005, 13). This fits into her more complex theory of society in which 'the

distinction between social relations and social institutions allows for the possibility of more than one set of unequal social relations within any institutional complex, and thus the theorization of complex inequalities that are note reduced to a single dimension' (Walby 2009, loc 2104). This opens for a reassessment of the nature of work and the economy that moves beyond the ideas of commodification and decommodification. By examining the way care work/caring is linked to social cohesion, and in turn how this value been positioned in the process of European integration and in turn how this, it is possible to unpack the gendered nature of the project itself (Walby 2009; Caracciolo di Torrella and Masselot 2012).

The focus of much of this analysis centred around the trajectory of the European social model and the enduring tensions between the deregulation and the preference for soft policy governance (as defined by the Open Method of Coordination) on the one hand, and the kind of structural change required for the adult worker model to become a reality. At the height of this debate, the focus of gender and mainstream scholars was on the expectations and broken promises of the European Social Dimension. By the mid-2000s, there was a vast body of work looking at this opportunities and constraints of the emerging socio-economic norms (Walby 2005; Annesley 2007; Velluti and Beveridge 2008). Gender budgeting came to be seen as a way to operationalise gender mainstreaming in economic governance, specifically to integrate the principles of social justice and equality into macro-economic policies. As outlined previously, this approach to economic governance would, therefore, require a detailed understanding that economic policy is not gender neutral and in specific tools are required to increase awareness of its gendered and racialised consequences (Huber and Stratigaki 2016; Elson 2004). The timing of this debate and analysis is, however, significant.

The onset of the 2008 financial crisis marks a critical juncture as European institutions, namely the Commission and the European Central Bank, institute new policy measures to stabilise the single currency. As the attention of policy makers shifted from social inclusion to economic stabilisation, gender equality and social justice fairly quickly slipped down the list of priorities. Despite the fact that the Commission continued to advocate the mainstreaming of gender in European economic governance, the policy drivers had shifted. The perceived urgency of the financial crisis, 'threatening' to unravel the project, was prioritised over other concerns. The EU2020 strategy (European Commission 2010) was supposed to shift the discussion towards 'smart, sustainable and inclusive growth'. Building on this commitment, the European Pact of Gender Equality (2011–2020) required the EU to adopt an integrated approach to macro-economic and social policy (Council of the EU 2011). More than 10 years since the onset of the crisis, the European social model seems to be de-evolving into a loose set of policies and practices in support of macro-economic policies (Cavaghan 2017a; Rubery 2015; Hantrais 2018)

The EU's gender regime in the context of crisis

The analysis presented in the previous section leads to one fundamental question: What kind of gender regime is the European Social Model, and how will it be affected by the politics of crisis? Originally a niche research area championed by feminist political economists, there is now growing consensus that the post-2008 politics of austerity had a detrimental impact on gender equality across Europe. Cavaghan's (2017a) detailed analysis of the EU's macro- and micro-economic policies and strategic approaches provides ample evidence of how the 2008 financial crisis can be seen as a test bed for the EU's commitment to gender equality policies. Rubery (2015) doubles down on this analysis highlighting the impact of austerity on the modest progress made by the EU and its members in the 50 years since the signing of the Treaty of Rome.

There is now plenty of evidence about the gendered impact the crisis. Civil society organsa-tions, the Commission and the European Parliament have been mapping the impact of austerity policies on different socio-economic groups, however official narratives remain largely blind to the gendered and racilised impact of austerity. The European Women's Lobby Report (2012) drew attention to the multi-layered nature of the crisis, placing cuts to services that facilitate women's activation front and centre. These findings are supported by Bettio et al's (2013) report for the European Commission, which highlights the importance of applying gender lenses to the analysis of the crisis. Both reports highlight the complexity of this issue. In order to under-stand the full impact of the crisis, it is necessary to understand how austerity measures interact with gender regimes. Whereas the crisis did not lead to a significant change in women's employ-ment patterns and activation, fiscal consolidation measures have had the most marked impact on entrenching 'existing disparities among European countries with regards to women's position in the labour market and more generally, gender equality may be widening back again' (Bettio et al. 2012, 205). This points to the challenge of advancing social justice and intersectional poli-cies in the context of crisis. The functionalist logic and economic rationalities used to justify the inclusion of the equality principle in the process of European integration has to be called into question. The crisis demonstrated the dangers of such an approach, which requires advocates to buy-in to the dominant economic model (Ahrens et al. 2014).

Unpacking the racialised and gendered foundations of the European social dimension and its associated gender regime provides important insights into the implicit and explicit biases reproduced by the politics of crisis. Building on Hopkin and Rosamond's (2018) argument about how the idea of crisis produced optimal conditions for the ideologically driven project of austerity, O'Dwyer (2018) highlights how this rhetorical entrapment ultimately under-mined the feminist insights into the political economy of the crisis itself. If we overlay this analysis to the work on gender regimes, we can see how this process is not only restructur-ing economic and political governance in Europe, it is also advancing a neo-liberal, private gender regime that will undo the limited gains to women's employment rights achieved in the 1990s and the early 2000s.

Walby's (2018) detailed analysis of the sociology of crisis shows how 'Europe is being remade in the crisis'. This is a bold statement, but her analysis draws attention to the silences in European policies. For instance, the proposals for the future of European governance focused on growth and competition are almost entirely silent on their implications for gender equality. Specifi-cally, she argues that '(b)y neglecting to discuss the gender dimension, they miss the opportu-nity to consider how to advance the EU's fundamental values of equality and democracy. This requires the explicit treatment of gender relations in EU strategies for economic growth and for security' (Walby 2018, 318). In a similar vein Cavaghan and O'Dwyer (2018) found that the Commission's narrative of recovery can only be pursued if the interests of under-represented and marginal groups are ignored. This 'implicit' bias in the EU's narrative of crisis and recovery provides useful insights into the hierarchy of interests driving the project and the EU's approach to dealing with the latest crisis.

It is in this context that Emejulu and Bassel (2018, 110) make a compelling argument for moving beyond the binary of EU studies that has been dominated by macro-economic interests to look at the politics and ethics of care. In many ways, even the gender regimes theories privi-lege systemic and top-level analyses over the politics of the every day. They further highlight how the privileging of the dominant economic agenda has left women, and particularly women of colour, to manage the very real consequences of a policy agenda that reifies an economic model based on a racialised gender regime. Emejulu and Bassel (2018) thus found that the way that women of colour interact with the state gender regime in the context of austerity it

exacerbates their marginal position. It also highlights the reliance of the economy of underval-ued and underpaid labour by women.

As women of colour are pushed out of the formal economy, the gender regime relies on 'other' women to fulfil those functions. This highlights the racialised and gendered nature of the transition of gender regimes in the UK, and Europe more widely. As (white) European women have become activated, increasing their participation in the labour market, they have come to relied on the women of colour to fulfil some of the domestic and caring work. This leads us to challenge the depth of the transition towards adult worker models embedded in European social policy and its focus on activation.

Additionally, Emejuly and Bassel (2018) also explain the crisis juxtaposed the interests of white working classes to those of migrants. This produces a form of rhetorical entrapment similar to that discussed by Hopkin and Rosamond (2018) and is performed politically in the context of the growing anti-European sentiment of populist movements driving European politics at the close of the decade. This in turn drives home Walby's (2018) point that it is in the context of this political crisis that the nature of European democracy is being redefined.

Conclusion

The first two decades of the twenty-first century provide important insights into the impact of a highly commodified social model on advancing equality and social inclusion. Beyond the well-established critiques of the EU's approach to gender equality as being defined by neo-liberal principles of access to labour market and activation, the analysis presented here highlights how it reproduces racial and gender hierarchies. Drawing on gender regimes theories provides a new, and much needed, assessment of the way the European social dimension has historically been co-opted to legitimise the economic drivers of the European project. Women's economic activation and participation in the labour market are worthy policies. However, they rely on the reification of the care-work binary. In this context, reconciliation between work and family life, although framed in gender neutral terms, is intended to allow mothers to continue to fulfil their role as primary carer in addition to contributing the official labour market. As the establishment of care structures that allow women/mothers to participate in paid work remain limited, this process has led to the commodification of care. In this context, care work has become 'out-sourced' to women of colour and migrant women. In this context, Emejulu and Bassell (2018), therefore, argue that care is linked to the politics of becoming. The European social model thus juxtaposes the interests of different groups of women. In this context, the EU's gender regime is one that is stratified along racialised gender hierarchies. The 2008 crisis should thus not be seen as producing a new gender regime, but as reifying existing trends whereby equality and social justice are not just secondary to economic growth, they cannot be a threat to the hegemonic economic order.

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Uneven development in the EU

Processes of core-periphery relations*

Joachim Becker, Rudy Weissenbacher and Johannes Jäger

Introduction

The tale of cohesion and convergence constitutes an important element of the legend of European integration in Western Europe after World War II. Peripheral countries and regions would economically converge towards the level of the core, leading to social cohesion in a soft power block that was labelled as a 'peace project'. In peripheral countries, promises of convergence and cohesion offered a perspective of a brighter future, especially if such 'modernization' was coupled with a more democratic future, such as in the fascist dictatorships of Greece, Portugal and Spain. The liberal ideology of the Western integration model that would become the European Union (EU) successfully established a narrative that it institutionalised and resembled a general 'European' heritage and 'European' core values of 'liberty and solidarity, tolerance and human rights, democracy and the rule of law', as Olli Rehn, then EU commissioner for enlargement, put it in 2005 (quoted in Weissenbacher 2007, 36). In the early 1990s, this liberal 'Europe' had a strong appeal in countries of the imploding state socialist integration model – the Council of Mutual Economic Assistance (COMECON) and in the wealthier regions of Yugoslavia.

In our contribution, we take a look at the real structures behind the EU integration narrative of cohesion and convergence from the point of view of critical political economy. We will argue that it is uneven development rather than cohesion and convergence that reflects the structural imbalances that seem to have haunted the EU from the early days. Such claims are not simply the benefits of hindsight following from current disintegrative tendencies as manifested in the emergence neo-national movements across the EU (Becker 2018a and b). We start our considerations with theoretical and method-related accounts based on regulation theory and the dependency paradigm. We then offer a typology of core-periphery relations in the EU before briefly revisiting the history of integration. The years before the crisis appear like a calm before the storm. 'Pseudo booms' in countries of the EU periphery seemed to confirm the benefits of the common European currency. However, as the section on the post-crisis years

emphasises, the structural imbalances of the EU economy had remained untouched. This crisis seems to mark an important caesura in the attitude towards the EU. When the EU turned 50 in 2007, German chancellor Angela Merkel (quoted in Weissenbacher 2007, 36) proclaimed that 'for centuries Europe was an idea, no more than a hope for peace and understanding. Today, we, the citizens of Europe, know that that hope has been fulfilled'. A few years later the 'citizens of Europe' would observe the reality of 'Berlin consensus' (Becker and Weissenbacher 2014) when 'Europe' showed no solidarity with its fellow citizens in Greece. In the wake of the crisis, the core-periphery dimension has received increasing attention in critical debates on capitalism in the EU (e.g. Stockhammer, Durand, and List 2016, Gräbner et al. 2018), particularly focussing on the Eurozone (Álvarez, Escalonilla, and 2013, Lapavitsas et al. 2012, Nölke 2016). Our contribution fits into these broader debates and, in particular, tackles dependency relations in the EU and extends the analysis beyond the Eurozone.

European core and peripheries: Theoretical and methodological considerations

For our typology of a European core-periphery system, we will draw on the regulation and dependency approaches. The regulation approach provides a framework for analysing accumulation with a middle degree of abstraction while the dependency approach helps to analyse asymmetric relationships. The two overlap particularly in regard to asymmetric insertions into the international division of labour.

Authors in the framework of the dependency paradigm stress that peripheral countries can achieve capitalist industrial development within their political-economic dependencies of core countries. In global capitalism, however, they deemed impossible 'development' in a broad sense (which they also saw confirmed by persistent inequality and poverty in core societies). Global capitalism was ever more dominated by transnational companies (TNC) which were deep-seated in core countries. What Latin American dependency scholars observed in the 1960s would be taken up by European dependency scholars for the European core-periphery system in the 1970s: While mainstream economic science continued furthering the idea of a 'free market', TNCs in their realm integrated decision making processes in the manner of a planned economy that also decided on the distribution of the technology they produced. Core states supported TNCs in the 'neo-mercantilist' (Sunkel 1972, 291) global economy because their status was linked by what Arrighi and Drangel (1986:26) called a 'symbiotic relationship'. The new international division of labour could bring industrialisation to the global periphery. The high income countries deindustrialised in the sense of both (a) a concentration on advanced technological production (high in R&D and productivity, low in employment) and (b) a tertiarization of their economies (Weissenbacher 2018a and 2019a). This set the stage for a new quality in the distinction of core-periphery characteristics. As we will show by the example of the EU, peripheral countries could achieve overall industrial convergence without 'development' (Weissenbacher 2018a).

Regulation theory provides an analytical framework for the different forms of accumulation. It makes a basic distinction between predominantly financialised and predominantly productive accumulation (Becker 2002, 74ff.). Productive accumulation can occur in manufacturing or in activities that are strongly linked to land rent such as agriculture, mining, real estate, construction and housing, tourism. In the core economies, manufacturing tends to be strong in at least some technologically advanced industries and is backed up by significant research and development activities. If manufacturing is relevant in the periphery, it tends to be at least partially controlled by foreign capital and depends on external technology. The capital goods sector in peripheral economies is usually relatively weakly developed (e.g. Ominanmi 1986, 119ff.). Industrialisation

that relies on foreign direct investment (FDI) and technology can be characterised as dependent industrialisation. In large parts of the periphery, land rent based activities play a key role in the economy because the land rent and the territorialised character of these activities provide a form of indirect protection (Becker and Weissenbacher 2015, 4). In the present EU, it is particularly real estate, housing and construction as well as tourism that play a crucial role for part of the periphery (in particular the Mediterranean).

The tendencies towards financialisation usually strengthen when the productive accumulation slackens. In that case of increasing uncertainty, capital is looking for flexible and liquid forms of investment. Financial investment has these characteristics (Arrighi 1994, 221ff., Harvey 1984, 304, 324). Capital looks for new fields of financial investments. Countries in the periphery offer higher interest rates. Thus, they are increasingly lucrative and promising destination for financial activities. Their financialisation tends to be fuelled by capital inflows. It can be characterised as dependent financialisation (Becker et al. 2010). Financialisation can take several forms. Particularly in many of the core economies, 'fictitious capital' (Marx 1979, 482ff., 510) – that is shares, bonds, etc. – plays a key role. In the case of fictitious capital, it is not only revenues (dividends, interests) that play a key role, but also the price increase of the financial assets themselves. During a blossoming period of financialisation, strong inflation of financial assets can be observed. This, in turn, creates the ingredients of a coming financial crisis (Lordon 2008, 97). The other form of financialisation is based on interest-bearing capital. In that case, interest rates differentials are of key importance. Over the past three to four decades, financialisation has reached beyond the 'traditional' participants of financialisation, that is capital and the upper middle class. Significant segments of the lower middle class and workers have been integrated into financialisation through the commercialisation of pension systems and through consumption and housing loans (dos Santos 2009).

The differentiation between inward-looking, export-oriented or import-dependent accumulation processes is important too (Becker 2002, 70ff.). Since the 1970s, the accumulation of the EU core economies has been characterised by an active extraversion, that is the export of goods and capital. It is useful to distinguish between the different forms of capital – productive capital, money capital, etc. Significant capital export, in particular, in the form of foreign direct investment that shapes the productive patterns and company strategies in destination countries is a key characteristic of dominant economies (Baran 1962, 177ff., Beaud 1987, 76ff.). Dominated economies are usually characterised by dependence on key goods, in particular capital goods and technology, and capital (Beaud 1987, 100). Many of the dominated economies are characterised by the emigration of labour and, in differing degrees, by the reliance on labour remittances as source of foreign exchange (Delteil 2018). In the focus on the asymmetric relations and their historical economic and political emergence, there is an overlap between the regulation and dependency theories.

In analysing dependency in regard to capital accumulation, four dimensions are presently crucial (adapted from Magnin, Delteil, and Vercueil 2018):

- *Commercial dependence:* This aspect refers to the dependence on imported goods. Dependent economies rely in particular on imported machinery. Each investment spur entails a significant increase in imports. Domestic consumption might also rely significantly on imported goods or, at least, inputs.
- *Productive capital and more broadly FDI:* Foreign capital is able to shape investment and productive patterns through foreign direct investment. FDI has been highlighted as an outstanding feature of dependency in the EU, particularly regarding industrial development (see, for example, Myant 2018, Delteil 2018). However, FDI not only plays a crucial role in dependent industrial development. Particularly in Eastern Europe, foreign capital

controls the banking sector as well. Thus, it has a crucial role in defining financial strategies and access to credit (Frangakis 2009, 71ff., Myant and Drahokoupil 2011, 259ff.). This is one aspect of dependent financialisation. The other one is the reliance on external refinancing.

- *Finance:* (Semi-) peripheral economies try to finance current account deficits by resorting to foreign debt. Financial inflows might, however, be primarily related to the financial sphere. Thus, capital in core countries might be looking for new outlets for financial investment and higher interest rates. This might entail dependent financialisation in (semi-) peripheral economies.
- *Labour migration and remittances:* Some peripheral economies are highly dependent on remittances for their foreign exchange revenues (Myant and Drahokoupil 2011, 312). Particular forms of accumulation and dependency – that is patterns of uneven development – are backed up by social and legal norms and forms of state intervention.

Key patterns of EU core and peripheral economies

Core economies tend to be characterised by both a relatively high per capita gross national income (GNI) and an actively extraverted economy, that is ideally both by a positive current account and a positive net FDI stock. Semi-peripheral and peripheral economies are characterised by a lower GNI per capita and a passively introverted economy, that is with import dependence in key sectors, a negative current account and negative FDI stock (Becker 2002, 70ff., Weissenbacher 2018a). In line with the theoretical framework, we will highlight three key dimensions of accumulation: Financialisation, the role of manufacturing and the role of FDI.

For the European core-periphery relations, Weissenbacher (2018a, 84) proposes Germany as a yardstick. With German GNI (at prices per capita [PPS]) pegged at 100, the core would be above 80% of the German level, the semi-periphery is between 61% and 80% and the periphery is below 60% (see the indicators of the current decade in Table 16.1). Germany as the leading core country in Europe differs from the United States because it retained a comparatively higher industrial base. As one can see in Table 16.1 (column 2), however, the share of manufacturing production in GDP has ceased to constitute a general core characteristic in the EU. The data on peripheral Romania and Hungary and semi-peripheral Czech Republic (higher than those of Germany) show that there is industrialisation (industrial convergence) without GNI convergence. Only if qualified (in column 3: Manufacturing of machinery and equipment as share of total manufacturing) a more traditional picture of 'industrialized countries' can be produced for some of the core countries. But also in column 3, France is behind the Czech Republic, Hungary and Slovakia, countries very strongly involved in the industrial commodity chains of Germany. Column 3 seems to also qualify the Italian status (upward) and the exceptional Irish case (downward).

On the side of core countries, the data support the thesis that it has been no longer necessary to retain a large manufacturing sector within a country's own jurisdiction in order to maintain a core status. Of course, that may change again (e.g. in the era of US president Donald Trump): There is no invariance on what constitutes a core characteristic (for theory, method and further interpretation see Weissenbacher 2018a and 2019a). In recent decades, 'controlling' TNCs and their commodity chains have become important to maintain a core status. Columns 4 and 5 show trans-border activities of companies in the EU28 area, export of FDI stock for most core countries and a comparatively high turnover of companies pursuing manufacturing activities in other EU28 countries. Malta and Luxembourg are extreme cases (see Weissenbacher 2018a, also for the other special cases Ireland, Cyprus and the Netherlands). Finally, distribution of power in the political economy may be seen in the 'control' of the 100 largest global non-financial TNC:

Table 16.1 Indicators of a core-semi-periphery-periphery typology in the EU (Germany=100)

Country	1	2	3	4	5	6
Bulgaria	37	…	41	…	−94	120
Romania	44	104	38	…	−57	65
Croatia	46	64	31	…	−89	116
Latvia	50	56	19	...	−98	101
Poland	52	83	28	8	−97	75
Hungary	52	101	59	19	−71	96
Lithuania	56	86	21	…	−66	59
Estonia	57	70	26	…	−153	118
Greece	57	41	15	5	14	127
Slovakia	60	95	60	3	−87	77
Portugal	60	59	26	13	−136	191
Czech Rep.	64	112	58	5	−161	69
Slovenia	65	98	48	9	−39	100
Cyprus	67	22	14	…	−100	331
Malta	68	49	...	…	−3444	141
Spain	72	60	36	11	−11	174
Italy	78	69	97	39	39	118
UK	85	44	49	64	77	171
France	86	50	38	125	142	137
Finland	90	77	86	195	117	147
Belgium	95	63	40	105	−14	177
Germany	**100**	**100**	**100**	**100**	**100**	**100**
Ireland	101	116	17	88	74	274
Austria	101	83	84	157	228	126
Sweden	101	76	81	225	95	189
Denmark	103	61	99	198	220	214
Netherlands	104	52	85	...	357	253
Luxembourg	143	24	77	1996	−141	312

Source: Weissenbacher 2018a, Weissenbacher 2019a.

Notes: Germany = 100, average over years, data sorted by first column, grey: Enlargements from EU15 to EU28.

Column 1: GNI at current prices per capita (PPS, 2010–18).

Column 2: Share of manufacturing industry (UVGM) in all branches (UVG0) – Gross value added at current prices, ECU/Euro, 2010–16. Gross value added equals output valued at basic prices less intermediate consumption at purchasers' prices. Gross value added includes consumption of fixed capital. Manufacturing industry: Nace rev.1 D. Data limitations: Italy: 2010–15, Romania: 2010–14, no data for Bulgaria.

Column 3: Manufacturing of machinery and equipment n.e.c., NACE_R2: Share of value added in manufacturing total (%), 2016 except Ireland (2014).

Column 4: Outward Activities in Manufacturing of TNC in the EU28 Area, Turnover in Euro millions at current prices per capita (PPS) in 2014. Czech Republic and Portugal: Average of 2013 and 2014 (very divergent data), no data for Bulgaria, Croatia, Estonia, Latvia, Lithuania, Malta, Cyprus, the Netherlands, Romania.

Column 5: Net FDI Stock (negative numbers indicate imports), Millions of Current US Dollar per capita, 2010–16.

Column 6: Consolidated private sector debt as percentage of GDP, Millions of national currency, average of 2010-2016. (Debt securities and Loans held by the sectors non-financial corporations and households, and non-profit institutions serving households without transactions within the same sector).

In 2016, half of them were considered to have an EU country as its home base. 15 have the UK as their 'home economy', followed by France and Germany (11 each), Spain (3), Ireland and Italy (2 each), and one each in Belgium, Denmark, Finland, Luxembourg, the Netherlands and Sweden (Weissenbacher 2018a, 91).

We now examine systematically the characteristics of accumulation in core and (semi-)peripheral EU economies. The first group is those that meet the criterion of core countries according to this cut-off point. Regarding the combination of financialisation and manufacturing, they display an enormous heterogeneity. Germany has one of the highest shares of manufacturing in the EU. The trade balance and current accounts show a strong and tendentially increasing surplus. Taking the debt of the private sector/GDP ratio as first approximation of financialisation, the German ratio of 99.3% (Eurostat 2018) is the lowest among the Eurozone countries. The German economy is, however, characterised by high capital exports. Thus, German financialisation is strongly export-oriented. The Austrian economy displays similar features. A second group of core countries – Scandinavian countries, Ireland and Belgium – is characterised by relatively strong manufacturing sectors and strong financialisation, particularly private indebtedness. The share of manufacturing in global value-added reaches at least 60% of the German level (Weissenbacher 2018a, 104, table 4). The level of private indebtedness is particularly high in Ireland (280.5% of GDP) and Denmark (213.5% of GDP in 2016; Eurostat 2018). A third group of core countries shows a relatively small manufacturing sector and strong financialisation. This is the case of the UK, the Netherlands and Luxembourg – with Luxembourg being an extreme case of relative de-industrialisation since the 1990s. The finance centre Luxembourg displayed the highest ratio private debt/GDP – 342.8% in 2016 – in the EU (Eurostat 2018). In the UK, the industrial sector is not only small, but also weak. The UK shows a chronic substantial current account deficit as it is rather typical of a peripheral economy. France and Italy do not fall in any of those sub-groups of the core. France belongs into the core group with a relatively small manufacturing sector – only 50% of the German in the years 2010–2016 (Weissenbacher 2018a, 104, table 4), but its private debt level is higher. It could be rather characterised as financialised economy. Italy is at the limit between core and semi-periphery. Its economy is regionally extremely heterogeneous. Its share of manufacturing in value-added was 69% of the German level in the years 2010 to 2016 – thus considerably higher than in France (ibid.). Its ratio of private debt/GDP of 113.5% is one of the lowest among the core countries (Eurostat 2018), its public debt is, however, one of the highest. Thus, financialisation has different features from most of the core countries.

Regarding the EU semi-periphery and periphery, an industrialised and a de-industrialised sub-group can be distinguished. There are significant differences regarding the degree of financialisation among the semi-peripheral and peripheral EU countries. In the post-socialist countries, the ratio of private debt to GDP tends to be lower than in the old capitalist semi-periphery of Europe. In the socialist economies, the banking systems had functions different from capitalist economies. Consumer and household loans played no role at that time. The scope of private households to incur debts tended to be fairly limited in the 1990s. Thus, the rapid rise of private household debt in the 2000 started from very low levels (Becker and Ćetković 2015, 81, table 5). This produces the lower private debt to GDP ratio that still prevails today.

The group of the EU semi-periphery is very heterogeneous. It consists of two small off-shore financial centres and tourist destinations, Cyprus and Malta, the very unevenly developed and industrialised Spain, Central East European countries with very high levels of financialisation, countries characterised by strong dependent industrialisation, such as Slovenia and the Czech Republic, as well as Slovakia, which is at the limits of semi-periphery and periphery. If one abstracts from the very small off-shore economies of Malta and Cyprus, the size, but also the profile of manufacturing seems to play a role for semi-periphery/periphery differentiation.

For the Visegrád countries, Slovenia, Lithuania and for the (much more peripheral) Romanian economy, the share of manufacturing in gross value-added is relatively close, in some cases even a bit higher than in Germany. With the exception of Lithuania, their industrial economies are closely linked to the German export manufacturing complex through FDI and trade links (see Popławski 2016, 20ff.). Their banking sector is foreign controlled (Frangakis 2009, 72, table 3.14, Raiffeisen Research 2017). Their ratios of private debt to GDP have been mostly considerably below the German level and are the lowest in the EU. It is only Hungary and Slovenia that reached a private debt to GDP level that is comparable to Germany. While table 1 (column 6) presents an average of 2010-2016, the post-crisis development of the ratio of private debt to GDP displays diverging trajectories. It showed a continuing increase or at least a tendency to increase in Slovakia, Czech Republic and Poland, which still had a relatively modest debt and only limited domestic foreign exchange credits. In economies with a high share of domestic foreign exchange loans (Romania, Lithuania), relatively high debts (Slovenia) or both (Hungary; Eurostat 2018, Becker 2014), this ratio significantly declined. In the combination of a high share of manufacturing in value-added and a relatively low ratio private debt to GDP, the core countries of Germany and Austria share common characteristics with their industrial periphery in (Central) Eastern Europe. Differently from the core, the countries of the industrial (semi-)periphery display a negative FDI stock. Key sectors of their economy are controlled by foreign capital.

The group of countries of the de-industrialised semi-periphery and periphery is geographically more dispersed and heterogeneous. It consists of the Mediterranean countries (Spain, Portugal, Croatia and Greece, plus the two financial centre islands Cyprus and Malta), the Baltic countries Estonia and Latvia plus Bulgaria. The post-socialist countries had built up large manufacturing sectors during the era of state socialism, but suffered from severe de-industrialisation in the 1990s (Becker, Ćetković, and Weissenbacher 2016, 54ff.). In the capitalist Mediterranean countries, manufacturing had never assumed the same importance as in the state socialist semi-periphery. Here relative de-industrialisation occurred after EU accession. Compared with Germany the ratio private debt to GDP was the highest from 2010 to 2016 in Portugal and Spain. In Greece, private debt was lower than in those two Southern Eurozone countries, but Greece had a relatively higher public debt. Thus, the patterns of indebtedness differ between the Southern Eurozone countries. The post-socialist de-industrialised periphery displays higher private debt to GDP ratios than the post-socialist industrialised (semi-)periphery. Up to the crisis, financialisation was key to the growth model. The externally financed credit-boom came to an end with the crisis that commenced in 2008. In the post-crisis years, the Mediterranean countries became increasingly reliant on tourism. Regarding the net FDI stock, the post-socialist de-industrialised periphery is much more dependent on investors from abroad. The de-industrialised periphery is linked to different parts of the core (France, partially Germany for the Mediterranean periphery, Scandinavia for the Baltic states).

Thus, we can distinguish different types of accumulation regimes in both EU core and (semi-)periphery which entail different configurations of asymmetric relations between EU core and (semi-)peripheral economies.

Core-periphery and EU-integration in a nutshell

A dependency perspective considers historical and spatial effects on development paths. Historically, uneven development in Europe has been a fact for a matter of centuries rather than decades (Weissenbacher 2007). Historical core-periphery relations have been reinforced by the dynamics that have driven the Western European integration process. Plundering and exploiting

European countries and their populations had fed the reconstruction and modernisation of the German economy in the wake of World War II. Thereafter the Cold War enabled German governments to get rid of most obligations relating to reparation payments and war debts under the umbrella of the US (for an overview see Weissenbacher 2019a). This cleared the way for the narrative of German postwar economic virtue. A decade after the war, Germany was successfully able to push ordo-liberal regulations into the Treaty of Rome, and prevent policies of a more developmental nature. The institutional arrangement of European integration was economically ordo-liberal, politically conservative and anti-communist. The reconstruction boom in Western Europe and the strong stance of its conservative state capitalist regime enabled the Italian government to ignore the liberal inclination of the European Commission. It implemented policies for the Italian South, the only larger peripheral region within the original six members of the Western European communities (see Weissenbacher 2019a).

The situation changed with global crisis and the first enlargement of the European Community (EC), both of which happened at the same time in 1973. The EC was unprepared to deal with either of them. Two new member states – Ireland, a peripheral country, and the UK which had experienced crises in its old industrial regions' – needed regional development policies. Also in the 1970s, the European dependency school (EDS, Weissenbacher 2018b) started observing and analysing structures of dependent and uneven development in Europe and the EC. The second southern enlargement, Greece 1981 and Portugal/Spain 1986, and integration of unequal partners, took place in the wake of the second global economic crisis after World War II. With the postwar boom over, the admission of countries with significant soci-economic diversity into the common integration acted as a stimulus to the development of particular balancing policies. EDS authors suggested a balancing industrial policy for peripheral countries, but solidarity ended where competition began. There was no interest on the part of core industries to nurture competition at eye level. Consequently, redistributive funds – similar to those found within the regional policy regimes of nation states – were suggested, but never fully materialised. To be sure, re-distributive funding was not seen as convergence policy but rather as an alleviating instrument. Without meaningful development policies (regional production and linkages), funds for the periphery would again strengthen core industries (and increase imports to the periphery). Many saw some sort of selective spatial closure as necessary in order to keep penetrating influences from the periphery. Within the prevailing framework, more integration could easily lead to 'neocolonial' scenarios. Monetary integration in particular would take away remaining domestic policy options (exchange rates, capital controls) to deal with uneven trade relations. More integration would increase the asymmetry, Dudley Seers argued in 1980 (Weissenbacher 2019a, chapters 5 and 6). Deficit countries would have to adopt deflationary policies, remaining short term policies would involve lowering the level of employment and controlling wages in order to reduce the costs of production and purchasing power. This subordination of peripheral countries to core countries' policies became known by the euphemism 'domestic devaluation'.

Germany's supposed economic virtues, became the yardstick for EU monetary regulations. However, when the currency union started in 1999, Germany needed to bend the rules itself, because it had to digest the consequences of integrating Eastern Germany (also the first Eastern enlargement of the EU). The other former Comecon countries that were destined to accede the EU lived through a transformation crisis and entered the EU at the peripheral end of the hierarchy (Weissenbacher 2018a, 2019a). While the preparatory regulation procedure forced them to adopt the EU's acquis communitaire, member states adapted to the Maastricht Treaty with its arbitrary indicators (60% of GDP maximum public debt, 3% of GDP budget deficit), rules that the EU in average was hardly ever able to obey (Weissenbacher 2019b). In a system of European commodity chains that was unable and unwilling to decentralise production

and consumption in order to enable cohesion, the stabilizing effects of low interest rates led to investments into non-productive sectors in peripheral countries such as Greece and Spain (and to 'pseudo booms', see Becker and Weissenbacher 2014). Italy never recovered from the neoliberal reorganisation of its economy (see Weissenbacher 2019). Capital import from core banks (German among others) stimulated imports from the (German) core to the EU periphery. When the global crisis reached Europe in 2008, it became obvious that this situation had been precarious. Moreover, the new peripheries in Central and Eastern Europe replaced the Southern European peripheries within the commodity chains and as a source of low wage immigrants to the EU core. With the Eastern enlargement rounds of 2004 and 2007, the German centered industrial commodity chains manifested within EU integration. These countries turned out to be relatively more resilient to crisis. The impact of the post-2007 crisis on the EU economies was very uneven. Some extremely financialised economies in the core (UK) and the periphery (the Baltic States) were affected through financial channels very early and strongly. In autumn 2008, the other core economies were hit both through financial and export channels. The Central East European countries with high private debts and a high share of foreign exchange credits and with high current account deficits suffered from particularly sharp contractions in late 2008 and in 2009. Some non-Eurozone countries of this group were the first to take IMF loans with severe austerity programmes (Becker 2014). The main impact on the financialized and de-industrialised Southern European Eurozone periphery occurred only from 2010 onwards. It was here that the second wave of IMF/EU structural adjustment programmes was imposed. Thus, the crisis showed different patterns in core and periphery countries.

Post-crisis trajectories: Core-periphery and industrial-deindustrialised divides

The countries in the different sub-groups of core and (semi-)periphery have followed different though interlinked trajectories in the post-crisis period. During and after the crisis, Germany has emerged even more strongly as the dominant EU economy. The German economy recovered more quickly than the other EuroZone economies (Bischoff and Müller 2019, 29ff.). The post-crisis growth was primarily export-led. The German current account surplus even increased up to 8% in 2017 (Eurostat 2018). It has been basically two different sets of factors that favoured German exports. On the one hand, the price-related factors of the development of the euro exchange rate in combination with the prolonged wage depression and extremely low rate of inflation in the pre-crisis period favoured export growth. On the other hand, the German economy had an advantageous specialisation profile (machinery and cars; Bischoff and Müller 2019, 30). However, one of the key German manufacturing sub-sectors, the car industry, is set for major restructuring. German manufacturing is at the core of the EU regional commodity chains (Stöllinger et al. 2018: 20 ff, 28 ff.). Yet the geographic specialisation of German external trade has changed. Through the outsourcing of production, trade relations with Central Eastern Europe densified (Popławski 2016, 15ff.). The trade relations with the de-industrialised Southern European periphery, where domestic demand was repressed by austerity policies, lost importance. Exports to some BRICS countries, particularly China with its high growth and investment, were particularly dynamic (Heine and Sablowski 2016, 18, table 7). Thus, one of the consequences of the crisis was that the Eurozone lost importance for German exporters. Domestic demand gained importance since wages grew more rapidly than in the pre-crisis years. As a consequence of the so-called Hartz IV reform, German wage relations continued to be highly stratified and the share of the population at poverty risk has even increased during the recovery (Bischoff Müller 2019, 59), polarising Germany between 'enduring poverty and

consolidated wealth' (Spannagel 2018). Low Eurozone interest rates favoured stronger financialisation, particularly in the housing market. German capital exports – the other side of the high current account surplus – remained high. German banks, however, reduced drastically their positions in Southern Europe, the German central bank increased its positions through the TARGET system (Nölke 2016, 154). Thus, the interaction of German capital with the Southern Eurozone periphery has been reduced not only in trade, but also in finance. Smaller core economies which were closely linked to the German economy recovered relatively well, although with differentiations. Exports played a key role in the recovery. In both Austria and Belgium which are closely integrated into the German-centred industrial production networks, more right-wing oriented coalition governments with formations of the nationalist right as key coalition partners have taken initiatives aiming at weakening labour strategically and hollowing out the welfare state in order to accentuate the neo-mercantilist model (see Becker 2018b, 31ff.). Regarding the export-oriented financialisation of Austrian banks in Eastern Europe, they had to adopt a more cautious approach. The Austrian financial supervision authorities demanded that affiliates of Austrian banks in Eastern Europe rely less on external financing and more on the respective domestic deposits in their credit expansion (Kader 2018, 41).

The both industrialised and highly financialised Nordic economies recovered relatively well – more so the regional centre Sweden, much less so the Finnish economy which has been negatively affected by the weakening of its main key transnational company, Nokia, and the crisis of its important neighbour Russia. The Swedish manufacturing sector remained important. In specific areas, mainly telecommunications and IT, Swedish firms rather accentuated their role (Therborn 2018, 12). Financialisation tendencies became stronger. The already extremely high household debts increased again after the crisis which is reflected in an increasing ratio of household credit to disposable income (Belfrage and Kallifatides 2018, 892, table 7). The relative size of the financial sector is already comparable to Switzerland or the Netherlands, as Belfrage and Kallifatides (2018, 886) point out. Stockholm has emerged as a regional financial centre which dominates banking in the Baltic countries (Belfrage and Kallifatides 2018, 884). Thus, such as in Austria and Belgium, Swedish financialisation is partially extraverted. 'Private-equity firms, the most aggressive form of finance capital, are exceptionally well developed in Sweden: in proportion to GDP they rank second in Europe after the UK' (Therborn 2018, 12). As a consequence of both, the industrial model and financialisation, social inequality has increased in Sweden and the labour force has become more stratified (Belfrage and Kallifatides 2018, Therborn 2018).

GDP in the highly financialised core economies recovered more or less comparably to the industrialised core economies. Due to the one-sidedness of their accumulation regimes, however, they suffer from a high structural vulnerability to crisis. In the UK and the Netherlands, the stabilising of the financial sector imposed a heavy burden on government budgets. Post-crisis policies were restrictive in both countries. In the UK, the real wage development from 2007 to 2018 was the second weakest among the core countries in the EU (EuroMemo Group 2019, 8, table 1). The main economic links of the UK with the other EU countries are financial. The involvement of the UK in industrial regional commodity chains is highly dispersed – except for the link to Ireland (Stöllinger et al. 2018, 31, table 5). It is significant that – beyond London – the GDP per capita in most British regions is below the EU-average (Eurostat 2018). Thus, the UK owes its status of a core country literally to the financial and service centre London. Its economy is extremely heterogeneous.

The highly – though not as extremely as the UK – financialised French economy displays a similarly polarised spatial pattern. The region around Paris is almost the only region with a GDP above the EU average (Eurostat 2018). This is again due to the status of Paris as a financial and service centre. The high Italian polarisation is due to the extremely uneven

industrial development – massively deepened during and after the crisis. In both countries, manufacturing has suffered from Eurozone membership. Both countries share as a common trait that they play a relatively strong role in industrial regional commodity chains in Southern Europe. Both economies are linked to the German industry as well. For France, the industrial links to the Benelux countries also play a significant role. Italian links play a significant role in the commodity value chains for some East European countries (Stöllinger et al. 2018, 31, table 5). In line with the neo-mercantilist EU and German policies, both French and Italian – nominally centre-left – governments (Hollande, Macron, Renzi) systematically 'flexibilised' the labour market and sought to weaken labour (see Syrovatka 2016, Les économistes atterrés 2018, 99ff., Weissenbacher 2019b). Though the French governments have taken steps that weaken the labour side, the post-crisis recovery has been primarily based on domestic demand. Thus, the welfare and social provision of the past still play a role in stabilising the French economy. The contribution of exports to GDP growth became even more negative during the recovery (see Ducoudré et al. 2016, 93ff.). In the Italian case, a French type of support of the welfare state for domestic demand is lacking – and exports suffer from the Eurozone arrangement (Simonazzi 2014). Italy is one of only two EU countries that had not recovered the 2007 GDP in real terms in 2018 (EuroMemo Group 2019, 8, table 1). While Italy is not yet counted among the semi-peripheral countries of the EU, it is clearly on its way. In France and – even more – in Italy, the increasingly accentuated EU neo-mercantilist strategy is at odds with sustaining domestic demand and the Eurozone membership accentuates the external constraints.

The industrial and the de-industrialised periphery show significant differences. The economic recovery of the industrialised periphery relied to a significant extent on the export sector. In this, the nexus to the German industry played a crucial role. The Visegrád countries, Slovenia and Romania are deeply and in a subordinate position integrated in the German-centred industrial commodity chains (Stöllinger et al. 2018, 29ff.). Wage recovery was slow after the crisis. It was only with a reduction of unemployment and, partially, heightened trade union militancy that wages picked up more rapidly after 2016. The scope for wage increases and real industrial upgrading is limited within this production model (Myant 2018). For the smaller economies, the industrial specialisation is narrow which is reflected in the foreign trade figures, particularly the trade with Germany. At least for the Visegrád countries, trade with Germany is highly concentrated in the car industry. In the case of Hungary, Slovakia and the Czech Republic, more than 40% of both exports to and imports from Germany fell into the category of the car industry in 2014. (Popławski 2016, 25). For the smaller countries, this implies a highly vulnerable manufacturing and export structure. In the wake of the crisis, FDI to the region has diminished and become more volatile (Hunya 2015, 41ff., Hunya and Schwarzhappel 2017, 41, tables I/2 and I/3). FDI has accentuated pre-existing regional inequalities and has been highly concentrated in the capital cities and some regions in the western parts of the countries. FDI has been even more regionally uneven since the crisis (Medve-Bálint 2015).

While the economies of the industrial periphery share common traits in regard to the development of the export sector, the development of financialisation shows contrasting trajectories. In Slovakia, the Czech Republic and Poland, financialisation has continued in the post-crisis period. In these countries, banks could rely to an important extent on deposits for their credit activities, and the role of foreign exchange loans had been limited. The low interest rates have stimulated the loan growth in the post-crisis period. This is particularly true for the Eurozone country Slovakia. Despite attempts of the Slovak National Bank to slow down loans to households, the growth of household loans was the most rapid in the Eurozone and Central Eastern Europe in 2018 (Národná banka Slovenska 2018, 21). To the contrary, bank loans either decreased or oscillated between stagnation and decrease in Slovenia, Hungary, Romania and

Lithuania (Raiffeisen Research 2017, 35ff.). Banks in Slovenia had relied very heavily on external refinancing in their pre-crisis credit expansion. Pre-crisis financialisation in Hungary, Romania and Lithuania had been characterised by heavy reliance on external refinancing and a high share of foreign exchange loans. Their financialisation model was heavily shaken by the crisis and could not continue as before.

The financialisation of the de-industrialised semi-periphery and periphery suffered a rupture during the crisis as well. Banks from the core countries – particularly Germany and France – disengaged from the Southern Eurozone periphery. Banks in the southern Eurozone periphery had to rely on official, that is ECB, support (Barkbu et al. 2016, 72ff.). As a consequence, lending to the private sector declined (Barkbu et al. 2016, 71, Figure 3.13). The de-industrialised countries outside the Eurozone experienced a similar drying up of external refinancing. The ratio of private debt to GDP has declined in the post-crisis period (Eurostat 2018).

Without the pre-crisis type of access to external finance, the countries of the de-industrialised semi-periphery were pressed into austerity policies which were to reduce domestic demand and imports. The main contribution to the drastic reduction of current account deficits came from the import side. Some countries – such as Latvia, Greece and Portugal – imposed extreme austerity as part of IMF-EU programmes during the crisis. The new economic governance of the Eurozone institutionally limits policy spaces and constrains domestic demand in the Southern Eurozone countries. The case of the left-orientated government in Portugal which has proclaimed an anti-austerity agenda shows how narrow the policy spaces for less restrictive policies are in the Eurozone periphery (Lopes and Antunes 2018). Informally euroized periphery, such as Croatia, has hardly any spaces for more expansionary, counter-cyclical policies (Radošević and Zdunić 2018). Wages were turned into a key mechanism of deflationary policies. The strongest wage cuts have been registered in countries of the Mediterranean periphery (Greece, Croatia, Portugal; EuroMemo Group 2019, 8, table 1).

The systematic weakening of the domestic market eroded manufacturing even more. Even in a more strongly industrialised semi-peripheral economy, such as Spain, exports increased, but the export profile worsened (Garcia and Paz 2018, 64 ff.). Spain's post-crisis recovery relied almost exclusively on services, not on the industry (Ducoudré et al. 2016, 98, Figure 16.6). Tourism has become an even more crucial sector for the semi-peripheral and peripheral Mediterranean economies. Thus, tendencies of peripheralisation and structural regression can be observed in the de-industrialised semi-periphery and periphery. When the recovery occurs, it tends to reproduce past patterns. In the Croatian case, growth has again been based on consumption, commerce and construction – exactly the 'same bases' as in the pre-crisis period (Marić 2019, 7). The growth model of the de-industrialised periphery tends to be rather inward-looking and suffers the neo-mercantilist orientation of the present EU strategy.

Conclusion

There is more than just one core-periphery divide in the EU. Both the core and the (semi-) periphery are characterised by industrialised and de-industrialised sub-groups. Over the last 20 years, the industrialised core around Germany has forged particularly close links to industrial (semi-) periphery in Central Eastern Europe. The sub-ordinate integration of the Central East European economies into the German export manufacturing complex lies at the very heart of this asymmetrical relations. While the industrial EU periphery proved to be more resilient to the crisis than the de-industrialised periphery, the sub-ordinate and dependent character of its industrialisation has not changed. Economic sectors are controlled by West European capital.

Technological dependence is high, and relatively low wages are a basic feature of the industrialisation model. Both France and Italy have suffered from relative de-industrialisation since the formation of the Eurozone. Their economies are moving closer to the periphery. Both economies have relatively close links with the de-industrialised Southern periphery. The Mediterranean growth model that had relied on high capital inflows in the pre-crisis years, could not be continued in the wake of the crisis. Austerity policies weakened domestic demand and inward-looking manufacturing.

The importance of tourism which often is a key sector of peripheral economies has gained an even higher profile in the Mediterranean economies. Thus, peripheralisation has even deepened in the de-industrialised periphery. The neo-mercantilist, pro-export bias of EU policies does not fit the structural features of the Mediterranean de-industrialised periphery (Nölke 2016, 152). As a consequence, the Southern Eurozone countries lost importance for German exports but still kept their roles in holding the exchange rate of the euro at a low level (and thus supporting Germany's competitive stance in orienting towards third country markets outside the EU, above all China). The highly financialised UK economy is rather at the margins of the production networks of the EU and has become more marginal in that regard over time. The main nexus of the UK economy with the EU countries has been financial. The development pattern within the EU has become even more divergent in the wake of the crisis – not only between core and peripheral economies, but also within core and periphery. Thus, tendencies of economic fragmentation are at work in the EU. And the prevailing economic policies deepen them.

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Critical political economy and the free movement of people in the EU

Owen Parker

Introduction

This chapter considers orthodox and critical political economy (CPE) approaches to the free movement of people in the EU. In a first step, it argues that an orthodox EU studies has, in accordance with a mainstream integration theory, tended to regard the free movement of people as part of the progressive cosmopolitan unfolding of the European project. The free movement of workers was, from this perspective, a foundational pillar of the European market-making endeavour, but just as economic integration begot political integration, so the mobility of the individual European 'worker' precipitated the emergence of a more substantive trans-national or cosmopolitan 'EU citizen'. While during the early years of integration workers moved and resided in other states largely at their own peril, they and other categories of person were increasingly granted rights (guaranteed in EU law, particularly via the principle of non-discrimination), including access to a social safety net. Since the 1992 Maastricht Treaty all 'EU citizens', by virtue of their nationality of a member state, are granted rights when they move to a state other than their own. Such mobility has also facilitated societal interaction and social integration.

In a second step the chapter describes how a CPE approach has rejected this orthodox story of integration and the associated narrative on free movement. An important communitarian strand of the CPE literature critically considers the impact of integration on national level politics, policy and society, pointing to the ways in which integration and the promotion of the EU's 'three freedoms' – pertaining to the free movement of goods, services and capital – has facilitated a neoliberal agenda and potentially undermines national autonomy. Some working in this CPE tradition have implicitly or explicitly extended that critique to the 'fourth freedom': The free movement of people (for a critique, see Favell 2014). From this perspective, the intra-EU mobility of people sustains and reinforces flexible and exploitative labour markets and low wages. It also puts pressure on welfare settlements because the extension of rights to non-nationals is likely to be unpopular with nationals and prompt calls for restrictions on access and/or retrenchment. Rather than facilitating social cohesion as per the orthodox perspective, it is noted that such mobility has frequently contributed to social conflict and political controversy in receiving states.

There are important empirical truths to be found in both the orthodox and CPE takes on the EU in general and free movement of people in particular. However, in a third step it is argued that, in normative terms, both positions implicitly endorse and seek to resolve in different directions, what has been referred to as the 'progressive's dilemma' (Kymlicka 2015; Parker 2017). This is the notion that there is a trade-off between cosmopolitanism and pro-social settlements. In relation to EU integration in general, this is a trade-off between a neoliberal European integration and national social and welfare settlements. In relation to free movement in particular, it is a trade-off between open immigration regimes on the one hand, and national labour and welfare rights on the other. Crudely, orthodox perspectives often opt for openness but at once embrace, at least to some extent, a pro-market agenda that, as a communitarian CPE literature points out, has eroded democracy and social rights at national level. CPE perspectives of the sort described advocate some level of closure to non-nationals in order to preserve those rights, but with detrimental impacts on mobile EU citizens, particularly the most vulnerable – outcomes that the cosmopolitan orthodox position would reject.

This intervention offers a critique of both perspectives. It rejects the notion that the progressive's dilemma is *necessarily* real and, therefore, rejects the idea of a *necessary* trade-off between a national social settlement and a permissive immigration regime. Inward migration does not have to reinforce socially deleterious outcomes at national level (and for national citizens), whether in terms of repressed wages or welfare retrenchment. Arguments that claim such effects are often built upon a combination of simplistic economic thinking – rooted in the so-called 'lump of labour fallacy' – and (perhaps more importantly) a communitarian ontology that perceives effective welfare states as relying on a fairly static community. The upshot of this argument is that the orthodox cosmopolitan perspective does not need to embrace market (neo)-liberalism and flexible labour markets as the quid pro quo for its support for the right to free movement, and the CPE communitarian position does not need to support an end to the right to free movement as part of its broader critique of a prevailing neoliberal orthodoxy.

With reference to the case of the UK, where the issue of free movement has been particularly controversial since at least 2010, it is shown that negative perceptions and inaccurate messages – rooted in a combination of the aforementioned bogus economics and nationalist thinking – have been far more important in driving that controversy than material realities. Such controversy has, in the UK and elsewhere, justified recent opposition to, and more restrictive legal transpositions and interpretations of, the free movement regime (supported to some extent in a restrictive turn in recent European Court of Justice [ECJ] jurisprudence). This restrictive turn has impacted on some of the most vulnerable mobile EU citizens, who frequently have the most patchy labour market records. It has had disproportionate and particularly harmful impacts on women, children and ethnic minorities such as Roma.

In conclusion, it is argued that a CPE critique of the contemporary EU is extremely important, but it need not extend to the 'fourth freedom', the free movement of people. Rather it should support the progressive possibilities inherent in the right to free movement, oppose the recent 'restrictive turn', while aiming to build common cause between the overlapping categories of national and EU citizens in the pursuit of a less neoliberal and more social Europe.

Orthodox approaches to free movement

For the purposes of this chapter, orthodox perspectives on the free movement of people in the EU will be understood as those that largely mirror a broader orthodox or classical European integration scholarship. Such a scholarship tends to adopt a teleological or functionalist mode of thought that normatively champions integration as a liberal-cosmopolitan

and broadly progressive unfolding (Ryner and Cafruny 2017). Thus, for instance, Haas's (1958) neofunctionalism understood integration to be driven by an increasingly complex but broadly rationalist liberal–pluralist society. That society takes an ostensibly rational approach to economic integration rooted in the logic of a free market liberalism. The neofunctionalist concept of 'spillover' explains the move from one area of economic integration to others and also moves towards political integration. Thus, for instance, according to this logic, the liberalisation of the movement of workers as factors of economic production led to calls for political, civic and social rights for those mobile workers once settled in host state (see Maas 2007 on this history). As in other areas, supranational institutions, such as the ECJ and European Commission, can be regarded as important 'cultivators' of this spillover.

Intergovernmental theories have, in response to neofunctionalism and more supranational accounts, emphasised the enduring importance of nation-states as actors in driving (and some-times impeding) integration. However, a similar underlying rationalist logic informs state preferences and action in favour of integration. This is particularly true of a liberal intergov-ernmentalism (Moravcsik 1998) informed by a broader International Relations regime theory (Keohane 1984). Moravcsik understands preference formation in similarly pluralist terms to neofunctionalism, emphasising in particular the significance of domestic commercial actors in shaping national policy and bargaining positions. Thus, in relation to free movement, states have supported such policies for largely economic reasons.

One common denominator in this orthodox integration theory is a set of often unspoken liberal–cosmopolitan normative assumptions and preferences. Market integration is regarded as a positive dynamic leading, in accord with a Kantian logic, to both inter-state peace and eco-nomic prosperity. While these theorists' stated purpose is to explain integration, they clearly also *value* integration. This orthodoxy amounts then to a teleological style of thought – integration is rational, logical and self-reinforcing – and a normative orientation – integration marks the desirable pursuit of a cosmopolitan ideal in international affairs.

Such orthodoxy is present in both the EU institutions' own accounts of the free movement of people and much of the EU studies literature on the issue. Hence, we see free movement presented in terms of the market logic that classical theories of integration identified as driv-ing the early integrative process. As the Treaty of Rome (1957) was formulated, both member states and the European Coal and Steel Community (ECSC) institutions came to support the free movement of workers. While Italy in particular pushed free movement to enable the export of its workers, the idea soon became regarded as part of the general goal of promoting undis-torted market competition through the formation of a common market (Maas 2007, 18–19). The promotion of human mobility in Europe was, in short, closely connected with its historical market-making *raison d'être*.

According to this economic logic, competition in flexible and open labour markets pro-motes economic efficiency and dynamism. From this perspective, it is unsurprising that the contemporary EU institutions and many scholars of the EU understand the free movement of people primarily as a core component of the EU's Single Market. But both the institutions (see for instance, European Parliament 2019) and orthodox scholarship point to the evolution of free movement; the ways in which its economic logic has in many ways been surpassed by, or 'spilled-over' into, a political logic.

Before the Rome treaty, it was not only difficult for workers to move, but if they were able to move, they faced difficulties in terms of the duration of their stay (which was often legally limited); they encountered discrimination in terms of pay; and their political, social and civic rights were significantly curtailed. In short, they moved at their own peril. The Rome treaty granted significant rights to such migrant 'workers' through establishing rules on the

coordination of social security and enshrining in law a principle of non-discrimination between workers on the basis of nationality.

A significant body of legal scholarship has traced the ways in which the ECJ was active in giving substance to the non-discrimination principle thereafter and extending it beyond an economic logic. The Court clarified and expanded the definition of 'worker' to include those working only part-time, prospective workers and former workers. It established rights for certain groups of non-workers, including the family members of workers, students and pensioners (among many others, see Menéndez 2009). The ECJ has also ruled in support of individuals returning to their own states – for instance, in relation to the retention of pension rights or welfare entitlements – making judgements on situations involving a member states' relationship with its *own* nationals. These rulings prompted the evolution of the aforementioned body of law governing the co-ordination of social security systems across EU member states, which aimed to ensure that differences between those systems do not constitute practical barriers to mobility (Cornelissen 2009). From this orthodox perspective, the ECJ can be regarded, in accordance with the neofunctionalist notion of 'cultivated spillover', as an important 'engine of integration' in this area.

Particularly, significant in this orthodox story is the introduction of the formal status of EU citizenship with the Maastricht Treaty in 1992. While its full significance has been disputed within the mainstream literature, the introduction of this status at the very least signalled that the subjective scope of EU law governing free movement had been extended well beyond 'workers' as conventionally understood. Article 21 of the current TFEU (Article 8a Maastricht) states that: 'Every *citizen of the Union* shall have the right to move and reside freely within the territory of the member states.' And the ECJ famously declared in the late 1990s that 'Union citizenship is destined to be the fundamental status of nationals of member states'. From this perspective, the 'market' subject of the original EEC treaty was transformed into a European citizen.

As noted, a principle of non-discrimination (Article 18 TFEU) governs the treatment of non-national EU citizens by EU member states. Article 45 TFEU states that, 'freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment'. Giving effect to the treaty is Directive 2004/38 – the so-called 'citizenship directive'– on 'the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States'. This directive ensures that those who reside for less than 3 months can do so relatively unhindered and without any obligation to register, subject only to not posing a threat to 'public policy, public security, or public health'. Those residing for more than 5 years are given 'permanent residency' and are granted virtually all of the rights accruing to nationals (with the notable exception of voting rights in national elections).

While, in accordance with Article 21 TFEU, 'limits and conditions' on the rights of citizens were established (discussed in greater detail below), these were interpreted in the case law that followed the introduction of citizenship in a way that often privileged individual rights over the desire of some states to delimit those rights. Notably, economically inactive mobile EU citizens were granted important rights despite these conditions (Kostokopoulou 2005). This generally permissive trajectory in EU case law lasted until the late-2000s and is largely portrayed by an orthodox scholarship in terms of the aforementioned functionalist logic and in normatively positive terms. For instance, Maas (2007, 7) argued that the trajectory, 'reflects the will to create a community of people rather than simply a free market area'. Caporaso and Tarrow (2009) characterised it as the key element in a Polanyian social 're-embedding' of markets, declaring that

'Polanyi is in Brussels'. Such a perspective allows them to conclude that, 'social policy is already "here" in the EU, that the lines between market and social policy are blurred, and that the logic of economic exchange cannot be kept separate from broad social considerations' (2009, 614).

Similarly, a political sociology literature has highlighted the ways in which transnational mobility and social integration in Europe has been at the heart of the broader process of European integration. Favell's (2008) ethnography of those who have moved within the EU-15 draws attention to the ways in which such mobility is experienced. Focusing on the lives of relatively privileged transnational 'Eurostars' living in large cities in Western Europe, his study recounts the ways in which their broadly positive experiences encompass, but extend well beyond, material economic concerns.

These orthodox accounts are not unambiguously positive. Fligstein (2008), for instance, notes in his evocatively entitled book *Euroclash*, that elites have been the main beneficiaries of free movement and, therefore, the key drivers of integration. But hope remains in his account that market integration will deliver its expected benefits to ever-broader sections of society and thereby drive further societal integration (2008, 19). Indeed, on balance, many orthodox accounts make the case, as does Favell (2014, 278), that, '[a] more, rather than less, open international labour market may … bring more benefits to all'. Such a perspective is embedded in the broader view that, 'the progressive novelty of the EU… lies … in its promise of an unbounded cosmopolitan and post-national politics and society' (2014, 285).

In essence then, the orthodox perspective has painted a positive picture of free movement as part of the broader progressive or cosmopolitan story of European market integration. Collectively, an orthodox law, politics and sociology literature points to, and celebrates, the ways in which free movement has been driven by and drives economic, legal, political and social integration in Europe more generally.

A critical political economy approach to free movement

What, in contrast to this orthodoxy, does a CPE approach have to say with respect to the free movement of people? It should be noted, firstly, that this issue has not been a key focal point for most CPE scholarship (with a few exceptions discussed later). Clues can be found, however, in broader CPE critiques of the aforementioned orthodox theories. Contra those theories, CPE scholarship does not tend to conceive of integration as a teleological unfolding. It questions the neoclassical assumptions with respect to free trade and markets that inform and underpin such orthodoxy and rejects the cosmopolitan notion that integration is or has necessarily been normatively benevolent.

For such CPE scholarship, a deregulatory neoliberal bias has dominated European integration, particularly since the mid-1980s and the start of the single market project. The extension and application of the four freedoms – of goods, services, capital and people – that embody the single market are seen to privilege corporate and capitalist interests at the expense of European labour. For some working in this CPE tradition, broadly conceived, structural forces have dictated this trajectory. The emerging European institutional framework has embedded this neoliberal bias by giving supranational authorities the power to push economic integration, while relying on collective – and not easily achieved – joint state decisions in areas that might lead to deeper political and especially social integration (Scharpf 2002). Other broadly structuralist accounts zoom out further. Embedded in a more holistic critique of capitalism as inherently crisis prone and 'epochal', Ryner and Cafruny (2017), for instance, emphasise the role of US hegemony in driving an increasingly 'financialised' form of market integration since the end of the so-called 'Fordist' epoch in the 1970s.

Complementary accounts focus more on particular agents. For instance, the agency of powerful non-state actors particularly corporations, in collectively shaping the neoliberal single market project (van Apeldoorn 2000). Still others point to the performative or constitutive nature of orthodox discourses themselves. In other words, they expose the ways in which largely benevolent understandings or discursive presentations of European integration and broader processes of 'globalisation' led to a form of transnational EU governance that champions and fosters these very processes and overlooks their detrimental impacts (Hay and Rosamond 2002).

According to many of these critical analyses, market integration is not only not complemented by substantive European level social integration, it erodes social settlements and distinctive models of welfare capitalism at the national level (Scharpf 2009; Streeck 2014). From such a perspective, 'market Europe' undermines the 'republican legitimacy' of national government (Scharpf, 2009, 188). In other words, the EU has compromised the ability of member state governments, parliaments and, indirectly, national populations to affect many kinds of substantive political change in line with a republican ideal. At the same time, this 'pro-market' orientation has eroded at least some of the national level social rights that are seen by many in this tradition as a 'prerequisite of (or normative corollary for) mass democracy' (Wincott, 2006, 750–751). We see, in short, what Schmidt (2006) has pithily called 'politics without policy' at national level and 'policy without politics' at EU level. Collective EU responses to the Eurozone crisis have increased the pertinence of this line of critique, further delimiting the scope for autonomous economic policy making at the national level.

This CPE literature has critiqued in different ways the evolution and promotion of the EU's first three single market freedoms – pertaining to the mobility of goods, services and capital – and, if not always explicitly, then certainly by inference, suggested a need to control them in some way. For some CPE scholars, the wish to curtail to some extent the 'three freedoms' is extended also to the 'fourth freedom' – the movement of people. For instance, in contrast to the orthodox literatures described in the previous section (and, in particular, in response to Caporaso and Tarrow's aforementioned account), Höpner and Schäfer (2012) do not recognise the extension of rights to ever-broader categories of mobile individual as a socially progressive 'Polanyian' development, but rather as part of a neoliberal 'Hayekian' unfolding. For them, the obligation that the principle of non-discrimination places on member states to grant social rights may have adverse systemic effects, putting pressure on national governments to retrench welfare. As they put it, '[u]ndermining the reciprocity between rights and duties puts both the effectiveness and the legitimacy of national social policy under pressure' (Höpner and Schäfer 2012, 447–8). Its effectiveness is potentially put under fiscal strain as the number of claimants increase, and its legitimacy might be questioned by national citizens who reject the entitlements of non-citizens. Such concerns are the product of and informed by the aforementioned 'republican' thinking (Scharpf 2009, see also Bellamy and Lacey 2018).

One way of solving this problem would be to permit free movement but also some discrimination of migrants; for instance, denying them access to welfare or labour rights. In relation to migration more generally, Ruhs (2013) has cautiously endorsed limiting rights to certain migrant groups. He provides some evidence to suggest that in our non-ideal world this system would be the preference of migrants themselves who value entry and work above all else. But unlike Ruhs, a CPE literature is not primarily concerned with weighing up in utilitarian fashion the pros and cons of such a reality for migrants. It is interested primarily in the impact of such a regime on national citizens.

A CPE literature would, as such, be concerned that discriminatory labour regulations could create social dumping, intensified labour market competition and wage contraction.

Illustrative of such concerns was the widespread CPE critique of the ECJ's Laval judgement – and subsequent restrictive trade union reforms in Sweden – which effectively endorsed a degree of labour market discrimination between national and non-national workers and opened the way for social dumping in the Swedish labour market (Höpner and Schäfer, 2012; Lindstrom, 2010). Even in a context of non-discrimination, there is some evidence to suggest that EU citizens have disproportionate difficulties in enforcing their labour rights before tribunals (Barnard and Ludlow 2016 make this case in relation to so-called 'A8' movers to the UK).

A CPE perspective may, however, endorse some discrimination in relation to access to certain public and welfare services in order to prevent the aforementioned possibility of political opposition or retrenchment. Such discrimination is in fact already possible within EU law, where, as noted, the principle of non-discrimination remains conditional. The abovementioned 'Citizens Directive' requires that any EU citizen residing for longer than three months (and less than 5 years) in a 'host' member state can be lawfully obliged by that state to: (i) Be a worker or self-employed person; (ii) have sufficient resources not to become a burden on the social assistance of the 'host' member state; (iii) be enrolled in education or (iv) be a family member of an EU citizen satisfying one of the other conditions (Article 7).

The interpretation of these conditions has been subject to significant uncertainty (Blauberger and Schmidt 2014). But it is possible that EU citizens who do not meet these criteria may lose their residency status and in many instances must then restart the process of building up the necessary 5 years *continuous* legal residence required to acquire permanent residency status. This has been the case in the UK (see below). In short, EU law provides the possibility for member states to discriminate against non-national EU citizens in terms of their access to social and welfare rights. And this possibility has, notwithstanding the aforementioned legal uncertainty, grown recently. While ECJ jurisprudence had interpreted the law in ways that delimited such discrimination in practice – a 'permissive' trend emphasised in the above orthodox accounts – the recent 'restrictive turn' has rendered it increasingly possible (see, for instance the following cases: Dano 2014, Alimanovic 2015 and UK vs Commission 2016; and legal analyses by the contributors to Thym 2018). For some critical analysts this marks a 'regression' to 'pre Rome' (O'Brien 2016, 938).

Some 'republican'-minded thinkers have, however, offered a degree of support for this restrictive orientation, arguing that it strikes an appropriate balance between preserving the benefits of free movement and the 'advantages of national citizenship' (Bellamy and Lacey 2018). But the question remains from a CPE perspective concerned primarily with domestic labour, whether such discrimination is desirable. Restricting access to welfare benefits for migrants, especially would-be workers, may well – just like limiting access to labour rights – make them more susceptible to unscrupulous employers, who could exploit their greater vulnerability to undercut domestic labour.

For some in this CPE tradition, the logic of this argument leads to the endorsement of an approach – usually associated with the political right – that is willing to countenance far greater restrictions on human mobility, including on the free movement of EU citizens. Streeck (2016a, 2016b) has been among the more explicit CPE adherents to such a position. Focusing on the structural consequences of human mobility, he has interpreted Angela Merkel's initially permissive policy towards Syrian refugees as an immigration policy by the back door designed to sustain a low-wage economy in Germany. The decision by Tony Blair in 2004 to permit immediate access to UK labour markets for citizens of the new member states was, for him, about, 'pressur[ing] British workers, in particular at the lower end of the wage scale, to become more "competitive"' (2016a, 1). From this

perspective, he considers legitimate the emphasis on immigration in the context of the Brexit referendum campaign:

> Looking across the Channel at the Continent, British voters may rightly have been afraid of being burdened with yet another quasi-constitutional, democratically unchangeable obligation unconditionally to open their borders and their labour markets, not just to immigrants from other, less prosperous EU member countries but also to whoever would demand entry as an asylum seeker or refugee. (Streeck, 2016b, 5)

From this perspective, migration – including intra-EU – is, if substantial and rapid, likely to drive social conflict, political controversy and stir anti-European sentiment in receiving states. And this negative sentiment may be justified. This amounts to a stark refutation of the progressive orthodox teleology of integration, whereby human mobility is celebrated because it leads to the socialization of Europeans and even the emergence of a distinctly European society. Implicit in this argument is the conclusion that EU free movement should be opposed and intra-EU migration treated in the same (restrictive) way as other migration in policy terms.

Reviewing Fligstein's (2009) aforementioned book on free movement, Streeck argued that, 'behind what is represented in *European market ideology* as the reactionary parochialism of a declining minority that lacks human capital there lies nothing other than the *fundamental tendency of human beings* to attach themselves to territorially rooted local and regional communities' (Streeck 2009, 549). This particular debate offers us an insight into the broader normative and ontological underpinnings of both the orthodox account that has celebrated the free movement regime and the strand of the CPE literature, discussed here, that is critical of that regime.

In orthodox accounts, the market is given ontological priority and normatively privileged. This is not necessarily an extreme pro-market or neoliberal position; it is potentially consistent with the claim that the market requires substantial regulation, intervention or socialisation. But the market's expansion has progressive or cosmopolitan potential inasmuch as it erodes problematic (usually national) borders, particularly for people. The EU in general and the beneficiaries of the free movement regime in particular are, from such a perspective, illustrative of that potential. As Favell (2014, 285) put it in a direct critique of a communitarian CPE, '…less not more state has been the EU's greatest achievement'.

In contrast, that CPE literature gives ontological and normative priority to a territorialised (usually national) community, as reflected in Streeck's above assertion of a 'fundamental tendency of human beings' to attach to 'territorially rooted' communities. From this perspective, the object of concern becomes primarily the national citizen whose rights, livelihood and sense of belonging have allegedly been undermined as a consequence of the EU's four freedoms, including the mobility of people.

At root, this can be characterised as a debate between those identifying the cosmopolitan virtue of markets and those pointing to the communitarian virtue of states; between those who privilege the mobile EU citizen and those who privilege the static national citizen. But is it necessary – as both sides of the debate at times intimate – to choose between one or other of these positions in relation to the particular issue of the free movement of people in the EU?

The 'progressive's dilemma' and the case of the UK

The debate between the cosmopolitan EU studies orthodoxy and communitarian CPE positions enunciated above can be characterised in terms of the so-called 'progressive's dilemma'. This dilemma suggests a tension or trade-off between two aspects of contemporary political and

social reality that progressives would be likely to endorse. On the one hand, labour and welfare rights underpinned by trust, solidarity and shared identity and, on the other hand, permissive or open immigration regimes and high levels of diversity (Alesina and Glaeser 2004; Putnam 2007). Among the first to assert the empirical reality of such a dilemma over three decades ago, Freeman (1986, 51) suggested that, 'migration has contributed to the Americanisation of European welfare politics'. In relation to EU free movement of people in particular, Menéndez (2009) has cited a similar trade-off, suggesting that its core right of non-discrimination – including with respect to accessing public services and welfare – risks making the EU 'more human' but 'less social'.

To the extent that this verdict is accepted as correct, it is, on the one hand, perhaps unsurprising that many on the Left are – like the communitarian CPE literatures discussed in the previous section – at least circumspect when it comes to permissive migration regimes in general and the reality of freedom of movement in the EU in particular. On the other hand, it is *also* unsurprising that many others who would associate themselves with a broadly progressive agenda – including some of those we associate above with an orthodox EU studies (for instance Fligstein and Favell) – would be reluctant to support restrictive immigration regimes and policies.

We can question though whether the verdict itself is correct. It is certainly true that free movement has been 'uneasily coupled with a continued attachment in member states to social solidarity and cohesion associated with national welfare states' (Geddes and Hadj-Abdou 2016, 222). But whether a progressive's dilemma is real in the sense that we *have to* choose between *either* permissive migration regimes *or* well-developed welfare states is less clear. A sizable empirical literature on the progressive's dilemma suggests that its reality may be contingent on a variety of factors (for a useful overview, see Kymlicka, 2015). Cutting through the complexity of that literature, we can say that the perceived pace of change in a given society is particularly important and that, in turn, will depend on the relationship between, on the one hand, more concrete material factors and, on the other hand, what we might call intersubjective factors. The former refers to such factors as numbers of immigrants, speed of immigration and tangible impact on labour markets, the nature of the welfare system (for instance, whether it is contributory or not [Ruhs and Palme 2018]) and the financial costs of immigration, calculable in a variety of ways). The latter refers to the cultural and psychological capacity for mutual trust or sympathy to emerge between migrants and receiving societies, such that the former come to be regarded as part of the latter.

The relationship between these two sets of factors is itself of course politically contingent; some societies will be willing and able to absorb greater numbers of migrants and accept larger costs while others will be more sensitive to change. Some (individuals and societies) will be willing to extend the scope of solidarity and deservingness to migrants and some will not; some will place conditions on that deservingness by adopting a concept of solidarity based on a contractual/contributory economic arrangement; some will emphasise a cultural affinity; and some will adopt a concept based on need. Moreover, perceptions and policies change depending on the individual or group to whom such solidarity is extended (for evidence on the political contingency of 'deservingness' see, van Oorschot, 2006). In short, it is not straightforward to identify the circumstances in which the dilemma is in any sense real and those in which it is not. Such complexity certainly challenge the ontological premises of both the orthodox and critical positions enunciated in the previous sections; it shows us that transnational mobility does *not necessarily* drive cosmopolitan socialisation and nor does it *necessarily* undermine local community.

In general, it is true, however, that less dramatic spikes in the numbers of incomers to a given state will delimit the reality of the progressive's dilemma both materially and intersubjectively.

And, as Carens (2013) notes in his normative defence of the right to free movement, the numbers of movers will be lower if the majority of individuals have the possibility to prosper and pursue the version of the good life that they value without moving. This is likely to require relatively low levels of inter and intra state inequality and poverty and widespread political freedoms. For sure, Carens is operating in the idiom of ideal theory as far as the global situation pertaining to migration is concerned. As Ruhs' (2013) empirical work shows, the feasibility of sustaining both open borders and substantive social settlements that are open to migrants is low in prevailing conditions of global inequality, widespread poverty, political turmoil and hostility towards migration in receiving states. Open borders may well precipitate movements that would impose an unsustainable pace of change on receiving states in current conditions, and this is why more open states tend to delimit the rights extended to migrants in comparison to citizens.

However, Carens' ideal may be far less implausible in the context of the EU and intra-EU mobility. Only about 1–3% of EU nationals reside in an EU state other than that of their nationality. While inequalities between EU member states are certainly significant – and have grown with recent enlargements and the economic crisis – relative to the global situation they are small and this likely explains in large part the small numbers of movers. Moreover, cultural commonalities and the discursive framing of intra-EU migration in terms of 'EU citizenship' may foster mutual intersubjective adaptability of the kind described (Bruzelius et al. 2014). Intra-EU mobility does not result in rapid societal change – it does not substantially impact on nation-states as peoples in terms of labour markets or welfare settlements. From this perspective, the 'radical experiment' (Geddes and Hadj-Abdou 2016, 222) that is EU free movement – radical in terms of combining openness to (intra-EU) migrants and access to rights on a non-discriminatory basis – is not necessarily unsustainable.

Nevertheless, the issue of free movement in the EU clearly has been politicised in recent years, particularly since the 2004 enlargement and particularly (though certainly not exclusively) in the UK (Parker 2017; Roos 2018). Moreover, such migration has appeared to change material realities in that context. The numbers of EU nationals coming to the UK certainly did increase rapidly after 2004 – a nearly 120% increase between 2004 and 2013 and the biggest change across all EU-15 member states – driven by a combination of the New Labour government's opening of domestic labour markets to new member state nationals, the relative flexibility of those markets and the decision of other large states (particularly Germany) not to open in the same way. Migrant access to benefits has proved particularly controversial in a UK context where many social security and in-work benefits – such as tax credits that supplement low incomes – are non-contributory. In short, migrants can access certain benefits without necessarily 'paying in' to the system. Notably, in local contexts receiving large and rapid inward flows of migrants, large majorities voted 'Leave' in June 2016 (Clarke and Whittaker, 2016), citing, for instance, local pressure on public services. And finally, some studies have reported that EU migration has driven some wage repression in low-skilled, low-pay occupations, which coheres with widespread public assumptions and concerns about the effects of migration on labour markets (Dustmann, Frattini, and Preston, 2013; Nickell and Saleheen 2009).

These ostensibly material realities are clearly important, but should not be overstated. Indeed, there is significant macro-level evidence that EU nationals in the UK are overall net contributors in fiscal terms and so net contributors to, rather than a net 'burden' on, public services (Dustmann and Frattini, 2014). There is also, contra the aforementioned assumptions, no reliable evidence of widespread 'benefit tourism' by EU nationals in the UK and EU nationals claim fewer benefits than UK nationals (European Commission 2013; Portes 2016). Access to non-contributory benefits certainly creates the possibility for EU nationals to be portrayed as benefit tourists – drawing from rather than contributing to the national economy (in a way that would

arguably be more difficult in more contributory systems [Ruhs and Palme, 2018]) – but such portrayals are largely based on anecdote rather than evidence.

Moreover, although certain low-skill, low-pay occupations and sectors may have experienced wage repression and labour market competition, the causal importance of migration in this context has been estimated as, at most, extremely minimal (Nickell and Saleheen, 2009) and there is no evidence of either phenomenon when considering just EU migration (Migration Advisory Committee 2014; Wadsworth et al. 2016, 7–9). All such econometric studies challenge misconceptions pertaining to the (negative) effects of migration on labour markets that are rooted in the 'lump of labour fallacy' – the notion that there is a fixed amount of work within an economy. They emphasise that migration increases the demand for labour – through the generation of new economic activity and jobs – as well as the supply and so wages will not necessarily fall as a consequence of migration as is often assumed, and may even rise. Notably, following the 2016 EU referendum, even an advisor to David Cameron acknowledged that, 'we failed to find any evidence of communities under pressure … There was no hard evidence … [I]t was clear that immigration is at best just one of several factors that are putting pressure on public services, along with globalization, deindustrialization, automation and aging populations' (Korski 2016).

In short, we can see that even in a context where there has been rapidly increasing migration, the aforementioned exceptionalism of the EU *need not* be unsustainable; the progressive's dilemma need not be real. The politicisation of the issue in the UK has been based largely on intersubjective understandings that do not correspond with the material realities precipitated by free movement. We know for instance, that despite those realities, the British population consistently over-estimated the number of EU nationals in the UK and often pointed to the aforementioned issues related to such migration (Ipsos MORI 2016a, 2016b). This is hardly surprising: This public opinion chimes with the narratives peddled by a largely hostile British press and right-wing politics (Balch and Balabanova 2016; Roos 2018). And those narratives were often confirmed rather than challenged by ostensibly progressive and pro-EU political parties.

But progressives, including scholars working in the CPE tradition or elsewhere, should challenge such narratives. They should question the logic of the progressive dilemma when, as noted above, such understandings are rooted in, at best, limited evidence. To be clear, this argument does not suggest that important tensions between mobility and discrete social settlements do not have the potential to arise within the EU citizenship regime, or that discrimination and exclusion will never be justified or required in order to uphold valuable and valued communal programmes or policies. Rather it is to argue that such trade-offs ought not to be regarded as generalizable or inexorable, but as contingent on shifting material realities and, in particular, on the intersubjective understandings that may emerge independently of those realities.

As such, a CPE should not extend its valuable critique of the three freedoms (of goods, services and capital) to the 'fourth' – free movement of people. Rather, it should seek to identify and promote common cause between nationals and EU citizens (and other migrants) in the face of the neoliberal excesses of the first three freedoms. Concretely, this would mean supporting the principle of non-discrimination and critiquing rather than lending intellectual weight to a restrictive turn in both ECJ case-law and national policies that have effectively eroded that principle (Blauberger et al. 2018). Such a turn has, in the UK and elsewhere, had a disproportionate impact on those vulnerable groups – such as women with caring duties or minorities such as Roma – with a greater likelihood of having patchy labour market records and therefore insecure residency rights (O'Brien 2017; Parker and López Catalán 2014). A CPE critique should certainly also lament (rather than celebrate) any post-Brexit abandonment of the non-discrimination principle in the UK, which is likely to lead to *greater* migrant exploitation and, quite possibly, a *real* undercutting of domestic labour.

Conclusion

The reluctance to extend the CPE critique of the EU's first three freedoms to the fourth freedom should not be interpreted as an endorsement of the orthodox position enunciated above. Just as the ontological rigidity of the communitarian CPE position is a problem, so too is the ontological rigidity of the pro-market orthodoxy. The latter is often too ready to unquestioningly celebrate the broader market freedoms (the other three freedoms) that are seen to drive human mobility and social interaction beyond the confines of the state. But mobility is not an unambiguously or universally emancipatory experience for those that participate in or indirectly experience it in the context of a 'market' Europe. In recent times, much of that mobility has been driven by crises and the stark inequalities and economic dysfunction that they have precipitated. Moreover, even where discourses are far less hostile to intra-EU migration and migrants than they are in the UK, that does not mean that they have led to transnational societal European integration in the Deutschian sense.

But if we reject the inexorability of the progressive's dilemma there is no need to abandon the free movement regime that encompasses the right to mobility, residence, and, via the principle of non-discrimination, a right to other important (national) rights. On the contrary, that regime can and should be regarded as an important progressive achievement of the EU; it has granted important, even emancipatory, opportunities to Europeans of all social classes. From this perspective, our key critique should be that those rights have never been extended far enough and have been delimited in recent years. As noted above, despite the extension of rights since the Rome treaty, they have always remained linked to a market conditionality, particularly a need to be an active labour market participant. And that conditionality has recently – particularly following the onset of the economic and Eurozone crises – become more restrictive.

This rejection of the progressive's dilemma enables a progressive to distinguish between the EU's first three freedoms or mobilities and the fourth; to treat mobile persons as qualitatively distinct – indeed, *divisible* – from mobile goods, capital and services in terms of their effects. From this perspective, it is entirely consistent to support the extant right to EU free movement and non-discrimination, while seeking to embed it within increased controls of the other three freedoms and, in particular, facilitating enhanced labour market protections and regulations. In other words, it is consistent with the promotion of a far more equal Europe, conceived both in terms of equality within and between member states. That could mean a more integrated and federal EU, but it could also mean an EU in which states have, in accordance with the republican preferences of some CPE scholars, greater political-economic autonomy. Not only would a more equal EU help to counter the increasingly prevalent tendency to vilify migrants of all kinds, it would also delimit actual migration, including intra-EU migration, to the extent that it reduces the economic drivers of mobility.

Such an orientation in the CPE scholarship should actively inform a broader practical progressive politics. In a European context (and beyond), where both a market fundamentalism and an ethno-nationalist politics pose significant threats, thinking beyond the so-called 'progressive's dilemma' is vital.

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Discourse theory as a novel approach for research on EU trade policy

Thomas Jacobs and Jan Orbie

Introduction

International trade policy is one of the oldest and most prominent competences of the European Union (EU). Decisions relating to international trade (trade between EU members and non-EU members) have a substantial impact on the distribution of wealth between and within countries. Particularly, those domestic distributive effects have recently received ample attention. Trade liberalization (and protection) benefits some groups in society to the detriment of others – it is often said that trade creates winners and losers. And as world trade becomes ever more liberalized, the importance of these domestic distributive effects grows bigger. Since the EU and many of its main trading partners already have low trade barriers, new trade agreements tend to create less new cake than previous agreements did, making the question of who gets that little extra cake (or gets a larger share of the existing parts of the cake) all the more crucial (De Ville and Siles-Brügge 2015). Moreover, new EU trade agreements go far beyond the liberalization or protection through tariff barriers: they increasingly establish regulations in areas (such as intellectual property, competition, investment, food safety) that were previously the exclusive domain of domestic politics.

As the growing liberalization of EU trade has clearly exposed the distributive and regulatory impacts of free trade in Europe, it may not be surprising that EU trade policy has become the subject of serious political contestation (Gheyle 2016). Particularly, the EU's fruitless attempts to negotiate an international trade agreement with the United States (TTIP) and its successful trade deal with Canada (CETA) drew strong outrage. Civil society organizations and progressive politicians lambasted the negotiations as opaque and undemocratic (Gheyle and De Ville 2017); claiming that the deals would reduce the space for sovereign policy-making (inducing 'legislative freeze'), damage labour rights and environmental protection, and give free reign to multinational corporations through deregulation and by extending their options to sue national governments via the much-maligned Investor-State Dispute Settlement (ISDS) mechanism (De Ville and Siles-Brügge 2015). The massive mobilization by social movements and NGOs (Gheyle 2016) during the TTIP episode marked the 'politicisation' of trade policy. Long considered a bureaucratic matter for technocrats, recent events have quite literally put the politics back in trade policy. Yet, while many commentators link the politicization of EU trade politics

directly to TTIP and CETA (Gstöhl and De Bièvre 2017; Young 2017), the contentiousness of contemporary trade politics has historical antecedents that go back all the way to the 'battle in Seattle' at the WTO summit in 1999 (De Ville 2013, 622–623). Even more broadly, it could be argued that the politicization of trade relates to a rhetorical move adopted by many left-wing politicians and commentators, in which 'free trade' is used as a synecdoche to refer to the capitalist world system in its entirety.

The prominence of international commerce as a policy domain, its long history as a contentious and controversial issue, and its recent politicization, together make a critical perspective on EU trade policy more necessary than ever. This chapter, therefore, starts out with an overview of the literature that critically analyses EU trade policy. This overview will reveal that much of the extant critical literature has a distinctive constructivist twist. While this is definitely not a weakness in its own right, the theoretical paucity in how EU trade policy is critically assessed could be considered so. Hence, the second part of this chapter argues for the theoretical diversification of critical research in EU trade policy via the introduction of innovative poststructuralist approaches. It presents, in particular, the Poststructuralist Discourse Theory (PDT) of Laclau and Mouffe as a potentially highly valuable approach for creating new critical knowledge about EU trade policy. We introduce PDT's basic principles, and indicate how it may contribute to critical research on EU trade. The chapter then concludes with an empirical analysis that illustrates PDT's potential by looking at the discursive construction of 'protection' and 'free trade' in recent EU trade policy discourse.

The critical literature on EU trade policy

The first thing that stands out when we overview the critical EU trade literature is a well-established consensus regarding the neoliberal nature of EU trade policy. There is broad agreement that ever since Trade Commissioner Brittan's Market Access Strategy from 1996, the creation of new markets via the elimination of trade barriers has been the major goal of EU trade policy (De Ville and Orbie 2014, 151; De Ville and Siles-Brügge 2018, 246–248; Siles-Brügge 2013, 604–605). According to this neoliberal view, uncompetitive domestic firms could be forced to adjust, while exports would be boosted, resulting in both lower consumer prices and more economic growth (Siles-Brügge 2013, 604–605). The EU's trade policy also displays clear neoliberal tendencies in its focus on economic growth, its concern with efficiency through competition, liberalization, and deregulation, and in its steadfast belief in the logics of the market and the private sector (van Apeldoorn 2001).

This neoliberal trade agenda most clearly manifested itself in EU trade relations with developing countries. The European Commission's Green Paper of 1996, which instigated the reform of the EU's trade relations with the former colonies of the African, Caribbean and Pacific (ACP) group, clearly illustrated the 'almost unchallenged dogma' (Elgström 2000, 184) of reciprocal trade liberalization (Gibb 2000; Hurt 2003). The neoliberal agenda behind the EU's negotiation of new Economic Partnership Agreements with the ACP countries has also been widely researched (Murray-Evans 2018). Even EU trade arrangements that seem more development friendly, such as the 'Everything but Arms' initiative (Orbie 2007) and the Generalized System of Preferences (Siles-Brügge 2014), have been shown to fit within a neoliberal approach to the trade-development nexus.

However, the EU's neoliberalism is not something static or monolithic. DG Trade's officials recognize that markets and free trade are far from inevitable or natural, that their neoliberal ambitions are contingent and utopian, and that governments need to assume an entrepreneurial and proactive role to make them reality (De Ville and Orbie 2014, 150–151; Siles-Brügge 2013).

Hence, over the years, the neoliberal core of EU trade policy has been combined with a variety of other discourses, which protected this core from challenges and criticisms and consolidated it as the dominant paradigm for understanding matters of international trade within the EU. Trade Commissioner Pascal Lamy, for instance, linked the naked neoliberalism of his predecessor and successors with an emphasis on the need to 'manage' and 'harness' globalization, and with attention to the social, environmental, and developmental aspects of trade policy (Orbie 2008). But far from constituting a break, such evolutions instead mark continuity within the neoliberal paradigm (Crespy 2014). Similarly, the EU adapted its discourse on trade several times in the wake of the 2008–2009 financial crisis to prevent it from coming under fundamental criticism (De Ville and Orbie 2014). And the recent politicization of trade politics via TTIP, Brexit, and the election of Donald Trump spurred the Commission to combine its free trade rhetoric with foreign policy, fair trade, and embedded liberalism discourses, in order to guarantee that the former could persist as the privileged lens for understanding commercial issues (De Ville and Siles-Brügge 2018). Similarly, the 'Trade and Sustainable Development' chapters that are included in each new EU trade agreement seem to be more effective in legitimizing free trade than in promoting sustainable development (Orbie et al. 2016).

The resonance of this type of critical analysis of EU trade policy has grown strongly in the wake of the mass movements against TTIP and CETA. It has particularly helped more mainstream trade policy analyses grasp the increasing politicization of trade agreements (e.g. the resonance of De Ville and Siles-Brügge 2015; Gheyle 2016). But this mainstream success has, on the flip side, perhaps contributed to the crowding out of critical research in the large-C sense of the word 'critical', meaning research drawing on critical theories. Most studies that are critical in the sense that they question accepted truths and problematize existing power relations in EU trade, nevertheless still draw on a fairly moderate and thin constructivism (Siles-Brügge 2011, 2013; van den Hoven 2004), on critical realism (Bailey and Bossuyt 2013; Ford 2013), or most radically, on neo-Marxist theory (Gibb 2000; Hurt 2003). Very little has been done to understand EU trade policy from a more radical poststructuralist point of view. Notably, even a special issue that explicitly aimed to engage in an inter-paradigm debate on EU trade policy by bringing in different theoretical approaches (Orbie and Kerremans 2013) did not include a contribution from a poststructuralist perspective.

A partial exception in that regard is the work of Patrick Holden, who has combined neo-Gramscian theory with critical discourse analysis to study the modalities of how neoliberal ideas are combined with other policy and normative discourses in EU policy-making (Holden 2014, 2017). Some work on the reproduction of neoliberalism as the definite paradigm for EU trade policy has been inspired by poststructuralist theory (e.g. De Ville and Orbie 2014). Mathieu and Weinblum (2013), finally, have used discourse theory to unpack the logics structuring the EU's use of trade defence mechanisms. This short enumeration pretty much exhausts the research that has been conducted at the intersection of poststructuralist theory and EU trade policy.

Reversely, the bibliography of poststructuralist research zooming in on political-economic topics is relatively empty as well. It may indeed be easier to apply deconstructive analysis to such 'softer' identitarian topics like gender, nation, or class, as they appear less tangible and palpable, and since the dominance of positivist, rationalist approaches over them is weaker. But as Torfing (2005, 25) pointed out, failing to 'colonize what is considered to be the mainstream of political science', and forsaking the study of security-based, economic, administrative, and policy-related issues, is failing to do justice to the ambition of many poststructuralist theories. The few scattered pockets of research that draw on poststructuralism to tackle economic subjects, both EU-focused and more generally, include a highly interesting edited volume by De Goede (2006), a number of more abstract studies about capitalism and neoliberalism (Daly 2004; Dahlberg 2014;

Phelan and Dahlberg 2014), and most notably, the poststructuralist political economy project advanced by Gibson-Graham (2006).

Yet, this is not the whole story. If we look at a 'harder' topic like EU foreign and defence policy, for instance, we notice that there is in fact a substantial and flourishing poststructuralist literature (Diez 2014; Fanoulis 2014; Larsen 2014; Rogers 2009). The *Sage Handbook on EU Foreign Policy* dedicates two chapters to critical and discursive approaches, but these barely mention trade policy (Jørgensen et al. 2015). This suggests that part of our reluctance as political economists to use critical theories stems from the enduring hegemony of numbers, models, and calculation over economic topics (De Ville and Siles-Brügge 2015, 19–37). Yet, this only makes Torfing's argument that poststructuralist theories should dare to venture into the most positivist areas of political science more pertinent.

As such, despite the relevance of the efforts on both sides, it is fair to say that political economy and critical theory have maintained a comfortable relation of mutual disregard, to the detriment of both. Research on trade policy and political economy, both with regards to the EU and more generally, has missed out on the more fundamental and integral forms of critique facilitated by critical theory, while many critical theories have recoiled from embracing their most far-reaching implications by evading economic topics.

There are of course many critical theories that could help to end this mutual disregard. Several of them are put to good use throughout this volume to study various other EU policy areas. Yet, this chapter wants to appraise in particular the work of Ernesto Laclau, Chantal Mouffe, and their followers, which is variously known as Poststructuralist, Post-foundational, or Post-Marxist Discourse Theory (PDT), as a potential approach for critical policy analysis. The ensuing section will introduce Poststructuralist Discourse Theory to the novice, and explain how it can help us study EU trade policy in innovative ways. We then operationalize PDT in a small empirical analysis that is intended to show its relevance and its practical potential.

Poststructuralist discourse theory

Discourse theory can roughly be understood as a blend of Marxist sociology; Gramscian, Althusserian, and Schmittian political theory; socio-linguistics; and psycho-analysis (Jacobs 2018). That may sound complicated, and like many critical theories, discourse theory indeed loses itself occasionally in hermetic jargon. But its basic principles, as laid out in *Hegemony and Socialist Strategy* (Laclau and Mouffe 1985/2001) and several introductory overviews (Howarth 2000; Jørgensen and Phillips 2002; Jacobs 2018), are fairly straightforward and logical, especially for a theory drawing strongly on poststructuralist insights.

The question animating the work of Laclau and Mouffe is how societal structures reproduce themselves (Laclau 1990, 208–212). Trained Marxists, Laclau, and Mouffe were familiar with the many ad-hoc explanations prevalent in Marxist theory for why modern capitalism endures, despite its unstable economic foundations. Yet instead of continuing along this road, they followed a new path, and inspired by poststructuralism, they did away with the notion of economic foundations altogether. PDT understands society and its institutions as groundless; baseless; free of deeper, natural organizing principles – something it captures through the idea of *dislocation*. Society is no longer rooted in an economic infrastructure that determines all other social spheres. Hence, the reproduction of the nation-state, the working class, or, for instance, a neoliberal trade policy, is therefore not the consequence of some underlying economic principle. Instead, the reproduction of these constructs is *discursive* in nature – it depends on our continued investment in them through practice, rhetoric, and ideas. Note that even in this very elemental formulation of what discourse theory is about, it already shows an interesting

cross-over with the attention of critical trade scholars to how the neoliberal paradigm motivating EU trade policy is maintained.

This dislocation of all social structure has major consequences for how we think about the organization of society (Laclau 1990, 37–52). Because no structure is ever rooted in a foundation that moulds or shapes it in a fixed, determinative manner, every form of social organization is non-necessary and contingent. Nothing in the social world is definitive, teleological or natural, which means that nothing is ever finished, and everything remains open to change. The dislocated nature of social structure implies that everything is *political* (see also the introduction of this section).

This last claim is often misinterpreted. The idea that social structure is discursive and lacks an ultimate grounding does not mean that social structure does not exist, or that it is somehow an illusion. Instead, it entails the principle of *articulation*: The reason why social structures exist, exercise a particular effect on us, and carry particular meanings in them, is because of how we talk about them, how we enact them, how we think them to be (Laclau and Mouffe 1985/2001, 93–97). The reason why we associate free trade with economic growth and consumer welfare is not because of some natural economic law we have discovered, but because we constantly associate them in our thinking, our speaking, our actions. Free trade does not automatically trigger the idea of growth in our minds – it does not possess any innate meaning. It remains a *floating signifier*, a discursive *element* that can be signified in an infinite number of ways, until it is given a specific meaning by association with other terms, at which point it becomes a *moment* in a discourse.

The process through which articulation creates social structure can be understood with two logics: the *logic of equivalence* and the *logic of difference*. To start composing a social structure, words, ideas, and concepts need to be associated with each other, a process that involves equivalences. Associating free trade with growth and consumer welfare, involves a *logic of equivalence*. At the same time, this association is only possible because these concepts are somehow differentiated from one another: free trade, growth, and consumer welfare can only be associated with each other and render each other meaningful if they are first differentiated from one another. This original differentiation is described by a *logic of difference* (Laclau and Mouffe 1985/2001, 129–130).

In the example above, 'free trade' functions as an *empty signifier*. Empty signifiers represent all signifiers in the chains of equivalences that are articulated around them. If free trade automatically triggers associations of growth, consumer welfare, and economic prosperity, that is because of its position as an empty signifier in a chain of equivalence of which all these signifiers are part. What empty signifiers do then, is to partially empty themselves of their particular and specific meaning, so that they can represent the broader chain of associated signifiers as a coherent whole. Empty signifiers in other words lose part of their concrete content, in order to embody a larger totality (Laclau 2005, 70–71).

The logics of equivalence and difference can never completely exhaust the social world though, nor can empty signifiers ever embody a completely coherent and consistent whole. The principle of dislocation makes this a priori impossible. If all discursive elements could be differentiated and equivocated with each-other until the entire sphere of the social had become one neat structure, then every aspect of the social world would be grounded, and there would be no contingency – the social world would be complete and finished, and change would be impossible, something which discourse theory excludes by default. Hence, the structures that get built through logics of equivalence and difference always have limits. Sometimes, expanding structures collide, causing an *antagonism* (Laclau and Mouffe 1985/2001, 105–114). Free trade and mercantilism, for instance, both seek to signify commercial relations, but they cannot easily

be combined with one-another discursively, as in orthodox economic thought they tend to give each-other meaning by being the other's opposite. Other elements cannot be integrated and rendered meaningful in any structure at all. They remain *heterogeneous* to all discourse (Laclau 2005, 142–165). The notions of allocation and a planned economy, for instance, have no place in free trade, mercantilist, or protectionist discourses. In fact, they do not fit in any discourse that is mainstream in currently hegemonic configurations of EU trade politics. Instead, they remain free-floating signifiers, excluded and sidelined.

These heterogeneous and antagonistic frontiers mark places where a discursive structure can break down, where dislocation can manifest itself. The insertion of a heterogeneous signifier into a discourse can, if that discourse cannot integrate that signifier and articulate it in a meaningful way, ravage its internal structure, and cause its breakdown. Similarly, a discourse can be overcome by one of its antagonistic adversaries. But until that happens, the structure constituted in this discourse maintains its *hegemony* (Laclau and Mouffe 1985/2001, 134–145). It remains the dominant interpretative framework for understanding the part of the world it captures, to the degree that we don't even perceive it as a framework but instead grasp it as the way the world is. A hegemonic discourse forms the commonsensical and normalized way of thinking about the phenomenon it constitutes. As a discourse achieves hegemony, its political and contingent origins are forgotten. Ideas, thoughts, notions, discourses that align with a hegemonic regime automatically acquire a sense of normality, of being self-evident, as they fit neatly within our expectations and our worldview. This in turn makes that we take the hegemonic framework ever more for granted: As everything that seems true and right fits so seamlessly within it, it has to constitute the correct and normal way of looking at a certain reality. In a way, the principle of hegemony is a self-reinforcing positive feedback loop. A hegemony makes discourses that match and fit with it, appear normal and true, which in turn entrenches the hegemonic framework even further.

However, because all social structure is dislocated, a counter-hegemonic project formulating an alternative way of seeing the world always remains possible. As such, hegemony never constitutes an ultimate, complete, or final victory – there is always room for discontent agents to mount a counteroffensive. Since all social structure is contingent, it is always open to contestation, re-politicization, and change; and the prime research interest of PDT is to study how change is achieved or pre-empted, and how political struggles are waged, won, and lost.

What makes discourse theory unique then, is how it combines Gramsci's principle of hegemony with a poststructuralist ontology, as implied by the notions of dislocation and articulation. Laclau claims slightly immodestly that this combination allows his hegemony theory to capture 'the political game' (Laclau 2001, 9). Instead of falling for the positivist determinism of many mainstream rational choice and Marxist approaches (Glynos and Howarth 2007, 83–102) or for idealist voluntarism of many constructivist accounts, it focuses on the 'conditions of possibility' of a hegemony (Laclau and Mouffe 1985/2001, xi–xvii), and on how these constitute the 'conditions of implementation' for any alternative political programme (Laclau 2001, 10). In other words, the poststructuralist interpretation of hegemony tries to explain why the current social structure exists without assuming that it has any innate or external advantage over alternative structurations, and takes this as a point of departure for reflection about how the world can be changed through counter-hegemonic projects. For Laclau and Mouffe, understanding the effects of the hegemony mechanism is the crux to successfully navigating the world of politics. As can be deduced from the title of their most famous monograph, Laclau and Mouffe (1985/2001) thought that the key to progressive social change, the normative goal that motivated their work (and which is often called *radical democracy*), was to achieve a left-wing hegemony.

It should be noted that like many poststructuralist theories, PDT suffers from a so-called 'methodological deficit' (Torfing 2005: 25). There is no readily applicable framework for 'doing' discourse theory. While there are moves towards developing one (Glynos and Howarth 2007), empirical operationalizations of PDT usually draw together a range of discourse-theoretical concepts in an ad hoc fashion that is adapted to the concrete case at hand. As such, what is provided in this chapter is not the ultimate way to apply PDT to the study of EU trade policy. Instead, we illustrate how the above-mentioned concepts and mechanisms can help make the political effects of meaning-making intelligible, without providing firm prescriptions on how to use them.

Free trade, protection, and fair trade

The ensuing examples from EU trade politics post-2015 are not intended as fully-fledged original research. Rather, they serve an illustrative purpose, and try to demonstrate the value of discourse theory at various levels, by showing the relevance of its conceptual infrastructure (dislocation, articulation, antagonism, empty signifier, logics of difference, and equivalence), its concrete ideas (the contingency of all social structure, the hegemonic nature of politics), and its general principles (a belief in progressive social change and a counter-hegemonic project) for the study of EU politics and policies. The main issue we want to focus on in this empirical section is the notion of 'protection' and how it has been articulated in the context of 'free' and 'fair' trade.

Conventionally, free trade and protection are taken to be contradictory – with protectionism as the negatively connoted half of this dichotomy (Mathieu and Weinblum 2013). Since the nineteenth century, the opposition of free trade and protectionism in a fundamental dualism has played a foundational role in political and scientific thought on international trade (Irwin 1998). In discourse-theoretical terms, we could say that they have an antagonistic relation: It is through an inimical antagonism with protectionism, that free trade is constituted as a hegemonic category. This means quite simply that free trade is what we understand it to be to a large degree because of its strong opposition to protectionism. In the discourse of the European Commission, free trade is linked in chains of equivalence with welfare, growth, recovery, efficiency, prosperity, while protection, reversely is linked with poverty, economic depression, crisis, and even war (De Ville and Orbie 2014, 154–160).

In this light, the recent suggestion by De Ville and Siles-Brügge (2018) that in the wake of the overwhelming politicization of TTIP, the European institutions have sought to defend and legitimize international trade by emphasizing environmental and social protection, sustainable development, and labour standards, constitutes a remarkable finding. While the dislocated and contingent nature of all social structure indeed makes change a permanent possibility, it would be highly noteworthy if the Council, the Commission, and the Parliament were to integrate a rhetoric of protection into the legitimation of a free trade agreement. Such a move would break the very mould of how international trade is conventionally constituted as a policy area – it would be completely out of step with the dominant hegemony, which is constituted around the antagonism between protection and free trade.

From a constructivist point of view, such rhetoric could be explained as a disingenuous strategic move that is not in line with the interlocutor's true beliefs, but instead merely strives to achieve legitimacy and acceptance for the proposed agreement (Siles-Brügge 2011, 2013). Yet, such an interpretation would not do full justice to the observation that political rhetoric in general, and political rhetoric on EU trade in particular, tend to be highly coherent and stable (De Ville and Orbie 2014, 154; Wæver 2009, 165). A discourse-theoretical account downplays

the importance of personal, subjective beliefs, and whether or not strategies are sincere (De Ville and Orbie 2014, 154–155). Instead, its intersubjective approach emphasizes the structural component of political strategy, and draws attention to how a strategic articulation plays out in relation to the dominant hegemony, focusing on the effect a political intervention has on and within the setting in which it intervenes.

Let us take a look at some concrete instances of the tendency described by De Ville and Siles-Brügge (2018). In a speech on international trade in the European Parliament, the then Commission Vice-president Frans Timmermans stated:

> […] This Commission is very much aware of the fact that people in Europe see Europe as a source of insecurity, as a source of injustice and as a source of globalisation that takes away their rights and that takes away the securities they had. We need to change that paradigm into a different paradigm, where Europe can show that, by doing concrete things, we do indeed improve their lives, we do indeed improve employment, we do indeed improve Europe's competitive position worldwide and we do provide protection by being very concrete in concrete measures […].[1]

Here protection is presented not as something radically opposed to free trade, and therefore radically undesirable, but instead as compatible with it, much like De Ville and Siles-Brügge found. There is a logic of equivalence at play between 'improv[ing] Europe's competitive position' and 'provid[ing] protection by being very concrete in concrete measures': These two operational logics are equivocated in a radical departure of the usual antagonism between free trade and protectionism.

A broader analysis shows that the empty signifiers 'fair' and 'unfair' play an important role in the difficult discursive exercise of rendering protection and free trade equivalent and compatible. In this articulation, 'free trade' and 'protection' are equivocated by linking both with 'fair trade'. Whereas the empty signifier 'fair trade' has been interpreted by some as tackling structural inequalities in markets through governmental interventions guaranteeing stable and high prices for producers (the 'progressive' reading), it can also refer to the 'level playing field' through undistorted competition of all market actors (a neoliberal reading). This interpretation is the one that dominates when 'fair trade' serves as an empty signifier linking 'free trade' and 'protection'.

While defining the 'fairness' of trade via market logics is by no means new, the rhetorical purpose of this redefinition which we find here is in fact rather unique: The articulation of 'fair trade' from a developmental to a market context serves to turn 'fair trade' into an empty signifier that can connect and bridge free trade and protection, thereby overcoming trade policy's foundational antagonism. The following three statements, again from plenary debates in the European Parliament, illustrate how this articulation operates:

> […] The word unfair is more or less accepted as a reality and it has to be dealt with. It looks at the way to evaluate the situation around this practice and the most appropriate ways to give food producers and retailers adequate protection against these unfair trading practices. […][2]
>
>   […] On substance, our Group would call for a liberal approach favouring trade and promoting its further liberalisation. On the other hand, we need to be able to make use of a variety of suitable instruments which would provide the EU economies and their sensitive industries with relevant and efficient levels of protection against unfair practices. We need to be able to react when it is obvious that goods coming from a third country are

not offered under regular market conditions, that prices are either dumped or artificially subsidised. […][3]

[…] We are looking at whether it is possible to strike the right balance between the objective of providing protection to our industry against unfair practices by China through a strengthened trade defence instrument, safeguarding the maximum of jobs in Europe while respecting legal international obligations and ensuring free trade and investment, which is so much in our common interests. […][4]

In each of these three interventions, the fairness or unfairness of trade is defined through equivalence with global markets and globalization. How markets determine fairness remains vague – whether it is the outcome, the effects, the process, or the very act of international trade that can be judged as fair or unfair, and what standards are to be used to judge (un)fairness, is unclear (Mathieu and Weinblum 2013). Yet this vagueness is unproblematic, as in these articulations the mere presence of 'fair' as an empty signifier suffices to bridge the antagonism between free trade and protection: protection from trade is acceptable, if the trade is unfair.

Fairness and unfairness are of course well-suited signifiers for this purpose: Nobody opposes fairness, and everybody is against unfairness! Hence, they can overcome the antagonism between free trade and protection, as both those antagonistic camps can identify themselves with 'fair trade'. There are of course other empty signifiers that also receive quasi-universal support, which could have been used for this goal as well – most notably the term 'democracy'. However, bridging free trade and protection through democracy would have been a lot harder, as to use the term would have activated the pertinent question of whether or not the EU's trade policy suffers from a democratic deficit (Gheyle 2016; Gheyle and De Ville 2017).

This is highly important, as the logic of equivalence between 'free trade' and 'protection' that is constructed through the empty signifier 'fair trade' is not intended as an assault on the free trade's hegemony. The interlocutors are rather trying to prevent a paradigm shift, rather than to provoke one. This is clear from the way protection is situated in a context of efficiency, competitiveness, and jobs, and opposed to 'dumping' and 'subsidies'. All these articulations are hallmarks of the hegemonic neoliberal discourse. Another way, in which it becomes apparent that 'protection' is definitely not meant to supplant 'free trade', is the continuous use of the phrase 'unfair practices'. Only particular practices are denoted as unfair, and hence requiring protection. There is thus a few issues we ought to be protected from, but there is no need for generalized, encompassing protection. This way, structural inequalities in international markets remain obscured, and a more encompassing critique of free trade with a fundamental challenge to the unequal power relations that it implies (which could potentially be articulated around the renewed appreciation for protection) is forestalled.

A recent example of the power of this articulation can be found in the quasi-unanimous support for the EU 'Unfair Trading Practices Directive' in 2019 (European Parliament and the Council of the European Union 2019). The progressive Fairtrade movement heralded the directive as a step in the right direction, as it seems to restrict powerful retailers. However, by focusing on the prohibition of late payments and cancellations by supermarkets, the directive basically strengthens the functioning of markets and thus clearly buys into the market-interpretation of 'fair trade'. Following the example elaborated above, the double equivalence between 'fair trade' and 'free trade' and between 'fair trade' and 'protection' brought erstwhile antagonists of free trade and proponents of stronger protection back into the fold. Buying into a definition of protection that is compatible with free trade through the notion of fair trade, leaves the Fairtrade movement unable to explain what exactly constitutes the 'right direction' which they claim to be headed to, as it ends up without moments that can meaningfully signify this direction.

The re-unification of free trade and protection through a market-based interpretation of fairness is a great example of the stickiness and the potency of hegemonic constellations. Dominant paradigms for understanding do not just abdicate in the face of a potential source of dislocation, but somehow find ways to re-invent and re-establish themselves. Yet this particular case is not completely risk-free. The hegemony of free trade is rooted in its antagonism to protectionism, it was established at the beginning of this section. But temporarily suspending this antagonism to parry criticism, as is done in the examples above, might result in the suspension of the very mechanism upon which the hegemony of free trade is based altogether, opening up room for a counterhegemonic project favouring more genuine protection.

The politicians we just cited are trying to answer their criticasters by recuperating and re-appropriating a key signifier that plays a crucial role in their criticisms, notably 'protection'. The main reason why EU trade policy comes under fire is because it exacerbates the negative effects of globalization and fails to protect globalization's victims. In the aforementioned quotes Timmermans, Malmström, and Kelly are trying to disarm this criticism by defusing the signifier around which this criticism is articulated. And indeed, successfully integrating the signifier 'protection' into the free trade discourse would constitute a major blow to those whose attacks on free trade hinge on this signifier. But by doing so, the very structure from which free trade draws its hegemonic status is destabilized. The compatibility of free trade and protection upsets the notion that free trade is necessary and unavoidable because the alternative would ruin us. If free trade can be combined with protectionism, why would we fear the latter, and if we don't have to fear the latter, why would the former be so inevitable?

Of course, all of these discourses contain an alternative legitimation for free trade's hegemony, notably that it is fair, whereas all alternatives would be unfair. This re-entrenches free trade again, by providing a new grounding for it. But hegemony does not work that way. It is achieved through endless and often unwitting repetition, re-enactment, and reiteration, and hence, it cannot just be restyled according to the rhetoric needs of the moment without this being a structural weakening. By refashioning the content of the hegemonic framework, the self-perpetuating positive feedback loop described in the theoretical section is interrupted: no self-reinforcing naturalization is possible if the frame of reference with which self-evident truths have to resonate and accord in order to ring true, is abruptly altered.

Indeed, the limits of this strategy are apparent in its concrete articulations. The last two examples, while clearly trying to create a discursive equivalence between free trade and protection, also partially maintain the logic differentiating them (e.g. 'On the other hand'; 'to strike the right balance between'). In the first example, meanwhile, the claim that '[t]he word unfair is more or less accepted as a reality and it has to be dealt with' artificially tries to provoke the naturalizing effect that is innate and automatic to a claim in line with the dominant hegemony.

Conclusion

This chapter has sought to make three contributions to the critical literature on EU trade policy. First, it offered a *status quaestionis* of the extant critical research on the matter, arguing that it still suffers a certain theoretical poverty, as a fairly mainstream constructivist ontology continues to dominate and a dearth of more radical poststructuralist approaches remains. Secondly, we suggested that discourse theory is a valuable framework to base such an approach on. We outlined Poststructuralist Discourse Theory (PDT)'s conceptual apparatus, laid out its main principles, and explained how it constitutes a unique approach to critical research.

Finally, we demonstrated the empirical potential of a discourse-theoretical framework, through an analysis of the discursive relation between 'free trade', 'fair trade', and 'protection' in parliamentary discourse post-TTIP.

These three contributions together constitute a plea for the re-appreciation of poststructuralist theory in the critical study of political economy. Any critical scholar worth their salt should consider the enduring theoretical monotony in the study of EU trade policy a weakness. But more importantly, as success stories in the analysis of EU foreign and security policy show, there is also a genuine analytical potential for poststructuralist theories to generate new knowledge and new understandings, a potential which hitherto goes unexploited. By fleshing out a discourse-theoretical approach and giving a taste of what it can do, we have hoped to make this potential slightly more tangible and real.

Notes

1. Frans Timmermans (S&D, Vice-president of the European Commission), 25/10/2016.
2. Seán Kelly (PPE), 7/6/2016.
3. Dita Charanzová (ALDE), 8/06/2016.
4. Cecilia Malmström (ALDE, EU Trade Commissioner), 1/2/2016.

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Part III

Critical approaches to European Union's internal security

Introduction

Didier Bigo

European internal security: A pharmakon producing security, unease, insecurity and violence?

Didier Bigo and all contributors of the section

This series of chapters regarding European internal security wants to contribute to the project of building a critical approach to European Union (EU) Studies. Critiques concerning the role of Justice and Home Affairs in the EU have been permanent and intrinsic to the different debates concerning terrorism, crime, asylum, migration and national identity.

So, it may seem that this project is immediately outdated as the topic has in itself generated permanent critiques. Indeed, disagreements are consubstantial to security studies in general and to its epitome written by the EU internal security different programs and agendas.

All EU studies undertaken by responsible scholars agree that politics within these domains is not consensual, and they focus on debates, controversies and disputes surrounding the different state policies of the EU countries and the EU agencies. Nevertheless, if they have a lively debate, this social science debate of 'EU internal security' studies is, often, under the different names taken by the now defunct third pillar of the Justice and Home Affairs, reproducing (with nuances) political positions and predictions about the worst and best futures.

Most scholars practice therefore a game of critiques mirroring the political debates and contribute in their own way to popularise some important stakes that citizens are unaware of. However, they are not necessarily reflexive about their own historical and present conditions of production of knowledge.

This lack of reflexivity has some consequences regarding the dependence of EU studies on geopolitics, government politics, and a strong addiction to comparative public policies. This scholarly set (or patrimony) of preferences of framing that we will discuss in each paper is encouraged by the series of underpinning beliefs and disposition to see both Europe as an institution chosen by the 'core' countries and diffusing from since to the periphery, and by the belief that security is the solution to insecurity and violence, so is 'something good'. To say it differently, despite debates, Europe is seen as an evolution, a convoluted but tendentially linear process linked to globalisation and capitalism (in a version called neo liberal and–or dominated by

finance working for the better or for the worst). Security is seen simultaneously as a functional answer to threats, risks and events seen as dangerous and which needs to be combatted in order to protect 'core values' shared by western values representing the essence of a 'post war international society', or societies which have their own specific identities but have a common 'destiny'. Therefore the addition of Europe and security under the label of European security can be nothing else but 'positive'; positive for individuals, for civil societies, for liberal governments and even for technologies and permanent growth. European security cannot produce violence and symbolic domination; it is the medicine, not the poison. But as we will see, we may have to disagree with this so-called epistemic knowledge of the community of experts and we have to remember the roots of the notion of 'pharmakon', which is both a poison and a medicine.

European studies: Internal security reduced to the story of the EU justice and home affairs

Certainly, from what has been considered as an original sin, it is clear that the evolutionist neo Darwinist vision of the specialists of EU studies has changed and that we are not, by far, the first to signal it. Debates in Europe, EU, Security, Policing and internal security are subtle and complex (Raphael and Mark 2016). They do not reproduce political ideologies. They have their own logics. Many scholars have already attempted to walk this path towards redemption and have less and less been teleological, avoiding confusing progress and a path towards federalism, with the consequence to call regression all the other possible arrangements. This is nevertheless less true for the sovereignist scholars who tend to assume that nothing is new under the sun, and that fight between nation-states are ultimately the only relevant explanation for international politics.

These initial normative stances flirting with opposite political prejudices have almost disappeared from recent academic rhetoric, even if it occasionally still resurfaces when the proposals for destruction or strong reforms of institutions are at stake, as the Greek situation and the Brexit multiple simulations have shown.

Currently journals on European internal security do not exist, but rather intersect various subject disciplines, mainly criminal law.[1] However, some security studies journals from Europe go beyond the defense and foreign affairs questions, and discuss EU internal security topics.[2] They have given a form of legitimacy to discuss security and internal security in this 'regional area' considering the EU as 'more advanced' than other ones. More generalist EU studies journals also increasingly consider that internal security as a coherent set of practices.[3] At the margins of EU master studies, some courses appear with this terminology, in addition of more traditional courses on migration.

From the 1980s onwards an impressive series of authors has emerged, and specific book collections on EU internal security, home affairs, criminal law, counterterrorism exist nowadays in different editors (Ariadna Ripoll and Florian 2017). This literature has set up a way to speak about internal security in Europe at the crossroad between history of public policies and law. By that, these authors want to describe centrally the process of juridification of policing and criminal law beyond national law and nevertheless different also from international law. They consider the originality of internal security because of its sovereignty 'nature' and explain that this topic resists spill-over more than others. Thus, 'Europeanists' have considered they can have a narrative on internal security coherent with other domains of the EU. Contrary to historians of Europe discussing the different models of policing from the eighteenth century to now, and the international forms of cooperation of justice, police and intelligence from the anarchist turn of the 20th century to the latest practices of violent jihad groups, for these authors, it is legitimate

for EU internal security domain to choose a date of origins which is by far more recent: the treaty of Maastricht signed in July 1992 and applied in 1993. And, from this point of departure concerning the three pillars of the EU 'temple', to unfold a long list of names of European cities where agreements have been reached and which are the milestones of this 'history' of EU internal security. The first contributions came from previous civil servants of the EU, such as Wencelas Lobkowicz (2002) or from some specialised professors on EU laws or EU policing like Monar and Roger (1995), Anderson et al. (1995) . Despite their internal differences, the narratives are constructed along detailed chronological lines, and proposed descriptions of the activities of the EU member states and EU institutions (the Brussels bubble) as the central elements of the EU process of policy making in the area of freedom, justice and home affairs. The label covering this internal security 'area', which includes also an external dimension beyond the EU, has nevertheless been very flexible and contentious, so the story can work as a series of tumultuous episodes giving life and pleasure of readings, beyond the description of law cases, and EU court judgements limiting the willingness of the executive to maximise exception laws and technologies for security purposes. The 'backstage' of bureaucratic politics of policing has always an audience.

The academic contributions coming out of this 'tradition' are often written by former responsible of these policies, by EU specialists of political sciences, as well as by some lawyers interested in procedures and modalities of votes (but often unaware of the structure of the field of policing or even of human right laws). They develop, often with brio, and in more detail than the journalists, the mysteries of the EU process in these matters where half-secrecy and confidential rumors are frequent, the inner fights and diplomatic negotiations at stake. For them, the central actors are the national governments who have the capacity through the EU Council to control the game, even if the EU parliament is, after the Lisbon Treaty (called sometimes the European constitution) signed in the 13 December 2007 and entered into force the 1st December 2009, less weak by far than before, and can challenge important decisions of the other EU institutions (Florian and Ariadna Ripoll 2014). They also often posit the EU Commission as a form of innovative 'technical government' and policy entrepreneur (where a mixed bag of commissioners and top civil servants work as if they were neutral experts, while always remembering where they come from (Uçarer 2001). They insist therefore on contradictory loyalties and strategies to mitigate this contradiction.

This is even more the case when the new commission of 2019 re-label the port-folio of the commissioner of part of the area of EU internal security the commissioner for 'protecting our way of life'. But, it looks like, for the moment, professionals consider that this label will not reframe seriously what is at stake and that, be it divided or not between different commissioners, the core of internal security is the one dealing with terrorism, crime, illegal migration, and the ancillary questions related to frontiers, mobility, migration and asylum. This strong belief in this logic of association–contamination has been framed by the continuum of (in)securities set up at the turn of the 90s between a series of loosely related topics put under the so-called third pillar of Maastricht in 1993 to differentiate European internal security, from the Common market and from Defense and Foreign Affairs (Bigo 2001). And even if it was divided after between a third pillar and a first pillar title 4 in the Amsterdam Treaty signed in October 1997 and entered into force on May 1999, Ministries of Interior have always considered that they were the owners of the decisions concerning terrorism, crime, but also cross border activities and migration.

Despite the expansion, diversification and relative autonomisation of knowledge of European internal security studies from geopolitics, journalism, lobbies, and think tanks, scholars in 'European studies' have still inherited a lot from their beginning(s) connected with US International Relations traditions. They continue (at the world scale of global European studies associations)

to be organised along two different lines which were the dominant ones, back in the late 70s of political sciences and International Relations, but which are, in our view, inescapably obsolete to discuss today's situations. The first was to use Europe (and more specifically the EU) as a regional example for 'testing' the US debate between realist-state sovereigntists on one side and, on the other side, interdependence and neo-institutionalist valuing norms and the role of international organisation. This strand of research considering multilevel games between collective actors continue to present itself as dominant. The first analytical concept applied to the dynamics of EU Justice and Home Affairs clearly reflected this heritage, namely the notion of 'intensive transgovernmentalism' (H. Wallace and Wallace 2007) that meant to denote the dense horizontal interactions of state officials and executives beneath ministerial levels. Transgovernmentalism grew out of US IR-debates (Keohand and Nye 1974) and has since then remained relevant to a wide range of policy areas (Slaughter 1997), among which various security issues (Aydinli and Yön 2011). In a related vein, European scholarship had adapted institutionalism and discussed the interest of actors in cooperation versus preservation of self-interest, the relation between cooperation and sovereignty by placing them in opposition, and has generated a controversy between rational choice theory and a more historical sociological institutionalism (Aspinwall and Schneider 2000). This very large body of research in EU studies was then, with some time-gap, transposed to the area of EU Justice and Home Affairs to account for the 'puzzle' of integration in the face of rational constraints and sovereignty concerns of member states (Argomaniz 2009). This research falls short however, in encompassing the life of the targets of these policies and politics, restricting itself to the arena of those who 'decide'.

The second literature strand on EU internal security touched upon before have been former or would-be practitioners of the institutions and therefore strongly problem-solving and 'policy' oriented (de Kerchove and Anne 2003). This 'policy making' line of thought which was in the decline in favor of more analytical and critical approach about policy reframing as Robert Cox name them, has been unfortunately revived again by the way social sciences are financed by grants coming from EU research funds and the way they have framed an invitation-obligation to be useful and to have impact positivising governmental actions, here social sciences are reduced to help for a social acceptance of technologies (Leese, Lidén, and Nikolova 2019). Sometimes in the name of interdisciplinarity, neo functionalist and behaviorist approaches has reinforced security as a technological solution to multiple 'problems', and not as a question of political judgement. This bureaucratic-technical vision is now dominating the field of EU internal security studies when it comes to answer to highly political questions regarding border controls, biometric tools of surveillance, data bases interoperability or dual-use technologies (Lemberg-Pedersen 2018). In the view of the actors of some Directorates General (DGs), if we except European Research Council (ERC), it means that social sciences are just a 'supplement of soul', a way to do strategic communication under the name of ethics, and not a proper dimension doing a thorough process of evaluation (beyond financial accountability) regarding the social use of technologies, the relations with freedom and privacy, the legitimacy of imposing un-necessary technologies on 'subjects' seen as problems. EU studies on internal security ends up with strange bedfellows where social scientists, engineers, profilers, design and communication specialists are put together to 'sale' solutions to institutions via technologies and not to reflect on the problems at the roots of the difficulties. As explained later this move inside the population writing on EU internal security studies, which is less and less academic, creates the epistemic condition for a reversal of the idea of the EU as a place for freedom and peace, and open towards arms markets, surveillance and data security politics.

Rarely reflexive about these huge transformations on who writes in EU internal security studies and for what purpose, the authors of traditional EU studies have, in addition, always been

uneasy with the idea to discuss configurations of power (and knowledge) and their relation to the field of politics. The bureaucratic organisation of the EU commission is seen as a non-really achieved enterprise as it is considered as an 'abnormal' bureaucracy because they are not answering and implementing the demands of one 'government'. But, without this discussion that some research, especially in France by a bourdieusian sociology, have begun to develop around the legitimacy-sovereignty originality of the EU power mechanisms, these authors are more and more less in touch with the practices of the EU players of Brussels (Georgakakis and Rowell 2013). The sociological research on bureaucracies, elites, fields of power, transversal dynamics are ignored; the main narratives continuing to be a sub stream of diplomatic history and they privilege the terms of consensus, diplomacy and trust, even in contentious matters as war, coercion, violence, detention, crime, surveillance, deterrence which are, in our view, the everyday of the practices of 'internal security'.

Who lives in the fields of EU internal security?

Different from the previous EU studies, approaches regarding the rule of law and its importance for the EU have been at the core of the reflexivity in EU studies concerning internal security dimensions. Lawyers coming from immigration laws, criminal law, human right laws have converged with specialists of sociology of law and have taken very seriously the effects of the internal security measures on the everyday life of people and the ways they can enjoy or not mobility and freedom (Guild and Groenendijk 2016). Complemented by some of the strands of research on governance, they have taken the individuals as subject of rights very seriously and have challenged the main assumptions of European and national state security. The travelers' hopes and lives which have been left outside the scope of EU studies until recently have been reincorporated at the core of it, thanks to the reaction of a group of researchers that have considered that the critical stance was to reverse the point of departure and to look at the EU internal security from the point of view of the individuals who is the subject of them. This point of view of course vary depending on the status of the person, and its characteristics susceptible to be a factor of illegitimate discrimination. It could be a citizen who want to marry a foreigner, a tourist coming from a non-developed country, a person in exile or in a trajectory of migration. Internal security studies have been reconnected with the freedom part that EU studies had too easily limited to merchandise, capital, ideas, that is the freedom of movement of persons (beyond their role in labour force). Reflexive EU internal security studies have enlarged the field of observation to the study of practices of both the enforcers and the targets of internal security policies, as well as the consequences on the lives of people who did not even know that they could possibly become a victim by default of these policies. They have also checked carefully the practices of freedom and rights which have been used effectively and the ones which have been only declarative. Studies of litigations, of the dynamics of the European courts and their capacities to oblige governments to rewrite part of their laws and policies become now something crucial for assessing the human rights standards and scores of governments pretending that they are by essence democratic and therefore can push counter terrorist measures very far on the infringement of human rights, because they want to protect their own people.

Often considered as marginal inside EU studies and courses, these approaches have nevertheless moved the debate on internal security away from the normative argument of good governance in security matters and rational choice theories of governments led by their national interests. They have shown the ambiguities of the outcome of some security policies and have considered the unintended consequences of a strategy willing to maximise security. They have also shown the limitations of previous approaches based on micro economic models

or psychological ones, and they have succeeded to describe the increasingly complex settings within which a growing range of political actors interact, as well as the multi-scalar dimensions of it, including trade unions of professions, maires, and local NGOs.

They have put the emphasis on the transnational dimension of governance structures and changing, increasingly de-centred patterns of security governance (Ehrhart, Hegemann, and Kahl 2014). Insisting on the privatisation, technologisation and digitisation of the forms of governance they have tried to revisit the notion of statehood from the practices of EU institutions and networks. These theoretical re-evaluations of European Studies have created an interest about operational and pragmatic modes of cooperation below and beyond the standard regulations. In this handbook, the readers will have different chapters that address these central questions.

In convergence with this reflexive approach, sociology of professions, and transnationalist approaches have introduced the questions of policing and border guards, as well as intelligence, to rethink the interest in practices of professionals at all level, and not only at the top of the pyramid (Bigo 2014). This has allowed everyday bureaucratic life to be reconnected with EU studies, and to better understand the effects of the routine work of street corner bureaucrats (policemen, border guards, consulate officers, data analysts) and the change of their behaviors in the context of enhanced counter terrorism discourses and practices coming from some political parties, medias and governments, very noisy, but often being a small minority.

In parallel more reflexive and critical approaches of governance influenced by the notion of governmentality of Michel Foucault (Derous and De Roeck 2019) has insisted on the inter-linkage between EU internal security and its 'external dimension' by looking at the dynamics, often centrifugal, that create a push on neighbours, on others, on the margins to be responsible of the controls of the so-called EU borders at distance and on the policies of 'prevention' of border crossings (Ioannides 2014). They have shown how EU internal security dynamics in its pragmatic effects, obliges the persons in charge of the political spectacle in Brussels or at the borders to reject responsibility of the (un)intended consequences of their strategies towards the 'neighbours' and the 'others'. The external dimension is therefore less a triumph of a strategy of a new imperialism than an incapacity to avoid the chaotic effects of choices privileging the so-called 'security' of a group by insecuritising and producing physical and symbolic violence abroad and inside.

These approaches have tried to think about the process by which different institutions of the EU have changed their priorities in terms of welfare, labour laws, migration, freedom of movement, citizenship rights and access, under the pressures of the coalition of the ministries of interior (and justice) insisting on the development of permanent growing global threats coming not only from the military sector, but also from economic competition, diverging political agendas, societal identities considered in danger. But, often, they have not engaged into a redefinition of what security means, and even more importantly, does to the people who are under its gaze and hands.

Discussing securitisation theory and (in)securitisation process in EU internal security fields of practices

A critique of this move of different bureaucracies to promote their own agenda by transforming the political realm into a politics beyond normal politics and asking for quicker and more coercive security measures has emerged around the idea that security is not something ontologically stable, having an essence and being a right to defend oneself and a cherished collective belonging against threats.

Thus, if security is not a given, and a functionalist answer of institutions to growing threats, always more diverse and more global, what is security about? Whose security is threatened? For peace research scholars and a group of them working in Aberystwyth, the key element was to distinguish the state claims to be a protector of a 'people' in a homogeneous way, from the current practices, and to remember that, often, the first cause of violence that citizens are subjected to, comes from the right hand of the state, the one of the ministries in charge of coercion, law and order, intelligence, and war. Even in democratic regimes, if the goal is not the emancipation of people towards more freedom, equality and justice, then the government is producing insecurity and violence, even by maintaining the status quo of inequality.

For what has been called at the origins critical security studies, the real security is therefore the one of the people in terms of justice, basic needs, development, environment and not the survival of a regime which does not concur to these objectives but on the contrary blocks them (with a neoliberal agenda for example). They have oriented their research more on development, poverty than on migration and terrorism. For them it has been obvious that the EU institutions organising a council of ministries of interior and justice and letting them having the upper hand on migration beyond clandestine arrivals, on access to social welfare and basic human rights, on minimum standards for equal work conditions were not in favor of security, but were creating new insecurities.

Another group of scholars based in the UK and Denmark tried to discuss more the concept of security, once this term is dissociated from 'national' security and they began with a more traditional agenda concerning the role of the state. Barry Buzan insisted in a work of the late eighties on the necessity to understand security by sectors and to see whose referent object was associated with security. Military security was only one sector, the others being political, economy, environmental, and societal. He concluded nevertheless that despite this pluralisation, fragmentation of security sectors, all were resorting to a rhetoric of survival against existential threats in order to justify their existence and missions. Invited to Copenhagen, he coined this element as a strategy of securitisation where the institutions in charge of security reduced the traditional political options and oriented themselves towards their own options and interests. The securitisation theory of the so-called Copenhagen school was therefore conceptualised originally as a step beyond politicisation obliging politicians to play a politics of emergency and exception in order to justify more coercive choices, or to justify forms of active 'prevention'. But was it really justified? The debates went on the relations between security as an answer to a real problem, a perception of it (true or false), or a social construction where language plays a key role. Here answers were divergent, but the reputation of the securitisation theory came from the latest argument, a linguistic constructivist one, resurrecting the Wittgenstein debate of the sixties and the Austin-Derrida controversy on the nature of performativity and the quality and frequency of a speech act. Securitisation was not just a rhetoric justifying a certain vision of growing insecurity related to the world vision of police and other coercive forces, it was for Ole Waever, following Derrida, the capacity for a spokesperson of a strong institution to produce a speech act by transforming any object or event into a matter of security just by enunciating that it was a question of security. Saying (uttering) security was doing a securitisation act towards a referent object. In line with the vision of Austin, securitisation was one example of 'how to do things with words' (only), and not in reference to a real threat, so the justification was not external but internal to the reasoning and born from a discretionary practice.

Securitisation was in that case a self-referential process with strong linguistic and decisionist dimensions. A controversy emerges when a group of far right activists 'securitise' in this sense migrants arriving in their country and justified their actions in the name of a societal security agenda defending the Danish identity against this threat of people arriving legally because of EU

legislations of family reunification, but invading de facto the country and transforming its way of life. Sometime forgotten, this episode of a small country resisting against the EU policies in the name of its national identity has marked the theoretical debate, beyond the question of war and defense, of national security, to include this dimension of 'internal' security.

Bill McSweeney, Jef Huysmans and others considered that the frame of securitisation, by refusing to see security institutions only through the lenses of an answer to threats and risks was certainly interesting, but was nevertheless insufficient if the conditions of (felicity) and possibility of the locutor uttering security to be a spokesperson of an influential group, as well as the conditions of reception of specific audiences were not studied simultaneously. Securitisation was relational, not self-referential. Thierry Balzacq, Kaunert and Leonard developed this performative approach of securitisation related to the audience and developed different case studies coming from the EU internal security activities. One of the questions was the possibility or not that the ministries of interior of all EU members have securitised migration by uttering that it was a security question because it was connected with terrorism, crime, and illegality. The answer was considered at the time as not convincing when looking at the different EU legislations and Cristina Boswell concluded from the literature that such securitisation did not exist. Other researchers around the journal cultures et conflits, including Didier Bigo, Jef Huysmans, and others insisted that the question was not related to a speech act of securitisation and its possibility of desecuritisation, but to a regime of practices coming from the fields of the professionals of police, border guards, immigration officers and their capacity to have support or not by local, national and transnational networks of politicians; it was the field of practices of these professionals and their capacity to frame or not their priorities in a hierarchy of threats and their possibility to discard other events as a question of fate and not security which was crucial. It was the boundaries of the field of transnational groups of professional guilds in competition which was framing what was at stake in the EU internal security area. The fields effects of these practices depending on the positions of power of the actors were also giving through their fights the shape of the juridification of some domains but not others, as well as the geographical extent of the collaboration.

This alternative approach of an (in)securitisation process related to the practices of the professionals of management of unease has been developed under the name of an International Political Sociology approach (Bigo 2016; see also Basaran, Beerli, Bigo, and McCluskey *forthcoming* 2020). Insisting on an epistemology based on observation of the practices and justification of the people who are all interested by specific stakes and of the people who are subjects to it, the scholars of IPS have developed a form of social constructivism along the lines of different sociologists running from Norbert Elias, Ulrich Beck, Pierre Bourdieu and their readings by anthropologists, feminists, post-colonial strands, who refuse the dualism between structures and agency, and prefer to analyse the invisible relations that structure the social life and experience than the visible bodies or the linguistic structures. Empiricist and constructivist, an International Political Sociology approach is also and mainly a socio-historical research on the practical dimensions of a specific field of practices. For an EU internal security analysis, what is central is not to begin with coercion and need for security against dangers, but to analyze the concrete forms of freedom of opinion, thought, movement which exist inside the EU, but have been sometime completely overshadowed by the security rhetoric of prevention and protection, as if security was more important than freedom. As we will see this mantra of security first has to be resisted, and it is one of the common thread in all the chapters of this section. Security is an exception to the normal exercise of freedom in democracy, and cannot become a goal in itself, despite the numerous rhetoric which want to maximise and prioritise security. Security practices generate new insecurities, risk and threats, they are not diminishing insecurity

automatically and more security is not a way to decrease insecurity. To securitize a practice is often a way to insecuritise the persons and the relations of these persons with others by developing doubt about their legitimacy to act and even suspicion a priori. This is why we have developed the notion of an (in)securitisation process, in which it is not possible to distinguish easily what is security, what is insecurity and what is fate (or resilience). On the contrary, actors will disagree on the security–insecurity divides and, like in a Mobius strip, if they agree that a boundary exists between security and insecurity, they will disagree on where security and protection are, calling them violence, coercion, arbitrariness instead. The exercise of freedom, rights claims of people deprived of rights or just claims to equality and justice that they consider basic, even if not signed by the governments of EU countries have emerged only recently in the scope of EU studies and almost after 2004. A surge could also be seen after the 2015 forms of violence and indifference in the Mediterranean Sea related with the policies of coalition of governments regarding the Syrian revolution and civil war. Here also the reaction of EU internal security studies reproducing the discourse of an EU refugee crisis, or at the best the controversy between this terminology and the one of a crisis of solidarity regarding the refugees has been useful but limited. They have not taken into consideration in terms of the analysis of power relations and production of violence, both physical and more symbolic, that killing can come not from a war against a group but by very effective ways at letting people suffer and die by indifference.

Last but not least anthropologists arrived in the field of European studies becoming a specific line of enquiry with their studies of the 'tribes', myth and taboos of the EU institutions, and urbanist, geographers have also recently analyzed the European part of the city of Brussels, creating a domain with less 'texts', 'norms', 'rules', and adding a little bit more of living people, bureaucratic routines, great and not so great men, as well as their many informed professional practices. But this form of knowledge has often been disregarded as it looks too much like investigating the way of life of 'colleagues' and not the great consequences of political decisions. It is true that they were sometimes more anecdotal than engaging with the consequences of a certain style of life in the framing of politics in the EU multiple 'machineries'. Nonetheless the sociology of the 'elites' of European bureaucracies, of some networks of professionals of lobbying, of the policies written by transgovernmental networks or by international and European agendas of trade unions, are ways to revitalise research in order to understand the transnational guilds organising the art of being a Europeanised diplomat, border guard or policeman, whose role of 'liaison' is often, beyond the function of switcher, to construct regimes of justifications through narratives of a permanent growing threat; multifarious and diverse, yet relevant for European cooperation.

At the crossroad of IPS and anthropology of globalisation, based on transversality and the collective as central pillars of reflexive scholarly practice, has emerged what has been labelled a PARISS approach to studying practices of (in)security (Basaran, Beerli, Bigo and McCluskey editorial PARISS journal 1:2020. https://brill.com/view/journals/pari/1/1/pari.1.issue-1.xml; Bigo and McCluskey 2018). Here, PARISS stands as an acronym for Political Anthropological Research on International Social Sciences, taking the international, not as a distinct level of analysis but as a 'script of transversal lines'. These lines connect a multiplicity of different actors, across different scales, through indirect and arbitrary social relations as opposed to through direct connections (Feldman 2011). Their effects however are played out in a myriad of different ways across these different scales and within different social universes (Bigo 2016). Any critical scholarship rooted in a PARISS approach must therefore build research which is 'multiscalar'(Xiang 2013), illuminating and objectivising the multitude of games of different scales in which these actors are simultaneously immersed, even if the actors themselves are not completely aware of them (Rampton and Jan 2015).

So, in a nutshell, despite the fact that European Studies on internal security are often well aware of the fights on the boundaries of the field of EU internal security and for example the fate of the people seeking exile in EU countries or the development of an industry of surveillance and dual technologies of killing, most approaches prefer to repeat the discourses of the actors themselves about their inner disputes. These approaches consider the diplomatic controversies as the most important elements, even if by focussing on that topic they transform death and indifference to violence into a match between institutions to know who from the council or the commission will have the last word, or whose member state has a leader who has been successful to impose his view over the others. This is where reflexivity and distance from the practitioners is necessary. What is at stake for the decision makers is not what is at stake for the people who suffer from the consequences of these security policies. This is one of the dangers of some of these grand narratives of very small decision making process who often ignores the roots and contents of what is at stake, and assesses only the legalistic and public policy dimensions without entering into more theoretical questions concerning power relations and the transversal fields they reach and frame or reframe.

Paradoxically, as we can see from this brief state of the literature, the policemen, border-guards, intelligence services who are the actors of controls are almost nowhere in this story, and if they appear it is only by the European 'operational' agencies that have been build up, Europol, Eurojust, EU border guards of Frontex, EU-Lisa giving the impression of a kind of supra-national level, far from the effective practices of policing, control, surveillance, ban, deterrence which are enacted and the multiplicity of networks of European, multilateral, bilateral agreements which regulate more or less the practical day to day police and border guards cooperation. The EU studies have been also oblivious of the very strong links at the transatlantic and global North scale and often consider that European studies have to look at European states, even if the (US) elephant is in the room (see Pawlak 2009; Salter 2010; Suda 2013). A large part of the matters dealing with European internal security have not been juridified and codified in public and legal agreements. But this lack of juridicisation is not a lack of importance, mostly the contrary. This has been sources of errors in the field of activities of counter terrorism and the role of police intelligence services both inside the EU and beyond, as well as their influences on decisions concerning flow of travelers, suspected to be migrants desiring to overstay in the 'rich countries'. In depth knowledge about cooperation between networks where EUMs intelligence services cooperate is minimal. This is the same for the role of an industry of surveillance and the relations between multinational companies and branches of governments. The knowledge on the impact of technologies of control and digital surveillance (dataveillance) is embryonic, but may be a key factor to study beyond public policies.

We want to reintroduce the lives of people as well as the transversal fields whose scale does not fit with EU boundaries but shapes them nevertheless as a way of opening more reflexive path into EU studies.

Conclusion

As it will be obvious after the reading of the chapters, when we use the term critique, we are more interested in debunking the common assumptions shared by these various approaches of EU studies, despite the ways in which they present themselves as radical oppositions. Critique is therefore here a disposition of doubt (but not suspicion) asking questions about the validity of the general common sense (the 'doxa') shared by European Studies; no more, but no less (ref Bourdieu).

This begins with a sense of awareness about the so-called balanced and reasonable arguments, which often construct false dualisms to appear as a 'juste milieu', as a solution of compromise avoiding extremist positions. Counter terrorism, fights against radicalism, crime, pedophiles, hooligans, money laundering and tax evasions, modern slavery prostitutions, illegal migrants, bogus refugees, hypocrite conversions to secular way of living, and many other narratives participate to place the security professionals and their spokespersons, despite their coercive and preventive attributes, as the producers of a rational solution that avoids on one side the chaos and instability which will come if nothing is done against the actual and potential threats, while limiting but not destroying central liberties, and refusing to become authoritarian regimes. It often allows to dismiss other regimes on the East, South and even the West, to place Europe, and even more the founding members of the EU as the core of a 'civilisation' where freedom and security are not opposite values, but one dialectical move, where security is the mother of all other forms of rights and freedom. Illustrated by the slogan 'to be free, you need to be alive', or 'you need to survive' this point of departure of so many of these 'debates' organises the basic reasoning of many institutional texts and political discourses concerning a safe Europe. It is possible to discuss the means and their efficiency, but not the goal and its legitimacy. In such a framing, nobody can be against security, it would be 'madness'. Securing Europe is not about political judgements, this is a technical question that experts and bureaucrats can resolve even when politicians disagree, because, fortunately, nowadays we have 'smart' technologies and an interconnected digital world which will solve all current insecurities by applying reasonable solutions in proportion with the scale of the threat or the emergency of the situation. Because of globalisation, the transition obliges states to cooperate more than before on security issues and they have to adjust their previous egoist behavior, but if social sciences help towards achieving the 'social acceptance' of these technologies by the 'people' of Europe, the adjustment will be a smooth one. Reason will trump the fearmongers on both sides.

These assumptions about the ways to frame the questions as dilemmas between (collective) security and (individual) freedom, or security (as a preventive protection) and privacy (as an individual right) are rarely discussed. Freedom and democratic institutions are so taken for granted that they cannot be reversed in this move towards a new 'equilibrium'. But, the strand of authors that we represent try, at least, to revive intellectual questions about political judgement and representative democracy, centrality of freedom and freedom of movement where security is only a means and not a goal in itself, about the violence of 'security solutions', even the so-called smart ones and their 'dual' technologies, the ambiguity of terminologies and use of strategic communication to deceive a democratic audience by using (on purpose?) a 'new speech' that Orwell considered as a form of authoritarianism, which resurfaces with the positions on whether or not to commence a war (on terror), to use unmanned aerial vehicles (drones), to detect and prevent by arresting, before the fact, people who are suspected, but not guilty by considering that predictions are now operational, to let people die during their travel instead of helping them, in order to better protect them or at least the future ones who will learn the lessons.

This is not a call for 'ethics' or a claim for a better world. This is a call for reflexivity about the violent consequences of security solutions which create by far more problems than they often (in addition) do not solve. This is a call to apply normal sociology and lessons from political theory and anthropology coming from a large strand of social sciences against the narrow stream of assumptions coming from a 'limited reflexivity', which is strong inside the traditional parameters, but do not cross the limits to accept to others points of views. Is it critical or unfair? Is it unjust? For some, it will appear as such, but it is via the de-disciplinarisation and the transversality of knowledge challenging the assumptions of political sciences of the seventies that European studies may be helpful to open questions and not to pretend to have expert solutions.

A critical approach cannot be reduced to the description of the inner struggles of the actors, even if it is an essential first move against political propaganda. It has also to be reflexive on its own conditions of emergence and needs as a preliminary step to be transdisciplinary, to avoid being trapped in security studies, even when it has labelled itself critical security studies. They need to have a sense of the historical formation of European states and societies, of the forms of freedoms of movement, thought, opinion that politics have forged, and which have given despotism, democracy, colonialism, cosmopolitanism, and more recently ultra-patriotism (badly named populism). Centuries of dynamics opposing centripetal and centrifugal forces have not converged towards homogeneity, centralisation, a mega state controlling globalisation or an international organisation taking the role of a large 'intermediary' institution regulating states and markets. Internal security in Europe is what other considered as foreign affairs and defense, the intellectual boundaries are fuzzy. Borders, ideology of state sovereignty, beliefs into national identities are connected to the management of violence in many different ways and beyond any simple dualism of inside-outside or civilised-barbarians or born here (autochthon) and born abroad (allochthon). A socio-genesis of the current forces and actors at play is always necessary to avoid 'presentism' and 'essentialism'. Posing the origins of a discipline by founding fathers that could be our grandparents may be misleading, especially if it creates in the minds of the scholars and students the idea that a specific 'tabula rasa' began after the second world war and that this moment was foundational (for peace, unity, liberal market, cosmopolitanism…).

This socio genesis has to do with police forces, with border guards, with intelligence services and military forces, with customs, with consulates abroad, with travel agencies and companies, with the private companies necessities and the workflow, and with all the professionals that have specialised to articulate a specific segment of the circulation of people into a specific 'milieu'. (MF). This is the way to understand contemporary projects and their blindness towards their own history and the arbitrariness of their origins.

It looks also to the forms of political violence affecting the countries of the EU and their neighbourhood, be they emerging from violent dissents inside these societies with separatist movements, or from international struggles in the Middle East and elsewhere, involving the foreign affairs of some of the major countries of the EU, often the ex-colonial powers. The Ministries of Interior of almost all the EU countries have labelled these phenomena terrorism or transnational threats. Whatever their policies, they have been accused either to be too lenient, even complicit with some clandestine organisations striking in other countries of the EU, or to be counter-productive by targeting large group of people beyond reasonable doubt. Ideological critiques have strongly polarised the different narratives and enquiries of the tasks given to the different networks of collaboration between intelligence services, the forms of collaboration into EU agencies like Europol about antiterrorism, the mechanisms by which Justice at the EU scale could enhance speed in terms of extradition, transfer of suspects to other jurisdictions, with agencies like Eurojust. Dismissed by some local and national police organisations for their lack of efficiency or on the contrary considered as the emergence of a federal police (without a proper accountable mechanism by a quasi-federal government) too powerful, these agencies have been suspected of going too far on collection of information and surveillance techniques.

We will therefore not use the terminology of critique to play one geopolitical position against another one, distributing to each 'nation state' good and bad behaviors, and we will not either situate them on a scale considering the best future policies for the whole of 'Europe'. We will not either play the arrogance of the newcomers considering that nothing has been done constructively before them. Critique is not a self-assessment, a performative label of self-congratulation, but a position in a relation between dissident positions.

Notes

1. See, for instance, *The New Journal of European Criminal Law*; the ERA Forum (*Journal of the Academy of European Law*), *European Journal of Crime, Criminal Law and Criminal Justice*.
2. This is evident in the name-sake journal *European Security.*
3. This applies to both smaller journal, such as the *Journal of Contemporary European Research* and so-called flagships, such as *Journal of European Public Policy* or the *Journal of Common Market Studies*.

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The genesis of free movement of persons in the EU

Why and for whom?

Kees Groenendijk

Freedom of movement: A great asset and subject of constant contention

Moving across state borders is essential for people who want to escape suppression by state or local authorities, discrimination, unemployment or poverty in their own country or for those wanting to improve their personal situation or satisfy their curiosity. International human rights treaties only guarantee the right to leave a country. The corresponding right to enter another country is conspicuously absent. State borders often are unsurmountable barriers to movement. The EU granted the right to cross state borders, enter other European states, travel, stay there or look for work to ever larger numbers of non-citizens since 1957. This was a long-term operation breaking down the legal and other barriers against cross border movement of persons. Those barriers became stricter after the World War I, the economic crisis of 1929 and during the years before and after the World War II. Freedom of movement of persons has been and is today of crucial importance as a source of personal development of individuals, of protection against human rights violations and of wealth in the EU.

From the very beginning, free movement of persons has been subject of continuous disputes and struggles between the diverse actors, together making up the EU. It is subject of contention within Member States (often between the Ministries of Social Affairs and of Interior) and between (sending and receiving) Member States. It is the subject of constant struggle between Member States hesitant to give up part of their sovereignty and EU institutions promoting the adoption and actual implementation of common rules, and of conflicts among EU institutions (Council, Parliament, Commission and Court of Justice) in the never ending balancing of inter-institutional power relations.

Three political programmes and three sets of rules

Since the early 1960s, three sets of rules have been developed within or just outside the EU framework granting to various categories of non-citizens a right to enter or work and live in states of which they are not a citizen. The first set of rules relates to the free *movement of workers of Member States.* Its gradual development since 1961 is discussed in para. 3. The second set relates

to the *abolishment of controls at the internal borders of the Schengen area* on the basis of the 1985 and 1990 Schengen Agreements (para. 4). The third set are the EU measures on the *admission of immigrants from outside the EU, their rights after admission and the expulsion of those without permission to stay*, adopted after 2000 on the basis of new competences granted by the Member States to the EU in the Treaty of Amsterdam (para 5).

Each extension of the freedom to move in Europe met with opposition in the population, among politicians and in government bureaucracies. Especially, Ministries of Interior, responsible for controlling both immigration and citizens, voiced opposition arguing with the need to fight crime and illegal entry. Each time the security concerns did not prevail in the end. Over the last six decades freedom of movement and the number of migrants increased in Europe, as in other regions (Pecoud and De Guchteneire 2007), despite terrorist attacks, organized crime, economic recessions and peaks in refugee migration due to wars in EU's neighbourhood, in the former Yugoslavia and in Syria.

In this chapter, we will discuss why did European states agreed to these rules granting rights to non-citizens and inevitably reducing the state's possibilities to control or restrict their movement and integration? To which persons were those new rights granted? How did Member States implement and apply these EU rules and, finally, what are the visible effects for the migrants and the majority of non-mobile EU nationals? Why is freedom of movement in the EU today both taken for granted and under attack?

Gradual extension of free movement from workers (1961) to most Union citizens (2004)

In the first decades after 1945, European rules on migration almost exclusively concerned workers migrating within Europe. In particular, Italy through bilateral recruitment agreements and multilateral instruments tried to gain access to the labour market of other countries in order to reduce its extremely high unemployment. The Italian pressure stimulated adoption of the 1953 OEEC Council Decision liberalizing labour migration, the 1955 Council of Europe Convention on Establishment and the incorporation of free movement of workers in the 1957 EEC Treaty. The first proposals for the EEC Treaty did not mention free movement of workers. Only Italy and Belgium, because of the high wages in the latter country, argued for its inclusion. Ultimately the two succeeded in overcoming the opposition of the other four original EEC states, mainly because of the fear that the massive unemployment would enhance the possibility of a communist takeover in Italy. US diplomatic pressure on those four countries reinforced that fear. Other reasons for accepting free movement of workers as the fourth central element of the EEC Treaty were the low unemployment, the related recruitment of workers from Mediterranean countries by five of the six countries and the expected advantages of other elements of the Treaty (free movement of goods and capital) (Goedings 2005; Groenendijk 2013a). The opposition was reflected in a transitional period of 12 years in the Treaty, postponing most effects of this new freedom. Three EEC Regulations gradually developing the free movement of workers were adopted in 1961, 1965 and in 1968. The last one shortened the transitional period with one year. During the transitional period, there was only significant movement of Italian workers to Belgium. The large migration of Italian workers to the other EEC countries started before the EEC-Treaty was signed in 1957 and peaked before the full freedom of movement entered into force in 1968. Under conditions of high demand for workers, freedom of movement has an enabling function which assumes significant proportions only if receiving countries have previously significantly controlled immigration and residence of foreign workers and/or if sending

countries have a really large surplus of workers willing and able to fill the positions in question (Böhning 1972). With a few minor amendments, the 1968 Regulation remained into force until 2004.

Enlargement

For two decades after 1970, no agreement was reached between the Member States on new rules on free movement. However, the scope and practical significance of the early rules on free movement increased due to the accession of new Member States and to the case-law of the EU Court of Justice. The interpretation of the rules by the Court extended free movement among others to part-time workers (mostly women), students, those looking for employment and tourist (as service recipients) (Guild, Peers and Tomkin 2014). Because lawyers and judges began to take these rulings of the Court seriously, immigration officials and politicians, too, were obliged to give effect to those judgments and the EU rules concerned in practice. The accession of Greece, Portugal and Spain in the 1980s after the return to democracy in those countries, of the UK, Ireland and Denmark in 1973, of Austria, Finland and Sweden in 1995 and of thirteen states in Central and Eastern Europe after 2004 considerably extended the personal and territorial scope of free movement. The EU enlargements in the 1980s and those after 2004 were primarily motivated by securing political stability in the region: Inclusion of European states in Southern and Central Europe, previously ruled by left or right wing totalitarian regimes. Free movement of persons was as contributing to political stability and democracy, economic aims came second. In 2019 the EU free movement rules applied to the nationals of all 28 EU Member States plus Norway, Iceland, Liechtenstein (all three part of the European Economic Area) and Switzerland.

Union citizenship

In 1992 Member States at the initiative of Spain, aiming to strengthen the position of its nationals living elsewhere in the EU, agreed to establish Union citizenship. All nationals of Member States were granted this new EU status. In the following decade, the Court of Justice put flesh on the bones of this status, reinforcing the rights of mobile EU citizens. In 2004, the day before the accession of the EU-10, the "old" EU-15 codified that case-law of the Court and extended the residence status of Union citizens, by introducing a right of permanent residence for those with 5 years lawful residence in another Member State. The relevant Directive 2004/38 granted the right to live and work or study in another Member State to all EU citizens who could find a genuine job or are self-employed and to their family members irrespective of their nationality. Not all Union citizens, however, are willing and able to use this freedom. Those having insufficient means to pay for a passport or the travel or who are unable to find a job due to their handicap de-facto are excluded. Prolonged reliance on social assistance before having acquired the permanent residence status or a serious criminal record are grounds for exclusion and expulsion of EU citizens. The proposal of the Commission to ban expulsion of EU citizens after 10 years of lawful residence in another Members State was rejected in 2004. Member States preferred to restrict the full right to remain on their territory to their "own" nationals.

Who uses free movement?

In 2018, a total of 17.6 million EU citizens were living in another Member State. This number neither takes into account those who returned to their own country nor those who naturalised in their country of residence. Nevertheless, it is clear that only a relatively small minority of

the 500 million EU citizens used their right to live elsewhere in the EU even after most legal barriers to migration had been abolished. The 17.6 million mobile EU citizens represented almost 45% of the total non-citizen population (40 million) of the 28 Member States, the other 22.3 million being nationals of third (i.e. non-EU) countries. This implies that Member States due to the EU rules on free movement, de facto lost most of their traditional means of immigration control with regard to almost half of their non-citizen population. Of course, this effect varies between Member States: In Luxembourg, Cyprus, Ireland, Belgium and the UK nationals of other Member States by far outnumber nationals of non-EU countries, whilst in Poland, Latvia, Estonia, Italy, Greece and France, it is the other way round (Eurostat 2019). The number of EU citizens living in another Member State than their own increased with 50% in the 10 years between 2008 (11.3 million) and 2018 (17.6 million) due to the enlargements of the EU, the economic crisis hitting some Member States more than others, the low costs of transportation and the increased level of education in the EU. The loss of control on a considerable share of immigrants may explain the political and administrative resistance against free movement and the fears among public opinion in Member States.

Effects of free movement

Free movement allows EU citizens to vote with their feet. They can leave their home country since they have a right to live and work elsewhere in the EU. It creates an opportunity to earn more money than at home, improve their economic position and learn to enjoy or dislike other cultures and social settings. It is a way out of unemployment, social exclusion or discrimination (for Roma in Central Europe) or to evade political justice (the Catalan PM). The strong legal status of EU workers reduces the possibilities for their exploitation by employers. The worker is no longer bound to one employer. He or she can leave for a better job of a better employer without first obtaining permission from public authorities. The remaining exploitation of workers from other EU states often is caused by the lack of enforcement of the protective social rules by national authorities or trade unions. Free movement rules have changed the status and perception of workers form other Member States from being a foreign worker, an alien with little rights into a person with rights, to almost a co-citizen. This transformation, the access to employment, equal rights, the secure residence status and the right to family reunification all contributed to the integration of the workers or students, who decided to stay on in another Member State.

Migration is never completely free. It implies costs at both sides. The actual or potential arrival of large numbers of immigrants inevitably implies uncertainty, possible change and often raises fears among the resident population. Opponents of free movement tend to forget that if workers from other EU states would not be free to fill the vacancies, most probably employers would in some way succeed in filling most of those vacancies with workers from outside the EU. Those workers would, generally, be cheaper, resulting in unfair competition and more dependency on their employer.

Fears and opposition

Almost every extension of the free movement raised fears and opposition in the public debate in Member States. Recurrent fears are the different origin or culture of potential migrants (Dutch and German fears for incoming "black" UK nationals in 1973), competition with national workers and downwards pressure on wages, the abuse of social security and the "unreasonable" export of social security benefits, especially child benefits and unemployment benefits. Those fears were

prevalent in debates on the Internal Market (1992) and before the 2004 and 2007 enlargements. The proponents of the idea "those EU citizens are coming after our honeypot" often disregard that mobile EU, generally, are younger, more often of working age and more often employed than the national population.[1] Hence they rely less on social security and social assistance than nationals. Moreover, they pay tax and social contributions. In the often emotional debate, the results of empirical research indicating that nationals of other EU states apply for and receive less social assistance than nationals (Groenendijk 2013b) are often neglected.

A few years after the unanimous adoption of the 2004 Directive on Free movement of Union citizens, for the first time, some Member States started to table proposals to reduce rather than extend free movement. In 2008, the *Metock* judgment of the Court of Justice on reunification of third-country national family members of mobile EU nationals raised concerns in several Member States. The judgment made clear that Germany and the Netherlands could not require family members of EU citizens to pass a pre-entry language or integration test. Several Member States were afraid they could no longer effectively act against marriages of convenience and other forms of irregular migration. Denmark proposed to amend the directive and was supported by Ireland, Germany, Austria and Cyprus. The UK used the debate in the Council to table a proposal to widen the possibilities for expulsion of EU citizens after a criminal conviction. The French Presidency cooled down those moves and the Commission promised to publish a report. The report documented that many Member States did not correctly implement the 2004 Free Movement directive. The Commission decided not to propose amendments but to stimulate proper implementation of the directive.[2]

In 2011, the Dutch minority government depending on Geert Wilders' party (PVV) distributed a position paper in four languages advocating amending the directive in order to reduce the free movement rights of EU citizens (Ministry of Interior 2011). Two years later, the ministers of interior of Austria, Germany, Netherlands and the UK wrote a letter to their colleagues in the EU Council of Ministers proposing to reduce the free movement rights in order to fight fraud and systematic abuse such as marriage of convenience, allow for more expulsion and re-entry bans and reduce "the pressure placed on our social welfare systems".[3] The Commission in reply to this letter asked for concrete information on the abuses and the misuse of social benefits. When the four Member States did not provide proof for their statements, the issue disappeared from the Council's agenda in 2013.

Brexit

Three years later, all issues raised in the letter of 2013 returned in the discussions between the UK Prime Minister Cameron and the other EU political leaders in the European Council on how to deal with the concerns of the UK and increase the chances for a majority voting to remain in the EU in the 2016 Referendum. The Council agreed to an emergency brake for the UK on social security benefits and to reduce child benefits paid for children living in the Member State of origin. The European Council also agreed to reduce the right to family reunification and allow for more expulsion and re-entry bans for EU citizens. For the first time since the beginning of free movement Member States unanimously agreed on major restrictions of three central elements of the right to free movement of Union citizens: Their security of residence, their right to family reunification and the equal treatment of EU workers. This time the Commission promised to cooperate and propose the required amendments in the relevant EU free movement measures, in case the UK would decide to remain in the EU (Groenendijk 2017).[4] The withdrawal of the UK from the EU would be the first major reduction of free movement of EU citizens after almost six decades of extensions (Grütters et al. 2018). The flip-side being

that the 2016 decision on those restrictions does not enter into force if the UK actually leaves the Union. Moreover, the draft Withdrawal Agreement of November 2018 with a few exceptions meticulously copies the current level of free movement rights. Politically, it will be difficult to continue granting those acquired rights to EU citizens in the UK and to UK nationals in the EU-27 but diminish the rights for all other EU citizens.

Schengen: Abolishment of controls at internal borders: 1985–990–1995

The second set of rules on free movement in the EU relates to the *abolishment of controls at the internal borders of the Schengen area*. In 1985, five EU Member States (Belgium, France, Germany, Luxembourg and the Netherlands) signed an agreement in Schengen a town in Luxembourg. After 5 years of negotiations, a second agreement setting out details for the implementation was signed by these five states in 1990. The actual abolition of the controls followed in 1995.

Reduction of controls at the internal borders had been under discussion in the EEC since the early 1980s in relation with the Internal Market, planned as an area of free movement of goods and persons to be established 1992 and as part of a programme to make citizens aware of the advantages of the EU. Since consensus among Member States could not be reached on this issue, the German Chancellor Helmut Kohl decided not to let the "slowest" Member State dictate the speed of EU integration. He embarked on concluding bilateral agreements on the gradual abolishment of controls at the common borders with Germany's neighbours. Within 2 months after Kohl convinced the French President Mitterand to make an agreement on this issue, the bilateral Agreement of Saarbrücken was signed in July 1984. Kohl immediately invited the prime ministers of Austria, Belgium, Luxembourg and the Netherland to follow the German–French example. The three Benelux countries accepted the invitation. Since controls at the internal borders in the Benelux had been abolished already in 1962, their previous experience contributed to a long list of issues which would require common rules: Visa policy, exchange of information on unwanted persons and their refusal at common external border, cross border police cooperation and hot pursuit to fight cross border crime (Oelgemoller et al. 2019).

The basic idea was to replace controls at the internal borders by more strict controls at the common external borders of the Schengen area. Moreover, the expected negative effects of the abolishment of controls at internal borders, such as more illegal immigration, "asylum shopping", more cross border criminality, trafficking in drugs and weapons, the drugs policy of other states and threats to national security had to be countered by "compensatory measures". During the negotiations on the 1990 agreement, certain issues (customs, cross border transport and fire arms) disappeared from the Schengen agenda because common rules were agreed within the EEC framework. Other issues, such as the cooperation between the national intelligence, agencies were dropped since not all five Schengen states were ready to make public rules on this sensitive issue.

Why did Schengen take 10 years to become operational?

Controls on persons at internal borders of the first Schengen countries had been gradually reduced already before 1985 with common controls at most border posts and random spot checks instead of systematic checks at the Dutch-German border. At the French-German this process started after the Saarbrücken Agreement. At the internal borders of the Benelux controls had been already abolished decades ago. The gradual reduction continued until the last frontier

controls at the internal border were finally abolished in 1995. People and institutions had got already used to the idea and the practice of minimal controls.

Why did it take so long to prepare for this event? During the first years, there was opposition within the national ministries of several states. They had not been consulted by the political leaders in advance and feared loss of competences and insufficient protection of interests they were professionally committed to fighting cross border crime or illegal migration in the new setting. Secondly, the Schengen Agreements were intergovernmental agreements concluded outside the EEC framework. The 1990 agreement had to be approved by the parliaments of all countries concerned. This process took many years. The institutional framework of Schengen was relatively week: Regular meetings of secretaries of state or national official, supported by officials of the Benelux Secretariat-General. At the first Schengen ministerial meetings the European Commission was not invited. When admitted as an observer later on the Commission's task was restricted to checking that Schengen rules would not infringe on EEC law (Oelgemoller et al. 2019). The European Parliament and the Court of Justice did not have any role in the Schengen cooperation.

Thus, an effective mechanism to solve conflicts was absent in Schengen. This became apparent when the conflict between France and the Netherlands on the liberal Dutch policy on drugs, which festered since the beginning of the Schengen cooperation could not be solved by traditional diplomatic means. As a result, France postponed abolition of controls at the Belgian-French border. After 1990, more EU countries wanted to join the Schengen framework, increasing the pressure on the institutional structure. At one moment none of the Schengen states was willing to take over the 6 months rotating presidency from Germany. This explains why Schengen was incorporated in the EU framework in 1997 as part of the Treaty of Amsterdam. Schengen is a good example of the weaknesses of intergovernmental cooperation often proposed as an attractive alternative by political opponents of the EU.

The third reason for the long delay was a technical one. It took far more time than expected to design and built the Schengen Information System (SIS), the central digital database allowing for exchange of information between the police, criminal justice and immigration authorities of the Schengen states. The functioning of SIS was a crucial condition for the abolition of the border controls (Brouwer 2008). The SIS was the first of series of immigration databases consecutively built and operated by the Schengen countries within the EU framework, Eurodac (data on asylum seekers), Visa Information System (data on visa applicants and their sponsors), EES (with data on entry and exit of non-EU nationals) and ETIAS (entry permit for non-visa travellers)(Michael Merlingen, in this volume). In 2018, the EU decided to connect the data in all systems and grant access to those data by police and immigration authorities in all Schengen states.

Freedom of movement in the Schengen area for whom?

The abolition of border controls allowed for free transportation of goods and free travel of persons across the internal borders between Schengen states. EU citizens had been entitled to enter, stay and work in other EU states since 1968, but until 1995 they could still be obliged to show their passport at the internal borders. Now they did no longer need to slow down or stop at the border. This was a major improvement, especially for EU citizens of immigrant origin. EU citizens visibly not of European origin no longer were confronted with the high risk of being stopped and have their car searched at each border during their travel within Europe. Schengen ended this highly visible form of racial discrimination by public officials at the internal borders and in cross border trains.

Non–EU nationals were granted the right to travel in the Schengen area and stay in each Schengen country for up to 3 months ("right to circulation"), if they have a residence permit or a visa in one Schengen country. This allowed those third-country nationals to visit relatives and look for opportunities to work or study in other Schengen states. This form of free movement existed already for decades within the Benelux. Lawfully resident third-country nationals no longer needed to apply for one or more visa for each holiday visit abroad.

Between 1995 and 2001 Portugal, Spain, Italy, Greece and the five Nordic countries joined the Schengen group. In 2007, nine of the 2004 Member States were admitted. After a referendum on the issue Switzerland joined once it had been encircled by Schengen states. Since 2011 the Schengen area consists of 26 countries: 22 EU states and four non–EU states (Norway, Iceland, Switzerland and Liechtenstein). Six EU Member States do not participate. The UK and Ireland, having their common travel area, choose to stay outside. Three Member States (Bulgaria, Rumania and Croatia) are not admitted due to the opposition of some states claiming flows in the rule of law and the level of corruption in those countries. The partial occupation of Cyprus is a barrier for the application of Schengen rules in that country. The extension of the Schengen area from the original five to the current 26 countries also considerably extended the number of persons who could profit from the freedom to travel in the area. The "price" of this increase freedom is paid in more competence for and cooperation between police and criminal justice organisation ("compensatory measures"), the storage of data on millions of persons in the new EU immigration data systems and more strict control at the external borders.

Schengen external borders and Frontex

After the actual incorporation of the Schengen "acquis", its rules and institutions, in the EU framework in 1999, Member States started informal exchange of information between the heads of their national border guards. In 2004, worries about the low level of control at certain points of the external Schengen border in some Member States and opposition to EU control at those borders, resulted in the establishment of a new EU agency, a not unusual compromise solution in the EU. This agency (Frontex) was entrusted with the "management of operational cooperation at the external borders" (EU Regulation 2007/2004). Two years later, the intergovernmental Schengen rules on controls at internal and external borders and on police controls in border zones were codified in the Schengen Border Code of 2006 (EU Regulation 562/2006). This code was repeatedly changed, reflecting the constant political debate on control of the external borders, and finally replaced by a new code in 2016 (EU Regulation 2016/399).

Frontex became active in coordinating the support of border guards in problem areas with personnel and material from other Member State. The agency also coordinated maritime operations by EU naval and coast guard ships in the Mediterranean. In 2016, the competences of Frontex were extended and its name changed into European Border and Coast Guard Agency (EU Regulation 2016/1624; Carrera and Den Hertog 2016). A proposal by the European Commission in 2018 to establish a 10,000 border guard under Frontex aegis met with strong opposition from Member States. The resistance of Member States against EU influence in their guarding of "their" stretch of the common external border is reflected in the fact that the EU's monitoring of the national control at external borders until 2015 was based on the intergovernmental Schengen rules. Basically, it consisted of infrequent peer-review by border guards of other Member States resulting in recommendations in secret reports. After conflicts between France and Italy and other Member States complaining about the low level of controls, stricter rules on monitoring controls at the external borders, organised by the Commission with participation of Frontex were adopted in 2013 (EU Regulation 1053/2013). Each Member State will

be evaluated at least once in 5 years. The Commission is now entitled to schedule unannounced on-site visits in Member States. The Parliament regularly gets information on visits, reports and Member States actions on the recommendations in those reports. There is more EU input and the results are at least partially in the public domain. This new way of monitoring became fully operational for the first time in 2015, a few months before the sharp increase of Syrian refugees arriving at the external and internal borders (Guild et al. 2016).

Temporary reintroduction of controls and substitute controls at internal Schengen borders

The 1990 Schengen agreement stated: "Internal borders may be crossed at any point without any checks on persons being carried out." The 2006 Schengen Border Code specified that this basic rule applied "irrespective of the nationality" of the persons crossing the border. Both instruments explicitly allowed for police controls on whole territory of the states and national rules obliging persons to carry and produce IDs or other documents. After 1995, most Member States could not resist the temptation to introduce substitute controls by border guards or police just behind the borders or in border zones or introduced systematic observation by automatic cameras above highways just after the internal border (Groenendijk 2004; Guild et al. 2015; Van der Woude and van der Leun 2017; Barbero 2018; Eyrard et al. 2018). In some Member States "Schengen" was used to legitimize the introduction of the obligation for all persons to carry ID's. In an effort to honour both the wish to grant persons the freedom to move across the borders and the desire to control the movement of those persons, the Schengen Border Code provides that such police controls should not have an effect equivalent to border checks, not have border control as an objective, not be similar to systematic checks at the external borders and only be carried out on the basis of spot-checks. The Court of Justice held that Member States should take those restrictions on substitute "police" checks seriously. After the terrorist attacks in Paris in 2015 and Brussels in 2016, some Members obliged drivers of coaches crossing internal borders to check the ID's of all passengers when entering the coach. The Court ruled that the Schengen Border Code did not permit such systematic checks.[5]

Schengen states may for a limited period reintroduce checks at the internal border if required by public policy or national security. The other states and the European Commission have to be consulted in advance or to be informed afterwards in case immediate re-introduction of controls is required. Until 2015, such temporary reintroduction of controls occurred a few time a year in a few Schengen states, usually at the occasion of meetings of political leaders (European Council, G8 or NATO), at European Football Championships or when the Spanish king was skiing in the Pyrenees, rarely in relation with immigration control or suspected criminal activity. Usually such exceptional controls lasted a few days or weeks (Groenendijk 2004).

A conflict between France and Italy in 2011 over the arrival of Tunisians asylum seekers in Italy who moved on to France on the basis of temporary residence permits granted in Italy, triggered French controls at the border between Menton and Ventimiglia (Carrera et al. 2011; Basilien-Gainche 2011). The same year Denmark developed a plan to intensify customs controls at internal borders which it eventually shelved. Both actions aimed at introducing more "intergovernmentalism" into the Schengen system and reduce its EU law character. The Commission reacted to these attempts by proposing to redefine the conditions under which temporary controls may be introduced at the internal borders and extend the Commission's supervision on the use of this power and on the controls at external borders by Member States. The EU legislator agreed to this move, which clearly increased the involvement of EU institutions in this field by adopting a new Schengen Border Code in 2013.

These new rules were tested when in 2015 in reaction to the arrival of large numbers of refugees from Syria several Schengen states (Austria, Germany, Denmark, Norway and Sweden) introduced temporary controls at crucial border points. France in reaction to the terrorist attacks in Paris re-introduced controls at all internal borders under the state of emergency. The states regularly reported about the introduction, results and extensions of these measures to the Commission, which almost always held this use of exceptional powers to be justified (Guild a.o. 2016). Some of those "temporary" controls at internal borders continued for years even after sharp drop in the number of asylum seekers after the 2016 EU-Turkey Deal. They were still in place at the German-Austrian border in 2019. The Court of Justice held that France could not treat the internal border with Spain, where controls had been "temporarily" reintroduced, as an external Schengen border. Thus, France could not expel an undocumented third-country national arrested in the zone behind that border to Spain but under EU law had to expel the person outside the Schengen area.[6]

Free movement and post Amsterdam directives on legal migration

A decade after the Schengen rules entered into force, the third relevant set of rules on movement and residence of persons from outside the EU were adopted after 2003 on the basis of new competences granted by the Member States to the EU in the Treaty of Amsterdam. These EU directives relating to their admission, their rights after admission and the expulsion of those without permission to stay. In this chapter, we focus on the intra-EU mobility of third-country nationals and the two directives with the largest influence on practice, those on family reunification and on long-term residents.

Intra-EU mobility for third-country nationals

Short history. Since the 1960s, the rules on free movement grant EU nationals the right to work and live in other Member States. These rules also apply to their family members with the nationality of a non-EU state. Those family members could accompany the EU worker or self-employed person. They are entitled to work in the other Member State as well. The rights of those family members are not autonomous rights. They are dependent on the relationship with the EU national and his or her presence in the other Member State. When in 1995, the controls at internal borders were abolished in the Schengen area all third-country nationals (TCN) with a valid visa or residence permit of a Schengen state were granted the right to travel to other Schengen states for up to 3 months, not the right to work. They can only work and live in the state which issued the residence permit. This also applies to Turkish workers and their family members with a privileged residence and employment status under the EEC-Turkey Association Agreement. That privileged status is restricted to one Member State only. Restricting a considerable number of workers to employment in one Member State contradicts the idea of a Single Market for goods, capital and persons, established in the EU in 1992 (Inglesias Sánchez 2009).

In the 1997 Amsterdam Treaty, the Member States created a new competence for the Union to make binding rules on the right of third-country nationals lawfully resident in one Member State to reside in other Member States.[7] An exception was made for admission of workers from outside the EU. At German insistence Member States retained the competence to decide on the number of workers who are admitted.[8] The migration and asylum directives adopted after 2000 grant third-country nationals adopted for other purpose access to employment but only in the Member State of admittance. Directive 2003/109 on the status of long-term resident

third-country nationals, discussed in para. 5.3, contained the first exception to this rule. It allows persons with the EU LTR status a conditional right to live and work with their family members in another Member States. Over the years, the intra EU mobility of third-country nationals was expanded with small steps.

The quest for highly qualified workers from outside the EU. The first directives on admission of students from outside the EU (2004) and on admission of researchers from third countries (2005) provided for limited intra–EU mobility.[9] The Students Directive was part of an EU programme to promote Europe as "a world centre of excellence for studies" and stimulate third-country nationals to come to the EU for study. That directive granted third-country national students also the right to work for at least ten hours a week after their first year. Several Member States allowed the students after graduation time to look for employment in that Member State, thus allowing employers to select the best and the brightest for their labour force. This national practice was codified in EU law in 2016 in the new directive on admission of students from outside the EU which grants a minimum of 9 months period to look for employment after graduation.[10] The mobility clause in the 2005 Researchers Directive was related to the Lisbon Strategy aimed at making the EU by 2010 "the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion". Both directives required third-country nationals intending to stay more than 3 months in another Member State to file a new application for a residence permit in that second state. Bringing family members also required permission of the second Member State. These requirements seriously reduced the practical effect of these early EU provisions on intra-EU mobility. In practice, most non-EU student and researchers preferred using their right to travel within the Schengen area and stay up to 3 months in another Schengen state.

The Blue Card: Myth and dilemma. When it became evident that the goals of the Lisbon Strategy would not be achieved in 2010 and the deadline was extended to 2020, the EU decided to make a set of rules on the admission of highly qualified workers. In 2009, the Blue Card Directive 2009/51 established a new EU status and residence card (the Blue Card) for highly qualified workers from third countries. This directive provided elaborated rules intended to make the EU more attractive for highly qualified workers from outside the EU, among others by fast-track admission procedures, easy family reunification and greater mobility within the EU. Highly qualified workers admitted in one Member State may after 18 months move to a second Member State. They are entitled to bring their family members to that state. Periods of residence in both states can be accumulated for the 5 years required for the long-term residence status, but the workers still have to apply for a separate residence permit in the second state. That application may be refused on labour market grounds. The directive explicitly allows Member States to operate their own national schemes for admission of highly qualified workers from outside the EU. In practice, most qualified workers are admitted on the basis of those national rules rather than the rules of Directive 2009/51. The national rules, however, cannot provide a basis for intra-EU mobility of the admitted workers. All 25 Member States bound by this directive duly implemented the EU rules in their legislation, but the majority continued operating their parallel national schemes.[11]

Germany is the only Member State issuing Blue Cards on a large scale. In 2017, it issued 20,500 Blue Cards. The other 24 Member States bound by the directive together issued 3,800 Blue Cards and more than 25,000 national permits for highly qualified workers.[12] Most Member States and highly qualified workers, apparently, prefer the more liberal and flexible national rules. Due to the low numbers of Blue Cards issued and the national immigration rules in potential second Member States, the intra-EU mobility rules of the Blue Card holders exist mainly on paper and in political and academic debates. In 2014, the newly appointed President

of the European Commission Juncker made revision of the Blue Card Directive a spearhead of his policy programme. The 2016 proposal for the recast of the directive which would have abolished the parallel national schemes and widened the definition of highly qualified worker by lowering the income requirement, however, is blocked in the Council since early 2018.[13] Several Member States are not ready to accept the proposed limitation of their competence to make national rules on this issue. They prefer to continue the competition for highly qualified workers between Member States.

More liberal rules in recent directives. In 2014, a directive on intra corporate transferees was adopted and a new directive on students and researchers from outside the EU in 2016. Both directives provide detailed rules on mobility within the EU, granting students a right to study for a year and to researcher to work for 6 months in another Member State during the validity of their residence permit in the first Member State. Students and researchers only have to inform the immigration authorities in the second state about their movement. For long-term mobility a permit in the second Member State is still required. Family members have the right to accompany the researcher.[14] The practical effect of this liberalisation of mobility is yet unknown.

All three directives with detailed rules on intra-EU mobility primarily concern workers or students with higher education, high qualifications or considerable salaries. No rules on intra-EU mobility are to be found in the Single Permit Directive of 2011/98 covering all lawfully employed third-country nationals (Groenendijk 2015). This also applies to the 2016 directive on admission for seasonal work, generally performed by less qualified workers. From a comparative study in 2013, it appears that the registered mobility of third-country nationals from other EU countries slowly increased, but is very small compared to the intra-EU movement of EU nationals (European Commission 2013).

Naturalisation as a path to intra-EU mobility. Since rules on mobility in EU directives are either made non-operational by national law or blocked by administrative barriers, settled non-EU immigrants use two other avenues to mobility within the EU: Firstly their right to travel in Schengen area as a way to look for employment possibilities and, secondly, acquisition of the nationality of the Member State of residence. With naturalisation, they acquire full free movement rights not restricted by conditions for intra-EU mobility in the EU migration directives. Naturalisation, moreover, is a road to mobility to EU Member States which are not bound by those directives or are outside the Schengen area (Denmark, Ireland and the UK). In 2011, more than 200,000 EU citizens who were naturalised in another Member States were living in the UK. Two-thirds of those mobile EU citizens were born in Africa, the Middle East or Asia, among them 15,000 Somali–Dutch nationals, equivalent to one-third of the Somali population resident in the Netherlands. Similar relocation patterns of migrants from Sri Lanka, Iraq, Afghanistan and Nigeria from Denmark, Sweden and Germany to the UK and to other Member States are well documented (Van Liempt 2011a; Ahrens et al. 2016; De Hoon, Vink, and Schmeets 2019).

The reasons why immigrants are moving to another Member State vary: Better employment opportunities, the anti-immigrant climate or policies in the first Member State, the possibility to live within a larger co-ethnic immigrant community or as correction to the Dublin system which trapped the refugee in another Member State than the one of his preference (Van Liempt 2011a; Ahrens et al. 2016). For immigrants at the lower end of the labour market, which are explicitly or implicitly excluded from the EU employment directives, naturalisation will be the only alternative to irregular migration to the preferred Member State. The relative attractiveness of these avenues depends on national rules and practices on naturalisation. Most Member States apply residence and language or integration requirements. Some have income requirements. Some of these new EU citizens sooner or later return to the country of

their nationality or move on to elsewhere in the EU. The latter ones may perceive themselves primarily as EU citizens. A young Somali–Dutch in the UK in an anthropological study of these mobile Union nationals is quoted as saying: "Nobody can tell me where to go, what to do. I am an EU citizen." (Van Liempt 2011b). For settled immigrants, naturalisation may function as a shield against expulsion, a source of security or as an opportunity for further mobility (Della Puppa and Sredanovic 2017).

In the directives on legal migration, intra–EU mobility often is not a right but depends on the permission of authorities in the second Member State (Pascouau 2014). The 2016 directive on students and researchers is the first one creating a right to stay elsewhere in the EU, 6 months for researchers and up to for 12 months for students. Immigrants from outside the EU are well aware that for EU nationals, irrespective of their place of birth or their ethnic origin, mobility to other Member States is a right. From the available statistical data, it appears that in the first two decades after 2000 acquisition of the nationality of a Member State as a pathway to intra–EU mobility was used far more often than the limited possibilities in the EU migration directives.

Family reunification directive

History. Most immigrants from outside the EU are admitted for employment, family reunification, study or asylum. Between 2008 and 2017, the yearly number of first residence permits issued in the EU-28 for family reunification varied between 670,000 and 830,000, representing roughly between a quarter and one-third of all first permits issued to non-EU citizens migrating to the EU. Of the 18.5 million third-country nationals holding a valid residence permit in the EU-25 bound by the legal migration directives at the end of 2017, almost 40% held a permit for family reasons.[15]

Directive 2003/86 on the right to family reunification[16] was the first directive on legal migration to the EU adopted on the basis of the new competence the Member States granted to the EU in the 1997 Treaty of Amsterdam. It is also the first international instrument granting a right to family reunification. Since the mid 1980's the right to family life in Article 8 of the European Convention on Human Rights had been interpreted by the ECtHR in Strasbourg as providing protection against expulsion of admitted family members in exceptional cases. However, if a family could live together somewhere else in the world or family members caused separation by voluntary migration, the ECtHR hardly ever found that states were obliged to admit family members.

Negotiations. The Commission made its first proposal for the directive in 1999. Early in the negotiations Member States tried to insert their national rules in the proposed text. Later, amendments aimed at avoiding obligations for Member States to change their national rules or creating room in the directive for national policy plans. The Commission twice introduced an amended proposal in order to overcome opposition in the Council.[17] On several issues Germany, Austria and the Netherlands proposed restrictive amendments, whilst France, Spain and Sweden were defending the rights of migrants. Due to pressure by Member States, the level of rights was reduced and many clauses allowing states to make exceptions or apply national law were introduced (Menz 2011). Adoption of the directive at that time required unanimity in the Council. This increased the possibility for Member States to make the others accept their amendments. Most delegations in the end practiced the non-intervention principle, by not opposing proposals from other delegations which reduced the standards and increased national discretion (Bonjour and Block 2013; Groenendijk and Strik 2018; De Somer 2019).

At that time, the Parliament was not yet co-legislator in this field. But, the Commission inserted some amendments proposed by the Parliament in its second proposal. Shortly after the

directive was adopted by the Council, the Parliament started a case before the Court of Justice about the compatibility of the directive with Article 8 ECHR. The Parliament lost, but the Court used the opportunity to explicitly confirm that directive provided a subjective right to family reunification which clearly went beyond Article 8 ECHR.[18]

Aims and conditions. The establishment of a right to family reunification aimed at supporting the integration of immigrants from outside the EU "which serves to promote economic and social cohesion, a fundamental objective" of the EU (recital 4). This strategy of stimulating their integration by allowing migrant workers to bring their spouses and children and allow family members equal access to the labour market and education has been part of the first EEC rules on free movement since 1961. This model now was applied to immigrants from third countries, but in a more restrictive form. Once the migrant has a renewable residence permit valid for at least one year, sufficient income, a health insurance and suitable accommodation, he is entitled to bring the members of his core family (spouse and minor children). An integration condition was added at initiative of Austria, supported by the Netherland and Germany in order to create room for the introduction of a pre-entry integration test or an obligatory integration course for family members after admission (Groenendijk and Strik 2018; De Somer 2019). The rules for family reunification of *mobile* EU citizens are clearly more favourable than those of Directive 2003/86. EU citizens can bring, once they have a job in another Member State, more family members (registered partners, children until the age of 21 years and dependant parents) without further income, housing or integration requirements.

Limits to restrictive implementation and practice. The plan for the directive originated in the late 1990s. At the time of adoption (2003) and even more so by the time Member States had to implement the directive in their national law (2005), the political climate with regard to immigrants had changed. These changes were triggered by the attacks of 11 September 2001, the invasion in Iraq in 2003 and the large scale riots in the French *banlieus* in 2005. This more restrictive attitude towards family reunification continued in the next decade. The impact of this change on the reception and implementation of the directive can be illustrated by the developments in the Netherlands.

During the negotiations on the proposal for this directive (2000–2003) the political composition the Dutch coalition government changed twice: From a centre-left to a centre-right and then to a short-lived right government with ministers from an openly anti-immigrant party (LPF). These changes were reflected in a change of positions taken by the Dutch delegation in the EU Council of Ministers: From reinforcing rights of migrants to introducing an integration condition and creating room for more restrictive national rules. A centre-right government used the transposition as an opportunity to introduce new restrictions in Dutch rules on family reunification and immigration law generally, such as the 120% income requirement, increasing the minimum age for reunification of spouses to 21 years and widening the possibilities for expulsion after a criminal conviction.[19] A pre-entry integration exam was introduced primarily with the aim to discourage children of Turkish and Moroccan immigrants to marry partners living in those countries (De Vries 2013).

The dual role of the Commission. During the first 5 years, in all cases where immigrants explicitly argued that the directive entitled them to family reunification the highest administrative court in the Netherlands either held that the directive was not applicable or interpreted the directive to be compatible with current Dutch law or practice. This court visibly took the directive serious for the first time in 2008, when asking the EU Court of Justice whether the 120% income requirement was compatible with the directive. This first reference, apparently, was triggered by the critical remarks by the Commission on this requirement in its first report on the implementation of the directive published 3 months earlier. The EU Court in 2010 decided in

the Chakroun judgment that the requirement violated the directive.[20] The directive left far less room for restrictive national policies than the Dutch delegation had expected at its adoption. In the same year, a new centre-right minority government, depending in parliament on the votes of Geert Wilders Party (PVV), in its coalition agreement announced a range of proposals to further restrict family reunification. Most proposals were incompatible with the directive and hence remained on paper. Only the proposed measures, which did not violate the directive, were implemented. The Dutch national rules on family reunification were levelled down to the standards in the directive. At that time the Dutch government started to lobby other Member States and the Commission for a restrictive revision of the directive (Ministry of Interior 2011; De Somer 2019).

The Commission reacted by publishing a Green Paper on the right to family reunification and organizing a public consultation inviting Member States, NGOs and stakeholders to answer a series of questions on the directive.[21] The Netherlands received little support for their plans from other Member States. They stressed that integration was a national competence, voiced a preference for less restrictive integration measures and preferred no further involvement of the EU on this issue. These reactions made the Commission decide not to propose amendments to the directive but rather ensure implementation of the existing rules by starting infringement procedures and by producing guidelines on issues Member States had identified as problematic. The Commission did start infringement procedures against Germany, the Netherlands and Austria. All three cases concerned the new language or integration test abroad. Only the case against Germany reached the phase of a public notice of non-compliance.[22] All three cases were settled after the Member States made some concessions (Groenendijk and Strik 2018, pp. 376–378). The Guidelines were published in 2014.[23] In its second report on the implementation of the directive in 2019, the Commission again choose to focus on monitoring implementation, infringement procedures and did not propose to amend the directive.[24]

National courts reluctant at first and differences between Member States. After the 2010 Chakroun judgment of the EU Court, it took several more years before Dutch courts started to take the directive and apply the case law of the EU Court seriously in practice. From 2014 on, the highest administrative court several times held Dutch rules on family reunification or the way those rules were applied by the immigration service to be incompatible with the directive. Moreover, this court made six references to the EU Court of Justice asking for interpretation of clauses in the directive. Three District Courts made references to the EU Court on issues where they disagreed with restrictive interpretations of the directive given by the highest court. In two cases the EU Court confirmed the more liberal interpretation proposed by the District Courts.[25] In the third case, the government quickly issued a visa to avoid an unwelcome judgment by EU Court on the integration exam abroad.[26]

It took 10 years after its adoption before the directive was accepted and taken seriously as the prevailing law by national courts. A side-effect of this prolonged "battle" around the directive is that ten references to the Court of Justice asking for interpretation of this directive until 2019 were made by Dutch courts. The other seven references came from five different Member States: Three were made by German courts, all on the language test abroad, and one reference by a court from Austria, Belgium, Hungary and Spain each. The relatively high number of cases from the Netherlands can be explained by the combination of a parliamentary majority for restrictive application of the directive, active lawyers and NGOs, and well-informed judges inclined to take EU law serious. The relatively few references from other Member States may reflect a more limited role of the directive in the family reunification practice in those states. The structure of the immigration service also influences the role of the directive. In the centralised Dutch IND with its systematic internal controls the directive and the CJEU case law are applied either

mechanically according to the written practice instructions or not at all, whilst in the decentralised German *Ausländerbehörde* reference to the CJEU case law occurs more hap-hazard, mainly in cases where the civil servant is not satisfied with the result of the application of the national rules (Dörrenbächer 2018 chapter 5).

The above illustrates the limited role of the Parliament in the field of migration before the Lisbon Treaty entered into force in 2009 and the considerable role of the Commission and the Court in both restricting and legitimizing the national policies and practices in the field of migration (Bonjour and Block 2013; De Somer 2019).

Effects of the directive. The EU provided several fora for exchange between civil servants of their experiences with national family reunification policies: The negotiations on the directive in the Council working groups, the meetings of the Contact Committee convened by the Commission to discuss the national implementation and in cases before the Court on the interpretation of the directive. Rules introduced by one Member State during the negotiations were copied by other Member States at the transposition or later. Examples are the integration test abroad or the rule that refugees have to apply for family reunification within 3 months after receiving the refugee status. Before 2003, the latter rule existed only in one Member State. In 2017, it was in force in 17 Member States.

The EU legislator did not aim at full harmonisation of national law. The directive sets minimum rules and explicitly allows more favourable national rules. In several Member States the directive introduced the right to family reunification, in others the directive provided the occasion to reduce the level of the national rule at the time of transposition or later. The protection of individual rights provided by the directive is nicely illustrated by a comparison with the rules on family reunification in Denmark and the UK. Both countries are not bound by the minimum standards of the directive. The very high fees and income requirement in the UK, which de facto block reunification for a large share of immigrant sponsors, and the Danish minimum age of 24 years for spouses and the discretionary requirement that the aggregate ties of the couple with Denmark have to be stronger than with a third country, all would be unlawful in Member States bound by the directive. In some Member States, the directive functioned as a barrier to extreme anti-immigrant political agenda and it protected the family life for groups formally outside its personal scope, such as static EU nationals and beneficiaries of subsidiary protection.

The EU long-term residents' status: Between alien and citizen

History. The Directive on the status of long-term resident (LTR) nationals of third countries was adopted by the Council a few months after the Family Reunification Directive. Its adoption illustrates how the EU gradually took over tasks from the Council of Europe, which over decades dealt with immigrant integration. Between 1955 and 2000, the Council of Europe produced a series of binding agreements and other legal instruments aiming to support immigration integration. The EU Council in 1996 adopted a non-binding resolution on the status of long-term residents. Shortly after the Amsterdam Treaty entered into force, the European Council in Tampere in 1999 instructed the Commission to prepare a legislative initiative, resulting in a comparative study (Groenendijk et al. 2001) and the 2001 proposal for this directive.[27]

Aims and negotiations. The two main aims of the directive are to assist the integration of non-EU long term immigrants by approximating their legal status ("as near as possible") to the status of EU citizens and contribute to the effective attainment of an internal market as an area in which the free movement of persons is ensured.[28] The Commission when drafting the LTR status used the rules on free movement of EU citizens as a model. During the negotiations in the Council, the Member States at several points reduced the rights attached to the new LTR status.

They disagreed on whether integration should be a right of the LTR or reaching a certain level of integration should be a condition for acquisition of the LTR status. Germany, Netherlands and Austria proposed to introduce integration conditions. France opposed this proposal arguing that 5 years of lawful residence was sufficient indication for the integration of immigrants.[29] The attacks of 11 September 2001 and the US lead invasion in Iraq early 2003, security consideration and increasing anti-Muslim sentiments in Member States made the first perspective prevail in the Council. The Parliament could only give its advice on the proposal. It had no visible influence on the final text. The directive was adopted in November 2003.[30] Denmark, Ireland and the UK are not bound by the directive.

Main elements. Directive 2003/109 grants LTRs an enforceable right to the EU status, a secure residence status after 5 years, national treatment in education, employment and many other fields and a conditional right to live and work in other Member States (Boelaert-Suominen 2005; Halleskov 2005; Acosta 2011; Groenendijk 2012; Thym 2016). The directive established the EU residence permit for long-term resident third-country nationals. This is a major difference with the Family Reunification Directive which creates no EU status, but establishes an enforceable right to family reunification and sets common minimum standards for the national rules on family reunification. The LTR directive allows Member States to continue operating parallel national permanent residence status, granting more rights. Those national permanent residence statuses, however, do not allow for mobility to other Member States.

In 2011, the *personal scope* of the directive was extended to refugees.[31] The directive now covers three of the four major immigrant groups: Labour migrants, family members and persons with international protection. Only third-country nationals admitted for temporary purposes and students are excluded. If a student later on is admitted for another purpose, half of his residence as a student counts for the 5 years residence requirement. Member States cannot exclude immigrants from the status by indefinitely extending temporary residence permits.[32]

Acquisition and loss of the EU status in the first Member State. The three mandatory conditions for acquiring the status are 5 years of lawful residence in a Member State, sufficient income and health insurance. Member States may apply an integration condition. Three conditions are mandatory because the EU status also creates rights for LTRs in other Member States. In practice, Member States tend to interpret the conditions restrictively and, disregarding EU law, create additional conditions and barriers in their national law. The EU Court of Justice blocked that tendency with regard to high fees, disproportional requirements on income stability and excessive integration conditions.[33]

The EU status can be lost on five grounds: Fraudulent acquisition, absence from the EU for more than one year, acquisition of the status in another Member State, loss of international protections status or an expulsion decision in accordance with Article 12 of the directive. Expulsion is possibly only in case of serious threat to public policy and public security, not on economic grounds. In this respect, the status approximates the status of EU citizens.

Main differences with EU free movement status. The LTR status is comparable but not equal to the rights of EU citizens under the rules on free movement. Important differences are that the right of LTRs to work in other Member States can be restricted by a labour market test, family reunification is limited to the spouse and minor children and the status is not automatically acquired but only on basis of a decision of the immigration service. Moreover, the equal treatment of LTR in certain fields (scholarship, social security and jobs in the public service) may be restricted. Finally, the residence rights of EU citizens are more secure than for LTR: For EU citizens fewer grounds for loss of right residence apply (Peers 2004; Boelaert-Suominen 2005; Halleskov 2005).

Is the LTR permit a European denizenship? The Swedish political scientist Thomas Hammar revived the word *denizen* to designate long-term resident non-citizens with many but not all of the entitlements of citizenship (Hammar 1989). He used the term for long-term immigrants with a permanent residence permit being unable or unwilling to acquire the nationality of their country of residence. The EU LTR status qualifies as a form of *denizenship*. Its introduction triggered an academic debate whether this new status was an incipient European citizenship, a postnational membership or a European *denizenship*, a temporary status on the way to full Union citizenship (Acosta 2011). Opponents of this new EU status often asked: Why do these long-term immigrants not simply apply for naturalisation? This question disregards the considerable barriers to naturalisation in national law and in the mind of immigrants. The question does raise the issue of the relationship between the LTR status and full citizenship.

Reluctant transposition. Member States were slow in transposing the directive in their national law. The Commission started 30 infringement procedures against Member State for late transposition of the 2003 directive or its 2011 extension to refugees. Most Member States maintained issuing national permanent residence status. In 14 Member States integration conditions were introduced. Before the adoption of the directive a language condition for the permanent residence permit existed only in Germany (Böcker and Strik 2011). Some states introduced additional requirements not permitted under the directive.[34] Only a few Member States introduced favourable rules for admission of LTR from other Member States. The others continued to apply their national rules on admission of workers and students to the LTR from other Member States, reducing the effect of the directive's chapter on intra-EU mobility or in practice block the admission of LTRs who received the EU status in another Member State (Della Torre and De Lange 2018).

Differences in application. Eurostat data reveal considerable differences in application between Member States. Germany, France and Belgium duly transposed the directive in their national law. But in Germany and Belgium less than 1% and in France less than 3% of the LTR acquired the EU status, 97% or more obtained the national status. In Austria, Estonia, Italy, Romania, Latvia, Finland, and Slovenia more than 90% of LTR third-country nationals acquired the EU-status.[35] Do these differences reflect preferences of migrants, a low level of information among immigrants or the attitude of immigration authorities or national policies? Why would almost all Turkish immigrants settled in Austria be interested in acquiring the EU status and Turkish immigrants in Germany not at all? Differences in access to the nationality of the country of residence could explain the differences for some states (Beutke 2015). The status could be less attractive for LTR living in countries which allow dual nationality. Austria, the Czech Republic and Estonia do not allow dual nationality and have an extremely low naturalisation ratio.[36] In those countries, the rate of acquisition of the LTR status is high. The differences in use of the status between Member States appear to primarily reflect political choices, national rules or administrative practices setting the opportunity structure for long-term immigrants.

Unexpected functions of the EU LTR status. In Estonia and Slovenia, the LTR directive played an important role in creating a secure residence status for ethnic minorities which did not acquire the nationality when those countries became independent. In Estonia, a large segment of the Russian speaking population received this EU status. Several years after the independence of Slovenia, the registration of residents born in other ex-Yugoslav republics was "erased" from the civil registration which made their residence illegal. After the European Court of Human Rights held this treatment to be in violation of the European Convention of Human Rights,[37] Slovenia granted the EU LTR status to these long-term residents. In both cases the EU LTR status functioned for members of an ethnic minority as a permanent *denizenship* status where access to nationality of the country of residence was blocked. The status contributed to political

and social stability in the country and secured rights based on long lawful residence for the individuals concerned. In December 2018, the Commission stated that this directive should play a central role in creating a secure status for the one million UK nationals living in the EU in case of a No-Deal Brexit.[38] Few participants in the legislative process will have anticipated this function of the directive.

The role of EU institutions and Member States after implementation. The high number of infringement cases against Member States for late transposition of the directive, the tendency of certain Member States to interpret and apply the directive in a restrictive way and the role of the Court in setting limits to these practices were already mentioned. The Commission started only five infringement procedures for incorrect applications of Directive which reached the public stage of a formal notice of non-compliance: Against the Netherlands (high fees for the EU permit), against Cyprus (exclusion of low paid migrant workers), twice against Italy (equal treatment) and against Bulgaria (high fees). From the 2019 second report on the implementation of the directive it appears that the Commission in recent years started a range of so-called Pilot cases, asking Member States to explain their national law and, where necessary, to stop incorrect application of the directive. Apparently, many of these actions were successful.[39] The Pilots, the informal first phase of the infringement procedures and the negotiations with Member States all take place behind closed doors. So far, only one infringement procedure reached the Court: The case on the high fees in the Netherland. The 2012 judgment of the Court of Justice in this case had beneficial effects for TCN in Belgium, Bulgaria, Greece and Italy as well.[40]

Effects of Directive 2003/109. By 2011, 5 years after the directive should have been implemented by Member States, one million EU LTR status had been issued in the 25 Member States bound by the directive. In 2017, almost one-third of the more than ten million LTR third-country nationals in the EU had obtained the secure EU status. The others held the national permanent status. The EU denizen status precludes that their residence status would remain "temporary" forever. The secure status supports their integration in the Member State of residence.

In several Member States acceding to the EU in 2004 and 2007 the directive introduced a status for LTR, because national law did not provide for a permanent status or the law was not applied in practice. In Austria, Italy and Luxemburg the EU LTR status de facto replaced the national status. In other states, the EU status is competing with the national status or is neglected by national immigration authorities. In Sweden, the relatively easy acquisition of Swedish nationality for immigrants could be an attractive alternative. In some Member States (e.g. Cyprus and Poland) Directive 2003/109 primarily functions for highly educated migrants or those with national residence permits for more than one year (Vankova 2018). For workers with less education it is, generally, far more difficult to acquire the EU status due to the income requirement and their often temporary or unstable jobs. Moreover, in some states cooperation of the employer is essential for the required documentation.

Conclusion

The three sets of rules on free movement were top-down political decisions. They were primarily based on economic considerations (reduce unemployment and development of internal market) and on security considerations (political stability and integration of immigrants). The Schengen project also intended to "bring Europe closer to the citizens". In all three cases, a long transitional or preparatory period between the crucial political decision and the actual implementation in practice allowed both the individuals and the national institutions concerned to get used the new situation and its effect: 1957–1968 for the free movement of

workers, 1985–1995 for Schengen and from 2003 (adoption of migration directives) till after 2010 when national courts started to take these directives seriously and make references to the Court of Justice.

The free movement of Union citizens, Schengen and the directives on legal migration of third-country national clearly increased the rights and freedoms of individuals. Since 1961 tens of million EU nationals have used their freedom of movement to escape discrimination, poverty or unemployment: Both lower skilled and highly qualified workers, Roma from Central Europe, over three million Erasmus students since 1887 and many unemployed academics from Southern Member States after the 2008 financial crisis. Millions of persons use their freedom to travel in Schengen area without controls between Lisbon and Oslo or Helsinki each year since 1995. After 2005 millions of third-country nationals used their EU right to family reunification and more than three million long-term resident nationals of third countries acquired a secure EU residence status.

These measures clearly reduced the powers, competences and grip of state institutions on migrating citizens and non-citizens. This loss of power over individuals was "compensated" by the development of massive data systems, first the under Schengen rules and later under the EU rules on asylum, visa and borders, creating new powers and access to personal data on very large numbers of third-country nationals and Union citizens, complemented by intensive camera controls behind the borders on the basis of national rules. Surveillance by data systems and camera's and more strict control at the external borders were part of the price for the freedom of movement.

The basic tension between, on the one hand, the need for clause cooperation and common EU rules concerning immigration and, on the other hand, the unwillingness to give up sovereignty and the fears of losing identity within Member States remains unsolved. The dilemma is at the bottom of many political and legal conflicts. The second dilemma: Measures based on the wish to control immigrants ("migration management") often have direct counterproductive effects on the other professed aim of immigrant integration. Both the free movement of EU citizens and the legal migration directives are programmes where immigrant integration prevailed at the expense of controlling migrants. In the Schengen cooperation, the immigrant integration is less visible and dominant. The highly symbolic decision to end systematic controls at the internal borders was linked with a new set of legal and technical control instruments. The visible lack of effective controls at the external borders of the Schengen area undermined the legitimacy of that project. The abolition of controls at internal borders has not fundamentally enhanced intra-EU mobility of TCN. Most of the 20 million TCN lawfully living in the EU are still confined to live and work in one Member State. They may travel to the other Schengen states. Only a few select categories of highly qualified workers are entitled to work in the other states. New draconic immigration sanctions are planned to keep TCN in "their" Member State on penalty of not acquiring a secure residence status. In practice, naturalisation in the Member State of residence is the main road out of this prison with open doors situation.

The partial harmonisation of migration law implied in the adoption of common rules did not result in uniform practice in Member States. Due to differences in geographical location, colonial and migration history, labour market situation, national political situation and administrative structure of the immigration services, the effect of the common EU rules in practice varies considerably between Member States.

Moreover, all Member States have a tendency to defend their national immigration law and practice against the new EU migration rules. This tendency results in further delaying the actual effects of the EU rules after the transitional periods. The Commission, the Court of Justice and

national courts have played an important role in forcing Member States to take the EU rules on free movement and on migration of TCN serious in practice.

Finally, EU rules of free movement had wider effects both inside and outside the EU. The rules on EU workers served as a model for the rights and the integration of Turkish workers, the largest group of third-country nationals living in the EU. The granting of municipal voting rights to resident nationals of other Member States in several states resulted in the granting of voting rights to resident TCN as well. The Family Reunification Directive in some Members improved the right to family reunification for the static nationals of these states. Free movement of persons also served as a model outside the EU. It is used with adaptions among others in South America (Acosta 2018) and in Africa the Protocol on Free Movement of Persons, Right of Residence and Right of Establishment adopted by the African Union in 2018.

Notes

1. The employment rate of EU citizens living in another Member state is higher (76%) than of those residing in the country of their nationality (72%) (Eurostat 2019).
2. Council documents nos. 13802/08, 15903/2008 and 16483/2008, Tweede Kamer 23490, no. 524, p. 4 and the Commission's report COM(2008)840.
3. Council document 10313/13 of 31 May 2013.
4. For the text of the relevant European Council Decision see OJ 2016 C 69I, p. 1-16.
5. CJEU 22 June 2010, Joined Cases C-188/10 and C-189/10 (Melki and Abdeli), CJEU 19 July, C-278/12 PPU (Adil) and CJEU 13 December 2018, C-412/17 (Touring Tours).
6. CJEU 19 March 2019 C444/17 (Arib).
7. Article 63(4) EU Treaty and Article 79(2)(b) TFEU.
8. Article 79(5) TFEU.
9. Article 8 of Directive 2004/114 and Article 13 of Directive 2005/71.
10. Article 25 of Directive 2016/801.
11. COM(2014)287 of 22 May 2014, p. 4.
12. http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_resbc1&lang=en
13. COM(2016)378 of 7 July 2016 and Council document 5821/18 of 2 February 2018.
14. Articles 27-32 of Directive 2016/801.
15. https://ec.europa.eu/eurostat/statistics-explained/index.php/Residence_permits_statistics and SWD(2019)1055, p. 365.
16. EU Offical Journal 2003 L 251/12.
17. The three proposal are COM(1999)638, COM(2000)624 and COM(2002)225.
18. CJEU 27 June 2006, case C-540/03 (Parliament/Council), ECLI:EU:C:2006:429, par. 60.
19. Royal Decree 29 September 2004, Staatsblad 2004, no. 496.
20. CJEU 4 March 2010, C-578/08 (Chakroun), ECLI:EU:C:2010:117.
21. COM(2011)735 of November 2011
22. Case 20132009; formal notice of non-compliance on 30 May 2013; case closed on 11 November 2015.
23. COM(2014)210.
24. COM(2019)161.
25. CJEU 12 April 2018, C-550/16 (A & S), ECLI:EU:C:2018:248 and CJEU 13 March 2019, C-635/17 (E), ECLI:EU:C:2019:192.
26. CJEU 10 June 2011, C-155/11PPU (Imran), ECLI:EU:C:2011387.
27. COM(2001)127.
28. See recitals nos. 2 and 18 of the directive.
29. The negotiation documents can be found in the Register of the Council under 2003/0074(CNS).
30. For the text of the directive see OJ 2004 L 16/44.
31. See Directive 2011/51, OJ 2011 L 132/1.

32. CJEU 18 October 2012, C-502/10 (Mangat Singh), ECLI:EU:C:2012:636.
33. CJEU 26 April 2012, C-508/10 (Commission/Netherlands), ECLI:EU:C:2012:243, CJEU 9 July 2015, C-558/14 (Khachab) ECLI:EU:C: 2016:285 and CJEU 4 June 2012, C-579/13 (P & S), ECLI:EU:C:2012:243.
34. COM(2011)585, p. 6/7 and COM(2019)161, p. 2.
35. SWD(2019)1055, p. 378 and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_reslong&lang=en, accessed on 14 March 2019.
36. https://ec.europa.eu/eurostat/statistics-explained/index.php/Acquisition_of_citizenship_statistics accessed on 15 March 2019.
37. ECtHR (Grand Chamber) 26 June 2012, case no. 26828/06, Kuric and others v. Slovenia.
38. COM(2018)890.
39. COM(2019)161, passim.
40. CJEU 26 April 2012, C-508/10 (Commission v. Netherland) and CJEU 2 September 2015, C-309/14 (CGIL).

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The EU's so-called Mediterranean refugee crisis

A governmentality of unease in a teacup

Elspeth Guild

Introduction

In 2015–2016 at the height of the Syrian civil war, approximately 2 million Syrian refugees (and others) crossed the Mediterranean from Turkey to Greece and walked north in search of durable protection. This led to a political crisis in the EU notwithstanding the fact that the numbers involved were very small in comparison with the Syrian refugees being hosted elsewhere in the region – in Turkey, Jordan and Lebanon. In the EU, the political unwillingness to provide reception to the new arrivals led to the exceptional closing of some border crossing points between Germany, Austria, Denmark, Sweden and Norway in an effort to deflect refugees from seeking asylum on their territory. This consequence was surprising, a shock to the Schengen system of no border controls at internal frontiers of these states, and to the Common European Asylum System, a political project which had been underway since 1999. Yet, the capacity of some political actors successfully to instrumentalise migration and asylum as sources of instability and potential threat is apparent in the political reaction to these events.

Migration and refugee protection are sources of political unease in the EU (Bigo 2008). They are also areas of extensive legislative activity at the EU and national level with no end in sight (Guild 2017). The use of law, in particular supra-national law, as a means of achieving governance among a fractious group of states, has been ramped up notwithstanding the marginal numbers involved. 2018 was a year of substantial disagreement among the EU Member States about migration and asylum policy (Guild 2019). They seem unable to agree on anything and yet everything seems to be interconnected. The movement of people seeking asylum in larger than expected numbers in 2015–2016 led to something of a political crisis in the EU the effects of which are still be felt. The attempt, pushed by some Member States and resisted by others, to organise a relocation scheme for the two Mediterranean countries which at that time were receiving the largest numbers of arrivals of asylum seekers, Greece and Italy, ended up before the Court of Justice, a case brought against the Council by the Slovak Republic and Hungary. It was decided (against the Slovak Republic and Hungary) in September 2017. But this has not dampened the sense of division among the Member States about both migration and asylum. The Commission, with a monopoly over the proposal of legislation in this area, has been working overtime to try to find common grounds for new measures, with little success. All

five relevant areas: Visas and extraterritorial controls, border procedures, migration and asylum/ refugee protection and expulsion are subject to proposals which are going no where. But the question is why?

The discord in EU Member States boiled over into the process of the adoption of the UN's Global Compact on Migration (GCM), the fate of which is a strong indicator of the difficulty in achieving a common European policy in this field. On 21 March 2018, the European Commission (which was charged with negotiating the GCM for the EU) presented a proposal for exceptional authorisation from the Council to approve, on behalf of the EU, the GCM at the end of the process.[1] This was a bold move as it would have meant that the Commission would finalise the negotiations, keeping the Council informed of developments but without the need to return to the Council for final approval before signing off at the UN. The Member States would effectively be excluded. The Commission's effort was unsuccessful, but it put the proverbial cat among the pigeons of EU states concerned about their state sovereignty in the field of borders and migration. While at the commencement of the intergovernmental negotiations in December 2017, the USA had formally withdrawn from the GCM stating that it was inconsistent with US state sovereignty, the international community was taken by surprise by a rash of state defections from the GCM from November 2018 onwards. The sudden anxiety of a number of states, mainly in Europe, about the consequences of the GCM for their state sovereignty followed fairly un-contentious negotiations of the contents of the GCM from January to July 2018 (mainly carried out by the Commission on behalf of the EU). At the final vote on 19 December 2018 at the UN General Assembly, out of 194 states only five voted against the GCM – the Czech Republic, Hungary, Israel, Poland and the USA (most noticeably the majority were EU states). Another seven abstained from the vote (Austria, Bulgaria, Chile, Dominican Republic, Italy, Latvia and Romania, again the majority are EU states). One government coalition fell as a result of the Prime Minister's insistence to sign the GCM (Belgium), though the largest party in Parliament continues to govern in a minority position.[2] Some EU Member States participated full-heartedly in disrupting the international community's efforts to achieve consensus on migration and borders in the GCM on the basis of protecting their state sovereignty. Their fears about their sovereignty had been fanned by the power struggle with the Commission over the GCM which they considered to be an attempt to change the competences of the EU to the disadvantage of the Member States. The rest of the world scratched its (collective) head at this disorderly display from Europe.

In this chapter I will examine the state of knowledge about migration and asylum in the EU from the perspective of the statistical information provided by the institutions. The capacity of political actors to incite public unease about a subject requires it to be presented as a real and important issue affecting 'ordinary' people. In the case of the EU, a region of 28 Member States of over 500 million inhabitants with a highly developed system of free movement of persons and the abolition of intra-Member State border controls, how is it possible to instrumentalise the arrival of a two million people who are obviously in need of durable solutions to the civil war occurring in their country, a state which is a neighbour of the EU?

How does the EU see migration and refugee protection?

But what is at stake in these debates? What is migration and refugee protection and how does the EU deal with them? Migration is a complex phenomenon which is comprised of a number of steps by which states seek to regulate and manage it. In order to understand this area, it is critical to disaggregate it. First, states seek to manage migration through visa requirements and extraterritorial policies to enforce them. The migration-related objective of this step is to

move management 'up-stream' into countries from which the potential destination state fears irregular migration. By subjecting all nationals of certain countries to visa requirements, which must be completed before those nationals depart towards the destination state, states intend to diminish the number of nationals coming from that country who are suspected of seeking to overstay their permission or otherwise harm the destination state. But visa obligations are generally unpopular with the public which must obtain them and state authorities often seek their abolition. A 2016 example of this pressure to abolish visa requirements in interstate negotiations is the EU Turkey Statement 2016 where EU member states undertook to remove mandatory visa requirements on Turkish nationals by June 2016 in return for new Turkish measures to deter Syrian refugees (and others) from leaving Turkey to go to the EU. While Turkey stopped the flow of Syrian refugees to the EU, the EU by 2019 had still not lifted the mandatory visa requirement on Turkish nationals coming to the EU (Zoeteweij and Turhan 2017). A similar move towards liberalisation of movement is the African Union's 2018 initiative to abolish visa requirements for citizens of African countries travelling within the continent.

Border controls follow on from visa and extraterritorial measures as it is at border crossing points where most people arrive. Border controls generally divide people into three categories: Citizens who have a right to enter the state and so are subject to a very light control; foreigners who have a visa and so can be subject to a light control as they have already been vetted by the state and migrants who do not have (and do not need a visa) where the border is the first place where they are subject to a control. The purpose of border controls on persons is to ensure that migrants seeking to enter a state fulfil the conditions for entry and are not a security risk. Although substantial claims are make for the place of border controls in securing the safety of people within states, these claims must be taken with a grain of salt (Monar 2018). However, Frontex, the EU's external border agency, states that every EU border guard has only 12 seconds to make a decision on the admission.[3]

Border controls can be circumvented by people arriving at places where border guards are not present (Mainwaring 2016). Sometimes this is accidental – pleasure craft get blown off course, border crossing points are not staffed, etc. But other times it is intentional – people take unregulated boats under cover of darkness and seek to avoid border controls. Normally, this is because such people believe that they will be refused admission if they encounter a border control (Mountz and Lloyd 2016). These clandestine border movements are the subject of friction among states though they are usually of fairly limited scale.[4] However, exceptions do occur such as in 2015 when Frontex counted almost 2 000 000 such border crossings, mainly from Turkey to the Aegean islands and mainly of people seeking international protection (refugees). This resulted in the EU Turkey Statement 2016 whereby the EU Member States put pressure on Turkey to prevent irregular departures from its shores (Cullberg 2016).

The third step is after entry into the host state. National law of the destination state determines what a migrant can and cannot do and how long he or she can stay in the state. This is a matter of state sovereignty. But it is only activated when the migrant is on the territory of the destination state. States are not generally entitled to apply their national laws to people who are living in other countries. Thus, the language of illegal (or irregular) migrants on their way to a state is simply wrong (Anderson 2017). No one can be illegal or irregular before they have arrived at the destination state. This is because the law of the state which determines whether they are regular or irregular, legal or illegal does not apply until the individuals arrive at the borders or, more commonly are within the state. Most people who are treated in the EU as irregularly present are so because their permission to be on the territory has lapsed. Whether state officials will actually treat such persons as irregular present depends on many factors not

least the capacity of the authorities responsible for expulsion in actually managing to expel people (Triandafillidou 2016).

As an exception to the rule of national sovereignty as regards admission and stay, anyone who has a well-founded fear of persecution, torture or enforced disappearance in the country they have come from must be permitted to remain in the host state (Goodwin-Gill 2011). These people are refugees and entitled to protection in international law. This means that they cannot be sent to a country where there is a risk of persecution, torture or enforced disappearance. If the state determines that the claim is well-founded, then it must normally give durable protection to the refugee (Goodwin-Gill 2014). If it determines that the person does not need international protection, then the person is not a refugee and can be treated as a migrant. A source of friction among states relates to refugees who have fled the state where they fear persecution, torture or enforced disappearance but have had an opportunity to seek protection in another state. However, instead of staying in that state they move on to another state and seek protection there. The legal question is whether these refugees would in fact be safe in the first state to which they fled. The political question is which state should be responsible for caring for these refugees (Garlick 2016; Gil-Bazo 2015).

The final step of migration management is what to do with migrants, who do not or no longer fulfil the conditions to remain in the country. A migrant only becomes irregularly present as a result of the law of the destination state (Dauvergne 2017). The doctrine of state sovereignty permits states to allow any migrant to stay on their territory should they wish to do so (Smit et al. 2016). But if a state does not wish to permit the migrant to remain, it will need to ensure the migrant's departure, usually to his or her country of origin but sometimes to a third country (if that third country is willing to receive the migrant). For states, the easiest and cheapest means of getting rid of migrants they do not want to order them to leave and for them to comply. But if they do not leave, the state must decide whether to expel them and if so to what country. The EU calls this procedure return, some other countries call it deportation, the UN uses the term 'expel' (for instance Article 14 of the International Covenant on Civil and Political Rights (ICCPR) (Neumann 2017)). In states where there are good statistics, it appears that most migrants who are expelled, arrived regularly in the state and then failed to comply with the state's conditions.[5] This may mean that there has been a failure of visa, extraterritorial measures and/or border controls. But it also means that generally it was not a failure of border surveillance which resulted in the presence of unwanted migrants (this issue is developed elsewhere in this volume).

Expulsion is expensive and time consuming (Sciortino 2015). It is also a potential source of conflict among states. Without a specific agreement, most states will not accept migrants who are not their nationals to be expelled to their territory. The EU has been very active seeking agreements to permit this kind of expulsion and its financial participation in the expulsion of migrants of various nationalities from Libya to Niger in 2018 is an example of this approach (Rais 2016). The construction of migration as the problem can led to most problematic outcomes. For example, in 2017, the French government announced action to free migrants held in slave-like conditions in Libya.[6] This was strongly related to an EU policy objective to prevent these people from trying to cross the Mediterranean to Europe which policy makers in Europe suspected was their intention. So the objective was to move them 'back' to somewhere far from the Mediterranean where they would not have access to the sea. When the need arose to find a state in which to 'park' migrants from Libya, the EU and its Member States planned to engage with three states – Niger, Mauritania and Mali. The latter two states desisted quickly but the military leaders in Niger acquiesced to the requests in return for further financial contributions. This project resulted in some UN agencies becoming engaged in evacuating migrants from

Libya to Niger at the behest of the EU and some of its Member States.[7] The outcomes have been fairly chequered with some resettlement to European states but some migrants abandoned in Niger.[8] But why Niger? How did these states find one another? According to a researcher, the EU's engagement with Niger began in the 1980s when it began funding non-government organisations engaged in local rule of law issues. However, following the military Coup d' Etat in Niger in 2010[9], the EU remained present but began funding state activities, in accordance with the new dictatorship's demands. Effectively, the EU and its Member States have been funding a dictatorship in pursuit of their border/migration concern.[10]

Some states, relying on their interpretation of international law, will only admit their nationals who are being expelled from another country if their citizen has expressed his or her wish to return home. This interpretation is a matter of frustration on the part of some states which have a different reading of international law, one which permits them to expel migrants to their country of nationality which is *obliged* to admit them. One of the ways around this friction is to negotiate readmission agreements which specifically recognise the right to expel an unwilling migrant to his or her state of nationality.

Reaching international agreement?

Developments at the international level reveal the degree of distrust and sovereignty anxiety within and among EU Member States regarding borders and migration. It is worth looking briefly at the (in)ability to reach agreement within the EU on measures in the field. A snapshot of the proposed legislation in the field which seems increasingly blocked in 2019 is as follows:

- Visa and extraterritorial controls: The EU has been moving towards a reduction of the number of countries on the EU visa black list. The latest to come off the list is Ukraine in May 2017. Turkey was to have come off the list in June 2016 but this has not occurred. The adopt of the ETIAS proposal,[11] the EU Travel Information and Authorisation System to be rolled out for all travellers to the EU by 2020, will require all non EU travellers to obtain a travel authorisation at a small fee before travelling to the EU (see elsewhere in this volume on ETIAS). The existing visa system (which is lengthy and expensive for individuals and states) may need to be reconsidered and revised in light of the new tool; on extraterritorial controls: The Council extended the mandate of Operation Sophia (a military sea operation) to 31 March 2019.[12] The operation's core mandate is to contribute to the EU's work to disrupt the business model of migrant smugglers and human traffickers in the Southern Central Mediterranean. To this end, it trains the Libyan Coastguard and Navy and monitors the long-term efficiency of the training. However, compliance of Libyan coastguard with the human right to leave Libya by pulling back people on boats has raised concerns. A case is currently pending at the European Court of Human Rights against Italy's contribution to these pull backs through cooperation with Libyan coastguards.[13]
- Border procedures: In 2016, Frontex became the European Border and Coast Guard Agency. Over the years since, the agency has cemented its position as one of the cornerstones of the EU's area of freedom, security and justice, becoming more and more operational on the ground at Europe's external borders. Yet, the mandate of Frontex, while now containing a duty to comply with EU fundamental rights, is not tied to the EU regulation on border control which means there is a legal lacuna between the duties of national border guards under the regulation and Frontex.[14] The Commission president in his State of the Union address on 3 July 2018 stated that he wanted 'new standing corps of 10,000 operational staff with executive powers and their own equipment will ensure that the EU has the necessary

capabilities in place to intervene wherever and whenever needed — along the EU's exter-
nal borders as well as in non–EU countries'.[15] But how this is to fit with national sover-
eignty claims about border controls and migration remains to be seen; in the meantime, as
a result of the 2015–16 shock to the political leaders of some Member States created by the
arrival of refugees, the intra-Schengen borders which by law must be free of border guards
controlling the movement of people is still subject to exceptions from Germany, Austria,
and the Nordic states where intra-Schengen border controls continue to take place;[16]

- Migration: The EU has an incomplete set of measures on migration which include family
reunification (for third country nationals), students and researchers and workers. The Com-
mission proposed amendments to the cornerstone labour migration measure, the Blue Card
Directive in 2016, but little progress has been made mainly because of a lack of appetite
from some Member States;

- Asylum and refugee protection: The EU has developed the Common European Asylum
System (CEAS) since 2000 after being allocated competence to do so. The system must
be compliant with the Refugee Convention, CAT and the Charter of Fundamental
Rights (which includes a right to asylum). To provide reception for people arriving in
Greece and Italy, the EU adopted two temporary measures to relocate asylum seekers
from those states to other Member States on the basis of a redistribution key. This was
highly divisive and was attacked before the Court of Justice by two Member States
(unsuccessfully).[17] A third set of proposals to revise the CEAS were presented by the
Commission in July 2016 but progress has been very slow.[18] One of the obstacles is the
Dublin system which seeks to allocate responsibility for reception and determination
of asylum claims to Member States according to a hierarchy of criteria which do not
include the asylum seeker's preference. The Dublin system is at the centre of the CEAS,
and feared by asylum seekers who having failed to find durable solutions to move from
one Member State to another in search of security. As a result the system does not work
in practice;

- Return and expulsion: In March 2017, the Commission proposed to renew the EU's com-
mon measures on return (including the Return Directive[19]) to introduce greater efficiency
and coercion into forced return.[20] It, too, in 2019, was not proceeding rapidly in the Coun-
cil while at the same time the number of persons subject to forced return in the EU was
dropping leading to questions on the necessity of the measures anyway. In September 2018,
the Commission proposed a new recast Directive.[21]

Borders, migration and asylum in numbers

So what is missing from the EU policy debate which could assist to provide more coherence
and less political heat? The first thing which should be done is all political leaders and their staff
should have a serious look at the actual numbers of third country nationals coming to the EU
and why. This would help to put some reality back into the debate. For instance, on visas – are
third country nationals seeking to enter in massive numbers? The EU (Schengen) states issued
in 2017 a total of 14,652,724 uniform short stay visas.[22] A total of 16.1 million applications were
made resulting in a non-issuance rate of 8.2% for all countries whose nationals are subject to the
requirement. It seems EU states approve the vast majority of visa applications made to them. It is
important to start here as the extra territorialisation of migration governance and controls starts
with visas. The use of visas as tools to control migration and ensure that only those people a state
'wants' to arrive at its border do so has become ingrained in European thinking. But is this a
meaningful category? If only 8.4% of people who apply for visas are refused them is there really

a relationship of coherence between objective and outcome? The basis of visa policy is that all nationals of some states are more likely to be illegal immigrants than all nationals of some other states. This presumption is presented as if it were based on some kind of external reality. But as it apparent, whether someone will be treated as irregularly present in a state is an administrative issue where choices are made by street level bureaucrats. Whether nationals of some countries or others are more likely to be treated as irregularly present depends on a wide range of issues such as whether the expulsion of individuals will be simple or complicated. It also depends on whether the authorities consider that if left to their own devices the person who has overstayed his or her permission to be on the territory is likely to leave under his or her own steam. There is nothing scientific about the category of irregular migrant – it is constructed by state policies from the widest, for instance, enlargement of the EU where all nationals of the acceding state magically become regular on the accession of their state to the EU to the narrowest, bureaucracy not targeting very elderly foreign family members of citizens on the basis of concerns about bad publicity if they are seen tearing elderly people from their loved ones.

As regards entry of third country nationals at EU external borders, the Schengen borders, are governed by the EU Border Code.[23] According to Frontex, 306,904,064 passengers entered the EU in 2017 (a year-on-year increase of 4.6%). A total of 183,548 were refused entry – a refusal rate of approximately 0.06%. So it would seem that the external borders of the EU are not under attack. Further, most refusals took place at land borders (84.4%) with air borders being second (12.9%). Refusals at sea borders constitute a tiny minority of 2.7%.[24] It is also worth mentioning that most refusals were based on the individual not having a valid travel document, with the lack of a justification for the purpose of stay being second.[25] The image of the border and its control is high emotive. The pictures presented regularly in European media showing little boats full of people with dark skins seeking to enter the EU irregularly dominates all media coverage of borders. Yet, this picture is highly misleading. Instead, what actually happens at EU external borders is that border guards check whether people have valid passports (and visas) and if they do they enter (within the 12 second time limit with logistics of roads and airports places on border guards). The public perception that at borders, there is a serious investigation into each individual foreigner's past and future intentions, is simply incorrect. There is no time for this to happen. When border controls are abandoned altogether, such as in the EU's Schengen area after 25 March 1995, it becomes more difficult to count how many people are moving. Yet, the perception that there is a diminution of security as a result of the abolition of border controls does not correspond to reality in the EU. Recorded crime, according to Eurostat, the EU's statistical agency, shows a consistent drop in serious crime from 2002 to the present.[26] As border controls were abolished among the original Schengen states (five – Belgium, France, Germany, Luxembourg and the Netherlands) in 1995 then with other Schengen states including with 9 Central and Eastern European states, the three Baltic states and Malta in 2007, the crime statistics remain stable. This is not a question of cause and effect, the argument is not that the abolition of border controls on persons reduces crime, it is rather an argument that there is no statistical relationship between crime levels and border controls.

In 2017, the 28 EU Member States issued 3.1 million first residence permits to third-country nationals.[27] Residence permits only refer to those allowing the individual to reside for 3 months or longer and include work, family, study or other permits – the latter category comprising not only international protection but also other permits. 2017 is the year where the EU 28 has granted more first residence permits since 2008. The majority of residence permits – a third – are granted for employment reasons. This is followed by family reunion (830,000), other reasons (767,000 out of which 538,000 were granted international protection) and education (530,000). Eight Member States alone granted close to 88% of all residence permits: Poland, Germany, the

UK, France, Spain, Italy, Sweden and the Netherlands, in that order. The largest single nationality of recipients of first residence permits in the EU in 2017 was Ukrainian[28] (followed by Syrians, Chinese, Indians and US nationals).[29] It is worth remembering that the EU in 2019 had a population of over 500 million thus the arrival of about 3 million foreigners every year hardly has a substantial consequence of the total population of the EU. It is the choice of the Member States to issue these residence permits. Except for the category of refugees, there are few international obligations to issue residence permits to foreigners. This is particularly true in the case of workers and students. These are choices which states make. Their bureaucracies examine applications and issue residence permits because the authorities consider that this is in the interests of the state. The idea which is often presented in the press that the issue of residence permits to foreigners is a rare and exceptional event is nonsense and not supported by the evidence. Further, a simple examination of the situation of Ukrainians in the EU bears a little more attention. Following the annexation of Crimea by the Russian authorities in 2014 followed by the substantial armed conflict in Eastern Ukraine has resulted in many people being displaced. According to Eurostat, about half million Ukrainians have arrived each year in Poland since the conflict began. The approach of the Polish authorities has been to issue Ukrainians with work and residence permits (Brunarska et al. 2016). However, Ukraine was on the EU visa black list so people fleeing the conflict in Ukraine who arrived in Poland crossed the border irregularly. In order to resolve this problem, the EU legislature took Ukraine off the visa black list in June 2017. From that date, Ukrainians travelling with biometric passports no longer needed visas to cross the border into Poland (or elsewhere in the EU) and so no longer entered irregularly. As a total number of arrivals of persons of a single nationality entering the EU, Ukrainians far outnumber Syrians in respect of whom there was so much controversy in 2015–2016.

In 2017, the number of asylum seekers applying for international protection in the EU was over 705,000 a drop by roughly half from the figure in 2016. In the same year, 2017, 538 000 asylum seekers were granted protection status in the EU 28. Once again, it is important to bear in mind that the figure even of those seeking international protection in the EU accounts for less than a third of first new residence permits issues to foreigners. The authorities responsible for determining asylum applications in the EU, found that about half of the claims were found to be genuine and the individual was entitled to protection. These figures do not support a vision of undeserving foreigners seeking to exploit EU asylum systems in massive numbers. It rather indicates that half of those who apply are recognised as in need of international protection and these decisions were by the issuing authority. The statistics also show a substantial number of refusals reversed by the courts when appealed (Guild 2016; Mitsilegas 2017). Of course, there are substantial variations of reception of asylum seekers in the EU with most claiming asylum in Germany, Italy and France while there were almost no applications in the Czech Republic, Portugal or Slovakia. Yet, the EU remains fixated on the principle that its rules of where an asylum seeker should make his or her application for asylum must be respected (Guiraudon 2018). This system is known as the Dublin system which sets out a hierarchy of rules determining which Member State will be responsible for an asylum seeker. In practice the most common criterion is the place of entry into the EU. In theory this should mean that states close to EU external borders would have the largest number of asylum applicants to care for and their cases to determine. Much literature focuses on the unfairness of the system to countries like Greece and Italy with long sea borders and close to countries which are refugee producing (such as Syria) (Schuster 2016). Yet, in practice asylum seekers end up in states where they hope to receive a fair asylum procedure and a chance to live safely.

Turning to irregular migration in 2017, the number of illegal border-crossings was the lowest in the EU since 2013, dropping from 511,000 to 204,000 as compared with 2016.[30] This

indicates that EU external borders are not places of massive influx of persons. Indeed, the numbers are tiny in comparison with the over 300 million people who enter the EU at regular border crossing points. Media induced fears about people creeping across EU external borders are not substantiated by the available data. The argument can always be made that the data only accounts for those foreigners whom the border guards have caught. It misses all those who successfully creep into the EU irregularly. But these later figures, if they are in fact substantial should turn up in the statistics on people detected already within the EU as irregularly present. These are the statistics which the EU calls 'illegal stay'.

As regards detection of illegal stay, in 2017, 618,780 cases were reported by Member States but only 516,115 orders were issued to leave EU territory.[31] There is little information on what happened to the 100,000 who were detected but not ordered to leave the country. The assumption must be that they provided a good reason for their presence in the EU and so fell out of the statistics on irregularly present foreigners. In the end, after the necessary procedures only 75,115 third country nationals (foreigners) were forcibly expelled from the EU that year.[32] The top five nationalities of those detected to be irregularly residing in the EU are Albanians, Syrians, Moroccans, Iraqis and Afghanis, three of these nationalities are also among the top beneficiaries of international protection. This is an enormous drop from the number of persons whom the border authorities detected as irregularly present in the first instance to those whom those same authorities actually were willing to pursue to expulsion. It must be admitted that forced expulsion is lengthy and costly. Yet, from the discourse of some of the EU institutions as presented in the media, expulsion is the natural end place of migration. Yet, it touches the lives of so few people. Also, examining the nationalities of people who are expelled leaving aside the protection claims which Syrians, Iraqis and Afghans may have, the other two top countries to which people are expelled are EU neighbours – Albania and Morocco. With the first, there is a Stabilisation and Association Agreement with the EU which was supposed to provide a right to Albanian nationals to be self employed in the EU. The agreement entered into force in 2010 and five years thereafter (by 2015) the necessary measures were supposed to have been adopted to allow self employment. But this has not happened. Instead the EU continues to expel Albanians at a higher rate than any other single nationality. Many of these persons might have been able to establish themselves in self employed activities if the EU had fulfilled its promise to them rather than being the object of EU coercion. As regards Morocco, the situations are similarly problematic. The EU entered into a Mobility Partnership with Morocco in 2013 the purpose of which was to facilitate access for Moroccan nationals, including the issuing of visas for certain groups of people, particularly students, researchers and business professionals to the EU. But, according to Eurostat, while first residence permits issued to Moroccan nationals to carry out remunerated activities in the EU in 2013 numbered 19,064, by 2016 the number had dropped to 10,341. The EU-Morocco Mobility Partnership seems to have diminished rather than enhanced economic mobility between Morocco and the EU. Instead, Moroccan nationals have become one of the top nationalities for expulsion from the EU.

Finally, third country nationals account for 4.2% of the total EU population.[33] Does the EU need to be afraid of third country nationals arriving on its territory? Clearly the answer to this question is no. The practice of the EU is to welcome third country nationals as tourists, workers, students and persons in need of international protection. For those Member States that fear that the arrival of foreigners will change their traditions,[34] these statistics should provide profound comfort, not a source of anxiety and political concern. Indeed, the political participation of third country nationals in EU states remains low (de Rooij 2011; Martinello 2005). Foreigners, migrants and third country nationals, all terms for the same people, are not taking over European political institutions. They are rather the objects of national and European legislation than the makers of it.

Where next?

The EU's own experience with free movement of persons has been a very positive one. EU citizens cherish their right to move and work in another Member State. The seven enlargements of the EU have, on each occasion (except the 1994 one), been accompanied by concerns about floods of people moving from poorer to richer parts of the EU (Guild 2009). But the reality has been quite different. EU citizens do move from one Member State to another mainly doing so to find work when unemployment rises in their home state or to pursue studies not available to them at home. Many of them go back to their home country sooner or later (in full knowledge that they can set out again should the need arise). The number of EU citizens who live and work in another Member State than that of their citizenship has never exceeded 4% of the total population, is usually under 3%, and this is without an restrictions on crossing borders of migration. This is notwithstanding very substantial differences in wages, unemployment levels and standards of living across the EU. Free movement of persons has been achieved in the EU through the agreement of all states to trust one another and to work towards achievement of this pillar of the EU. The Member States need to accept that third country nationals resemble EU citizens in all ways except that they do not have EU passports. Just as EU citizens go to third countries to pursue their employment opportunities and dreams so too third country nationals come to the EU. Understanding migration of third country nationals to the EU as just as normal as that of EU citizens around the EU and to third countries is the starting point. The EU is not being flooded nor is it being invaded by third country nationals. The third country nationals who are coming to the EU in the largest numbers and working here are the most invisible, Ukrainians, the second largest number, Syrians, are war refugees entitled to our compassion. From this starting point the EU should move towards a common position on migration, acknowledging the entitlement of all people to dignity and negotiating together agreements with third countries which facilitate migration and movement of their people to achieve their legitimate aspirations.

The question of migration and refugee protection in the EU is mired in misinformation, half-truths and images of little boats packed with young black men. This is not accidental – it is part of public policy. The policy documents of the EU institutions insist on the need to 'curb' migration, focus on the ills of irregular migration without ever specify what they actually are and certainly never identifying how easily they can be resolved by simply issue residence permits to those classified as irregularly present. Instead, the whole field of migration (including refugee protection) is presented as a policy challenge of exponential proportions which demands an adequate political response. There is little support for this dramatic vision from the statistics which are produced by the same institutions which sell the unease scenario. The academic world is far too ready to engage with the political framing of migration and refugee protection as a massive challenge rather than to examine the framing itself, the evidence and to pierce the frightening illusion of invasion on the basis of which the policies are driven.

Notes

1. COM (2018) 168.
2. See: https://www.politico.eu/article/belgium-sets-up-minority-government-after-migration-dispute-breaks-coalition/ visited 17 February 2019.
3. Frontex, 'Twelve Seconds to Decide', January 2015.
4. Frontex indicates that in 2018 there were 150 114 illegal border crossings between border crossing points. Frontex, 'Risk Analysis for 2019', February 2019.
5. Eurostat, 'Statistics on Enforcement of Immigration Legislation', June 2018.

6. https://www.telegraph.co.uk/news/2017/11/29/europe-promises-44bn-marshall-plan-africa-migrant-slavery-libya/ visited 5 August 2019.

7. https://www.reuters.com/article/us-europe-migrants-libya-idUSKBN1DC11C visited 5 August 2019.

8. https://www.aljazeera.com/indepth/features/world-refugee-day-unhcr-head-flies-niger-abused-migrants-180620004405582.html visited 5 August 2019.

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10. L C Petteng, 'How security turmoil in the Sahel is helping Niger renegotiate its influence in global affairs', International Studies Association Conference Accra 2 August 2019.

11. https://etias.com/ accessed 21 December 2018.

12. https://www.consilium.europa.eu/en/press/press-releases/2018/12/21/eunavfor-med-operation-sophia-mandate-extended-until-31-march-2019/ accessed 21 December 2018.

13. https://sea-watch.org/en/legal-action-against-italy-over-its-coordination-of-libyan-coast-guard/ accessed 21 December 2018.

14. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

15. https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-factsheet-coast-guard_en.pdf visited 7 January 2019.

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Visa policies and their effects

Preventing mobility?

Federica Infantino

Introduction

The study of the origin of words provides enhanced perspectives on their meanings and uses over time. The term visa does not make an exception in this respect. Its etymology dates back to Latin. Literally, it means 'something that has been seen'. Currently, the meaning associated to the word visa is a mark or a stamp on a passport that gives permission to enter a given country, usually for a particular reason. This meaning is relatively novel. The modern international passport and visa systems originated during the First World War. The emergence of this meaning informs about two strictly interrelated processes: The constitution of modern nation-states whose 'state-ness' also consists in the monopoly of the 'legitimate means of movement', such as visas and passports (Torpey 2000). Modern nation-states have monopolized the authority to issue authorizations to cross state borders, which also allow for identifying unambiguously. The Schengen visa retains features of the modern visa system and follows the lines of the history of identification techniques. However, it presents a number of distinctive characteristics. First, the Schengen visa authorizes entry and circulation, up to 3 months, in a region composed by more than one nation-state, which have lifted inter-state frontiers. Second, the Schengen visa is a sticker that builds on sophisticated identification technologies and contains biometric information about its holder most notably fingerprints. Finally, it is a symbol of the European Union taken by the possibility of representing a simple administrative procedure or the key locking the gates of 'Fortress Europe'.

This chapter focuses on the making of Schengen visa policy in the supranational locations of high-ranking civil servants and the local settings of street-level officers to shed light on the entanglements of logics and practice that shape effects on the ground: The logic of 'internal-external security continuum' that has characterized the lifting of interstate frontiers and the understanding of visa policy as one of the 'compensatory measures' of the freedom of movement, the developments towards the reinforcement of logics of filtering in line with the 'smartening' of European borders, the ways in which day-to-day practice takes account of those logics and gives practical meaning to Schengen visa policy. Drawing on the anthropological approach to public policies (Wedel et al. 2005), this analysis de-masks the framing of Schengen visa policy and argues that the logic of internal-external security continuum informs practice

and triggers forms of cooperation unconstrained by regulations that are particularly effective at homogenizing the targets of border control. This chapter proceeds as follow: I begin by focusing on approaches in the study of visa policies by addressing design, the logics linking the Schengen visa, the borders of Europe, and the making of the Schengen territory and the practice approach in border studies. I continue by proposing a socio-historical account of the processes that have led to a restrictive visa policy and, then, I analyse the piece of regulation that tackles the practice, the Community Code on Visas (henceforth Visa Code), in the light of continuities and discontinuities with the original Schengen process. By building on empirical analyses of practice, the last section of this chapter shows the effects of the entanglements of the discussed logics and the day-to-day practice on the meaning of the migratory 'risk' and the interactions with other Europeans. Finally, the conclusions sketch the limits of research on practice that depends on access to sensitive settings and indicates directions for further research.

Studying visa policies: Design, logic, and practice

Visa policies have received much scholarly attention most notably at the level of design. The analyses of the introduction of visa requirements at a global scale point to the overall lack of reciprocity. Countries that face a low number of visa impositions are not among the countries that impose fewer visa restrictions (Neumayer 2006). The large-N cross-country comparison on visa waiver policies across time (from 1968 to 2010) has led to the definition of a 'global mobility divide' (Mau et al., 2015) to take account of the increasingly discrepancy in mobility rights: While citizens of OECD countries can travel visa-free in a growing number of countries, those from non-OECD countries are more and more restricted by visa obligations. While extensive mobility rights are given to citizens from rich democracies, OECD countries do little to strengthen or grant these rights to non-rich and non-democratic countries.

In the case of EU visa policy, the map of foreign countries whose citizens can travel visa-free to the Schengen Area overlaps almost perfectly with the map of the wealthiest countries in the world (Migreurop 2019). The establishment of a common list of countries whose citizens are submitted to visa requirements to enter the Schengen Area has been a difficult process. While the first steps towards a common visa policy are taken in the 1990s, the legally binding and self-executing common list is finally adopted in 2001.[1] Until then, a differentiated visa regime – the so-called grey list – has existed for some countries upon which Member States could not reach any agreement in terms of visa introduction. Following the proposal for the 2001 Council Regulation that includes the criteria used in the definition of countries submitted to or exempted from visa requirements,[2] the introduction of visa requirements should be driven by three main criteria: Irregular migration, public order, and international relations. The document specifies the ways in which international relations should be understood. According to that view, visa introductions or visa waiver should be the expression of the international relations of the European Union towards not just one country but specific regions of the world. In this view, the Schengen visa is an instrument that pertains to three domains namely migration control, security and foreign affairs. It is interesting to note that, in the light of the divide that characterizes the mobility rights of high-income and low-income countries, security and migratory concerns are somehow connected to low-income countries.

The introduction of visa requirements to go to the Schengen Area reveals the shift of a classical principle of international relations – the State characterizes individuals and visa introduction sanctions governments and politics – towards the sanctioning of individual's practices considered to be posing risks in terms of migration and public order. The Schengen visa policy has legitimated the shift of the logic underlining the imposition of visa requirements, from

security concerns in regards to states towards the migratory and security risks that citizens of foreign states might pose (Bigo and Guild 2005). Individuals characterize States and visa requirements bespeak of suspicion towards the populations of certain foreign countries. A country like Morocco is listed among the foreign countries whose nationals are submitted to visa requirements according to one criterion in particular, namely the migratory 'risk'. Because of their nationality, Moroccans are negatively categorized as a 'risky' group. Suspicion towards Moroccan visa applications is thus generalized; issuing a visa to a Moroccan means trusting the individual despite his nationality (Bigo and Guild 2005). In other words, consular officers' task consists in filtering out those allowed to be mobile within one negatively categorized group of applicants. To accomplish this task, it is key to gather more and more information about visa applicants. Decision-making on visa applications is a process of categorization, that is, generalizing a particular case according to the features the case presents (Infantino 2019a, 2019b). The feature-finding process to locate single cases in a known category means that information must be gathered either through the documentation, verbal probing, or databases such as the Schengen Information System, a joint database containing information on objects and persons used for the maintenance of public order and security, the Visa Information System stocking information on visa applicants and applications (see Jeandesboz in this volume) and national databases. Schengen visa policy follows the lines of the history of identification techniques whereby the modern nation-state defines unambiguously the people who belongs and those who does not, the people who are authorized to cross borders and those who are not. Identification techniques are grounded into the bureaucratic endeavour of the people-tracking paradigm, underlined by the need of cumulating more and more information about people (Noiriel 2001). Such an endeavour is accomplished both for designing Schengen visa policy and for putting it into practice. The connection between the Schengen visa and the history of identification techniques, nowadays characterized by more sophisticated technologies, has led to the definition of the Schengen visa as an instrument of 'policing at a distance' (Bigo and Guild 2005) that is crucial to the construction of the territory of Schengen just as identity cards and passports have been crucial to the construction of national territories (Torpey 2000; Noiriel 2001). The logic of the Schengen system relies on the identification of potential 'risks' from a distance, that is before the actual arrival on the territory. Information gathering to identify and pre-empt the arrival of potential risks on the Schengen territory accomplishes the filtering work of European borders, aimed at facilitating and speeding up the mobility of some travellers while stopping others. Therefore, the border is 'activated' according to the identification of potential risks (Guild 2001). The Schengen visa can be characterized as a 'border away from the border' for its filtering work away from the territorial limits of polity.

Following Guild (2001, 13), the Schengen approach consists in 'moving the borders of sovereignty and the borders for persons'. Schengen has implied the removal of interstate frontiers and the transformation of former national borders into external borders of the Schengen Area (lands, seas, ports, and airports). However, it has implied something else too: The multiplication and the displacement of borders. While the harmonization of visa policy and carriers sanctions displace control in countries of departures and involve third parties, the creation of the Schengen Information System displace the control function of national borders in virtual spaces that have the potential to block the circulation of individuals that are listed in this database. It allows for the centralization and unification of information in unprecedented ways. The SIS can be therefore characterized as an e-border, as it activates the border for the persons whom are reported. The information is entered into national databases (NSIS) that are connected to the central database in Strasbourg. National authorities in the home country (not consulates abroad) enter the information. Reported foreigners are denied of a visa automatically.

The understanding of the Schengen visa as one of the European borders, one that is made of paper, which follows the lines of identification techniques, draws attention on the ways in which this filtering work through the identification of potential 'risks' is carried out. The Schengen visa – a 'border abroad' (Guild 2003) – is consistent with the 'smart borders' approach whose objective is 'modernize and strengthen the control of our external borders, while at the same time trying to make border crossing smoother and faster for the vast majority of all the travellers that come to Europe', according to its institutional proponents (Jeandesboz 2016). The European Commission strongly urges for a 'smarter visa policy for economic growth'[3], with an aim at steering national consulates practices towards reinforced cooperation to identify so-called *bona fide* applicants, facilitation of 'legitimate' travellers, and the diminishing of cross-national differences in visa application procedures most notably concerning the requested documentation. The capacity to categorize and identify legitimate travellers within overall negative categories of populations submitted to visa requirements is a much-needed feature that enhances the smartness of visa policy. The most telling example of such a view emerges from the declaration of Jacques Barrot, Commissioner for Justice, Liberty, Security, in office right after the adoption of the Visa Code, which establishes binding rules, conditions, and procedures for issuing visas:

> 'We need to improve visa policy currently based on citizenship towards a system based on the risk of the individual. We need to know better who is the visa applicant' (My translation). (Jacques Barrot, quoted in Le Monde, 12 June 2009)

Techniques and technologies that improve the capacity to gather information to identify risks and filter them out certainly participate to the endeavour of smartening the European borders. However, little is known about the implications on the ground. Engaging with the 'practice turn' in contemporary theory is particularly useful in that respect. Following Schatzki (2001, 11),

> The 'practice approach' can thus be demarcated as all analyses that (1) develop an account of practices, either the field of practices or some subdomain thereof (e.g., science), or (2) treat the field of practices as the place to study the nature and transformation of their subject matter.

Practice is a privileged entry point into the dynamics shaping contemporary border control. Border studies have formalized the Critical Border Studies approach by engaging in a conceptual shift from the notion of borders to the more political, sociological, and actor-oriented notion of bordering and bordering practices (Parker and Vaughan-Williams, 2012), to take account of the ways in which borders are performed in the everyday. Andersen et al. (2012) draw attention to the notion of the 'border multiple' as the result of the multiple practices through which borders are made. The *Security Dialogue*'s special issue 'Border Security as Practice' brings more focus to a specific field of inquiry, the everyday practices of the plurality of power-brokers involved in the securing of borders (Côté-Boucher et al. 2014).

The making of a restrictive visa policy: Actors and processes

Schengen is often considered to be the laboratory for the strengthening of the EU's external borders. The constitution of common visa policy partakes to the bordering of Europe and is strictly interrelated to the making of the Schengen Area. The lifting of inter-state frontiers has implied the harmonization of visa requirements to foreign countries. In the case of EU visa policy, such a process has implied a particularly restrictive outcome. The establishment of the Schengen area is the process whereby the European Union has achieved the free movement of

persons and has strengthened its external borders to enhance security and to control migration. The lifting of interstate frontiers has been associated to the internal security deficits.

More freedom of movement has not always entailed the need for more security. Historical examples of border-free regions like the Benelux Economic Union show that lifting internal borders did not always imply restrictive measures and pooling sovereignty did not necessarily imply pooling fears about third countries. In 1962, at the time the Benelux Economic Union was established, free movement did not result in the strengthening of external borders as a necessary counterpart. Regions that abolish their internal border checks displace control towards the external borders through a common visa policy and the definition of common entry conditions. The Benelux Convention provided for such displacement. However, in comparison with the Benelux process, the Schengen process has produced a more restrictive visa policy. To harmonize visa requirements, Contracting Parties to the Schengen Implementing Agreement have cumulated their national visa restrictions. In 2001, the final list of countries whose nationals must be in possession of visas when crossing the external borders included 134 foreign countries as a result. Conversely, the Contracting Parties to the Benelux Convention developed the so-called blacklist of countries whose nationals are submitted to visa requirements by subtracting countries rather than accumulating them. To obtain a uniform list, between 1962 and 1977, the Benelux countries signed Agreements relative to the abolishment of visa requirements with twenty foreign countries.

Table 21.1 shows the countries for which visa requirements were abolished under the Benelux Convention, the countries for which visa has been reintroduced later, and whether those countries were included in 2001 in the Council Regulation.

In the wake of the creation of the Benelux Economic Community, between 1962 and 1977, visa requirements have been abolished for twenty foreign countries. The Benelux process avoided the negative impacts of visa introduction on the bilateral relations of Contracting Parties. During that period, free movement and the strengthening of external borders by restricting visa policy were not an automatic correlation. Table 21.1 also shows that countries included in the EU list because deemed 'risky' were not considered as such in the 1960s and the 1970s. This is the case for: Ivory Coast, Niger, Burkina Faso, Malawi, Togo, Jamaica, and Chad, all African countries except for Jamaica. Until 2001, visa restrictions were not introduced to Malawi, Togo, Jamaica, and Chad. Only Israel and South Korea remained visa free also in the EU process.

Two parallel intergovernmental processes are crucial to seize the securitization of free movement: The Schengen process and the groups cooperating in response to the Single Market Project. In 1985, in the city of Schengen, the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands signed an agreement on free movement. The Schengen Agreement is concluded as a political response to the 1984 strike of customs and a mobilization of road transport workers who blocked border-crossing points to protest against the burdensomeness of checks at the internal borders of the European Community that slowed down the circulation of merchandise. The 1985 Schengen Agreement represented a statement of general intent for the long-term objective of achieving the free movement of goods, persons, and services. In parallel, the 1986 Single European Act which amends the 1957 Treaty of Rome states the commitment to create a single market in the Community by December 1992 which 'shall comprise an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured' (Article 8a). In 1976, at the instigation of the then Prime Minister of the United Kingdom, the intergovernmental mechanism named Trevi (*Terrorisme, Radicalisme et Violence Internationale*) is established, to convene home affairs ministers for regular public order and internal security discussions. Under the umbrella of Trevi, the working groups Trevi 92 and the Ad Hoc Group on Immigration (AHGI) are set up. Trevi broadened its mandate in the view of the creation

Table 21.1 Visa removals under the Benelux Convention and visa introductions under the Benelux Convention and the common EU list

Foreign country	Visa removal Benelux	Visa introduction Benelux	Common EU list (2001)
Ivory coast	14 March 1962		Yes
Cyprus	16 December 1962		
Iran	1 January 1965	27 April 1980 in the wake of the kidnapping of American citizens	Yes
Niger	1 August 1966		Yes
Gambia	1 May 1968	1 July 1987	Yes
Israel	8 December 1964		
Upper Volta (Burkina Faso since 1984)	1 January 1969		Yes
Yugoslavia	3 July 1969	1 July 1992	
Malawi	1 January 1970		Yes
Mauritius	12 Mars 1970	1 July 1976	Yes
South Korea	1 June 1970		
Swaziland	1 September 1970	19 January 1990	Yes
Togo	1 October 1970		Yes
Jamaica	1 October 1970		Yes
Philippines	1 April 1971	24 January 1981	Yes
Barbados	1 July 1971	1 February 1988	Yes
Lesotho	9 January 1972	19 January 1990	Yes
Botswana	1 June 1974	19 January 1990	Yes
Surinam	25 November 1975	1 September 1980	Yes
Chad	1 December 1977		Yes

Source: Bouras et al. (1995); Council Regulation No 539/2001 of 15 March 2001.

of the single market. Trevi 92 was tasked with examining the consequences of the removal of internal frontiers controls. As a result, Trevi 92 works on police and security issues involved in free movement of people, compensatory measures to combat the abolishment of internal border checks, and supervises the AHGI, set up in 1986, that specializes in visas, asylum, refugees, external borders, and expulsions.

The work on compensatory measures gains momentum and becomes the overlapping objective of the intergovernmental Schengen process and the intergovernmental groups cooperating in response to the Single Market Project. The AHGI is tasked with preparing a report on the necessary measures for creating an area without internal frontiers – the so-called Palma document adopted by the European Council in 1989 – that included a common visa policy among the necessary measures. Trevi 92 designed a computer-based system for the exchange of information, that is, very similar to the Schengen Information System. In 1990, after 5 years of secret negotiations, the original Schengen States signed the Convention Implementing the Schengen Agreement. The Convention defines its stated objective as coincident with the objective of the Single European Act, that is, the creation of a single border-free European market. The Convention Implementing the Schengen Agreement focuses on the compensatory measures necessary for the abolishment of interstate border checks and the achievement of free movement – aspects that were completely absent in the Schengen Agreement. Thus, the Schengen process became the laboratory for strengthening the external borders of Europe. The achievement of the free

movement became a topic addressed by institutional actors relating to Internal Affairs Ministries who link insecurity, terrorism, foreigners, irregular migration, and asylum seekers and tackle these issues from the perspective of policing (Bigo 1992, 1996). The emergence of an 'internal-external security continuum' interconnects the fight against drug trafficking, with the fight against terrorism, illegal migration, and asylum. Bigo (1996) highlighted the emergence of a field of internal security dominated by those national security professionals who might play a relatively autonomous role in regard to national centres of power. Several measures included in the Convention Implementing the Schengen Agreement, signed in 1990, laid the foundation for what Guiraudon (2003, 191) has eloquently defined as 'the policy toolbox that has displaced control away from the border'. The Convention provides for the harmonization of visa policies, the establishment of Common Consular Instructions (the non-binding guidelines for procedures and conditions for issuing visas), the introduction of carrier sanctions, the creation of the Schengen Information System and mandatory checks of this database to issue visas.

Tackling the practice: Continuities, novelties, vagueness, and the Visa Code

'Visa policy is one of the most communitarized policy areas in the European Union', states Birgitte, one key policy officer[4] of the Visa Unit, Directorate-General Migration and Home Affairs, during a personal interview. In effect, the visa policy is regulated by hard law Council Regulations meaning directly binding and self-executing acts: Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, Regulation laying down a uniform format for visa, and the Visa Code, the most recent Regulation that came into effect on 5 April 2010. The Visa Code is a Regulation adopted through the ordinary legislative procedure (formally known as the codecision procedure).[5] The communitarization of all components of visa policy, meaning that also the adoption of the Visa Code follows Community decision-making rules, implies that visa policy becomes a concern of sectors of the European Union institutions whose policy positions are distinct from those of the actors involved in the intergovernmental Schengen process. The design of EU visa policy is driven not just by internal affairs concerns of Schengen States, but also by the foreign affairs concerns of the European Union. New EU institutional players have foreign affairs concerns. The Visa Code results from the shifting of a 'frame' understood here as the structures of belief, perception, and appreciation which underline policy positions (Schön and Rein 1994). This new frame can be defined as that of 'friendly and unified Europe'.

The Visa Code is a surprising read for its objective of regulating aspects of visa policy implementation in which the image of unified Europe and the image of a friendly European border is at stake. Conversely, all the aspects related to migration control and the security of Schengen signatory states are not created from scratch but reveal continuities with the original Schengen process and the Common Consular Instructions in particular, which Table 21.2 shows:
In regards of migration control and security aspects, the Schengen visa policy 'Europeanises' a model that derives from the original Schengen countries, one that sees visa policy as an 'external mechanism of immigration control' (Brochmann, Hammar 1999) and a means at managing the risks for the security of Contracting Parties.

Compared to its ancestor, the Visa Code is characterized by a series of striking elements of novelty in aspects that are not directly connected to deciding who gets in or ensuring the security of contracting parties, but rather to the visa application process in local contexts. The Commission's proposal, the Amendments, and the resulting Visa Code include some principles and

Table 21.2 Continuity between Visa Code provisions and the Common Consular Instructions

Visa Code provisions	Origin
Verification of entry conditions (Article 21)	Schengen Borders Code Article 5(1)(a), (c), (d) and (e) = Convention Implementing the Schengen Agreement referred to in the Common Consular Instructions (Article 1)
Risk assessment: Security risk, risk of illegal migration, applicant intention to leave the territory (Article 21)	Common Consular Instructions: Security, fight against illegal immigration, assessing whether there is an immigration risk. Part V.
Consulting the SIS (Article 21)	Common Consular Instructions Part V
Personal interview (Article 21)	Common Consular Instructions Part III
Stamp in the passport indicating that an application is admissible (Article 20)	Common Consular Instructions Part VIII
Local Schengen cooperation to exchange information (Article 48)	Common Consular Instructions Part VIII

practices that pertain to the domain of rights (non-discrimination, respect of human dignity) and others that can be characterized as pertaining to New Public Management – a combination of practical and theoretical knowledge derived from economics and descriptions of best practices that nourish the beliefs in market mechanisms to solve a specific 'problem,' which is public administration, by improving its efficiency and effectiveness in delivering public services (Bezes 2009). Some prescriptions can be associated with New Public Management and are, therefore, more acceptable than other kinds of claims for both right and left wing parties in the European Parliament. A great number of provisions are aimed at 'facilitating legitimate travellers (…) through further harmonization of legislation and handling practices at local consular missions' (Recital 3) and at lessening administrative burdens through multiple entry visas for legitimate travellers for instance (Recital 8). The Visa Code introduces a classical principle of New Public Management, the one-stop principle according to which applicants should not be required to appear personally in more than one location (Recital 7). Article 9 and Article 23 strictly regulate time frames to schedule appointments to lodge applications (two weeks maximum) and to decide on applications (15 days as a general rule and thirty/sixty days in exceptional circumstances). The principle of non-discrimination and the respect of human dignity underline the provisions concerning the 'conduct of staff" (Article 39). The principle of due administrative process is expressed in the obligation to notify and motivate refusals and the right of appeal (Article 32), which proponents in the European Parliament consider being steps forward in the domain of human rights.[5]

The Visa Code reveals the policy position of the European Parliament Committee on Civil Liberties, Justice and Home Affairs since it is tasked with amending the Commission's proposal. The Commission's proposal, the amendments, and the minutes of the debate in Parliament[6] reveal a renovated vision of the common visa policy, one that clearly sees in this policy a means to enhance the image of a unified Europe. The Common Consular Instructions were tasked with reducing cross-national differences to avoid 'visa shopping' with an aim at strengthening the security of Contracting Parties rather than providing a symbol of united Europe. Within the frame of the adoption of the Visa Code, the connection between the visa policy and the image of a unified, positive, and friendly Europe abroad is clearly stated in the declarations of member of European parliament(MEPs) and in the Committee's amendments, although the Commission's proposal already included provisions concerning these aspects. The amendments tabled by

Henrik Lax, rapporteur for the Parliament Committee Civil Liberties, Justice and Home Affairs cover five major sets of issues among which are a common external image, a positive impression and customer service, and direct communication.

The importance attached to the visa application process shows that it is not merely a neutral organization of a procedure. It materializes the relation with foreign countries. Cross-national differences in the day-to-day management of the Schengen visa application process can be understood also in the light of foreign affairs interests in that country and/or public, institutional scrutiny. The visa application process can be, therefore, characterized as 'street-level diplomacy'. The application process for Schengen visas carries a strong foreign affairs dimension to new EU institutional players. Differentiated application procedures have a negative impact on the relations between the EU and third countries, since third countries use the unfulfilled promises of the implementation stage (different application procedures in terms of time-frames, documents required, burdensomeness of the procedure, treatment of applicants that do not comply with the respect of human dignity), as leverage in different contexts of negotiations. My in-depth fieldwork research within the local, national, supranational locations of Schengen visa policy-making has revealed several occasions in which the visa application process enters the domain of EU negotiations with third countries. Talking about the case of Georgia, the French civil servant participating to the European Commission and the European Council working groups (the visa committee and the visa working group) stated:

> There were many criticisms from third countries that complained of wait times for their citizens. At the European level, complaints were expressed within the frame of the negotiations of facilitation agreements. The third countries 'take advantage' (I put quotation marks around that word) of those occasions to complain at the EU level. For example, the EU negotiated a facilitation agreement with Georgia and the Georgian authorities complained of long time frames to schedule appointments. So, the Commission managed to raise the problem at its level.

I crosschecked this information and discussed the case of Georgia also with a Belgian civil servant who said that *'It happens very often'*. The Visa Code addresses the details of the visa application process that enters the realm of EU foreign affairs and represents the European Union abroad.

To state actors, the provisions regulating the visa application process imply economic and non-economic burdens: More investments in human resources and responsibility of the management of application processes that comply with that new set of rules. The emergence of another element of novelty namely the legal basis to outsource the visa application process to private companies can be understood in the light of this specific configuration in which Schengen states try to respond to the constraints that European rules imply. The Commission's proposal for the Visa Code already introduced a new component of the common visa policy: the cooperation with 'external service providers'. The Common Consular Instructions covered the 'visa applications processed by private administrative agencies, travel agencies and tour operators' (Article 5), which act as intermediaries for applicants. The forms of cooperation covered by the Visa Code include the cooperation with 'external service providers' (Article 43) that sign contracts with the consular missions and carry out several administrative tasks that were under the responsibility of the consulate previously. In the beginning of the 2000s, well before the launch of the legislative process to adopt the Visa Code, some Schengen signatory states (Italy, the Netherlands, France, Belgium, Germany) started to use private/public cooperation to implement EU visa policy. The analysis of the reasons that have led to the cooperation with

private companies (most notably the transnational corporations VFS Global and TLS Contact), nowadays a routinized mode of implementing Schengen visa policy, reveal the logic underlining that choice beyond cost-benefit logics, which tend to be put forward to make sense of private/ public forms of cooperation. Schengen signatory states have negotiated to obtain a legal basis to cooperate with transnational corporations in the view of the adoption of the Visa Code. Those states have used the New Public Management frame because it was acceptable. It has characterized the context of reform of the Visa Code. However, states have used outsourcing for other purposes: Reducing economic and non-economic burdens of implementing visa policy according to the requirements dictated by the Visa Code, deflecting the responsibility of the visa application process, and avoiding blame (Infantino 2016).

In tackling the ways in which Schengen visa policy should be put into practice, another key element of novelty included in the Visa Code is the lack of detail and precisions for the assessment of the migratory risk. As we have seen in Table 21.2, the provisions regulating migration control and security aspects of common visa policy derive from the original Schengen process. Article 21 of the Visa Code define decision-making as verification of the 'entry conditions' (verification that the travel document presented is not false, counterfeit or forged, verification of the applicant's justification for the purpose and conditions of the intended stay, and that he/ she has sufficient means of subsistence, verification of the authenticity and reliability of the documents submitted and on the veracity and reliability of the statements made by the applicant), the 'assessment of security risk,' the 'risk of illegal immigration', and the 'assessment of the applicant's intention of returning'. However, it fails to specify the ways in which verification should be enforced. The same vagueness pertains to the notion of 'assessment of security risk', 'risk of illegal immigration', and to the much-unspecified notion of 'assessment of the applicant's intention of returning', an almost magic formulation since it involves foretelling the future. The risk assessment derives from Part V of the Common Consular Instructions. However, the formulation of criteria for decision-making is much more precise in the Common Consular Instructions than the Visa Code. The former refers to exemplary situations to be alert of – 'those who use legitimate travel purposes as pretexts to obtain a visa while their intention is settling in the country'. It lists precise categories of risk ('unemployed persons, those with no regular income') that are directly usable in day-to-day implementation.[7] Hence, Birgitte discloses that although Schengen signatory states asked for the specification of risk categories, in other words, for profiling, to be included in the Visa Code, the Commission 'did not dare' to include them for Parliament's amendments:

> Sorts of profiles exist. We tried to put something in the Handbook, but we did not dare to [in the Visa Code]. Member States would have liked to, but we did not dare to. The Parliament has the right of monitoring. Finally, we did not put anything like profiling [in] and I am surprised that nobody has ever written to complain about that because in the CCI [Common Consular Instructions] we used to say, "No job? No visa!"

Avoiding specification in the hard law legislative act that is submitted to parliamentary scrutiny is a strategic choice. That is the first condition inherent to the Schengen visa legislative policy-making that accounts for the vagueness of law. Then, the second condition for unspecified regulations is inherent to the visa policy domain. Regulations are broadly worded also because they are designed to apply to a wide array of foreign countries. Finally, the ambiguous character of laws is often underlined, especially in the EU context which requires interstate and inter-institutional compromise. Social scientists (Dubois 2016; Edelman 1990; Hawkins 1992; Pratt 1999) have encouraged a departure from the Weberian view of bureaucracy, according to which

there is no need for discretion because the functions that bureaucracies perform are formalized in written rules. Drawing on Bourdieu (1994, 17), according to whom 'the sociological vision cannot ignore the discrepancy between the official norm as stipulated in administrative law and the reality of bureaucratic practice', the following section takes the sociological and interpretive visions to the day-to-day reality of visa policy on the ground.

Visa policy in practice: Informal cooperation to assess the migratory risk

The analysis of practice informs about the ways in which implementing personnel interpret the meanings of Visa Code provisions. In order to do so, it is key to access 'local knowledge' (Yanow 2004) that underlines the interpretation and the understanding of Schengen visa policy in organizational contexts. Local knowledge is practice-based, context-specific, interactively derived, lived experience-based, tacit, and concerns the everyday. It is socially constructed in action and interaction with peers. This coming together to address the problem of putting policy into practice defines implementing personnel as 'communities of practice' (Wenger 1998). This section sheds light on the filtering work that is achieved by day-to-day visa issuing, by focusing on two interrelated aspects in particular: The practical meanings of the migratory risk and the nature and role of cooperation with Schengen peers that expands the community of practice beyond the boundaries of national visa sections.

Although less burgeoning, a number of studies that have focused on practice exist. The comparative case study on Schengen visa policy implementation of three Schengen countries (Belgium, France, and Italy) in a same third country (Morocco) has revealed on the one hand, national sense-making of visa policies that underline distinct and state-bound understandings of visa policy objectives in the same local context, which are historically derived, and on the other hand, processes of inter-organizational socialization that account for counterintuitive similarities in practice, which can be defined as 'transnational policymaking from below' (Infantino 2019b). Despite policy legacies (Brubaker 1992) and path dependency (Pierson 2000), organizational conditions and sense making give a national flavour to Schengen visa policy on the ground, the analysis of practice shows something else too. One shared meaning of the migratory risk is emerging namely the risk of lawful settlement. Bureaucratic action is particularly concerned with the potential use of the 'juridical capital' of candidates to mobility. Drawing on Bourdieu's (1984) definition of social capital, the juridical capital can be characterized as the ability of mobilizing laws, and in case it is necessary courts and jurisprudence, to obtain the right to residency, nationality and/or to enjoy welfare benefits in a foreign country. Such an understanding of the migratory risk is shared and derives from the original Schengen process, in which only Benelux, Germany, and France were involved. The model of EU visa policy is more familiar to Belgium and France, which have participated to the drafting of legislative tools such as the Common Consular Instructions,[8] whose provisions have been replicated in the Visa Code. Therefore, it is somehow expected to find such an understanding of consular action in Belgian and French visa sections whereas it is unexpected in the Italian context. As Guiraudon (2007, 303) has noted in the context of anti-discrimination policy, 'the Europeanization literature that relies on the notion of 'goodness of fit' overlooks cases where the fit is a priori 'good'. This comparative analysis puts forward a very similar argument, since the original Schengen process has become the model of EU visa policy.

Furthermore, the comparative analysis reveals that Italy, a country considered as pertaining to the 'world of neglect' or 'world of dead letters' according to the typologies of compliance that Falkner et al. (2008) have defined, does not fit in those typologies, when it comes to take

into account the day-to-day practices that put EU law into action. Falkner and Treib (2008) locate Italy in the world of dead letters because 'what is written on the statute books simply does not become effective in practice'. EU law provisions become effective in practice provided that law is extremely precise. But, EU law (the Visa Code) is vague most notably when it comes to the assessment of the migratory 'risk'. Therefore, what is written on statute books cannot become effective in practice unless it is translated into practical meanings. That is valid for Italy (and the other countries of the world of dead letters) as for any other European Member State.

It is interesting to note that the process that account for this diminishing of cross-national variations is the informal interaction of the actors involved in day-to-day implementation rather than the uniform and binding law or the formal local Schengen cooperation. Consuls-general and officers develop and learn their local knowledge through informal interactions. They share the tricks of their trade, their knowledge about how to manage the visa application process and what pitfalls to guard against, they engage in mutual sense making of their work, and they pick up the unwritten profiles of the migratory risk. Appropriateness is constructed within the community of practice, whose members are peers from other national consulates, or the community of practice is activated to seek for sources of appropriateness, which guide actors' association of certain situations to certain actions (March and Olsen 1984). Informal settings such as telephone calls to understand the decision-making of other consulates, leisure activities (parties, dinners), and informal meetings of consuls are the best suited to exchange with Schengen peers in an intimate, relaxed, confabulatory, and familiar manner. Informal exchange is desired whereas formal meetings of local Schengen cooperation tend to be seen as time-consuming, useless, and avoidable. Formal local Schengen cooperation is the venue where the representatives of EU Delegations have the opportunity for 'naming and shaming' and ranking consulates according to the rules that the Visa Code dictates. Also interviews' excerpts from Zampagni's case study of Schengen visa policy implementation in Senegal (Zampagni 2013) show consular personnel's fatigue vis-à-vis the utility and desirability of local Schengen cooperation.

The common enterprise around which the community gathers is the assessment of risks, the detection of 'frauds' and the stemming of migration. The community of practice does not gather around the concern of attracting 'desirable' travellers such as tourists and businessmen, because that is a domain of competition or the concern of issuing visas or facilitating application processes. While some *European* criteria, interpretations and implementation practices emerge, they are inevitably exclusionary in nature. Is cooperation in Europe motivated solely by exclusion and fear? The 'original sin' of constructing the Schengen Area, namely the association of the removal of inter-state frontiers within the European Union with the detriment of internal security and the strengthening of external borders, exerts the main influence on actual practice. National state actors rely on 'other Europeans' to develop and learn knowledge about the most appropriate ways of securing Europe.

Conclusion

This chapter has brought analytical attention on bordering practice and the ways in which they put logics into action. Common sense and certain theoretical predictions have been put into question by showing some effects that the construction of a region of free movement has on the prevention of mobility to manage risks of (lawful) migration and the need for cooperation that such an endeavour implies. The sociological, actor-oriented, and interpretive analysis of practice has been coupled with the analysis of texts and the logics underlining them. The issue of access

to research settings often characterized by secrecy is central here. The difficulty in obtaining research access in migration control and security settings is a topic of analysis and discussion (Kalir et al. 2019; Goede et al. 2019). It contributes to the invisibility of practices and reduces the scope for critique, understood here as a movement towards questioning beyond taken-for-granted assumptions and policy-driven research.

However, an analysis of effects is incomplete without taking the perspective of the targets of European border control and reflecting upon the effects (or lack of) on dynamics of migration and migratory desires (see McCluskey in this volume). In the case of Schengen visa policy, further research could focus on the interaction between control practice and would-be migrants/travellers strategies to make sense of Schengen visa policy outcomes beyond statistical measures of visas issued and denied.

Notes

1. Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81/1 of 21 March 2001).
2. Proposal for a Council Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement/* COM/2000/0027 final – CNS 2000/0030 */ (OJ C 177E , 27 June 2000)
3. Report from the Commission to the European Parliament and the Council, a smarter visa policy for economic growth /* COM/2014/0165 final */
4. A policy officer is a highly ranking permanent official of the European Commission, an administrator playing a key role in the EU's legislative and budgetary processes. This person has been involved in EU visa policy for fifteen years. Considered by his/her colleague to be a crucial resource in that domain, this person is often the one who speaks to researchers.
5. Tatjana Ždanoka, on behalf of the Verts/ALE Group, referred to: 'The right to appeal against a negative decision is also a big step forward. Now, in many Member States, such a right does not exist. As a human rights activist in my previous life, I especially thank Mr Lax for this provision.'
6. Debates Wednesday, 1 April 2009—Brussels. Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20090401+ITEM018+DOC+XML+V0//EN&language=EN. Accessed 18 March 2019.
7. 'The purpose of examining applications is to detect those applicants who are seeking to immigrate to the Member States and set themselves up there, using grounds such as tourism, business, study, work or family visits as a pretext. Therefore, it is necessary to be particularly vigilant when dealing with 'risk categories', unemployed persons, those with no regular income, etc.' (Part V of the Common Consular Instructions)
8. The Common Consular Instructions on visas for the diplomatic missions and consular posts (2005/C 326/01) (OJ 2002 C 313/1). They were published for the first time in the *Official Journal* after the Schengen *acquis* was incorporated into the European Union legal framework by virtue of the Protocol 'integrating the Schengen *acquis* into the framework of the European Union' attached to the Treaty of Amsterdam signed in 1997.

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Inside-out? Trajectories, spaces and politics of EU internal (in)security and its external dimension

Julien Jeandesboz

Introduction

This chapter examines the politics of European Union (EU) internal security and its so-called 'external dimension' and explores what a critical take on them might look like. In the last few years, internal security has received heightened political and policy attention in Brussels. Besides the largely symbolic move that saw the European Commission establish the 'Security Union' and adopt the 'European Agenda on Security' in 2015, major accelerations and inflections have unfolded in relation to EU internal security in recent years, particularly in relation to counter-terrorism, border and migration control. Measures that had initially proven contentious due to their implications for fundamental rights and freedoms, such as the establishment of an EU Passenger Name Record (PNR) system, have been adopted, seemingly overnight. EU bodies in the field of justice and home affairs (JHA) have been granted new capacities and competencies, among other the establishment of a Counter-Terrorism Centre (CTC) at the EU agency for law-enforcement cooperation (Europol), or the transformation of the EU's external borders agency Frontex into the European Border and Coast Guards agency (EBCG) with an expanded mandate to deal with internal security matters, including organised crime and counter-terrorism. These transformations have largely been justified on the grounds that the EU has of late been facing a security as well as a migration and refugee 'crisis'. In turn, these transformations have been hailed as 'signalling a new era for security in Europe', in the recent words of Commissioner for Migration and Home Affairs Dimitris Avramopoulos (European Commission 2019).

Such is the background against which the present chapter interrogates the unfolding of EU internal security and its external dimension. Conventional accounts of these politics tend to work with three key assumptions. First, that EU internal security measures and policies developed over time as a response to pre-existing security problems: as a response to clandestine political violence in the 1970s, to transnational organised crime and drugs trafficking in the 1980s, and from the 1990s onwards to tackle concerns with cross-border movements of persons, that is 'illegal immigrants and bogus asylum seekers [...] and the criminal organisations involved in illegal immigration' (Mitsilegas, Monar and Rees 2003, 26–27). Second, that the 'external dimension' of EU internal security measures and policies, paradoxical as this qualification may sound, grew out of the imperative that 'the EU must protect its own space from a variety of

challenges that include organised crime, illegal immigration and terrorism [that] have become de-territorialised, originating increasingly from actors that operate outside the Union's external borders' (Rees 2008, 97–98). Third, that the 'external dimension' has involved the EU encouraging so-called 'third countries' 'to adopt measures based upon its own model of internal security' (Rees 2008, 98).

The chapter looks to turn these three assumptions – that security is a functional response to threat, that the 'external dimension' involves the protection of an internal security (and secure) space, and that it consists in exporting an 'EU model' – into questions. Can we take for granted the functionalist account of security politics, whereby security measures unfold as a response to prior, objectively defined and definable threats? Can we analyse these politics as a sequence of centripetal processes – whereby a domain, space and 'model' that can be confidently identified as 'EU internal security' is established and delineated – and centrifugal dynamics – whereby the prescriptions and practices of EU internal security are then disseminated or diffused 'outside'? The chapter essentially argues that the development of an EU internal security domain is inseparable from the production of claims and knowledge defining the 'challenges' or 'threats' that this domain should be concerned with, and that as such EU internal security is better understood as EU internal (in)security. A second line of argument is that while the development of this domain has been framed by some practitioners and scholars alike as an EU-centric and centripetal process, it is more fruitful and certainly more reflexive to consider the unfolding of EU internal (in)security in terms of the constitution of and relations between multiple, overlapping spaces and distinct and at times competing 'centres'.

An important intellectual affinity (rather than affiliation) in this chapter is with the development of international political sociology (IPS, Basaran et al. 2017). References to sociology have, after a rather long eclipse in favour of international relations and political science, made a noted return in the study of the politics of European integration since the early 2000s (e.g. Favell and Guiraudon 2009). IPS scholarship, however, offers an engagement with 'the articulation of modern thought and the forms of silencing that some of the divisions between disciplines have created' (Basaran et al. 2017, 3), and as such does not give pre-eminence to a specific discipline (political sociology, international relations and so on). The chapter builds on the attention that IPS approaches pay to the constitutive role of knowledge practices, including those of scholars. In this sense the 'critical' perspective adopted in this chapter takes on the meaning of reflexivity and requires that we question the categories through which scholarship provides interpretations of political and social processes – here how we come to think of internal security in terms of centripetal and centrifugal movements where the EU and its institutions either stand central or as the pole of integration opposed to the pole of fragmentation embodied by Member State practices. The second element of IPS scholarship drawn upon in this chapter involves the specific analytics of political and social phenomena that it advocates, namely a focus on practices whereby 'individuals and communities only exist in relations are embedded in processes' (Basaran et al. 2017, 4), and practices including as practices of power, of authorisation and justification. This is a perspective that emphasises thinking in terms of 'movements, trajectories and becoming rather than the fixed static, the separate and self-contained' (Idem). Finally, the chapter draws on the longstanding work that IPS scholarship and critical approaches to security (c.a.s.e. collective 2006) have conducted together, whereby security practices are examined as meaning-making practices rather than as responses to 'threats' that either are objective or can be objectivised.

The chapter is accordingly organised as follows. The next section on the trajectories of European internal (in)security outlines how EU internal security emerged in contingent fashion out of a broader pattern of relations and competitions between, and circulations of, home affairs,

intelligence and law enforcement officials and their respective ways of saying, doing, and think-ing about, security, with a marked inflection (though not an origin) from the end of the 1960s onward. The argument sustained here is that the emergence of a domain of action and thought, of knowledge and know-how, of measures, policies, strategies and so on that can be called 'EU internal security', is a happenstance rather than the inevitable outcome of deeper European integration or of emerging security concerns. The second section of the chapter looks to trans-late the analysis of the trajectories of European (in) security into a different understanding of its current features, including its so-called external dimension. The gist of the argument developed here is that much can be gained from moving beyond an analysis of these features in terms of a more or less stable 'inside' being projected 'outside', towards an analysis of how the hetero-geneous practices that are usually categorised under the heading of European internal security produce a plurality of overlapping, intersecting and dispersed spaces.

Trajectories of European internal (in)security

In the EU's institutional categories, internal security is usually considered as part of the area of freedom, security and justice (AFSJ), established with the entry into force of the Amster-dam Treaty. Accounts of the way in which internal security became a European matter usually emphasise how rapidly the AFSJ emerged as an area of European integration; how, starting from sporadic efforts spearheaded by Member States in the late 1960s and early 1970s, coopera-tion among national authorities in these matters was first experimented upon in the context of the 1985 Schengen Agreement and its 1990 Implementing Convention (CISA), laying the groundwork for further and eventual integration within the EU institutional and legal order after Amsterdam. Writing a couple of years after the entry into force of said Treaty, Monar (2001, 747–748) illustrates this 'centripetal thesis' by arguing that

> There is no other example of a policy-making area which its way as quickly and compre-hensively to the centre of the treaties and to the top of the EU's policy-making agenda. Ten years ago at the beginning of the 1990s, 'justice and home affairs' did not even exist as a policy-making area within the scope of the Treaties, and the limited co-operation between the Member States which had been building up since the mid-1970s took place in a range of poorly co-ordinated intergovernmental groups which lacked adequate insti-tutional structures, legal instruments and objectives.

Monar argues that the fast-paced development of the JHA/AFSJ domain has been facilitated by the setting-up of 'laboratories' – the TREVI and Schengen frameworks in particular – and can be explained by a series of 'driving forces'. 'External' drivers consisted of 'transnational chal-lenges' such as the 'increased awareness of the links between terrorism, organised crime and drug-trafficking' or 'the sharp increase in the number of asylum applications and the mount-ing illegal immigration pressure at the end of the 1980s' (Monar 2001, 753). 'Internal' drivers involved in particular spillover effects stemming from developments in economic integration, as the 'abolition of the remaining obstacles to cross-border economic activities and the full imple-mentation of the 'four freedoms' generated *de facto* a common internal security zone encom-passing all Member States […][that] rendered borders between Member States increasingly ineffective both as instruments of control and obstacles to the movement of asylum-seekers, illegal immigrants and crime' (Monar 2001, 754).

This 'centripetal' reading of the European politics of internal security, which can be treated as exemplary of a broader trend in the literature, is limited in at least two ways. First, it is narrowly

EC/EU-centred, insofar as initiatives that have not institutionally or legally formed part of this framework are presented either as 'limited' and 'poorly co-ordinated' or as 'laboratories' that paved the way for and were eventually subsumed within the EC/EU. Second, this account works with the assumption that the existence of objectively existing 'challenges' is a key driver in the development of EU competences in JHA domains. Regarding the first limit, an alternative way of thinking about the trajectories of European internal (in)security should begin by changing the scope of the inquiry. Patel (2013, 651) has made the case for adopting a historical perspective on European integration that starts from 'the multiplicity of interconnections with other international organisations, with non-governmental platforms and with other actors crowding the international stage, which have energised, complemented, or rivalled the efforts of the European Community forum' and for moving 'beyond an "intrinsic" perspective because many of the features of the EC/EU can only be understood if studied […] against the backdrop of these other settings' (Idem). Moving beyond an 'intrinsic perspective' on European internal security requires that we ask primarily how home affairs actors have invested, and in so doing constituted, 'Europe' as a relevant site and space for internal security. In order to address the second limit, furthermore, we need to break away from the 'functionalist' hypothesis underlying conventional accounts whereby this investment into Europe can be explained as a response to 'transnational challenges' and ask to the contrary how these processes have led to new meanings for, and understanding of, (in)security.

The literature on transnational policing draws our attention to the fact that the emergence of informal 'clubs' and fora for law-enforcement and intelligence cooperation in the late 1960s and 1970s was less the manifestation of early, imperfect, institutionally and legally limited attempts at European integration, than a set of further developments within the longer-lasting trajectories of international police cooperation (Bigo 1996, 58–59). It is common to consider police organisations and police activities as bound by the territorial confines of the sovereign state, to confuse the legal doctrine of sovereignty with the practices of state actors, and to consider attempts by police organisations to operate across national boundaries as a transformation of said sovereignty (Bigo 1996, 57). International cooperation has, however, been a constitutive part of the emergence of modern policing institutions and practices in Europe, with police networks developing in the Habsburg Empire and the German confederation in the first half of the 19th century in particular (Liang 2002[1992]). More contemporary developments in the 1960s and 1970s are also very much linked with the fortunes of the International Criminal Police Organisation (ICPO), better known as Interpol. Interpol was originally established as the International Criminal Police Commission (ICPC) in 1923 at a congress gathering the police chiefs of twenty countries under the auspices of Vienna's police commissioner (Fijnaut 1997). Prior to World War II, the ICPC was progressively taken over by the German SS and became 'an adjunct of the SS police apparatus in Europe', losing its international membership and scope in the process (Fijnaut 1997, 118). It was re-established in 1946 and in 1956 became the ICPO with the adoption of a formal Constitution. While the postwar 're-formation of the ICPC was a predominantly European affair' (Deflem 2002, 209), European law enforcement and police services progressively grew dissatisfied with Interpol in the 1960s and 1970s. Specialised police bodies dealing with drugs trafficking and terrorism, as well as intelligence services, considered the organisation's procedures to be too slow for their purpose and too unreliable given that its broad international membership included services from countries whose governments were seen as implicated either in the support to clandestine political organisations or in the drugs trade (Bigo 1996, 69–74).

It is in this context that European intelligence and law enforcement actors moved to establish other settings in which they could work more closely together but also compete among each

other. These settings included the Pompidou Group (1971) in the domain of drugs trafficking or the Club de Berne established around 1969 on counterterrorism. The TREVI Group is the other best known of these groups, which originates in efforts from officials in the West German Federal Ministry of Interior to establish a 'European conference on internal security' in the wake of the hostage crisis at the 1972 Munich Summer Olympics (Oberloskamp 2016, 31). TREVI was eventually established following a first ministerial conference of EC Ministers of Interior and Justice in June 1976 as a three-tiered structure, markedly different from the informal organisation of the Club de Berne or Pompidou group and institutionally and legally distinct from the EC framework, with a ministerial level, a preparatory level of senior officials from national ministries, and several working groups, the most prominent of which was to be Working Group 1 on terrorism (Oberloskamp 2016, 33–36). Alongside these two often-mentioned examples, other groups focused on counter-terrorism were established in subsequent years, including the Club des Cinq/Club de Vienne established in 1978 by the Italian ministry of Interior with their Austrian, French, Swiss and West German counterparts to coordinate border control operations following the kidnapping of Italian Prime Minister Aldo Moro by the Red Brigades; or the Police Working Group on Terrorism (PWGOT), a British initiative from 1979 bringing together the specialised police counter-terrorism services of the UK, Belgium, the Netherlands, West Germany as an operational alternative or competitor to the TREVI framework (Hänni 2018, 84–87).

There is no good reason – other than a tendency to write history retrospectively – why we should consider these bodies and groups only as mere precursors to or laboratories for the development of JHA and the AFSJ in the EU framework. Their establishment results first and foremost from centrifugal dynamics within the transnational networks of police cooperation, from a series of moves by various European intelligence and police actors *away* from Interpol, weakening 'the great centralising project of all police networks from the 1900s' (Bigo 1996, 69, my translation) that this organisation had embodied and where European actors had been dominant until then. Their trajectories, secondly, cannot just be analysed in centripetal terms, as a move towards European integration and the reconstitution of a new 'centre' and model of European internal security. The Club de Berne, for instance, had the domestic intelligence service of a non-EC state (Switzerland) as one of its co-initiators. Its Kilowatt cable warning system, which it started operating in 1971, allowed domestic intelligence services from the United States, Israel and Australia (initially) to participate in the sharing of information on Palestinian clandestine groups although they were not formally members of the Club (Guttmann 2018, 820) and not European services. Likewise, after an attempt to deal with internal security matters through foreign affairs ministries and the framework of European political cooperation (EPC), the TREVI framework established among home affairs and law enforcement authorities of the EC Member States, but without any explicit plan to bring the issues it was created to tackle under the institutional and legal umbrella of the Communities. If the 1960s and 1970s saw specific actors in the field of intelligence, law enforcement and home affairs 'move to Europe', then, this was not necessarily the Europe of the Communities, nor was this move a linear, uncontroversial and uncontested process. As political actors mobilised to tackle issues related to border management and home affairs through the Communities in the 1980s, however, groups and networks of home affairs and law enforcement officials started gravitating closer to the EC (see also chapter by Groenendijk in this volume). This happened in the context of the negotiations and drafting of the 1990 CISA as well as of the development of the third pillar officialised in Maastricht, where the TREVI setup served as a key framework of mobilisation in 1986–1992 (see e.g. Cruz 1993, for a description).

The second limit of conventional accounts will be more familiar because it has been the subject of a rather extensive discussion among critical approaches to security since the mid-1990s (inter alia Bigo 2002; c.a.s.e. collective 2006; Huysmans 2000). This limit relates to the assumption that objectively existing security concerns were key drivers for the development of EU internal security arrangements. At the very least, one can argue that the officials who in the 1980s designed the Schengen framework and the 'third pillar' were working with the *assumption*, rather than hard evidence, that the removal of internal border controls would lead to an increase in criminality and irregular movements of persons. And indeed, as one such official readily acknowledged – many years after the fact – the lifting of internal border controls 'did not have as a consequence a massive increase in crime or illegal migration' (Elsen 2011, 77, my translation). The point, however, is not just that EU internal security developed on the basis of misperceptions, inaccurate or incomplete information about the challenges that were to be handled. It is, rather, that the developments surveyed so far enabled and enacted specific understandings of *(in) security*; of the phenomena, processes or groups that should be considered as threatening and of the authorities, features, institutions or people thus threatened. As the question of freedom of movement and the removal of internal border controls between European states becomes a central item of debate among European political actors in the 1980s, the focus among home affairs, police and security networks formed in the 1970s starts encompassing issues related to asylum, migration and cross-border crime, thus contributing to shape the association that some in the literature characterise today as 'crimmigration' (e.g. Aas 2011; van der Woude and Berlo 2015) and redefining the scope of European internal security measures beyond concerns with counter-terrorism and drugs trafficking that had initially authorised and sustained the centrifugal move away from the global police project of Interpol.

The many spaces of EU internal (in)security

The previous section has outlined how EU internal security emerged in contingent fashion out of a broader pattern of relations and competitions between and circulations of home affairs, intelligence and law enforcement officials and their respective ways of saying, doing and thinking about security, with a marked inflection (though not an origin) from the end of the 1960s onward. The emergence of a domain of action and thought, of knowledge and know-how, of measures, policies, strategies and so on that can be called 'EU internal security', is therefore a happenstance. It is the contingent outcome of the mobilisation and 'move to Europe' of different groups of home affairs, law enforcement and intelligence professionals and of their evolving relations with national and supranational bureaucratic and political agents. These processes are constitutive, rather than the product of, meaning-making practices such as the social construction of 'new' challenges or 'transnational threats'. As such the development of a domain that can be more or less identified as EU internal security involves simultaneously the shaping of an EU internal *(in)security* domain.

I would now like to outline how this alternative way of thinking about the historical trajectories of European internal (in)security might translate into a different understanding of its current features, including its so-called external dimension. Much can be gained from moving beyond an analysis of these features in terms of a more or less stable 'inside' being projected 'outside', towards an analysis of the many spaces of EU internal (in)security. 'Space' is understood in two ways here. It refers firstly to the various geopolitical categories, practices and processes involved in and considered meaningful for the conduct of EU internal security. 'Space' refers here to 'the practices through which international [and European] politics is spatialized' (Kuus 2011, 423). These categories can be more or less formalised, depending on how entangled

they are with institutional and legal features, bureaucratic and political routines. They include, for instance, the area of freedom, security and justice, the Schengen area, the European neighbourhood policy for instance and its differentiated and overlapping spatialities (Eastern partnership, Union for the Mediterranean), the transatlantic space with its multiple arrangements for law enforcement cooperation and data exchanges, and so on. References to these spaces routinely structure scholarly accounts of EU internal (in)security and its external dimension, which tend to pay more attention to their institutional features than to their social constructedness. The second understanding of 'space' here is, therefore, as social (and eventually sociotechnical) space. The shape, conduct, effects and meanings of EU internal (in)security are produced through the relations between specific individuals and groups. The focus of EU studies on institutional-legal arrangements and developments and the related tendency to 'anthropomorphise' EU agencies; institutions and Member States as social agents in their own right often shadows the fact that these are 'embodied institutions' that involve 'individual and collective social action' (Kauppi and Madsen 2008, 96, my translation). Of particular interest here are the manifold ways in which transnational relations among individuals and groups involved in the politics of internal (in)security – what Didier Bigo (2014, 2018) has called the 'universes' or 'guilds' of (in)security – map onto and call into question the dichotomy between inside and outside, between an EU space of internal security and its outside.

Overlapping spatialities: The outside(s) within and the inside(s) without

The starting point of an alternative analysis of EU internal (in)security politics that does not rely on the assumption that these politics involve the interplay between a stable 'inside' and its projection 'outside' is to highlight the overlapping spatialities involved. This is certainly a matter where conventional and reflexive analyses of EU internal security can agree. Under the heading of 'differentiated integration', for instance, conventional accounts do underscore the fact that the AFSJ is characterised by a 'varying territorial scope' (Nilsson and Siegl 2010, 74). In institutional-legal terms, this concerns for instance the British, Danish and Irish 'opt-out' of measures related to the AFSJ or the institutional-territorial scope of the Schengen area that includes non-EU states but excludes some EU Member States.

Another way in which the institutional-legal boundary between insiders and outsiders, appears to be regularly in flux, is through the establishment of more limited 'in-groups' amongst insiders. A striking example of the former in the last 10 years is the case of the Prüm Convention. Sometimes hailed as 'Schengen III' (Preuss-Laussinotte 2006), the Convention was an international treaty signed by seven EU Member States in May 2005 and entered into force in November 2006 as a way to deepen cooperation in the areas of counter-terrorism, the countering of cross-border crime and migration enforcement. Presented as a pioneering initiative aimed to establish higher standards of police and judicial cooperation among Member States, the key measure of the Convention, namely the establishment of a scheme for the exchange of electronic personal data including DNA data, has been analysed as a competing framework, based on the principle of interoperability between Member State law enforcement and judicial information systems, to the Commission's proposal at the time to establish the principle of availability which would have given Member State authorities the same right of access to information than enjoyed by other national authorities. As such, Prüm was understood as 'institutionalising a new electronic border between the seven [signatory Member States] and the eighteen [non-signatory Member States]' (Balzacq et al. 2006, 113). Prüm was eventually incorporated into the EU framework through Council Decisions 2008/615/JHA and 2008/616/JHA establishing

in particular the conditions under which EU Member States grant each other access to their respective DNA, fingerprint and vehicle registration data, after a long and contentious process (Bellanova 2008).

To push further the analysis of the overlapping spatialities of EU internal (in)security, however, we should move beyond discussing patterns of institutions, law and territory or rather supplement these considerations by asking about the practices and social spaces through which these patterns are produced. This requires an enriched understanding of spatiality as socially produced. Such an understanding is partially at work in studies that straddle the boundary between conventional, institutional-juridical perspectives on EU internal security and reflexive approaches. Working in a transgovernmental perspective, Pawlak (2009) examined how the relations between the EU and the US in the field of 'homeland security', particularly around the issue of the transfer of Passenger Name Record (PNR) data from the former to the latter, are produced through networks of formal and informal relations between specific officials and groups of officials across the Atlantic. These networks are not simply assemblies of likeminded individuals, but involve intra- and inter-network struggles over policy ideas and policy frames. EU–US relations in the field of internal security, in other words, are composed of and shaped by reticular patterns of cooperation and competition between home affairs, transportation, data protection and external relations officials/diplomats – '"transatlantic diplomats" versus "transatlantic security specialists", "transatlantic executives" versus "transatlantic legislatives"' (Pawlak 2009, 574). Such analyses offer a valuable insight inasmuch as they highlight the intricacy of the politics of EU internal (in)security beyond the constitution of an internal security 'model' and its export to third countries in the context of the so-called external dimension. In the PNR case studied by Pawlak, 'international developments provide the context for European policies to take shape' (Idem), meaning at the very least that the 'inside-out' understanding of EU internal (in)security has to be seriously questioned.

Concentric circles and street-corner societies

One of the enduring spatial imaginaries of the EU's external relations, including with regard internal security, is that of 'concentric circles'. Looking to characterise the extension of the EU's regulatory reach beyond its borders, Lavenex (2011, 373) argues that the EU's policies with regard accession countries, European Economic Area (EEA) countries and ENP countries result in 'concentric circles of functional 'EUropean' integration' and that the 'comparative assessment' of these policies 'broadly substantiates the notion of concentric circles that diminish in intensity with growing distance to the EU'. What is important to underscore, however, is that while EU internal (in)security may be imagined or represented in such geometrically satisfying terms, 'concentric circles' remains a metaphor at best. The underlying claim – that geographical distance determines the scope and intensity of influence from the part of EU actors – is somewhat too mechanistic given that EU external relations are social rather than physical in character. Lavenex (2011, 387) herself points out that the 'concentric circles' model is 'only an imperfect approximation to the much more differentiated pattern of regulatory extension at the functional level of external governance in individual policy areas […] and between the different countries within a group'. Her claim is then a combination of geographical and functional dynamics, whereby the more geographically distant a country is from the EU, the more the 'concentric circles of EUropean integration' become reticular and turn into 'webs' and the more 'organizational links […] to wider multilateral structures of global governance, including international organizations and transgovernmental networks' matter (Lavenex 2011, 389).

The discussion provided so far in the chapter suggests that this reasoning is analytically too succinct to account for the 'external dimension' of EU internal (in)security, because it treats institutional patterns and functional dynamics as disembodied phenomena, abstracted from the social practices that underpin and set them into motion. This is highlighted in a study by Martin-Mazé (2015) of the BOMCA (Border Management in Central Asia) programme, purportedly launched in the aftermath of the 11 September 2001 attacks to diffuse the EU model of integrated border management (IBM) to the four Central Asian republics. Martin-Mazé finds that although BOMCA was hailed as a flagship initiative for the external dimension of EU home affairs, officials from the European Commission's DG Home demonstrated less interest in the region than for ENP countries. BOMCA was furthered due to the investment of Austrian Interior Ministry officials who got interested in diffusing EU models to Central Asia because of their simultaneous positioning in two different socio-professional spaces: The 'field of Eurocracy' centred on EU bodies and institutions, where they were in a marginal position, and a Vienna-based international milieu, which Martin-Mazé terms a 'street-corner society', consisting of officials based in a variety of international organisations such as the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations Office against Drugs and Crime (UNODC), who had for historical reasons invested in activities within the post-Soviet space after the end of the Cold War (Martin-Mazé 2015, 9–11). He concludes

> The interest in circulating EU-style IBM in Central Asia, emerges in a complex transnational space that only partially gravitates around EU institutions and their civil servants. Some actors in the field of Eurocracy inhabit this universe, but they are not alone. One also finds a clique of experts working for other international organizations, some of which embody a different understanding of Europe's identity, as is the case of the OSCE. (Martin-Mazé 2015, 11)

Other studies support the idea that in order to understand EU internal (in)security and its 'external dimension', the 'street-corner society' hypothesis can bear richer findings than the examination of institutional patterns and functional dynamics, or at least that it enables us to provide an explanation of these patterns and dynamics. In his work on the 'externalization' of European border and migration policing to North and West Africa, Andersson (2014) has looked among others at the case of Senegal in the context of the 'Hera' joint operations coordinated by Frontex from 2006 onward. He shows that externalisation in this particular situation is held together by a close network of relations between Spanish and Senegalese officials, underpinned by a 'gift economy' of equipment, training and travel possibilities and money, to the extent that Spanish involvement became synonymous, in the view of local police officers, with 'Frontex' (Andersson 2014, 126–127). Looking at the Airport Communication Programme (AIRCOP), a drugs interdiction scheme launched under the auspices of the United Nations in Senegal as well, Sandor (2016, 492) demonstrates how an initiative purportedly deployed to prevent narcotics from reaching European countries actually involve 'complex social contests among competing sets of state agencies, international state builders, and a host of informal and private actors over how and where borders should be enforced'. Although not explicitly associated with a discussion of EU internal security politics, his research questions the possibility of limiting discussions of the 'external dimension' of said politics to a single- or even two-way process whereby an EU security 'model' is either exported to third countries or imported from either international spaces or other powerful states such as the US.

To provide a last example, studies looking at another instance of 'inside-out' dynamics, the establishment of the EU border assistance mission to Moldova and Ukraine (EUBAM) to support the

authorities of these two states in dealing with the so-called 'Transnistrian segment' of their common territorial border (EUBAM; Kurowska and Tallis 2009; Jeandesboz 2015) highlight how the exportation of internal security prescriptions from the EU to third states is actually underpinned by both internal struggles about the definition and legal-institutional location of said prescriptions, as well as by the deployment of specific actor networks on the ground. In the case of the EUBAM, this involved European Commission services launching a crisis management mission on the basis of legal-institutional arrangements located within EU external relations (first pillar) rather than second-pillar mechanisms, in competition with parallel efforts undertaken by the Council through the appointment of an EU Special Representative (EUSR) for the Transnistrian conflict. This legal-institutional turf war in Brussels, however, was at the time (2 years after mission launch) belied by the fact that the Commission delegation to Moldova in Chisinau and the offices of the EUSR were co-located in the same building, while the EUBAM itself would operate out of a headquarters based in Odessa (Jeandesboz 2015). Studying EUBAM work on the ground, furthermore, highlighted that while the mission was earmarked as a crisis- and conflict-management effort, most of the work being done (still at the time) involved matters that in the EU institutional context would be considered as first- or third-pillar concerns with customs enforcement and border control . Finally, looking at the mission staff during that period suggested that it involved another 'street-corner society', this time composed of officials who had been involved in technical assistance programmes in the Western Balkans and in Central and Eastern Europe prior to the 2004 enlargement (Jeandesboz 2015).

The presentation of these research findings unavoidably comes across as anecdotical due to space constraints, but hopefully highlights the heuristic value of 'embodying' the external dimension of EU internal (in)security through an analysis of the practices of the individuals and groups actually involved in – metaphorically as well as literally – carrying it out. Rather than the clean geometry of concentric circles of EU Member States, Schengen and EEA associate countries, neighbouring countries (and beyond), and of linear centrifugal 'inside-out' dynamics of exporting an EU internal security model, this type of analytics suggests that the external dimension consists of a scattering of measures and initiatives underpinned by the unfolding of specific, transnational socio-professional spaces, institutionalised and formalised to various degrees. That the 'external dimension' is scattered nonetheless does not mean that it is haphazard. It is the inner, practical logic at work in these spaces that regulates their dispersal, rather than legal, institutional or functional logics.

Norm-making, norm-taking or constitutive circulations?

The discussion of the 'street-corner society' hypothesis has led the chapter to touch upon questions of norms and norms circulation. Norms-based explanations have provided insights into some of the processes through which EU internal security has developed. A subset of research has looked, for instance, at the international dynamics whereby EU actors appear to have been influenced by 'outside-in' developments, specifically in the context of EU–US relations (e.g. Argomaniz 2009; Ripoll Servent and MacKenzie 2012; Suda 2013). According to these studies, the EU internal security model is shaped by occurrences of security norm internalisation. The process of concluding international agreements, such as the EU-US agreement on the transfer of PNR data and on the transfer of financial data for the purpose of countering the financing of terrorism (the so-called SWIFT agreement), is underpinned by practices of norm-promotion by US authorities. EU authorities are likely to become 'norm takers' (Argomaniz 2009) and be persuaded to adopt US security norms under certain conditions, in particular the degree of normative correspondence or fit between the security norm being promoted and EU 'meta-norms'

(Ripoll Servent and MacKenzie, 2012). Norm 'mirroring' (Argomaniz 2009, 129–132) and norm 'incorporation (Ripoll Servent and MacKenzie 2012, 75) explain how EU authorities have also sought to establish EU variants of US security practices, such as the EU PNR Directive adopted in April 2016 or the EU Terrorist Finance Tracking System (TFTS), which was to mirror the US TFTP. A similar reasoning is held regarding measures that seem more 'native' to the EU. Ripoll Servent (2015) studies the case of the adoption of the Data Retention Directive in 2005 and argues that the European Parliament's surprising agreement to this legislation can be explained by changes in the procedural 'meta-norms' underpinning the EU lawmaking process. In this particular instance the meta-norm in question is that of 'responsibility', which emerged alongside the extension of parliamentary co-decision powers in EU home affairs with the end of the transition period foreseen in the Amsterdam Treaty (Ripoll Servent 2015, 69–86).

The previous section has already discussed some of the limitations of norms-based accounts when they are separated from considerations of the social practices that underpin norm circulation. The question of circulation, however, requires further consideration in and out of itself. Arguments related to norm-making and norm-taking, as briefly illustrated above, tend to rely on the assumption that the 'origin' of a norm can be clearly identified and, in the case of EU-US norm-making and norm-taking, that it is possible to assign a national origin to specific norms. This amounts to treating norms as if they were trade goods to which rules of origin can be applied, which does not logically work because norms are social constructs rather than objects. Available critical or reflexive studies in fact make this assignation more complicated to perform. In the SWIFT case, for instance, Marieke De Goede (2012) has demonstrated the importance of the role played by the Society for Worldwide Interbank Financial Telecommunications, the private entity that controlled the personal data at the center of EU-US and intra-EU controversies. It is the assurances and guarantees secured by SWIFT in its negotiations with the US Treasury, and their reevaluation by European data protection authorities (in particular the Belgian Privacy Commission, whose competence in the matter stemmed from the fact that SWIFT was a Belgium-based company), that subsequently formed the basis of the transatlantic agreement on the transfer of personal financial data from the EU to the US (De Goede 2012, 222). In other words, even if one is to consider the processing of personal financial data for counterterrorism purposes as a 'security norm', it is hard to assign said norm a national origin or only in the most abstract way possible. The EU-US SWIFT agreement, to continue with De Goede's demonstration, is the outcome of a 'public-private security *assemblage*' (Idem, italics in original), rather than a norm made in the US and taken on board by EU actors.

There is no good analytical reason, then, to privilege relations between public actors and credit them with the origin and development of the kind of security norms manifested by this agreement. The reasoning can be extended to other cases, such as that of the EU-US, and later EU, arrangements for the processing of PNR data for counterterrorism purposes in particular. The generation of this data, including the format, standards of storage and transmission and use, originate in the private sector, since PNR data were initially used by airline companies, travel agents and other transportation service providers to manage bookings and other aspects of customer service. Arrangements involving the transfer of PNR data to public authorities (in the EU context, national Passenger Information Units, PIUs) are unavoidably coproduced, in their normative as well as technical dimensions, across the public-private boundary (e.g. Bellanova and Duez 2012). The relation between private and public authority in the shaping of EU internal (in)security also extends beyond the establishment of specific schemes and into the devising of broad policy orientations. Bodies such as the Group of Personalities on Security Research (2003–2004), the European Security Research Advisory Board (ESRAB, 2005–2006) and European Security Research Advisory Forum (ESRAF 2008–2009) were for instance found to be

instrumental in the devising of EU financial support to security research and development, with implications for both law enforcement and military aspects of EU security policies (e.g. Jeandesboz and Ragazzi 2010; Lemberg-Pedersen 2013). It also operates through more technical discussions on standards (Leese, 2018).

The issue of circulation in the context of EU internal (in)security extends beyond the question of assigning or challenging the origins of various norms and the measures they inform, and requires that we think of security measures and (in)security politics not just as circulating between authorities or from one jurisdiction to another, but also as constituted 'in-circulation'. To immediately clarify and exemplify this idea, it is relevant to consider the practice of listing individuals and organisations considered to be involved or otherwise associated with terrorist activities. These lists, which are effectuated through the United Nations Security Council (UNSC) and national authorities across the world, are the key element in what has been described as 'terrorist proscription regimes' (Sullivan and Hayes 2011), allowing the freezing of financial assets and the enacting of travel bans for individuals and organisations. The EU version of such proscription regimes implement UNSC resolutions adopted between 1998 and 2000 to sanction individuals and entities associated with Al-Qaida, Usama bin Laden and the Talibans (Resolutions 1267, 1333 and 1390, also referred to as the 1267 Sanctions Regime) and following the attacks of 11 September 2001 (Resolution 1373) to target individuals suspected of terrorism irrespectively of their association with a specifically named individual or group (Sullivan and Hayes 2011, 11–14). These resolutions and their lists have been implemented in the EU legal order, either directly (for the 1267 regime) or by creating the legal basis through which the EU can establish and implement its own terrorism list (for Resolution 1373 – Sullivan and Hayes 2011, 17). The practice – both in the UN and EU context – has led to multiple litigations including the notorious *Kadi* series of CJEU rulings, and a vast body of legal commentary (for a sample and in-depth conceptual discussion see e.g. Sullivan 2014), the examination of which is beyond both the scope of the chapter and the competence of the author.

Analyses of the practice of listing, however, shed a different light on the question of normative circulations, in at least two ways. First, although lists are purportedly compiled by national authorities and in Europe by the EU institutions as well, they are irrevocably transnational 'devices'. They embody and create connections between jurisdictions (between the UN and EU legal orders, for instance), kinds of knowledge and know-how (intelligence, law enforcement and legal practices to name but a few), straddle the boundaries between supranational and national, private and public authorities, and are decidedly unassignable to a specific (national) origin (Sullivan 2014; De Goede and Sullivan 2016). Counterterrorism listings, as analysed in the reflexive literature on security politics, are typically constituted 'in-circulation'; rather than their being composed in one place and circulated to another, their transnational character is a constitutive feature (Sullivan 2014). What this implies for our understanding of EU internal (in)security is that this domain exists, in part at list, within circulations rather than being either the point of origin or of arrival of norms. The second feature of relevance, which is explored in the next and last point of the chapter, is that counterterrorism lists do not exist in isolation as more or less static documents. They are combinable, and combined, with other security practices and in particular 'made interoperable' with technical schemes such as information systems processing the biographic and biometric data of individuals for security purposes.

Socio-technical spaces

A last entry in the examination of the possibilities afforded by reflexive or critical examinations of EU internal (in)security, then, concerns the 'sociotechnical' characteristics of this domain. So

far the emphasis of the chapter has been on the social embodiment of institutions and norms, but in line with an emerging literature in the discussion of EU security politics the focus now pivots to the way in which EU internal (in)security is not just social but sociotechnical. This feature of EU internal (in)security is particularly manifest in the considerable development in the number and scope of EU schemes for the collection, generation, exchange and analysis of electronic information and personal data in the areas of border and migration enforcement, counterterrorism or the countering of cross-border criminal activities (see Jeandesboz 2018, for a succinct overview). Although this practice is informed by a shared 'technological imperative' (Davidshofer et al. 2017). Such schemes indeed range from legislation regulating how national authorities of the Member States can request electronic information and personal data across borders, such as the 'Swedish initiative' dealing with information and intelligence on criminal activities, to the establishment and operation of centralised EU information systems for the purpose of law-enforcement cooperation, border and migration control such as the SIS or VIS. Other aspects of this practice are exemplified by the 'Prüm Decision' discussed above, which on the one hand establishes rules regarding the automated exchange of information and personal data such as DNA profiles or dactyloscopic data, and on the other creates an obligation for Member State authorities to create national DNA databases for the purpose of criminal investigation. The European Border Surveillance system (Eurosur, established in 2013), to give another example, both provides a computerised environment for national authorities in charge of border and maritime surveillance (including branches of the military and coastguards) to exchange information, coordinate activities, and for Frontex to build a 'situational picture' of comings and goings at external borders. More recently, the EU PNR Directive adopted in April 2016 requires EU Member States to implement national rules and technical modalities for receiving information provided by passengers (particularly on international, extra-EU flights) and collected by airlines.

To simplify, there are two analytical options available to make sense of these measures. The first option, which informs to a large extent the conventional literature, is to consider them as outcomes of law-, policy- or decision-making processes, which might or might not be flawed, effective or ineffective, adequate or inadequate as a result. The second option is to consider that such measures are not just pure instruments or implements of prior policy interests, norms or frames, but produce their own effects independently of the initial policy decisions that led to their establishment. For instance, Balzacq (2008) finds that information data processing schemes have 'securitizing effects': The establishment of PNR processing schemes, for instance, has the effect of widening the scope of EU counterterrorism measures by expanding its reach to include all individuals travelling on international extra-EU flights, whether they are EU citizens or third country nationals.

While Balzacq builds on the 'public policy instrumentation' literature (e.g. Lascoumes and Le Galès 2007), Bellanova and Duez (2012) look at the development of an EU PNR scheme through the lenses of actor-network theory and argue that such measures are best understood as 'actants', that is as socio-technical settings that have agential effects on the actions undertaken in a given context. As argued above in the case of the original Prüm convention, for instance, the establishment of news schemes to exchange information between a smaller group of Member States has the performative effect of constituting an 'electronic border' within the AFSJ. Such measures do not just implement prior decisions, then, but are constitutive of multiple spatialities within the domain of EU internal security. Some of these are centripetal in that they involve the establishment of a central EU wide system with national subsystems in each EU Member State (typically, the SIS), while others are centrifugal when they involve the establishment of de-centralised information systems (such as the EU PNR Directive, for instance). One can note

in passing that even for centralised systems, the actual 'centre' being constituted is not physically located in Brussels. The central systems of Eurodac, SIS and VIS for instance are located and operationally managed in Brussels, while the EU-wide hub of Eurosur is in Frontex's Warsaw premises. Recently, adopted measures that aim to make these systems 'interoperable' foresee that these socio-technical spaces are likely to increasingly overlap (see chapter 26 by Bigo in this volume).

Conclusion

The chapter has engaged reflexively with some of the key assumptions informing the conventional literature on the EU internal security 'model' and its external dimensions. Reflexive engagement, in this instance, involves questioning the seemingly fixed or natural categories that inform such conventional analyses. These include the understanding that an EU internal security model emerged from a linear, centripetal process of European integration; the notion that said model is subsequently exported more or less wholesale to third countries; as well as the assumption that security measures and policies necessarily develop as a response to pre-existing security challenges and threats that can be objectivated independently from the production of meaning by actors. In contrast, it has emphasised the contingencies that led to the development of EU internal security domain and the fact that the constitution of this domain has enabled and enacted specific understandings of both security and insecurity, resulting in particular in the shaping of a 'continuum' of threats articulating crime, terrorism and migration. In so doing, the discussion has also reframed how we understand centripetal and centrifugal dynamics: Centripetal dynamics constitute and reinforce centres of political and social power, even when they involve conflict, but centrifugal dynamics does not (just) involve the expansion or diffusion from center to periphery. Centrifugal dynamics dissolves the accumulation of power at the centre and confer forms of autonomy and power to the margins.

The chapter has then proceeded to outline some of the implications of this analysis of EU internal (in)security for how we can understand more contemporary developments, including the 'external dimension' of EU internal security. Paying attention to the actors who embody EU internal (in)security and their practices puts into question the possibility to draw a clear boundary between internal and external developments, as well as rationalisations of how the EU internal security 'model' spreads through the external dimension. Such an effort also questions the possibility to assign clear geopolitical (national or otherwise) 'origins' to security norms and prescriptions, as well as the matters that are being circulated by emphasizing the sociotechnical character of EU internal (in)security.

What is 'critical', however, about reflexive engagement? Is it enough to simply make it more complicated to hold on to the assumptions informing conventional scholarship and performed by official discourses about European internal security? Underlining the contingency of the development of this domain, and showing that its emergence is constitutive of the definition of the 'challenges' and 'threats' that it should address rather than a response to them, certainly offers a basis for questioning the discourses of necessity and protection that legitimise security measures and policies (at a time where, for instance, it would appear legitimate to some to define an incoming commissioner's portfolio as 'protecting our European way of life'). Showing how EU internal (in)security involves many spaces and multiple spatialities contributes to this effort by questioning the distinction between a homogenous, internal space to be protected from a 'challenging' or 'threatening' outside. It makes it difficult to sustain normative accounts whereby problematic security measures enacted through the EU actually originate from the outside, and in particular from the US. More broadly, destabilising 'intrinsic' or 'EU-centric' accounts of EU

internal (in)security casts a different light on what appears to be at stake in the development of EU competencies in this area; not quite, or necessarily, the constitution of a new, supranational authority centre, but the continued transnationalisation of some sectors among law enforcement and internal security professionals, taking place through the EU framework as well as through other regional or global arrangements. The question that remains to be explored, then, is whether transnationalisation is correlated with growing autonomy from the frameworks of accountability, responsibility and rights that remain the necessary counterweights to security practice.

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External security logics and the pursuit of internal security in Europe

Raphael Bossong and Mark Rhinard

Introduction*

Even a casual observer of EU security cooperation would take note of growing attention to the 'internal-external security nexus' in recent years. Practitioners regularly trumpet the cross-border nature of modern security threats and call for a 'joined up' approach of internal and external security responses. Institutional actors announce initiatives that bring 'together all internal and external dimensions of security' (Commission 2015, 4), while inserting new goals into EU policies. The European Union Global Strategy (EUGS) devotes an entire section to bridging the internal/external security nexus, presaging the migration crisis and security challenges of the cyber-sphere. Indeed, in the wake of the rise and fall of the Islamic State in Syria and the so-called migration 'crisis' since 2015, EU foreign policy more generally has transcended its traditional foreign policy aims of international peace and stability, as encapsulated in the Petersberg Tasks of 1992. Today, the EU's foreign policy attends to the goals of a 'Security Union', reflecting a geopolitical vision where by deterrence and resilience needs to be provided against 'hybrid threats' as well as against irregular migration from Africa and the Middle East (Commission 2018).

Academics, too, focus on the connection between internal and external security in the EU, albeit from different angles (Eriksson and Rhinard 2009). Some are keen to explain how internal security cooperation becomes externalised in various ways (Wolff, Wichmann, and Mounier 2010; see also Jeandesboz in this volume), using explanations drawn from public policy analysis or critical security studies. The latter sees the intermingling of internal and external security goals, actors, and resources as a major normative concern: A Europe in which security is becoming 'unbound' (Huysmans 2014) and all-encompassing (Borg 2015), risking core democratic values and civil rights.

This chapter approaches the question of the internal-external security nexus from a distinct angle. It explores to what extent external security actors in Europe have adopted internal security rationales, logics and goals in their discourses and practices – and to what extent this may influence internal security cooperation *per se*. Rather than look from the inside-out, as many

scholars do when discussing the externalisation of internal security, we start from the outside and its possible effect towards the 'inside' of security cooperation in the EU. With this aim in mind, we look at three overlapping venues for external security actors in Europe: (i) the EU's general Common Foreign and Security Policy (CFSP) and related aid policies; (ii) the more specific European Common Security and Defence Policy (CSDP); and (iii) the evolving European role of NATO, which should not be neglected in discussions of this kind. A long-term perspective on strategic programmes, discourses and organisational changes in each of these venues helps to illuminate how diplomats and security professionals interact, cooperate or compete over supposedly shared new security objectives that span the internal-external divide.

Our inductive empirical approach is informed by approaches associated with international political sociology (Bigo 2016). In this light, the increasing discursive overlap of security concerns at the transnational level can be understood as the result of evolving 'practices of the actors of a specific social universe structured as a field, or of actors at the crossroad between different social universes' who gravitate 'together towards certain "projects" at "practical moments" ' (Bigo 2016, 68). Three such 'projects' – European security issues – currently present themselves as highly salient: Migration, cyber and terrorism. Each issue area offers an excellent opportunity to examine which, how, and to what effect different actors occupy these 'policy spaces', or in the words of international political sociology 'fields', as well as to map diverse and expanding actor networks in line with the literature on security governance (Schroeder 2013).

Yet, our analysis here is relevant to other theoretical literatures applied to European security policies, to the extent those can grasp the empirical complexity accompanying the hypothesised merger between internal and external security. Students of the 'policy integration' literature, for instance, point to how seemingly distinct policy goals become integrated, through benign processes of goal alignment and implementation gap-filling (Tosun and Lang 2017). Agenda-setting scholars show how focusing events create shared frames for previously separate policy fields (Bossong 2012; Rhinard 2017), which can accelerate change, but also lead to coordination problems and sub-optimal outcomes. Research on 'epistemic communities' examines the emergence – and occasional clashes – of new knowledge-driven communities with shared identities (Cross 2011; Dunlop 2013) that span institutions and professional divides. Political sociology perspectives can support such arguments by highlighting cross-cutting social fields, but also point in the alternative direction; namely, the path-dependency of separate professional communities and their ingrained 'dispositions' or habitus (Bigo 2014). One should not ignore the normative concerns driving research on European security policies, as has long been evident in research on securitisation dynamics (Sperling and Webber 2018).

A specifically critical angle that arises when surveying our subject matter here – the 'outside-in' dynamic of the internal-external security nexus – concerns 'militarisation'. The notion of militarisation is rarely defined in academic terms, but can be understood as the subjugation or appropriation of civilian policing, law enforcement or border management by military actors and logics (Bernazzoli and Flint 2009; Topak and Vives 2018). Military interventions, since the end of the Cold War, underline the risks and externalities involved when military forces take over tasks of public policing in third countries (Bachmann, Bell, and Holmqvist 2015). Conversely, the spread of military equipment to US police forces over the last decade has contributed to more aggressive tactics and violence against civilians at home (Kappeler and Kraska 2015). Several European states, too, have a history of para-military policing and have experienced an erosion of the Rule of Law in recent years. As scholars, then, we must appreciate the value of civilian approaches to policing and internal security against a potential onslaught of militarised approaches (Loader and Walker 2007).

This chapter explores these questions, starting from the traditional assumption in the literature that the 'external' has intervened in the 'internal' – as militarisation would hold – at the

transnational level in Europe. But our analysis here suggests a fragmented and dispersed pattern of interaction between external rationales, logics and goals – and their associated actors – and internal security cooperation in the EU. Respective cooperation patterns, for instance, appear only vaguely coupled by strategic discourses, while internal security goals are only partially in-line with shifting priorities. Depending on one's analytical orientation, this can be regarded as a persistent 'rhetoric–reality' gap in European security policy or a welcome barrier against unbound or excessive security practices. We conclude with a call for nuance in arguments regarding the unbridled merging of internal and external security practices at the European level – although ongoing developments, such as growing European investments in defence technologies, merit further critical research to assess the extent to which shifts in external security rhetoric and practice may influence shifts in internal security fields, such as border management or civil security.

EU foreign policy

The obvious starting point for considering European external security in a traditional sense is the EU's Common Foreign and Security Policy (CSFP). The CSFP serves as the political umbrella for more sector-specific foreign and security policies of the EU (most notably, the Common Security and Defence Policy [CSDP], which we discuss separately below). For our discussion here, we focus on the overarching goals of the CFSP, the emergence of new issues addressed by those goals, and funding instruments related to foreign policy and the related field of foreign aid. More to the point, CSFP represents the policy field which, both discursively and practically, expresses the greatest ambition behind the merging of internal and external security concerns.

CFSP is ostensibly driven by the EU's overarching security strategies, including the European Security Strategy (ESS, from 2003) and the EUGS (2016). The ESS set the tone in its early pages, referencing the 'indissoluble link between internal and external aspects of security' (European Council 2003, 2) and, later, in a follow-up report, set out a list of 'challenges': Europe's vulnerability due to its reliance on an infrastructure interconnected in various areas (transport, energy and information); the external dimension of organised crime; the global nature of terrorism, which has increasing resources, including connection through electronic networks; proximity to troubled areas as a result of EU enlargement; regional conflicts that have direct or indirect impact on European interests and climate change that has a 'threat multiplier effect' (European Council 2008, 5). Thus, in the 'era of globalization, distant threats may be as much a concern as those that are near at hand', so 'the first line of defence will often be abroad' (European Council 2003, 6). Soon thereafter it was terrorism – mainly the attacks in the USA in September 2001, then the Madrid train bombings in 2003 and the London transport bombings in 2005 – that earned the foreign policy establishment's attention. The EU's Counter-Terrorism Strategy (2005) framed terrorism as partly an external issue, requiring external 'pursuit of terrorists' and demanding EU external tools to properly address it (Brattberg and Rhinard 2012). The EU's Internal Security Strategy (2010) made a similar point encouraging greater institutional cooperation to break down barriers between policymakers addressing internal and external dimensions of terrorism, respectively. More recently, the head of the EEAS, Federica Mogherini, argued that the fight against radicalisation and violent extremism must continue to be 'a priority, not only for internal and security action, but also for our diplomatic and foreign policy' (EEAS 2015, 2).

The most recent security strategy, the EUGS from 2016, extends the rhetorical linkages between internal and external security – albeit through the help of new concepts. The EUGS argues that 'internal and external security are ever more intertwined' since 'our security at home entails a parallel interest in peace in our neighbouring and surrounding regions' (EUGS 2016, 14).

In this context, the fashionable notion of 'resilience' – which traditionally was used with regards to climate risk and disaster management – has reinforced a broad, encompassing conception of what qualifies as external policy-relevant and makes an explicit link to the importance of addressing internal security problems (Juncos 2017). Consequently, the Commission and High Representative of the EEAS pledged to intensify work on 'key issues at the nexus between internal and external policy …*inter alia* in the areas of counter-terrorism, non-proliferation and disarmament, cyber security, maritime security, sanctions and strategic communication' (2017, 40). Some observers say this shift in orientation reflects an EU with a geopolitical vision that priorities its own social, economic and political stability over the dynamics of its neighbouring countries or the international system (cf. (Biscop 2017).

In short, while the use of foreign policy means to achieve internal security ends is by no means new, one can hardly deny an uptick in rhetoric in recent years. The terrorist attacks of September 11, 2001 in the USA boosted internal/external policy linkages, but the migration crisis brought it to a head. Most security actors in the EU saw the crisis as an opportunity to bring together various, fragmented tools to bear on addressing the 'upstream, midstream and downstream' challenges of migration outside and inside the EU. But has rhetoric been accompanied by practice? To an extent, the respective policy communities of internal security and external security actors intermingle more today than in previous decades. The Lisbon Treaty supposedly further broke down the institutional pillars of internal and external policy-making (Trauner 2011) and the Council formations representing Foreign Affairs and Justice and Home Affairs have made strides to meet as a collective body. The High Representative/Vice President, straddling the Commission's internal and external responsibilities along with heading the EEAS, has mobilised the 'resilience' concept as a broad umbrella under which to bring actors together, including in the form of occasional 'resilience councils' (Wagner and Anholt 2016). The Lisbon Treaty's creation of the Standing Committee on Operational Cooperation (COSI) included reference, reinforced by the terms of the 'Solidarity Clause' (Myrdal and Rhinard 2010), to joint meetings between members of the COSI and externally focused Political and Security Committee (PSC).

But when looking at concrete outcomes and practices, a more fragmented and less ambitious picture emerges. At an institutional level, different Council formations and their senior working groups have not effectively come together in joint formations. To cite one example below the strategic level of PSC and COSI, mentioned above, the JHA-oriented Strategic Committee on Immigration, Frontiers and Asylum meets on an occasional basis with the High-Level Working Group (HLWG) on Asylum and Migration under the leadership of the General Affairs Council, but without leading to tangible shared policies and priorities. Indeed, the Justice and Home Affairs Council continued to defend its turf (Trauner and Ripoll Servent 2015), rather than subjecting itself to the overarching coordination of the EEAS and the High Representative. This shows, for instance, in the still limited integration of internal counterterrorism components in the EU's general diplomatic and external relations (Sellier, 2018b) and the lack of CFSP representation in US-EU police and security institutional meetings (Council 2018a). By contrast, the externalised 'homeland security' agenda under the Justice and Home Affairs umbrella continues to grow dynamically (Pawlak 2009).

The field of cybersecurity reveals a similar dynamic, by which the EEAS is increasingly engaged – but this engagement is parallel to, rather than integrated with, the external aspects of internal security run by AFSJ actors. The EU has formally granted itself a 'Cyber diplomacy Toolbox' to respond with foreign policy instruments to active cyber threats or attacks, or – more broadly –hybrid threats and active disinformation campaigns (Moret and Pawlak 2017). While not explicitly used thus far, this has contributed to hardening and maintaining the EU's sanctions

against Russia, while new steps were considered in early 2019 against China (Chrysoloras 2019). Together with other EU economic and data protection regulations that increase pressure on foreign companies, one might detect here an increasingly integrated EU cybersecurity policy. Yet, just as in many national settings, it should be noted that the development of capacities to fight cybercrime, ranging from transnational prosecution to active countermeasures and cyber 'take-downs', remain largely separate from these wider political positions. For instance, there is little to no evidence so far of coordination between Europol's cybercrime centre (EC3), which represents the most operational manifestation of EU internal security provision in this subfield, and the EEAS' cyber-diplomacy efforts.

Complex governance arrangements or limited institutional coordination, however, does not prevent *some* convergent shifts in policy objectives. Recent evidence suggests a reorientation of European external financial assistance to address internal security threats of the Union. This long-standing trend, associated with the 'development-security nexus' (Stern and Öjendal 2010), is showcased ever more clearly in the EU's migration management and border security policy since 2015 – and to a lesser extent in the fight against terrorism. In addition to aid funds to address the 'root causes' of migration (such as the Regional Trust Fund for Syria and, controversially, the Facility for Refugees in Turkey), the EU Trust Fund for Africa (2016) is especially illustrative of the way the migration crisis has shaped some aspects of EU foreign policy. EU actors converted a planned trust fund for development in the Sahel region and widened it into a much larger initiative focused on migration. Two regions of origin for irregular migration (Sahel and Lake Chad, and the Horn of Africa), as well as the transit region of North Africa, were targeted for projects alleviating the root-causes of migration (Castillejo 2016). Association agreements, in the form of 'compacts', offer 'tailor made approaches' for EU-third-country partnerships with countries like Jordan, Lebanon and Mali. These compacts are increasingly a vehicle for the pursuit of EU security concerns, ranging from terrorism to migration (EEAS 2016). The same can be said for the EU's encouragement of the African Union's G5 Sahel Joint Force, using EU development aid (partly drawn from the EU's Africa Peace Fund, for instance), to provide stabilisation forces and security details in North Africa (EEAS 2017; Statewatch 2017). Finally, the EU has also upgraded its financial assistance for counterterrorism prevention in its neighbourhood to several hundred million Euro.

Nevertheless, the evidence does not reveal a total subjugation of the EU's external financial assistance to internal security logics. Historical path-dependencies, as well as the very broad ambition to address the root causes of migration and instability, allow for a wide range of financial support measures, including traditional external EU policies such as in the area of humanitarian assistance (Den Hertog 2016). For instance, even the EU's highly controversial funding for Turkey – which is shared to an equal measure with EU member states – largely goes to support social services for Syrian refugees there, rather than directly to police and border control authorities (Commission 2019).

In sum, under the main political umbrella for EU foreign policy, the CSFP, we can observe a shift in priority countries and policy objectives, especially regarding the control of irregular migration. But these shifts in orientations do not necessarily reflect a transformation in the logic of policy fields or integration institutional actors after the Lisbon Treaty, let alone a substantial cross-cutting professional field of diplomats and police or border management authorities. A similar picture of limited social or institutional ties, but growing shared policy discourses and financial investments, presents itself when moving on to relation between internal security and the 'harder' aspects of external security and its ostensibly core 'military logic'.

EU security and defence policy

The general trend in EU Security and Defence Policy, under which we subsume three kinds of externally oriented actors – the Common Security and Defence Policy (CSDP), the European Defence Agency (EDA) and the new European Defence Fund (EDF) – is two-fold. After years of operating under the 'Petersberg Tasks' related to conflict prevention and state-building, the potential scope of EU objectives has been shifting over the last decade. From border management to maritime surveillance, and from cyber capacity building to counter-terrorism, new space has opened for external actors to reframe EU activities and to engage in new kinds of operations. A second trend is the reframing and linking of problems that potentially enable militarised responses. The, treatment of hybrid threats against critical infrastructures and democratic processes as a military and civilian question, is a key example All of this has taken place under an enabling rhetoric from EU leaders, such as Mogherini's call for 'greater unity and consistency of our external action and better linking of the internal and external dimensions of EU policy' (Council 2018b, 2). Specifically, it has been said the EU should 'use its external security engagement to enhance the security of the EU and its citizens, focusing on the internal/external security nexus…in the areas of counter-terrorism, non–proliferation and disarmament, cyber security, hybrid threats, maritime security, sanctions and strategic communication' (Council 2018b, 68).

The normatively-oriented Petersberg tasks of CSDP have thus given way to a narrower, self-interest-oriented notion of security – with the potential for a more military framing of issues traditionally associated with internal security. Article 43 of the Lisbon Treaty has furthermore enabled a shift in formal CSDP mission mandates that, starting from early 2010 and EU engagements in the Sahel, now formally include references to the fight against international terrorism and organised crime (Sellier 2018a). Yet, these legal and doctrinal shifts seem to have made little difference to the actual operation of CSDP training missions, for instance, which remain small and conventional in orientation, continuing to focus on security sector reform in third countries. Such EU mentoring and advising missions may have had modest successes in the Western Balkans in the mid-2000s, but since then they have struggled to make a substantial impact in riskier and more distant EU engagements, ranging from EU police training in Afghanistan, border monitoring in the Palestinian authorities, rule of law reform in Iraq or – most recently – security sector reform in Niger and Mali. The EU maritime mission, 'Operation Sophia' that officially sought to integrate external security objectives (the stabilisation and training of Libyan security forces, especially its coast guard) with EU internal security concerns (the containment of irregular migration and repression of human smuggling across the Mediterranean), has been extremely contested and led to contradictory results (Riddervold 2018). While the mission destroyed a considerable number of boats that were used by human traffickers and trained Libyan coast guards, it never took a more expansive presence in Libya itself – contributing instead to search and rescue of migrants. In the eyes of some politicians, the mission failed in its core security mandate and instead aggravated the challenges of dealing with irregular migration over the Mediterranean. Furthermore, the touted institutional innovation of hosting a 'crime-information cell' within the mission and thus to facilitate the exchange of sensitive intelligence between military and European police actors (i.e. EUROPOL) has not appeared to make a substantive difference in the prosecution of human traffickers. Hence, this supposedly leading example of an operational merger between internal and external security in the context of an CSDP mission has been discontinued (EEAS 2018).

Clearer evidence of an external framing of internal security measures can be found in financial and other kinds of developments. The recent empowerment of the European Defence

Agency (EDA) is a case in point. The EDA was founded in 2004 as an EU agency reporting to the Foreign Affair Council, but today finds itself straddling the Commission/Council institutional border considering its affiliation to the European External Action Service. This new position in the EU architectural landscape may explain its newfound enthusiasm for bridging the internal/external security nexus. From its start, charged with improving the interoperability of member state defence capabilities, the EDA now finds itself working with operational surveillance of human traffic in the Mediterranean and cyber defence questions. One project worth noting is the joint 'repurposing' (by the EDA and Joint Satellite Centre) of a project intended for geospatial support for military operations (GISMO) towards support for the human-trafficking and migration-oriented Operation Sophia (EDA 2017). Similarly, the EDA found an opportunity, in the migration crisis, to lend support for capability development in the shape of maritime surveillance (MARSUR). To improve information exchange, the EDA works to connect MARSUR to national surveillance systems – starting with the Italian node's connection in the operational headquarters of Operation Sophia (EDA 2017, 10). This bears close resemblance to the existing technical network for spatial border surveillance, EUROSUR, which is run out of the EU's border agency, Frontex, and brings together the civilian professional community of border and coast guards, and may hence become a long-term structural feature of civil-military integration beyond the contested Operation Sophia mission.

Cyber defence questions have risen sharply on the EDA's agenda, with its regular participation in 'inter-service' coordination on EU cyber policies (others include the Commission, ENISA, Europol's EC3 and CERT-EU). Indeed, the EDA was involved in the drafting and reviewing of the EU's overarching Cyber Defence Policy Framework adopted in 2013, in which it emphasised the 'dual nature' of cyber defence, requiring 'civil-military cooperation' at the internal-external security nexus. Indeed, EDA rhetoric reflects a broader shift in the development of European defence markets towards 'dual use' technologies. With traditional defence capabilities firmly in the hands of national governments, and with procurement markets shrinking, the EDA and other defence players find opportunities to build cooperation on 'new' technologies with multiple uses. This ranges from cyber-defence tools to drones, and investments are being made to build 'European' capabilities from the start.

This brings us to the European Defence Fund, one of the more curious developments of late because it is not, as might be expected, solely in the hands of external actors. The European Commission was part of the development of the broader European Defence Action Plan, and in turn, it was former Commission President, Jean-Claude Juncker, who launched a fund to be used to 'foster the competitiveness and innovativeness of European defence and to contribute to the EU's strategic autonomy' (Karakas 2018). The dual purpose of this investment, which was proposed at €13 billion for 2021–2027, signals the intent to build a European defence market and 'to boost innovation for the wider civil economy, such as technologies on cyber defence… and to encourage civil/military synergies' (Commission 2016). In addition to cyber security, which was already given a 'defensive tone' in EU policy documents such as the 2013 EU Cyber Security Strategy (Commission 2013), drones are high on the agenda for investments as a key 'dual use' technology benefitting both internal and external security goals (Martins and Küsters 2018). The EU defence action plan calls on the EDA, the European Aviation Safety Agency, and the public/private research projects sponsored by the EU to 'better exploit the results of military research activities in the context of the development of a safer and more secure European airspace' (Commission 2016).

Overall, these EU research agendas towards security technologies with dual military/civilian use have led to sharp critique of the 'militarisation of EU science'. Researchers, for instance, have argued that funding for military research risks extracting resources and skill

from civilian sectors (Vranken 2018). Even more broadly, some observers allege a new EU 'military-industrial complex' that unduly shapes security policies out of narrow and short-sighted economic interests, which are most clearly evident in the field of advanced border security and related spatial surveillance (Bunyan and Buxton 2017). In short, the domains of the CFSP, the EDA and the EDF feature actors attempting to reframe traditionally internal security areas – especially border management – in external security terms. This reflects a wider global trend in the evolution of defence technology and border management practices, but for which the European and specific EU-level provides a prominent platform and accelerator (Csernatoni 2016). Indeed, at the time of writing, the current European Commission under President, Ursula von der Leyen, seems poised to accelerate these developments. Not only will a new Commission directorate for defence be established, but it will be endowed with regulatory powers in the Single Market. Furthermore, the coming multiannual financial framework (MFF) for the EU for 2021–2027 is set to increase funding for both defence research and border security technologies.

Yet again, however, these general policy-level trends need to be nuanced and set against operational reality. These are early days for the European Defence Fund, and the limited scale of pilot projects for dual-use technologies, such as drones over the Mediterranean, require analytical caution (Haroche 2019). Future research is needed to track these developments and to substantiate the critical argument of a nascent EU military-industrial complex – or, in more academic term, to demonstrate the importance, density and impact of relations between the hard core of external security providers and the European internal security field.

NATO

The EU's broad spectrum of competences makes it a rich case in which to study the interlinking of internal and external security policy (Koops 2017). But NATO, too, is attempting to reframe traditionally internal issues as matters of external security and should not be neglected by students of EU affairs, especially when looking at military dimensions. NATO's well-known shift of mission from territorial defence to collective security in the 1990s, which manifested itself in its military engagement in the Balkan wars, presaged the adoption of internal security goals as strategic priorities – not least as migration was growing as a major concern to European allies at the time. After September 11, 2001, terrorism became the dominant preoccupation for NATO. Members invoked, for the first time, Article 5 (NATO's collective defence commitment), which prepared the ground for the extremely demanding NATO mission in Afghanistan. The conceptual apparatus soon followed, with NATO's Military Concept for the defence against terrorism justifying the early use of force and a broadened toolbox of responses. NATO's Prague Summit in 2002 agreed on the development of new military capabilities that would support its counter-terrorist missions, notably the NATO Response Force and various initiatives on nuclear, biological, and chemical (CBRN) weapon defence, and sent a mission to the Mediterranean, 'Operation Active Endeavour', NATO's Article 5 counter-terrorist naval operation. While a long-time component of NATO cooperation, civil defence also received a boost of attention only after 11 September 2001. In subsequent years, this morphed into a rising discourse on 'resilience', opening further linkages between NATO and other civilian security actors. NATO and the EU signed an agreement in 2018 to boost cooperation in the fight against terrorism, including 'strengthening the exchange of information, coordinating their counter-terrorism support for partner countries and working to improve national resilience to terrorist attacks' (NATO 2018a).

NATO shares with the EU another focus that traditionally belongs to the category of internal security: Border control and migration. In response to the attacks of September 11, 2001, NATO launched a maritime counter-terrorism operation in the Mediterranean, providing situation awareness for the interdiction of suspicious vessels. By September 2016, that mission morphed into 'Operation Sea Guardian', with an expanded mission to include support for the EU's anti-trafficking Operation Sophia in the Central Mediterranean (discussed above). A separate mission in the Eastern Mediterranean, in the Aegean Sea, brings NATO directly into the management of the migration crisis. 'Standing NATO Maritime Group 2' was agreed in February 2016, deploying ships to support Greece and Turkey, as well as the European Union's border agency Frontex in their efforts to tackle the refugee and migrant crisis. The mission conducts reconnaissance, monitoring and surveillance in the territorial waters of Greece and Turkey, as well as in international waters. In NATO's words, 'the deployment in the Aegean Sea aims to support international efforts to cut the lines of human trafficking and illegal migration. NATO ships are providing real-time information to the coastguards and relevant national authorities of Greece and Turkey, as well as to Frontex, helping them in their efforts to tackle this crisis' (NATO 2018b).

Finally, NATO has, in a fairly short period, entered the field of cyber-security. The organisation frames cyber-security as resting in the internal-external security nexus, as the introduction to an internal paper makes clear: 'the recent ransomware attack WannaCry revealed [that] cyber-attacks are by nature invasive, and can affect every layer of society. As such, only a comprehensive response, involving experts from a wide range of fields, can be effective' (Wobma 2017, 1). NATO first entered the policy area of cybersecurity in 2002, declaring in a communique the need to boost capability regarding cyber-attacks (NATO 2002). Since then, work on cyber questions has increased substantially. New institutional capacities were added in the form of research, analysis and policy directorates, and in 2008 the first NATO cyber defence strategy was adopted. The years 2014 and 2016 witnessed the inclusion of cyber defence as a threat worthy of invoking Article 5 (North Atlantic Council 2014) and the historic addition of cyber defence to its core domain of operations – on par with air, land and sea defence (NATO 2016). In a curious rhetorical turn, NATO recognised cyberspace as a domain of military operation in 2016, and 'further pledged to enhance the cyber defences of their national networks and infrastructures as a matter of priority' (Brent 2019, 1), not least as terrorism became flanked by further threat scenarios on the basis of cyberattacks and related hybrid forms of information warfare. NATO also justified the importance of drafting the so-called 'Tallinn Manual' on how to respond to cyberattacks, which, in turn, served as an inspiration for EU efforts to develop its cybersecurity and defence policies (Ilves et al. 2016). As of late, the EU and NATO have issued further joint declarations on their willingness to cooperate on hybrid cyber-related threats. They even set up a small joint centre on these issues in Helsinki, which may contribute to a 'dangerous conceptual erosion' between political confrontation and war-fighting (Mälksoo 2018).

Yet in none of these areas, ranging from counterterrorism over border security to cyber-security, is there a direct link to European internal security providers and the wider field of police and law enforcement. At most, NATO provides a channel to share some sensitive biometric intelligence on foreign terrorist fighters with EUROPOL or the national intelligence services of member states. It must also be stressed that since the invasion of Crimea by Russia, NATO has seen a resurgence in its traditional core mission of territorial defence, including the field of nuclear deterrence. It may be, therefore, premature to postulate a forced and lasting convergence of military and civilian security action and logics on the supposedly softer, transnational security issues that were prioritised at the end of the Cold War. We still lack

convincing and sufficiently broad empirical evidence to definitively identify two supposed trends explored in this chapter: First, the renewed drive in the EU towards a new kind of 'hard' security mission and NATO's evolving external security goals; and second, the encompassing, comprehensive security rhetoric found in both the EU and NATO and the still fragmented and divided internal and external actions and logics. It may be true that, in some specific fields and theatres, NATO has inserted itself in areas of internal and civilian security, as evidenced in the Eastern Mediterranean or in the growing formal cooperation with the EU on cyber-security. There, it may be possible to speak of a militarisation or externalisation of security logics in reverse (not least as the notion of hybrid threats opens all of society, its media and public discourse to the frame of military conflicts). Indeed, this evolving linkage between the still-dominant civilian EU foreign and security policy and the military capacities of NATO deserve close critical attention. In general, however, the overlap between military and police or other internal security providers in Europe remains limited so far, with enduring differences in the goals, rationales and logics on the question of 'who is in charge' of combatting security questions like terrorism.

Conclusion

In some respects, our brief critical exploration here of the link between external and internal security in Europe reflects the findings of earlier work by Bigo (2014), which underlined the persistence of three distinct social universes and logics of action among border guards, police and the military – even when tackling supposedly common priorities such as European border security. Here, however, we also examined the growing development of material resources for security, financial assistance to third countries, and the development of dual-use technologies or related cyber-driven interfaces between the EU and NATO. One might argue that, since the rise of the Islamic State and the so-called migration crisis, the material developments – beyond sociological ones pointed out by scholars of international political sociology – have provided substance and drive to long-standing European strategic discourses on integrated internal and external security policies.

Looking forward, we would encourage a focus on the role of material and technological factors vis-à-vis institutional or sociological dynamics in European security provision. This includes broadening the empirical knowledge of many mainstream EU scholars as well as critical security scholars who study migration, terrorism and border security, and requires more detailed studies of the European Defence Agency and more broadly, NATO. In this way, we may build up a nuanced view of the evolution of European foreign and security structures as they relate to internal security concerns, going beyond the important but limited notion of militarisation in fields such as cybersecurity and border management.

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The European security industry

Technocratic politics, internal security cooperation, and the emergence of military R&D in the EU

Sebastian Larsson

Introduction

Several critical scholars and NGOs have noted how a "new market" and industry for security technologies has materialised in Europe in recent decades (Guittet and Jeandesboz 2010; Hoijtink 2014). This industry was propelled into existence in steps by the European Commission and certain business organisations, perhaps most notably through the gradual establishment of EU institutional support and funding instruments for research and development (R&D) of security related products. In the middle of the 2000s, these efforts culminated into what would become labelled the European Security Research Programme (ESRP), a programme for feeding millions of public funds into the development of controversial technologies for doing so-called "internal" or "civil" security, including products for large-scale digital surveillance, policing and crime control, counterterrorism, migration management, and border control. R&D consortiums came to involve applied research institutes and private security firms focusing on, for example, multi-sensors, ICT technology, and cybersecurity. Peculiarly, however, they also came to involve several multinational arms companies with a core interest not in civil security, but *military* innovation.

Despite the focus on "civil" security technologies, how come the EU allowed and invited, indeed even encouraged, arms companies to participate in the ESRP? How come arms firms eventually became some of the largest recipients of ESRP funding? Over time, it crystallised how this research programme was not only about supplying new counterterrorism and border security tools to EU agencies and responding the region-wide shift in practice towards internal security cooperation, but it was also in fact a key part of a long struggle involving the Commission and leading arms lobbyists concerning how to consolidate the many European security and defence companies who were struggling financially after the end of the Cold War. Since military R&D funding had been traditionally beyond the scope of EU cooperation, the ESRP, some argue, became a way to indirectly subsidise the arms industry via the "backdoor" of security R&D. This multifaceted and disputed role of the ESRP will be discussed in this chapter.

Whether or not these extensive R&D efforts in fact had the effect of increasing security in Europe is highly debatable, but what can be concluded is that the ESRP managed to put an arsenal of coercive, violent, and potentially rights-infringing technologies into the hands of EU

agencies and security practitioners. The mere fact that new and advanced security products were being increasingly made available to EU decision-makers in a way incentivised officials to also put them to use. However, a lot of these technologies were developed, procured, and put to work *before* any substantial policies were formulated for regulating their use in practice.

This strong technological drive can be understood in terms of a technocratic politics of security by which threats are defined instrumentally, as mere "security issues", to be solved by various "solutions" delivered by tech-savvy actors stemming primarily from a private industry. With such a politics, the "terrorist", for example, is not seen as a contested and ideologically laden concept, but as a concrete and actionable threat projected onto individuals and groups that can be identified and neutralised with the proper assemblage of hardware- and software components. This kind of politics, moreover, follows the logic of technological determinism; that is, an essentially neoliberal way of reasoning and strategizing according to which technology is seen as the catch-all solution and "quick-fix" to all forms of societal issues, including "problems" like terrorism, crime, migration, and so on (Dafoe 2015; McCarthy 2013).

With security R&D firmly in place since around 2007, the EU has recently started using the blueprint of the ESRP's design in order to take the unprecedented step towards establishing a new military R&D programme. Here, it seems as if the ESRP has managed to at once fast-track and politically legitimate the new defence research programme and its related bureaucratic and industrial support structures directed specifically at armaments production and procurement. Marking the start of a new era for the regional cooperation in Europe, the "backdoor" is no longer needed as the EU is about to start funding and overseeing its own arms industry in the near future.

To what extent did the ESRP reflect, pave the way for, and accelerate the emergence of military R&D in Europe? What happened to the EU's long-standing tradition[1] of keeping defence issues, including research funding and industrial policies, off the agenda? Indeed, what happened to the notion of the EU as a "peace project"? What happened to the institution that in 2012 won the Nobel Peace Prize for "the advancement of peace and reconciliation",[2] but only some years later began investing heavily in rearmament and war preparedness?

These different questions will all be, if not completely answered, then at least addressed and explored in this chapter. The chapter aims, in short, to present a historically informed account of how the European security and defence industry has emerged in recent decades, and how the EU, through its technocratic politics of (in)security in combination with the strategic moves of its private industry, has transformed into an active subsidiser of security technologies, armaments, and weapon systems. In doing so, the chapter will first discuss the decline of European arms industries after the Cold War and the increased attention to internal security practices in the EU, second, map the emergence and establishment of the ESRP in relation to this general shift in practice, and third, show how the ESRP has come to serve as somewhat of a prefigure and model for the military R&D instruments and defence cooperation policies currently being developed.

The destabilisation of European arms industries after the Cold War and the emergence of internal security practices

The end of the Cold War brought about a significant reconfiguration of political and economic priorities in the area of security and defence. Public spokespersons and decision-makers in Europe began changing the scope and goal of national security, from policies focusing on territorial defence and the development of military technologies, to policies formulated around wider definitions of security, new threat constructs, and emerging practices and technologies

related to crisis management, crime control, and counterterrorism. This reconfiguration in turn led to a massive decrease in defence budgets throughout Europe. With relative peace and stability, at least in the Western world, the development and procurement of new armaments and weapon systems became increasingly unlikely for European governments. In fact, global military expenditure had begun its decline already in the mid-1980s, but it was around the early 1990s when the most significant effects were felt in defence departments, agencies, military research institutes, and arms companies around the world.

The increased sense of peace and geopolitical stability in the EU region was not understood in exclusively positive terms, therefore. For parts of the European elite, the consequences of the so-called "peace dividend" were rather seen as a direct threat to hundreds of thousands of defence industry jobs, to technological capabilities, sales and export figures, and more generally, to the competitive position of European arms firms in relation to the traditionally dominant industry in the United States. Here, the EU found itself in an awkward position. How could European arms industries be if not explicitly "saved", then at least consolidated and stabilised with the help of EU funding and institutional support? This question highlighted a central dilemma: in the EU, common defence policies and R&D of military technology had been historically viewed as "taboo", as an industry branch to be excluded from the single market. Therefore, top-level bureaucrats and industrialists struggled throughout the 1990s and early 2000s around how to persuade EU decision-makers to gradually reconsider this position.

The mid-1990s saw some initial breakthroughs along these lines. In two communications in 1996 and 1997, the European Commission began addressing new ways of aiding the "defence-related industry" and how to "frame armaments trade and production as economically vital and belonging to [the] internal market" (Hoijtink 2014, 464). To maintain a "healthy and competitive European technological and industrial base" related to arms was understood as an absolutely necessity for the new common foreign and security stance to be credible (a policy formally introduced as the European Security and Defence Policy with the Treaty of Amsterdam in 1997) (Hoijtink 2014; see also Mörth and Britz 2004). Highly controversial, this move was met with major opposition from member-states and their MEPs, and further attempts towards the end of the 90s to unify the European market for defence were effectively stalled.

It was not until 2003, when the Commission tabled a communication entitled "European Defence – Industrial and Market Issues: towards an EU Defence Equipment Policy" that the attempts from 1996–1997 were followed up. This report again attempted to connect security technologies with the single market, but now by making reference to crisis management operations and other aspects related to the so-called Petersberg tasks from 1997, as well as to an ambiguous notion of "global security". Overall, in contrast to the 1990s, the Commission could now with the events of 9/11 more directly frame industrial policy not as traditional defence, but as having to do with different kinds of *security* practices. Indeed, the 2003 communication as well as the European Council's declaration "A secure Europe in a better world" from the same year (which would become adopted by the EU as the "European Security Strategy") tied directly into the discourse of the United States' "neo-cons" and their strategies related to the "global war on terror", as well as the recent establishment of a US department of "homeland security" (EU 2003; Hayes 2006, 11).

From this point onward, a new EU strategy began to crystallise: the Commission and its MEP supporters and industry allies momentarily gave up their ambitions to create a common market solely for armaments and weapon systems. Instead, they sought to establish an R&D scheme organised around the notion of "civil security" in which most major arms producers could still be involved and facilitated. In the wake of 9/11, an increasing demand for technologies of

surveillance and counterterrorism had been constructed at the EU level, and by forging a market supply for civil security, this demand could be met (ECORYS 2009).

Hence, the move towards civil security technologies in the early 2000s was far from a haphazard one, nor was it simply some "market experiment", but it strongly correlated with the steadily increasing amount of policy strategies and cooperative structures related to, more specifically, "internal security" in the EU. Not only the 9/11 events and the establishment of the DHS in 2002, but also the bombings in Madrid in 2004 and London in 2005 incentivised the EU to formulate policies and laws and reallocate budgets for the expansion of transnational policing, crime control, surveillance, and counterterrorism (the Commission even appointed a special "anti-terrorism coordinator" in 2007). In the early 2000s, "internal security" effectively became the core organising stake in an emerging field of practice which mobilised a row of new EU agencies and instruments (Bigo et al. 2007; Bossong and Rhinard 2016). With the EU's explicit intentions of "preempting terrorism", this practice also had the effect of, among other things, enabling mass-gathering of data on European citizens and restricting or blocking the mobility of (some) travellers in the region.

With regards to the European security industry, an important first step in responding to this general shift in practice was the consecration of the so-called Group of Personalities (GoP) which worked until 2004 with setting up the general parameters and conditions for the planned R&D programme, thereby laying the groundworks for future industrial policies and procurement priorities. The GoP consisted of 28 members, including political figures and elite spokespersons from public institutions, as well as representatives from private organisations and leading security and defence firms. The arms lobby thus had a clear influence over the general agenda and final report of the GoP (Group of Personalities 2004). Published in early 2004, the GoP's final report came to frame the question of security, including the solutions to insecurities like terrorism, largely in terms of advanced technological systems and products for control and surveillance.

Alongside the GoP report, a Commission communication also announced the launch of a programme for "Preparatory Action on Security Research" (PASR); that is, a research funding scheme for "protecting against terrorism" and "enhancing crisis management", or more specifically, for technology-driven "pilot projects in the areas of explosives detection, aviation and maritime security, and emergency response" (Hoijtink 2014, 464). Between 2004 and 2006, the PASR programme funded 39 research projects, using €44.5 of its 65 million budget. Jones (2017, 14) notes how

> 23 of the 39 projects were led by companies whose primary interests lay in selling arms and other military equipment. PASR also financed projects aimed at the long-term development of EU security policy and research. Between 2002 and 2006 the EU's 6th Framework Programme on research and development … and the PASR funded over 200 projects concerned with the GoP's priorities.

PASR was "preparatory" in the sense that it was supposed to act as a foundation and start-up for the GoP's and the Commission's more formal plans of a "European Security Research Programme" (ESRP), to run from 2007 and onwards and to be embedded in the 7th Framework Programme (FP7). Despite its pilot-function, PASR was still remarkable in how it served as an early market-construction instrument for the Commission, and moreover, in how it managed to convince the European Parliament to begin investing public funds into security technologies even though some of the key beneficiaries of such a project would end up being arms firms. Karampekios and Oikonomou (2018, 194) argue that the results of PASR "justified the interest

of the arms industrialists, not purely in quantitative terms – since the entire budget was relatively small – but primarily in qualitative terms, since PASR became the European arms industry's early entry point to security research".

Establishing the European Security Research Programme

Immediately following the establishment of PASR, a series of additional steps were taken to institutionalise the new European security R&D programme and to thereby, it was hoped, pave the way for a new globally competitive European market for emerging security technologies (ECORYS 2009, iii).

First, a Commission communication later in 2004 promised the establishment of a "European Security Research Advisory Board" (ESRAB) with the goals "to advise on the content and implementation of the ESRP, "paying due attention to the proposals of the Group of Personalities" … and to ensure that the ESRP was closely linked with other EU policy areas, such as foreign affairs, internal security and defence" (C. Jones 2017, 14). After almost exactly two years in operation, the ESRAB delivered its final report in 2006, further setting out the organisational structures and research priorities for the ESRP and for the €1.4 billion "security theme" of the upcoming EU FP7 (ESRAB 2006).

In order to facilitate ESRP-related activities, the notion of "secure societies" became proposed in the ESRAB working groups as the name of the FP7 theme. Security in the name of "society" expanded EU's notion of internal security cooperation and policies in the area of freedom, security and justice, as it mobilised practices of Petersberg-style crisis management as well as various forms of surveillance, infrastructure protection, policing, and counterterrorism under its umbrella. The emerging terminology of "societal security" reflected the attempt to launch a Europeanised and more open-ended form of "homeland security", to put a label on the tendency in the EU region – not least in northern Europe, including Germany and the Nordic countries – of policies calling for "all-hazards", "holistic", and "comprehensive" models for security work (Hayes 2009, 72; see also Larsson 2019). Moreover, the "societal" framing of security R&D in the ESRP also signified the trend to significantly expand the post-9/11 priority on technologies for preempting terrorism to also include technologies for border and migration control, or more accurately, for monitoring, managing, or hindering the mobility of persons into and within the Schengen area.

High-level discussions around how to develop instruments for security R&D did not conclude after the ESRAB report, but proceeded in the form of so-called "public-private dialogues" in the newly established European Security Research and Innovation Forum (ESRIF). Crucially, actor representation had not changed significantly between the GoP and ESRIF, which meant that the security and defence industry CEOs and lobbyists still dominated the agenda, and civil society organisations and social science researchers continued to be more or less absent in the different working groups (Bigo and Jeandesboz 2010; ESRIF 2009).

When the ESRP was about to be launched it became clear that the development between approximately 2003–2007 had led "security" to be defined in largely techno-centric and entrepreneurial terms and that "research" concerned mostly different forms of products and solutions to be developed by the private industry (Bigo et al. 2014; Martin-Mazé 2020; Figure 24.1). The gradual design of the ESRP, in other words, made sure that its activities became outsourced to the very corporations that had the most to gain from their implementation, noticeable not least in how central responsibility over security R&D was handed "not to the Commission Directorate-General for Research & Innovation – which oversaw the majority of the EU's
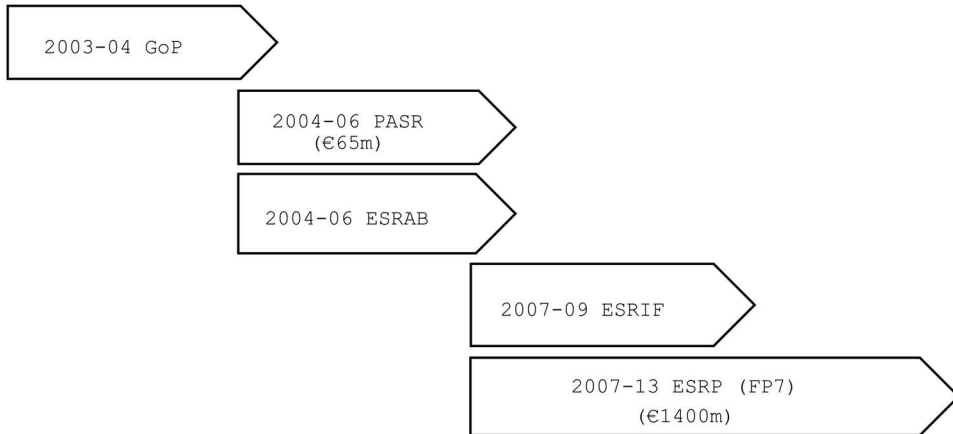
Figure 24.1 Timeline and budgets related to the ESRP.

research programme – but instead to the Directorate-General for Enterprise & Industry" (C. Jones 2017, 41).

Lobby organisations, such as the Aerospace and Defence Industries Association of Europe (ASD) and the European Organisation for Security (EOS), also played key roles for these developments in Brussels. Either they became directly invited by EU officials to help shape the early stages of its civil security R&D programme in "high-level expert groups" (Calvo Rufanges 2016) or they themselves invited stakeholders and politicians to "high-level security roundtables", such as the ones around 2011–2012 "organised by EOS under the 'patronage' of Cecilia Malmström, at that time EU Home Affairs Commissioner, and then-Commission Vice-President Antonio Tajani" (C. Jones 2017, 38). These various forums and roundtables, including the "security advisory groups" in the FP7 and FP8, have been called "lobby fraternities" since the participants all seem to know each other and benefit from each other's actions (Boros 2016). It perhaps hardly comes as a surprise, therefore, when looking back at the results of the ESRP, that the main beneficiaries of the research programme have been private companies:

> In total, private companies took almost €552 million from the FP7 ESRP (2007–2013) budget, some 40% of the €1.4 billion total. Per project, private companies took almost 25% more money on average from the … ESRP than they did from counterpart research programmes such as health, ICT, energy, environment and transport. (Jones 2017, 3)

More precisely, a substantial portion of these private actors were in fact multinational arms firms, including companies like Thales (France), Airbus (Germany/Netherlands), BAE Systems (UK), SELEX/Leonardo-Finmeccanica (Italy), Indra (Spain), and Saab (Sweden). Typically, arms companies had entered into this technological area in the early 2000s by establishing new civil security branches, sometimes in direct response to the EU's R&D initiatives, and often with the implicit intention to enable the development of so-called dual-use technologies – i.e. products with both military and civilian application in society – that had strong kinship with their traditional core of military R&D (Larsson 2020). In FP7, the top three arms firms participated in 165 different projects, receiving a total sum of €78,2 million in R&D funds (Jones 2017).

Beyond the arms industry, another major recipient category of ESRP funding was research institutes focused on introducing and applying new security technologies; for example,

Fraunhofer Institute (Germany; €51.5 million; 85 projects), TNO (Netherlands; €30 million; 54 projects), FOI (Sweden; €31.8 million; 53 projects), and CEAS (France; €15 million; 39 projects). Some of these actors, like FOI in Sweden, are state-owned defence research institutes with long historical traditions of delivering military solutions to the national armed forces.

Some of the largest projects and most funded technologies emerging out of the ESRP have been centred on border control (Amicelle et al. 2009; Andersson 2014; Figure 24.2).[3] On the one hand, this R&D concerns modernising the *physical* measures for border control such as traditional walls and fences, for example, by developing interlinked multi-sensors for detecting human movement in border zones. Another priority has been to fund projects on autonomous vehicles, and in particular surveillance drones (Hayes, Jones, and Töpfer 2014; Martins and Küsters 2019), for monitoring migrant routes and refugee boats in the Mediterranean Sea. On the other hand, projects have aimed to develop the *digital* features of border control. For
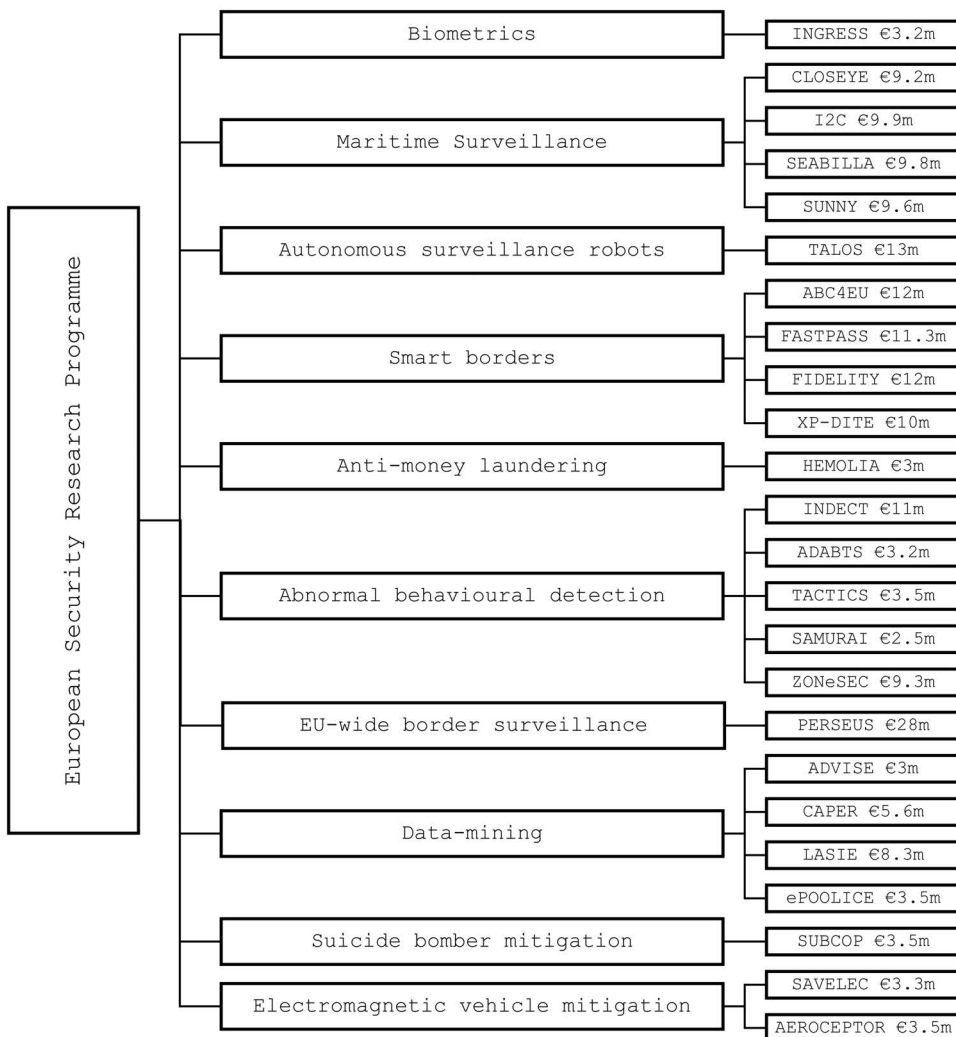
Figure 24.2   Selected projects of the ESRP.

example, this concerns developing surveillance technologies and large-scale platforms for collecting personal and biometric data sets (e.g. fingerprints and iris scans for the EURODAC database) (Glouftsios 2019). Combined, these sets create so-called "data doubles" that are connected to travelling bodies and can be traced, categorised, and transferred around different interoperable databases for migration control (Bigo 2020). If deemed to display a "suspicious" or "irregular" travel pattern, certain individuals can then be sorted out and "flagged", relinking the data double with the body, and allowing border guards to apprehend these individuals. In practice, this enables a form of policing at a distance; that is, a form of migration management taking place not at the heavily guarded border crossing, but in an office, in front of a computer (see also Bigo 2014; Geiger 2014, 2016).

This combination of both "hard" and "smart" solutions create a comprehensive surveillance assemblage adaptable for virtually all kinds of border spaces (Follis 2017). The €28 million project PERSEUS, for instance, involved both security SMEs as well as major arms firms, and aimed precisely at combining different surveillance measures – from digital databases to drone footage to radar planes and even satellite data – for creating a region-wide "situational picture" for networked border security (e.g. as intended with the EUROSUR system) (Heller and Jones 2014).

Taken together, the strong focus on border security in the ESRP has in a sense expanded the overall threat conception in the EU from concerning mostly the Terrorist in the early 2000s, to now also include the Migrant in the 2010s. This is further supported by the fact that the EU set up, in parallel with the ESRP, three specific funds for implementing the new technologies in practice. In addition to the funds for fighting crime (€600 millions) and countering terrorism (€140 millions), the third and much larger so-called "external borders fund" was given a budget of €1.8 billion.

Arms companies, in particular, have in fact come to dominate the market for migration control and border surveillance in Europe, winning major contracts to supply EU agencies with both conventional hardware as well as digital software solutions (Akkerman 2018; Jones and Johnson 2016). Discussing how arms firms involved in border security have made substantial profits from the refugee crises in recent years, NGOs and critical scholars often point to the paradox that this industry manages to at once arm countries abroad and build a fortress at home. "Most perverse of all", Akkerman (2016, 1 [emphasis added]) argues, is "that some of the beneficiaries of border security contracts are some of the biggest arms sellers to the Middle-East and North-Africa, *fuelling the conflicts in the region that have led refugees to flee their homes*" (see also Baird 2017; Benedicto and Brunet 2018; Hayes and Vermeulen 2012).

Another central issue with the ESRP was, as indicated, that the processes by which it emerged were largely undemocratic, elitist, and lacked public transparency (Martin-Mazé 2020). Its design was based on a logic of "security through profit and technology", or as succinctly put by Hayes (2009, 80): "Be it pandemics, political violence or protest, the 'problem' is seen as a grave danger and the 'solution' couched in terms that favour the transfer of social policy responses from civilian agencies to law enforcement and militarist proscriptions developed by securocrats and technocrats". The European Parliament's civil liberties committee, for instance, saw the ESRP as a "closed community in the making" which was immediately "put at the service of industry rather than society" (Bigo et al. 2014, 11, 27; see also Jeandesboz and Ragazzi 2010; Leese, Lidén, and Nikolova 2019). Baird (2016, 34) concludes, in a similar fashion, that security and surveillance R&D in Europe has taken on the form of a "tangled community" with "overlapping network structures". NGOs have even argued that the entire enterprise of setting up and institutionalising an R&D programme did not in any objective sense "increase security", but served more as a multi-billion "networking exercise" dominated from the outset

"by profit-driven conglomerates with a particularly narrow view of how best to achieve security based primarily on the use of military force" (C. Jones 2017, 15; Hayes 2006, 40).

To conclude, some of the central actors and largest beneficiaries of the ESRP may have had a speciality and competence in military force, and the programme may as such have developed strongly in line with the interests of the European arms lobby. However, this does not mean that the sole purpose of the ERSP was to "save" the arms industry after the Cold War or that its "civil" framing was set up by the Commission as a mere disguise for arms-related innovation. Rather, the ESRP was most certainly also a response to the demand coming from EU agencies and politicians for new counterterrorism and border control tools. Indeed, MEPs have not been completely sidelined in this process, but did at some point consent to, or even push for, the development of internal security and border management technologies. Most EU decision-makers also supported not only the R&D, but the application of these new technologies, evidenced by the external borders fund mentioned above as well as the so-called "internal security fund" that became established immediately after the ESRP's conclusion in FP7, to run in parallel with the 8th Framework Programme between 2014–2020 with a total budget of €3.8 billion.

Of course, the ESRP did not only involve defence industry giants like BAE Systems or Thales or other multinationals with a strong focus on military innovation, but several sizeable consortiums were initiated by their growing civil security branches and spin-off firms, or spearheaded by other niched SMEs and security companies with a very particular expertise in, for example, drone technology, sensors and detectors, system integration and interoperability, biometrics and databases, and other advanced digital measures for policing and managing borders at a distance.

Moreover, as has become increasingly apparent over the last ten years, "civil security" as a technological area has grown to be more than a mere market experiment for security and defence industries. Many arms companies branched out to dual-use or purely civilian production under the headline of "diversification" as far back as in the 1980s, partly as a way to compensate for falling domestic military orders, but today, with the rapid development in civil engineering and computer science, the product area of civil security has a different and far more important role to play. Indeed, military researchers and leading arms firms today state that with recent breakthroughs in, for example, artificial intelligence, robotics, computing and algorithms, nanotechnology, multi-sensors, infrared optics, unmanned vehicles, 5G networks, 3D printing, virtual- and augmented reality, and much more, civil engineering have come to largely surpass military production in terms of the novelty and complexity of its innovations. This has led several arms companies, who are indeed dependent upon technological advancements, to increasingly base new products, solutions, and weapon systems on "civil" platforms and foundations and, from there, "scale up" and add layers of "robustness" (Larsson 2020).

Expanding from the ESRP into rearmament policies and military R&D

As the ESRP continued to produce new and more advanced security technologies – with increased civil-military overlaps – it grew increasingly difficult to situate this kind of R&D within the parameters of the dual-use framework, to enforce technological regulation, and to define its application as either "security" or "defence". What is more, despite legislation affirming that research under the "secure societies" theme should have an "exclusive focus on civil applications", when the ESRP moved into FP8 (Horizon 2020, to run between 2014–2020), the Commission stated its intent to "evaluate how the results [of research projects] could *benefit also defence … industrial capabilities*" (C. Jones 2017, 3 [emphasis added]). Shortly thereafter, the Commission began moving towards (indeed, revisiting) questions of how to provide military

innovators with a separate funding instrument, and how to potentially set up a European *defence* research programme (EDRP) in the near future; thereby breaking the "long-held mantra" in the EU of exclusively civil R&D priorities (Karampekios, Oikonomou, and Carayannis 2018, 2).

These latest developments have led researchers to conclude that the ESRP may have emerged in part as a response to the field's transformation towards internal security, and in part as a way to "test the waters" for a potential full-fledged defence research programme, as a "stepping stone" for propelling research objectives from the civil to the military realm (Akkerman 2018, 351). Citing critical voices from within the EU parliament, Vranken (2017, 5) suggests that the ESRP was perhaps always about finding ways to subsidise the arms industry:

> In what one Green Member of the European Parliament (MEP) called a 'salami-strategy', this has led to a 'slice-by-slice-approach' whereby political red lines have progressively been transgressed. Defence research has always been officially excluded from all EU research programmes so the defence industry could only get funding through 'the back door': a security research programme.

Others reminisce the struggles during the late 90s, when the lobbyists and bureaucrats who initially put the idea of an EU-funded defence programme on the agenda were forced to settle with a "security" programme, and from there perceived the entire situation as "unfinished business" (James 2018, 25). A key move by lobbyists in the early 2000s, then, was to push the Commission to frame the ESRP as ambiguously as possible in the beginning – basing it on innovationist lingo and techno-deterministic logics – so that when a window of opportunity would open up a rough decade later, strategies for expanding into military R&D could be easily revisited by using a similar blueprint (James 2018, 39; see also Langley, Parkinson, and Webber 2005).

In early 2015, the Commissioner for Industry took the first concrete step towards a defence research programme. Following the model from 2003, a strikingly similar High-Level Group of Personalities on Defence (GoPD) was appointed, again comprising industry CEOs, political figures, and other big names from the EU arms lobby (Fotiadis 2017). According to Vranken (2017, 13), the GoPD was "very conscious of the contentiousness of its proposals", and Commission representatives had made it clear to the group that their final report should seek to "overcome resistance towards a defence research programme". A year later, the final report declared that the EU was about to take the unprecedented step of establishing a military R&D programme: The so-called Preparatory Action on Defence Research (PADR), with a budget of around €90 million. PADR is only a first step, however, as it is to evolve into the significantly larger EDRP which will run between 2021 and 2027 as a part of the 9th Framework Programme (Figure 24.3).

Here, Karampekios and Oikonomou (2018, 201) note the rather obvious, but nonetheless very important point that

> the experience of the Commission with PASR proved so successful (in terms of setting the agenda, involving the manufacturers and securing legitimacy) that the Commission pursued the exact same path with defence research as well. The two main pillars of the early steps of EU security research, i.e. a report by a group of personalities and a preparatory funding action, were reproduced in the case of defence research.

Just as the ESRP was followed up with funds for implementing the technologies, PADR and the subsequent EDRP do not come alone either. The upcoming military R&D programme is,
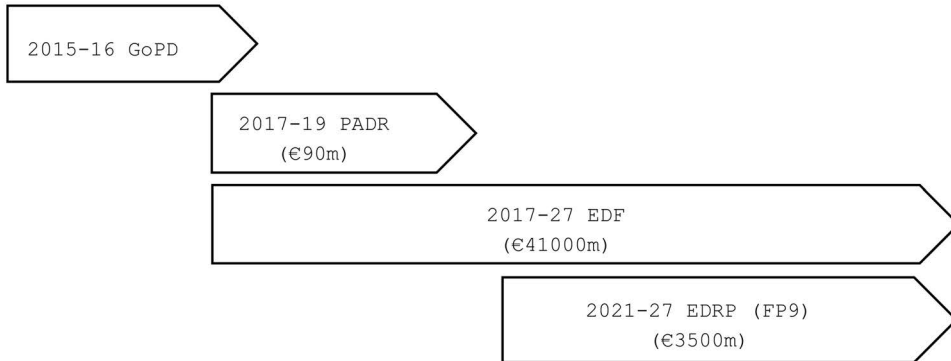
Figure 24.3   Timeline and budgets related to the EDRP.

in fact, part and parcel of the larger so-called European Defence Fund (EDF) which allocates a staggering €40 billion not only on research and development, but also for the *procurement* of weapons. Regarding the latter, the Commission proposed in 2017 that a European Defence Industrial Development Programme (EDIDP) should run alongside the EDRP with the aim of fostering "new cooperative weapon programmes and the procurement of these weapons by Member States" (Vranken 2017, 3–6). The Commission has in other words made another historical move: From facilitating the development and manufacture of security and defence commodities, to *directly encouraging* member states to purchase them as well.

Much like in the case of internal security, R&D and procurement in the defence area has come to fast-track the development of EU policy itself. For example, in 2017, the Commission tabled several proposals in addition to the EDF (e.g. the new European Defence Action Plan), as well as revived the so-called Permanent Structure Co-operation (PESCO): "a mechanism known among EU officials as 'the Sleeping Beauty of the Lisbon Treaty'" (Fotiadis 2017). PESCO means that all member states "who are capable and willing" (currently 25 of 28) shall make their defence capabilities available for EU military operations and thereby "enhance the EU's capacity as an international security actor" (EEAS 2019). Federica Mogherini, the EU's High Representative for Foreign Affairs and Security Policy and a former GoPD member, has stated that "the possibilities of [PESCO] are immense"; indeed, the treaty is legally binding and serves as the framework for what will in practice become an EU army in the future, available for both defensive cooperation at home as well as offensive operations abroad. A cornerstone of PESCO is the binding commitment to "spend together, invest together, buy together" (EEAS 2019) in the area of armaments and weapon systems. This commitment is a central driving force for all emerging EU defence policy, but would arguably not have been so central had it not been for the two preceding decades of technocratic politics for fostering a regional security and defence industry and joint R&D system.

The establishment of civil security and military research structures, industry policies, as well as procurement mechanisms "in conjunction with opportunities for the EU to go to war", Fotiadis (2017) argues, "will inevitably have a profound impact on the future of the EU". Indeed, the EU has now for the first time formulated policies that are not merely about migrants and terrorists, but explicitly focused on war preparedness, policies that actively seek to arm member states and strengthen Europe's internal security *and* regional defence capabilities, policies that thereby enact a kind of heterogeneous societal-territorial (in)security logic.

In summarising recent developments, one could argue that the circle has been completed from the Commission's point of view: What began as a contentious policy experiment in the late 1990s to consolidate post-Cold War arms industries has been picked up, seemingly resolved, and expanded into de facto defence cooperation in the mid 2010s. In this process, the ESRP – or perhaps more accurately PASR – played a key role in how it ruptured European research and industrial policy traditions and presented "the first of a long – in retrospective – series of steps taken by the European institutions in accepting that security, security-related, and defence research priorities are eligible for funding at the European level" (Karampekios and Oikonomou 2018, 201). Put differently, while the ESRP was obviously not the sole factor for the emergence of military R&D in Europe, it was an important one, and certainly signified

> a transition from the 'business-as-usual' mode of tight interaction between national defence industries and national state agencies to a new paradigm of equally tight inter-action between European internationalised defence firms and their political repre-sentation in Brussels and the European Commission. (Karampekios and Oikonomou 2018, 202)

Is the circle "complete" in the sense that the creation of a European defence industry and "EU army" was the end-goal for the many bureaucratic, political, and economic processes initiated by the Commission and pushed onwards by industrial elites? As if the long trajectory since the early 2000s of funding and implementing, not military, but *internal security* technologies was nothing more than a parenthesis in the grand scheme of things? Certainly not. It needs to be emphasised that the technologies that were introduced through, or at least alongside, the ESRP were in many cases novel, and had serious effects both in the field of EU internal security itself, as well as on the fundamental rights and liberties of European citizens more generally. The involvement of new actors with specific technical skills in surveillance and border control con-tributed heavily to the overall reframing of the Terrorist, and eventually also the Migrant, as the new central threats towards Europe. Importantly, though, despite the recent "defence turn" and (re)militarisation of Europe, the technologies addressing these threats have not been removed or replaced, but remain in place alongside new policies like PESCO, and continue to have a violent effect on the individuals that become targeted.

Conclusion

This chapter traced the emergence of security-related R&D in Europe, its political and practical implications, as well as the peculiar relationality between the ESRP and the forthcoming EDRP. Not only were both of these research programmes negotiated and established through largely obscured bureaucratic processes interlinked with the interests of the security and defence lobby, but as discussed, the ESRP also worked as a prefigure, potentially even a door-opener, for the EU's recent R&D policies in the area of military technology

What is at stake here is of course not only the democratic legitimacy of the EU, but also human lives. Security and military R&D is per definition about inventing and making available technologies that have infringing, controlling, violent, or even lethal effects in practice. Indeed, with the two traditionally separated technology areas of security and defence being increasingly developed in tandem and put to work side-by-side today, the EU has participated in construct-ing a security assemblage that, as Akkerman (2016, 2) puts it, deploys technologies "that point outwards and inwards, that right now are targeted at some of the most vulnerable [and] desper-ate people on our planet".

As illustrated by the long row of strategic moves and decisions associated with the ESRP, a technocratic approach to security through the constant promotion of industrial policies and product-oriented solutions will have an inevitable effect also on practice. The introduction of new security and surveillance technologies becomes, in itself, a drive and incentive for putting them to work, which in turn contributes to the enactment and framing of particular threats. Consider this in the context of the EDRP and the EDF. In line with binding commitments of PESCO, the EDF will fund not only research and development, but also the procurement (and in extension, the *use*) of weapons and military technologies. How and where will these be put to use? By whom, against what? Europe may or may not be preparing for war, but it is certainly cementing itself as "the kind of society which goes to war" (Thompson 1982, 23).

When looking back at the past two decades, public officials in Europe must not be held unaccountable to the fact that they have transformed the EU institution from what was once, at least in theory, a regional "peace project" into an active subsidiser of an industry which produces violence and exports war. As millions of euros are funnelled into new military R&D projects and as arms procurement routines are streamlined at the EU level, "[t]he disastrous impact of European arms exports is not even considered. On the contrary, arms exports are seen as a sign of a thriving defence industrial base" (Vranken 2017, 24).

Finally, as the EU moves further towards solidifying its own industry and market for defence, it must indeed not be forgotten that the many coercive measures and violent technologies already invented via the ESRP to manage "suspicious" individuals are still in place. Europe has not undergone some radical "to-from" transition, from Cold War military practice to a post-9/11 security practice – and then back again to regional defence cooperation in the 2010s. The overall practical logic of security, according to which related industrial and political priorities become aligned, must rather be seen as "dual" or "multiple" today, as forming a messy space organised around a kind of "double" violence: On the one hand, certain technologies of deterrence and physical coercion are produced for defending sovereign territory; on the other hand, certain technologies of preemption and digital surveillance are produced for identifying terrorists and hindering mobility. While still different and distinctive, these are two types of technologies that are increasingly developed and put to work side-by-side in European societies today, in a kind of "continuum" (Bigo 2001; Larsson 2019). They are not merged into one "total" apparatus, but become tangled and applicable interchangeably by both military and police, for both external and internal use, and thereby enact what we may call a societal-territorial (in) securitisation logic by which society (and the assumed threats toward it) and territory (and the assumed threats toward it) are simultaneously but in different ways within the scope of contemporary security practice.

Notes

1. What is in fact a core difference between the ESRP and the EDRP can be traced all the way back to the Maastricht Treaty which introduced the second and third "pillars" for the European cooperation. The third pillar concerned police cooperation in the area of "Justice and Home Affairs" (also known as TREVI before 1992, and "Freedom, Security and Justice" after 2009), and the second pillar concerned the EU's "Common Foreign and Security Policy". Whereas the former area has seen plenty of activity and transnational cooperation over the years, the EU has taken a far more restrained (or at least distinctly different) position when it came to cooperation in the latter area (see also Bossong and Rhinard, this volume). Until very recently, the European Commission has viewed defence policies and military R&D as "forbidden" and as excluded from high-level cooperation, and the "common security policy" has rather, if anything, focused on *reinforcing* the "peace tradition" of the EU, e.g. by addressing liberal themes like "promoting international cooperation", "preserving peace", "developing and

consolidating democracy and rule of law", and "respecting human rights and fundamental freedoms". See https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT.

2. See www.nobelprize.org/prizes/peace/2012/summary/.
3. Figure 24.2 illustrates some key projects of the ESRP and their respective budgets, but covers only a handful of the vast amount of consortiums and research aims included in the programme. Numbers reflect the total contribution coming from public EU funds. For more information, see https://cordis.europa.eu.

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The European Union and "Foreign Terrorist Fighters"

Disciplining irreformable radicals?

Francesco Ragazzi and Josh Walmsley

Introduction

As approximately 5,500 European men, women, and children from 26 EU member states have travelled to Syria and Iraq since 2012 (Barrett 2017), unease about "foreign terrorist fighters"— the term diffused in public and policy debates to designate anyone who came to reside in Syria and Iraq during the recent conflict—has grown increasingly salient. Though the phenomenon of people travelling from their home country to fight in a conflict abroad is not new,[1] the scale of departures, as well as the military rollback of IS in Syria and Iraq, have prompted a renewed debate about the risks they may pose to European security (UN OHCHR 2019). Since the mass shootings and suicide attacks that hit Paris on 13 November 2015, fears that battle-hardened, ideologically fervent combatants would return to Europe *en masse*— with destructive intentions and capabilities— have served as the dominant frame of interpretation.[2] As a result, there is a tendency for attacks those that have occurred in recent years in Brussels, Paris, Nice, Berlin, Manchester and London to be "viewed through the lens of the foreign fighter phenomenon (Bakker and de Roy van Zuijdewijn 2015)". Despite this, very few concrete cases of "foreign fighters" returning to conduct attacks in Europe have been observed. Although the attacks in Paris and Brussels (as well as a number of foiled plots[3]) directly involved individuals who had returned from Syria and Iraq, academics have struggled to reach convincing scientific conclusions about the causal relationship between "foreign fighting" and political violence in Europe.[4] This is not to say that there is no reason for concern— which is clearly not the case in light of the atrocities in Brussels and Paris. Rather, the threat posed by individuals returning from Syria and Iraq is characterised by most counter-terrorism professionals as "low probability, high impact".[5]

Since the mid-2000s, long before the phenomenon of departures to Syria and Iraq took hold, European counter-terrorism practices were already engaged in attempts to calculate the probabilities of political violence, as so to render pre-emptive interventions possible. As such, policy responses to foreign terrorist fighters are best analysed within the framework of these most recent attempts to innovate, which have collectively come to be known as counter-radicalisation. Over the last 15 years, the wave of "homegrown" political violence in Europe that started with the murder of Theo Van Gogh in the Netherlands in 2004 and the London bombings of July

2005 have indeed placed the question of "radicalisation", namely the process of passage to political violence, at the summit of the European policy agenda. From a theoretical perspective, this forces us to shift our frame of analysis from the traditional objects of terrorism and security studies (Bossong 2012), that is intelligence services, the police and the judges, and pay more attention to how a whole new set of actors, from community leaders to teachers and social workers have been enrolled in the effort of countering terrorism.[6]

Policy responses to foreign terrorist fighters take place within a vast framework of strategies, resolutions, and directives that have turned existing instruments towards this novel problem.

The EU launched its counter-terrorism strategy under the British presidency of the Council in 2005.[7] Simultaneously, the European Council adopted "The European Union Strategy for Combating Radicalisation and Recruitment to terrorism", updated in 2014.[8] In November 2010, the European Commission presented "The EU Internal Security Strategy –ISS" (European Council 2010). More recently, in January 2014, the Commission presented the Communication: "Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response" (European Commission 2014).

The passage of United Nations Security Council Resolution (UNSCR) 2178 in 2014 marked the rapid emergence of what formally became known as the "foreign [terrorist] fighter" threat on the international security agenda. In November 2016, the EU's Counter-Terrorism Coordinator informed the European Council of the need for "a comprehensive approach towards returnees…" dispersed across the judicial, law enforcement, and social spheres (EU Counterterrorism Coordinator 2016, 2). This sentiment has since been endorsed by the Council of the European Union (Council of the European Union 2017), and is aligned with calls for "comprehensive" (Bakker et al. 2014) or "holistic" (Reed et al. 2017) governmental approaches featuring a wide collection of policy actors. Comprehensive models are increasingly envisioned as balancing acts that combine repressive measures, such as arrest, detention, and restriction of movement, with various forms of rehabilitation and reintegration (Reed et al. 2017). The latter have become increasingly prominent in light of recognition of the limits of repressive measures for managing risks pertaining to returnees (EU Counterterrorism Coordinator 2016): Evidentiary challenges can complicate prosecutions, mass surveillance is heavily resource-intensive, whereas imprisonment may only delay the risks posed by certain individuals. As such, "deradicalisation" (efforts to stop an individual engaging in violence by focusing on ideological transformation) and "disengagement" (focusing on behavioural change) programmes are now widespread.[9] In this context, as counter-terrorism pertains primarily to the competence of the member states, European institutions have developed multiple strategies of coordination, assistance and support of member states. At the centre of this architecture is the development and circulation of knowledge about "radicalisation", and its role in shaping novel policy responses to the issue of European citizens who left EU member states in order to fight in Syria and Iraq.

EU institutions have presented this expertise, which focuses on the need to enroll civil society into the counter-radicalisation effort, as representative of the current academic and security debates. Similarly, they have presented the measures to address the question of "foreign fighters", which further restrict civil liberties, as necessary to address new and unprecedented threats and challenges. This chapter presents an alternative account of the official response to foreign fighters in the EU, situating it within the context of the European security agenda in the age of the war on terror. It first illustrates how the particular construction of the foreign fighter phenomenon in official accounts, as a novel and exceptional policy problem, is in fact a continuation of existing discourses on radicalisation in Europe. The "new" expertise on foreign fighters has been seized upon to consolidate a one-sided understanding of political violence as a "predictable" and "governable" problem that, disregarding scientific debates— ones that place

strain on official narratives—has long been central to the EU radicalisation discourse promoted and diffused through European fora such as the Radicalisation Awareness Network. Second, the chapter shows how these discourses, with the increased political salience of foreign terrorist fighters, have accelerated and consolidated commitments to repressive and exclusionary forms of governance that have cast increasingly large numbers of Muslims, many of whom have never engaged in violence, as dangerous. Since 2014, this has received recurrent practical expression in member states' policies which, despite operating under the guises of safeguarding, care, and the rule of law, have enacted the harshest forms of discipline on vast numbers of individuals deemed undesirable and beyond reform. Finally, the chapter shows that the flagship policies and instruments put forward by the EU in their support of member states in tackling the "new" problem of foreign fighters are not as innovative as they are presented. Rather, the issue has been seized by European institutions in order to revive projects—such as the interoperability of EU databases, or the diffusion of passenger data collection—that had long been in the works, but had stalled due variously to practical and fundamental rights concerns.

EU expertise: "Foreign Terrorist Fighters" as irreformable radicals

When it comes to counter-terrorism matters, the EU's role in relation to member states is to support national initiatives by creating a legal framework for cooperation, providing funding for internal security, and developing common abilities (European Commission 2015). As part of these support strategies, the Commission set up in 2011 the Radicalisation Awareness Network (RAN) as an "umbrella network" to pool expertise, knowledge, and good practices, with the collaboration of civil society members (including victims), local authorities, academics, and field experts. The RAN is an aiding body for member states that provides input for national policies through policy recommendations. Since its inception, RAN has attracted over 3,000 professionals from all EU member states,[10] organised in nine working groups.[10] This network is supported and coordinated by the RAN Centre of Excellence, which functions since 2015 as a hub for connecting, developing, and disseminating expertise.

On the issue of foreign terrorist fighters, the RAN has been collecting data on existing initiatives addressing the issue (such as the Cities Conference on Foreign Fighters in 2014). The RAN Centre of Excellence has held since 2016 over a dozen meetings with first-line practitioners on the topic of returnees. Strengthening national capabilities via the exchange of information and best practices has been a core component of the EU's counter-terrorism efforts since it was outlined in the 2005 Strategy. Particularly regarding returnees— where producing "evidence-based" policies is still complicated by methodological difficulties both in terms of establishing reliable profiles and evaluating what works— disseminating "good practices" from front-line practice is purported to offer a key means through which national authorities can formulate policies attuned to "on the ground" realities.

In July 2017, the European Commission established the High-Level Commission Expert Group on Radicalisation, signifying an effort to reinforce the work of RAN by bringing together, *inter alia*, representatives from the RAN Centre of Excellence, member states, the Commission, Europol, Eurojust, the Fundamental Rights Agency, and the EU's Counterterrorism Coordinator (CTC). The Expert Group is tasked with providing advice on (i) improving cooperation and collaboration among stakeholders and especially between member states, (ii) furthering the development of EU prevent policies through concrete recommendations, and (iii) facilitating "more structured cooperation mechanisms at Union level". (High-Level Commission Expert Group on Radicalisation, 2017). In December 2017, the Expert Group published its Interim Report, further reinforcing the centrality of RAN to the exchange of

best practices in the field of socio-prevention. The Expert Group is also the principal vehicle for ongoing proposals, led by the French and German governments, to create an EU centre for the prevention of radicalisation that would centralise the exchange of best practices that occurs through RAN. (RAN 2017)

RAN's July 2017 practitioners' manual underscored the primacy of RAN within the EU's effort to strengthen member states' national capabilities for tackling the returnee phenomenon within the remit of the European Counter-Terrorism Strategy (RAN 2017). Building on the groundwork laid by previous events and publications, the Manual marked the culmination of "over a dozen meetings with first-line practitioners on the topic of FTF returnees" conducted between November 2016–July 2017 by RAN's Centre of Excellence via its working groups (RAN 2017). Though the manual is primarily directed towards front-line practitioners— of social work, education, policing, prison and probation, and healthcare— it also presents a list of 33 practitioners' recommendations for policymakers, intended to 'give national authorities extra insights into practitioners needs and ideas as they review existing approaches and strategies in light of challenges related to FTFs.' (RAN 2017, 12)

Drawing on the work of Michel Foucault (Foucault 1997; 2004), as well as other authors inspired by Foucault such as Nikolas Rose (Rose 1996; 1999)[11] Ragazzi (2015) has shown that counter-radicalisation policies, such as the ones advocated by the RAN, work within a particular form of governmentality whose programme is the government "through community" (Rose 1996). By this term, Nikolas Rose means that one of the features of the advanced liberal state is to claim it delegates some of its functions to "communities". In reality, the state selects, trains, and empowers a select number of non-state actors such as community leaders, NGOs, and other members of the civil society in order to carry out its work. By doing so, it not only creates a co-opted group of community representatives that legitimise the state's practices, it also delegates its responsibility and accountability, deflecting criticisms and policy failures back to the "community". Looking at counter-terrorism in these terms is a significant departure from traditional terrorism and security studies. The focus is here indeed not limited to analysing the intended effects of countering terrorism—thus asking whether counter-terrorism policies are efficient, or can be improved[12]—but also very much the unintended (but not necessarily unanticipated)[13] effects on civil liberties, religious freedom, and minority rights and the democratic order more broadly.

The RAN provides a pertinent illustration of how counter-terrorism and counter-radicalisation policies, grounded in the logic of "government through community" operate though three distinct categories: Trusted individuals, whom can be enrolled in the task of detecting and intervening on the former; individuals at risk, which form the bulk of the preventative work; and finally individuals that are deemed "irreformable" for which there is nothing else to do but to banish them, rendition them to other less democratic governments, or eliminate physically on foreign territory (through drone or special operations campaigns).

"Trusted" individuals are the ones which can be enrolled by counter-radicalisation policies in order to deploy them. Projects rely on "empowerment", "partnership" and "community policing", which take their roots in the pro-active and self- management imperatives of neoliberal governmentality in multicultural settings (Cruikshank 1999). "Trusted Muslims" are encouraged to put their capital of "authenticity" to good use in order to attain the "hard-to-reach" individuals. These policies offers them the possibility to convert their linguistic, cultural, and social capital into economic and symbolic capital, under the form of funding and employment which might increase their social status and ranking in society. "Trusted Muslims", for example, are not only "good Muslims", they are the useful articulations of a policy of community representation and infiltration in the Muslim population, which is

why institutions in traineeships to increase their skills, such as leadership programmes, insert them in national and international networks to increase their social capital and experience. Of course, the 'trusted' individuals are not given carte blanche. They are "conducted" through pervasive yet subtle principles of good management. "Community leaders" are indeed appointed as representatives of their "community" and governed through a logic of entrepreneurship: Their cooperation is enacted through calls for tenders and projects, such as those of Prevent, which constantly need to be reviewed and approved, both for their "impact" along national policy indicators, but also for their economic soundness. Through processes of funding, political choices to promote or marginalise a community figure can be carried out under the cover of de-politicised criteria of "mismanagement" or inability to meet "good governance" requirements, such as the UK's government of Mosques through the Mosques and Imams National Advisory Board (Ali 2013).

If 'trusted' individuals fail to align with the interests of professionals of security or professionals of politics, they can rapidly fall in the "victim" or "risky" categories: the "politics of recognition" can quickly become a "politics of reconnaissance" in the military sense of the term. Police-community partnerships can also serve a means for the authorities to map and surveil its members, as Kundnani (2009) has shown, and the Champion affair[14] has confirmed (Thorntonn 2010). The ambivalent nature of community policing as both a source of partnership and intelligence is at the core of its development (Bonnet 2011). Much has been said about the importance of databases, biometrics and algorithms in techniques of profiling at the border (Amoore 2011). Yet much less has been said of more "low tech" modes of categorisation, embedded in day-to-day knowledge of communities, filtered through institutional backgrounds (or "habituses", in Bourdieusian terms[15]) of security professionals (Bonelli and Ragazzi 2014). Less has equally been said about the inner workings of "rehabilitation" techniques used in mentorship programmes such as the Channel programme in Great Britain, or the "Healthy Identity Interventions" deployed in prisons, used to reform populations that are considered as "victims"; as well as the fine line that distinguishes "empowerment" and "redressing". As Rose puts it,

> under the sign of empowerment, one thus can observe the redeployment of the whole panoply of psychological technologies for reforming conduct in relation to particular norms, from individual psychotherapy in various rational and cognitive forms, through the use of programmed behavioural techniques to group work. (1996, 348)

Finally, for the individuals deemed "risky" the enactment of the harshest forms of exclusion, drawing on old techniques of banning and punishment and grounded in administrative and judicial measures has been broadly documented, and it is precisely the regime that is being applied to "foreign terrorist fighters" and their families. These can be techniques of immobilisation such as the freezing of assets, indefinite detention regime (such as Guantanamo in the US, or more recently camps of ISIS prisoners is Syria and Iraq), or the removal of passports. Or they can be subjected to techniques of exclusion, such as the deprivation of citizenship, deportation and in the most extreme and rare cases torture— as in the case of extraordinary rendition—or death—as in the case of drone killings. While distinct for the "trusted", the "victim" and the "risky", as Bigo has shown, these categories are mutually constitutive: "exception works hand in hand with liberalism and gives the key to understanding its normal functioning, as soon as we avoid seeing exception as a sole matter of special laws" (Bigo 2006). An account of the workings of the government through community must, therefore, focus on how differentiated categorisations are enacted by differentiated techniques of organizing

consent and coercion, and the way these organise and determine everyday interactions. Yet, the most important question remains that of the effects of these categorisations and these techniques, as highlighted in the following section.

Member states: Points of no return

The return of Europe's "foreign terrorist fighters", as it is so frequently referred to by policymakers, journalists, and academics alike, can be understood primarily in two ways. First, there is the question of returning in literal, physical terms; one that is preoccupied with practical and ethical considerations of, among other things, repatriation, legal jurisdiction, citizenship, and border policing. Alongside this, however, are the politics of recognition and reconnaissance through which foreign terrorist fighters and their families are rendered a particularly ideologically-fervent, battle-hardened, and extremely violent population who are exempt from the European promise of redemption and reintegration. Here the question of return is less direct, pertaining to how member states practices and laws in response to foreign fighters structure categories of suspicion in such a way that Muslims— with a variety of backgrounds and experiences— are increasingly likely to be cast aside as radical enemies of the state that are beyond reform.

Few practices illustrate member states' commitment to banishing those beyond the point of no return more than that of citizenship revocation. Several states including the Netherlands, the UK, and Belgium have expanded and/or exercised powers to strip dual-national departees of their citizenship to quite literally block their return to Europe.[16] member states' capacity and willingness to avoid the return— or facilitate the deportation— of individuals in this way was thrust into the global spotlight in February 2019 when Shamima Begum, a British national who departed for Syria aged alongside two school friends in 2015, announced her desire to return (BBC News 2019b). Despite the fact that Begum had recently given birth to a newborn baby in a camp in Northeastern Syria, the British government announced that it would take measures to prevent her return (BBC News 2019a). In revoking Begum's citizenship, thereby disregarding the knowledge that she was "radicalised" in East London and left there as a child (aged 15), the British state openly turned its back on the principle of "safeguarding vulnerable individuals" that purportedly underpins its PREVENT policy, as well as its legal duty of care. Simultaneously, it embodied a policy impulse visible across several member states; one that privileges avoidance of the complex practical and ethical issues regarding the repatriation of departees over the "rule of law" approach so frequently espoused following UNSCR 2178 (UN 2014) and later EU Directive 2017/541.

The banishment of irreformable radicals by weaponising citizenship has received its most ardent commitment among the early architects of European counter-terrorism, though this technique has spread across member states. Reforms enacted in response to "foreign terrorist fighters" mean that neither the British nor Dutch provisions for citizenship revocation are contingent upon criminal conviction. These reinforced powers of exile and exclusion, to which both governments have resorted extensively since observing departures to Syria and Iraq, are routinely justified by intelligence-based claims to national security. With these practices both the UK and the Netherlands, the major trend-setters in European counter-terrorism since 2001, have— where international law on statelessness allows— abrogated responsibility for handling their departees, disregarding due legal process. Whereas the Dutch and British authorities require suspicion alone, in Denmark and Belgium citizenship revocation is conditional on criminal conviction (often *in absentia*). But while in these member states such powers cannot be wielded so freely, and without judicial checks on the influence of the security services, their composite responses to "foreign fighters" are continuous with the trend of expanding powers of exclusion. Indeed, in both countries, recent reforms mean that several ancillary offences, such as recruitment, training, or incitement, that had been previously excluded from such powers

(Wautelet 2017), are now viable grounds to deprive dual nationals of their citizenship. Not only do such powers provide states with mechanisms to prevent the return of "foreign fighters", but they may also facilitate the formal expulsion of returnees. In March 2017, for example, a Danish–Turkish man was sentenced to 6 years imprisonment for "allowing himself to be recruited" by IS and was simultaneously stripped of his Danish citizenship.[17] Despite retaining his passport, he will be expelled to Turkey upon completing his sentence. Though the idea of stripping German "foreign terrorist fighters" of their citizenship was long considered beyond the realm of viability,[18] recent announcements suggest a drastic shift in policy (*Financial Times* 2019) . Until now France has been more hesitant to weaponise citizenship against "foreign terrorist fighters". Proposals to loosen safeguards on France's "largely symbolic" citizenship deprivation instrument reached the national level following the 2015 Paris attacks, but these proved divisive and were dropped in March 2016 (Willsher 2016). Notwithstanding French resistance, the overarching trend is one of an increasing reliance on practices of formal exclusion through which Europe's "foreign terrorist fighters" come to embody their categorisation as undesirable threats that are quite literally beyond the point of no return.

Practices in the judicial field are also central to the designation of "lost cause" status. Prosecuting "foreign terrorist fighters" was notoriously difficult before 2014, largely because the criminal offences available required evidence of violent activity that remains exceptionally difficult to obtain from conflict zones. UNSCR 2178 allowed member states to alleviate these obstacles by criminalising several forms of material or immaterial support for terrorism, all the while expanding the scope of punishment far beyond direct acts of political violence. To take one example, between 2014–2016, Belgium, Denmark, France, Germany, and the Netherlands all criminalised variations on "travel for terrorist purposes" (Ragazzi and Walmsley 2018, 81). Hastily adopted, these amendments preceded the European and Economic and Social Committee's (EESC) March 2016 assessment of the European security agenda, which warned against the "extremely unclear" terminology of "travel for terrorism". The EESC highlighted the difficulty of establishing "terrorist intent" and the accompanying risk of encroaching on human rights (European Economic and Social Committee 2018). The traditional legal separation of thought and deed appeared to have been abandoned, as "foreign terrorist fighters" were to be condemned for their purported intentions.

Nonetheless, states have relied heavily on such legislation. Belgium, for example, with the highest ratio of departees per capita, has a conviction rate of at least 90%, with many of its 308 successful terrorism convictions between 2015–2018 taking place *in absentia* (OSCE PA). By contrast, the UK, which opted out of EU Directive 2017/541, has only been able to prosecute those who have actually returned, in the absence of an offence directly resembling "travel for terrorist purposes". By September 2018, just 10% of the UK's 400 returnees had been successfully prosecuted,[19] providing the impetus for the approval of a new Counter-Terrorism and Border Security Bill in February 2019 (UK Parliament 2019). The Bill not only seeks to criminalise travel to or remaining in designated areas, but continues a broader European trend towards criminalising several forms of material and immaterial support. The list of offences across the UK, Belgium, Denmark, Germany, and the Netherlands now includes a range of ancillary acts pertaining to information dissemination, recruitment, incitement, and terrorist training. With this, member states have committed to rendering individuals who may never have engaged in violence as convicted terrorists. In doing so, they have "shifted the needle" of classification for "foreign terrorist fighters" further away from the "at risk" and "trusted" Muslims of the radicalisation discourse. Those once deemed worthy of care, redemption, and reintegration are increasingly likely to migrate into the territory of the "risky" and undesirable.

The needle that marks the threshold between "reformable" and "irreformable" subjects has shifted not only away from direct acts of political violence towards the realm of intentions.

Rather, through an interplay between an increasingly incendiary and unforgiving popular discourse and a diverse set of professional practices, the children of "foreign terrorist fighters"— and indeed those children who travelled to the conflict zone themselves— have come to embody the abandonment of the promise of redemption and reintegration the most. Conservative estimates suggest that 1,160–1,400 children of European parentage and/or citizenship came to reside in Syria and Iraq since 2012, of which approximately 409–492 are below the age of four (Cook and Vale 2019). The notion of children as "ticking time bombs" with a hatred for "democracy and the West", (McGuinness 2016) as one former French intelligence chief described, or as "the next generation of suicide bombers", (Kington 2019) in the words of the EU's counter-terrorism coordinator, has come to dominate debates on repatriation.

In casting these children as the enemy of the future, this particular politics of reconnaissance has signalled a shift away from universally binding legal protections on the rights of children, as well as decades of experience on the victim-first status of all children recruited into violent groups (Ragazzi and Walmsley 2018). Disregarding that international law does not discriminate between, for example, a 4-year-old child and a 17-year-old child, European discourses have triaged ISIS-children into different categories of threat. Where infants (aged 0–4) are the "real" victims and may, therefore, be worthy of repatriation, children above the age of nine, and especially teenagers, are likely to have been indoctrinated into violence, and are, therefore, rendered enemies (Ragazzi and Walmsley 2018).

More important than elite or public discourse is how these classifications have been woven into everyday professional practices that shape the treatment of children according to their enemy status. The Belgian intelligence authorities, for example, include children as young as 12 on their list of "foreign terrorist fighters," while the Dutch security services may revoke the citizenship of 16-year-old suspects. These categories also been diffused through the RAN's efforts to shape the local practices of social workers, health professionals, teachers, police, and prison workers in the image of European expertise (RAN 2017). The result of these heterogeneous yet somewhat continuous practices is to rapidly shift the needle on the age at which a child's victim-first status can be displaced by the threat they are perceived to embody. Denmark, for example, recently passed legislation to enable the refusal of the automatic assignation of Danish citizenship to babies born to ISIS-affiliated parents. Though some member states have conducted ad hoc, limited repatriations of infant children, the majority have been left to languish in squalid and violent conditions in camps in Northeastern Syria, resigned to their status as an undesirable generation.

These effects are compounded by a shift in approaches towards the detention of Europe's returnees that has seen a rise in maximum-security facilities for the most dangerous "extremists". This marks a departure from the previously dominant dispersal approach that emphasised normalising offender trajectories and targets rehabilitation within the broader prison population (Ragazzi and Walmsley 2018, 46).[20] At present, the Netherlands is the only Member State to operate a model of total containment, housing all individuals suspected and convicted of terrorism-related offences (aged 16+) in a single "Terrorist Ward" within an existing maximum-security facility.[21] While the Dutch authorities insist on an ability to deploy specially-trained staff and to reduce recruitment,[22] the conditions of detention raise questions about the potential counter-productivity of exceptionally repressive models. One 2017 report by two international NGOs found that:

> someone suspected, not convicted, of an entirely non-violent crime, like posting something online, could end up being detained for up to 22 hours a day for the duration of their stay without ever being able to hold their child or have meaningful human contact with the outside world. (Open Society Institute Justice Initiative and Amnesty International 2017)

By routinely disregarding fundamental rights, such treatment promises to inhibit the reintegration of individuals and provide powerful recruitment narratives for militant movements, as in the cases of the former prisons for jihadists at Camp Bucca, Abu Ghraib, and Guantanamo Bay. These questions are all the more pertinent given that the more popular "mixed models" in Europe, which combine dispersal with the exclusion of only the most dangerous individuals, are increasingly oriented towards the latter— in line with discourses on the particularly threatening, ideologically fervent, and battle-hardened returnee population (Ragazzi and Walmsley 2018). Since 2015, Belgium (Renard and Coolsaet 2018), France (Gouvernement de la République Française 2018), Denmark (Danish Government 2016), and the UK (HM Government 2018) have all invested heavily in specialised anti-extremist units or wings (within existing prisons). Though these models enable the deployment of targeted reintegration programmes, centred variously around disengagement (targeting behavioural change) and deradicalisation (targeting ideological change), their goals seem at odds with the exceptionally harsh modes of segregation and detention to which returnees are exposed. It is hard to escape the reality that such efforts to rehabilitate and reintegrate "foreign terrorist fighters" are a last resort in a long line of practices that seek to banish and eliminate irreformable radicals before they return to European soil.

Far from innovative responses to a novel problem then, member states' policies towards foreign fighters mark systematic efforts to accelerate and consolidate their individual interests in the war on terror. There are perhaps few clearer examples of this than the practices of extraordinary rendition used against European citizens in Syria and Iraq. This practice, which has been a key instrument of Western counter-terrorism post-9/11, enables states circumvent normative and legal obstacles to interrogation, detention, and torture by transferring subjects across borders. In January 2019, 14 French nationals who were being detained for ISIS affiliation in the autonomous Kurdish region in North-Eastern Syria were transferred to Iraq. The covert operation resulted in seven of the detainees, all of whom were male "fighters", being sentenced to death by Iraqi courts, which have become known for the routinely handing down the death penalty for the crime of ISIS membership. They have also been widely condemned for their incompatibility with European fundamental rights standards. The direct implication of the French authorities— following an August 2019 letter by a UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions requesting that Paris answer accusations of its involvement— suggests that practices of rendition remain within the repertoire of member states. Unlike the practice of citizenship deprivation, which, from the point of view of EU states may only delay the problem posed by "risky" individuals,[23] such covert transfers ostensibly solve such problems by enabling governments to de facto send citizens to their deaths. If, unlike in the French case and that of other European citizens (Cebrian 2019), the practices remain uncovered, this affords member states the possibility to eliminate irreformable radicals while avoiding political and diplomatic fallout.

While ad hoc "extraordinary" practices form an important technique of the politics of exception through which "irreformable radicals" are dealt with, this should not detract attention away from the more banal, taken-for-granted practices that also enact categories of suspicion. Security is not, as research on the international political sociology of security has shown, best understood as the product of high-politics, determined by the exceptional policy-making decisions of elites (Bigo 2008; Basaran 2015). Rather, it is through the everyday routines and decisions of a security professionals that come to dominate knowledge about risky populations, dispersing unease about faceless enemies that resonates throughout society (Bigo 2002). While the expansive classification of "foreign terrorist fighters" has been formally inscribed into international law, more importantly, through the mediating activities of institutions like the RAN, it has become suffused into a diverse array of everyday practices ranging from border policing to social work, from consular services to health care, and from intelligence agencies to education. Through the everyday

decisions of those presiding over the fates of Europe's departees and returnees, including border police, the intelligence services, judges, lawyers, prison guards, social workers, exclusionary modes of governance— premised on banishment and eradication— are inscribed into bureaucratic routines that in turn legitimate the image of the irreformable and undeserving "foreign terrorist fighter". Such practices do not unfold in a vacuum; professionals within the member states are supported in a variety of ways by EU institutions and agencies, each with their own stakes in the foreign terrorist fighter problem, which are discussed in the following section.

Foreign fighters and the growth of EU security powers

For EU security institutions, the issue of Foreign Fighters has been the opportunity to push contested policies, and reinforce their position in a policy field that has traditionally been dominated by member states. In August 2014, responding to a suggestion by the EU's Counter-Terrorism Coordinator (CTC), the European Council called for the "accelerated implementation" of a collection of measures across four priority areas: (i) Prevention of radicalisation, (ii) detection of suspicious travel, (iii) investigation and prosecution, and (iv) cooperation with third countries (Council of the European Union 2014b). The Directive 2017/541, by creating a baseline standard for the criminalisation of acts pertaining to travel "for terrorist purposes", marks the culmination of efforts to establish coherence in the legislative sphere. In the following paragraphs, we show how the issue of foreign fighters has justified the increased securitisation of travel, checks at the border and the sharing of information, as well as a broader increase of power of EU security agencies.

Criminalisation of travel. The political salience of the issue of foreign terrorist fighters has allowed EU institutions to enlarge the scope of their powers at the border by criminalising travel considered to be undertaken with a terrorist intent. With Directive 2017/541, justified by the "changing situation in the EU" and the adoption of new international norms— such as the UN Security Council Resolution 2178 and the Council of Europe's Additional Protocol to its Convention on the Prevention of Terrorism (Council of Europe 2015), established a broad list of preparatory acts to terrorism to be criminalised. Article 9 of the directive specified that travelling to a country "for the purpose of committing, or contributing to the commission of, a terrorist offence […], for the purpose of the participation in the activities of a terrorist group with knowledge of the fact that such participation will contribute to the criminal activities of such a group […], or for the purpose of the providing or receiving of training for terrorism […] is punishable as a criminal offence when committed intentionally". (European Parliament and European Council 2017a)

As we have noted elsewhere (Ragazzi and Walmsley 2018) most EU member states concerned by the departure of their citizens to Syria and Iraq had already adopted legislation aimed at implementing the Council of Europe and UNSC provisions. Member states adopted similar responses in terms of their administrative and judicial measures a certain numbers of differences appeared, in particular in relation to prosecution in absentia, pre-trial and pre-charge detention, deprivation of citizenship—as the case of Shamima Begum recently illustrated, as well as criminal liability—a key issue with regards to the issue of the repatriation of children.

These measures might appear to respond to the immediacy of the foreign terrorist fighter situation. Yet the expansion of the definition of terror offences is in fact a trend that started much before the first wave of homegrown terror attacks: In 2002, the Framework Decision 2002/475 on combating terrorism was adopted with the aim of harmonising the EU definition of terrorist offences. The text was amended once in 2008. In April 2015, the European Agenda on Security mentioned above envisaged a further update of the Decision, and finally the terrorist attacks in Paris on 13 November 2015 prompted the European Commission to submit the new proposal.

Checks at external borders. The special emphasis on the borders as a privileged site of counter-terrorism is, once again, not specific to the issue of foreign terrorist fighters, but has a longer history. On 25 May 2018, EU member states were to translate in national legislation a directive aimed at sharing Passenger Name Records (PNR) (European Parliament and European Council 2016). With the adoption of this new measure, air carriers must share with member states the PNR data they have collected from passengers. member states must establish specific entities responsible for the storage and processing of PNR data, called "Passenger Information Units". These Units must compare PNR data against relevant law enforcement databases and process them against predetermined criteria, in order to identify persons that may be involved in a terrorist offence or serious crime. The Directive applies primarily to extra-EU flights. Member states can, however, decide to apply it also to intra-EU flights, or to select intra-EU flights, subject to a notification in this respect to the Commission. In addition to the PNR measures, a regulation adopted earlier in 2017 amends the Schengen border code as to reinforce checks on EU nationals –which compose a large number of the potential returnees (European Parliament and European Council 2017b).

While these measures have been presented as responding to need to better track the movements of foreign terrorist fighters, they have been in the works for more than a decade and a half, and take place in a broader context of increased scrutiny of EU nationals and third country national movements across the borders.[24] Since the 2004 Advance Passenger Information (API) Directive (Council of the European Union 2004), member states have had access to biographical information of passengers. But they long lacked a centralised database to pool the data from various member states. After 5 years of negotiations, in April 2016, the political context of the departures to Syria and Iraq led to the adoption of the measure. Earlier drafts of the PNR agreement had indeed been rejected by the EU Parliament LIBE committee and severely criticised by the European Data Protection Supervisor (EDPS) for threatening the principles of necessity, proportionality and transparency (European Economic and Social Committee 2011; EDPS 2015). It is the context of the terror attacks on EU soil and the political salience of the return of foreign terrorist fighters that gave legitimacy to the European Council of put pressure on the European Parliament to adopt the text.

Information exchange. The third aspect of EU security policy that has been justified by the problem of foreign terrorist fighters is the increase in information exchange between existing EU databases. Since March 2016, the EU counter-terrorism coordinator has argued for the need to increase the interoperability of EU security databases—namely the capacity to query multiple EU databases at once, and to cross-reference information between them (EU Counter-Terrorism Coordinator 2016). This is in part linked to the necessity to be able to track potential transnational affiliates of groups like ISIS by matching information dispersed across databases, but also in part due to the perceived incomplete contribution of EU member states to the various systems.

Confirming the general idea of this section that security solutions seems to precede the problems they aim to solve, the project of database interoperability has faced a certain number of criticisms, including a lack of a clear problem definition and evidence regarding the scale of the problems described.[25] The first issue concerns the actual feasibility and effectiveness of interoperability–that is, the capacity of systems to actually deliver on the promise of enhanced security. The second concerns the question of fundamental rights. The EDPS, in an opinion of April 2018, noted indeed that "assessing the precise implications for privacy and data protection of a system with so many 'moving parts' is all but impossible" (Kreissl 2017) and argued that interoperability is not primarily a "technical choice", but "a political choice" that would mark a "point of no return" towards increased executive power.

Far from being circumscribed to the question of foreign terrorist fighters, the objective of generating, storing, and ultimately matching information and intelligence across databases has been long in the making, from the early implementation of EURODAC to the progressive multiplication of databases: The Schengen Information System (SIS), Visa Information System (VIS), Europol Information Systems (EIS), and the European Criminal Records Information System (ECRIS). Here again, the question of foreign terrorist fighters is used as an opportunity to accelerate and justify security practices that had been considered undesirable or unwanted, including by the security actor themselves, in the past.

The extension of EU security agency competences. The last aspect of the EU responses to the problem of foreign terrorist fighters corresponds to the institutional opportunity that this political conjecture has offered to several EU agencies to establish their legitimacy over an issue that is still primarily falling under the EU member states competence.

Eurojust. As the primary mechanism for cross-border judicial cooperation in Europe, Eurojust has consolidated its role in the EU's criminal justice response to departees/returnees across member states. It has expanded the knowledge on judicial experiences and challenges, which has been channeled through a series of tactical meetings on terrorism, the first of which took place on 20th June 2013, bringing together member States' national correspondents to Eurojust for terrorism matters, representatives from the competent authorities of member states and third states in the judicial and law enforcement spheres, Europol, and the EU Counter-Terrorism Coordinator.[26] In this context, Eurojust has been particularly active in facilitating Mutual Legal Assistance Requests, facilitating the execution of European Arrest Warrants (EAWs), and attempting to ensure that information gaps between law enforcement and judicial institutions are bridged. In close cooperation with Europol, Eurojust plays a key role in setting up Joint Investigation Teams (JIT) whereby, based on cooperation agreements between two or more states, both judicial and law enforcement actors are brought together to conduct specific cross-border criminal instigations. Another mechanism in this context is the Eurojust National Coordination System (ENC), through which Coordination Meetings and Coordination Centres are used to facilitate judicial cooperation and share insights into legal obstacles faced in "FTF" cases (Eurojust 2015).

Europol. The EU's law enforcement agency, Europol, has been able to present itself as an agency capable of strengthening member states' national capabilities on departees/returnees, offering a platform for the exchange of information and the provision of operational and strategic support regarding investigations and prosecutions. These functions became explicitly integrated into Europol's mandate within seven days of the 13 November 2015 attacks in Paris with the formation of the European Counter Terrorism Centre (ECTC) (Europol 2017). The ECTC became officially operational in January 2016 in direct response to the "growing number of foreign terrorist fighters", designed as a hub to support member states in tackling the issue. Its contributions to information-exchange on departees/returnees are anchored by a centralised database, or "Analytical Work file",[27] for counterterrorism consisting of several thematic "analytical projects" such as "Hydra" and "Focal Point Travellers" (Ragazzi and Walmsley 2018).

Frontex. Finally, Frontex took the opportunity offered by the urgency of the foreign terrorist fighters, to claim a role in supporting the detection of returnees. This took place in the framework of the controversial revision of its mandate in 2016 (Gatto and Carmona 2016). Frontex's mandate now includes the right to process personal data for the purpose of risk analysis, organising operational activities including joint operations, rapid border interventions, return operations and return interventions, and transmission to the competent national authorities or EU agencies (including Europol and Eurojust). It also includes mandatory systematic checks of EU citizens at external land, sea, and air borders against databases such as the SIS and the Interpol's SLTD. With these new powers, Frontex increasingly resembles a law enforcement agency,

as recognised by its Director during an exchange of views with the TERR Committee. A case in point is Frontex's latest operation in the Central Mediterranean, Themis, launched in February 2018. It replaced Triton launched in 2014; in addition to search and rescue missions, has an "enhanced law enforcement focus" which includes "collection of intelligence and other steps aimed at detecting foreign fighters and other terrorist threats at the external borders" (Frontex 2018). Information gathered by Frontex-deployed officers in Themis are passed on, in addition to relevant member states, to Europol (Nielsen 2018).

Conclusion

As we have shown, since 2014, unease about the return of 5,500 European citizens from Syria and Iraq has consolidated and accelerated core aspects of two decades of security practices in the age of the war on terror. For a long time in critical studies on security, the dominant framework held that such "securitisations" were the product of the declarations of elites who designate an issue, such as that of "foreign terrorist fighters", as an existential threat demanding that society deploys an emergency response (Buzan et al. 1998). More recently, however, the literature on the International Political Sociology of Security has demonstrated that securitisations do not originate in the realm of high politics, but instead emerge from the everyday, taken-for-granted practices of the security professions and their ability to maintain autonomy over how various forms of risks or threats are understood throughout society (Bigo 2002). Through the imperatives and insecurities enacted by "professionals of the management of unease" (ibid), a heterogeneous array of actors become enrolled in efforts to govern "risky" populations. Thus, while elite discourses on "foreign terrorist fighters" in the EU promote a harmony of strategy and purpose centred on the idea of collective European security, the reality is quite different. As we have tried to illustrate, the European response to returnees is made up of diverse interests that may at different times be complementary or contradictory. This is manifest both (i) within and across member states, (ii) across professional fields and hierarchies, from elite bureaucrats to front-line workers, and (iii) between different EU agencies and institutions vying for sustenance and legitimacy. For researchers studying responses to "foreign terrorist fighters" and their return to the EU, tracing these various entanglements, and their relationship to existing regimes of practice, will be central to understanding the development of modes of governing European citizens through (in)security.

In light of this, it is important to attend to the interdependence between the discourses that classify "foreign terrorist fighters" as irreformable radicals and the practices that enact these classifications, in turn shaping the treatment of individuals. member states' policies towards "foreign terrorist" fighters are not just continuations of the practices of exception, such as those of rendition and elimination, that have become synonymous with War on Terror. Rather, the heterogeneous yet somewhat consistent practices discussed in this chapter mark a broader extension of decades of excessively punitive treatment for foreign nationals in Western Europe since the early 1990s. The success of far-right political movements in mobilising fears about a range of "foreign enemies", including Muslims, Roma, and asylum seekers, has legitimised a "parallel criminal justice system" reserved for foreign nationals and naturalising citizens (Fekete and Webber 2010). This system is characterised by practices of automatic deportation, citizenship restriction, harsher sentencing, and prison segregation; precisely the instruments that member states are now turning on their own citizens in the age of unease about "foreign terrorist fighters". This development has been made possible by virtue of an intimate interplay between, on the one hand, the European discourse on "foreign terrorist fighters" as irreformable radicals, and the banal, everyday practices that come to embody such classifications.

Foreign terrorist fighters are of course not foreign at all, no matter how much the circulation of the term gives this impression. They are the citizens of European member states who are, by virtue of that status, entitled to certain rights and protections. But the political rationalities that cast them aside as enemies that are not just "radical" but also "foreign" serve to legitimate the use of practices of banishment, exile, and eradication against them. And this is no secret. Dutch citizens deprived of their citizenship by the intelligence services, for example, are formally classified as "undesirable foreign nationals" (Fekete and Webber 2010). In this sense, Europe's "foreign terrorist fighters" have been rendered, to borrow Loic Wacquant's term, the most "suitable enemies" (Wacquant 1999). It is important moving forward that efforts are made to trace the continuities between existing regimes of punishment and those to which "foreign terrorist fighters" and their families are being subjected.

It is also just as important to continue to analyse the everyday practices of the diverse collection of non-traditional actors now directly enrolled into counter-terrorism efforts. Much remains to be understood about the diffusion of radicalisation expertise is through networks of front-line practitioners, namely the RAN, across the fields of healthcare, social work, youth support, education, and prisons. How do front-line professionals respond to these security-oriented logics? In what ways do they interpret, adapt, resist and reappropriate the classifications of "foreign terrorist fighters" and their children as a new form of special enemy? As scholars of the International Political Sociology of Security have shown, this is the best means of avoiding totalising grand narratives of elite securitisation that risk erasing important details about how (in)security governance operates in Europe. Equally, as changing geopolitical circumstances following the war in Syria will cause greater transnational movements of "foreign terrorist fighters", this issue will become an increasing feature in security-oriented discussions about migration and mobility. Another priority, therefore, is to continue the groundwork laid by Critical Security Studies scholars in tracing the use of biometric technologies (Amoore 2006; Epstein 2007) and practices of border management (Bigo 2014; Boucher et al. 2014).

Notes

1. The work of David Malet highlights the importance of placing the current wave of the phenomenon in historical context. (See for example Malet 2017).
2. This is captured in Europol's annual report (Europol 2018). Highlighting various factors, including increased proficiency in conducting attacks, 'brutalisation,' a 'radicalising' capacity, and a 'high degree of security awareness,' Europol warns that 'an increasing number of returnees will likely strengthen domestic jihadist movements and consequently magnify the threat they pose to the EU'.
3. For an analysis, see Centre d'Analyse du Terrorisme (2017) *Attentats, tentatives et projets d'attentats en relation avec le contexte syro-irakien dans les pays occidentaux (2013-2016)*. Paris: Centre d'Analyse du Terrorisme
4. One recent, widely-circulated estimate posits that approximately 1 in 360 'foreign fighters' directly engage in domestic terror attacks in the West. Importantly, however, this and other tentative estimates are hampered multiple limitations, including a marked lack of data on individuals who have not engaged in terrorism after returning from Syria and Iraq. For a discussion of some of the enduring difficulties here, see Bakker et al. (2014, 17). For an example study see Hegghammer and Nesser (2015).
5. On the relations between risk and probability in the context of counter-terrorism, see Beck (1997), Beck (2002), Aradau and van Munster (2007), Mythen and Walklate (2008), Ericson (2008).
6. Among many, see: Husband and Alam (2011), de Goede and Simon (2013) Heath-Kelly (2012), Heath-Kelly (2013), Baker-Beall et al. (2015), Ragazzi (2016).
7. Council of the European Union (2005a).
8. Council of the European Union (2005b); Council of the European Union (2009) Council of the European Union (2014a).
9. This focus was underscored in 2017 the Council of the European Union *Draft Revised Guidelines for the EU Strategy for Combating Radicalisation and Recruitment to Terrorism: (Document 9646/17)*, which

called for the '[i]mplementation and evaluation of specific prevent as well as deradicalisation disengagement and rehabilitation programmes'.

10. The Communication and Narratives Working Group (RAN C&N); the Education Working Group (RAN EDU); the Youth, Families and Communities Working Group (RAN Y,F&C); the Health and Social Care working group (RAN H&SC); the Local Authorities Working Group (RAN LOCAL); the Prison and Probation Working Group (RAN P&P); the Police and law enforcement working group (RAN POL); the EXIT working group (RAN EXIT) and the Remembrance of Victims of Terrorism Working Group (RAN VVT).

11. See also : Bigo (2017) ; Dillon and Neal (2008) ; Hindess (2005).

12. Lum and Kennedy (2012) ; Ganor (2017); Reinares et al. (2007).

13. On the notion of unintended, but not unanticipated, see De Zwart (2015).

14. The "Champion affair" refers to the deployment of CCTV cameras in Muslim-majority neighbourhoods of Birmnigham. Initially presented to the public as a crime-reduction measure, it was later revealed that the cameras were connected directly to the Counter-terrorism Unit of Birmingham, not to the police department. See more in the independent review that followed the scandal: Sara Thornton QPM *Project Champion Review:* Thames Valley Police.

15. On the notion of "habitus", see Bourdieu and Wacquant (1992), for the specific use of Bourdieu's notions of habitus and field in security studies, see Bigo (2011).

16. According to the 1961 UN Convention on the Reduction of Statelessness, all Member States are bound by obligations that, in practical terms, restrict the use of citizenship deprivation powers to dual-nationals.

17. Following appeal, the original sentence of 7 years was decreased by one year, whereas the deprivation of citizenship was upheld. See Necef MÜ (2017) *Categorizing Islamic State Supporters in Denmark: The cases of Enes Ciftci and Natascha Colding-Olsen*. Odense: Center for Mellemoststudier.

18. Officials at the Federal Ministry of Justice in Germany. Skype interview with Francesco Ragazzi and Josh Walmsley. 21.03.2018.

19. Parliamentary debate on Entering or remaining in a designated area Counter-Terrorism and Border Security Bill – in the House of Commons at 3:48 pm on 11th September 2018.

20. Ragazzi and Walmsley, 2018, pp. 46.

21. Ibid.

22. Official at the Dutch Ministry of Justice. Interview with Francesco Ragazzi. The Hague. 08.03.2018.

23. As David Malet has pointed out, Osama Bin Laden is a prime example of this. See Malet (2019).

24. See for example the adoption of the entry/Exit System (EES) adopted in November 2017 and the proposal currently under negotiations to set up an automated system that would gather information on visa-exempt travellers prior to their arrival (ETIAS)

25. See: EPRS Initial Appraisal of the Impact Assessment accompanying the proposal: Eisele K (2018) *Interoperability between EU information systems for security, border and migration management*, Brussels: EDPS.

26. Eurojust (2015) *Foreign Fighters: Eurojust's Views on the Phenomenon and the Criminal Justice Response*. Brussels: Eurojust; Its 2013 report, 'Foreign Fighters in Syria – A European Perspective: Eurojust's Insight into the Phenomenon and the Criminal Policy Response,' foregrounded 'the need for a coordinated and structured approach to the emerging FTF phenomenon, integrating judicial, administrative and other multi-disciplinary measures. In 2014, its second report addressed '[c]hallenges in securing strong evidence, particularly electronic evidence, and conducting financial investigations,' seeking to underline 'the risk of creating prosecution gaps in the absence of common minimum standards for criminalisation of certain conduct. Its 2015 report provided an '[a]nalysis of jurisprudence experience,' highlighting 'national experiences with countering radicalisation in a judicial context. The report on 'foreign terrorist fighters' from November 2016, built upon the earlier reports, focusing on '[s]pecial and emergency powers applicable in case of terrorist attacks, admissibility of (foreign) intelligence as evidence for criminal proceedings and links between terrorism and organised crime.'[#]

27. This is one of two major databases in operation at the ECTC, the other being its Serious Organised Crime Analytical Work File.

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Interoperability: A political technology for the datafication of the field of EU internal security?

Didier Bigo

This paper is concerned with the changes occurring into what has been called the field of European Union (EU) internal security (Anderson, den Boer 1994; Bigo 1996; Sheptycki 1998). The notion of field is used to avoid that a vision of the multiple different practices of the actors who gather and compete to define security and insecurity, being reduced to a discussion on the progress or not of the institutions of the EU and an analysis of the success or failure of a spill over in matters of sovereignty. The existence of an EU internal security domain called Justice and Home affairs is not an autonomous domain that security studies can isolate as an object as such (Kees Gronendijk in this volume). The question of EU internal security is derivative from the practices of freedom of movement in the EU, of who is entitled to cross borders, to stay, to work to live with his family. This area, or better this social space is constructed as a field because many social actors who do policing, border controls, migration management, reception of refugees have been interested and pushed into strong disputes around the idea of an European internal security and have fought to privilege their reasoning and tools over the others, in order also to guarantee their funds and missions. The socio-genesis of the field of EU internal security is correlated with the transformations of practices of freedom for people to move and the ways this management of their travel has been correlated with the traditional tasks of coercion in case of crime and violence that police do, as well as the way they treat their citizen and the foreigners in these cases. The field is therefore a field of power, where different professionals engage transnationally on the best and worst practices that the other national traditions consider as legitimate options for coercing individuals in a specific state. Far from opposing homogeneous cultural entities of nations represented by their governments and their representative (commissioners, and permanent representation), a study of the last forty years shows that the alliance and the fights follow often about the way actors do their job, the similarity or not of their routines, their habitus and trajectories (Adler-Nissen 2012; Kauppi and Madsen 2013). To be a policeman, a gendarme, a border guard, whatever the country, is more important than the nationality, and frames how people act, beyond the diplomatic negotiation done in Brussels. This is what I have called transnational guilds (Bigo 2016). They are structured by the specific skills necessary to do a job, and the form of recognition about who is an expert on this domain, sometimes not in accordance with the formal hierarchies at work into institutions. As it has been explained many times such a research imposes combining different disciplines, which have all their own

narratives about the history of EU internal security (Bossong and Rhinard 2016). Many books have described what they call the emergence of the third pillar of the EU and the development of an area of freedom, security, and justice, where the key word is security and policing. These authors provide a detailed understanding of the juridification of sectors of national policing under the construction of the institutions of the EU and the tensions it has created. They are Europeanists political scientists and sometimes lawyers. They begin their books with the Maastricht Treaty and they look at the legal effects of the Europeanisation of policing in terms of criminal justice and border controls. This first line of thought is important by its detailed knowledge on policy making and its description of the personnel of the EU institutions as well as the impact of the norms of policing (Den Boer and Walker 1993, 2011, 2013; Mitsilegas, Monar and Rees 2003; Monar 2002, 2013; Wallace Hélène & Wallace William 2000) but this Europeanist narrative does not give the same picture than the one produced by the sociologist of policing and the criminologists. The latter insist more on the dynamics of the national polices, their models of policing, the dynamics that have constituted national polices from the eighteenth century and the Europeanisation from the nineteenth century giving to the field of policing a different historical scale (Anderson Malcolm, den Boer Monica 1994; Deflem, 2000; Liang, 1992). They insist on the longue durée of informal clubs of policemen, on the transatlantic links which have framed the field and which continue to be central nowadays to understand how policing in its management of violence (counter subversion, counter terrorism) is more and more connected with border controls and surveillance (Bigo 2014; Carrera and Mitsilegas 2017; Collantes and Celaldor 2012; Guild and Carrera 2013). The third approach which is necessary to have in mind to understand EU internal security is the social use of technologies by different actors, the correlations between technologies, surveillance, tracing of mobilities, identification of people, anticipation of behaviours. Based on sociology of technology, digital and surveillance studies as well as critical legal studies, this third line of thought connects researches on surveillance and human rights affected by transnational dynamics of control of mobility (and not only at borders). It includes a reflection on the objects by which security is produced and by an interest on the targets or unexpected victims, these competitions between actors produce (Brouwer 2008; Guild 2006; Mitsilegas 2008). The last image is more complex and diffracted than the other ones. Its advantage is sometimes to ask new questions about what seems pure technicalities: the passports, the visas, the databases, and the people who construct them and 'support' the non-specialists on technologies. This is also a way to understand some key transformations at stake in the general economy of the field of internal security today in its relation with the EU institutions and in the incremental use of digital technologies to regulate the circulation of people and the reframing of what is security in terms of preventive policing.

We engage into the hypothesis that the professionals of security which were in charge for centuries (policemen; gendarmes, border guards, judges and the agencies of the EU into which they have congregated, Europol, Frontex, Eurojust) have now to take into account the emergence of a new guild with a different background of engineers, data analysts, experts on IT systems, that we can call a guild of 'digital technologies' which has emerged through the tendency of all the actors of the field of reducing security problems to a governmentality of unease which has thus to be solved by technical experts. This is illustrated by the creation of a specific EU agency, not very well-known to the public, but very central in terms of power politics, called EU-LISA an acronym for the full long title: European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

This article will question the EU-LISA mode of existence and its regime of justification as well as its relations with the politicians and the populations who are the objects of its attention. If, already numerous articles have been published recently and have given a better knowledge on

this agency, its design, its population, its purposes, and its relation to surveillance and fundamental rights, it is still rare that the interoperability between data bases allowing to compute data in different data bases by a single search, has been questioned on the validity of the reasons invoked to use more and more technologies at the borders, and on the engineer doxa of progress. Often privacy groups and lawyers who asked central questions on the consequences of interoperability still accepts as a departure point that instruments of interoperability are neutral and focus on their consequences. The formulations of the questions concern what these technologies bring really in terms of speed and efficiency, or in terms of predictive and preventive capacities, and are the advantages proportionate with the inconveniences that they create if they breach privacy of individuals and groups or generate structural discrimination and surveillance? (Glouftsios 2018; Illamosa Dausa 2015; Trauttmansdorff 2017)

We want here to supplement these questions by a more sociological, political, and international approach pointing on what kind of problems are posed by this framing of an international competition regarding high tech and digital circulation of information on 'internal security', and what is its historical construction and justification through the creation of institutions validating the common belief that relying on technologies to solve security problems is a 'matter of fact'. We want also to discuss the implications to put more and more, at the heart of the decisions on questions of collective security, the participation of non-traditional security specialists (data analysts, systems engineers, and even mathematicians experts on algorithms) even when themselves want to be 'modest' or minimally to be seen as such. This story implies to enter into the description of many instruments and data bases which look 'uninteresting', detached from the real and their political effects, even more than the visa stickers in passports that we have analysed years ago (Guild and Bigo 2005; Infantino in this volume). But it is important to repoliticise this apparent technicity and neutrality, as these instruments produce violence and segregation. They generate by their practices forms of ban-opticon at the same moment than they facilitate life for many other people (Bigo 2006). As a conclusion we will suggest that the field of security in Europe is modified by the formation of what we have called previously a transnational guild of 'digital technologies' whose existence began with the Schengen Information System in the mid-eighties, has developed in relation with border controls management, has been consecrated with the institutionalisation of EU-LISA and is now implementing a transition from integrated border management to integrated data management (IDM) which has many different implications (Basaran, Bigo, Guittet and Walker 2016).

EU-LISA: A purely technical agency or an important node in a network of power?

EU-LISA presents itself as a role of support for the implementation of the EU's Justice and Home affairs policies by managing large scale IT systems. Established in 2011 and operational only the first December 2012 the staff looks restraint with only 137 persons in 2019 which are in addition split in three sites, the headquarters in Tallin (Estonia), the operational site in Strasbourg, France, and a back-up site in Sankt Johann in Pongau, Austria. Nevertheless, the strong association of EU-LISA with private firms (their tenderers) boost strongly the number of people involved in the network of the agency and shows the specific public–private characteristic of the technologies at stake.

The agency has officially the task of managing the three databases which have been central in the EU to address the questions of Justice and Home Affairs: the Schengen Information System (SIS), Eurodac, and the Visa Information System (VIS) (see Guild, Infantino, and Jeandesboz in this volume).

The Schengen agreements implementation has introduced the idea of a SIS from 1988 and the design has been implemented with a central system in Strasbourg and national systems in each countries, avoiding a central data base containing all the data in a specific location. Political fear of centralisation via digitalisation have played in favour of such a solution. This system called retrospectively SIS1 has been replaced by another platform after the enlargement of the countries of Central and Eastern Europe under the name of SIS 1 for all which has continued the same logic but with speedy connections, and after a lot of fights by a platform called SIS2 which has changed the logic at work by including elaborated search functions and strategies of identification of suspects going beyond the control of documents at the borders (Niovi Vavoula 2017; Bigo 2020.

The Dublin agreements and the anxiety of some government that asylum seekers will ask in multiple places their asylum claims has generated also another database: the European Dactiloscopy renamed the European automated fingerprint identification system (AFIS) and more well known as EURODAC. Initially reserved to national authorities in charge of Asylum verifying that the asylum claim has been dealt effectively on one Member state only (to avoid asylum shopping) and that this state, often the first country of arrival, is responsible to send back the persons who have not left voluntarily the EU, has been also transformed when the law enforcement agencies and some of administrative agencies like the prefectures have been authorised to have specific access into the Eurodac database for their own purposes. It has been considered by many as a function creep transforming the nature of the data base purpose (Tsianos and Kuster 2016).

The development of the legislation on visa at the EU level has also added a third database called the VIS which contains all the information which third country nationals subject to a mandatory visa requirement must produce to obtain a visa. The number of people registered in this data base, which includes also the persons of the EU receiving at home the person asking the visa, has been criticized for its disproportionate collection of data and the link it has implemented with a counter-terrorist approach (Balzacq and Leonard 2013).

One can see therefore that politics is dense into the technicality of these data bases, and that technical choices are not only a question of support, their design frame possibilities and discard others (Glouftsios 2018). None of the data bases, initially conceived in relation to freedom of movement and compensatory measures has escaped from its use for preventive measures and search against terrorism and crime. Some critiques consider that these data, under anonymised formats are also used for profiling and risk analysis, generating suspicion by association and sometimes guiltiness by association. It was already the case in the mid-2000 after the reform of SIS2 and the access given to law enforcement to these three data-bases, but it has become even more obvious after 2015, when political declarations insisted to officialise these practices of data mining and insisted for new developments (see Manuel Valls).

Effectively, EU-LISA has also be put in charge more recently to develop new projects of large scale IT systems with different data bases: first, the EU Entry Exit System (EES),[1] second, the European Travel Information and Authorisation System (ETIAS),[2] and third, the European Criminal Records Information System for third-country nationals (ECRIS-TCN).[3]

So, in total there are therefore six EU-information systems which are concerned, and which relates to JHA-security only in part, while JHA want access to almost all of the data bases (see annex).

Nevertheless, here also, most comments done on interoperability takes for granted the presentation that these six systems are coherently necessary for JHA and therefore 'belong' to policing and border guards first and of course to EU-LISA, which is a way to deny the validity of the previous separation, or more exactly the compartmentalisation, distinguishing for good reasons, crime-terrorism and judicial request on one side, and border crossings, visas, travels on the other

side, as the EU has done for more than 20 years (from the Amsterdam Treaty and as a customary practice after Lisbon).

Against this idea of joining the dots between every types of data which, in a not too far future, may include in terms of scale exchange with the United States and Australia, as well as in terms of scope inclusion of data coming from both defense in the name of counter terrorism, and social welfare in the name of fight against radicalisation, the most striking feature of these current information and personal data systems is how heterogeneous they are. Not only do they contain very different types of data and have been established for different purposes, but the ways in which they operate and can be consulted are also entirely different. For example, Eurodac does not hold the names of people whose fingerprint data are held in the system. If a check reveals a fingerprint match, the checking authority must go to the authorities of the Member State that entered the fingerprints to find out the identity of the individual, and this is crucial for asylum seekers in order their names not to be passed through enlarge police cooperation. It is also prohibited that any data on EU citizens is included in this database. The ECRIS database, on the other hand is driven by the nationality of the convicted person and details of the conviction. Each database has thus a different trajectory in EU law and policy, and a different objective (Guild 2019).

As long as they were not interoperable, and were allocated to different tasks and had different access for authorities designated expressly for their main activities, the problems existed about function creep, but they were limited. Now the implementation of the project of interoperability has changed deeply the global architecture and what a single search can bring as results. Even if the principle is still not the 'nice to know' for police and intelligence and is still driven by the 'need to know', obliging justification in order to have access, the possibility to have it on screen quickly, allow the different authorities to try to use these tools to the maximum of their possibilities, to relax their own self-discipline especially when what they want to find is just at a click of mouse but with a forbidden access. The tools of interoperability between the six data bases if they are finally implemented, will bring finally a huge amount of data and will unbundle the legal purpose limitations set up by the previous legislations in the name of avoiding silos in computation logic. The form of mentality and knowledge of security is therefore changed by this inclusion of data analysts approach.

Overcoming an organisation in silos: The argument in favour of interoperability

This critique of the value of purpose limitation did not come quickly and lightly as a revelation after the bombing of 2015. It has been the work of many years to criticise purpose limitation as a barrier to the effective work of research of potential suspects. Speaking in terms of 'silos' isolating data and then allowing people who were known by different bureaucracies but only partly, to have the chance to escape to the vigilance of the police preventive strategies, has been a political attack against legality via a technological argument. The first use of this metaphor of silos to speak of purpose limitation has been used by the intelligence services to complain about what went wrong with September 11, and the US 9/11/2001 Commission of Congress, has criticized them while buying the argument that they needed to have access to more data bases in order to 'prevent' future attacks (The US Commission Report of 9/11/2001, 2011). In their recommendations, they were the first to insist on relaxing the separation into different channels instituted by the Church Committee after the scandal of the CIA and FBI joining their efforts in manipulating the black civil right movement (Loch.K.Johnson 1986). It was like a reversal of jurisprudence. In 1975, the recommendations of the Church Committee have been to insist

on the contrary on purpose limitation as a key principle to avoid that agencies collaborate to bypass the limitations imposed by their mandates. Journalists have reported the juridical principle using the metaphor of stovepiping (an isolated vertical conduit) to justify these limits. This metaphor is rarely used nowadays or negatively only, like silo, despite its importance to show that security needs to have limits in its development if the services implementing it, does not want to become the sources of other forms of insecurity and violence against their own people. Interoperability has become synonymous of extended connectivity, more and better knowledge, against fragmented, isolated conduit, seen as cause of inefficiency. This use of metaphor was central to reverse public opinion in favour of helping the agencies to work together, despite dangers of infringement of their mandates. The most spectacular change was the initiative of admiral Pointdexter about the 'collect it all' logic that he tried to impose under the Total Information Awareness (TIA) system, that even the majority of the republican Congress considered as going too far (Whitaker 2006). TIA was changed from total to terrorist information awareness, but is obvious that most technicians continue to think in terms of total interoperability as the dream of instantaneous information. The EU plays a lot on its better value and norms than the United States of Georges Bush, nevertheless if, after 11 March 2004 in Madrid and 7 July 2005 in London, and despite the claims to have more integrated databases, the purpose limitations stayed in place, it was not the case later and the controversial propositions for interoperability were justified as a counter-terrorist instrument succeeded after the bombings of January and 13 November 2015 in Paris, March 2016 in Brussels and the long series of small scale attacks related to Daech actions in Europe until 2018. François Hollande and Manuel Valls were the first to be vocal in this domain and they succeeded to inspire other EU member states to push with them this question of the positivity of interoperability as the solution to 'join the dots' into the implementation in 2016 of the European Agenda on Security of April 2015 (Schiopu and Bobin 2015) (Bigo 2020 in Idil Attack).

The Commissioner for Security Union, Julian King who was in theory the last UK commissioner, has placed also a particular emphasis on 'overcoming the fragmentation that this organisation of data bases with purpose limitations' was in his view creating through the "interoperability" of existing and future EU databases. Following the commission report of the European agenda on security, he led the Task Force on Security Union and published in July 2017 a review of EU internal security. It described the EU architecture as: '(a) sub-optimal functionalities of existing information systems, (b) gaps in the EU's architecture of data management, (c) a complex landscape of differently governed information systems, and (d) a fragmented architecture of data management for border control and security'. Such a convergence of politicians from different countries pushes not only the Council, but the Commission to take this view, in order to show that the EU was not lenient on terrorism, but nevertheless, before hands, to appear more neutral, the EU Commission had commissioned a report to a so-called High-Level Expert Group on Information Systems whose details were limited in terms of professional status, as they were described only as providers and stake holders. The HLEG on IS was set up in 2016 and delivered in May 2017, a report doing a comprehensive assessment proposing with no surprise at all, a series of arguments on the need to develop interoperability between the different data bases and linking the success of that interoperability with the three future projects of EU-LISA still in discussion, writing into their report as if these projects were already accepted and functional (Carrera et al. 2017).

The result was in legislative terms that the 12 of December 2017, the Commission tabled two proposals for regulation establishing a framework for interoperability between EU information systems, one dealing with those covering police and judicial cooperation, migration, and asylum, and another on Schengen-related databases on visas and borders. They were almost completely

identical but it was a way to respect in appearance the difference of purposes in the eyes of the EU parliament and the European Data Protection Supervisor (EDPS), the Fundamental Rights Agency (FRA) who were disagreeing. Nevertheless the choice was not between technical options to choose, but to endorse a policy of IDM justifying the program of a full generation of instruments based on information systems and to push even further the very same logic of extension of the pool of data available towards a reasoning of total information awareness.

What was decided after all these negotiations has marginalised the EDPS and the FRA arguments as well as a part of the European Parliament discussing in the Libe Committee, but has convinced many other committees of the economic and strategic importance of the interoperability move. So, finally a series of five instruments of interoperability will be set up to link the three existing data bases (SIS2, VIS, Eurodac) with the three projects (EES, ETIAS, ECRIS-TCN) to come.

Interoperability: The slow rise of the data analysts and system engineers in the domain of internal security

Contrary to many traditional analysis of EU studies that read the interoperability program as a result of the terrorist attacks of 2015 and the willingness of the EU Commission to show that on these transborder matters between France and Belgium, they were useful and as tough as the national governments, we refuse the idea that they were the result of this crisis. The projects existed long before and if the attacks in Paris and Brussels were used as a political opportunity by a group of professionals to reinforce their positions, they were not an 'answer'.

Interestingly also, what was absent from the debate because nobody dare really to discuss it, was the boundaries of the EU data bases that the Commission wanted to render interoperable. If the goal was about efficiency regarding antiterrorism and to sew the divide between internal and external security, a completely different set of databases could have been mobilised including all the ones coming from defense as we will see in conclusion, but there, the debate was to settle in favour of EU-LISA the control of the integration of the different data bases and to keep it into the Justice and Home Affairs (JHA) area. This highlight the fact that, beyond the common rhetoric on interoperability as a counter terrorist necessity in front of an hybrid threat developed by the different actors in 2015, and especially the rhetoric of the European agenda on security, the effective merging of the institutions of security (defense and police) was not into this agenda in terms of decision making and practices. What was at stake was more a fight on the high end of policing between military intelligence services and their police counterparts, but the policemen, the border guards are very aware that letting military forces and intelligence enter into the interoperability debate would have been the equivalent of a colonisation of their domain. As in many other examples the great proposals of fusion of forces are not congruent with the sociology of competing guilds representing different professional and social universes (see Bigo 2014; Rhinard and Bossong in this volume).

The interoperability controversy and the struggles around it are therefore in my view a key moment of transformation of the field of 'security' by allowing a specific group of agents on the transnational scale, those who construct the data bases for their 'clients', that is, data analysts, civil engineer of integrated border management or IDM to become increasingly powerful. These actors are thus now able to compete with police, intelligence, immigration, border guard agencies on who decides and frames what is labelled security, insecurity and fate in Western societies through their key role on the exchange of information in policing matters. And interoperability tools are their flagship to change security into a commodity and a political technology of datafication.

Tools of interoperability: A technical approach or a politics by other means to bypass purpose limitation and to impose a digital reasoning?

These five tools were the following:

1   A **Single–Search Interface** or SSI called also the European search portal (ESP) whose task is to query several information systems simultaneously and to produce combined results on one single screen. This first tool seems innocuous given that the users have already the right to access to the different database and is technically light because it can be built on. The search can use different criteria using both biographical and biometric identity data coming from Central-SIS after modification of its organisation, Eurodac, VIS, and later on from the future EES, the proposed ETIAS and ECRIS-TCN systems, as well as the relevant data coming from Interpol systems and Europol files. This ESP is for the time being not connected directly to national databases. Existing national SSI solutions remain necessary for that purpose, nevertheless the suggestion is that in the future they will be replaced by a national uniform interface (NUI) in order to lead to a platform of integration of NUIs linked with the future EES.

2   A NUI will allow the effective interconnectivity of information systems where data registered in one system will automatically be consulted by another system. It will help the harmonisation of the search and index functions, even if no information will circulate (or be copied) from one database to another one; nevertheless the tool has a significant impact on all the existing databases, by relaxing the possibility of access to ancillary purposes.

3   **A shared Biometric Matching Service (sBMS)** is established in order to implement the search by integrating both fingerprints and facial images; the idea being that better consultation is not sufficient, because what is at stake is more cross-checking and identification. Here we jump from verification of identity beginning with the trust on the person's document to a systematic search of identification in order to establish suspects. This is why also, instead of upgrading the SIS, VIS, and Eurodac with a dedicated AFIS for each individual system, the sBMS will search across different EU information systems by generating and storing mathematical representations of the biometric data (SIS, Eurodac, VIS, the future EES, and the proposed ECRIS-TCN) in order to establish comparison and to detect anomalies.

4   **A Common Repository of alphanumeric Identity data renamed Central Identity Repository (CIR).** As explained by the initial report of the HLEG the shared BMS alone needs to be complemented by a common repository of alphanumeric data in order to aggregate to the biometrics attributes (fingerprints and facial images) the common biographical attributes (names, surnames, place and date of birth, sex, nationalities, travel documents) that are contained into the other data bases. For each set of data, the CIR will include a reference to the information systems to which the data belongs to from the various existing systems (Eurodac, VIS, the future EES, and the proposed ETIAS, and ECRIS-TCN systems) in order to construct a common identity repository facilitating law enforcement searches using data-presence flags and enabling the detection and prevention of identity fraud.

Even if the Commission and later EU-LISA recognised partly that the constitution of this repository, however, will require dealing with complicated questions of deduplication and disambiguation, they consider that it is possible and will improve the data quality by detecting discrepancies and in theory will limit investigation other than identification by distinguishing identification requests from other requests.

Clearly, for them, the CIR is the tool which justifies the cost of interoperability improvement. The Commission proposals share also this view and after discussions to clarify the option the terminology of central will replace the one of common identity repository, but this has opened a discussion if in fact the CIR was not already a new data base.[4] This was even more discussed when the Commission did not hesitated to insist in its final proposal for a new tool connected with the sBMS and performing a search for fraudulous identities check in addition to the storage of the CIR that the High-level Expert Group on Information Systems and Interoperability (HLEG) had implicitly discarded. Different reports have converged on the idea that the CIR coupled with a Multiple-Identity Detector (MID) is creating de facto a new set of data without a proper legal base, even if it seems that the technical process concerning the exploitation of results differs from the creation of new data. In any case the purpose to combat fraud cannot be interoperable for all data-bases and applicable to Eurodac and refugees, but this question has for the moment not be resolved and may come back again when the first implementation will begin and is followed by a court case.[5]

5   **MID:** The last tool was added by the Commission in order to provide a search for multiple identities associated to the same biometrics, becoming a 'fraud' detector. This would check whether queried identity data exists in more than one system and allow a mechanism for investigating and verifying the linked identity data (data held in the CIR as well as SIS). The MID would store links providing information when one or more definite or possible match(es) is(are) detected and/or when a fraud identity is used. It would check whether queried or input data exists in more than one of the systems to detect multiple identities (e.g. same biometric data linked to different biographical data or same/similar biographical data linked to different biometric data). The MID would show the biographical identity records that have a link in the different systems.

Practically these links will be labelled in four categories: white, yellow, green, and red: a white link meaning that the different biographical identities belong to the same person; a yellow link meaning that there are potential differing biographical identities on the same person; a green link confirming that different persons happen to share the same biographical identity; or a red link meaning that there are suspicions that different biographical identities are unlawfully used by the same person.

To finish the picture the interoperability proposals came alongside another one aimed at strengthening the mandate of the EU-LISA Agency, which was formally adopted on 14 November 2018.

This long description of the tools may be tedious to read for some, but it is necessary to understand that what is at stake is an incremental logic where the language, knowledge of technology imposes itself in security matters, not as a solution, but as a way of reasoning reframing what counts as security and danger. We are far from the idea of a technical support at work. EU-LISA becomes a central node of power, delegitimising the legal argument of purpose limitation and favourising speed in politics, as well as narratives of prevention and prediction, which have been used to justify already some dispositions of a state of emergency against terrorism and a generalisation of suspicion around circulation of money, of persons and of ideas via algorithms connected to 'big data' which have to have a certain degree of consistency. The search of a fraud regarding anyone claim to its own identity via check of biometrics identifiers result in the negation of language and dialogue with the person and the focus on the body as locus of truth versus the language as permanently suspected to lie. It also eliminates the dialogue with the person and privileges only the communication of transnational bureaucracy of controls between them,

objectifying even more the person as an object. Still important in the interaction with border guards in the integrated border management, it seems that the IDM pushes even further the logic of distantiation by negating the presence of the individual in favour of its data-double. If it is the case what interoperability means in a paradigm change linked with the mode of reasoning of a guild of professionals of digital technologies, who have not specific values in terms of security, but who have codes in mind for a data politics.

Integrated data management: A debordering of national space controls of border and a rebordering of transnational cyberspace bureaucracies led by EU-LISA?

IDM is supposed to have complemented Integrated Borders Management (IBM), but behind the formal consensus, it has been presented by the actors of EU-LISA as a paradigm change. It was an internal critique of the ways the borders are managed operationally by Frontex and the national border guards which has emerged mezzo voce. Stopping people at the borders and rendering these ones as electronic and physical walls, more and more militarised, with persons wounded or sent back in dangerous place (countries of origins or transits which are dictatorships and racist against migrants) as well as helping these places to train their forces to detain and torture, enslave or send back (almost to death in the desert) the peoples whose only crime has been to try to cross a border, is not only inefficient in terms of stopping or deterring people to move, but it creates on the contrary resistance, and the will to overcome the difficulties by the candidates to depart, especially if they are forced to flee combats (see Emma McCluskey). In addition, and even more importantly, in the views of these high-tech managers, it gives a bad image of the EU in terms of high value standards on human rights. It is impossible to continue to deplore low level standards of human rights in the countries of departure or to criticise Australia and the Unites States of Donald Trump, while reproducing at a more or less, lower scale their policies.

Violence is too strong and need to be diminished; some cynical agents adding that it needs to be at least less visible and more symbolic than obviously coercive. They propose, along the lines of the shift operated from extraordinary renditions to large scale surveillance of people by interceptions of personal data to do the same strategy at the border controls, and to develop smarter ways of control, less visibly coercive.

Instead of controlling persons at the borders, it is better to filter them before they arrive, to reinforce the visas procedures, the possibility to depart and to take the plans without previous authorisation. This allows to accept almost the 90% of people who are not considered as dangerous via check of their data online in order to focus on smallest numbers of persons when they cross borders. IDM is seen as an e-bordering using the frontier of the cyber space as the first and foremost line of control. Physical borders are not the first but the last line of 'protection'. Borders are smart when they are the results of a process of better identifications, not only of the flow of people arriving, but of each individuals, and it can be done only via statistics, profiling, predictive algorithms who use machine learning and common sense of border guards as two technologies (high and low) working simultaneously to help from the extraction of previous large batch of data to create profiles on people suspects to be 'like them', like the illegal ones, even if they are completely unknown, by the magic of discovering the weak signals of a group of correlations inside the mass of data which has been processed (Duez D. 2017).

But this smart border management needs to connect all the data available and coming from very diverse part of bureaucracies and private (forced or complicit) partners in order to 'join the dots' and identify the potential weakness of each persons against different criteria. What is

therefore absolutely central is to link and to render compatible the different records of information in terms of additional information which can be gained (but not redundant) and in terms of automated formatting. Interoperability is the generic name (beyond the technical signifier) given to this so-called smart way to connect the dots and to avoid continuing to work in 'silos' with segmented information networks. The five instruments of interoperability are not tools, they implement the political technology for the datafication of internal security which help to the de-responsabilisation of the national politicians and the rise inside the field of security of non-traditional professionals of security, less oriented towards coercion but more indifferent to people.

The transformation of the dynamic of the field of security towards technologies and digital tools is therefore one of the key elements explaining that a narrative concerning security technologies as neutral tools allowing to detect suspects in advance, to prevent violent events, to potentially predict them, has developed recently. Even if the war on Terror has ideologically played a role by justifying this preventive approach, its persistence is correlative to the structural development of a private industry specialised on the domain of civil-security on one hand, and on the other to the rise of digitisation and forms of cybersurveillance by this transnational guild of digital technologies managers.

IDM versus IBM: Two different projects? A field dynamic

If the structuration of fights creates uncertainty about the two lines of thought derivating from their different practical logics, a trend in favour of preventive discourse and beliefs is visible in the last fifteen years. The actors of digital technologies have not only challenge the traditional conception and practices of detective policing, of criminal justice, presumption of innocence, they have also rendered almost obsolete the former groups of EU border guards who were seen as the reformers, when they proposed to push the border controls in the physical spaces of the neighbouring countries of the EU and into the countries of origins. This guild of policing at a distance mainly composed of border guards 'new style' and foreign affairs civil servants were (and are) still centrally interested in moving the practices of control of entry of their territory by a management of borders at distance done by consulates and private entities, with more or less explicit conditionalities between the EU and its neighbours on aid for development with counterpart on obedience to readmission agreements. But they do not represent anymore the future. They continue to play with extra-territorial logics, with territorial state borders controls, certainly displaced from the EU borders and managed at a distance, but this displacement is only geographical and the moves are towards other places similar to state borders and that geopolitics is still capable to imagine.

On the contrary, the inclusion of digital technologies adds to this existing layer on space, a temporal dimension where speed, anticipation is central. The interest on the data double and their identification ex-ante precede even the control of persons. Of course, the logics may be combined, and this is why data management continue to use the state territorial borders as a place for extracting (with a certain degree of discretionary power) data from the people who want to travel, but their priority is to build algorithms about criteria of dangerosity and calculation of scores in a scale of risk and suspicion, suggesting individuals who have not yet done anything but look like others which have been criminals (Bigo in Cassin 2013). Nevertheless the logic of algorithms will not be a direct profiling of identified people but the detection of anomalies (Aradau and Blanke 2017). The predictive argument here is therefore not one based on the past of an individual but with its adequacy concerning a given profile of behaviours reading the future as a future already done, as a future perfect (Bigo 2010).

The impact of this emergence for the field of the EU internal security professionals

The entry of the 'guild of digital technologies' into the field of professionals of security after the concentration of different networks into the EU-LISA agency on one side and the ESRIFF group of companies on the other side, has allowed them to compete with policemen, border guards, migration, and asylum officers to frame the practices of security today. An example of this impact of these professionals of digital technologies, to succeed to have their share of budget via the topic of artificial intelligence specifically dedicated to policing and border management as well as intelligence prevention, all of those being merged with the future projects of the programs of an interoperability at the scale of the global North. This guild of digital technology has supported the lines of predictive policing, artificial intelligence, and redefinition of justice and punishment, which were already supported mainly by military and signal intelligence services, and by some border guards and counter terrorist police forces. This support is certainly more important than the legacy of the discourse of the war on terror of 2001 and 2004, or the theme of the penal law of the enemy and permanent state of emergency reinvented after 2015 in Europe. It has given a knowledge claim of credibility of prevention by technologies of machine learning and profiling with predictive features. It has created new incentives for a digital economy interested into dual technologies but also war and defense, including spatial activities (see Larsson in this volume). The clash of conception and strategies between this preventive line of speculative security and surveillance mechanisms and the more traditional visions of criminal justice, border controls on foreigners, ending up with a so called dilemma between security and privacy has almost replaced in the remnant political discussions the previous heated debates between security and freedom of movement for EU citizen and third country nationals residing inside the EU which were so central until the 2000s. Now freedom, solidarities with refugees are seen under this paradigm of technologies of identification and prediction via the interconnection between different parts of the cyberspace controlled by hybrid of public-private bureaucracies, which present themselves as the path towards the future of democratic societies.

Conclusions: Security as commodity for the digital economy?

Security has been transformed by its technologisation into a commodity. Lucia Zedner was among the first to analyse this move and to connect it with the turn towards a pre-crime logic necessity to find way to predict which looked scientific (Zedner 2007). Interoperability of JHA databases is the first node into a series of even more interconnected elements, including the integration of PNRs in Europe and on both side of the Atlantic, as well as the development of integration of data bases not yet integrated because they were not managed by EU-LISA (Prum DNA data base, ENISA) or coming from Defense and foreign Affairs on one side (Eurosur, EU piracy, GPS-Navy, Nato Marsur) and of the Welfare and big cities bureaucraties on the other (Bigo 2015; see Ragazzi, in this volume).

As a commodity, security is on sale and has a market which generates profit. EU-LISA is both a broker and a stock exchange place for these technologies. Nowadays smart borders, IDM, interoperability between data bases, algorithms, artificial intelligence technologies (AI) are the new keywords for any project regarding the current developments on intelligence, policing, borders, migration, and asylum matters.

Are technologies serving security professionals or is security colonised by engineers and data analysts transforming its efficiency but also its meaning and practices? If it is too soon to conclude, what is almost certain after this research on interoperability is that the role of the actors

managing technologies (especially digital ones) is becoming more visible and more important than before. Public partners coming from Ministries of interior and justice, or Ministries of defense and foreign affairs are keen to find private firms who have developed technologies serving the purpose of identification of people and prediction of their behaviour. A race on different types of biometric identifiers less visible than before is re-opened moving from DNA analysis, scanned fingerprints to facial recognition by multiple cameras, ways of walking in a mob where people will be unaware they are checked. But this can work only if all the parameters of these biometric identifiers are digitalised in order to be compared between them and with other collected data. Beyond the IBM identification of people from their biometrics, the IDM collection and interception of data in large scale allows algorithms to do correlations and to build profiles who have some time self-correction through machine learning. But gathering so many heterogeneous types of data distributed in diverse data bases supposes to have the tools of interoperability we have described between data bases, in order to have either simultaneous checks in different data bases on screen, or to get results against an integrator module that has already filtered suspicious cases from previous data sets.

Huge amount of money is now devoted on both side of the Atlantic and in Australia around these technologies of identification and interoperability with the hope to get accurate predictions and to prevent dangerous actions before they happen by following weak signals. The EU on its Horizon Europe 2021–2027 (following Horizon 2020 research project) dedicates under the topic of Artificial Intelligence, 7 billion for helping European companies to develop these researches on digital technologies for internal security purposes.

But why? Are these investments justified? Would digitisation of data with its gain on speed of information and its pretense to predict future events, will be a solution in the search of suspects of political violence, crime, trafficking, illegal movements of travelers? This is the promise sold by the professionals of digital technologies, but how far can we believe their stories when their narratives is not based on the past and evaluation of their (in)adequacies, but on the miracles of not yet in place technological solutions to insecurities of all sorts? Are politicians unaware of the risk to create a new kind of fortune tellers, well paid for poor results? May be not, but they may think that in that case, each time events happen, taking them by surprise they may escape to focus on the political root causes of these events (bombings related to escalations in conflicts and called terrorist attacks, escape in large numbers of dangerous zones and attempts to arrive in other countries for a small proportion of them called flows of migrants), and to present to the population than the failure of today can be solved only by the present technologies who claim to control, manage, prevent the situation, in order to protect their nation, their way of life, and by investments in even more sophisticated technologies in the years to come. This logic has been explained by Paul Watzlawick in his famous book, how to succeed to fail.

Technological commodity of security: A de-responsibilisation of politicians?

At the heart of this move towards the digitalisation of mechanisms of control, one can identify a trend inside the (in)securitisation process to abandon responsibility in practice while inflating rhetoric around danger and unease by the professionals of politics (Bigo 2002). Political judgements taken in the name of sovereignty concerning what kind of threats have to be prioritised, have been avoided. To limit this tendency of governments, often back-bencher politicians have tried to repoliticise the debates but often the politics of security has been reduced to controversies around what tools are the best to create technological and automated solutions (for a debate see Neal 2018). And, in a way, this mimics the discussion on the drones and more generally the

rise of an authoritarian liberalism (Chamayou 2018). Guilt and responsibility of the highest levels are redistributed on other groups, especially when situations do not ameliorate, but on the contrary, are worsened by the use of these technologies theoretically so 'smart'.

This creates a huge convergence, despite political ideologies and public policies diverging on the naming of these so-called crisis to build in more technologies and to justify them as solutions for any type of events considered as a threat, as a risk or a danger. Western governments are rarely in agreements, except for pushing the idea that technologies of identification on suspects will solve security problems, and that a healthy competition between major firms to do research for high tech projects on these domains is central for 'innovation'. But each coalition of actors (private companies, public bureaucracies of control, international organisations) consider that its competitor is trying to have an unfair dominant position and ask for more resources in a kind of escalation in the name of the better protection of an 'homeland' regarding the other places.

Crucially, the later argument of an economic and symbolic competition almost always trumps the claims that these technologies may be legitimate against violence but need to be proportionate in order of not breaching (at least not too much) privacy, as this competition involves huge economic (and political) interests in new developments of the 'digital' revolution. It explains why, at the end of the day, parliamentarians in many countries and in the EU accept to vote in favour of these tools, despite the risk for privacy and rule of law.

One element which helps enormously EU-LISA was that the EU council and the EU commission have been both very keen to set up their own industry versus the one of the United States, considered as dominant. They may have done that differently, as the council of the EU has sang the music of pooling sovereignties against the giants (the United States, the Gafa) while the EU Commission has refused to be seen too much as a political actor, centralising the different regional strength. But, the strategy of the later has therefore been to pretend that the different DGs were just experts, technical providers helping the different national governments, their police and border forces to choose the best technology fitting their multiple purposes. The DGs research and industry have presented themselves as 'mediators' interacting with the diverse private actors in order to constitute an efficient European pole of security industries and services allowing growth inside the EU via the development of dual technologies going from drones of surveillance, artificial intelligence helping search of suspects, indicators of frauds to identity, or more banally better interconnections between data bases in order to 'joint the dots'. In total security claims have been merged with technological innovations and growth arguments to resist counter claims that the project of an IDM was not solving security but creating new problems and in addition a web of technologies of large scale surveillance transforming the nature of democratic regimes in the EU and in the global North.

Notes

1. COM(2016) 194 final, 6.4.2016. The system will electronically register the time and place of entry and exit of third-country nationals, and calculate the duration of their authorised stay. It will replace the obligation to stamp the passports of third-country nationals which is applicable to all Member States. The objectives of the EES also include prevention of irregular immigration and facilitating the management of migration flows. The EES will contribute to the identification of any person who does not fulfil or no longer fulfils the conditions of authorised stay on the territory of Member States. Additionally, the EES should contribute to the prevention, detection and investigation of terrorist offences and of other serious criminal offences.
2. COM(2016) 731 final, 16.11.2016.

3. COM(2016) 7 final, 19.1.2016.
4. Cf the PE Optimity report p. 13. The description and analysis of these different tools came from discussions with Niovi Vavoula. Her PhD has made the demonstration of the legal elements which goes against a blind faith into the interoperability pure technicality. I do not develop here this part of the argument but it is a must read for anyone who want to develop a legal analysis.
5. Clearly the purpose of the MID to combat identity fraud is not supported by the legal basis for Eurodac on refugees.

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See Annex Below:

Data are coming from the Study on Interoperability of Justice and Home Affairs Information System

Access to the different data bases by EU and national authorities

Entity	SIS II	EURODAC	ECRIS-TCN	VIS	ETIAS	EES
Europol	Yes	Yes: preventing, detecting and investigating terrorist and criminal offences	Yes: access to ECRIS-TCN But not ECRIS in its current format	Yes: preventing, detecting and investigating terrorist and criminal offences	Yes: preventing, detecting and investigating terrorist and criminal offences	Yes: preventing, detecting and investigating terrorist and criminal offences
National law enforcement authorities	Yes	Yes: to check against latent fingerprints	No	Yes: preventing, detecting and investigating terrorist and criminal offences	Yes: preventing, detecting and investigating terrorist and criminal offences	Yes: preventing, detecting and investigating terrorist and criminal offences
Visa authorities	Yes	Yes	Yes: may apply to criminal records authorities for access	Yes	Yes: in the event of rejection after automated application process	Yes

Entity	SIS II	EURODAC	ECRIS-TCN	VIS	ETIAS	EES
National border control	Yes	Yes	No	Yes	Yes: only for verification purposes	Yes
Immigration authorities	Yes	Yes	Yes: may apply to criminal records authorities for access	Yes	No	Yes
Asylum authorities	Yes	Yes	Yes: may apply to criminal records authorities for access	Yes	No	No
Eurojust	Yes	No	Yes access to ECRIS-TCN but not ECRIS in its current format	No	No	No
Judicial authorities	Yes	No	Yes: apply for access to criminal records data of an individual undergoing criminal proceedings	No	No	No
Central Authority for Criminal Records	No	No	Yes: storage of criminal records data	No	No	No
Customs officers	Yes	No	No	No	No	No
Vehicle registration authorities	Yes	No	No	No	No	No
Private organisations	No	No	Yes: if appropriate, can apply to view the criminal history of EU nationals during recruitment	No	No	No

Governance by arbitrariness at the EU Border: Trajectory ethnographies of illegalised migrants

Emma McCluskey

Introduction

Drawing on fieldwork in Sweden and Morocco, this chapter attempts to highlight the myriad of ways in which European Union (EU) bordering practices are experienced by illegalised migrants at various stages of their journeys. The first section of the chapter moves away from the idea of a migrant 'crisis' or emergency and situates the research within the burgeoning literature drawing attention to bordering as a mundane technocratic and bureaucratic set of overlapping routines. The chapter then looks to the contingent and ephemeral dimension to this control of movement, brought about by overlapping political, legal and material practices. When examining these everyday practices from the perspective of those who are illegalised by them, what becomes apparent is the *arbitrariness* of the implementation of this border regime. In taking up William Walters' analytical challenge to examine the ways that borders are made 'on site' and Khosravi's (2018) intervention which *begins* with the lived experiences of these travellers themselves, the chapter then describes what a Political Anthropological Research on International Social Sciences (PARISS) approach to the study of these practices, centred on ideas of transversality and reflexivity can offer. Specifically combining 'trajectory ethnography' (Picozza 2017; Schapendonk 2012; Schapendonk and Steel 2014) of people on the move with a socio-historical analysis of the practices which govern their movement, I show the ways in which these bordering practices cannot only be analysed through their relationship to the state and the law, but are significant against the background of everyday sociopolitical encounters. The chapter concludes by arguing that, when you begin with the lived experiences of ille-galised migrants, it is possible to show that illegalised migrants are precisely governed *through* arbitrariness; it produces them as subjects, pushes them 'under the radar' and steals their time. Furthermore, this arbitrariness comes to attach itself to a myriad of other everyday practices and encounters; solidarities formed, friendships made, and violence suffered.

The EU border: From crisis to routines

In recent years, European media has been saturated with coverage of what has been labelled by many as the 'refugee crisis'. Many of the media narratives presented have centred on the

spectacular; children drowned in the Mediterranean, hundreds of men, women and children crowded into inflatable dinghies, huge numbers of families making their way on foot through the Balkan corridor in that long 'summer of migration' (Kasparek and Speer 2015). Similarly, freedom of movement within Schengen, the border-free zone of the EU, has too been framed of as in 'crisis', when member states erected hard borders, walls and fences to prevent migrants from entering or transiting a country.

This chapter works with the assumption that the idea of 'crisis' to talk about the EU border is problematic for a number of reasons. Firstly, as prompted by the New Keywords Collective group, we must ask 'Whose crisis'? (De Genova and Tazzioli 2016). From the perspective of people on the move, the notion of a 'crisis' which supposedly peaked in 2015 and 2016, is dreadfully inaccurate. The latter half of this decade instead has seen the reinforcement of the European 'border regime' (Hess and Kasparek 2017), with an increase in bilateral agreements designed to prevent illegalised migrants from entering European territory, the election of far-right and xenophobic governments in some member states adopting harsh policies (McCluskey 2019), and criminalisation of humanitarian practices and acts of solidarity towards refugees (Tazzioli and Walters 2019).

From September 2015 onwards, the EU executed the so-called 'hotspots' approach in various ports in Italy and Greece where migrants coming from Turkey, the Middle East and North Africa first arrived on European land. This approach saw all migrants forcibly finger-printed upon disembarkation and deported before they were able to access the asylum system (Garelli and Tazzioli 2016; Sciurba 2016). In March 2016, the EU (at that point chaired by the Netherlands) also negotiated an agreement with Turkey, promising 6 billion euros in aid and the prospect of visa free travel to Europe for Turkish citizens in exchange for Turkey re-admitting any migrants who had arrived 'illegally' into Europe from Turkey (Ansems de Vries, Carrera and Guild 2016; Heck and Hess 2017). For every migrant returned to Turkey, the EU promised to begin the process of enrolling a Syrian refugee, residing in Turkey, into being resettled in Europe. Finally, in 2017, Italy signed a bilateral memorandum of understanding with Libya, resuming previous collaboration on preventing migration from Libya before the fall of the Gadaffi regime. This MoU enabled push-backs; both at sea, whereby Libyan coastguards were able to intercept vessels leaving towards Europe and return migrants to detention centres within Libya, and at Libya's southern border, whereby migrants were blocked from entering.

Secondly, as Ansems de Vries and Guild (2019) point out, if states call this situation a 'crisis', it is not caused by spontaneous arrivals but is instead one that has been *produced* by particular tools which are supposed to 'manage' migration. This echoes Jeandesboz and Pallister-Wilkins' (2016) argument that 'crisis' in this sense is intrinsically linked to the consolidation of the everyday routines which produce the EU border.

Instead of thinking of our recent history in terms of a 'crisis', a much more sociologically accurate tool to analyse migration and border control within the EU is to think therefore in terms of *practice*s, many of which coercive, violent and quite 'spectacular' (De Genova 2013), as some of the examples above point to, but others more routine and technocratic (cf. Bigo 2014a). When shifting to practices of border control, as well as a more complex picture, we also get a sense of the *arbitrariness* which serves to govern the mobility of migrants, particularly illegalised migrants, within the EU.

Techniques of controlling 'undesireable' mobility: Political, legal and material practices

Ways in which migration is controlled encompasses a heterogeneity of techniques and practices; political, technical and legal. Most of these tools stem from the 1985 Schengen agreement, which saw the removal of internal borders within Schengenland 'offset' by so-called compensatory

measures, which sought to 'balance' the supposed insecurity of freedom of movement with a reinforced external border and surveillance of people on the move within the territory.

Legal elements of these offsetting measures see the spatialisation of Europe constituted through the Dublin regulation and other facets of the Common European Asylum System. However, a large discrepancy has been noted between the desire of the EU to create a harmonised reception policy for asylum seekers and the everyday practices on the ground (Brekke and Brochman 2015). This is due, not only to the differences in living and welfare standards and level of social rights available to asylum seekers and refugees in different member states (Brekke and Brochman 2015) but also the overlapping and inconsistent competences of national and supranational authorities, the differing approaches to technological and legal tools amongst different member states, (Bigo, Ewert and Kuskonmaz 2020).

These practices are constantly shifting and evolving, especially as noted above in relation to the so-called 'crisis', meaning that there is also a highly contingent and ephemeral dimension to this control of movement. What facilitates mobility for one person at one moment, could hinder it the next. In a Foucauldian vein, Tazzioli (2019, 10) speaks not of individuals or populations of migrants in this sense, but instead as 'migrant singularities and multiplicities', pointing to the ways they are simultaneously shaped and targeted as individuals and part of somewhat fleeting collective groups.

So-called 'solutions' to the supposed insecurity of freedom of movement are wide ranging. They include more obvious border practices that agencies such as FRONTEX, the European border and coast guard agency carry out. Technology however is in fact increasingly play a specifically significant role; common databases such as the Schengen Information System (SIS) enable lists of banned travellers to be circulated amongst different security professionals in member states. A similar database of visas, the Visa Information System (VIS), stores biometric data of visa applications from so-called 'third country nationals' together with the decision on the application (Infantino 2017). The collection of traveller's biometric data in this way is designed to prevent passports containing valid visas being used by lookalikes (Broeders 2007; Scheel 2017). EURODAC, a database which stores the digital fingerprints of asylum seekers, also enables new asylum applications to be identified against already existing applications, thus facilitating the enforcement of the Dublin III regulation (EU-LISA 2019).

Everyday use of these bordering technologies has resulted in what Hayes (2012) has called a 'function creep'; since 2003, the scope of EURODAC has been extended to allow law enforcement and police to access the database (Hayes 2012). The latest proposals from the European Commission are to make all of these databases, in addition to criminal records databases, searchable under a single interface; what they call 'interoperability' (Bigo, this handbook).

The diffusion and multiplication of the EU border in this way means that today, there exists a proliferation of approaches and methods to studying 'the border', emphasising all of these legal, technical and bureaucratic elements. What Van Houtum (2010) has labelled a 'border regime' in fact emerged against the idea of a closed, 'fortress Europe' to account for the ways in which regulatory practices and diffuse power-knowledge mechanisms come to structure the subjectivities of migrants; their 'subject-making' and their conduct-of-conduct (cf. Mezzadra 2004; Nyers 2015). Literature within the 'border regime' has been central in decoupling the idea of space from the territory of the EU, extending it both outwards and inwards, both spatially and temporally through various externalisation programmes, technologies and legal measures (Tsianos and Karakayali 2010).

When examining these everyday practices from the perspective of those who are illegalised by them, what becomes apparent is the *arbitrariness* of the implementation of this border regime. If we take up William Walters' analytical challenge to examine the ways that borders are made

'on site' and Khosravi's (2018) intervention which *begins* with the lived experiences of these travellers themselves, we see a fragmented, incoherent and somewhat random experience of these heterogeneous techniques of control. There is no overall, coherent logic to the 'management' of mobility, but instead an array of amorphous, constantly shifting systems which are perhaps indirectly related but not connected (Feldman 2011).

Examining everyday practices of governing mobility: Mobilising a PARISS approach

This chapter mobilises an approach to studying questions in PARISS in order to objectivise these myriad of practices which govern the movement of illegalised migrants within, or attempting to enter the EU. In focussing on these everyday practices, it looks to the many ways in which they create an *arbitrariness* to the manner in which migrant's mobility is governed and the effects of this arbitrariness on subjectivities and journeys (both spatial and temporal) of the migrants.

Basaran and Guild (2016) speak of the 'traps' of a great deal of research on mobilities and migration in that it privileges statist visions of movement of people, thus valorising certain legal orders. Instead of speaking of focussing on 'state, movement, control', they therefore focus instead on 'people, journeys, ruptures'.

This is an argument which resonates with critiques formulated within anthropological studies of borders and mobility; Nicholas de Genova argues that focussing on 'migrants' as objects of study reduces a heterogeneous group of people to a state-centric vision bent on control of populations (De Genova 2017). The re-inscription of 'refugees' into analyses of humanitarian practices has too been critiqued, where it has been argued that such a focus conflates categories of practice with categories of analysis and uncritically reproduces subjectivities imposed by 'humanitarian government' (see Agier 2010; Fassin 2011). Basaran and Guild (2016) are thus correct when they call for the idea of the 'migrant' to be reinscribed into our everyday social relations and its multiple configurations of mobility, power and inequalities.

What a PARISS approach does therefore, instead of focussing on 'the migrant' as an object of study either as active agents or 'bare humanity' in the face of a repressive border regime, centres on the practices and relations which produce these individuals as migrants, refugees, undesireables and illegals, how these become lived in categories (Hacking 2002) and embodied subjectivities, how these govern trajectories and possible futures, and how these subjectivities shift and change in relation to everyday bordering practices.

Essential to this type of analysis is to avoid a presentist vision which situates these practices and technologies of governing mobility outside of the socio-historical contexts in which they came about (cf. Oelgemoller, Ansems de Vries and Groenendijk 2020; Bigo 2020; Mayblin 2017; Tazzioli 2020). Divorcing these legal, material, political and technical practices from their contexts serves to reify them, obscuringthe arbitrary and contingent nature of their development and implementation. It hides the symbolic violence of this initial arbitrariness of the origins of these institutions and instead reinforces the visibility of where each institution converges (see Cohen and Vauchez 2005; Georgakakis and Weisbein 2010). In sum, it serves instead to see 'like a state' (Scott 1998).

On the contrary, a PARISS approach necessarily adopts a transversal gaze (Bigo 2016). Re-opening the question of the international, not as a distinct level of analysis as deployed by much of the Anglo-US international relations literature rooted in political science assumptions is central to this way of thinking. Nor do we frame the international as a holistic system of globalisation (see Albert and Buzan 2013). For us, the international can instead be conceived as a

'script of transversal lines' insisting on the dynamics of struggles, disjunctures and relations taking place across different transnational fields of power (Bigo 2016). These transversal lines connect a variety of types of actors, across many different scales, which nonetheless influence and effect each other (Bigo 2016; Bigo and McCluskey 2018). For Bigo (2014a) the EU 'border' is more accurately described as a various 'guilds of professionals of (in)security management', connecting border guards, police intelligence personnel, the military and IT and digital technology engineers whereby the relations between these specific fields is named as 'desectorisation' or 'disassembling'.

Working from within this PARISS approach to mobility and asylum, my research shows that these phenomena cannot only be analysed through their relationship to the state and the law, but are significant against the background of everyday sociopolitical encounters (McCluskey 2019). I thus combine 'trajectory ethnography' (Picozza 2017; Schapendonk and Steel 2012, 2014) of people on the move with a socio-historical analysis of the practices which govern their movement in arbitrary, precarious and highly contingent ways.

Trajectory ethnography as a method combines participant observation at particular moments on a person's journey with in depth interviews about trajectories thus far and future plans. Shapendonk (2012) is inspired by the 'multi-sited' ethnography method of Marcus, though instead of building a holistic picture, aims to map pathways within a system. Combining this method with a more socio-historical approach however brings the research more in line with Feldman's 'non-local' ethnography and Xiang's 'multi-scalar' analysis. This approach objectivises the myriad of ways arbitrariness governs mobility of illegalised migrants, beginning with the lived experiences of the migrants themselves. This does not mean that the researcher can ever experience what her interlocutors have been through, or try to speak 'for' them. As Geertz (1986, 373) so perceptively notes, all we can ever do is 'scratch surfaces……[W]e can but listen to what, in words, in images, in actions they say about their lives'.

Sweden and Morocco: Two very different case studies

In terms of empirical material, the chapter draws on extended ethnographic fieldwork in two separate countries at two different points in time vis-à-vis the so-called 'refugee crisis'. The first is Sweden between 2013 and 2014; some months before the peak of the so-called 'crisis' and the 'long summer of migration'. Both an EU member state and within the Schengen territory, Sweden was notable for its comparatively open approach to asylum.[1]

During this time, Sweden fashioned itself as a spokesperson within the EU for a more humane approach to asylum rooted in member state solidarity. This related a great deal to how they interpreted the notion of intra EU solidarity relating to article 80 TFEA, which stated that '[P]olicies of the Union…. shall be governed by the principles of solidarity and the fair sharing of responsibility, including its financial implications'. The Swedish government did not interpret this article in conjunction with articles 77–79, which requires 'measures on partnership and cooperation' with third countries. Sweden was therefore lobbying for member states to *both* honour their commitment to resettling refugees from third countries, without this infringing on their obligation towards 'burden sharing' and intra-EU solidarity and vice-versa (Vanhuele, Van Selm and Boswell 2013).

The second was Morocco, between 2017 and 2018, at a time when the Moroccan government were actively moving away from fashioning Morocco as a 'transit' country and instead labelling it as a 'destination' country. This change in categorisation saw the country adopt a regularisation programme for migrants within the country, in conjunction with the United Nations High Commissioner for Refugees (UNHCR), which was partially funded by the EU.

Designated as a 'safe third country', Morocco is host to a wide array of border externalisation programmes, both at the level of the EU and individual member state (Spain). During this time however and because of the closure of various routes to Europe further East in the Mediterranean, Morocco saw a large increase in the number of individuals using it as a departure point to enter the Schengen territory (FRONTEX 2018).

Beginning with the stories told by the migrants at various points along their journeys, the ways in which these legal, material and policy-oriented techniques which aim to control mobility are transformed from abstract concepts to cultural terms rooted in everyday life (cf. Khosravi 2018). Through this, I try to make sense somehow of the messiness and capriciousness of EU bordering practices, though the overwhelming commonality of these trajectories is one precisely defined by arbitrariness.

Arbitrariness in practice: The visa regime

Fatima, a Senegalese woman residing in Rabat, had lived in Lyon as a student and had a daughter with a fellow Senegalese national, somebody I understood was residing in France irregularly or '*sans papier*'. Fatima was probably only around the same age as me, in her mid-thirties, but when I met her on a Saturday morning in a café in Rabat, she looked weary and distressed. She clutched her phone in her hand, together with a well-worn file filled with documents.

She told me what happened two and a half years ago, when she briefly left France to return to Dakar for her mother's funeral. By that time, she had separated from her daughter's father and her degree programme had finished, however her local administration had granted her permission to temporarily go back to Senegal for the funeral. Fatima told me about how she was not allowed to board to the plane to return home to Lyon. The airline had told her that she did not have the correct documents.

Distraught, Fatima had since moved to Morocco and was now trying to apply for a Schengen visa in the consulate in Rabat, through the family reunification channel, though she had very little money and it was not clear what her relationship with her daughter's father was. Though she spoke French very well, Fatima also had trouble understanding the very long legal document she had received which detailed her situation. What was making Fatima feel even more desperate was the eye disease her daughter had developed since she had left; an inflammatory condition which had deteriorated steadily over eighteen months. Fatima opened the file she had been carrying to show me the print-outs of her daughter's optometrist's reports and pointed to the figures indicating the pressure in her daughter's eyes, which had increased from 19 to 45.

When people talk about the EU border, visas are not the first thing that come to mind. However, it is important to remember that most refugee producing countries, effectively all of Africa and Asia, their citizens will be required to be in possession of a visa to enter the Schengen area (Ansems de Vries and Guild 2018; Scheel 2017). For citizens of Afghanistan, Pakistan, Sri Lanka, Iran, Iraq, Bangladesh, Somalia, DRC, Eritrea, Ethiopia, Ghana and Nigeria, an airport transit visa is required even to pass through the international transit area of a Schengen airport (Hobolth 2012). Carrier sanctions also apply to airlines which carry passengers without the relevant visas and documentation, in what possibly the most striking example of the privatisation and externalisation of border controls (Guiraudon 2000; 2010).

Within this visa regime, arbitrariness manifests itself at every juncture. This decision to grant a visa or not is based, not on an assessment of the unique circumstances of the individual, but instead on profiles of categories of persons most likely to overstay or pose a 'security risk', which takes into account gender, age, profession, marital status and earnings. Through the 'risk management' approach of the Schengen Community Code on Visas (CCV) which states that the

aim of the visa application procedure is to assess 'whether the applicant presents a risk of illegal immigration or a risk to the security of the Member States' (EP and Council of the European Union 2009, 12).

In practice, close-up ethnographic research carried out at consulates of Schengen member states in Third Countries, these decisions are also informed by a very local, practical knowledge of consular staff, who are given a great deal of discretion in interpreting visa rules (Scheel 2017), in addition to the 'institutionalised distrust' which has been shown to be a central feature of the visa system (Alpes and Spire 2014; Guild and Bigo 2003; Infantino and Rea 2012). With the increasing use of private companies such as VFS global to implement visa policy on government's behalf in third countries, Infantino (2017, 43) also points to a further lack of transparency and lack of accountability for the visa applicant; when visas are rejected, frontline workers can simply parrot the phrase '*It's not us, it's the consulate*', and instruct people to '*call or email the consulate*' in order to make them go away.

Furthermore, study into these everyday practices does not take into account the many, many more people who do not even bother applying for a visa in the first place, because they are so certain they'll be refused, or do not have to time or money to pursue and application (Bigo 2014b; Scheel 2017). Even if one does have a visa and all the necessary documentation, an extra layer of arbitrariness then presents itself in terms of the carrier sanctions and the rendering of airlines as 'experts' in visa policy (Scholten 2015). Not only do carrier sanctions vary wildly between airlines, indicating a somewhat haphazard approach to compliance with this particular border policy (Baird 2017), Baird (2017) also points to the fact that there is no requirement for airlines to publicise fines they have received, so accountability and transparency becomes limited even further.

Keeping 'under the radar' as a way of life

I was only able to meet Sareena, a mother from Aleppo, because a friend and 'gatekeeper to the Syrian community in Morocco had vouched for me. Sareena's family's trip to Morocco had been lengthy and harrowing, involving an irregular crossing over the Algeria-Morocco border and several weeks living in the Oujda forest (one of very few Syrian people living there). Sareena explained that she had been hesitant to meet me however because of the shame of her situation and her reluctance to be outside for too long.

'We never went there (to the Fondation Orient Occident, and NGO operating in Rabat) as they would make us go to the UNHCR and they would make us go through the procedure (referring to regularisation in Morocco). We just want to keep on moving until we get to Europe and we don't want anybody to bother us'. Sareena referred several times to the Algerian stamp in her passport and her family's passports, as they were obliged to apply for a visa to fly to Algeria from Egypt. For Sareena, having this Algerian stamp was somehow incriminating. She was worried that if the UNHCR in Morocco saw that she had been in Algeria, this could jeopardise her chances of settling in Europe as this information could be held against her.

> Once we get to where we are going we can lose our passports, but we still need them for the time being in Morocco, just in case.

I asked her about any contact she'd had with Caritas, or even Médecins Sans Frontières, up in the north of the country, where many of my sub-Saharan interlocutors had spoken about positively. But Sareena was distrustful of anything 'official' in Morocco and mentioned the dubious practices of UNHCR in Beirut, which she had heard about from Syrian friends and relatives

living there. One of her friend's daughters, she claimed, was even sexually assaulted by somebody working in a UNHCR camp.

Ansems de Vries (2016) speaks about the politics of (in)visibility in which illegalised migrants are embedded and hiding as a mode of being, be it hiding from authorities to avoid detection or hiding their true story for fear of not being believed. Similarly, Khosravi (2010) found that secrecy was vital for the very survival of illegalised migrants. In my research, this hiding as a way of being manifested itself in many ways amongst the Arab migrants; evading anybody who may be deemed 'official' (hiding in this way was not possible for sub-Saharan migrants, many of them claimed, due to processes of racialisation rendering them hyper visible). This hiding it seemed, would not end until they reached their final destination; Germany, France, the UK.

For many of my Syrian interlocutors, it was not only the UNHCR who were to be avoided, but any types of 'official' and non-Syrian diaspora organisation. This finding echoes ethnographic work carried out within the Schengen territory, particularly at 'hotspots' or unofficial junctures such as the French-Italian border at Venitmiglia, whereby migrants would fear hosting centres as a 'humanitarian trap' which would force them to be identified (Garelli and Tazzioli 2018).

Many techniques aimed at governing mobility are now justified not only along security lines but also along humanitarian lines and the boundary between 'humane' and 'coercive' approaches has become more blurred with security and humanitarian practices somewhat entangled. Already since 2005, William Walters (2010) documented the development of a 'humanitarian border' on the Italian island of Lampedusa, where migrant boats were met by what he called an 'uneasy alliance' of the police, border guards, coast guards, the Red Cross, Institute of Migration (IOM) and UNHCR, combining care and containment in ways which reinforce the border regime.

As documented by Hayes and Vermeulen (2012) inter alia, the conflation of 'subjects at risk' with 'risky subjects' (Aradau 2008) became most notable with the introduction of the European external Border Surveillance System (EUROSUR), which was justified, albeit at a very late stage of its development, in terms of 'sav[ing] the lives of migrants travelling in overcrowded and unseaworthy vessels, to avoid further tragedies in the Mediterranean…' (Cecilia Malmstrom cited in Andersson 2017, 78). This move from 'stealth adversary' or a 'stealth enemy', hiding in plain sight, which has been documented by Bigo (2014b) is now transformed into a stealth traveller in danger through this humanitarian logic.

From my ethnographic work, this humanitarian-security entanglement led to a palpable sense of unease amongst some individuals travelling within Morocco, of organisations which 'register' them, or collect data to some extent, compared to 'community' organisations, particularly more informal networks based on the Syrian expatriate community in Morocco (which also offered assistance to other travellers from the Arabian peninsula). Some Syrian men in particular spoke about the Mukhabarat in Morocco actively looking for them, hence their need to remain invisible. Going to the UNHCR was deemed as a last resort for many; with many fearing that the agency would oblige them to go through a regularisation process. There was also a fear that giving information to these organisations in Morocco would affect onward journeys, resulting in a 'hidden' existence and an acute sense of having to keep under the radar. Even though registering as a refugee would provide some kind of additional funding and legal protection, for many of the people who had planned to travel on to Europe, this was not worth rendering themselves 'visible'.

Longer and more convoluted routes: Circulation as control

The people I met in a camp near Fez were all from sub-Saharan countries; Guinea Conakry, Senegal, Ghana, and Nigeria. They were mostly men, though some women lived in a nearby apartment, paid for by a local NGO. The men lived in tiny makeshift shelters, tarpaulin and

corrugated iron precariously held together with ropes, providing little shelter from the unseasonably wet weather the Moroccan city was having.

The Africans living in the camp had a highly organised system of begging in order to raise money for food and onward travel, with most people allocated to specific streets and traffic junctions in attempts to raise enough cash to head northwards again and make another attempt at scaling the fence or attempting a sea crossing to Spain. Surprisingly, many described the Moroccans as generous with donating money, especially around Ramadan and Eid holidays, though it seemed to be not uncommon to go a whole day without earning anything and being on the end of racist name calling (they were commonly referred to simply as '*azzi*' or '*negro*' by Moroccans). In addition to the begging, many of the Africans, especially the men, also undertook some sort of cash in hand work, mostly based around manual labour in Moroccan businesses.

Many of the Africans in the camp had already attempted, on several occasions to either scale the wall of Mellila or Ceuta or board lorries from the Moroccan port town of Tangiers heading for the Spanish port of Algeciras, with some attempting to cross around six or seven times. A half dozen or so of their fellow migrants from the camp had already been successful in their journeys and had kept in contact with the Africans in Fez through WhatsApp groups or on Facebook. Mamu, one of the younger inhabitants of the camp from Guinea, for example, had just heard from a friend from Guinea who had managed to board a vessel to Tarifa and was now living in a holiday resort in Southern Spain before hoping to travel northwards to France. The director of the NGO informed me that it was however becoming increasingly harder to scale the walls, as both the Moroccan police and Spanish Guardia Civil were imposing more and more violent measures to deter crossing.

One interlocutor, Mohamed Bou, described the last ten months, which were symptomatic of the experiences of many of the others. He had arrived in Morocco from Guinea Conakry after an arduous journey through the Sahara, where he was obliged to pay various traffickers and other thugs along the route. This convoluted course, through Mali, Niger, and Algeria, was now the only feasible route to Morocco and thus Spain, since the Atlantic route to the Canary Islands from Western Sahara became too highly surveilled (see Andersson 2016). After making his way to Fez, Mohamed travelled with fellow Guinean migrants to the northern city of Oujda where they camped for a few nights in the forest. During the night however, Moroccan police set dogs upon them, ceased all of their belongings, even their blankets they had wrapped themselves in, and forced them to board a bus which brought them back to Fez.

For some of these migrants, it was their sixth or seventh time back at this camp. One person had been stranded in Morocco since 2006, when he was deported from the Canary Island of Lanzarote after a failed asylum application. Since that time, he had travelled up to the land border at the Spanish enclaves of Ceuta and Mellila more times than he could remember. On every occasion, he was beaten, his belongings taken, and he was forced onto a bus taking him back down to Fez, Rabat. Or even much further south to the cities of Marrakech or Agadir.

Tazzioli (2017) labels 'containment through circulation' the strategies which are employed by professionals of security to disperse and displace migrants, and to generally keep them on the move, which she traces back to colonial techniques of managing 'unruly' mobility. It is not only in 'third countries' whereby these techniques are deployed, but is perhaps the most common method for governing what is seen as undesirable mobility within Schengen territory. For example French authorities in colonised Algeria, as well as in urban planning in the 1960s, used dispersal strategies to prevent the formation of collective groups (Tazzioli 2020). Nowadays, similar strategies are used in Calais where migrants, in addition to being violently blocked from crossing the channel, are also forcibly transported down to the South of the country (Ansems de Vries and Guild 2019). This heterogeneity of mobilities represents a counter-narrative of

uni-directional migration; a migrant leaving 'home' and traveling to a 'host country' (de Genova 2005, 56) and has instead been referred to as 'fractured' (Ansems de Vries and Guild 2018) or 'hyper' mobility (Tazzioli 2020). This type of dispersal practices leaves migrants both depleted and exhausted (Ansems de Vries and Guild 2018), but can also harden resolves to keep going, as giving up would render worthless all the suffering endured so far (Mc Cluskey 2020).

In my research in Morocco, these convoluted routes and strategies of dispersal were not deployed evenly on all the illegalised populations. The sub-Saharan African individuals I met were frustrated that they were subject to these violent and exhausting practices of dispersal, whereas the Syrians and other Levantine Arabs were allowed to pass freely to the north of the country without being blocked and forced southwards. Subjectivities were thus much more racialised there than within Europe, where nationality is seen as the key modality through which categories of migrant come into being (Tazzioli 2020), a discourse also echoed by NGOs operating within Morocco (Mc Cluskey, forthcoming).

Being pushed underground: 'Stolen time' and stolen futures

Amir arrived in Malmo over the *Orensunds* Bridge, connecting the city to Copenhagen in Denmark. He was from the city of Hama, near the north of the country, which had been almost destroyed. His two grown up sons had already fled from Syria at the end of 2013 when the family had been separated during the fighting, whereby Amir suffered from a stroke and was cared for by his sister in a village outside the city. His two sons left immediately for Sweden, to avoid being conscripted into the army. The family were already had some distant relatives living outside Malmo; a cousin who owned businesses in Malmo and Lund, and an uncle, who lived with his Swedish wife in Helsingborg.

Both of Amir's sons had already been in Sweden for around six months and at that point had been granted right to remain when Amir and his sister decided to join them. They travelled into Europe via Turkey, though were stopped and detained in Bulgaria by police. There, they were forced to give fingerprints, though fellow Syrians they had travelled with reassured them that these would not be digitalised (see also Bigo, this handbook). Amir told the police of his plans to meet with his children in Sweden and the pair were allowed to continue on their journey.

On the day of Amir's interview, he was asked about his trip to Sweden, and kept the line he had agreed with his sons, that they had arrived directly from a flight from Beirut, and had subsequently lost his documents. Later, however, Amir was informed that he was in the 'Dublin procedure' and arrangements were being made with the Bulgarian authorities to deal with his case in Bulgaria. Additionally, the migration board denied hearing Amir's case on humanitarian grounds as her sons had tried to argue, on account of his ill health, as Amir was able to live in Hama by himself for several months and travel to Sweden. With so many members of his family already in southern Sweden, and a relatively relaxed approach to the enforcement of the Dublin regulation for Syrians in Sweden at that time, Amir had no intention of leaving the country to go to Bulgaria.

The European Migration Network reported that, in 2014, 1,259 Syrians were deported from Sweden under the Dublin III procedure, though transfers to Greece had been suspended by the high court for some years (European Migration Network 2014). The lack of law enforcement agencies to carry out these deportations however meant that many migrants who had had their application for asylum rejected (note, not refused), simply disappeared from the radar of the authorities.

According to the Migrationsverket official I spoke to, the majority of migrants who are obliged to 'go underground' are precisely those whose asylum application is rejected under the

Dublin III convention. If migrants are able to keep away from the authorities for 18 months, they are then able to reapply. In the case of Syrian people, there is therefore a very strong incentive to stay under the radar.

The weaknesses, problems and structural violence inherent in the Dublin regulation are well documented (see for example Battjes and Brouwer; Schuster 2011; Mouzourakis 2014; Kasparek and Speer 2015). Coming into being as a result of the 1985 Schengen agreement, the agreement can be seen as another flanking measure to offset the removal of internal borders and the desire by member states to prevent so-called 'asylum shopping' (Battjes and Brouwer et al. 2015). As outlined in the first part of this chapter, the effect of Dublin, and the EURODAC database of fingerprints which is used to enforce Dublin, has been to prohibit any choice exercised by migrants over where to place an asylum application. It thus effectively re-illegalises those persons who undertake unauthorised onward mobility, allowing for pential deportations to the first 'safe country' they entered (Fontanari 2017; Kasparek and Speer 2015; Picozza 2017).

In her ground-breaking study of the 'Dubliners', those persons who are forced to exist in this liminal 'Dublin space', Picozza (2017), speaks about Dublin, not only as a spatial mechanism of control, but as a '*temporal* regulation of precariousness' (emphasis added). The trajectories of these so called Dubliners are highly fragmented, punctured by discontinuities, waiting and hiding (see also Andrijasevic 2010). Some of Picozza's interlocutors had been existing in this in-between space for several years; in constant circulation, many of whom deported from northern European countries back to Italy, sometimes back to their home country before trying again. This precariousness affected possibilities not only to build a career, but also meaningful friendships and relationships; to 'really' live life (Picozza 2017, 251). Khosravi (2018) so eloquently captures this existence in terms of 'stolen time'; people who are deported talk about going back in time, being 'back to square one'. Bigo (2007, 31) similarly speaks of a population held not only at a distance, but also in 'dis-time'; their experience always defined by the denying of possible futures. It is for this reason that Picozza (2017) includes in her analysis of Dubliners people who have not been removed geographically from a territory, but whose lives have been interrupted in some way by the regulation. Like Amir, in the vignette above, who was obliged to disappear for a few months for his fingerprints to be removed from the EURODAC system, when he would then be able to emerge and try again.

Conclusion

This chapter has attempted to bring to light the way in which EU bordering practices are experienced by illegalised migrants at various stages of their journeys, by drawing on fieldwork carried out in Sweden and Morocco. Simultaneously, it has tried to objectivise and historicise the sets of relations in which these migrants are embedded, which render their journeys so precarious and capricious. Through trying to capture some of the lived experiences of my interlocutors on these journeys, however superficially, some insight into the social and historical constitution of their stories can be garnered (cf. Desjarlais 1994).

Though I have analysed separately different facets of these bordering practices through each vignette, the practices which shape their stories and trajectories are intrinsically related through fleeting constellations, though not directly 'connected' (cf. Feldman 2011). The visa regime and carrier sanctions oblige people to take longer and more dangerous routes. Various strategies of displacement, dispersal and circulation, both official and unofficial, then keep people in a near constant orbit, never really able to build a life or a future. Furthermore, increasingly mixed up in this doxa of border control are humanitarian logics, practices and actors, which also take governance of 'undisciplined' migrant mobility as their point of departure.

The stories and vignettes in this chapter have brought to light the role of arbitrariness in controlling mobility; both in relation to space and time. Beginning with the lived experiences of migrants, we can say that illegalised migrants are precisely governed *through* this arbitrariness; it produces them as subjects, pushes them 'under the radar' and steals their time. Furthermore, this arbitrariness comes to attach itself to a myriad of other everyday practices and encounters; solidarities formed, friendships made, and violence suffered.

Beginning therefore with the viewing the 'international', not from a governance or 'levels of analysis' point of view, but instead as a 'script of transversal lines', the analytical purchase of a PARISS approach is precisely to objectivise the dynamics of struggles, disjunctures and relations which take place across a multiplicity of different scales and shape migrants' trajectories and subjectivities in these highly contingent ways.

Note

1. Though it must be said that, as an EUMS and Schengen member, Sweden contributes to FRONTEX budgets and operations on the external border.

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Part IV

Critical approaches to European Union's external relations and foreign affairs

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Introduction

The 'critical' in EU's foreign policy and external relations

Evangelos Fanoulis

The notion of the 'critical'

Political philosophers often talk about abstract notions such as the 'political' or the 'international', trying to qualify and define them. For example, Jean-Luc Nancy (2012) distinguishes politics from the political. In his philosophical account, politics refers to the tangible relations between the members of a community, whereas the political is an innate, transcendental quality of the human being, who, as Aristotle noted, is *zoon politikon* (political being). Following the same post-structuralist French tradition, Rancière (2010, 28) reminisces the Arendtian distinction between the political and the social, where the former is about the participation of human beings in the political order, the latter corresponds to the private sphere and social relationships of the human being.

But what about the 'critical'? The critical is indeed an essentially contested concept (Gallie 1955), allowing for different interpretations. Its ontological variety to a certain extent corresponds to the different actors that try to capture the essence of the critical such as practitioners, civil society representatives, intellectuals as well as citizens when engaging in their own terms with critical reflection about sociopolitical phenomena. The spatio-temporal context in which actors endeavour to make sense out of the critical also seems to affect their understanding of it. It would be surprising to get similar definitions of the critical by Plato and Horkheimer. Simply put, the critical can mean different things to different people and under different circumstances. As this brief introductory comment shows, polysemy becomes a substantial ontological part of the notion of the critical.

Turning to semiotics, the *etymon* of the critical can be traced back in ancient Greek. The word comes from the verb *krino* which means discern and distinguish, choose or elect, estimate or calculate, and even question or blame. All of the above definitions signal some sort of evaluation of a situation or person, a cognitive exercise that closely relates to the ontology of the critical. In contemporary English, our understanding of the critic is of someone who makes an informed judgement or evaluation of a condition or event, aiming at unravelling any falsehoods or shortcomings. A very first way of approaching the notion of the critical in politics is thus by means of criticism. The critical flows from the enactment of a critique of the existing *status quo* in politics, a critique of political actions or lack thereof, of the perpetrators of these actions, even of the systemic conditions that have made possible the actions that are criticized.

Suffice it to say that a reading of the notion of the critical as a critique of sociopolitical reality does not automatically infer a motion for change. This would be an enriched understanding of the critical as a normative urge for improvement. In this case, the critical goes beyond criticism, capitalising on the political imaginary for finding solutions to political problems and questions. Take the example of critical readings of security, which will delve deeply into the causes of violence and conflict in global politics, yet they will not always make the leap of faith and explore what should be done to guarantee an international system with less conflicts (see for example Campbell 1998). A normative configuration of the critical will not only criticise practices, actors and events in politics but will also try to rectify the status quo. This has resulted in the gradual emergence of the field of Ethical Security Studies (Burke, Lee-Koo, and McDonald 2014).

The critical as empirically driven criticism or underlying normative demand for change appears to be comprehensible when we encounter it in these relatively easily detectible forms in the sociopolitical realm. Other readings of the critical, nonetheless, are more implicit and covert. One of these is provided by what we call the critical theory of Frankfurt School. In their neo-Marxist readings, philosophers such as Marcuse, Horkheimer and Adorno envisage criticism as a step towards emancipation from oppression in sociopolitical relations. The objective of the critical is to make societies aware of their own suppressed status, and *ergo* contribute to efforts for emancipation (Devetak 2005). What is more, critical theorists see critique as a continuous, liberating exercise of power on behalf of the individual. Critical reflection is not an act to commence and reach a deterministic *telos* but is instead an 'immanent' function of resistance that human beings proceed to in their sociopolitical *bios* (Devetak 2005, 138).

The Frankfurt School's elaborations relate to a trait of the critical that post-structuralist political philosophy has paid particular attention to, the revelation of truth. An honourable mention here is Michel Foucault's work. Whether it is about finding the conditions that force individuals to think in certain ways (archaeology, Foucault 2001) or about certain versions of reality being able to hegemonise discourses – what Foucault calls in his work 'regimes of truth' – the critical entails a revelation or, better said, as closely as we can go to the truth of things, a truth for which we have often to dig under multiple layers of power relations and within unnoticed yet crucial details (genealogy, Foucault 1995). The critical as a revelation of truth, by means of undisguising suppressed alternatives, is not only liberating but also empowering, an important detail that we encounter in Foucault's analysis of parrhēsia, which stands for veridiction in ancient Greek (Foucault 2011).

Unravelling the truth of things, however, paves the way for more radical understandings of empirical reality. There is often need to dismantle actors, events and contexts in politics in order to better comprehend motives, intentions and perceptions. Pursuing truth in such a way coincides with what Jacques Derrida coined as deconstruction. Deconstruction invites us to see yet one more face of the critical, asking us to problematise sedimented modes of the real by re-reading the porous frontiers between meaning and context (Derrida 1988). Deconstruction dares us to see unclarified potential in open-ended concepts and ideas of sociology and politics, such as democracy, freedom, equality. It disturbs and destructs well-established rationalities. Even though Derrida has refused that deconstruction is simply a mode of criticism, highlighting that '….deconstruction is neither an analysis nor a critique … in a general or in Kantian sense….', he does accept the action of *krinein* as a substantial topic to be deconstructed (Derrida 1985). Along this line of abstract reasoning, the deconstruction of *krinein* itself annotates a final meaningful insight in the notion of the critical.

The 'critical' in EU's foreign policy and external relations

The critical in this section of the *Handbook* goes far and beyond constructivist readings that look at how Brusselisation and agents' socialisation affect the making of EU foreign policy (Checkel 2007); or how national and supranational ideas, values and norms reflect on EU's relations with the rest of the world (Tonra and Christiansen 2004). Ideally, a critical analysis of EU foreign policy digs deeply in actors, relations, structures, mechanisms, ideas, norms, values, practices and discourses, problematising – and I am using the term à la Foucault here – rationalities, objectives and power-related outcomes.

Along these lines, a critical scholar may look at national and supranational actors beyond their competences and responsibilities as set by the EU Treaties. She will delve into the intergovernmental or supranational nature of policies, often with an emphasis on how political rationalities mirror power relations at national and supranational levels. For instance, the intergovernmental Political and Security Committee (PSC) or the EU Military Committee (EUMC) play major roles in Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP), having a substantial power status in the EU inter-institutional order that has not been explicitly foretold by the *acquis communautaire* (Fanoulis 2017). Their leverage does not seem to draw upon some sort of neo-functionalist spill-over but upon expertise, which translates into links with policy effectiveness and efficiency, which in their turn legitimise the assumed power of these committees (Eriksen 2011). Another example comes from international trade agreements, where the EU has absolute competence (Article 3.2 of TFEU). The discourse of the EU Commission's Directorate-General (DG) Trade should be analysed to unravel whether political conditionality in a trade agreement sustains a logic of autonomy or of dependency of the EU's trade partner (see also the chapter by Mark Langan and Sophia Price in this section).

The critical scholar is not agnostic to how the national level (member-states' governments and parliaments, executive authorities such as ministries and agencies, civil society organisations) interacts with the supranational. She does not consider this interaction as the final research finding but opts for a micro-analysis of it, probing agents' subject positions and worldviews that affect the interaction. Think for instance the EU development policy, where member-states with a colonial past such as the UK or France show strong preferences towards certain recipient countries (Martin 1982). It is no accident that the EU often channels official development assistance to countries that were previously Europe's colonies, materialising a discourse of colonial guilt and remorse (Karagiannis 2004).

EU foreign policy is a compound political field. Development, trade, security and defence as referenced above, are only a small sample of the external dimensions of EUropean governance. Humanitarian assistance, EU enlargement and neighbourhood policies, EU's relations with great powers, EU's participation in and relations with international and regional organisations, the EU's approach to questions of global governance such as climate change, external dimensions of internal policies such as terrorism and migration, they can all be considered to be part of the signifier 'EU foreign policy'. The emergence of critical policy studies as a distinct domain of academic pursuit, also with the inauguration of the *Journal of Critical Policy Studies*, encourages alternative readings of those policy areas.

The critical thinker asks challenging questions about decision- and policy-making. She looks carefully at actors, their power, their discourses, practices and perceptions. She dissects official policy jargon such as 'efficiency', 'effectiveness', 'deliverables', 'milestones', 'partnership', and 'value-added' in her effort to unravel political intentionalities embedded in linguistic norms and clichés. She challenges the raison d'être and utility of bureaucratic and technocratic units

within the EU's comitology system, fleshing out how sedimented hierarchical relations within policy-making may jeopardise policy outcomes. This is because the involvement of numerous committees may slow down decision-making in areas such as EU crisis management and emergency response. That the EU Commission is a slow actor, a tradition seemingly bequeathed to the European External Action Service (EEAS) and its overly complicated administrative structure (see also the contribution by Thomas Henökl), is not good enough an explanation for a critical analyst. Almost as meticulous as an ethnographer, she will seek for details within the bureaucratic unit under examination, about its administrative structure, its mandate, its policy deliverables, its subject position within the EU power nexus and its linkages and communications to the national bureaucracies of the member-states.

To give an example, a critical evaluation of the EU's humanitarian aid after Haiti's earthquake in 2010 will not simply look at numbers of projects and amounts of disbursements (EU Commission, DG ECHO undated). It will instead cautiously investigate the process for granting humanitarian aid from the moment that the Haitian government engaged with the European Civil Protection Mechanism (ECPM), hence requesting the EU's assistance, until the moment aid reached Haitian soil and even further, assessing the use of the aid. It will look at the discourse of emergency employed by ECPM and the Emergency Response Coordination Centre (ERCC) and whether their efforts for a meaning-making of urgency were successful when asking for member-states' contributions. It will look at the political rationality of the member-states willing to help. It will interrogate to what extent the EU's emergency response was adequate, matching Haiti's requests; and, most importantly, if the EU's aid has not been sufficient, it will ask why so.

This implies a micro-analysis of the different discourses, narratives and practices within the EU's foreign policy and external relations (see also Gariup 2009). However, the theorisation of these three conceptions has followed a somewhat antagonistic path. Discourse analysts often follow Laclau and Mouffe's research programme, which defines discourse as an encompassing, yet open-ended and ruptured sociopolitical totality: '*by discourse we do not mean a combination of speech and writing, but rather that speech and writing are themselves but internal components of discursive totalities*' (Laclau and Mouffe 1987, 82; original emphasis). Following such a definition, EU foreign policy can be considered in its entirety as a meaningful discourse, with narratives and practices of the various national, supranational and international actors being its intra-discursive moments.

Followers of the practice turn in international relations will not agree with such an insight since they consider practices to be ontologically independent. As Bueger and Gadinger (2015, 1–2) note 'Practice theory implies emphasizing process, developing an account of knowledge as action, appreciating the collectivity of knowledge, recognizing the materiality of practice, embracing the multiplicity of orders, and working with a performative understanding of the world'. A corresponding reading would envisage EU foreign policy as a set of processes and series of actions in their own ontological merit.

The proponents of narrative analysis share the concerns of practice theorists concerning an all-encompassing discourse. Political narratives are story-like accounts presented by agents – the narrators – towards certain audiences and within sociopolitical contexts. Following Czarniawska, Bouza García (2017, 287) writes that narrative analysis emphasises the ontological value of the stories themselves, focussing on facts and events, while allowing us as recipients of these stories to make sense of which are valid and which not. A salient example of narrative analysis is Tonra's (2011) research on how EU foreign policy stands ambivalently between competing national narratives of member-states and the official narrative of the EU institutions, which presents EU as an exceptional actor in global politics.

Suffice it to say, contributors to this section have not been asked to make a specific methodological choice between discourse, practice or narrative analysis or any other methodological approach. As the notion of the critical gets enriched by its ontological polysemy, so it does due to a permissible methodological variety. And even though this sub-section slightly reads as a to-do list for the critical analyst of EU foreign policy and EU's external relations, it has been anything but an instructions' manual for the scholarly explorations that follow.

Chapter breakdown

Thus, the contributors to this section of the Handbook not only hold variegated understandings of what is critical European studies but also depart from different epistemological and methodological starting points. Some contributions indeed criticise the current reality of EU foreign policy. For example, Elaine Fahey reviews the contradictions of EU migration law, arguing that the subjects and objects of it have been blurred through processes of de-legalisation, hyper-legalisation and dehumanisation. Markus Thiel adopts an equally critical stance towards the future of transatlantic relations by looking at how US exceptionalism nowadays interacts with the EUropean one. Other scholars develop their critical readings primarily in epistemological terms. Drawing upon the neo-marxist work of Nicos Poulantzas, Michael Merlingen develops a thought-provoking perspective of EU foreign policy as part of the EU's internationalised State project. With reference to CSDP, Vjosa Musliu follows a Derridean path to deconstruct EULEX Kosovo's neutral status. Dan Bulley and David Phinnemore continue with a genealogical analysis of the enlargement process with particular reference to Turkey's accession, arguing that the EU imposes a form of Foucauldian pastoral power over the candidate countries. Some contributors have unveiled the critical in EU foreign policy from a post-colonial perspective. Mark Langan and Sophia Price utilise a historical approach to unravel the perpetuation of dependence of African countries from EU development aid. On a similar note, Toni Haastrup is seeking for the agency of Africa(ns) by deconstructing dominant knowledge of and practices in Africa–EU relations, this time from a decolonial aspect. Last but not least, certain authors perceive the notion of the critical in EU foreign policy by means of alternative theoretical lenses that go beyond the borders of political philosophy and theory. In this case, Thomas Henökl examines the behaviour of the administrators of EEAS by using a sociological and public administration toolkit. And Cristian Nitoiu engages with psychoanalytical concepts such as trauma and redemption, showing how they have affected the current status of EU–Russia relations.

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Unravelling the subjects and objects of EU external migration law

Elaine Fahey

Introduction

This chapter has as its objective the re-reading of EU migration law, by employing insights from EU critical studies. There is an emerging literature on critical EU studies, which has sought to target the place of practice and methodology to overturn key assumptions as to EU integration (e.g. Adler–Nissen 2016). It is a very difficult genre of analytical and normative theorisation to apply to the study of the EU at a moment of significant disintegration and the rise of Euroscepticism spreading so broadly. Still, it is both a practical and empirical turn of emerging analysis. Such a genre, for example, seeks to bring scholars of EU studies closer to the social phenomenon that they want to study and argues for the use of approaches which get scholars closer to the people who construct, perform, and resist the EU on a daily basis (Adler–Nissen 2016, 1). In doing so, it looks to disorder and re-order EU studies and engage more conceptually and practically with its many subjects and objects and thus increasingly reflect critically upon the subjects and objects of the EU law-making and integration processes and challenge the orthodoxy of integration narratives. This is of much significance for legal scholars at this time, analysing EU law and its many sub-fields, which range from trade, to security, to migration, to international relations law. EU international relations law is one of EU law's most all-encompassing and successful subject areas yet lacking a distinctive critical studies genre (Bardutzky and Fahey 2017) and, as explored here, it is studied highly 'court-centrically'. It traverses awkwardly aspects of the EU's Area of Freedom, Security, and Justice (AFSJ) and includes within its scope EU external migration law. It is thus a significant and useful larger 'canopy' under which to situate some of the most complex areas of contemporary EU law. EU AFSJ law is one of the EU's most controversial and expansive policy fields and currently the subject of a booming agenda, despite sitting closest to member states' sovereignty (Fahey 2018). EU external migration law has been labelled to be the most unjust and inhuman in the contemporary global legal order (Costello 2016; Mann 2016; Moreno-Lax 2017). EU external Migration law has been mired by recent waves of de-legalisation and hyper-legalisation (Fahey 2019), leaving the injustice gap to widen and allow a court-centric view to prevail, often with extreme consequences for individuals. This chapter turns a critical lens to this status quo and reflects upon analytical prisms.

Much EU political science literature has also become extraordinarily critical of EU migration law and policy in its manifold iterations in recent times. For example, leading political science scholars of EU foreign policy now characterise EU migration policy as a whole and abject failure, amounting to 'organised hypocrisy' and seek to critique EU external migration law and governance as 'failing forwards' in integration terms (Lavenex 2018). Such criticism joins with a wave of contemporary scholarship which is critical of EU integration as a trajectory, flowing from its handling of the migration crisis. International migration law has also evolved into a discipline which takes an extremely skeptical approach of the EU on its *bona fides* as a human rights actor in migration. The EU has evolved from being the subject of critique of its cosmopolitanism (Benhabib 2006), excluding foreign 'others' from its landmass to simply being an instrument of injustice production (Mann 2016). Whilst it is difficult to label such specialist literature as critical studies *per se* or to look at it as exceptional in its critique, given the provenance of the human rights scholars there, such literature is entirely focused upon examining the contradictory core of EU external migration law as a state of affairs. The latest EU scholarship on migration law seeks to target directly the constructivist dimensions thereof, critically examining assumptions embedded in the ambiguities at the heart of EU external migration law (e.g. Carrera, Santos Vara and Strik 2019). It thus warrants a closer look at the parameters of the analytical idea of critical studies of EU external migration law as a sub-set of EU international relations law.

The above form a curious nexus of analysis from a practical, conceptual, and methodological perspective. The chapter thus considers: How should we understand the intersection thereof from the juncture of critical studies? How should we map the subjects and objects of EU external migration law going forward? How can we critically map analytical methods for EU external migration law as a sub-species of EU international relations law? This overview argues for the value of critical EU international relations law as a broader umbrella for understanding EU external migration law. The discussion thus examines: 1) Critical methodology of the umbrella of EU international relations law (critical EU IR law); 2) the contradictions of AFSJ law (the evolving contradictions of the AFSJ space); 3) the contradictions of EU migration law (competence contradictions, conceptual contradictions, and institutional contradictions); and 4) the subjects and objects of EU external migration law. Accordingly, this chapter attempts a critical overview which maps out existing issues with EU migration law, with the starting point for a more thorough analysis by scholars of critical legal studies.

The canopy: On critical EU international relations law

This account begins with EU international relations law seen from the perspective of critical studies. One of the most significant features of contemporary EU law today is that it is not a subject that attracts much critical study. While the activism of the Court of Justice, the goals of European integration, the EU institutions and their policies and actions have been formally studied by most students of EU law, it is difficult to describe the sum total to be anything close to critical EU law studies (Cf Rasmussen 1986). Critical legal theory and critical EU studies as approaches appear to generally exist independently, without focusing upon EU law. Most standard textbooks on EU law written in the English language medium do not have – at the time of writing – a chapter on Critical EU law. Nor in specialist textbooks on EU international relations law does such a topic exist. For example, the era of Brexit poses a considerable challenge to EU international relations law. The Treaty of Lisbon, intended to begin a landmark phase in international relations after the introduction of legal personality, coherence, and unity in EU international relations, has seen significant democratic enhancements in order to bolster the credentials of international relations and develop the EU as a good global governance actor.

As the Introduction to this book notes, international relations is a compound political field and so these developments matter greatly. It is thus, in short, a significant evolution, which has taken place. The chapter, however, asks what would a critical view of EU IR law look like? In a post-Lisbon era of institutional balance, how can we depersonalise the role of the CJEU or minimise the court-centric view of this era? Alternatively, how can we view the inter-disciplinarity or institutional balance that should be at the heart of the subject, currently so distant?

The branches: The evolving contradictory space of the AFSJ

The AFSJ is arguably a highly significant focal point for study, broader than the specific area of migration. It is one of the vibrant areas of EU post-Lisbon law-making, bucking with the trends of the Better Regulation Agenda of the post-Lisbon. As a field of law, it has been remarkably active in the first post-Lisbon legislative cycle but also has been highly responsive ostensibly to political crises, for instance migration, and has legislated with increasing propensity in areas of the highest political sensitivity. Migration thus falls within a broader set of developments of rising activity, responsiveness, and action in the face of broad-ranging developments tending to suggest otherwise. AFSJ law has become embroiled in a series of critiques over time for the absence of justice therein or the imbalance of its core elements. However, its evolution as a regularised part of the structures of EU law-making arguably eclipses these traditional concerns or narratives. The relentless drive of its evolution despite its sensitivities is also of significance.

Justice and Home Affairs (JHA hereafter) resting heavily upon a neo-functionalist logic evolved with the coming into force of the Treaty of Amsterdam and the creation of the AFSJ which communitarised parts of the third pillar and incorporated the Schengen acquis into the EU's legal order (Haas 1964). The latest evolution of JHA has seen its development as a space of integration and protection, giving effective access to justice, improved safeguards against crime and terrorism and a right to circulate freely within the Schengen area, enforced by a range of agencies and policies generally. However, the AFSJ as set out in Article 3(2) TEU as an 'area' perhaps is one of the most complex policy fields of EU law and governance (Ripoll-Servent and Trauner 2017). It criss-crosses increasingly and invasively national, regional, international law. It has been criticised as a subject to be lacking any institutional unity, possessing, and contributing to the EU's perceived democratic deficit and lacking any meaningful transparency (Colson 2012). Despite the sensitivity of its content, it has continued to evolve rapidly through a diversity of legal instruments, significant Council programmes which often set the conceptual and thematic agenda (e.g. the Tampere and Stockholm Programmes) and EU draft legislation. Its span of freedom and justice has earned it critique. The AFSJ has been increasingly 'regularised' from a legal, institutional and constitutional point of view, most recently in the Treaty of Lisbon during the period of the Stockholm Programme, for example, as to the powers of the Court, Parliament, and Commission. Indeed, the AFSJ has become increasingly subject to a vast array of ordinary principles of EU institutional and constitutional law, including fundamental rights. The policy balance accorded by law-makers between the 'A', 'F', 'S' and 'J' of the AFSJ, however, is notoriously a controversial debate (Douglas-Scott 2013). Instead, increasingly, legal and non-legal scholars consider the AFSJ as a major site of injustice and inhumanity, sites of hyper-legalisation but also delegalisation in key law and policy texts (Mann 2016). This critique displays in many respects the contradictions of the AFSJ at its core. These contradictions are borne out in several ways.

Its creation of an ostensibly borderless space for freedom, security, and justice is contradictory because it has been partially institutionalised through shared competences, minimum standards legislation, and the institutionalisation of mutual recognition without any objective or finality.

Controversial legal outcomes such as the EU-Turkey Statement, discussed below, arguably constitute the antithesis of regularisation. Instead, the EU institutions have sought to evade and circumvent the rule of law parameters of the treaties (see for instance the EU-Turkey Statement or use of soft law instruments). As Thym (2016) outlines, the construction of personhood, citizen, and fundamental rights is especially contradictory in EU migration, which lacks any uniform category of rights bearer. This absence of uniformity of subject and object in more concrete terms (and rather nebulous) constructions of 'others' through 'third country' nomenclatures has exacerbated the situation further. Accordingly, flux surrounds the idea of personhood here and exacerbates further the contradictory core of the AFSJ. As a result, there are competing visions, varying from the security driven to the exclusionary (Costello 2016, 17).

The off-shoots: EU external migration law; On contradictions

Competence contradictions: Constitutional and legal provisions

There are many contradictions at the core of EU external migration law from a competence perspective, which reflect in various ways the broader conceptual challenges of regulating migration. The EU governance of migration has distinct internal and external facets, which may be viewed as legally and constitutionally contradictory. There is legal competence for enhanced measures to combat illegal immigration but also to manage efficiently migration flows, but with fairness towards third country nationals (Thym 2016; Weiler 1992). The only external competence explicitly transferred to the EU under Title V TFEU is as to readmission, which contrasts with the silence of the Treaties on other areas of migration covered by Article 79 TFEU, depending instead upon implied external competences (Andrade 2013). Moreover, EU external competences to promote legal migration and integration are concurrent competences with regard to Member State powers, which poses considerable issues also for coherence in practice. The AFSJ is also supposed to remain accessible to those whose circumstances lead them justifiably to seek access to EU territory (Moreno-Lax 2017). Although there are difficult balancing acts embodied therein, the EU has sought to be a safe haven for those fleeing persecution. However, unrecognised refugees and asylum seekers have been assimilated into the generic category of Third Country Nationals, rendering their entry irregular or illegal unless they demonstrate compliance with general admission criteria. On the other hand, the EU border acquis contains general references to human rights and refugee law, giving the impression that special treatment must be accorded to those in search of international protection, in accordance with international and European standards. In particular, the transnational nature of migration and need for international responses highlight the need for an effective external dimension to EU migration policy, currently lacking. As a result, there is naturally an inherent contradiction, whereby, for example, pre-entry control is in patent disconformity with the fundamental rights acquis, structurally biased towards security and control (Fahey 2019).

These constitutional contradictions and tensions underline the challenges that the EU faces in evolving law-making and developing its imperfect competences. Yet they are related to and aggravated by law-making techniques, discussed next.

Conceptual contradictions: Between delegalisation and hyperlegalisation

During the period of time now understood as the EU's migration crisis, there was an increasing number of soft law tools in EU external migration, used to enable flexibility, deploying

management lexicon, principles, and tools as a means to avoid or minimalise the need for 'hard' binding law (e.g. codes, frameworks, compacts, action plans, communications, and press releases). While non-legal scholars have largely focused upon the deficiencies of the overall regime during and after this period, these developments have mirrored identically trends in EU economic law on legal parameters in an era of crisis (Fahey and Bardutzky 2017; Kilpatrick 2015). In the context of migration, often they have arisen from the contradictory constitutional parameters of the EU in migration, with multiple overlapping competence issues (Moreno-Lax 2017). Sometimes they reflected incomplete institutionalisation processes (Caporaso 2018). Whatever the rationalisation, the EU has recently introduced waves of legislation and law-making packages in migration, replete with multiple competences. This diversity of instruments involved is significant because of what has resulted therefrom. This use of EU external migration instruments can be seen to display tendencies of 'hyper-legalisation' of external migration (Fahey 2019), that is a surge in the incidence of the creation of law-like instruments, soft law, hard law, legal instruments with legal effects and the general production of rules and other norms in a field, with legal or law-related components. This 'hyper-legislation' has resulted in several highly significant decisions of the Grand Chamber or General Court in distinctive time-periods relating to the EU's migration crisis outlined below.

Contrariwise, there is increasingly a '*de-legalisation*' of migration policy, where EU courts increasingly put key legal and policy questions in forms *beyond* review and outside of the treaties, as in the financial crisis (Bardutzky and Fahey 2017). 'De-legalisation' is understood here as the practice of putting issues, laws, practices, and litigation beyond the scope of genuine and meaningful judicial review. It is at once both the related opposition and genus of hyperlegalisation. Three recent contemporary decisions of the Grand Chamber of the CJEU and General Court all in the area of EU external migration in 2016–2017 demonstrate the analytical challenges of de-legalisation in this new era: *X &X v. Belgium* (CJEU 2017), *NM v. European Council* (General Court 2017) and *Slovakia v. Council* (CJEU 2017) (Fahey 2019). The CJEU in a range of its highest profile cases has put the individual *beyond* redress though the denial of redress. They have held all such cases to be outside the scope of EU law for technical reasons, de facto and de jure. The litigants vary significantly, from Member States to individuals but the majority are individual applicants in the fields of visa, quota, and solidarity. All are cases in the field of external migration and, although tightly circumscribed time-wise, are thus highly significant for the consistency of the outcome reached. Such cases demonstrate a specific form of analytical framework, where key legal instruments are judged to have no legal effect or to not be justiciable. The decisions often demonstrate both de-legalisation and hyper-legislation to various degrees but it is the similarity of the outcomes or results which is the critical point of reflection at the highest judicial level in external migration and not the opposition thereof. These CJEU decisions have had other consequences. The EP remains excluded from some of the most significant legal acts in recent times and many soft law instruments continue to be used to circumvent legality and legal procedures (Andrade 2013; Fahey 2019). These developments are highly significant in an era where EU IR law has acquired much prominence.

The chapter next turns to examine the idea of EU unity in action and with specific reference to EU external migration law.

Unity contradictions: EU and MS actions from the Dublin Regulation to the Syrian crisis

One of the most complex features of EU external migration law is the extent to which it is 'external' and even of the 'EU' – that is to say that there are many complexities to its external

dimension and its dimensions of being the outcome of a complex constellation of powers, competences, and actions. For instance, considerable disquiet and political variance in domestic policies regarding external migration between the Member States (MS) has marred EU MS signature of the non-Binding UN Global Compact on Migration. The questionable external unity of the EU in the negotiations on the UN Global Compacts on Refugees and Migration in the wake of the New York Declaration for Refugees and Migrants is of note. The EU institutions have awkwardly competed with the Member States for speaking time in this domain of action internationally, where the Union is only entitled to speak with one voice in areas of exclusive competence which are few and not including the entire area of migration. Several Member States in these specific negotiations have sought to make high-profile interventions including non-papers, for example the Netherlands and Italy. Nonetheless, the unity of speaking and representation has been striking given that the EU delegation's statements were approved by the Member States in all instances. It is perhaps ironic that the EU's external competences can buffer its appearances in such a context. Also there is a contradiction here between political behaviour at different levels, national and supranational, both equally witnessing rising politicisation. Some may argue that the degree of convergence between the EU and the MS in external migration is extremely high even if competence is not aligning to the same degree, think for example the EU-Turkey Statement. Still, a cloud of dubious legality surrounds the notion of EU action in the external migration context and the uncertainty that it generates hurts the EU legally and by means of reputation. In the context of the 2018 conference leading to the non-binding Marrakech Declaration, a human rights-based approach identified many areas of international cooperation, including migration, but was opposed vigorously by Hungary without any practical legal consequences. The Rabat process or UN Global Compacts, given their broad scope, are very likely to fall within MS competences and affect MS participation in international conferences and the making of opposition statements (Andrade 2018).

At every instance, the unity of the EU in external migration rests upon a sort of legal fiction. The exceptions here remain critical that MS can thwart the operation of external exclusive competences and a MS cannot violate the duty of sincere cooperation for example by dissociating from a Union strategy. The question remains whether the EU will find it easy to land common positions before international migration convergences in areas not within the scope of external migration competences of the EU. While the Union can adopt statements in respect of migration and asylum, significant limits exist, for example Article 79(5) on the volumes of admission or Article 72 TFEU on MS' responsibilities to maintain law and order and national security. In such cases the notion of unity appears conflicted and fragile, and thus in danger in this increasingly volatile area of national politics. The recent domestic fall of the Belgian government on the signing of the Compact at international level, the opposition to and non-signature of the Compact by the Austrian far-right government or the Visegrad countries' opposition at EU level creates problems to EU unity. External migration here is mired by failures to adequately and comprehensively constitutionalise and also institutionalise a field. The veneer of unity seems false and artificial and masks the underlying contradictions, which are in fact multi-level contradictions.

A critique of the legal methods in EU international relations and external migration law

Judged: The 'court-centric' model of EU international relations law

The most elementary part of EU law scholarship is that it constitutes a subject embedded within international law as an offshoot thereto although it consists a complicated subject and object of

interaction (De Witte 2017). As most EU law scholarship indicates, EU external migration law is innately caught up within complex norm-building at international level. Thus, as Guild (2017) states, fundamental planks of international migration law are fundamentally discriminatory or indeed unduly bound up with border control, including the UN's Global Migration Compact. Safe, fair, and orderly migration requires complete disaggregation of migration regulation from border control for all nations (*ibid*.; Costello 2016). This, however, remains far from the current status quo globally (Guild 2018). This renders the notion of the 'critical' as to the EU here sandwiched in between a variety of norms and thus a complex target to disaggregate (Moreno-Lax 2017). Isolating the EU dimension of international migration and be critical of it is also an intricate exercise, since the unity of the EU is riddled with overlapping layers and competences. The faults and flaws of the EU system and legal policies are deeply embedded with arguably even more flawed systems and legal ordering. However, much critique of the EU policies evolving in the legal domain begins and ends with the analysis of CJEU decisions thereon. Yet, the greatest handicap of the domain of EU law in its analytical study of migration appears to be the Court of Justice front and centre of the analytical prism. It is a handicap on a significant range of scholarship that has the Court as its focal point.

The EU's external objectives arguably lack a *telos* or end point in which to move the Union. Although the Union had no single set of objectives for the Union's external policy prior to the Treaty of Lisbon, contemporary external policy objectives are 'non-teleological, non-prioritised, open-ended and concerned more with policy orientation than goal setting' (Cremona and Thies 2014, 31). The contribution of the Court in theory has been considerably constrained in contrast with its function in the internal market but still forms a valid focal point for the discussion of broad EU values. Its extraordinary Opinion 2/13 (CJEU 2014) presented below, in defiance of the wording of the treaties in Article 6 TEU thereof to accede, can make us reflect what is meant by external objectives *post* Lisbon. The question of how powerful the Court is and should be seems like an eternal research question of EU law. One significant feature of EU international relations or foreign affairs law is that it is still a hugely court-centric one. This is not even for good reason. There are in reality a handful of truly 'constitutional' moments in external relations and mostly at a time predating broader constitutional moments in other fields of EU law (Cremona and Thies 2014). Court-centric analyses nevertheless still lead the research agenda and methodology in this field. Much ink has been spilled on the interpretation by the Court of Justice of the nature of the EU legal system in its foundational decision in *Van Genden Loos*. There, the Court radically altered the understanding of the individual and subjects and objects of the EU treaties (Bardutzky and Fahey 2017, 1). This decision has caused the Court to hold a celebration in 2013 of 50 years of its landmark decision, celebrating its activism and unique interpretation of the EU treaties that would result in an extraordinary supranational system evolving therefrom. This individualism and perhaps also activism would arguably result in a series of landmark ensuing decisions such as the Opinion 2/13 where the Court, *itself a party to ECHR accession* in negotiations with the Council of Europe, would strike down the Treaty-based agreement mandated for EU accession, contrary to the text of the treaties for the EU to explicitly accede itself to the ECHR (CJEU 2013). The decision is a landmark ruling on the concept of the autonomy of EU law, which the Court held that it would be infringed by EU accession in the draft Accession Agreement (Cremona and Thies 2014). It is a nice and neat example of the significant shift in the Court's actorness and its own evolving autonomy understood here with reference to other legal orders befittingly.

Increasingly the Court's landmark international relations judgements contain the most minimal levels of high abstraction, even landmark decisions on competence and EU investment powers (e.g. CJEU, Achmea (2015)). These developments matter for other domains of EU

external relations or international relations, such as migration. The nature of jurisprudence which will likely develop on individuals rights in international relations looks certainly likely to diminish to a degree in trade, at least in terms of direct enforcement. It is of significance that EU external relations or international relations law is particularly difficult to litigate. Latest debates about the methods and methodology of EU and public international law advocate deeper law-in-context methods (Van Gestel and Micklitz 2014), but are again heavily 'court-centric'. Arguably, the study of the EU as a global actor in law is predominantly institutionally focused and is arguably in need of a more diverse methodology to reflect organisational practice and law-making. Yet, a resolutely non-court-centric look at EU action in the global legal order still remains understudied.

EU external migration law suffers similarly from all of these 'childhood afflictions'. As a subject, it contends with significant policy and legal framework shifts taking place. The parameters of judicial review have been highly constrained and still the amount of caselaw and amount of analysis of court-centric issues of law and practice in EU external migration law continues unendingly (Carrera, Santos Vara and Strik 2019). This entails that we are particularly ill-equipped to deal analytically with the growing de-legalisation and hyper-legalisation of EU external migration law, only coming in part before the CJEU and only being capable of being subjected to limited checks and balances. Arguably, all law-making developments as to EU external migration continue to attract an additional health-warning.

Judging: The evolving subjects and objects of EU external migration law

One of the most complex conceptual elements of EU external migration law as a subject riddled with contradictions and sitting with difficulty within the realm of EU IR law is its evolving subjects and objects. The recognition by the Court of Justice of the European Union (CJEU) in its landmark judgment in *Van Gend en Loos* that the subjects of EU law are not only the MS but also the individuals (nationals of the Member States), carries an importance of what is usually called constitutional character (and Bardutzky and Fahey 2017; CJEU 1963). The framing of subjects of EU law in *Van Gend en Loos* was a prelude to a drift of EU law from the logic of public international law. By authoritatively framing the subjects of EU law, the CJEU extracted it from the long-standing debate concerning the dichotomy between subjects (more so than objects) in public international law. In public international law, the perceived redundancy of the subjects' formulation has brought about many alternative theorisations of the 'actors' of public international law. For example, it has churned out those seeing a reformulation from subjects and objects to 'participants' (Higgins 1995), to escape the so-called 'prison' of the distinction (Bianchi 2009). Rather, the entire discourse of public international law has operated as a fight for inclusion with regard to subjects and objects. It is a discourse perceived to be perpetuated by subjective positivists or old-fashioned positivists yet where EU law revolutionised the understanding of the individual to have an enforcement capacity (Bardutzky and Fahey 2017).

EU AFSJ law has largely been a field about creating barriers and limitations upon rights or seeing restrictions impeded to a much more limited degree than the enabling and market opening and market integration tendencies as to individuals, consumers and companies with respect to the internal market. Instead, the trajectory of the internal market has been about the realisation of subjects and objects beyond the traditional scope of international law. As a sub-field, EU external migration law has only recently seen the normalisation of its institutional parameters and enforcement. Most significantly, the number of individuals affected by its policies, tools, and

practices continues to expand. Migration has reduced substantially from crisis times and individuals have had to encounter jurisdictional hurdles not met in other domains to date. In this regard, the subjects and objects of EU external migrations law have not aligned with caselaw in other more longstanding fields of administrative law. Instead, the CJEU has increasingly taken a variety of approaches to the 'others' of EU law, often exclusionary, denying rights or obligations. The dehumanisation of the subjects and objects of EU external migration law is evident through the delegalisation approach of the CJEU outlined in this chapter. It thus increasingly puts significant issues of EU external migration law beyond judicial review.

Moreover, extra-territoriality and de-legalisation have played a prominent role in the EU external migration caselaw of the Court in recent years, when the Court has held that EU law does not apply beyond its territory in migration (Fahey 2019). The subjects and objects discourse of the internal market as the main thrust of the development of EU law has been cast aside. Instead, a less rights-centric approach to territory in EU external migration has been adopted which reduces litigants' rights and entitlements. These developments are argued here to warrant a fundamental rethink of the special references of legal methods in EU external migration as a genre within both the AFSJ and EU IR. Critical studies afford a vibrant analytical lens, which can deconstruct recent developments and enable future reflections that are more rights-centric and analytically sound. It would thus put people at the centre of crises related to external migration.

Conclusions

Critical legal studies arguably perform their critical value-added by reducing the complexity of legal jargon, in an effort to reach the root-causes of problems. The 'critique' manifested in this piece deconstructively opens up the analytical space of migration. It thus has a broader objective and addresses a wider audience. The present account has sought to show how the internal and external dimensions of EU AFSJ law increasingly intersect with much legal complexity. These dimensions are perceived as one of the most complex areas of EU external unity, where criss-crossing competences thwart and impinge upon effective international action. Yet, they also promote some of the most unfair policies and legal practices that the EU has ever been associated with internationally, despite its legal mandate to be a good global governance actor. AFSJ is thus an area ripe for critical reflection.

EU international relations law is a field where the EU's engagement with the world, international and regional organisations and current and future third countries has become a highly prominent symbol of the EU's capacity to survive and endure in the global legal order. The field of IR is arguably a highly insightful means of understanding European integration, second to no other subject. As a legal field, EU international relations law has long been a highly doctrinal and competence-oriented subject, dominated by court-centric views on European integration. Therefore, it is highly suitable for analytical engagement through the prism of critical studies. Arguably, many of the most challenging issues of EU external migration law align with concerns of EU IR law. The EU external migration law does not necessarily share all of the characteristics of EU international relations law perfectly or optimally, however, it offers a significant portfolio to assess EU international relations practices. Along these lines, this chapter has argued for a critical deconstruction of EU international relation law's link to external migration and of the specific practices it has fostered. It has also argued that external migration operates as one of the most 'unjust' or 'inhuman' dimensions of EU law and policy today; this is sufficient reason to engage in further critical reflection and analysis in the future. A future research agenda will likely need to reflect even further on the dimensions of a court-centric analysis, the place of EU

IR law vis a vis external migration and the critical dimensions of EU law studies. As the subjects and objects of EU IR law increase significantly, the dilemmas outlined in the present overview are only likely to substantially increase as well.

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Indispensable, interdependent, or independent? A critical analysis of transatlantic relations

Markus Thiel

Introduction

Contemporary transatlantic relations are at its lowest point since the end of the Second World War. Having been a dominant but stable protector of its own interests, as well as of Western European ones during the Cold War, more recent US administrations severely challenged this transatlantic elite consensus. President George W. Bush's decision to invade Iraq despite the protest of many European allies, followed by President Obama's strategic pivot to Asia (away from Europe and the Middle East) culminated in the Trump presidency and its contentious transatlantic policy. Within the first two years in office, the Trump administration withdrew from the multilateral Paris Climate agreement limiting greenhouse emissions, abandoned unilaterally the Iran Nuclear deal that EU governments were instrumental in establishing as well as the Transatlantic Trade and Investment Partnership (TTIP), and imposed tariffs on European steel and aluminum with threats of more trade sanctions to come. More than just weakening transatlantic ties, the current government also heavily criticized UN bodies and other intergovernmental institutions, and vowed to review any treaties that may expose the United States to their jurisdiction. While this turbulent period may be exceptional and many hope, only an aberration, it highlights the volatility of the post-war transatlantic relationship, and has led to a fundamental rethinking of Europe's relations with its traditional ally. Is this relationship one of interdependently related allies, as often pointed out, or have they become too structurally independent to be politically aligned partners? In order to more deeply examine these questions, the following sections will highlight differences in terms of how publics on both sides think about contemporary transatlantic relations, and point to issues that make a continued alliance difficult, such as differences in leadership motivations and socio-economic models, the subservient role of Europe during the Cold War and its ongoing quest for autonomy, and divergence over the acceptance of European integration and an emerging multipolar world order.

Political differences and tensions do not remain only on the policy level as illustrated above or on the elite level, as marked by the various diplomatic faux-pas of the recent past, but are also reflected in EU-wide public opinion: 76% of publics in 12 EU states have no confidence in Donald Trump (as of Spring 2017), and 69% view him as a danger to the world. Foreign policy

practitioners are even more doubtful, as 88% and 86% respectively think so (Pew Research Center 2017). Those negative values are higher than the ones for Russian President Putin, while German chancellor Merkel has the confidence of 61% of the sampled European public, and 93% of the respective foreign policy experts. Similarly, over two thirds of European policy elites expect a more problematic transatlantic relationship in the years to come, though only 37% of the European publics think so (*ibid.*). Compared to previous administrations such as the Obama one, which was trusted by 77% of Europeans, the dramatic fall in trust levels in dominant EU states such as in Germany (86% drop to 11%), France (84% falling to 14%), and the UK (79% falling to 22%) exemplify the problematic transatlantic environment (Chatham House 2018). These data from Europe match the drop in confidence in the Trump administration, and by extension in United States' foreign policy, in over 30 countries across the globe with the exception of Russia and Israel. Trump's approval ratings in Europe are comparable to President Bush's when he left office in 2008 amid an unfolding global economic crisis. Independent of those public opinion swings based on individual administrations or different national attitudes across Europe, the majority of European citizens now hold unfavorable views of the United States in general (Pew Research Center 2018). Public opinion is not only indicative of the poor state of relations, but also to some extent informs it, as public decision-makers are taking account of extreme public approval changes in today's high-information policy contexts to justify their policies. However, the substantial changes in attitudes towards the United States shows that generalised propositions of a pervasive anti-Americanism on the European side (based on American neoliberal capitalism or hegemonic posturing, for instance), or anti-Europeanism on the US side (based on, for instance, cultural superiority or European integration) do not necessarily correspond to reality. Yet the public remains an influential actor in today's liberal democracies, even despite the fact that on both sides of the Atlantic a correlating erosion in the traditional representative democratic model has taken hold.

The intent of this essay is not to analyse primarily the role of material structures and capabilities for transatlantic relations, as (neo)realists would prefer, nor to solely focus on the agency of economic and political actors, as liberal institutionalists or constructivists would do. Rather, its rationale is to contrast underlying ideational factors in the transatlantic relationship, taking into account the subtle implications of critical theories concerning ideology and discourse, as well as the (non-)material consequences of hegemonic social, economic, and political power. Ranging from the Frankfurt School's concerns about ideologies to Gramsci's notion of cultural hegemony, to Foucault's linkage of power to knowledge, critical theories have received increasing attention as they consistently were able to make sense of the various European crises throughout the 20th century (Outhwaite 2012). In the context of transatlantic relations, they help broaden the often myopic focus on material resources and geopolitical threats, recognisable in conventional transatlantic analyses.

The transatlantic alliance: Together forever?

The mutual crisis in trust and confidence has led European governments and analysts to ponder a substantial break with the 'Western' consensus required during the Cold War. On the one hand, many recognise that the somewhat artificial but necessarily close European collaboration with the United States after 1945 brought with it political and material advantages (for instance by promoting mutual trade or expanding security guarantees in the form of NATO, the North Atlantic Treaty Organisation) as well as dependencies (think of the stationing of US troops or nuclear weapons in Europe). On the other hand, experts view the Trump administration as renegading on the hitherto jointly upheld liberal-international values that characterised the

20th century Western world order. It is perceived as advocating geopolitical strongman stature through its infamous 'America First' doctrine, akin to Russia's contentious foreign policy in its sphere of influence, or China's only slightly more benevolent economic and developmental imperialism. European governments are taking note and now aim for a closer collaboration in the defence and security areas, even though national security prerogatives continue to limit deep continental cooperation. Some US strategists criticized the EU's search for autonomy as a delinking from US dominance (Kagan 2018), reminiscent of post-cold war discussions between the Europeans and then US Secretary of State Albright who demanded from Europeans to continue relying on American guidance and expertise (the infamous 3 D's: No diminishing of NATO, no duplication of existing efforts, and no discrimination against non-EU members). But the current impasse also signals an opportunity for what Biscop (2018) calls 'strategic auton-omy', that is the ability for European governments to develop foreign policies on their own terms without US interference, yet at the same time without US material or diplomatic support. In fact, the political and scholarly debate about the value and utility of the United States' influ-ence in and on Europe tends to ebb and flow with the leadership on both sides of the Atlantic, and the success or failure in managing common issues of interest or concern.

In order to avoid presentism in these extraordinary times, it is essential to review the histori-cal and structural context of this uneven relationship throughout modern history. Historically, transatlantic relations had been beset with the ambivalence of the United States' formation as a revolutionary outpost seeking independence from the UK, at a time when European countries were globally dominant colonisers. This 'special relationship' continues to be highlighted by both the UK and United States, whose foreign policies emphasise close bilateral cooperation based on common language, intertwined history, and similar economic ideologies. Yet while the close relationship with the UK endured throughout the 20th century periods of war and peace, it initially narrowed the focus of American ambitions in Europe. The US engagement in Europe during and following the Second World War, especially through its Marshall Plan aid program, however broadened its activity focus by distributing aid to Western European countries, with the UK being the top recipient. This wider scope materialised in President Roosevelt's 'Atlantic Universalism' as well as President Kennedy's 'Atlantic Partnership' proposal 'in an attempt to restore unity of purpose to an Atlantic World in which the establishment of a restrictive European Economic Community (EEC) demonstrated the degree to which Western European capital had emancipated itself from American tutelage' (Van der Pijl 1984, 237). At the same time, European refugees and expats were instrumental in establishing North American post-war political, economic, and scientific dominance. A further widening of the US scope occurred when in 1973 the UK and Ireland became members of the EEC, the precursor to today's EU. With the accession of both countries to the regional bloc, and the strengthening of common European governance institutions through the consolidation of the EU in 1993, the United States had to learn to engage not only individual European governments, but also to take note of Brussels' own executive decisions and policies. This transformation still remains a learn-ing process for each incoming US government, as the EU's complexity and the United States' sovereignty-mindedness often prevent mutual understanding.

American and European exceptionalisms

The foreign relations of the 27 EU member states – 27 if/once the UK leaves – are still marked by sovereign decision-making, which has furthered the United States' notion that it can 'pick and choose' among allies, or 'divide and conquer' if unilateral policies should appear unpopu-lar for the EU as a whole. This became obvious in the run-up to the Iraq invasion in 2003, in

which the then US Defence Secretary Rumsfeld discursively divided Europe in 'old' Western Europe, taken as outdated and resisting US intervention in Iraq, and the 'new' Europe of post-communist states in Central and Eastern Europe, which were deemed more supportive of NATO and open to US overtures. In response, public intellectuals such as Jürgen Habermas and Jacques Derrida somewhat ambiguously declared the need to profess 'European-ness' under the leadership of 'core Europe', that is the Franco-German tandem and their European allies, in opposition to American ideals and policies (Levy et al. 2005). Since then, leading European elites have increasingly favoured a stronger and more united Europe to respond to various security challenges broadly conceived, and to abdicate traditional means of military power. In its efforts to establish a differently configured institutional identity, since the end of the Cold War, the EU pronounced an exceptionalism built on moral and pacific leadership, even though its dominant states were also among the largest weapons producers globally. The United States, on the other hand, contrasts the EU through its longstanding religious exceptionalism built on its view of divine providence which shaded into its patriotism and penchant to lead by force. Paraphrasing post-modern scholar Der Derian, Hampton (2013, 2) states that 'at the core, European and American perceptions about threat are shaped by beliefs about religion and the role of providence, which in turn influences how the "other" in the international system is defined and perceived'. I would add that both types of exceptionalism, the US national-religious one and the EU's pacific-secular one, create frictions based on divergent mutual understandings and resulting motivations. Both express an ambition for global leadership, but with contrarian objectives and different means to achieve those. In this geopolitical dance, both partners have traditionally relied on each other, but the strengthening of the EU questioned the assumed global leadership role of the United States, and with more dance partners appearing on the global stage vying for the former's attention and similarly contesting the latter, a break up becomes more likely.

Scholars have actively debated the historical role of the United States in Europe's post-war development. The standard opinion highlights the critical material and political support for the rebuilding of European countries, thereby ensuring that the West would follow a liberal-democratic model and deterring the encroaching Soviet influence in the region. This view perceived of US imperialism in the Western hemisphere as necessary to defend liberal democracy, even though early on its ideological component became apparent for revisionist scholars (Williams 1959) who questioned the ulterior motives of the United States. Post-revisionists were less interested in finding a 'culprit' for the Cold-War bifurcation of the globe, but sought to better understand how international events shaped the relations between the United States, Europe, and the Union of Soviet Socialist Republics (USSR) (Gaddis 1997). More critical views posit that with the upending of the US Gold Standard and disagreements over relations with the Soviet Union and the People's Republic of China (henceforth China), European integration evolved not because of US support, but based on the increasingly strained relationship of the transatlantic partners (Schultz and Schwartz 2010). This was followed by an expanding, domineering view of US foreign policy from both republican and democratic aisles that perceived the end of the Cold War as an opportunity to cement the unipolar supremacy of the United States. After 9/11, critical voices such as Chomsky and Wallerstein (Chomsky 2003) raised the issue of the Bush administration's intervention in Iraq and elsewhere as a means to enrich the United States' expansive military industrial complex, and to regain their status as uncontested world power. More moderate voices analysed the resulting transatlantic rift and were wondering about 'the end of the West' (Anderson et al. 2008). More recently, the United States is portrayed as struggling to remain a dominant, if harmful, imperial actor with a global reach (Bulmer Thomas 2018). These debates bring to the fore the geopolitical embeddedness of transatlantic relations, especially with regards to relations with Russia, China, and after 9/11, the Middle East.

Thus, while Europe had an elevated position in American post-war foreign policy considerations, given its historical, geopolitical, and economic significance, the US strategy of creating a liberal order through the UN, transnational corporations, and military presence was indeed global. Now that the Cold War is over, a strong US commitment to Europe has become more difficult to sustain given the multifaceted challenges of the 21st century, and Europeans' slow but steady emancipatory quest for 'equality'.

The argument that North America (including Canada and less often, Mexico) and Europe constitute 'the West' and therefore have to closely collaborate in view of other competing powers, however, covers up significant historical, societal, and economic differences among both regions. From the Suez Crisis of 1956, the Vietnam War in the late 60s to the Balkan wars in the 1990s and the Iraq invasion of 2003, as well as the handling of many extant crises such as the Arab Spring, the Palestinian conflict, or the Syrian civil war, both transatlantic partners exhibited differing and often opposing strategies. And it also highlights related debates about the utility of the common defence alliance NATO, which had been questioned after the end of the Cold War and has since then become a point of contention between US administrations and European governments. The former seems to maintain a commitment to the defence alliance but unhappy about the lack of even burden-sharing, while the latter often have more fundamental issues with it. In this sense, the previously held notion of the transatlantic security community (Deutsch 1957) certainly does not apply anymore at the beginning of the 21st century. Yet the events of 9/11 and the ensuing rise of violent Islamic extremism have at times contributed to the creation of a common enemy image, reinforced by the United States' stance against a supposed 'axis of evil'. Nevertheless, the official pronouncements of the stability of common values and interests such as good governance and democracy promotion, international security maintenance, and trade promotion, continue to be cited in transatlantic pronouncements despite a number of disagreements on these issues over the past few decades. And while the United States was able to pressure European governments on security or governance-related issues during the Cold War, more recent interventionist appeals and pressures, such as the repeated calls by various administrations for increased government spending on defence, are viewed in Europe as an incapability to understand the continent's pacifistic history and policies. In its most extreme, these are repudiated as paternalistic attitudes from a former superpower. Although this criticism is one of form (of how to negotiate transatlantic commitments) over substance (the value of a transatlantic alliance), as the latter – rendering Gramsci's elitist cultural hegemony in these matters valid – ought not to be challenged.

Hence there is no natural or perennial quality to the transatlantic relationship. That being said, one has to critically examine some of the decisive aspects that cause convergence or divergence of transatlantic relations in the past, present, and future. These can be of a more structural (e.g. the constitution of the global economic system), or agency-centred nature (e.g. the different administrations in power). They can remain only for a limited time as superficial issues, but often lead to deeper disagreements over each other's perception and identity. Analysts have highlighted a number of those factors, such as the more obvious ones: History and culture, geography, economics and trade, political leadership, external (common) threat definition, and embeddedness in international organisations. Many conventional analyses of transatlantic relations cover the divergence or convergence based on historical factors, geographical differences, economic interests, diplomatic overtures, and the creation of interests based on intergovernmental practices and threat recognition (Chatham House 2018; Anderson et al. 2008; Kagan 2003). Other determining factors are more difficult to recognise, such as demographics, resources, or ideology. Demographics are only slowly changing but exert significant power, as do commonalities and differences with regards to non-military material (energy, natural, human) resources

that are available to be mobilised. And ideologies are precisely hard to detect because they are often subtly evolving and tactically manipulated in an information age. All of those, depending on their configuration, can lead to either a narrowing or widening of the transatlantic divide (Wickett 2018). Taken together, they create distinct political leadership cultures which can clash when each other's exceptionalism is too strongly pronounced. Having detailed one important ideological impediment regarding the structure in which transatlantic policy-making occurs, the following two sections highlight policy-related differences. These are, however, similarly characterised by underlying ideological differences.

Differences in welfare states and economic models

In terms of how the United States and European governments develop their social and economic policies, there are two main recognisable distinctions. These have to do with the creation of the European welfare state, or social model on one hand, and the establishment of European social or distributive market economies, on the other. These exist in variations across all member states (Esping-Andersen 1990, Hall & Soskice 2001), and have shaped the EU's own distinct social, labour, and related policies. This European distinctiveness remained throughout much of the 20th century, and while it has come under pressure with ever more neoliberal and often American-borne prescriptions about privatisation, marketisation, and efficiency gains, has remained a basic pillar of European socio-economic policy designs. In the aftermath of World War II, the creation of the Bretton Woods institutions set in motion a process that has been theorised as either resulting from the dominant exertion of global economic leadership by the United States– the 'hegemonic stability theory' of realists – or the liberal cooperation patterns among partner countries. But both of these mainstream international relations (IR) theories neglect to account for power imbalances, ideological pressures, and discourses that had a less obvious, but equally decisive impact on post-war transatlantic relations.

To begin with, the proto-European welfare state model was devised in the 1880s in Prussia as a way to pacify and coopt the politically mobilised labour class after the popularisation of Marx's communist critique of capitalism. The latter constituted in turn a reaction to the excesses of early industrial capitalism in the 18th and 19th centuries. After the World Wars, the rudimentary provisions of welfare (such as pension provision, health care, and unemployment insurance) spread to other European countries. Over time, a number of nationally distinct variations in welfare coverage emerged: While in Scandinavia, the social democratic model combined high taxation with generous and expansive redistributive benefits, the Anglo-Saxon model was more restrained and means-tested, and the continental heavily contribution-based and in-between both previous models in terms of benefits disbursement (Esping-Andersen 1990). More recently, the Southern European model which is heavily reliant on family support, as well as the more limited post-communist Central and Eastern European systems have added to the diversity of social systems.

In the United States, a somewhat similar development occurred after the Great Depression of the 1930s and the end of World War II, when many soldiers were in need of additional benefits. However, in contrast to the generalised acceptance of the European welfare model of extensive taxation and redistribution, in the United States this proposition has had less resonance. An illustration of this lack of commitment consists in the budgetary appropriations for social programs, which in Europe are more than double than in the United States and influenced not only by political choices, but also by widespread social belief systems about (in)equality and race (Alesina and Glaeser 2004). Minimalist neoliberal and individualistic conceptions of welfare and, increasingly, workfare, dominated the domestic discourse surrounding US welfare policies,

especially after the Reagan administration of the 1980s, in tandem with the UK's Prime Minister Thatcher, who claimed (in)famously that 'there is no alternative' to free market policies and advocated for limited state intervention in markets domestically and internationally. For instance, the ongoing partisan fight over the 2010 Affordable Care Act (ACA) introduced by the Obama administration reflects deeper beliefs about individual responsibility and government power. Europe, however, has not been immune from welfare-delimiting austerity-based pressures as well, although the normative and legal frameworks there still provide somewhat of a protection from neoliberal pressures in this regard.

The European economic models, also sometimes called the European Social Model, such as social market economies or coordinated market economies rely to a larger degree on the intervention by governments, unions or workers' participation than in the United States. These nationally distinct systems allow for a larger role of states in setting framework labour policy, also to mediate with mandatory worker or labour union representation on company boards. These economic models, which have existed for over a century but had been re-emphasised as essential for attaining welfare and prosperity after World War II, are distinct from the US model which largely lacks such provisions. Though they can be introduced, the legal bases for labour rights are rudimentary, such as with the lack of paid vacation (however, private sector companies provide voluntary paid holidays in order to remain competitive and attract the best workforce). The United States was instrumental in advancing neoliberal principles in Europe since the 1980s, based on the close and strong economic linkage during the Cold War era. In a neo-Gramscian sense, the US dominance led to an early push for economic liberalisation that spread and maintained hegemonic structures among and within European elites as well: 'Hegemony derives from the dominant social strata of the dominant states in so far as these ways of doing and thinking have acquired the acquiescence of the dominant social strata of other states' (Cox 1990, 151). There is a growing public recognition across Europe that privatisation of services and infrastructure, the outsourcing and deregulation of labour, the recommended budgetary and wage restraints, and the aforementioned limiting of welfare policies has increased inequality and worker insecurity. As critical theorist Gill (1998, 5) points out, this neoliberal ideology has a disciplining function as it 'seeks to separate economic policies from broad political accountability in order to make governments more responsive to the discipline of market forces and correspondingly less responsive to popular-democratic forces and processes'. However, the EU's own technocratic governance, in which EU experts design and implement policies largely removed from electoral oversight, similarly evades political accountability in the name of the common market. The resulting augmentation of inequality contributes to populist contestations of not only existing economic but also political structures, which can be seen in the United States to a larger degree but are also increasingly apparent across Europe. In the EU this transformation is more strongly apparent as it reverses the original post-war linkage of markets embedded in governing states, whereas now states find themselves implanted in transnational markets with little domestic steering power (Streek 2012). It is no wonder then, that the proposed TTIP agreement was more heavily criticized by European publics, fearing a lowering of labour and environmental standards, even though it was ultimately cancelled by the Trump administration.

Thus while a fundamental sociopolitical difference over human welfare and the role of the state in the regulation of economies exists, the adoption of 'best practices' by intergovernmental transatlantic networks and the transnational capitalist class as well as the market-orientation of the EU have contributed to a creeping convergence of Europe and the United States in welfare and economic models. Critical theorists, while challenging the 'Americanization' of European cultures (Outhwaite 2012) and linking global capitalism to 'legitimization crises' (Offe 1984) aimed less to contest capitalism per se, but to correct its influences on

an ideological-discursive level: 'Europe is suffering from a half-hearted or deformed cosmopolitanism, deformed economically by neoliberalism, politically by nationalism […], and by bureaucracy in the sense of the strengthening of executives at the expense of parliaments and citizens' (Outhwaite 2012, 114). As Fraser and Jaeggi (2018, 7) point out, this theoretical 'turn away from political economy' enabled critical theoretical thought to be more widely dispersed among different population segments, with a newfound elevated significance after the great recession of 2008–2012. Since then, the debate over the role of the EU in embedding neoliberalism while simultaneously safeguarding social rights has continued, with some scholars arguing that it maintains a balanced compromise between markets and societies through regulation and Court-jurisdiction, and others disagreeing with this optimistic reading and rather viewing the EU as a protector of markets and transnational companies against national protections, with an associated weakening impact on social policies across the EU (Thiel 2013). In this sense, the ongoing EU integration process, while customarily adverse to national social protections, may result in improved social and labour protections, for instance once the UK as one of the foremost neoliberal promoters leaves the bloc. Conversely, the recent polarisation in the United States based on class and racial inequality, including the introduction of the ACA and the rising popularity of socialist-minded politicians, may in turn lessen the transatlantic gap on those issues. Although this ideological-discursive detente depends heavily on the administration in power, and the political geography of both regions which are increasingly split into liberal-progressive coasts and conservative 'heartlands'. In sum, it appears that while there are fundamental structural differences in welfare states and economic models, the repercussions of being embedded in the global capitalist system have weakened those differences over the past few decades. Similarly, not only the global capitalist basis of production, trade, and finance, but also the ideological superstructures have led to a delegitimisation of the (neo) liberal democratic governments on both sides of the Atlantic.

Divergence over European integration and the acceptance of an emerging multipolar world order

As indicated earlier, US administrations had a repeated problem with recognising the increasing power of the EU, which some attribute to US administrations' inability to comprehend such supra-national governance structures (which change slightly with every new EU treaty). With the creation of a more strongly integrated Union in 1993, subsequent US administrations have either misunderstood or sidelined the role of EU institutions in aiding and guiding the cooperation of its member states. This became most pronounced in the current administration, which has actively denigrated the EU by temporarily downgrading the diplomatic status of the EU delegation in Washington, and whose former political advisor Bannon established close contacts to Eurosceptic populists across Europe. The latter move constitutes a new level of ideological intervention in Europe, especially as it is targeted with disrupting European elections in mind. More importantly, with the EU's rising autonomy and power as European regulator as well as global actor, the US perception of the usefulness of the transatlantic alliance has waned. In its place, concerns about economic competitiveness (the United States and EU are the largest trade powers on the globe, and the Euro has become a major world currency), EU autonomy in foreign policy-making, and deeper disagreements over normative commitments in security, trade, and environmental affairs have produced anxieties for Washington. Freed from the economic and geopolitical straightjacket of US dominance during the Cold War, the EU has become part cause, part consequence of the decline of American power. And despite augmented institutionalised relations over the past few decades, a certain realisation of 'form over substance' has taken

hold in transatlantic exchanges in the past few years, which are now tested by broader multilateral negotiation requirements in view of other emerging world powers.

As much as the unification of Europe was a product of the US post-war reconstruction effort, the strength of the EU's single market in terms of exports and regulatory power, together with the merging of currencies following the United States' retreat from the Gold Standard in 1973 into the globally significant Euro currency, has led to a more critical view of European integration by the United States. This despite both being the largest and most interconnected trade and investment partners on the globe. With the rise of the EU as economic, and then political power, the scholarly literature reflected this process by theorising the EU as a differently civilian (Duchene 1973) and later, normative power (Manners 2002). Recently, a more critical comparison likened the EU to the United States in its global reach, its ambition to diffuse its values and its increasing militarisation (Behr and Stivachtis 2015). Notwithstanding these similar features, the Trump administration equates the EU as a 'foe' and compares it, in its supposed exploitation of US markets, to the more adversely perceived China. While such posturing is primarily problematic on a diplomatic level, unless followed by actual tariff impositions, the EU and its member states have indeed begun to pursue alternative trade deals as a reaction to the US governments' protectionism, including in July 2018 the world's largest bilateral one with Japan. Brussels also started to reach out more strongly to China, India, African and Latin American countries in an effort to deepen multilateral relations with other trade and cooperation partners and may continue to do so as a result of the impending UK withdrawal from the EU. Even among longtime Atlanticists, the notion has taken hold that this is not just a one-term neglect, but that it may spell out lasting damage if the EU does not prepare against further US actions (Newman 2018).

In terms of accepting multilateral governance, the Trump administration continues to erode international institutions, no matter if withdrawing from UN bodies (such as the UN Human Rights Council or UNESCO or isolating itself from UN courts), or the questioning of the neoliberal order established through the Bretton Woods Institutions and other free-trade agreements. Previous Republican administrations have at times also withdrawn their support from political bodies in the past, but have not questioned the fundamental validity of free-trade oriented organisations such as the World Bank, the International Monetary Fund, or the World Trade Organisation, which the United States created after World War II. The most recent reversal of this position is further indication of the isolationist distancing from common multilateral cooperation on these issues. In an ironic twist, however, other regional powers similarly question the dominance and legitimacy of many of the traditional international institutions built by the United States– best exemplified in the critique of the outdated UN Security Council membership structure – in their quest for autonomy and dominance (Wickett 2018). They thus respond to the implicit liberal Western bias of those organisations, and contribute, now with the help of the United States, to the assessment of those as being outdated. As a consequence, they have started to establish their own institutions, such as China's Belt and Road Initiative or the Asian Infrastructure Development Bank, the latter joined by many European states despite expressed disapproval by the United States. The skepticism against international cooperation is not only reducible to individual administrations, or the US self-perception as exceptional, but is also rooted in its preference for active, output-oriented engagement in foreign policy which tends to be less compatible with the slower, process-oriented modus operandi of most international organisations, the EU included.

The EU being an international organisation itself is thus heavily affected by the United States' lack of acceptance of a true multilateral order. As long as international governance was mainly exerted in the interest of the sole superpower (with other liberal partners profiting as well) and provided a joint bulwark against communist expansion, it was unequivocally accepted. But now that other great and emerging powers such as China, Russia, and India claim with

the EU a more broadly allocated distribution of authority to co-design global governance regimes, there exists less of an automatic transatlantic reflex. Oscillating between isolationism and extended global guardianship, the United States has not yet been able to create a stable and enduring foreign policy doctrine that responds to 21st century challenges. One does not need to resort to Hardt and Negri's *Empire* (2001) to realise the volatility of unipolar power in an international system with many regionally and increasingly, globally, powerful states. The United States may still largely control global military forces and neoliberal trade, but more counter-alliances are available in an increasingly multipolar system to reject imperialistic pressures and interventions. The EU can be criticized for its mainly declaratory balance of normative ideals and geopolitical concessions expressed in the EU Global Strategy of 2016, but at least there is a concerted effort to create a multilateral roadmap for a rapidly changing global environment. The discussion by strategists on the United States' side revolves more narrowly about the fear that Europe may be 'lost again' if the United States does not maintain its influence there (Kagan 2018), or what an 'abdication of global leadership' may mean for the United States in the world (Daalder and Lindsay 2018). In contrast, the EU strategy already highlighted the need for a stronger concerted security and defence policy, and while such policies are still decided inter-governmentally by consent of the member states, in 2018 the Union as well as its members have further developed joint capacities through the Permanent Structured Cooperation (PESCO). And French President Macron called publicly for 'strategic autonomy' from the United States by developing more EU-based security resources, including his European Intervention Initia-tive reminiscent of earlier European multinational rapid reaction forces. The question, however, remains if European publics will go along with a reorientation from its civilian-normative exceptionalism towards the EU being another power-seeking actor.

In sum, the EU's capacity to act in economic and security terms has increased slowly over the past two decades, while the United States 'won the Cold War but lost the enemy' and has not adequately adapted to a new multipolar international system. Despite its ongoing problems, the EU's intrinsic multilateral DNA prepares it better for a global system with multiple power-ful actors. Based on its liberal–democratic system and military and economic dominance, the United States is attractive as a cooperation partner for Europeans but it remains to be seen if it is truly an indispensable one.

Conclusion

The current tensions, while grave, are neither new nor do they signal the imminent breakup of the transatlantic alliance. But with the end of the Cold War order, Europe's continued positioning as an American geopolitical extension became questionable, and the Iraq invasion of 2003 led to an initial critical rethinking of the bilateral relationship, which was further weakened by the disastrous cancellation of joint environmental (for instance, the Paris climate agreement), trade (TTIP), and security (Iran) treaties. The current Trump administration reinforces the necessity of Europeans to determine their own foreign policy, but the unilateral cancellation of the EU's hallmark Iran nuclear treaty has caused the EU to actively counter the United States by working multilaterally to maintain the existing regime. Such a distancing, coupled with the determination of other BRICS states, especially Russia and China, to create a multipolar world order, provides Europeans with more choice, but also with more insecurity. This becomes particularly apparent in threat perceptions, which in the United States tend to be more consistently framed around Rus-sia, China, and other non-democratic governments (Cuba, North Korea, Iran), whereas Europe-ans have a less singularly focussed perception of threats (ranging in Western Europe from ISIS to the Eastern European fear of Russia). Moreover, many EU member states, and the EU as such,

view global inequality or environmental degradation as global threats that ought to be solved multilaterally. In this sense, a realisation by the EU has set in, notable in the pragmatism of its security strategy and the focus on common European defence initiatives, that their pacific-secular exceptionalism may not be the ideal option for a challenging geopolitical environment. A more genuinely European foreign policy which does not rely on a narrow US-European conception of Western liberalism, also recognises and includes other regions and emerging democracies more than before, which is an essential characteristic for a leading actor in a globalised system. Yet on the other hand, the increasing security-heavy (some would say, militarised) orientation of the Union, coupled with its external protectionist economic policies and internal fragmentation maintains the EU's perennial expectations–capabilities gap in foreign relations.

In terms of citizens and the publics, the EU is well advised to examine its relations to member state governments, and to more deeply engage those, especially when it comes to policies with a transatlantic angle such as TTIP or the EU-US privacy shield legislation. This would make the EU more legitimate in the eyes of European constituencies and help to define a more common European position on EU foreign policy, including transatlantic relations. After all, it is in the foreign policy areas where most European citizens wish for a common action, no matter in defence, humanitarian, or environmental policies, if one believes EU public opinion surveys (Brummer 2007). It is easy to proclaim that the answer to 'America First' must be 'Europe United' as often heard nowadays by European foreign ministers, but given the current populist-nationalist climate across Europe, resulting from a decade of Euro-, refugee and security crises, more EU policies may not be desired by the majority of citizens in the long run. This could be especially so if the fragmentation of the EU continues after Brexit, while other powers including the United States work towards undermining regional integration processes. Yet just like in Europe, the United States faces a similar dilemma of 'cultural displacement' politics, whereby citizens are being fed xenophobic narratives aiming to prevent dynamic social change (Boyer 2018) through the reclaiming of past socio-economic models and national exceptionalisms. Depending on one's political outlook, this phenomenon may appear in addition to economic insecurity, or in opposition to a cosmopolitan type of reasoning. But more importantly, it is a real as well as imagined, and often manipulated concern on both sides of the Atlantic that ought to be recognised and appropriately debated. A critical perspective on transatlantic relations that is self-reflective, cautious against ideological manipulations from various sources, and takes into account power asymmetries on domestic and international governance levels, provides the best insurance for an adaptive strategy independent of the postulated necessity of close transatlantic relations.

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A Poulantzasian perspective on EU foreign policy

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Introduction

In this chapter, I lay out a conceptual framework for analysing EU foreign policy (EUFP), which draws on the work of Nicos Poulantzas, who together with people such as Foucault, Deleuze, and Negri was a key contributor to efforts in Western Europe in the 1960s and 1970s to develop radical perspectives on power (Jessop 1985). While Poulantzas' work proved less resilient in the face of changing times than that of his more famous contemporaries, it has recently been reconsidered by a new generation of scholars who have identified and elaborated concepts and arguments in his work which produce insights into the operation of class power in contemporary neoliberal polities.

My argument is that certain facets of EUFP can be described and explained in terms of an internationalised state project. The notion of the internationalisation of the state is well established in mainstream as well as in Gramscian and Poulantzasian research (Cox 1987; Jessop 2000; Panitch and Gindin 2012). Following Chacko and Jayasuriya (2018, 85), I employ the concept narrowly to 'capture[] the extraterritorial reach of [EU] domestic regulatory frameworks'. I unpack the concept into its economic, security, and ideological elements. The economic facet of the EU's internationalised state project comprises of its trade policies towards developing countries as well as its enlargement and neighbourhood policies by means of which the EU organises uneven international economic development to the advantage of EU-based capital, fostering uneven socio-economic development in the concerned countries. The security facet of the internationalised state project comprises of European security operations abroad which protect EU-guided internationalisation. The ideological facet refers to the identity-constituting and mystifying effects of the ethical performances through which the EU constructs its internationalised state project. These performances prop up the ethico-political legitimacy of the EU among privileged layers of EU citizens at a time when lower-class disenchantment with the EU has risen considerably in the context of growing material inequalities. Also, the ethical performances obscure the material benefits they procure for the EU in the international political economy at the expense of poorer countries.

An epistemological note of caution: I build a model which foregrounds and explains certain facets of EUFP. My analysis is retroductive: It posits a constellation of relations, 'which would, if they existed, respectively explain how and why the phenomena we observe come to assume the forms they do'(Sayer 1979, 114). Retroduction is 'a weak form of inference' which 'does not guarantee truth' but offers empirically adequate accounts of complex social realities. As retroduction does not assume that any one approach can describe and explain anything as complex as EUFP, I make an effort throughout the chapter to specify, in relation to alternative accounts, what my model makes visible and how it makes what it foregrounds comprehensible.

In the next section, I introduce the Poulantzasian perspective on power and what it has to say about the EU. Then I lay out a Poulantzasian framework for analysing EUFP before I explore the heuristic power of the framework to generate insights into the workings of EUFP.

A Poulantzasian perspective on power

Poulantzas (2000, 136) sought to grasp how mobile and scattered relations of economic, political, and ideological power are condensed into 'the national formulation of a coherent global project'. To answer this question, he focussed on the state, for which he elaborated a concept which differs radically from those used in mainstream political science. Poulantzas grasped the state broadly as a social relation, emphasising three features. First, the state is a 'strategic field and process of intersecting power networks' which crystallise around, and struggle over, competing hegemony projects aimed at giving a determinate direction to society in accordance with the distinct material interests, social identities, and values of the members of the power networks (Poulantzas 2000, 136). Second, this struggle is structured by the 'institutional materiality of [state] apparatuses', which for Poulantzas, just like for Gramsci earlier, include the three branches of the government as well as civil society institutions such as political parties, trade unions, and the media (Poulantzas 2000, 170; Thomas 2006). Third, the organisational characteristics of state apparatuses are shaped by the 'material condensation of a balance of class forces' (Poulantzas 1976, 332). '[P]ast struggles will be materialized in the state institutions themselves, their structures, rules, procedures, and so on. The class bias these institutions exhibit because of these previous political struggles is what Poulantzas terms … structural selectivity – the selectivity the institutions display toward and against various possible laws and policies' (Bratsis 2002, 259; Jessop 1990). In short, Poulantzas developed a broad concept of the state as an ensemble- or network-state, which he understood as the generator and product of class (and non–class) strategies and as the site of strategic struggles (Jessop 1985). By classes he meant, among other things, categories of human beings who have differential access to material and non-material resources and political institutions (Gallas 2016, 284).

Recently, Poulantzasian scholarship has extended these arguments to take account of state transformations brought about by the tendential 'de-nationalisation' and 'de-statization' of policy-making (Jessop 2000, 12, 13). One of the elements of this reorganisation of state space has been the rescaling of political and administrative authority upwards to international or supranational institutions (Brenner 2004), which Poulantzasian research grasps as 'second-order condensations of societal power relations' (Brand et al. 2011, 149). The interests and values congealed in hegemonic state projects enter into another struggle for hegemony on the terrain constituted by international institutions: '[P]ower relations, condensed in national strategies, are decisive for the character of international institutions. However, international institutions, along with the configuration of hegemonic projects on the international level, affect the national relation of forces and, therefore, the formulation of "national interests"' (162–163).

Scholars have further elaborated this second-order-condensation thesis in relation to the EU, which they conceptualise as a 'multi-scalar and fragmented European ensemble of state apparatuses' (Buckel et al. 2014, 62). EU-level institutions are interpreted as state apparatuses, which stand in a 'cooperative–competitive relation' to one another and to state apparatuses located on different levels, notably different branches of the national apparatus-states (Wissel and Wolff 2017, 232). These multi-scalar government apparatuses have been threaded into a transversal EU space of power and policy production, which includes civil society organisations. Since the Maastricht Treaty, the reorganisation of European state spaces has been coextensive with the formation of an EU-wide neoliberal hegemonic project aimed at 'the market-oriented, competitive reorganisation of almost every aspect of social life, the economy and politics' (Kannankulam and Georgi 2014, 66). This has been a gradual and conflictual process in which transnational European capital, global capital interiorised in the EU and their political allies have increasingly outflanked their opponents, who remain entrenched in labour, neighbourhood, and variegated social justice struggles at national and grass-roots levels. Through 'scale-jumping or forum-shifting' (Brand et al. 2011, 170), the (internally heterogeneous) power bloc has uploaded its neoliberal agenda to EU-level apparatuses where it benefits from the asymmetry in the institutional opportunities EU governance affords to political demands for negative and positive integration, with the former referring to market-empowering agendas and the latter to market-correcting policies such as redistribution (Scharpf 2008). EU-level institutions, in turn, have diffused the neoliberal agenda downwards to national and subnational state spaces, including 'major cities and city-regions' eager to position themselves 'advantageously within global and European circuits of capital' (Brenner 2004, 259). The popular sovereignty of member states has been hollowed out as the EU-level policy corset has transformed them into 'market-conforming democracies' (Angela Merkel, cited in Streeck 2016, 411) by means of political technologies such as government peer reviews, single-market jurisprudence and, in the wake of the Eurozone crisis, by means of the 'hegemonic' enforcement of 'fiscal austerity and wage reductions, along with deregulation and privatisations' (Bickerton 2012; Lapavitsas 2012, 3; 71). The result of this multifaceted process has been the establishment of 'a competition-state mode of [European] integration' (P. Ziltener, cited in Buckel et al. 2012, 11).

The economic and security dimensions of the EU's internationalised state project

Already in the 1970s, Poulantzas (1974, 22) stressed the transversal nature of seemingly territorialised social power relations as he argued that they are embedded in the spatially 'uneven development of the various national formations'. Governments pursue policies aimed at 'turning to profit every relative advantage' their variety of capitalism gives them in their relations with other states (Poulantzas 1976, 12). Poulantzasian scholarship makes the international intelligible as a social terrain on which governments pursue policies 'to maintain unevenness and resolve the contradictions of their capitalisms at the expense of weaker ones' (Desai 2013, 80). Extending this argument, I claim that a key role played by EUFP is to leverage the EU's power advantage over developing countries with a view to organising transnational economic flows to the advantage of EU-based capital. In developing my argument, I expand on Chacko and Jayasuriya (2018, 82), who develop a '"Poulantzian-uneven and combined development" framework' to analyse regional commercial arrangements between economically unequal partners. They conceive of such an arrangement as a 'transnationalised state project', which seeks to secure advantages for home-based capital over global competitors by means of the extraterritorial extension of 'distinctive modes of regulatory governance' (82). I prefer to speak of an

internationalised state project in order to stress the importance of state apparatuses as carriers and targets of such projects.

The extraterritorial projection of EU norms, rules, and institutions to other countries is the subject of a formidable literature on the EU as a trade power, regulatory great power, market power, normative power, normative hegemon, empire, and external governance actor (e.g. Damro 2012; Del Sarto 2016; Drezner 2007; Journal of European Public Policy 2015; Meunier and Nicolaïdis 2011; Whitman 2010). These studies explore how and why the EU employs different forms and mechanisms of power to influence the internal make-up of other countries, and they inquire into the factors that condition this influence. The internationalised-state-project concept adds a series of insights to this literature. In this section, I discuss the economic and security dimensions of the EU's deep trade agenda of behind-the-border regulatory reform before turning to its ideological facets in the following section.

To begin with, the internationalised-state-project concept offers a holistic frame within which very different EU policies, ranging from quasi-hierarchical external governance in the case of enlargement policy to regulatory bargaining under conditions of asymmetric interdependence, can be understood in terms of the internationalisation of (semi-)peripheral states by the EU. The EU tries to cajole or constrain cooperation partners to agree to an internationalisation two-step. The first step is the sector-specific, partial disembedding of national political economies from local norms, rules, and business cultures and the weakening of the social forces underpinning them. The second step is the sector-specific, partial re-embedding of political economies within norms, rules, and business cultures aligned with those of the EU single market. The internationalised state project is successful if target governments and/or firms rework select local rules and practices so that they harmonise with, converge towards, or are treated as equivalent to EU standards (Young 2015b).

Second, the internationalised-state-project concept brings into focus the strategic selectivity of regulatory regimes. While the regulatory penetration of the less powerful by the more powerful EU reduces regulatory costs for all involved, EU-based capital receives extra benefits. The regulatory framework of the EU has emerged organically and embodies 'the social logic of [its] dominant class coalitions' (Chacko and Jayasuriya 2018, 89). By pushing foreign countries to align the strategic selectivity of their institutions and regulations with those prevalent in the single market, the EU pushes them to interiorise a bias in favour of practices corresponding to the balance of interests, values, and power condensed in the hegemonic project entrenched in the EU. This adaptation of national rules and regulations has a number of knock-on effects. It facilitates the drive of EU-based firms to build regional value chains and integrated production networks aimed at exploiting foreign cost and locational advantages (Manger and Shadlen 2015, 481). It smoothens the process of 'internalization', that is, the integration of EU capital into national class relations in foreign countries, which in turn 'interiorises' the political demand for even deeper politico-economic integration with the EU (Poulantzas 1976, 22). Finally, it ties countries more tightly to an EU-shaped regulatory geography, which competes with US and Chinese transnational regulatory spaces. This further enhances the economic and political dependency of the weaker cooperation partners on the EU.

Third, the internationalised-state-project concept foregrounds that EU policies tend to come at the cost of the catch-up potential of cooperation partners. Preferential trade agreements between developed and less developed countries can be 'regarded as asymmetrically enhanced versions of the WTO [World Trade Organisation]' (Manger and Shadlen 2015, 482–483). The behind-the-border regulatory reforms characteristic of such agreements 'sacrifice the rights to use the array of industrial policies that countries have traditionally used to generate new productive capacity in new sectors' (Shadlen 2005, 769). While the EU represents its deep free trade

agreements as 'developmental tools' (Araujo 2016, Conclusion, 9), they are different from what the late-development literature discusses under the rubric of catch-up development. Both the Gerschenkronian and Trotskyite strands of this literature argue that catching-up does not rely on copying the policies and institutions of the advanced countries but, on the contrary, on a pick-and-choose approach, which aims at institutional innovation and domestic institutional differentiation (Selwyn 2011). The processes of selection, innovation, and hybridisation is what the 'combined' in the phrase 'uneven and combined development' stands for. The EU's push for '"deep integration" clauses in return for limited market access gains' limits the capacity of its cooperation partners to steer economic development (Manger and Shadlen 2015). In short, the EU asks its weaker interlocutors to 'Giv[e] away national policy space' (Claar 2018, 5), even though there is good reason to believe that at least 'some of the regulatory disciplines proposed by the EU conflict with developing country interests' (Araujo 2016, Conclusion, 9).

Fourth, the internationalised-state-project concept highlights that the EU's insistence on behind-the-border regulatory reforms goes hand-in-hand with regulatory protectionism at home. In its trade deals, the EU routinely safeguards EU public policy choices as regards environmental, sanitary, and other standards. For instance, in her foreword to the Commission's trade strategy 'Trade For All', Commissioner Malmström stated that the strategy 'will safeguard the European social and regulatory model at home. The Commission makes a clear pledge that no trade agreement will ever lower levels of regulatory protection; that any change to levels of protection can only be upward' (European Commission 2014, 5). Yet one of the core messages of the strategy is that EU trade policy is guided by strong development considerations. The internationalised-state-project concept alerts analysts to the fact that EU references to the developmental dimension of its foreign policy are at least partly 'rhetorical devices', which conceal the reproduction of transversal orders of inequality (Young and Peterson 2013, 513). Only the powerful in the international political economy can pledge to keep their regulatory barriers, while demanding that others remove theirs.

Finally, the internationalised-state-project concept entails the argument that the formation and effectivity of foreign policy is influenced by social struggles in the context of the strategic selectivity of state apparatuses. Hence, the capacity or willingness of the neoliberal power bloc to exploit the EU's power advantages in commercial relations with (semi-)peripheral states is shaped by political contestation within the EU, including within the power bloc, and within the EU's trading partners. For instance, in her study of the Economic Partnership Agreement negotiations between the EU and South Africa, Claar (2018, 209, 212) finds that 'debates … between the state apparatus, the capitalist class fraction and the popular class fraction' in South Africa and their changing 'relationship of forces' influenced the outcome of the negotiations. EU civil-society mobilisation against the EU deep integration agenda also impacted the negotiation process. The fact that the exercise of power is conditioned by contestation is of course well established, including in conventional political economy approaches. Poletti and Sicurelli (2018, 123) conclude a recent study of the role of norms and interests in shaping EU trade policy by stating that the EU pursues 'different trade policy strategies … with different developing countries' because of '[d]ifferent patterns of societal mobilization [in] the domestic politics in the EU'. My Poulantzasian framework adds to this assessment the point that societal mobilisation, and its impact on state policy, are influenced by the strategic selectivity organised into state apparatuses, and it highlights the class dimension of both social mobilisation and institutional strategic selectivity.

Next, I turn from a discussion of the general facets of the EU's internationalised state project to the particular policies through which it enacts and secures the project. The eastern enlargement of the EU has been the 'most prominent case of external action based on the projection

of the EU acquis' (Lavenex and Schimmelfennig 2009, 791). Exploiting the steep economic and political inequality between itself and Central and Eastern Europe (CEE), and with the local cooperation of what Frank (2001, 153) in a different context calls 'committed market populists', the EU settled on an enlargement strategy which rejected the eastward extension of 'welfare capitalism' in favour of 'exporting market radicalism'(Bohle 2004, 301, 308). 'The deep market integration of the lesser-developed Eastern countries meant the requirement to abolish tariffs and give up large part of national regulatory powers' (Bruszt and Langbein 2017, 298). The EU complemented this disembedding strategy by '"institutional mono-cropping", the imposition of uniform institutions on dramatically different local contexts' (*ibid.*, 300). The combined effect of this internationalisation two-step was the creation of a 'more market-radical variant of neo-liberalism' in CEE than had hitherto existed in the EU (Bohle 2006). Western European capital has benefited from this development as it has facilitated its construction of cross-border value chains whose increasingly high-quality manufacturing processes are located in semi-peripheral states such as Hungary and Slovakia where skilled labour is comparatively cheap (Bohle 2008; Krzywdzinski 2014). The variegated forms of neoliberalism emerging in CEE under the tute-lage of the EU, with their business-friendly labour and tax regimes designed to attract foreign investments, have put downward pressure on earlier gains made by the working classes of 'old' Europe, thus contributing, together with structural factors such as the Economic and Monetary Union (EMU), to the decline of the EU social model and its redeployment as a means to deepen the competition-state mode of European integration (Bruff 2017; Lapavitsas 2018;Vliegenthart and Overbeek 2008). The Deep and Comprehensive Free Trade Area agreements, which the EU has negotiated with Ukraine, Moldova, and Georgia in the context of its Eastern Partnership follow the same template of shaping uneven and combined development in the neighbourhood in ways that enhance the global competitiveness of EU-based capital. The principal difference is that the EU has not made any membership offer to these countries.

As to trade policy more generally, since the multilateral Doha Development Round has become deadlocked, the EU has pursued preferential trade agreements with developed and developing countries alike. Such deals 'go beyond the WTO rules in liberalising trade [and] … reduce or eliminate "non-tariff barriers"' (European Commission 2017, 11). In the negotiations, the 'EU's influence [is] greatest where its relative power [is] greatest … and … most limited with respect to its peer[s]' (Young 2015a, 1248). However, the EU does not always exploit its power superiority. If the economic stakes for EU-based capital are low and there is social mobilisation against the EU demand for deep disciplines, two conditions which were present in the Economic Partnership Agreement negotiations with West African states, then the EU may make 'substantial concessions' that result in more 'development-friendly' agreements (Poletti and Sicurelli 2018, 91). Conversely, when the trade deal is economically important to EU-based capital, then the EU is likely to drive a hard bargain as in the case of Vietnam, which was sub-jected to considerable pressure by Brussels 'to adjust to EU regulatory standards' (97). The point is that EU regulatory influence across its trade agreements differs according to the balance of class forces and social mobilisation patterns in the EU and target countries and the importance of the concerned economies to EU capital. Social pressures in turn are mediated by the strategic selectivity of the state apparatuses through which trade policy is made (Claar 2018).

Turning to the security dimension of the EU's internationalised state project, it is limited but not unimportant. In the field of external security governance, the EU has made limited progress in the de-nationalisation and de-statisation of policymaking authority. Hence, the pro-tection of EU-guided internationalisation remains state-centric and is carried out in shifting and fragmented European governance assemblages. For instance, the French military operation Barkhane operates in five French postcolonial Sahel countries, four of which have Economic

Partnership Agreements with the EU. Additional European military involvement in the region includes Common Security and Defence Policy (CSDP) operations in Mali and Niger as well as CSDP security experts who are embedded within EU delegations in the five Sahel countries with a view to assisting the G5 Sahel Joint Force that cooperates with Barkhane and is funded by the EU. Finally, EU countries make military contributions to the UN peacekeeping operation in Mali, which cooperates closely with Barkhane. This heterogeneous security assemblage pursues a 'counter-insurgency politics' aimed at containing and suppressing social forces hostile to the EU-backed internationalisation of the regional states, not least to prevent migration and illicit trafficking to Europe (Charbonneau 2019). In less hostile environments, civilian and military CSDP operations are primarily deployed to discipline and normalise the local police, military, and judiciary and to deter armed spoilers of the peaceful unfolding of the host state's internationalisation.

The ideological dimensions of the EU's internationalised state project

By performing its foreign policy in ethical terms, or in terms of 'principled pragmatism' (European Union 2016), the EU makes its internationalised state project do important ideological work. Ideology is a key dimension of hegemonic projects. In line with Poulantzas' conception, I use the term to refer to two processes. On the one hand, 'ideology is a practice producing subjects' (Laclau 1977, 109), who recognise themselves and the world in terms of particular narratives of 'what exists, is good, and is possible' (Therborn 1980, 55). On the other hand, ideology entails 'misrecognition', which renders certain aspects of social practices obscure to those performing and observing them (Althusser 2014, 972). I extend these points into a Bourdieusian argument about the symbolic economies of personhood and statecraft. Culture (norms, expertise, etc.) is a form of non-material capital which can be accumulated as private property by individuals or institutions and converted into symbolic capital, or social standing and dominance, in and through processes of (de)valorisation and (de)authorisation, which distinguish the proper from the improper (Bourdieu 1984; Feinsilver 2010; Skeggs 2004). What Skeggs (2005), drawing on the common etymological roots of the words property and propriety, calls hegemonic property-thought – the prevailing thinking about what constitutes proper identities, practices, institutions, and so forth – can in turn be capitalised upon by converting it into economic power. Such an extension of Poulantzas' ideas makes it possible to grasp two facets of EUFP of which the involved actors may not be (fully) aware. First, it shows how the EU's normative power discourse helps to legitimise an increasingly unequal socio-economic order by offering better-off EU citizens cultural resources to cultivate their progressive identity at the expense of lower classes. Second, it shows how a values-driven foreign policy accumulates international symbolic capital for the EU, which it can convert into profitable bargains in its relations with developing countries.

My Poulantzasian perspective adds nuances to the normative power Europe literature. First, EU narratives across issue-areas foreground the values that supposedly drive EU actions, say peace, democracy, solidarity, and environmental sustainability. In line with this general values talk, EUFP discourse interpellates EU citizens to identify with the EU's 'idealistic aspirations to advance a better world' (European Union 2016). The argument that EUFP is about identity formation and EU legitimation is not new (Anderson 2008; Bickerton 2010). What a Poulantzasian take foregrounds is that in the current conjuncture a Brussels-centred, politics-oriented morality represents a strategy of reinforcing the ethico-political leadership of the dominant neoliberal class alliance, which in recent years has come under attack by those discontent with

its policies. The deepening and widening of Brusselisation – the migration of policy-making powers to supranational and intergovernmental EU bodies – has made decision-making in Brussels crucial to the successful reproduction of the EU's market societies. At the same time, it has hollowed out the popular-democratic connection between national governments and the 'plebeian classes', which have experienced the brunt of the neoliberal EU agenda in the form of 'a tremendous escalation of insecurity with regard to employment, income, medical care, pensions and so forth' (Lapavitsas 2018, 4, 5). As the EU has been shaken by popular discontent, which has often taken the form of electoral successes of far-right Eurosceptic parties, it has been reinforcing its efforts to build a genuine hegemony at the EU level. While it is important not to exaggerate the legitimacy-procuring power of EUFP, it is noteworthy that the EU has in recent years invested considerable political capital and resources into enhancing the public salience of EUFP, including the institutional infrastructure and material capabilities of the Common Foreign and Security Policy (CFSP). A key element in this process has been the emphasis put on the decency, civility, and universality which EUFP is said to represent and promote. For instance, EU leaders have gone to considerable length to highlight their normative differences with the Trump administration, moving their long-standing friendly differentiation from the United States to a deeper shade of othering. EU studies have contributed to the quest for greater EUFP and CFSP legitimacy through critical reflections and pragmatic proposals (Fanoulis 2017; Global Affairs 2018).

The top-down ideological socialisation by means of official EUFP narratives has a class dimension. Bourdieusian studies of the class reproduction of upper middle classes have shown that they perform and display their selves to express a distinct ethical cultivation in distinction to lower classes (Bourdieu 1984; Skeggs 2013; Zimmerman 2015). This helps to explain why 'broad sections of the professional middle class with access to the media, the universities, research institutes, and so on, have become closely attached to the notion that the EU stands for progress' (Lapavitsas 2018, 128). They identify with norm-centred, moralising EUFP interpellations as they offer them an opportunity to accumulate symbolic capital by storying themselves as good cosmopolitan citizens in opposition to the more nationalistic lower classes. Eurobarometer polls support this assessment as higher socio-professional categories such as 'managers' and 'other white collars' show above-average support for EUFP, while 'manual workers' and the 'unemployed' show below-average support (European Commission 2018a). Moreover, the 'upper class' and 'upper middle class' are about twice as likely to identify the EU with values such as 'peace' and 'democracy' than the 'working class' and 'lower middle class'. Conversely, the latter two class categories are more likely to identify the EU with 'loss of our cultural identity' than the higher class categories (European Commission 2018b). At the same time as the upper middle classes morally valorise themselves at the expense of plebeian classes, they have in recent years been on the winning side of growing inequalities in household disposable income (Vacas-Soriano 2017). In short, both economic value and non-material values encourage the upper middle classes to act as what Poulantzas (2000, 467) called 'veritable class props' of the neoliberal EU order of increasing inequality. The value-laden EUFP discourse offers them one means to reconcile their material privileges with their ethical self-conceptions as other-regarding citizens (for what these class processes may mean for the future of EUFP and international security, see Merlingen 2018).

Second, the insistent narrative focus on the values orientation of the EU's internationalised state project promotes the formation of a discourse community and shared, normatively grounded pro-EU identities – horizontal elite socialisation – among Brussels-based officials (Howorth 2010; Juncos and Pomorska 2011). A Poulantzasian take stresses that the normative power frame is an ideological '"cement" unifying the personnel of the diverse [EU] state

apparatuses' (Poulantzas 2008, 301–302). Closely related, the discourse community constitutes both an opportunity structure for alliance politics between, and a strategic field of contestation for, EU officials, globalist business fractions in search of profits and cosmopolitan upper middle classes in search of ways to cultivate themselves as ethical persons by morally evaluating, authorising, and empowering the proper in foreigners and foreign lands. Different fractions of this ideological bloc, whose representatives make up key nodes of the EUFP policy networks, favour different forms of variegated neoliberalism such as orthodox ordo-liberalism or neoliberal re-regulation, and fight over concrete policies (Kannankulam and Georgi 2014). The shared value-laden EUFP discourse facilitates an 'unstable equilibrium of compromise' between them, and it constitutes an ideational defence against populist mobilisation against their neoliberal projects (Poulantzas 2000, 420). It is the conflictual unity of the neoliberal ideological bloc, with its in-fighting over how precisely to mould interests and norms into different EUFP projects, which licenses the many EU studies pitting normative explanations of EUFP against mainstream political-economy and geopolitical approaches (Diez 2013). Pollack (2016) is certainly right when he argues that 'normative and material concerns may intermingle in determining EU preferences (the notion of "mixed motives"), or alternatively that material interests may cut across and undermine the EU's public normative stance (hence generating charges of hypocrisy)'. What he misses, I believe, is the class dimension of this situation, and the fact that norms are a form of symbolic capital which can be converted into economic capital at the expense of others.

This leads me to a third point about the ideological workings of the EU's internationalised state project. The development by the EU of a strong culture of trade conditionality (democracy, human rights, environment, etc.) has entailed a perverse material effect. Manger and Shadlen (2014, 83) point out that the EU policy of development-through-trade by means of preferential, non-reciprocal market access – based on its General System of Preferences-plus (GSP+) scheme – 'makes participation … conditional on the ratification and implementation of international conventions on human rights, compliance with international conventions on labor and environmental standards, along with commitments to sustainable development and good governance'. The discretionary nature of GSP+, which permits the EU to make unilateral decisions about any 'alterations to both the design and the application of preference programs', creates considerable 'political trade dependence' for third parties (Manger and Shadlen 2014, 83, 87). GSP+ trade deals seemingly aimed at empowering developing countries actually increase their vulnerability to unilateral EU decisions limiting their access to the single market, which in turn further decreases their already weak bargaining power vis-à-vis the EU in trade negotiations. In short, the EU's superior symbolic capital structures its relations with developing countries in a way that deepens the inequality between them even as the norms constitutive of this capital conceal this asymmetry. This accentuates the paradox of EU normative power; the latter consists in the fact that even when the EU-guided internationalisation of foreign political economies is connected to democratic and other conditionalities, it promotes what Chantal Mouffe calls a '"post-democratic" condition' in target countries. This is because it assigns 'meta-democratic status' to EU-promoted norms and values instead of acknowledging that (in their concrete formulations) these norms and values are 'expression of the prevailing [EU] hegemony and thereby contestable' (Mouffe 2000, 4; 2013, 155, 310).

Conclusion

In this chapter I introduce a novel perspective on EUFP. Research on EUFP is dominated firstly by political-economy approaches that give class the silent treatment, and secondly by constructivist identity approaches that conceive EUFP in terms of the propriety of its norms and/or the

legitimacy of its decision-making processes. My Poulantzasian perspective adds nuances to both approaches. It does so by identifying and analysing economic, security, and ideological dimensions of a key component of EUFP – the internationalisation of developing countries. First, my framework discusses why and how EUFP contributes to the reproduction and legitimation of orders of inequality in the international political economy. Second, it discusses why and how EUFP helps to reproduce the appeal of neoliberal ethico-political ideas to pertinent sections of EU citizens in the context of growing class inequalities.

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EULEX Kosovo

A status-neutral and technical mission?

Vjosa Musliu

Introduction

The European Union Rule of Law Mission in Kosovo (EULEX) deployed in 2008 is the biggest and most expensive mission of its sort in the history of the EU's Common Security and Defence Policy (CSDP). In the course of ten years of its operation, EULEX's annual budget has been 50 million euros (Haxhiaj 2018), a budget approximately 45% higher compared to EU's Instrument for Pre-accession (IPA) funds for Kosovo (Kursani 2012). The vast budget allocated for EULEX and its relatively higher number of staff compared to other CSDP missions around the world led to high expectations both from the local authorities and institutions in Kosovo as well as from international observers. Having been administered by the United Nations Interim Administration in Kosovo (UNMIK) for nearly a decade (1999–2008), the locals in Kosovo perceived EULEX as an 'upgrade' that would deal more seriously with building democracy. The high expectations for EULEX were also international. Being the most ambitious mission in CSDP's history, the mission was seen as a litmus test for the EU and its capabilities to build democratic systems 'abroad'.

In its ten years of longevity, the legitimacy of EULEX has been questioned and hampered both locally and internationally. Internationally, it was first the European Court of Auditors which, in its 2012 report on EULEX, listed a number of problems pertaining to the lack of transparency and efficiency within divisions of the mission (European Court of Auditors 2012). At the local level, the legitimacy of EULEX was first and foremost hampered due to the inability of the mission to properly deal with high-level corruption cases (Miftaraj and Musliu 2016). Secondly, a number of scandals with EULEX staff between 2013 and 2015 cast a negative light on the mission both for the locals in Kosovo and for the image of EULEX worldwide. The scandal of EULEX police smuggling alcohol in Kosovo in 2010 (Balkan Investigative Reporting Network 2010) and the allegations made by the former EULEX prosecutor Maria Bamieh in 2014 that the EULEX Head of mission was involved in corruptive affairs with the justice system in Kosovo (Rettman 2014) became the two 'landmark' cases to damage the mission's reputability. Reports and studies of local think tanks in Kosovo point out that from EULEX's initial deployment, 'it was clear that there was a lack of a serious strategy and political will to actualise the mandate of the mission' (Kursani 2012; Miftaraj and Musliu 2016). In 2014, the mission started to downsizing

and eventually phasing out, passing its responsibilities to local institutions, while in the meantime retaining an 'observatory' role.

These complications were not entirely unexpected. The idea of having an EU rule of law mission deployed in Kosovo was mentioned in the Plan for Kosovo's supervised independence drafted by former UN Envoy, Martti Ahtisaari. Article 1 of Ahtisaari's Plan provides the following:

> The international community shall supervise, monitor and have all necessary power to ensure the effective and efficient of this Settlement…Kosovo shall also issue an invitation to the international community to assist in successfully fulfilling its obligations to this end. (United Nations Security Council 2007)

The same clause was reiterated in the Constitution of Kosovo enacted in 2008, in which the authorities of the newly declared independent country invited the deployment of an EU-led rule of law mission to help and support local authorities. Kosovo had declared its independence on 17 February 2008, swiftly backed by the United States and countries of Western Europe, yet strongly opposed by Serbia, Russia, and China among others. Though individual countries of the European Union were supportive of the declaration of independence, the EU still does not recognise Kosovo's independence 'en-block'. Five EU member states – Greece, Spain, Romania, Slovakia, and Cyprus – do not recognise Kosovo as an independent country. The lack of recognition notwithstanding, all five of them were regular contributors to EULEX by sending their judges, prosecutors, and customs officials. The initial plan was to deploy EULEX under a legal mandate of the EU. However, this was not acceptable for Serbia who insisted that EULEX be deployed under the auspices of the United Nations. Kosovo was not recognised by the UN and in fact, the United Nations Security Council Resolution 1244 reaffirmed Kosovo to be *de jure* part of Serbia. Eventually, EULEX got deployed under the UN, which effectively meant that the mission had to ignore the legal infrastructure enacted from the newly independent institutions of Kosovo. Shortly after, this proved to be practically impossible. As it will be elaborated below, EULEX had to systematically work with and through the legal infrastructure and the institutions of the Republic of Kosovo as an independent state. To that end, the 'status-neutral' approach remained mainly declaratory and on paper.

In terms of structure, the chapter proceeds as follows. The first section deconstructs the language through which EULEX explains its operations in Kosovo and how it communicates its activities to the public. The second section, deconstructs the ambiguities surrounding EULEX and Kosovo's political status. Bringing together the discussion on ambiguity and the changing concepts through which EULEX describes its operations, the conclusion interrogates whether rule of law in Kosovo is the inability of local institutions or whether it refers to the inability of the mission to manage to transfer its know-how to the local institutions

Deconstructing 'monitoring, mentoring and advising'

The chapter will now turn to the performance of EULEX in the period 2008–2018. Seven hundred ninety-four press releases issued by EULEX (2008–2018) have been collected and part of them will be analysed with the aid of deconstruction as conceptualised and used by Jacques Derrida. Derrida argued that there is a hidden patterning of power in all conversations. For him, power is not the name of something we possess, rather it emerges out of social situations (Derrida 1974). What guides deconstruction's methodical shaking of the textual structures is, of course, the text itself. Obviously, not through what it shows explicitly. Rather, the text guides deconstruction through what it tries to hide in and through what it says, through the

symptoms it manifests (Derrida 1985). Being essentially a tool to interrogate concepts, Derrida's deconstruction has been seen a political method for discovering the oppressed others beneath phallogocentric discourse (Phiddian 1997); and, among others, as a conceptual tool for radical, social, and political critique of the capitalist-patriarchal institutions (Dickens 1990). In this chapter, Derrida's deconstruction will be taken as a method that de-totalises self-enclosed and seemingly self-evident concepts. In doing this, deconstruction unravels the seemingly technical understanding of concepts and displays the hidden patterns of power that are constitutive to concepts and discourse (see also Musliu 2014a). Making a case for a critique of Western metaphysics, in his book *Positions*, Derrida (1981, 19) writes that '"everyday language" is not innocent or neutral', because it carries with it a number of presuppositions. In other words, if a particular meaning or a concept is silenced or hidden from a particular discourse, we must at least ask why that is the case and what power dimensions or other encounters are at stake.

EULEX describes its mission statement to 'monitor, mentor and advise Kosovo's justice system'. The mandate of EULEX is however far more comprehensive. It includes the works and activities typically carried out by a number of government ministries, departments, and agencies in a country (Kursani 2012). To that end, what EULEX does and more pertinently how it monitors, mentors, and advises in practice, remain not entirely clear. In order to flesh out these conundrums, in this section, I deconstruct the mission statement of EULEX. I will first map out the various concepts and wording EULEX uses to describe its work in various situations. Next, I will problematise the choice of wording by EULEX.

Reporting on its activities in press releases, EULEX explains its role with the following concepts: Support, cooperation and coordination, facilitation, and partnership. These concepts are not used interchangeably. Rather, each concept is used in a particular situation to convey a specific meaning. Before matching each concept a specific situation, let us take a closer look at the definitions of these concepts. 'Support' refers to two or more parties bearing all parts of the weight of a particular decision or process. Along these lines, both parties – EULEX and Kosovo's institutions – are constituents and shareholders of the rule of law in Kosovo. In the day-to-day work of EULEX 'support' is largely used to denote its expertise and know-how of legal practices, legal infrastructures, EU legislation, reading and commenting on Kosovo's legislation. This becomes evident in the following statements:

> The central aim of EULEX Kosovo, launched in 2008, is to assist and *support* the Kosovo authorities in the rule of law area, with a specific focus on the judiciary (EULEX 2012a).
> EULEX *supports* the Kosovo government in the implementation of the National Strategy and Action Plan through its work in the Inter-Ministerial Working Group. (EULEX 2012b)
> EULEX mission will continue to *support* relevant rule of law institutions in Kosovo on their path towards increased effectiveness, sustainability, multi-ethnicity and accountability, free from political interference and in full compliance with EU best practices. (EULEX 2018a)

Similar to support, 'cooperation' and 'coordination' refer to situations in which two or more parties work jointly towards the same end. This implies that both EULEX and Kosovo authorities are working together towards Kosovo's reaching European standards of rule of law. In the communication of EULEX, cooperation and coordination are generally mentioned to explain EULEX's work with Kosovo (state) structures and NATO Kosovo Forces (KFOR). As I will explain in greater detail in the next section, cooperation and coordination are brought up during sensitive inter-ethnic incidents or matters of security. For example, in January 2013, following the clash

of the protestors with the security forces of Kosovo Police and KFOR in Northern Kosovo, EULEX declared:

> EULEX police and prosecutors are closely monitoring the situation and *coordinating* with Kosovo Police and KFOR. EULEX is ready to step in and support the local rule of law institutions, if needed. (EULEX 2013e)

In 2012, the Assembly of Kosovo voted in favour of the border demarcation with Montenegro. This requirement stemmed directly from the discussions of enlargement with the European Union. Shortly after, EULEX would state:

> Today's vote at the Assembly is a strong indication of Kosovo's determination to improve the rule of law, and the mission that I head will keep up its support in this process. EULEX looks forward to continuing its good *cooperation* with Kosovo rule of law institutions. (EULEX, 2012a)

'Partnership' refers to an engagement or an activity of two or more equal parties with a relatively same level of power. A defining characteristic of partnership is the ownership both parties have in their engagement. In its communication, EULEX would opt for the concept of 'partnership' when referring to its work with Kosovan judges and prosecutors in trials and indictments. Court panels in Kosovo are composed of local and EULEX judges.

> *Partnership* between Kosovo rule of law institutions and EULEX continues to remain a priority for the mission. As more and more cases are being investigated jointly by investigators of EULEX and the Kosovo Police, this agreement will enable the exchange of intelligence, which will further the cooperation in the fight against organised crime and other criminal offences in Kosovo. (EULEX 2013a)
>
> There are many challenges ahead for EULEX and for Kosovo. We are in *partnership* together and, with *partnership*, comes responsibilities on all sides. EULEX will continue to support Kosovo in enhancing the rule of law and in furthering its EU perspective. (EULEX 2013d)

Since 2013 when the Brussels Agreement was signed in the EU mediated dialogue between Pristina and Belgrade in Brussels, EULEX has also talked about its role as 'facilitator' by overseeing the implementation of the agreement between the two. To facilitate is to ease, or make things run easily. Differently from support, facilitation refers to situations in which two parties bear the weight of a particular decision while a third party facilitates the discussion or the process. Facilitation as a process can vary from providing a physical space where the two parties meet to mediating their discussion. Importantly, the facilitator is not a stakeholder or a constituent actor in the process. Along these lines, both the EU and EULEX suggest to be more facilitators in the Belgrade – Pristina dialogue, rather than actual stakeholders.

In March 2015, EULEX facilitated a meeting between the Kosovan Police General Director and the Serbian Police General Director, as 'part of its support to Pristina and Belgrade authorities under its mandated obligation to *promote* relations between Pristina and Belgrade Rule of Law institutions, including police, justice and customs officials' (EULEX 2015)

Finally, looking at the press releases we acknowledge yet another role of EULEX which is not explicit: That of a 'cheerleader' praising and encouraging local institutions and structures in Kosovo. The 'cheerleader' character almost always appears adjacent to praising Kosovan

authorities being in 'full compliance with EU best practices' (EULEX 2018b). For instance, when Kosovo police made an arrest of a suspect for human trafficking in 2013, the Head of EULEX Police, Harry Long commented that 'Kosovo Police should be *congratulated* for this pro-active operation', adding that operations like these 'demonstrate the increasing professionalism of the KP and, hopefully, similar operations will be carried out in the future' (EULEX 2013b).

The wording of praise is not only in cases of concrete action from Kosovo's authorities. When it comes to inter-ethnic issues involving Albanians and Serbians, the mere sitting together of both parties is praised by EULEX. For instance, in the aforementioned meeting of police directors, the Head of EULEX, Gabriele Meucci, '*praised* the start of the direct meetings between Kosovo and the Serbian Police officials, recommending that such constructive cooperation continues in the future' (EULEX 2015). Along the same lines, in his meeting with the newly elected mayor of Zvecan, a city in Northern Kosovo inhabited by Serbs, the then Head of EULEX Bernd Borchardt said to be '*very pleased* with the meeting with Mr. Janković who has shown a keen interest in the rule of law matters' (EULEX 2013c).

In another occasion when Kosovo Customs and Kosovo Border Police seized a large supply of heroin during an operation in 2011, the Head of EULEX Customs, Mike Marsden, stated:

> It is *very encouraging* to see that Kosovo Customs and Kosovo Border Police have demonstrated initiative and *enthusiasm* in this operation. The amount of drugs seized on this occasion is substantial, representing around fifty per cent of the total heroin seized in Kosovo in the previous year. This successful operation shows how well local law enforcement agencies are progressing. (EULEX 2011b)

This section has shown the diverse concepts EULEX uses to describe its involvement in different contexts and situations in Kosovo. While the various concepts discussed above fit broadly in EULEX's mission statement (monitoring, mentoring, and advising) referring to its role as 'partner' or 'facilitator', they also convey an important nuance to understand the way EULEX qualifies its role and the role of local institutions. Since its deployment, EULEX has constantly attempted to tone down its role, activities, and power, which stretch out well beyond monitoring, mentoring, and advising nevertheless. To that end, rather than having the power to do something in the classical sense, EULEX has a Foucauldian type of power: It can establish certain regimes of truth about itself and the reality around it (Foucault 1991). Concretely, depending on the situation, EULEX proclaims the local authorities as partners with a stake in building the institutions of their country, as cooperators in a joint venture with EULEX to build state institutions in Kosovo, or as mere subjects in a race of accomplishing EU standards of state building and rule of law. Similarly, the power of EULEX is to establish itself as a mere observer, a facilitator, or a partner, depending on the situation at hand. In doing this, EULEX advertently proclaims the responsibility and/or praise for the state building processes to the local authorities or to the EU.

Deconstructing 'status-neutral'

In this section I problematise EULEX's ambiguities in relation to Kosovo's political status. As mentioned in the introduction, the EU had to find a technical way of deploying its mission due to Serbia's insisting to deploy EULEX under a UN mandate. Even though the EU and EULEX have been creative to formulate a 'status-neutral' position to avoid any attributions or negations of Kosovo's sovereignty, I show below that the 'status-neutral' stance for EULEX never

materialised. What has so far occurred instead is that EULEX found itself continuously entangled in acknowledging Kosovo as an independent country and at the same time silencing this recognition. Successive Heads of EULEX have reiterated EULEX to be a technical mission and that it remains neutral when it comes to Kosovo's political status. Yet, Kosovo often figures as an independent country in the communications of EULEX. At other times, the independence is silenced from the text and a more generic line of communication takes over.

One way how EULEX deviates from its 'status-neutral' mandate is when it engages with structures and institutions of Kosovo as an independent state. The press releases of EULEX are filled with notifications of meetings between (successive) Heads of EULEX and 'the President of Kosovo' or 'the Prime Minister of Kosovo', members of Kosovo's Assembly, and the Minister of Justice. For example, reporting on the visits of the EU Civilian Operations Commander Vincenzo Coppola in 2018, EULEX reported '…he met with Prime Minister Ramush Haradinaj, Justice Minister Abelard Tahiri, members of the Presidency of Kosovo Assembly…' (EULEX 2018a). Following the ratification of the border agreement between Kosovo and Montenegro, EULEX issued the following statement: 'The ratification of the demarcation agreement with Montenegro by the Kosovo Assembly represents an important milestone for Kosovo and its people' (EULEX 2018d). Further, in her communication about the redefinition of EULEX, the Head of EULEX, Jeroslavna Novotna, declared that the changes of EULEX will also be in line with 'the new Kosovo law' (EULEX 2018d). And the report which EULEX submitted to the UNMIK in 2009 stated that 'EULEX continued the practice of copying commercial invoices…' and shared them 'with the Kosovo Customs Service and the Serbian Customs Administration' (EULEX 2009b). In this particular statement, EULEX differentiates between the two administrations [Kosovan and Serbian], referring to both with their state institutional names, thus erasing its 'status-neutral' position towards Kosovo. The same attribution to institutions was repeated in 2018 after the Assembly of Kosovo passed the ratification of the border agreement with Montenegro. In its immediate reaction, EULEX reported: 'The ratification of the demarcation agreement with Montenegro by the Kosovo Assembly represents an important milestone for Kosovo and its people' (EULEX 2018d; European Court of Auditors 2012). What we can infer from such statements is that by drawing a distinguishing line between Kosovo and its national authorities vs. non-Kosovan institutions and actors, EULEX implicitly recognises the independent status of Kosovo, which brings the mission at odds with its determination to stick with status-neutrality.

In other press releases we see how attributions to statehood elements (e.g. Prime Minister of Kosovo, Supreme Court of Kosovo, etc.) are deleted or silenced from the text, getting substituted with generic jargon. The silencing takes place when the primary addressee of EULEX is the non-Albanian audience, or when a particular communication is directly addressed to the Serbian population in Kosovo and/or Serbia proper. In such situations, state-like attributions of Kosovo are deleted. For instance, in a reaction to Kosovan Serbian leaders who accused EULEX in 2014 of working with Kosovo's security forces in Northern Kosovo, EULEX responded that 'EULEX does not make any distinction on ethnic lines…as stated by various parties' (EULEX 2014). In the first half of the sentence, EULEX refutes allegations of working with Kosovo's security forces without naming them as such. In the second half of the sentence, it refutes allegations of Serbian politicians in Northern Kosovo, without attributing them directly. In other sensitive cases, in which Albanians and Serbians were colliding over an issue, EULEX would opt for a similar strategy of ambiguity in its verbal and written communication: silencing or deleting any attribution which would showcase its implied recognition of Kosovo's institutions and by extension Kosovo's independence.

Another example to showcase how the 'status-neutral' position remained only declaratory for EULEX is the fact that the mission operated under Kosovo's law and the court cases were all

conducted by and through Kosovo's legal system. What is more, EULEX regularly invokes laws enacted by Kosovo's Assembly, for example:

> EULEX would like to stress that, according to the Kosovo law, the opinions expressed and the positions taken by judges during their internal discussions in reaching a verdict are confidential. (EULEX 2009c)

It appears that EULEX uses and silences state attribution in its communication depending indeed on whether Kosovo or Serbia are the targets of it. When the addressee of a communication is Serbia, EULEX would simply opt for 'Kosovo', removing any signifiers demarcating independent statehood such as 'Government', 'Assembly', or 'President':

> EULEX has a mandate to carry out its activities all over Kosovo. This mandate has been confirmed in the invitation by the Kosovo authorities and in a letter sent by the President of Serbia. (EULEX 2009a)

The state attribution of Kosovo is silenced by means of using a more generic and technical term such as 'Kosovo authorities', whereas in the same sentence Serbia is attributed as state due to the direct reference made to the President of Serbia. The juxtaposition of Kosovo's standing ambivalently between statehood and non-recognition with the national sovereignty of Serbia determines Kosovo's in-between ontology in aporetic a manner, to use Derrida's terms (see also Fanoulis and Musliu 2018, Musliu 2014b).

A similar approach is taken by EULEX when its audience is Kosovo Serbs. In these cases, not only state attributions for Kosovo are removed, but the language becomes entirely technical and evasive so as to avoid any attribution:

> KFOR and EULEX support a safe and secure environment in Kosovo for all communities. We will continue our actions to support freedom of movement and establish the rule of law, carefully and impartially. (EULEX 2011a; EULEX 2013a)

Interestingly, when the situation becomes too sensitive and prone to inter-ethnic clashes, EULEX removes entirely the signifier 'Kosovo Police' from its communication and refers instead to KFOR as the principal security force. This systematically occurred throughout 2011, after Kosovo police took control of the two border-gates 1 and 31 in Northern Kosovo and the local Serbs retaliated by burning the premises. At that time, local Serbs even accused EULEX of having helped the 'state structures' of Kosovo. Responding to such accusations, EULEX's then spokesperson Nicholas Hawton said that 'EULEX was not involved in any way in the operation carried out by the special units of Kosovo Police', adding further that 'EULEX is coordinating closely with KFOR' to resolve the situation (EULEX 2011c; EULEX 2009d).

On the contrary, when the addressee of its communication is Kosovan Albanians, EULEX uses directly terms that reaffirm Kosovo as an independent state:

> Deputy Prime Minister of the Republic of Kosovo, Mr. Kuçi pointed out that the Government and the EULEX will work together in this process to rebuild a police service that is truly multi-ethnic and that reflects the composition of the Kosovo society and that will work in the interest of all communities. (EULEX 2009d)

In cases like these, EULEX is not status-neutral as it unequivocally refers to the 'Republic of Kosovo'. Its 'status-neutral' position towards Kosovo's independence has enabled EULEX – at least in a declaratory aspect – to operate without taking sides. However, in its day-to-day work, this situation is far more complex as EULEX has been continuously working based on the legal infrastructure deriving from Kosovo's Constitution whose legal authority draws on an independent Kosovo.

Conclusion

Following Derrida, 'text' as in discourse, is never empty, neutral, or pre-given. To the contrary, a text is always imbued with meaning; it is political, contextual, and socially constructed. Even the ordinary language involves certain metaphysical presuppositions about the world. To that end, it only seems natural to go beyond the text, deconstruct it and de-totalise the self-enclosed totalities and uncover patterns and relations of power. Particular in Derrida's fashion of deconstruction is that '…in all conversations, there's a hidden patterning of power' (Derrida 1974). For him, power is not the name of something we possess; rather it emerges out of social situations. In both sections in the chapter we saw that when silencing or pronouncing an institution or a category in its communication, EULEX denies or proclaims Kosovo's sovereignty. What is more, the power of EULEX is to do both [denial and proclamation] at the same time and address two diametrically opposite audiences [the Serbians and the Albanians] with the message they separately need to hear.

In the first section, we saw how EULEX shifts and changes concepts to describe what it does depending on the context and the situation. EULEX has the power to establish that it is a technical mission that only monitors, mentors, and advises, even though – as I have shown above – its powers and authority stretch out well beyond that. Further, EULEX can be a supporter, a facilitator, a partner, or a coordinator depending on the context, and by extension, the local institutions in Kosovo (Ministry of Justice, the President, the National Assembly, etc.) can acquire respective subject positions as mentee, partner, or party depending on how EULEX sees it fit. The power of EULEX to establish the common sense about itself and about Kosovo reaches to the practical aspects of how the mission functions. First, despite working with and through Kosovo's legal system, EULEX has sovereign powers. For instance, in case of EULEX staff's breaching procedures or committing a crime, they can only be judged in the legal systems of their countries of origin, and are immune to Kosovo's jurisdiction (see for more, Visoka 2013). Further, irrespective of its progress and performance, EULEX – through the EU – is the only subject that can renew its own mandate. Local authorities in Kosovo, including the government, the President, the National Assembly, or the civil society at large, do not have a say to the format, the longevity, or the scope of the mission.

The narrative continued by demonstrating how the independence of Kosovo – a contested issue at the international stage and for the Serbo-Albanian relations within Kosovo – can be both denied and affirmed in the communication of EULEX. The power embedded within the discourse of EULEX has continuously both silenced and acknowledged Kosovo's independence. When silenced, Kosovo is referred to as a mere territory or landscape, the peoples and ethnic groups living in it are referred to as 'communities', whereas open conflicts between ethnic subjects are merely referred to as 'parties' or 'sides'. In this setup, it is not merely the independence of Kosovo that is silenced, but rather an entire set of conflicts, relations of power, and disputes are made technical and generic.

Moreover, EULEX was established and deployed in the middle of a complicated political stalemate as it had to be acceptable from both Kosovo and Serbia. For Kosovo and its political

elites, the deployment of EULEX has been consistently justified by invoking the invitation issued for EULEX in Ahtisaari's Plan and the Constitution of the Republic of Kosovo. For Serbia and its political elites on the other side, EULEX has been consistently justified by invoking its 'status-neutral mandate' regarding Kosovo's independence. In other words, for Kosovo, EULEX was operating in a sovereign state, even though it is not explicitly said so by the latter, whereas for Serbia, EULEX was operating in a non-independent state, thanks to its 'status-neutral' position. Local civil society organisations in Kosovo have called EULEX in this setup a 'pragmatic chameleon' (Kursani 2012). We have evidenced how EULEX can communicate such diametrically opposite messages to two separate audiences that wish to hear one preferred attribution only. Research has shown that the EULEX Communication Office is the mission's largest department, producing daily content in English (for the international audience and Brussels), in Albanian (for the Albanian majority), and Serbian (for the Serbian minority in Northern Kosovo and Serbia proper) (Ferati 2012; Peters 2010). The content has been framed in such a way to be deemed acceptable for all three audiences, even reinforcing their respective narratives on what EULEX does and what Kosovo is.

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Rethinking EU enlargement

Pastoral power, ambivalence, and the case of Turkey

Dan Bulley and David Phinnemore

Introduction

European Commissioners have long described enlargement as the EU's most successful foreign and security policy (Füle 2014; Patten 2005, 152). Academics have often agreed: 'The successful transformation, democratization, stabilization and incorporation of the neighbouring countries has been one of the most significant foreign policy achievements of the EU' (Bindi 2010, 31). Though this 'success' may be controversial, it is certainly a peculiar foreign policy, a strange way of relating to the 'external'. The premise of enlargement is to transform the foreign and external into the familiar, the internal, and domestic. In a sense, its closest comparator would be pre-modern forms of empire-building in which contiguous territories were conquered and brought within the control of the imperial centre.[1] Yet, with the EU's enlargement policy there is no centre; it requires the acquiescence of multiple institutions spread throughout the continent. And enlargement involves no warfare. Rather than physical violence, enlargement operates via choice, bureaucracy, and reform undertaken both willingly and reluctantly by the acceding state. It therefore involves the exercise of power and resistance, even if not in forms that are the common currency of politics and international relations. What kind of power is this then? And how do we account for its failure when it comes to resistant cases, such as Turkey?

We seek to answer these questions by critically exploring the logic, ethics, and power relations behind the EU's enlargement process. We argue that the journey down the 'road to Europe' can be read through analogy with Foucault's notion of *pastoral power*. The pastoral power relation was used in early Christianity to designate the benign, caring, guiding interaction between a shepherd and its flock, or between the pastor (the representative of God) and his followers. The pastor's role, like that of the shepherd, is to cajole, advise, and sometimes carry their flock, both as a mass and at times, as individuals, to the safety of the fold. The EU has been playing this role explicitly since the 1990s, successfully shepherding and partially transforming 13 countries from Central, Southern, and Eastern Europe into the safety and relative prosperity of the 'common European home' (Bulley 2009). The EU's identity and subjectivity as a benign, caring power has been formed via this process of enlargement – it is during this time that the EU has come to be spoken of, and speak of itself, as a peculiarly 'normative power' (Manners 2002). In other words, it is this power that the EU exercises by producing other subjects with particular identities –

'associate', 'neighbour', 'potential candidate', 'candidate' – that has also produced the EU itself as a caring, transformative, ethical actor; a shepherd to its flock. The flock and the shepherd are co-constituted.

Turkey, however, has remained a special case. Traditionally, its slow progress to accession has been due to shortcomings in meeting the EU's economic and political criteria for accession. More broadly, it has been explained by a tension between security (the need to keep Turkey close as a major military power, NATO member, and an important regional player in, and buffer to, the Middle East) and Turkey's cultural otherness. We argue that, contrary to the orthodoxy, it serves the identities and interests of both the EU and Turkey to keep the latter on the 'road to Europe' in perpetuity. The EU is able to retain its pastoral identity as the benign shepherd, doing all it can to keep the wayward and occasionally ill-disciplined Turkey on the right path, whilst never having to confront the challenges that Turkish membership would bring. Meanwhile, remaining a candidate gives Turkish elites access to the badge of 'civilizational' progress, as well as the economic benefits that come with close economic integration via a customs union with the EU. And yet, by never committing to the complete submission required from accession negotiations, Turkey can retain its identity as equal to – but other than – 'Europe' as interpreted by the EU, with all the political freedom of manoeuvre that such independence brings. The situation works for both. It does little, however, for refugees and minorities within Turkey's borders.

The chapter will proceed in three sections. First, we outline the EU's enlargement policy and how it operates through the analogy with pastoral power. Second, we introduce the perennially liminal case of Turkey, the 'black sheep' of the European herd. The final section extends the pastoral analogy to demonstrate the interests and identities that are served and produced through the constructive ambiguity surrounding Turkey's final European 'vocation'. The EU has consistently sent mixed signals about Turkey's final status within its fold; Turkey has likewise shown a certain ambivalence. Rather than undermining EU enlargement and its power, this constructive inconsistency serves a crucial purpose in maintaining the identities of both subjects: The EU as a beacon of liberal democratic values and Turkey as strong, independent regional leader.

Enlargement, pastoralism, and the 'road to Europe'

There has been much debate in recent years about how to characterise the power wielded by the EU through enlargement. Due to the policy's role in the non-violent diffusing of EU principles and values, such as democracy, human rights, and the rule of law, it has been spoken of as an 'ethical' power (Aggestam 2008), a 'soft' power (Michalski 2005), and a 'civilizing' power (Mitzen 2006; Bicchi 2006). Most frequently it is conceived as part of the EU's broader 'normative' power – an ability and desire to shape what is normal in international politics according to 'universal' values rather than strategic interests (Manners 2002; 2008; Whitman 2011). Heather Grabbe has offered a more policy-oriented frame of 'transformative power'. In this understanding the EU uses its accession criteria to exercise influence and induce change in applicant countries (Grabbe 2006), alongside the 'gravitational pull' the EU exerts as an appealing set of stable, prosperous, secure societies which emphasise personal freedoms (Grabbe 2014, 40). Both the normative and transformative views have influenced the way the EU interprets and represents itself (Manners 2008, 60; Rehn 2009b).[2]

Various problems have been identified with the normative perspective in particular (see Merlingen 2007, 437–439). Our critical reading, inspired by Michel Foucault, argues that both accounts of EU enlargement policy are inadequate because they fail to acknowledge that power is always inherently *productive*: 'it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production'

(Foucault 1977, 194). Power does not emerge from a sovereign subject, dominating and/or transforming its object through 'gravitational pull' and the demand for reforms. Rather, power works through surveillance, monitoring, the gathering, and generation of knowledge that constitutes the true nature of subjects and objects alike (Foucault 1980, 93–100). Norms, conditions, and accession criteria thereby become technologies that form the truth of the subjects and objects (in this case the 'candidate' or 'potential candidate'), encouraging certain forms of behaviour and constraining others in a system of domination that is ambivalent: emancipatory *and* coercive, but always constitutive. Power is necessarily transformative, not by changing pre-existing subjects and objects, but by creating them and their 'truth' as that which requires further work of reformation.

A further problem with the normative and transformative understandings of EU power is that they are very general, seeking to explain a wide range of foreign policies and practices.[3] In contrast, Foucault's more variegated view of power shows that the particular forms it takes depend upon context – power describes 'the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organisation' (Foucault 1998, 92). Enlargement policy contains particular practices and 'force relations' that are different to the EU's other foreign policies, though these differences are beyond the scope of this chapter. We argue that the power relations of enlargement are therefore best understood through analogy with what Foucault (2007) calls 'pastoral power'.

This is an unusual correspondence to draw, given that Foucault (2007, 165) specifies pastoral power as a fore-runner of modern forms of governmentality that emerged in the pre-Christian Eastern Mediterranean. Here, the King or Pharaoh, upon coronation, is handed the shepherd's crook and is designated a God, or a representative of God, and therefore a shepherd of men (123–124). This pastoral relation becomes especially pronounced among the Hebrews, but is retained today in many branches of Christianity with high-ranking prelates of the Roman Catholic, Anglican, Lutheran, United Methodist, Eastern, and Oriental Orthodox churches carrying a crosier, or pastoral staff, in ceremonies. Here, the crosier retains its designation of a power relation, with 'prelate' developing from the Latin *praeferre*, meaning 'carry before' or 'place before in esteem'. Pastoralism is thus thoroughly embedded within the Christian tradition.

Despite this unpropitious genealogy, we can see the constitutive role played by a pastoral power relation from the earliest days of what is now the EU. The preamble to the Treaty of Rome (1957), the founding treaty of the European Economic Community (EEC), noted the determination of the original six member states to 'lay the foundations of an ever closer union among the peoples of Europe' and their call to 'the other peoples of Europe who share their ideal to join [them] in their efforts'. Article 237 then specified that 'Any European state may apply to become a member of the Community'.[4] This seems uncontroversial. And yet it immediately inaugurates the EEC as the representative *of* Europe, just as the Christian pastor is the representative of God. Furthermore, it gives unto the EEC (or rather, the EEC gives unto *itself*), the authority to determine the true Europeanness of other states, to generate their identity as sufficiently or insufficiently European. Thus, in 1987 when Morocco applied to join the European Communities, its rejection constituted Morocco as non-European despite being under French rule until 1956, sharing land borders with Spain (cities of Ceuta and Melilla), and with a neighbouring territory (Algeria) that was part of the EEC until 1962. In contrast, Cyprus and Malta, with colonial histories and no member state land borders, applied in 1990 and were formally constituted as 'European' by 1993. As applications rolled in, the EU amended its practice and began recognising the European 'vocation' of states like Croatia (Prodi 2003), Turkey (Rehn 2005a), Serbia, and Kosovo (Rehn 2007). This is a significant choice of words, with 'vocation'

emerging from the Latin *vocatio* (a 'calling' or 'being called') through the Old French *vocacion* and its implication of a spiritual calling.

Enlargement states are thus being *called to* Europe; they are not fully European but are called in this direction. It is the EU institutions' job then to weigh up the applicant, like the good pastor, according to a 'detailed economy of merits and faults' (Foucault 2007, 173) that will determine the judgement and reform required. A European calling is insufficient for membership. As the Copenhagen Criteria of 1993 outline, this requires the 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities', a functioning market economy and the ability to 'cope with competitive pressure and market forces within the Union' (European Council 1993, 7.iii). It is therefore the role of the accession process to transform the 'applicant' state first into a 'candidate', then into a member state. Initially, this involves the Commission weighing the extent to which the criteria for membership are fulfilled by examining the applicant's answers to a complex questionnaire. Through such knowledge, it constructs the truth of the applicant and its vocation. If the Commission offers a positive opinion, evolving practice then allows the European Council to decide whether the applicant becomes a 'candidate' and whether it wants to set additional criteria specific to the state concerned (Phinnemore 2003).

A core aspect of pastoral power, and one which draws strong parallels with the normative approach, is its inherent 'goodness'. As Foucault (2007, 126–127) clarifies, 'pastoral power is entirely defined by its beneficence; its only raison d'être is doing good, and in order to do good'. The one objective of this power relation is the salvation and safety (the two meanings of salut) of the flock. It is a 'power of care' (*ibid*.), primarily exercised by keeping watch over the flock. Thus the EU has long characterised itself as a beneficent power, claiming in 1999 its very foundation in principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (Article 6(1) Treaty on European Union (1999)). A decade later, it converted these principles into values, added respect for human dignity, freedom, equality, and respect for rights of persons belonging to minorities and referenced pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men (Article 2 Treaty on European Union (2009)). In this way enlargement has been characterised as a moral obligation, a responsibility of the EU (see examples in Bulley 2017a, 125–126) to spread and share its values with states that can be welcomed into what has been characterised as the area of freedom, security, and justice that is 'Europe'.

However, the accession process is not characterised as a power exercised over static territories. Rather, just like pastoralism, it is exercised 'by definition, over a flock… [and] its movement from one place to another… pastoral power is exercised on a multiplicity on the move' (Foucault 2007, 125–126). As a response to a call, it is discursively constructed as a *movement* from instability, nationalism, and conflict to the safety of the fold. As has been shown elsewhere, particularly for the flock of 12 states that joined in 2004 and 2007, the application was represented as the first step on a journey or road to the 'European home' (Bulley 2009, 62–67; 2017a, 126–129). Applicants are assured that this road is long, hard, even 'tortuous' for Turkey according to Olli Rehn (in Casanova 2006, 234). But the EU will be there to help them complete it, including 'straggler[s]' such as Serbia (Solana 2000). The EU's pastoralism includes a duty to 'point the way', to 'build' the road to make the movement easier, to 'flag the staging posts' along the way, and 'applaud you as you pass them', ensuring candidates don't 'walk the road to Europe alone' (Patten 2000). Detailed 'roadmaps' were even produced for Romania and Bulgaria (European Council 2002), whilst Bosnians have been urged 'to make the last mile' (Rehn 2005b).

This long negotiating journey thus begins with a screening process in which candidates submit to a further weighing, a close scrutiny by the Commission as to their abilities to incorporate

the *acquis communautaire* (the body of EU law) and the obligations of membership. Accession negotiations split the *acquis* into more than 30 different chapters, each dealing with a specific area of EU policy competence. Each chapter contains benchmarks that must be achieved before a chapter is opened and then closed – the aforementioned 'staging posts' to be flagged and cheered. This is accompanied by financial and technical support via the Instrument for Pre-accession Assistance (IPA). These benchmarks also help produce the beneficence of the EU, the process constituting its role as a shepherd that keeps a constant watch over its flock. Once all the chapters are closed, and all the criteria are deemed fulfilled, the final terms of accession are set out in a treaty that must be approved by the EU's member states, and then ratified by the European Parliament (EP), the candidate itself, and every single member state.

A final aspect of pastoral power that is important to emphasise is its individualising *and* massifying nature – it is directed towards the flock as a whole *and* the individual sheep that may stray off course (Foucault 2007, 128). Thus, while the accession process is stressed to be the same for the whole flock, certain stragglers require singular care and attention, whether in the form of roadmaps, or in the regular frustration with, and shaming of, for example, Bosnia (Noutcheva 2012). It is in this singularising aspect that the power relation of pastoralism becomes most apparent. As Foucault makes clear, whilst responding to the call of salvation is a choice rather than coerced, once chosen, it is a matter of obedience, subordination, and 'a relationship of submission' to the pastor (Foucault 2007, 175). All aspects of an applicant's behaviour, laws, economies, policies, and values, even their *conscience*, becomes subject to the normalising gaze, examination, and criticism of the EU and its economy of merits and faults. Thus, while the accession journey is described as a 'negotiation', suggesting an equal exchange, the term is a complete misnomer. As Olli Rehn (2005c, 55-56) put it, the 'negotiation process for Turkey means nothing more or less than Turkey adopting the rules of governance which are applied in today's Europe… In this sense, the word negotiation is perhaps misleading'. Quite so. In the case of Bosnia, this has led to highly interventionist, anti-democratic demands from the EU for state centralisation and a disposal of the Office of the High Representative (Bulley 2017a, 141–142), with Rehn describing this as a test of Bosnia's 'political maturity and leadership' (Rehn 2009a).

What the pastoral analogy reveals then is the highly ambivalent and constitutive nature of the EU's enlargement policy. Unlike the normative or transformative view, which largely accepts the benign beneficence of the EU's values and conditionality but hides the demand for submission, pastoral power exposes both sides. But it also highlights the constitutive role played by this power, producing states with a European 'vocation', but as sheep that require guidance, obedience, and reform; and producing the EU as a safe, secure fold and the EU institutions as representatives of 'Europeanness', whose job it is to guide, watch over, and discipline states on their journey to the fold. 'So, there is a connection to salvation, the law, and to truth; the pastor guides to salvation, prescribes the law, and teaches the truth' (Foucault 2007, 167). But what happens with a sheep that has a different understanding of salvation, its own version of the truth?

The case of Turkey

Turkey is not a new problem: Its status in relation to the EU and its progress along the road to Europe, has remained an unresolved puzzle since the late 1950s when it applied for an association agreement with the EEC. Over the last six decades, the relationship has evolved from Turkey becoming an associate (1964), to an applicant for membership (1987), to a candidate (1999), and to a candidate in accession negotiations (2005). Membership of the EU, however, remains elusive. Despite almost 14 years of negotiations, by mid-2019 only one of

the 35 chapters had been closed. Most states acceding to the EU have completed the negotiations within five years. This section offers a brief genealogical discussion of Turkey's difficult journey towards membership.

Formally at least, the EU has always been committed to considering Turkey's ultimate accession. In their 1963 Association Agreement, the EU and Turkey envisaged that they would 'examine the possibility' of Turkey's accession once the relationship had advanced sufficiently such that Turkey would be in a position to assume the obligations of membership. Rather fractious relations during the 1970s and early 1980s meant that scant progress was made. Moreover, democracy in Turkey faltered and collapsed. Yet on its return in the mid-1980s, the Turkish government, as part of renewed westernisation efforts formally sought membership. The EU's response was conditioned publicly by the shifting geopolitical context. The European Commission (1989, point 10) maintained that 'it would be inappropriate for the Community –which is itself undergoing major changes while the whole of Europe is in a state of flux –to become involved in new accession negotiations at this stage'. Given the political and economic situation in Turkey it was also argued that 'it would not be useful to open accession negotiations with Turkey straight away' (*ibid*.). Instead the focus of relations would be on implementing the association agreement's commitment to a customs union which was duly established in 1996.

By the mid-1990s, however, Turkey was no longer the only applicant for EU membership. It had been joined by Cyprus and Malta, plus an increasing number of countries in Central and Eastern Europe (CEE), starting with Hungary and Poland in 1994 and expanding further in 1995. In the meantime too, five members of the European Free Trade Association (EFTA) had applied for EU membership with three of them – Austria, Finland, and Sweden – acceding to the EU in 1995. Norway had rejected membership in a referendum, and Switzerland's application had been frozen.

The EU in the 1990s was very much focused on enlargement, but where did Turkey feature in these plans? The evidence points to the margins, a consistent semi-detachment from the flock. The EFTA enlargement took place without any consideration of including Turkey, and when the Copenhagen European Council in 1993 turned to the question of enlargement, its focus was on the CEE countries. They were informed, subject to meeting certain political criteria: 'the associated countries of central and eastern Europe that so desire *shall* become members' (European Council 1993, emphasis added). For Turkey, by contrast, the focus was on 'intensified cooperation and the development of relations' (*ibid*.). A year later, the Essen European Council declared that 'the next phase of enlargement of the Union will involve Cyprus and Malta' (European Council, 1994, 2). Again, Turkey was informed that the priority was the customs union.

Turkey's apparent exclusion from the EU's plans for enlargement was reinforced in 1996 when the Madrid European Council called on the Commission to expedite its opinions on the CEE countries' applications and to embark upon preparation of a composite paper on how to take enlargement forward. Turkey was conspicuously dealt with under a separate 'External Relations' heading in the European Council's conclusions, suggesting that it may not even be on the road to Europe at all. When in July 1997 the Commission duly published *Agenda 2000*, its blueprint for enlargement, Turkey was again dealt with separately from other members of the flock, even though a recent meeting of the EU-Turkey Association Council had reconfirmed its eligibility for membership. When the Luxembourg European Council in December 1997 agreed to launch an accession process with Cyprus and the CEE countries, Turkey was omitted. The decision was contested by Turkey, not least on the grounds that its economic and political development could not be considered much worse than Bulgaria and Romania, the two CEE 'laggards'.

Contestation was followed by a deterioration in EU-Turkey relations which persisted until 1999 when, in the aftermath of the Kosovo conflict, the EU decided to intensify the eastern enlargement process and offer the countries of the Western Balkans potential candidate status in an effort to stabilise the region and provide an incentive for economic and political reform. Almost overnight, existing applicants became candidates, and among them was Turkey. The Helsinki European Council in December 1999 went further and declared Turkey 'a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States'(European Council 1999, point 12). However, there was no invitation to open accession negotiations, even though invitations – accepted – were extended to Bulgaria and Romania alongside Latvia, Lithuania, Malta, and Slovakia.

It would take another four years for accession negotiations to be opened. By then, domestic reform processes – constitutional, political, and economic – were all underway and Turkey appeared to be committed to the norms and values of the EU. Its European vocation, its calling towards the fold, appeared secure. Opposition to Turkish accession, particularly in Austria, however, meant that an EU decision to open negotiations was often in doubt. It was at this time too, that calls for Turkey to be offered a privileged partnership instead of the prospect of membership intensified. Eventually, in October 2005, at the same time as Croatia, negotiations were formally opened. However, whereas Croatia moved comparatively swiftly down the road to Europe, albeit far from seamlessly, through the opening and closing of negotiating chapters, progress in Turkey's accession negotiations was soon faltering.

In December 2006 EU member states agreed that eight *acquis* chapters could not be opened until the Commission could verify that Turkey had opened its ports and airports to traffic and trade from Cyprus. In 2007, France, under the Presidency of the Turkosceptic Nicolas Sarkozy, declared its opposition to opening five chapters most directly related to membership. Although during the subsequent two years a further seven chapters were opened, none of them were closed. Moreover, in June 2009, Cyprus announced that it was blocking the opening of six more chapters. By the time Croatia had completed its accession negotiations and joined the EU on 1 July 2013, the EU and Turkey had managed to open only 13 chapters. Only one had been closed.

Over the next five years a further three chapters were opened, but no further chapters were closed, with the EU's reliance on Turkey to handle the refugee crisis alongside political turmoil in domestic Turkish politics generating both progress and regress (Bulley 2017b). Turkey's movement ultimately stalled again. Suggestions re-surfaced on offering Turkey a privileged partnership instead of the prospect of membership, or abandoning accession negotiations. Turkey should instead be limited to its long-standing associate status, neither properly inside nor outside the fold. The debate is ongoing, fueled also by periods of Turkish governmental ambivalence towards the EU. Negotiations have not, however, been abandoned. But, in the absence of definitive steps towards accession, and given the ambiguous nature of the EU-Turkey relationship, Turkey finds itself with the door to the EU both half-open and half-closed (Phinnemore and İçener 2016). The EU's longest-standing European partner remains in a kind of limbo, neither fully European nor fully non-European, neither fully a member of the European family nor entirely the 'other', with neither a clear European vocation nor revoking it entirely, sometimes moving closer and sometimes more distant.

Identities and interests: Who benefits?

How are we to understand this 60-year dance? When confronted by a seemingly irrational situation with no resolution, a critical approach may ask a simple question: Who is benefiting from it? There is not necessarily an obvious answer to this, given that both the EU and Turkey appear to

lose: Turkey is stuck in perpetual limbo, never completing its journey or fulfilling its European vocation; the EU continues to spend time, money, and expertise on cajoling a candidate that might never fully submit to its pastoral authority. However, when looked at more closely, both the EU and Turkey gain significantly from this apparent impasse, bolstering their identities and key interests. In contrast, minority groups and refugees that seek the protection of the EU's area of freedom, security, and justice continue to lose out.

To understand how the EU gains from Turkey's lack of progress in its enlargement policy, we need to understand the particular problem that Turkey poses. In forming itself as the shepherd, guiding its flock towards a common, caring 'home', the EU constructs and confronts, in Turkey, a sheep that consistently tests the limits of the EU's identity as a coherent subject. The EU has rhetorically and normatively entrapped itself by committing to helping Turkey along the road to Europe (Schimmelfennig 2009). But, as we have shown above, the EU is neither united nor sure that it wants to finally fulfil its assumed role. The EU remains unclear on whether Turkey *can* be transformed, gathered into the flock, or whether this would even be *desirable*. It has never stopped to reflect and form a common response on these issues, in large part because they are too demanding. Confronting them would mean tackling the major question begged by the EU's slogan of 'unity in diversity': just how much diversity can European unity withstand? Is Turkey ultimately 'too big, too poor, too far away and too Islamic' (Redmond 2007, 310)? Despite EU claims being based in *universal* values, are these values, in fact, particularly white and Christian?

Speaking in 2004, shortly before the EU offered its positive opinion on opening accession negotiations with Turkey, then External Relations Commissioner, Chris Patten, claimed that this could 'pave the way for a very different EU – and that should be squarely and honestly confronted' (Patten 2004). It never has been. Beyond the challenge to European values and identity, such a confrontation would endanger integration itself, prompting disunity and disagreement between EU member states, and between EU institutions, including the Commission and the EP (which has often had a lot to say in the matter). This was demonstrated in July 2017, when the EP voted to suspend accession negotiations due to rule of law and human rights concerns after the attempted coup in Turkey prompted a crackdown (Toksabay and Karadeniz 2017). And yet, even here the EP called for a suspension, rather than an ending of negotiations. The EU cannot cast Turkey finally from its road, abandoning it once and for all – this would be to deny its pastoral identity which promises to watch over and guide each and every applicant to salvation. It would be to admit failure, that Europe's most successful foreign policy has genuinely met its limit, and that Turkey's case is unsaveable. The EU has a profound interest in maintaining its unity and identity, and this interest is served by *not* confronting and resolving the problem of Turkey.

In allowing itself to be treated in this manner – by turns wholeheartedly engaging in the accession process and then declaring itself ready to abandon its European vocation, but never doing so – Turkey's identity and interests are also served. This issue goes to the heart of Turkey's complex relations with Europe and the West. Ayşe Zarakol (2010) has convincingly argued that the 'civilizational' lessons of modernisation that Europe preached to the Ottoman Empire during the nineteenth century have been thoroughly internalised by Turkish elites. Thus, the creation of modern Turkey in 1923 marked a reframing of Turkish identity as equal to the civilised West, merely slightly behind schedule in its modernisation (*ibid.*, 13–14). This ontological insecurity, according to Zarakol, led to counteracting tendencies that echo into the present. On the one hand, Turkey is obsessive about proving its modern, civilised identity to Europe. But on the other hand, when Western powers criticise the treatment of Turkish minorities this inevitably reminds Turkish elites of European attempts to undermine Ottoman sovereignty through interventions on behalf of those same groups. 'Turks resent this intrusive gaze, but crave its approval,

and suspect the approval when it is dispensed, yet sense discrimination when it is not' (*ibid.*, 15). These old identity routines, she suggests, are constantly being replayed because of Turkey's accession negotiations (*ibid.*, 20).

In this sense, Turkey is both the ideal and the precise opposite of what the EU seeks in a candidate. It has both internalised its identity as a penitent in need of pastoral guidance *and* sees itself as independent, as the shepherd's equal and is therefore unwilling to completely submit to the law, truth, and salvation the EU promises through its normalising conditionality. Turkey is caught between following and shaking off the shepherd's gaze; resolving to do one or the other would demand a confrontation with itself, one equally problematic to that which Europe is avoiding. And there are significant benefits to be gained by remaining permanently outside of, but on the road to, Europe. With this status comes the recognition of its European vocation and identity, the economic benefits of a customs union and the (currently unfulfilled) promise of visa-free travel. But it maintains the independence of the 'black sheep', the ability to ignore the pronouncements of the Commission and EP, to alter its constitution and make its own decisions on governance, the rule of law, and human rights. And because of the particular challenge Turkey poses to the EU, its pastoral power and enlargement policy, it perhaps enjoys more latitude than other candidates.

However, this is not to say that everyone enjoys the benefits of this deeply ambivalent relationship; elites may prosper but minorities suffer, as this vacillation works against the welfare and security of many. This is most obvious in the case of refugees. In November 2016 the EU and Turkey signed a deal which was widely condemned by human rights organisations: in exchange for six billion euros, a supposed reactivation of dormant accession negotiations and promised visa-free travel for Turkish citizens, Turkey agreed to close its borders and prevent its refugee population of nearly three million reaching Europe (see Bulley, 2017b). Refugees were effectively caught in the limbo created by the indecision of EU-Turkey relations, contained within a state that does not recognise non-Europeans as refugees with the right to asylum and *non-refoulement*.[5] Likewise, the rights of minorities are ill-served by the lack of a resolution. Whilst religious and ethnic minorities in Turkey – including Kurds, Alevi, Roma, Syriacs, and Armenians – have at times experienced benefits from the accession negotiations, this process has also been subject to reversals and increased repression (Bardacki et al. 2017). This has been characterised as a long-standing 'pseudo-conciliatory approach' to Commission and EP demands regarding minority rights: responding to EU pressure whilst working to prevent any significant, long-lasting change domestically (Toktas and Aras, 2009–2010). Meanwhile LGBTQ rights have seen significant setbacks since 2017 (Fishwick 2017). This is a long way from the stable rights, freedom, security, and justice promised by the European 'home'.

Conclusion

In his sermon to the Episcopal Church of St. John the Baptist's, Orlando, in 2016, Bishop Gregory Brewer noted that a shepherd's staff has three central uses which are identical to the requirements of the Christian church. First, the staff is needed to keep the shepherd stable when in rocky terrain. Second, it is necessary as an offensive weapon, to fight off threats to the flock. Finally, 'sometimes sheep have minds of their own. They aren't always very smart, and they need correction. They might wander off. When that happens, you can use the staff to pull them back into the flock, to keep your sheep in line' (Brewer 2016). The EU's enlargement policy has operated in a similar way: as a success to lean on in turbulent times; as a way of warding off the non-European threat; and as a means of correcting would-be and aspiring members who, despite their European vocation, are not very smart, wander off, and require correction.

The ambivalence of the EU-Turkey relationship means Turkey is caught between the second and the third uses – forever in the hook of the EU shepherd's crook, both being pulled into the flock and warded off as a threat. Meanwhile, the vacillation of both entities means the EU continually fails to sacrifice itself for this particular sheep and is less inclined to use its crook to ward off external economic, political, and military threats to Turkish sovereignty.

Offering a critical reading of the EU's enlargement policy, rethinking it through an analogy with pastoral power, is not simply trying to offer yet another way of conceptualising the EU as an actor (civilian, ethical, normative, and now pastoral too!). Rather, it seeks to provide a specific reading of a particular foreign policy – enlargement – in order to highlight the ambivalence of that policy: As freeing *and* constraining, transforming *and* constituting, involving choice *and* submission. We have tried to show whose interests are served by this ambivalence, particularly in the problematic case of Turkey, as well as whose interests it works against. Ultimately, the problem of Turkey is a problem for neither the EU, nor its enlargement policy, nor for Turkey. It is, however, a problem for minorities and refugees. The constructive ambivalence of enlargement will remain as long as the only ones to suffer are not conceivable as a potential member state with a European 'vocation'.

Notes

1. For a variation on this, see Zielonka 2006.
2. The influence of the transformative view was helped by Grabbe being a prominent member of Enlargement Commissioner Olli Rehn's cabinet (2004–2010).
3. This is a point also made by Merlingen (2007) in his Foucauldian critique of normative power Europe.
4. The *Treaty establishing the European Atomic Energy Community* (1957) contains the same wording; the *Treaty establishing the European Coal and Steel Community* (1951) contained similar wording: 'Any European State may request to accede to the present Treaty'.
5. This is not to say that the rights of refugees would necessarily have been better served by Turkish membership of the EU, which is doubtful, merely that the limbo of EU-Turkish relations enables these kind of deals that restrict their movement and ability to exercise agency in where they claim asylum.

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The EU's development policy

Forging relations of dependence?

Mark Langan and Sophia Price

Introduction

The European Union's development policy has historically focused upon former colonies, especially those within the African, Caribbean, and Pacific (ACP) group. Indeed, EU discourse – as far back as the Schuman Declaration in 1950 – has emphasised a unique European responsibility for the wellbeing of poorer peoples in (former) colonial territories. Most notably, the founding fathers of the European project regularly spoke of the *Eurafrican* rationale behind development policy, as embodied in the creation of the European Development Fund (EDF) with the Treaty of Rome in 1957. Namely, that development interventions and aid–giving would secure a necessary political and economic fusion with African countries to the benefit of all concerned. Europe – through its development policy – would maintain close economic links to (former) colonies essential to the supply of raw inputs to European industry. ACP countries, meanwhile, would benefit from aid towards infrastructural improvements (for instance, ports and roads) and from the investment of European consortiums into lucrative sectors including agri-business and mining.

In contrast with the formal narratives of European officials, however, critical scholars have queried the strategic power plays involved with such benevolent development discourse. In particular, scholars have raised concerns about the EU's paternalistic gaze towards its (former) colonies in the ACP bloc. This is especially so since the origins of Eurafrican discourse are firmly rooted in the colonial period. Moreover, the Treaty of Rome itself incorporated then colonial territories into an 'Association' with the European Economic Community (EEC), without consultation with local elites. Development policy as envisaged in the Treaty of Rome – and latterly in the postcolonial period under the Yaoundé Conventions (1963–1975) – is therefore seen as being inherently tied to the maintenance of European political dominance and economic relations characterised by dependency ties, as predicted by African luminaries such as Kwame Nkrumah (1965). In particular, the scholarly literature in the 1960s and 1970s not only pointed to instances of 'neo-colonialism' within Africa-Europe relations, but also specifically utilised the language and concepts of dependency theory to explain the underdevelopment of the African continent vis-à-vis the industrialised EEC metropole.

Within this critical tradition, this chapter explores EU development policy and discourse in terms of the legitimisation of asymmetric economic relations with ACP countries. It first explores the concept of the concept of 'dependency' (when married to the critique of external actors' political strategies vis-a-vis neo-colonialism) for making sense of ACP-EU economic relations. The second section then examines the historical foundations of Europe's development discourse and how it has moralised external interventions in former colonies. It also highlights Europe's political strategies within neo-colonial forms of ACP-EU relations. Drawing on Nkrumah, Fanon and Touré it particularly reflects on how European aid instruments (such as the EDF) have helped to lock-in economic dependency by strategically lubricating patronage networks of ACP countries' elites. The third section thereafter explores the continued relevance of the concept of 'dependency' in terms of contemporary ACP-EU relations under the Cotonou Agreement, as well as the current shift to a post-Cotonou treaty. The chapter indicates that paternalistic discourse and dependency relations are likely here to stay in the post-Cotonou phase.

The concept of dependency in north-south relations

The concept of dependency emerged in the context of the post-1945 World Order, particularly in relation to the anticolonial, independence, and national liberation movements in the Global South. Anti-colonial struggles and decolonisation brought transformations to the 20th century world system, and with this newly independent states created their own social histories and contributed to social sciences, producing a body of knowledge specific to its time and place (Pradella 2015, 3). This emergent literature developed in opposition to the dominant liberal theory of modernisation, which uncritically accepted the structure of relations between rich and poor states that resulted from capitalist development (Hoogvelt 1997, 35–36).

Modernisation theory presented a problem-solving and policy-oriented understanding of social change and economic development, which recommended prescribed programmes of development for the Global South. This all-encompassing theory of change was framed as a method for transformation – from traditional to advanced and modern societies, particularly through the transfer of economic and technological resources coupled with programmes of comprehensive social, cultural, and political reform (Hoogvelt 1997). This was both a normative and prescriptive programme of change based on a particular understanding of Western development which turned an abstracted, generalised history of European development into a necessary logic (Hoogvelt 1997).

Moreover, modernisation approaches presented a deeply ideological programme, rooted in the geopolitical desire to keep the Third World from falling to Communism, against the backdrop of the Cold War and burgeoning liberation movements (Hoogvelt 1997). It both reflected and propagated the widespread and routine view that the nation states of the Third World required 'global modernity' and development in order to 'catch up' to developed states (Berger and Weber 2014, 1). This rested on the illusion of independence and sovereignty of the national developmental state (Berger and Weber 2014), which reinforced a narrative that development is a quasi-natural, nationally organised process that can only be measured in terms of national economic growth (Berger and Weber 2014).

In this context, dependency theorists took aim at modernisation theory, arguing that it masked the imperialistic structures of the global order, which structured inequalities between rich and poor countries and placed limitations on the sovereignty and independence of 'peripheral' states. Dependency analysis of the international system showed the history of the 'periphery' could not be understood in isolation from the 'centre' and vice versa (Pradella 2015, 3).

The frame of analysis for dependency theorists therefore was not limited to national development programmes, nor to relations between notionally independent nation states but rather the capitalist system as a whole and the structures that produced and reproduced inequality within and between societies.

Dependency theory had its intellectual roots in classical theories of imperialism, such as the work of Hilferding, Bukharin, Lenin and Luxemburg. Early 20th-century debates of imperialism and uneven and combined development (UCD) had sought to expand the international dimensions of Marxist thought (Pradella 2015, 2–3). Namely, 'these debates attempted to integrate, develop or even correct Marx's analysis, also taking account of the growing importance of foreign investment, expansionism and anti-colonial struggles' (Pradella 2015). In particular, Trotsky's law of UCD sought to analyse the development of capitalism as a world system through the internationalisation of capital, through which states develop at uneven rates in relation to one another, and also within each other. The concept of UCD provided analytical focus on the impact of colonialism and imperialism on the Global South and helped to challenge the myth of modernisation theory's economic 'catch-up'. It laid analytical focus on the exploitative relations between the Global North and Global South, emphasising that poverty and deprivation are not accidental by-products of the global economic system but rather are contingent factors that enable ongoing economic exploitation of citizenries throughout the world.

The development of dependency theories by key figures such as Baran, Gunder Frank and Dos Santos were located in understandings of UCD and critiques of modernisation. Through positioning the Third World State within the dynamic and contradictory growth of the world capitalist system, dependency theorists sought to elucidate the concept of *under*development in contrast to *un*development, within broader understandings of the historic processes in which developed countries had developed. The foundations of dependency theory therefore argued that a distorted economic and social structure had been created in colonised areas through the penetration of colonial capital, creating an international division of labour that rested on inequality. This distorted structure had two key implications. First, the subordination of the economy of the colonised areas to the structure of the advanced capitalist state. This relied on the reorganisation of the economy towards the production of raw materials in order to provide supplies for the colonising states (Hoogvelt 1997, 38–39). This organisation of production served to prevent local industrialisation and lock in primary production of raw materials and agricultural commodities within colonised areas, limiting the scope and diversity of their production (Hoogvelt 1997). The second core implication of the distorted economic and social structures of colonialism was the external orientation of economies, which were dependent on overseas markets for capital, sources of technology, and outlets for production. This dependency was exacerbated by the narrow range of relations and concentration of trade partners and aid partners (Hoogvelt 1997). Moreover, a 'comprador' class in the Third World State – an elite who benefit from donor-patron relationships within structures of dependency – would strive to maintain the status quo and to quell protest (Langan 2018, 13). Dependency theorists argued therefore that these distorted structures of colonialism created and reproduced structures of inequality, peripheralisation, and underdevelopment. It relied and reinforced the transfer of value from periphery to core, creating capital accumulation in the centre and stagnation and impoverisation in the periphery (Hoogvelt 1997, 4).

The focus on the structures of inequality between colonised and former metropoles has informed critical debates about EU relations with the Global South. Critical and materialist analyses understand the EU's external relations as embedding the unequal competitiveness of the EU commodities relative to those produced elsewhere. Development strategies offer the opportunity for the EU to lock partner states into uneven yet combined relations based on the

neo-colonial trading patterns through which developing countries supply primary products in exchange for manufactured goods and services (Price and Nunn 2017). Thus the reproduction of neo-colonial patterns of trade, in which development partners provide new markets for goods and supply raw materials. Importantly, however, Brown (2002) argues that it is vital to understand the relationship between 'western' and African states in a manner that both recognises the uneven nature of the relationship and the uneven and combined nature of the different forms of state-society relations within it.

The development of dependency critiques informed the articulation of political programmes that argued for a radical break from the World Capitalist system, particularly in terms of discourses of economic nationalism, de-linking, and collective self-reliance. Such strategies drew upon strong populist traditions at a national level which were extrapolated to a collective, international agenda. This was evident within the collectivism of Third World identity, formed in opposition to the identification of the First World of western capitalism and the Second World of the communist bloc. Third-Worldist perspectives on international trade and capital flows were translated into a political agenda for changing the structure of the global economy, evident in the United Nations (UN) 1974–1975 Declaration for the Establishment of a New International Economic Order (NIEO). This called for fundamental changes in the world market system, through policies to secure prices for traditional exports and preferential market access to domestic markets in advanced countries for Third World 'infant' industries. This was coupled with demands for reform in the monetary system, generous aid flows, and codes of conduct for multinational corporations (MNCs). As illustrated, below, these debates in fact impacted the structure of the Europe-ACP relationship, at least temporarily in the period of Lomé I (from 1975–1980). Notwithstanding this moment of apparent concessions to the demands of former colonies for a break with economic systems of neo-colonialism, the Association arrangements between the European project and former colonies in Africa, the Caribbean, and the Pacific have historically been defined by UCD – much to the detriment of poorer citizens in the developing nations.

Eurafrican dependency from the Yaoundé Accords to the signing of the Cotonou agreement

The history of the European project's association with former colonies is marked by a consistent (or perhaps, at best, a briefly interrupted) pattern of Eurafrican dependency. The Treaty of Rome in 1957 laid the foundations for the so-called Association of the European Economic Community (EEC) with overseas territories (that is, colonies). Given the founding membership of the supranational project, this involved mostly Francophone colonies of France and Belgium. It was not until British accession to the Common Market in 1973 that the possibility for the constitution of the wider ACP bloc became possible in relation to a wider Eurafrican Association.

The Treaty of Rome, meanwhile, built upon the promises of the earlier Schuman Declaration in 1950 to realise a Eurafrican Association to the mutual benefit of both the European and African continents (Kawasaki 2000, 17–20). This emphasised the importance of Africa to Europe – namely in terms of a continual supply of raw materials vital to the functioning of European manufacturing and industry. Meanwhile, it invoked the importance of Europe to Africa in terms of technical expertise, investment, and aid money. Both within the Schuman Declaration and the Treaty of Rome, this Eurafrican dependency was posed as a moral obligation on the part of European civilisation to improve the material condition of impoverished subjects in the colonies (Rivkin 1958, 308). At no point was the mercantilist desire of the European states to maintain access to lucrative markets in the context of Cold War superpower competition openly raised

or acknowledged. Eurafrica, as a geopolitical entity, however, was envisaged as a potential super-power in its own right, ensuring that European states (collectively) could maintain political and economic mastery over the African continent, thus fending off encroachment from the growing influence of the United States or indeed the Soviet Union.

A key aspect within this newly forged Association arrangement was the creation of the European Development Fund (EDF). The EDF – a controversial component within the Treaty of Rome negotiations themselves – ensured that the EEC member states would take a collective approach to the financing of colonial possessions via aid delivery (Brown 2002). This would ostensibly bring about poverty reduction and modernisation through attention to infrastructure and economic growth in key sectors. However, critical scholars convincingly have pointed to the ways in which the EDF did more to cement European economic interests in the extraction of raw materials in the continent, rather than to genuinely bring about an improvement to the social condition of colonised peoples. The EDF – through the subsidisation of infrastructure links such as roads and ports central to extractive activities, in addition to the subsidisation of European corporate activity in key extractive sectors – provided a vital mechanism for the perpetuation of neo-colonial trade linkages, within relations characterised by dependency and UCD (Langan and Scott 2014).

Importantly, the EDF was rolled over as colonial possessions gained their independence into the early 1960s, resulting in the establishment of the Yaoundé Accords (1963–1975) between the EEC and newly independent former colonies – known as the Associated African States and Madagascar (AASM) (Robson 1965). The EDF continued to function in this period as a subsidy for dependency relations, not least in the political overtures this fund allowed to African elites within the comprador class in the immediate period of decolonisation. Notably, African luminaries such as Kwame Nkrumah, Frantz Fanon, and Sekou Touré all pointed to the political use of aid mechanisms to foster comprador elites - in a neo-colonial challenge to empirical sovereignty of newly created states – and to thus perpetuate economic subordination to Europe (Langan 2018). Namely, comprador elites in African countries would fall prey to the temptations of short-term aid in order to lubricate their own patronage networks in uncertain geopolitical times. In return for the EEC's provisioning of such aid monies, however, these elites would lose political autonomy and would acquiesce to economic forms of dependency, characterised by 'reciprocal' free trade links. Accordingly, African citizens, in the words of Sekou Touré, would remain as 'hewers of wood and drawers of water' (that is, suppliers of raw materials to Europe), while European processed goods entered into African territories – to the decimation of infant industry in those developing economies (Langan 2018).

With the accession of the UK to the EEC project in 1973, however, and with movements for a NIEO gaining traction in international fora, notably the UN, it appeared (albeit briefly) that Association might evolve into a more radical development partnership, geared towards the social needs of impoverished citizens in developing former colonies (Brown 2002). Namely, the negotiations for what became known as the Lomé Conventions had emboldened the newly formed ACP grouping – combining Anglophone and Francophone former colonies – to demand new concessions in their association with the EEC. Most importantly, the ACP negotiators won a concession for the respect for 'non-reciprocal' trade linkages between the blocs. This meant that there would no longer be an automatic expectation that ACP countries would themselves have to liberalise their economies – and dismantle their protective tariffs – if they were to maintain low tariff access to the EEC member states (Brown 2002). Ostensibly this non-reciprocity clause – present within all four of the routinely renewed Lomé Conventions (1975–2000) – meant that ACP economies would have the policy space to protect their own manufacturers and agro-processing industries from detrimental competition from European counterparts (Brown 2002).

ACP economies could thus diversify away from dependence upon export of raw materials to former colonisers and, via protectionist policies, could build up productive capacities in new industries geared towards value addition. Accordingly, Eurafrican dependency would be replaced with a more equal economic (and political) standing between the blocs – as non-reciprocity would open up opportunities for economic prosperity in the periphery. Meanwhile, the EDF – alongside the newly created System for the Stabilisation of Export Earnings (Stabex) and System for the Stabilisation of Mineral Earnings (Sysmin) –would nominally be geared towards assistance to aspiring African industrialists and agro-processors (The Courier 1975, 7). In this vein, African and European commentators alike hailed the first Lomé Convention in 1975 as a revolutionary moment, marking a break from a neo-colonial system of economic dependency between the European metropole and its former colonial possessions (The Courier 1979, 4).

The Lomé Conventions, however, were soon seen to fall well short of their seemingly radical break with dependency relations in the attempt to usher in a more equal form of North-South relations. The ACP share of total EU imports fell from 6.7% in 1976 to only 2.8% in the final year of the Lomé Conventions (Dearden and Salama 2002, 905). This was in large part due to preference erosion, whereby European trade agreements with other non-ACP countries slowly whittled away the relative preference margin enjoyed by the associates. Moreover, apparently progressive vehicles like the Stabex programme found that between 1985 and 1995 less than half of the resources nominally committed to ACP countries under their auspices were actually delivered. Meanwhile, EEC per capita contributions to ACP countries fell in historical context from €62.9 under the 1st EDF to €23.6 under the 8th EDF at the close of the Lomé Conventions (upon the signing of the Cotonou Agreement in 2000) (Dearden and Salama 2002). Perhaps most worryingly in terms of the continuation of dependency relations, however, Lomé aid assistance to ACP former colonies became conditioned in the 1980s and 1990s upon elite acquiescence to structural adjustment programmes (SAPs) in the broader context of Washington Consensus policies pursued by the Breton Woods institutions (Mailafia 1997).

This tying of ACP-EU aid resources to ACP countries' adherence to SAPs became most readily apparent in the timeframe of Lomé IV (1995–2000). In the case of Cameroon, for example, Stabex disbursements were made conditional upon that ACP country's acceptance of structural adjustment measures while also being used as a normative concession through which the liberalisation process could be presented as a socially just endeavour. For example, in the SAP restructuring of Cameroon's coffee and cocoa sectors, the allegedly socially responsible usages of tied Stabex aid was highlighted by the European Commission (1997, 25) in terms of supposedly humane 'redundancy payments' to staff once employed by the government bodies now made obsolete by free market reforms. Meanwhile, in the case of SAP reforms of Tanzania's coffee sector, the European Commission (1997, 27) pointed to the ostensibly ethical use of Stabex funds to provide humanitarian assistance to 410,000 farmers who had been given Stabex monies to 'purchase food, inputs for the coffee sector and to pay for school expenses'. Through such norm-laden concessions, the EEC presented free market liberalisation in ACP countries as aligning with the long-standing pro-poor 'development' norms of the ACP-EEC development partnership. In reality, however, dependency relations were locked-in as ACP governments committed to premature liberalisation and divested from parastatal industries quite contrary to the non-reciprocity and developmental state principles ostensibly embedded in the first Lomé Convention.

This turn to a free market orientation within ACP-EU relations was cemented, meanwhile, with the publication of the European Commission's (1996) *Green Paper on the Future of*

European Union relations with the ACP countries on the Eve of the 21st Century. This key document laid out the EU institutions' intention for any successor to the Lomé Conventions to be defined by the principle of trade reciprocity, meaning that ACP countries would have to 'reciprocate' market opening through tariff dismantling in order to maintain their existing levels of access to European consumers. The European Commission (1996), interestingly, framed this in terms of a post-colonial world order in which the responsibilities of both parties could be framed 'less ambiguously' with the fading of the colonial heritage of association. This was met with alarm on the part of the ACP governments, as articulated in the Libreville Declaration of ACP Heads of State and Government (1997). This collective statement outlined their concerns that premature trade liberalisation vis-à-vis the EU member states would spell disaster for infant industries that had already suffered upon earlier liberalisation measures associated with structural adjustment reforms. ACP governments queried the 'development' discourse of the EU in this context, and called for the respect of developing countries' policy space to protect their economies from import-flooding and to forestall free trade agreements (*ibid*.).

Significantly, however, EU negotiators were able to successfully push for the inclusion of free trade deals within the text of the Cotonou Agreement with ACP countries, signed in 2000. The Cotonou Agreement laid out a timeframe for the conclusion of Economic Partnership Agreements (EPAs) with sub-regions of the ACP bloc. Indeed, this was an important shift in and of itself, namely that the ACP group – hailed in the 1970s as a 'trade union of the poor' by Tanzania's Julius Nyerere – would no longer negotiate as a singular entity with the EU (cited in Whiteman 1998, 32). Instead, sub-Saharan African countries would negotiate separately in East African/West African/Central African/and Southern African regional economic communities. Meanwhile, Caribbean and Pacific nations would conclude their own EPAs within their respective regional blocs. Critical commentators pointed here to the EU's adoption of a 'hubs and spokes' or 'divide and conquer' strategy, undermining the unity of the ACP group that had been essential to the winning of concessions at the signing of the first Lomé Convention in 1975 (see for instance Hurt 2003 and Farrell 2005). Critical scholars also queried the EU's ostensible rationale for its insistence upon EPAs, namely that World Trade Organisation (WTO) rules meant that the non-reciprocity principle that had marked the original Lomé Conventions was now deemed discriminatory (in the sense of being disadvantageous to developing countries outside of the ACP bloc, such as Latin American states and India). Critical commentators here pointed to the history of neoliberal reform within the Lomé Conventions themselves and saw an ideological consistency from Lomé to Cotonou, as articulated within the 1996 *Green Paper* itself.

At the time of the signing of the Cotonou Agreement, therefore, both ACP governments, ACP civil society as well as critical commentators within EU academe and institutions including the European Parliament feared that this latest phase of association would merely perpetuate trade and economic relations characterised by dependency (see for instance Hurt 2003; Bilaterals.org 2005 and Traidcraft 2004). That is, that the EPAs would prolong a situation in which ACP economies were unable to meaningfully diversify away from neo-colonial systems of raw material exports and mineral extraction. With the imposition of tariff dismantling as part of the Cotonou Agreement's trade reciprocity principle, nascent infant industries in ACP countries would further suffer upon the conclusion of the EPAs. This would entrench conditions of poverty and lead to ACP countries' ongoing reliance upon EU aid monies as a succour in lieu of genuine economic growth and development. Eurafrican visions of the continents being bound together in neo-colonial trade patterns therefore continued to dominate the minds of critical commentators, with many of their concerns being borne out in the years since the signing of Cotonou in 2000.

Development discourse and dependency relations from Cotonou to a post-Cotonou phase

The concerns expressed at the signing of the Cotonou Agreement, that the EU's focus on the 'smooth and gradual' integration of ACP countries into a globalised economy – via the EPAs – would fall foul of overarching development prerogatives have continued into the lifetime of this Association treaty. Notably, ACP countries – with the exception of the CARIFORUM (Caribbean) bloc – failed to sign EPAs by the original deadline of December 2007. Expressing concerns about the impact of tariff dismantling for vulnerable import-competing sectors such as beef, poultry, and textiles manufacturing, the regional economic communities of sub-Saharan Africa failed to agree terms for the implementation of EPAs within the period initially envisaged in the Cotonou Agreement. It is only at time of writing toward the end of the Cotonou Agreement that the EPAs are coming onstream with, for example, a process of ratification being completed in the individual West African parliaments in relation to the West Africa EPA – whose terms were provisionally agreed by West African Heads of Government back in 2014 (European Commission 2014).

One of the key means of breaking the EPA deadlock, meanwhile, has been the EU institutions' increasing reference to Aid for Trade monies to stimulate private sector development (PSD) in ACP economies. Nominally, Aid for Trade and PSD financing will allow former colonies to flourish in the context of EPA free trade deals (Langan 2016). Monies will be directed to import-competing sectors to help them cope with the pressures of tariff dismantling where ACP governments deem that such industries are a priority in terms of economic diversification and job creation. Moreover, Aid for Trade monies will apparently also be given towards export-oriented sectors, to ensure that ACP economies take advantage of the low tariff access to European consumers that they will secure for the long term upon the implementation of the EPAs. This will apparently deal with the supply-side issues which meant that ACP economies were unable to meaningfully take advantage of trade preferences previously bestowed upon them during the years of the Lomé Conventions (Langan 2016).

In West Africa, this EU promise of Aid for Trade in the context of Cotonou's push for EPAs was at the heart of their Heads of Governments' decision to endorse the terms of a regional trade agreement back in 2014. West African ACP countries – led by Nigeria – pushed successfully for the European Commission's agreeing to an EPA Development Programme (EPADP). Originally West African governments insisted that this would have to constitute €9.5 billion of *new* monies – that is, money not already committed to ACP states under the existing European Development Fund (EDF). Nevertheless, the final agreement between West African countries and the EU on the EPADP concluded upon a much reduced figure of €6.5 billion (Langan and Price 2015). Moreover, this money would in fact be drawn down from existing financial commitments in relation to the EDF. As a result, a plethora of West African civil society bodies queried whether or not the EPADP would be able to translate EPAs into a genuine 'development' opportunity for developing countries, as per official EU discourse under the premises of the Cotonou Agreement (Langan and Price 2015).

Notably, a number of West African civil society activists accused the EU of continuing with economic and trade relations marked by dependency (see for instance West African Civil Society Platform 2011). West African economies under the EPA – and insufficiently supported with the EPADP – would be unable to diversify away from neo-colonial patterns of raw material export and mineral extraction. Aid monies in this context would do more to lubricate the patronage networks of a comprador class political elite than to meaningfully support economic diversification. Key industries like the West African poultry sector, meanwhile, would be further jeopardised under an EPA as cheap frozen chicken from EU member states such as Germany

would continue to flood the domestic market. Local poultry farms that had already suffered upon earlier bouts of tariff liberalisation would be unable to cope with the conditions imposed by the EPA (Bagooro 2011). Interestingly, these civil society concerns persist despite the provision within the terms of the West African EPA for a 'sensitive goods basket' in which the principle of trade reciprocity need not apply. Poultry has been identified by West African governments as a commodity line that ought to be included within the sensitive goods basket, with these countries therefore being officially able to levy protective tariffs upon poultry products emanating from the EU member states (Langan 2018). Nevertheless, the West African Common External Tariff (CET) at around 35% is unable to meaningfully discourage EU producers' dumping of frozen chicken at below-production cost given the fractional pricing involved. Indeed, it is often cheaper for European poultry traders to dump 'brown meat' (those parts of the bird not usually consumed by European consumers) upon African markets than it is to dispose of the parts in a sustainable fashion (Langan 2018). Meanwhile, the terms of the EPA will mean that national parliaments in West Africa will be devoid of the policy competency to individually raise the tariff upon frozen chicken produce, and likewise will find it difficult to ban such cargoes (without falling foul of the terms of the free trade agreement with the EU institutions, unless safeguard clauses can be legally invoked).

In addition to the plight of the West African poultry sector, a number of Sustainability Impact Assessments (SIAs) commissioned by the EU institutions themselves to anticipate the impact of EPAs, also find that import-competing sectors in ACP economies will be unable to cope with enhanced flooding of their local markets by European agricultural and manufacturing produce (Patel 2007). As mentioned, key industries such as textiles, beef, confectionary, and carpet manufacturing will be severely affected by the imminent ratification and implementation of EPAs in the four respective regional economic blocs of sub-Saharan Africa (Patel 2007). Moreover, the EU's increasing focus on aid blending initiatives further queries whether aid monies are being utilised for poverty alleviation, or rather for the enhancement of EU corporate interests within asymmetric economic ties marked by dependency. For example, the activities of the European Investment Bank (EIB) in supporting environmentally damaging and labour-exploitative mining operations in countries such as Zambia and the Democratic Republic of the Congo (DRC) undermine European Commission claims that the channelling of public aid monies to Development Finance Institutions (DFIs) as part of aid blending projects will result in poverty alleviation for vulnerable citizenries in former colonies (Langan 2018).

Worryingly, meanwhile, the negotiations for a successor to the Cotonou Agreement (due to expire in 2020) point to the continuation of economic dependency relations between the EU and its former colonies in Africa, the Caribbean, and the Pacific. Notwithstanding the EU's increasing interest in forging closer ties with the African Union (AU) itself, and doing away with the ACP Secretariat as a colonial vestige, it does appear likely that the ACP grouping will continue in a diminished form under new association arrangements. Nevertheless, the ACP Secretariat and the AU will be unable to meaningfully protect their members from the anticipated effects of premature trade liberalisation under the EPAs. Nor will they meaningfully be able to halt the European Commission's ongoing desire to marry its aid disbursements to corporate interests as embodied in the activities of the EIB under so-called 'aid blending initiatives' – often channelled to dirty extraction with little genuine benefit for poorly remunerated workers or polluted surrounding communities. Moreover, the EU institutions' increased focus on migration also has signalled that aid monies will be increasingly conditioned upon ACP governments' willingness to tackle the 'root causes of irregular migration' (see for instance Oxfam 2017). While industries suffer – and jobs are lost – under EPA implementation (providing a push factor for migration flows), ACP political elites will simultaneously be expected to increase surveillance

and policing of their own citizens, as well as citizens of neighbouring states resident in their territories, in order to prevent migratory attempts towards the EU member states. Already in Mali, this has seen the government there accused of human rights violations in the name of migration policy (Langan 2018).

Interestingly, however, African governments have recently advocated for macro-regional initiatives through the AU, in particular the African Continental Free Trade Area (ACFTA). In so doing they have invoked ideas of (Nkrumah's) Pan Africanism as well as the concept of 'developmental regionalism' (UNCTAD 2016). Such plans rely on a normative acceptance of the benefits of trade liberalisation but nevertheless seek in part to diversify away from reliance upon traditional trade partners like the EU:

> In order to multiply the benefits of the [A]CFTA and promote developmental regionalism in Africa, a comprehensive vision of trade and development needs to be in place. Expanded markets for African goods and services, unobstructed factor movements and the reallocation of resources should promote economic diversification, structural transformation, technological development and the enhancement of human capital. The CFTA must be ambitious in dismantling barriers and reducing costs to intra-African trade and in improving productivity and competitiveness. (UNCTAD 2016)

In this context, the AU predicts that the consolidation of free trade across the Continent will boost trade, benefit business and consumers, and support sustainable development (African Trade Policy Centre 2018). Nevertheless, in reality, the ACFTA is reliant not only on the liberalisation of trade across the continent but also on the establishment of a Continent to Continent Free Trade Agreement with the EU. The Africa-Europe Alliance for Sustainable Investment and Jobs, for example, has been created to support the development of the ACFTA:

> …the final aim is to support regional economic integration in Africa, to achieve markets that are more integrated, promote intra-regional trade, develop Africa's investment and productive capacity, create decent jobs and improve inter-regional economic infrastructure. (European Commission 2018)

Questions thus remain about the capacity for these AU initiatives to bring about a genuine diversification of trade linkages away from Eurafrican dependency as embodied in the EPAs. Indeed, in the forthcoming post-Cotonou phase of EU relations with Africa, the Caribbean, and the Pacific it would seem mostly likely that aid monies and development discourse will continue to provide normative cover for the maintenance of economic ties characterised by former colonies' reliance upon neo-colonial patterns of trade – unless radical social movements should arise to challenge premature trade liberalisation and the tying of aid to comprador elites' political acquiescence to EU agendas.

Conclusion

EU development ties with the ACP countries have been characterised by both a normative discourse of poverty reduction and concern for the wellbeing of former colonies, as well as economic and trade relationships defined by dependency. From the time of the Schuman Declaration in the 1950s to the current state of negotiations for a successor to the Cotonou Agreement, EU relations with its former colonies has continued to be an uneasy marriage of development language to commercial prerogatives in the maintenance of neo-colonial trade

patterns. With a brief interruption upon the signing of the first Lomé Convention in 1975 (amidst the pressures of the Third World Movement for a NIEO), the history of Europe's development and trade ties with ACP states has been marked by the marrying of aid to inequitable economic arrangements and adjustment reforms. This is likely to remain the status quo upon the conclusion of the successor to Cotonou unless there is a renewed focus upon calls for alternatives to neoliberal free trade structures, as currently being promoted by the EU institutions and as currently acquiesced to by aid-dependent elites in regions such as West Africa. Pan-African economic alternatives – if they were bolstered by radical social movements focussed upon the breaking of dependency ties with the metropole EU states – would potentially augur change, although this of course would involve challenging local elites' acquiescence to EU policy demands (as lubricated by EU aid flows under instruments such as the EDF and EPADP). Critical commentators, disappointed in 2000 with the conclusion of Cotonou and its promotion of the EPAs, may find themselves equally disappointed with the realities of EU 'development' interventions beyond 2020.

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Critical perspectives on Africa's relationship with the European Union

Toni Haastrup

Introduction

The European Union (EU) has significantly evolved from an initial alliance of expedience – a coal and steel alliance formulated to bind its core members together so they avoid war – into a strong socio–economic partnership of independent countries. Together, its member states and institutions constitute one of the most powerful political entity in the world. Given its initial motivations, the history of the EU as a foreign policy actor is quite minimal. It is almost received knowledge that EU foreign policy is mainly traced back to the 1992 Maastricht Treaty and the establishment of the Common Foreign and Security Policy (CFSP) pillar. Yet, taken from the perspective of African countries for example, foreign policy practices were inscribed into the EU's integration project right from the Treaty of Rome in 1957. Given this, the EU's relationship with the African continent as a whole, both in terms of its practice, and in terms of its absence in the narrative history of the EU as a Foreign Policy actor is important for a truly critical engagement with the EU's external relations.

The relationship between the EU and African countries has however not been one of equals. Rather, it is steeped in colonial patterns of interactions and often, the terms of what that relationship is, and how it functions is one that exemplifies a coloniality of power. Coloniality of power in this sense is a structure of power within which the international system still exists. It is one in which, despite the elimination of formal colonialism, the uneven and exploitative patterns of interaction still persist to a certain degree. Moreover, it is manifested in the insistence on certain 'patterns of knowledge production and meaning' (Quijano 2007, 169).

To summarise – the relationship is unequal and draws still on colonial patterns of interaction and patterns of knowledge production reinforcing inequality and coloniality. It thus becomes apparent that the practice and study of what has emerged as 'EU-Africa' relations are co-constitutive of each other. Beyond this and importantly, efforts to underscore the problematic practices of the EU in Africa show that the relationship between the EU and Africa is not only one of inequality that persists and that has been articulated as such; but one in which the articulation of this inequality is made on the terms of the mainly European actors both within the academy and outside it, among the so-called civil society (see also Kotsopoulos and Mattheis 2018).

This chapter is motivated by the desire to re-narrate the so-called 'EU-Africa relations' through decolonial lenses as a way to challenge the pervasiveness of coloniality in the context of how we know 'EU-Africa' relations. Further, through the specific example of the negotiations to replace the Cotonou agreement, it seeks to claim back African agency in the story of the relationship, as a way to challenge the dominant ways of knowing and doing. By interrogating the co-constitutiveness of knowing and doing 'EU-Africa Relations', this chapter challenges the knowledge production around the relationship between Africa, Africans, and the EU. The commitment to seeking the transformation of the relationship between the EU and African actors, I argue, must also include centring African experiences and perspectives as legitimate knowledge, and therefore also include agency.

This chapter proceeds as follows. First, I draw on the decolonial scholarship as a lens through which to understand the persistence of coloniality that sees Africa in very specific ways, in the context of EU-Africa relations. Second, I provide a background to the so called 'EU-Africa relations' to date, mapping out the key milestones, particularly the evolution of the EU-ACP[2] relationship and its implication for how we know Africa's relationship with the EU and Europe more broadly. Third, I turn to the most recent process of multilateral negotiations around the successor to the Cotonou Agreement, a process that is the key site of Europe's political and economic interaction with Africa and which frames contemporary dealings of region-to-region engagement. Here I provide an alternative narrative of the negotiations, discussions that are not visible in the literature even as scholars begin to question the ACP format. I then conclude, briefly, with some thoughts on what is required for an inescapable interaction between the two regions so that it is truly grounded in a commitment to (if not achievement of) active partnership of equals, despite differences in material capacities.

Decolonising EU-Africa relations: Undoing knowledge, discovering agency

'EU-Africa' relations are written into the fabric of the EU's integration evolution where colonial countries fully intended to keep benefitting from their former colonies even after colonisation has ended. In the Treaty of Rome, European countries were defining the relationship they intended to have with former colonies without consultation from those countries. The choice to frame future relations in this way, from the beginning has had a lasting impact on the design of the relationship. The scholarship that has developed in parallel to this relationship has sought to elaborate on the implications of the relationship in critical ways. Often, these analyses show an EU that dominates almost perpetually without regard for processes happening on the African side. I argue however that a fuller understanding of the dynamics of the relationship between Africa and the EU requires attention to African agency.

Tieku (2013) defines African agency as 'the autonomy of African citizens, through their lawful representatives (governments), have to define, act, own, control, and lead on issues that affect them'. For Brown and Harman (2013, 1–2), African agency has an intellectual intent too; it denotes taking 'African politics, actions, preferences, strategies and purposes, seriously to get beyond the tired tropes of an Africa that is victimised, chaotic, violent and poor'.

African agency, Bah notes is supported by the creation of new instruments, most notably the African Union (AU) to assert the strategic interests of the continent and of African states as a counter to 'the application of Western global liberal governance in Africa' (Bah 2016, 149). To be sure, there is no consensus on what African agency is. On the one hand, it can be viewed ontologically or empirically focusing on 'influence or resistance' (see Murray-Evans 2015). African agency has been tied to the ways in which Africa(ns) have navigated the often-hostile

international system successfully or influenced norms on the global stage. However, this limits the possible range of African agency. Consequently, Murray-Evans adopts Hay's definition of agency as 'the ability or capacity of an actor to act consciously and, in so doing, to attempt to realise his or her intentions' (Hay 2002, 94).

While Murray-Evans (2015) further suggests that the development of regionalisms and its mechanisms suggests unitary preferences, this is not evident from the intentionality of the AU, for instance. Contestation even over agreed norms which may reveal differing preferences does not obscure the realisation of African intentionality and therefore agency. Indeed, such an assumption is not made of the EU, for instance. In this sense, then, even a more critical outlook on African agency vis-a-vis the EU is still restrictive to colonial lens that does not engage Africa on its own terms. As such, and to account and embrace contestation as intrinsic to the development of new mechanisms of regional integration in Africa and its interaction with the rest of the world, a combination of Tieku, Brown and Harman's definitions holds. These new mechanisms can be supported by the application of a decolonial lens to EU-Africa relations, which is even more urgent. A decolonial lens underscores the ways in which agency can be manifested and erased through knowledge production about 'EU-Africa relations'. It reveals that even when scholarship emphasises the problematic power asymmetries that dominate this relationship this is often done while erasing Africa(ns) particularly in relations to evolving regionalisation and contested narratives of Africa's position in international relations.

Decolonising EU-Africa relations

The decolonial turn is situated within critical theory and thus is intended to cast a critical gaze to the scholarship and practice of the EU-Africa relations. Decoloniality as Quijano (2007, 127) notes is about the 'destruction of the coloniality of world power'. Moreover, Bhambra (2014, 118) further notes, recounting Mignolo (2007), that

> decolonization of knowledge […], occurs in acknowledging the sources and geo-political locations of knowledge while at the same time affirming those modes and practices of knowledge that have been denied by the dominance of particular forms.

Rutazibwa (2016, 192) calls it 'de-mythologizing, de-silencing and anti-colonially decolonizing our knowledge production or cultivation practices'. To decolonise EU-Africa relations moves beyond simply acknowledging the external perceptions of so-called third parties of the EU (Africa in this context), or simply that the relationship is the aftermath of Europe's colonisation of Africa. Rather, it is about giving space and voice to the typically marginalised in how we understand the relationship, albeit contested, while peeling back the ways in which coloniality is still implicated in the relations. EU-Africa relations must be understood as a continuity of the colonial not a creation of the neo-colonial. This requires a confrontation with Whiteness, and in particular the supremacy of Whiteness that proclaims the hierarchy of the Global North over the South in the construction of knowledge and in practice.

Whiteness, according to Yancy (2004) is

> a synergistic system of transversal relationships of privileges, norms, rights, modes of self-perception and the perception of others, unquestioned presumptions, deceptions, beliefs, 'truths', behaviors, advantages, modes of comportment, and sites of power and hegemony that benefits whites individually and institutionally.

Anxieties derived from Whiteness continue in the existing practices of Europe's relationship with Africa (Gabay 2018). Gabay shows how the Whiteness of coloniality persists even via the more positive actions of European actors when they 'gaze' on Africa. It is no surprise then that the AU is not perceived as enough to act as the negotiating partner or dominate in region-to-region cooperation despite being funded significantly by the EU itself. While the AU was identified as a key interlocutor for peace and security (Haastrup 2013 a,b), for the most part, the EU has mainly prioritised states as its main partners in justifying external EU military and civilian missions. Often, and in practice, the Africa, the AU are afterthoughts.

Overwhelmingly, the starting point of these works is the EU's external relations towards Africa. Africa is not taken on its own terms and is treated as a vulnerable recipient of EU policies. Most of this work offers a critique of the EU for not taking African perspectives seriously. Primarily, there is a theoretical focus whose starting point is Normative Power Europe (NPE) whether engaged explicitly or not, positively or negatively. NPE is the idea that the EU wants to shape what is normal in the world in its own image, or more specifically according to its values. This is the core of the EU's identity according to Manners (2002). The article in which NPE was outlined has been cited, to date, 4,120 times (Google Scholar Citations, 25 August 2019). It is fair to say it has had a profound impact on the conceptualisation of EU foreign policies in theory and practice, including in Africa. While this does not technically reify the EU's version of normal, Diez (2005, 627) for example has argued that NPE 'constructs the EU's identity as well as the identity of the EU's others in ways which allow EU actors to disregard their own shortcomings'. Perhaps more importantly, the idea that the EU is a force for good and seeks to shape what is normal creates a hierarchy within the international system and one in which Africa's norms are non-existent and this is manifested in a variety of different ways.

Take for example, the article by Lenz (2013) which aims to extend the reach of NPE by looking beyond whether the EU keeps true to the norms identified by Manners (2002) in its interactions with others (including in Africa as so much as the scholarship has done). Rather the focus is on regionalism as a norm to be diffused by the EU. The article has the broader aim of avoiding Eurocentrism and overall offers a useful critique of NPE. Yet, the whole project is promoted by the starting and accepted premise that 'regionalism may be a European invention, but it is not protected by copyright law!' (Lamy 2001). Except regionalism is not a European invention. In 1910, the first ever customs union was established in Southern Africa – Southern African Custom's Union (SACU). Granted, this was the invention of white settler colonialist governments, it is nevertheless surprising that the literature on regionalism and vis-à-vis EU regionalism in Africa neglects to mention this example. One example is not in itself enough to make the case; rather it is illustrative of a pattern of absenting the relationship to Africa and Africa's role within the development of the EU itself and by extension in its external relations. In most cases, African agency is often a bystander in the EU's engagement with the continent.

To decolonise requires a change in knowledge production practices including discursive changes in how we define the relationship. Indeed, and as Diez warns about NPE, the arrogance of EU theorising and practice will continue 'unless a degree of self-reflexivity is inserted' (Diez 2005, 627). Presently, there is a preference for Africa-EU relations but also AU-EU relations (see Mattheis and Kotsopoulos 2017). This is both a call to discursively shift the direction of focus in the relationship but to also acknowledge in real terms the evolution of Africa's political landscape on its own terms. In 2019, all African states are now members of the AU which justifies a turn to AU-EU relations. The diversity of Africa notwithstanding (the EU with 28 states too is diverse), attention to this regional mechanism or instrument is a first step to acknowledging African agency.

The AU is of course still a young institution. Indeed, its strategy for the socio-economic transformation of the continent will span about 50 years as articulated in Agenda 2063. Yet in recent years, we have seen ways in which the AU has tried to implement its moral agency for peace and development on the African continent. Moral agency refers here to the 'moral burdens of duty and blame for specific acts and outcomes' (Erksine 2008). The AU serves this purpose as it takes the primary responsibility for a peaceful and prosperous continent by 2063 (African Union 2015).

Whereas the EU has consistently invested in creating a single transregion, the African Caribbean and Pacific group of countries (ACP), and recently at the expense of the AU, it is worth remembering that the commonality between the ACP is the shared colonial history. The ACP ensures that the political strength of Africa is not exercised since Africa is treated the same as the other two smaller regions, while having more or less to equally conform to what EU institutions want. So how can this relationship, particularly the imperative of knowledge in this relationship, be extricated from one of coloniality? To get to this, the subsequent section seeks to historicise the relationship through narrative and highlight the co-constitutive nature of what the EU does in Africa and how we understand Africa-EU relationship within and beyond the EU-ACP relationship.

A Biography of 'EU-Africa relations' and the evolution of Africa-EU relations

Yaoundé, Lomé, & Cotonou

Colonialism has had the greatest influence on the structure and patterns of interaction in the relationship between Africa and Europe. From the onset of its very creation, the EU constructed its foreign policy practices around its relationship with the African continent. The relationship between Africans and what is now the EU has been inscribed in the founding document, the Treaty of Rome (ToR), which established the Convention of the Association of Overseas Territories (OCTs). The OCTs initially referred to the overseas colonies of Belgium and France and when the UK joined, its former colonies too. The commitment set in the ToR was to render overseas aid for development which also guaranteed EU member states' access to natural resources. African countries dominated the OCT. This commitment that had been agreed by European states without input of African countries framed subsequent relations. It has been a relationship grounded in unequal power asymmetries.

Both African and European actors honed their practices within colonial frames that did not just disappear in the 1960s. In 1963, the then European Economic Community (EEC) and 18 countries, which formed the Associated African States and Madagascar (AASM), signed the first Yaoundé agreement. Subsequent agreements, Yaoundé II, Lomé I-IV, and the current Cotonou agreement constitute what is nowadays referred to as the EU-ACP cooperation. The ACP group represents African, Caribbean, and Pacific countries who are former colonies of European states. It came about as a result of the then European Economic Community's (EEC) suggestion that a single agreement should make the EEC's – and now the EU's – external economic cooperation easier to consolidate. Although the African countries had the chance to negotiate for themselves, the context and framework has been determined mainly by the EEC. Effectively, this helped to further institutionalise power asymmetries between Africa and Europe. In the formation of a bloc that is a loose configuration and whose identity is determined by the colonial history and the ease of which the EU might better administer its trade and aid policies, the EU-ACP arrangement epitomises the colonial matrix of power.

This grouping has provided the basis through which the EU has 'managed' Africa in terms of international development aid provision and limited preferential trade exchanges. As scholars like Clapham (1996) argued, however, despite these imbalances in asymmetries, the Lomé Conventions, at least in its early days, allowed for ACP countries to organise and articulate their position vis-a-vis their relationship with the EU (see also Gruhn 1976). What the positionality of ACP countries and in particular African ones within this grouping means for Africa-EU relations has been lost from the narratives about the relationship partly due to the latter Lomé convention (see Oyewunmi 1991) which seems to have removed further agency from the ACP countries. Moreover, the material impact of that agreement with its conditionalities, put African countries on the back footing in the context of Africa-EU relations.

The Cotonou agreement & the evolution of Africa-EU relations since 2000

The evolution of the EU's relationship with the ACP and in particular with Africa has transformed significantly. Since Lomé IV especially, this relationship is arguably more political. Its political nature, and significant economic changes were further codified in the 2000 Cotonou Agreement (see Hurt 2003; Godfrey 2016). The most significant impact of the Cotonou agreement was the move towards the creation of the Economic Partnership Agreements (EPAs). EPAs are agreements created to make the relationship between the EU and ACP countries compliant with the World Trade Organization (WTO) rules. WTO Most Favoured Nation (MFN) clause prohibits an actor from giving preferential treatment to another when it is not offered to others within the WTO system. As such, the precepts of Yaoundé and Lomé had to change through new sub-regionalised trade agreements, in short the EPAs.

Since the establishment of EPAs, their study – what they are, their impact and challenges to them – have dominated the post-2000 studies of EU-Africa relations (see Hurt 2003; Carbone 2008, 2013, 2018; Hurt et al. 2013). In those studies, which have paid attention to the African position during the negotiation of EPAs, De Melo and Regolo (2014) for example note that the African negotiating group was at a disadvantage due to how the EPA groupings were organised. While the EU proclaimed to be deepening regionalism, there was no accounting for the variances among countries in Africa.

Indeed, much of the discussion about the Cotonou and the implementation of the EPAs, the processes of regionalism as understood in the target regions – Africa, Caribbean, and the Pacific – are often missing, in favour of the EU's own commitment to promoting a version of itself. Yet, the impetus for regionalism, particularly in Africa, is very different and understanding this is essential to realising African agency (see Haastrup 2013a). The negotiations for Cotonou and its adoption in 2000 coincided with the process of transforming the Organisation for African Unity to the present African Union (AU). At the same time, a political meeting, the Cairo Summit, between African states and the EU intended to expand the scope of Africa's relations with the EU. This was held under the aegis of the OAU and EU respectively, rather than the ACP configuration. Although Olsen (2006) argues that the Cairo Summit was largely symbolic and lacked substance, it was a significant moment in EU-Africa relations. It signalled the move from the convenient EU-ACP, as the basis of the relationship between Africa and the EU, to a new kind of cooperation based on region-to-region relations, inter-regionalism, opening the space for the agency of both Africa(ns) and Europe(ans).

The discursive construction of the possibility of region-to-region cooperation has been facilitated of course by the creation of the AU and its broad remit for African regional integration in all aspects. Yet, the practice of deciding how best to engage Africa without Africans

was replicated in 2005 when the EU released the EU Strategy for Africa. While the new framework document acknowledged that the hegemonic donor-recipient relationship had to change, partly in response to changes on the African continent itself, it was widely criticized for its failure to engage with representatives of African countries, the regional institutions, and African civil society. After this, in 2007, African states and the EU embarked on a new strategic partnership, the Joint Africa-EU Strategy (JAES) following two years of consultations in Africa and Europe.

Unlike the Cotonou agreement, the JAES has no legal standing. Yet, it was intended to make a turn in the relationship and importantly give Africa its own voice in the way the EU organised its external relations in the region. The JAES sought to engage Africa more broadly and apart from the Caribbean and Pacific, in other words beyond the ACP grouping. The JAES acknowledged the emergence of the new regional interlocutor for Africa, the AU. Moreover, unlike the ACP, North African countries are acknowledged as African within the JAES. Perhaps most importantly, the JAES broadened the areas of engagement beyond economics (development aid and trade) to other areas of cooperation, significantly in peace and security. Presently, there are four main priority areas: Education, science, and technology; resilience, peace, security, and governance; migration, mobility, investments, and African structural transformation.

The discursive basis for the JAES was that Africans and the EU were renewing their relationship on the basis of equality, partnership, and local ownership. Perceptions of African actors from this time remain thin in the academic literature and certainly from the dominant narratives of 'EU-Africa' relations. In 2007, Africa was in a good place. Growth rates were more or less stable and the progress towards democratisation evident. Kotsopoulos and Sidiropoulos (2014) further note that Africa's voice had become louder in the international stage in part due to the work of the AU. By demanding that the EU's approach to Africa can no longer be determined just in Europe and thus instigating two years of consultations with an eventual agreement to codify a shift in relations, we see manifestations of African agency with existing relations.

Some studies of course concede that in certain areas of engagement there is evidence of Africa exercising agency through the AU to achieve equality, partnership, and local ownership (Carbone 2013; Haastrup 2013a, b; Whitman and Haastrup 2013). For the most, there is agreement that the relationship is driven mainly by a donor-recipient relationship and less than a full equal partnership.

As has become even more evident in recent years, the treatment of African migrants in the context of European regimes has been consistent with the human rights values that the EU tends to insist on as a conditionality. I would however suggest that the inability of Africans to achieve their own aims within the relationship does not preclude agency, it simply highlights structural constraints. In this, reflections in this chapter challenge the dominant trends in the literature. The dominant narrative about the relationship has been driven by limited attention to the perceptions and practices of the African side of the relationship. We find this pattern in both the scholarship on EU-Africa relations and sometimes in practice when we consider the co-constitutive nature of the scholarship with the relationship itself (for recent exceptions see Delputte and Williams 2016; Carbone 2018).

This omission is mainly rooted in the approaches which mainly take the relationship from the perspective of EU foreign policy. Consequently, like Dimitrovova and Kramsch (2017) I seek to 'problematize and deconstruct normative assumptions' around the range of European practices in foreign policy that are often the basis on which 'preferential relations with the EU are established' (Dimitrovova and Kramsch 2017, 800). The aforementioned authors note that while there is increasingly research on the external perceptions of Europe (Chaban et al. 2013; Lucarelli 2007; Lucarelli and Fioramonti 2010;), these often re-inscribe Eurocentricity because

they use approaches that are still specific to the EU (Dimitrovova and Kramsch 2017, 798; Kotso-poulos and Mattheis 2018). By drawing on the nascent theorising on African agency and the deco-lonial literature, and on 'EU-Africa relations' or more appropriately Africa-EU relations, a more active, dynamic and flawed 'Africa' is rendered more visible within the field and in the practices of EU foreign policies in the continent. In the next section, I engage with the current process of negotiating post-Cotonou relations, rather than policy outcomes themselves, as a way to reveal the ways in which African agency is articulated and is challenged within 'Africa–EU relations'.

Negotiating post-Cotonou relations

The EU's positionality as the dominant partner in the relationship hasn't shifted despite com-mitments to partnership and equality. Indeed, and despite the JAES which was intended to create a new opening in 'EU-Africa relations', the trade/aid relationship continues to be the primary prism of relationship. For example, while the JAES has always had migration within its remit as a domain of partnership, the EU has tended to force through its own preferences, particularly since the so-called migration crisis. Successive agreements and the formal rhetoric around change have provided the EU a way to mythologise its existence in Africa as different from those of the individual countries that make up the EU itself, the former colonisers. The EU myth of difference is sustained even by the critical literature whose main challenge to problem-atic EU practices is that it does not accord with the EU's own values as if those are neutral. This is what the lens of EU foreign policy theorising gives us – when Europe is the starting point. African agency is thus forsaken for the myth of a value-driven EU as the ultimate goal of reform.

As the main vehicle for the prior relationship, the Cotonou agreement is coming to an end in 2020. The desire for change has been motivated by a variety of things. On the part of the AU, there was a commitment to restructuring the relationship once and for all after several tries. On the part of the EU, there was a renewed urgency to keep a foothold in Africa particularly as other actors became more prominent, for example, China. As Carbone (2018) notes, the renegotiation of Cotonou was already on the agenda of the AU by December 2015. The EU for its part expressed the intention to re-negotiate the relationship with Africa still within the ACP framework.

From the onset the AU was uneasy about this. There was scope to negotiate as a continent, and a framework including trade and development was already present within the JAES. It therefore made no sense that the EU kept insisting on the ACP context despite acknowledging the distinctiveness of the three regions that made it up. On 18 March 2019, the AU adopted a decision that it intended 'to use the post-Cotonou process to conclude a completely new framework for cooperation with the EU on a Union-to-Union, continent-to-continent basis, outside the ACP context"' (Carbone 2018, 481). This declaration was significant because it came on the same day that 44 countries signed up to the African Continental Free Trade Agreement (ACFTA). The ACFTA is the largest trade agreement in the world. It is significant not only for Africans but for understanding the patterns of trade. Moreover, according to its champi-ons it opens up African countries to each other and the world. It is an important marker of African agency in international politics and even the EU acknowledges its presence as signifi-cant. Indeed, the EU has already committed €50 million to supporting the implementation of the ACFTA over two years. Yet, the EU remains committed to the ACP and has therefore been at odds with the AU on what a new relationship will look like.

While acknowledging that the main negotiator on behalf of the ACP was a Togolese diplo-mat, the AU appointed Professor Carlos Lopes as the AU Special Representative for Partner-ships with Europe, who was previously executive secretary of the Economic Commission for Africa. Lopes has been vociferous in his critique of the EU's engagement in Africa and has

consistently gone on record to argue that the relationship must change so that Africa's own agenda is respected. Of the arrangements possible under Cotonou, he noted

> There is a high degree of cynicism about the EPAs. […] The European Commission cannot deny the lack of transparency, and even imposed secrecy, in the way the EPAs were negotiated. One of the casualties of the EPAs is the fragmentation of Africa trade negotiations in blocks and countries to whom different clauses were offered at the very moment the Continental Free Trade Agreement was supposed to occupy minds. Another is the possible lost opportunity for a real economic partnership based on the future. (Lopes 2017, 12)

In the same text as the above, Lopes' fundamental call is that the narrative on EU-Africa/Africa-EU relations had to change in a way that accounts for the changes happening on the continent. For example, the creation of ACFTA, the proposals towards a Monetary Union, and reforms within the AU should all be internally driven. This call was issued especially to those who are 'progressive' and well-meaning (Lopes 2017). This is especially important since much of the scholarship has focused on the detail of the renegotiation, taking the ACP for granted, without further reflection on its continued utility, and despite the AU's position that the relationship between Africa and the EU needs to move beyond the Cotonou template (see Schmieg 2019).

In laying out the perspective enabled by the mandate given by the AU, Lopes is clear that African ambitions can no longer be subsumed to those of its closest partner so far. As evidenced by the recent ACFTA, there is at least part of African elites and people that is committed to deeper regional integration. Under Cotonou, the EPAs had done much to challenge this deepening of integration. With the opportunity of a do-over, and a template in the JAES, the move towards a focus on Africa on its own terms is a priority for the African side.

Yet, the EU was reluctant to move away from an arena where it has thrived and continues to straddle a relationship with Africa through the AU and the ACP. One interviewee involved in the African side of the negotiations noted that EU colleagues attempted to draw individual African states away from agreed African positions with the promise of bi-lateral concessions if they remained within the ACP framework (Interviewee A, 7 January 2019). This directly undermines the EU's own claims of fostering deeper regional integration in Africa. Even though the EU feels challenged by the Chinese engagement in Africa (thus centring China rather than Africa) so much so as to suggest a new *Africa-Europe Alliance for Sustainable Investment and Jobs* favouring investment over development aid, the African impetus remains a footnote. With the best of intentions, Africa is positioned as having to respond to the direction of the winds dictated by the EU especially when framed as being mutually beneficial.

Nevertheless, at the AU-EU Foreign Affairs Ministerial Meeting in January 2019 the AU worked hard to get its message across. This was particularly significant since the EU kept the agenda for the meeting 'hidden' until the last minute despite overtures from AU member states and the AU Commission. The section on economic cooperation of the Joint Communique (AU-EU 2019) is worth paying attention to. Firstly, the AU side emphasised the importance of continental priorities in any external engagement going forward. Specifically, it committed the EU to the support for ACFTA, the Single Air Transport Market and the Protocol on Free Movements of Persons, Right of Residence and Right of Establishment, issues that are being contested in Europe but where Africa seeks to progress. The development of trade relations is framed as predicated on the support for these African initiatives. And secondly, while the launch of the Africa-Europe Alliance was acknowledged, the African side showed caution (perhaps a healthy skepticism) calling for 'further consultations to ensure that implementation of the Alliance concept responds to the priorities of both continents' (AU-EU 2019, 2). In short, decisions

about Europe in Africa and the content of 'EU-Africa relations' will no longer be determined by Brussels or European capitals.

Nowhere in the document are post-Cotonou negotiations under the EU-ACP framework acknowledged. When I asked my interviewee of this omission, 'Apparently not [sic] mention of ACP?', the response was 'No. We pushed hard for this. So, commitment to C2C.[1] ACP can do what they want but continental agenda will be discussed C2C' (Interviewee A, 23 January 2019). Given the ways in which colonialism is entrenched in the ACP relations, and the AU's pushback against it, of what use is its continuation for 'EU-Africa relations'?

Conclusion

In this chapter, I show the evolution of the so-called 'EU-Africa relations', arguing that the ACP format obscures African positionality and agency. The emergence of the African Union as a viable actor has been supported by recent developments on the continent such as the ACFTA among others. While the literature critiques the EU's behaviour towards Africa in the context of the ACP, the argument tends to focus on Europe's power over Africa ignoring the moves made by African actors. Using a decolonial lens, the analysis above shows the co-constitutive nature of scholarship and practice that reinforces coloniality, with also a tendency to ignore Africa's or Africans' agency.

In the past, the lack of attention to Africa could be initially down to the fact that in comparison the AU was seen as a newer actor, which had weaker institutions than the EU and indeed still relies significantly on the EU for its everyday function. Presently, however, it is more than evident that the AU has a strategic vision that takes Africa's future and agency in global governance seriously, but which is not properly engaged by scholars.

The chapter maps out an endeavour to decolonise EU-Africa relations and acknowledge the agency of African actors, and in particularly acknowledge the changes to Africa's socio-economic and political landscape as championed by the AU. To decolonise our knowledge, our practices, we are asked to remember the history of this relationship and acknowledge its lingering practices, even when there is the best of intention. Within this approach it is still possible to acknowledge the affirmative work being done by EU practitioners and scholars in European member-state capitals and in delegations, work that shows unending commitment to alleviation of poverty, peace and security, and human rights. Moreover, it is still possible to highlight the significant challenges faced by the continent including those caused by its ruling elites. Yet, to move forward the relationship between Africa and Europe, we must continually recognise the impact of both the prevailing European prism which reinforces coloniality, and of the invariably unequal relationship between Africa and the EU.

Notes

1. C2C refer to Continent-to-Continent or Region-to-Region.
2. The group of ACP countries has recently changed into Organisation of African, Caribbean and Pacific States (OACPS)

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An alternative reading of EU foreign policy administration

Thomas Henökl

Introduction

With the entry into force of the Lisbon Treaty the EU foreign policy was comprehensively rearranged. The former High Representative for Common Foreign and Security Policy and the European Commissioner for External Relations are now combined in the position of the High Representative of the Union for Foreign Affairs and Security Policy (HRVP) – a position from autumn 2019 held by former Spanish Minister of Foreign Affairs, Josep Borrell Fontelles. According to the Articles 18 and 27 of the TFEU, the HRVP 'conducts the Union's common foreign and security policy'; 'contributes by her proposals to the development of that policy, […], and ensures implementation of the decisions adopted'; 'presides over the Foreign Affairs Council of Ministers'; 'is one of the Vice-Presidents of the Commission and thus ensures the consistency of the Union's external action'; […]. In the wake of this institutional rearrangement, by Council Decision (427/2010) the member states in cooperation with the EU Commission, created a dedicated administrative apparatus, the European External Action Service (EEAS) in order to assist the HRVP in achieving '[…] consistency and coordination of the Union's external action as well as by preparing policy proposals and implementing them after their approval by the Council'. The EEAS is a 'functionally autonomous body' placed 'under the authority of the HR/VP'. The HR/VP heads the EEAS and assumes political responsibility for this bureaucratic apparatus.[1]

In spite of the current crisis and tendencies for re-nationalisation, the EU system of multi-level governance is seen as the world's most advanced system of power transfer via supra-national delegation (Pollack 2003). Therefore, insights on preference-formation, goal–definition and strategy-design in the EU's tightly interwoven governance network, coupling national and EU administrations together, may be particularly telling and can be seen as a case of collapsing Principal–Agent relationships in transnational public administration. The transformation of delegation processes may alter governance and accountability structures, the sources for legitimising and justifying behaviour, and modify roles, rules, identities and allegiances, understandings of purposes, as well as fundamental norms and beliefs of actors and institutions. 'Integration of the core state functions' (Genschel and Jachtenfuchs 2014) such as external representation, diplomacy, security and defence, external or extended governance or 'governance transfer'

(Börzel 2015) can signify a contribution to a retrenchment of the administrative system in Europe (Olsen 2010). Together, such evolutions may build up the transformative potential to contribute to the emergence of new behavioural patterns – and gradually but sustainably affect political and organisational accountability arrangements, central to European states and societies (Bovens et al. 2010).

Taking the European External Action Service as a living laboratory for such processes, this chapter aims at advancing the inter-(sub)disciplinary debate of what institutional innovations in the field of international public administration (IPA) can tell us about the transformation of the state. Along these lines, the chapter generally suggests that public administration scholarship may offer valuable observations, and perspectives largely neglected by contemporary international relations (IR) studies or scholarship on delegation in EU foreign affairs and EU public policy more widely. More specific inferences point to the fact that EEAS officials are primarily inward-looking officials abiding by core roles and rules of the EU's supranational community administration (the Commission). The remaining degree of variance in their decision-behaviour may be explained by reference to the flow of information, contact patterns, routines, and informal practices that supply the organisation with decision-premises and motivation to act ('action orientation'). In short, the primary organisational affiliation, institution of origin and supposedly the hierarchical position of EEAS officials seems to affect (or 'bias') their behavioural patterns and practices also with regard to their independence vis-à-vis MS governments.

The chapter is structured in the following manner. The first part briefly engages with the existing literature on EEAS, showcasing an analytical gap regarding the investigation of the behavior of EEAS officials from a sociological administration studies perspective. In the second part, the analytical framework is sketched out, before presenting methodology and data in the third section. The fourth and fifth parts contain evidence from an exploratory analysis of practices and role enactment among EU foreign policy makers, approximating these by means of studying firstly contact patterns and information flows (attention paid to steering signals and instructions) and secondly the more informal concerns and considerations informing day-to-day decision-making processes. The findings and their implications are summarised in the final section together with suggestions for further investigation.

Spotting the gap in the existing literature on EEAS

The EEAS, as the supporting bureaucracy of the HRVP, is an organisational hybrid with inbuilt ambiguities stemming from the inherited pillar structure and divided competence areas between community institutions, intergovernmental structures and the member states. In the Council (Foreign Affairs Council, FAC), the HRVP is regarded as one of their own by the foreign ministers of the member states. As can be seen from Figure 35.1.

displaying the institutional embedded-ness of the EEAS, multiple oversight relations can be discerned as an expression of simultaneous ownership claims and as an organising principle inbuilt into the service in order to secure and manage political and ideational influence and control from both the intergovernmental and the community spheres, involving notably the Council, the Commission, and the European Parliament (EP) in a struggle over power and institutional turf (Blom and Vanhoonacker 2015). This new form of hybrid or 'nested' delegation has been demonstrated to induce various and distinct action logics into processes that couple organisational members together in the joint performance of tasks (Henökl 2015). In addition to the previously set goals, the chapter sets out to disentangle these multiple and competing action
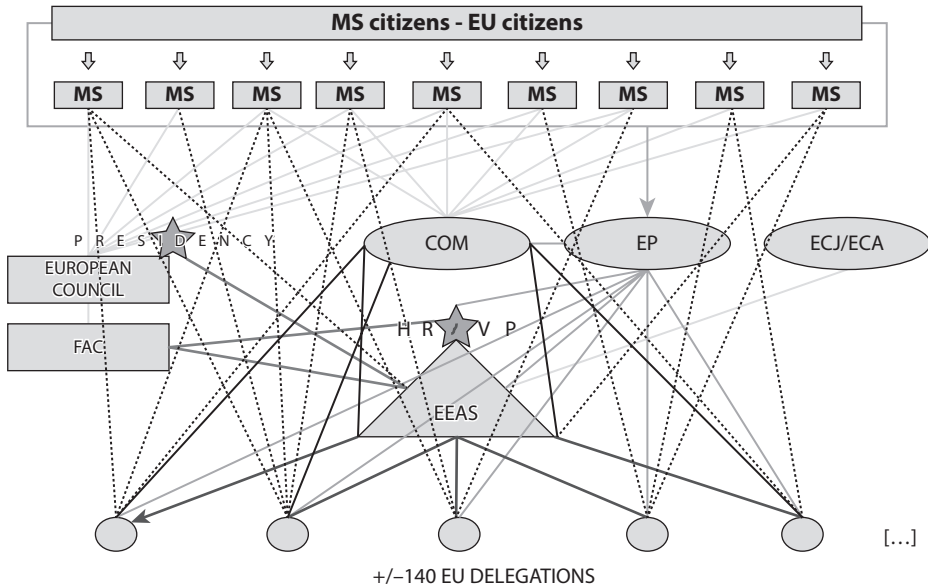
Figure 35.1   The EEAS in a web of accountability relations.

logics, asking to what extent have the institutional innovations of the EEAS made EU external action more (or less) penetrable to new practices.

Taking stock of the nascent literature on the EEAS we detect a recently evolving focus on diplomatic practices and institutional emergence (Adler-Nissen 2015; Bicchi 2014; Lequesne 2015; Novòtna 2017). Much work has also been done on macro-level practices such as coordination and the quest for consistency or coherence of EU foreign policy (e.g. Balfour 2013; Baltag and Smith 2015; Dijsktra 2013; Ponjaert 2013; Portela and Raube 2012; Sjursen 2011; Smith M.E. 2013; Thomas and Tonra 2012). Legal scholars have engaged in an interpretation of the framework set out by the Lisbon Treaty and the Decision founding EEAS (Blockmans and Hillion 2013; Henökl 2014a) and have discussed its competences and role within the EU's institutional architecture, as well as its status with regard to international law (Cardwell 2012;; Wouters et al. 2013). Frequently, the EEAS has been described as a long missing bridge over the divisions of the old EU pillar structure, pre-Lisbon (Cross 2013; Duke 2012; Whitman and Juncos 2011). Antecedents to a public administration approach to the EEAS to understand the nature of the organisation and its behaviour have been adopted by Bátora (2010, 2013), Formuszewicz and Liszczyk (2013), Henökl (2014b), and Juncos and Pomorska (2013). The extent to which and the conditions under which international administrations may act independently of member state governments has become increasingly vibrant, but the autonomy of the EEAS remains surprisingly unexplored in a mounting EEAS literature, contributing to contradictory assessments of it (Furness 2013; Mérand and Angers 2014; Vanhoonacker and Pomorska 2013). The EEAS is seen as rifted between member-state dominance (Helwig 2013; Juncos and Pomorska 2013; Kluth and Pilegaard 2012), the concern for the collective European good (Maurer and Raik 2014; Thomas and Schimmelfennig 2011), administrative fragmentation and portfolio concerns (Blom and Vanhoonacker 2015; Furness 2013; Morgenstern-Pomorski 2018), as well as the professional independence of its organisational members (Bátora 2013; Spence 2012). As a consequence, academics, politicians and EEAS officials have different views of what the EEAS is and what it should be.

The gist of the rapidly growing EEAS literature has so far shown a bias to treat the EU external affairs apparatus mainly from an international relations and EU studies angle (e.g. Duke 2012; Howorth 2011, 2013; Morillas 2018; Portela and Raube 2012; Sjursen 2011, 2012; Smith 2013; Thomas and Tonra 2012; Whitman and Juncos 2009, 2012). However, the traditional angles of IR and EU studies do not fully account for the increasing importance of administrative networks, institutional 'engrainage' and transforming governance modes, facilitated by direct unit-to-unit interaction between layers of national and inter- or supra-national bureaucracies (linking departments cross-sectorally and transcending governance levels). Therefore, an organisational analysis of the EEAS, needs to put the focus on these novel administrative arrangements and study their implications on policy- and decision-making features so as to grasp which decision premises are pre-dominant in the EEAS and which behavioural logics EU diplomats follow. The organisational approach would assume that rational choice – limited by cognitive and computational restrictions and tainted by provenance patterns, in combination with 'habitualization' (Berger and Luckmann 1967) and development of organisationally engrained scripts – can partially explain the ongoing institutional changes in EEAS. The predispositions for action have been studied according to varying sources of recruitment and types of employment of EEAS staff (Henökl 2015) as well as according to geographical location/place of assignment, hence 'dissecting' the factors benefitting organisational autonomy (Henökl and Trondal 2015).

In the sections that follow I highlight the scope of behavioural independence of individual organisational members from national foreign offices and other ministerial departments (international development, defence, trade, etc.). The praxis dimension, defined here as the process of interactions, emphasises the importance of 'endogenous drivers of change that lead extant organizational practices and identities to be problematized' (Thornton et al. 2012, 147). Noting a 'practice turn' in organisational sociology (Knorr-Cetina et al. 2005; Simpson 2009; cf. Bourdieu 1989; Joas 1996) towards increased importance attributed to the real-life activities and quotidian twists and turns of organising, it appears evident 'that to adequately explain how organizational practices and identities change, researchers must identify multiple mechanisms and their interrelationships because we know very little about how different forms of social interaction combine over space and time to produce outcomes of interest' (Thornton et al. 2012, 147).

Conceptual considerations and analytical tools

How can we understand and what is the link between 'decision-behaviour', practices, and organisational rules and roles? An organisational analysis puts the emphasis on the structural features of an administration or bureau and sets out to test how these structural elements influence behaviour (Cohen et al. 1976; March and Olsen 1989; Simon 1957). The EU's newly merged external governance apparatus is an organisational hybrid combining multiple sources of behavioural traits from different models or affiliations of origin. Recent research on the EEAS (Henökl 2015; Henökl and Trondal 2015, Henökl, 2017, 2020) has shown that different, potentially contradictory and conflicting institutional logics are at work and co-determine a base on which FP decisions are actually taken. Such an analysis is based on a long tradition within behavioural and cognitive sciences. In essence, the way an individual understands, interprets and fulfils his organisational role depends on several underlying descriptions, narratives and scripts which are not easily and, in all detail, spelled out in the job profile, directives or instructions. Concomitantly, role theory assumes that the interpretation of one's own position, functions and tasks in an organisational context influences the exercise of these tasks, which frequently consist

of making decisions and performing acts of choice. This concept refers to Pierre Bourdieu's 'habitus' (1990), that is, habits, routines, standing operating procedures as the 'default- or fall-back option' when it comes to decisions about the appropriate course of action (March and Olsen 1989; Olsen 2009; Peters 2011). Relevant is also the link to an individual's character (as in properties of the persona).

Scholars contend that the formation of the basic character traits and development of core personality structure mainly happen during childhood and tend to 'crystallize by the time an individual reaches adulthood, with relatively little change thereafter' (Ban 2011; Inglehart 1997, 34). Challenging this static view of personality and especially of *professional* attitudes and values, one may assume that public officials are continuously formed and trained in and with their environment and throughout the exercise of their office. Thus, their professional contacts, communication and work patterns affect their values and ideas, their concerns and considerations (March and Olsen 1998).

Finally, the normative and symbolic dimensions are central to EU politics (Manners 2006) and even more so to foreign policy and diplomacy since the latter signify the external re-enactment of state images and representations. Traditionally, states have been acting as the 'central bank for legitimacy and symbolic power' (Adler-Nissen 2014, 4), wielding monopoly not only of physical but also of 'symbolic violence' (Bourdieu 1989, 22). International relations and diplomacy, then, form the arena for struggles about the definition of political order and its legitimate domination, about what a state *is* and how it should behave. Legitimacy however also links to issues of representative bureaucracy (Gravier 2008, 2013; Meier and Jurée Capers 2012; Meier and Nigro 1976; Peters et al. 2015), emphasising a need for justification regarding to who is acting on behalf of the citizens, and based on which premises decisions are taken. The professionalisation and standardisation of representational and behavioural roles, the 'esprit de corps' as well as codes of ethics and integrity rules for diplomats have been ascribed a foundational and consolidating effect for formation of executive authority at the nation-state as well as at the EU levels (Bartolini 2005; Henökl and Trondal 2015; Kuus 2015). The professional behaviour of diplomats, their recruitment and identity as well as the exclusivity of their relationship with their domestic governments has arguably a decisive impact on executive control over foreign relations. With regard to centre-building, formalisation of roles and rules for public officials based on behavioural appropriateness defined by administrative practices, standard operating procedures, codes of conducts for ethics and integrity in government, also contribute to the development and professionalisation of impartial public authority and to the legitimacy of state bureaucracies (March and Olsen 1989; Peters 2011; Rothstein and Teorell 2008).

A public administration approach seems particularly well-suited for a more systematic study of the practices and the organisational premises of decision-making, mapping the different factors influencing preference formation in EU external policies. Examining data from official documents, semi-structured interviews and a survey among policy-makers, the chapter maps out the changing diplomatic practices and patterns by studying the formal rules as well as empirical evidence on

- officials' role understanding;
- day-to-day embedment in working relations and accountability structures;
- and institutional orientations and decision behaviour.

A sociological view adds crucial insights to the 'why' and 'how' of organisational interaction by exploring the relational context in which identities are formed or conflicts arise and settle, and by establishing a connection between capacities and dispositions to act. A way to understand the

internal operation of intergovernmental and supranational organisations is by investigating their established practices, that is, 'competent performances' in the patternised and reiterated processes which have socially ascribed meaning and context (Adler and Pouliot 2011). Practices involve groups of practitioners or 'epistemic communities' sharing a professional 'domain' (DiMaggio 1997). Domain according to Ranson et al (1980) signifies a common context of associative schemata or mental models, that is, semantic or symbolic typifications and categorisations that influence perception, interpretation, planning and action (Berger and Luckmann 1967; DiMaggio and Powell 1991). In diplomacy, for instance, the international and cross-level transfer of practices through epistemic networks is less centrally steered and rather driven by lessons learnt among peers. Being a toolkit for action, actors can pick from sets of practices available, depending on questions of appropriateness, utility and interaction context (DiMaggio 1997, 267–268). Behaviour is reactive, following a mode of 'implicit, unverbalized, rapid and automatic' cognition (DiMaggio 1997, 269), and it favours the confirmation and reproduction of schemata. In contrast, action is strategic and goal-oriented, forward-directed and intentional, yet it is in essence situational, and hence individual and unique and not necessarily generalisable. An individual may act differently, facing the same problem in a different situation or in the same situation at a different point of time.

Having ingested the cognitive focus of actions as a conscious and directed type of behaviour, the administrative units practice a particular kind of action (Feldman and Orlikowski 2011). Further, through individual professional postures which are informed by 'traditions and dilemmas' (Bevir et al. 2013, 167), practices may associate with certain roles. This is because a practice is likely to be employed or activated by a certain type of agents in a certain type of situation. Practices can thus bridge the gap between behaviours at individual and wider organisational levels since commonly accepted, institutionalised practices become the repertoires and vocabularies of groups of actors.

An example can shed light on how the combination of public administration studies and notions from sociology can help us understand the behaviour of EEAS officials. The importance of language routines in an inter- or supra-national body as everyday practices (Thornton et al. 2012) may explain the increasing use of the French language in DG RELEX, DG AIDCO, DG DEV and other external relations-oriented departments even after the 2004 enlargement. Judged by the use of French as 'vehicular and drafting language' (Ban 2013, 203), these were predominantly 'French-speaking' administrative environments, at least this has been corroborated in the case of the Commission (e.g. Ban 2013, 202–224). Switching to a new common linguistic code, where the majority of EU officials felt more comfortable at the expense of French speakers, may account for numerous small scale adjustments of practices and customs, making the bureaucracy more accessible to different types of staff and more permeable to new ideas and practices. This was additionally facilitated by the introduction of an Anglo-Saxon management style and of new public management (NPM) tools and techniques introduced by the Kinnock reforms. The dynamics of formal and informal organisational change, even when meeting resistance, appear to reduce the threshold for de- or re-institutionalisation (Olsen 2007, 125) and transform institutional logics, at least within the foreign policy related departments of the EU's political system.

Methodology and data

To determine the different practices and action logics predominant in an organisation, I look at the importance attributed firstly to political steering signals and accountability relations (by a number of relevant actors or forums), secondly to normative standards, concerns and

considerations, and thirdly to the allegiance to formal rules and roles of the organisation – EEAS in the present case. Distinguishing between different staff categories (permanent vs. temporary staff), the survey data are then analysed in more depth according to institutional provenance (supranational vs. intergovernmental recruits) to see whether there are distinct behavioural characteristics, and if so, what the markers of these differences are. My objective has been to determine whether beyond the *formal role scripts*, also *informal relations* (stemming from secondary affiliations or previous institutional roles) matter.

Organisational structure can provide explanatory elements for the behavioural dynamics within a particular organisation. To what extent it is possible, at the same time, to account for concrete and precise behavioural phenomena and from this to infer larger and generalisable trends for organisational decision-making depends on a number of parameters, and contains an element of uncertainty. As March and Olsen (1989, 5) put it: 'Outcomes at the system level are thought to be determined by the interactions of individuals acting consistently in terms of the axioms of individual behavior, whatever they may be. Thus, we make assumptions about individual consumers to understand markets, about voters to understand politics and about bureaucrats to understand bureaucracies' (a point also found by Mayntz, 1999). Frequently, organisations are thought of as 'unitary actors', where individual agents fulfill their 'membership roles' according to organisational goals and interests (Mayntz 1999, 81; Luhmann 1964).

In the most immediate sense, the HRVP has to render account to her political principals. EEAS as a body is '[…] placed under the authority of the HRVP' and it should be seen as the HRVP's executive arm. Subsequently, a number of actors or fora exercise a certain influence on EEAS, having leverage over the organisation. This leverage is traditionally depicted as a Principal-Agent (P-A) relationship. While P-A modelling frequently analyses the delegative relationships of bureaucracy by looking at the situation between (parts of) administrations, I draw attention here to the transforming practices of delegation surrounding EEAS. The argument is that much is to be gained by looking at the agents (as in P-A modelling) in order to include the micro-level relationships within the context of direct and individual constellations between hierarchical superiors and subordinates at EEAS. Yet, the relevance of the findings may stretch beyond the case of EEAS, since Brehm and Gates (2015, 40) find that 'the problems of overlapping hierarchical arrangements, as when multiple principals engage with a single agent, may be much more ubiquitous in politics than we acknowledge'. Goal ambiguities and conflicts are left uncovered when treating government organisations as 'black boxes' and looking only at the formal relationships between them. Consequently, to understand what is really going on inside and between administrations, the micro-level cannot be left aside since it is these individuals who make decisions, perform choices and implement policies; and since it is these 'individuals who interact with multiple levels of supervision, potentially multiple agencies, sometimes with an occasionally hostile public, and perhaps also with political principals who may have no direct authority at all but the persistent beliefs in entitlement to intervene' (Brehm and Gates 2015, 40). The difference in approach is basically the unit of analysis, where the methodology suggested here does not treat administrations as monolithic and unitary actors but applies the P-A framework as dyadic relationships between superiors and subordinates, and to individuals within bureaucracies. Key issues for this study are recruitment and composition of agents, informal intra- and trans-organisational relations between principals and agents, communication of instructions, and chains of command and reporting.

The chapter draws on three main sources of data; relevant official documents, semi-structured interviews with 52 EU officials working in or closely with the EEAS as well as a

survey among foreign policy decision-makers. The methodology used to analyse the survey data basically consists of looking at the relation between officials' previous and present affiliation and their role concepts defined by personal, professional and institutional orientations. Officials were asked about commitment to organisational rules, accountability, loyalty and allegiance, importance of political guidance by relevant actors, job description and instructions, in an effort to profile the professional concerns and considerations building the premises for decision-making.

Mapping practices and decision-premises in EEAS

Preference formation, goal definition and strategic action

The identification of particular goals, studying choice sets and structure of interaction may be seen as an apt approach to learning about bureaucratic politics. Comparing goals and choices at different hierarchical and organisational levels informs us about ambiguous or diverging choices and opportunity structures among various actors embedded in several chains and layers of delegation. To do this, the present study draws on survey and interview data (total N=232) from superiors and subordinates within the administrative complex of the EU foreign policy machinery. It compares the importance attributed to political signals and objectives, attention given to various concerns and considerations, clarity of goals and instructions, institutional loyalty and the patterns of communication of officials by hierarchical level, recruitment source (permanent vs. seconded staff) and institutional affiliation (supranational vs. intergovernmental officials). The data serve to highlight the effects of nested delegation, ambiguity and conflicting goals, stemming from multiple parallel principals, overlapping authorities and complex lines of delegation, introduced by organisational integration of EU level and national level administrative structures. In organisation studies it is generally assumed that the decision premises, based on which bureaucrats actually make their choices, are largely forged by their receptivity to political steering signals as well as the communication and perception of professional concerns (Schattschneider 1975, Simon 1957). As a result of different sources of recruitment and diplomatic career paths, EU member states exercise considerable influence over policy making and implementation – most notably via their national seconded staff. The establishment of permanent and relatively independent bureaucratic and operational structures in Brussels and in the 140 EU Delegations, with a rather broadly defined mandate for designing, coordinating and implementing European external action may be seen as a qualitative change as compared to previous arrangements, which were institutionally and organisationally keenly separating community from intergovernmental competences and capacities. The new organisational setting and its formation under important political pressures, for example, the 'migration crisis' in 2015/2016, is highly conducive to bureaucratic and political drift, opening large pockets of discretion to agents at different levels and introducing ambivalence as to their decisions, choices and goals (Carpenter 2001).

Regarding political signals, concerns and considerations there are systematic correlations between both levels of hierarchy and institutional origin and the importance attributed to political signals (in contrast to a series of other independent variables, which seem to have less or no significance). Controlling for these other independent variables, empirical evidence can be interpreted in a way that ambiguity and divergences regarding political goals or at least a lack of clarity as to these goals are present within the EU foreign affairs administration. Such a result would also corroborate the argument that organisational mergers have a tendency to internalise goal- and role conflicts into the new organisation and to push them downward the hierarchy (Hult 1987).

There is clear emphasis put on signals from EU-level institutions, such as the Commission or the European Parliament. Here, an interesting observation concerns the relative importance that is given to the EP (Wisniewski 2013). Even if not a full co-legislator in all policy areas covering EU external action, MEPs' ability smartly playing their hand throughout the negotiations resulting in the Decision establishing EEAS, and thus gaining more influence and political weight *vis-à-vis* other EU institutions is reflected in the answers of EEAS officials. However, this is an observation that is also shared by Commission officials, for instance in a quote, summarising a trend detected by Ellinas and Suleiman (2012, 80): 'For many years the EP was unimportant and it was ignored. It had the least standing among the institutions of the EU. It is undergoing a process of transition – gaining power and knowing how to use it'.

Empirics indicate a rather sharp difference when it comes to political orientation between the two staff-groups of EEAS: Former Commission staff is much more receptive towards signals from supra-national signal-emitters, such as the European Commission and the EP, than their counterparts recruited from the member states. The latter are paying slightly more attention to the European Council and the FAC and significantly more attention to signals from the big member states. Less surprisingly for hierarchically structured organisations, the officials' sense of accountability is most strongly developed. Former Commission personnel tends to be slightly more Community-minded and much less attuned (by 20%) to relations with the MS. In addition, the intergovernmental recruits are overall more politically oriented, and feel less strongly accountable to the supra-national organs, represented here by their service (the EEAS) or unit, or the 'interest of the EU' in general.

Concluding remarks

The chapter argued that there is a transformation of diplomatic practices and role conceptions ongoing in the EU's external affairs administration. Overall, diplomats accommodate and apply signals and instructions stemming from several sources. Their concerns and considerations that form the basis of their decision-making resemble those of other supra-national EU officials, although the seconded staff may have a tendency to be more perceptible to the views of (especially the bigger) member states. The EEAS may be seen as an example of an organisational hybrid, created to resolve the steering/governance paradox of simultaneous coordination between levels and within levels of administration. Its mission is to square the circle of combining intergovernmental policy prerogatives with supranational action capacities (and vice versa), connecting departments of national administrations at the EU level and, beyond, linking up into global institutional structures, transnational IGOs and the UN system, for example, Food and Agricultural Organisation (FAO), International Labour Organisation (ILO), International Monetary Fund (IMF), World Trade Organisation (WTO), or the G20.

Hybrid administrative organisations, such as the EEAS, are frequently an expression of the search for a solution to diverging or conflicting demands for coordination and decision-making (Egeberg and Trondal 2016). The Service has also been conceptualised as an 'interstitial organization' (Bátora 2013), combining political, diplomatic and administrative structures and tasks, ranging from co-responsibility for foreign aid and development, to civilian and military crisis management and from EU-internal foreign policy coordination to defence cooperation. The appearance of the EEAS on the international scene, representing the EU as a non-state entity – yet endowed with state-like structures – disposing of an interstitially organised foreign policy administration, may be seen to challenge the state monopoly of diplomatic representation, a system of institutionalised practices and standardised interactions between sectorally

compartmentalised and government-controlled ('government-bound') services. Consequently, its organisational members expose different and partly conflicting institutional orientations and decision premises with a potential to profoundly affect and alter traditional structures of representation, negotiation and legitimisation.

For the study of the EU's foreign policy system, I would argue that foreign policy and international politics need not be studied and treated as fundamentally different from other political spheres; emphasising the bureaucratic components of EU politics and administration, EU external action can be seen as a special case of public policy, in particular on the following grounds. First, the administrative decision-makers are EU bureaucrats, following certain institutionalised patterns of behaviour. Second, given the EU's multi-level character, EU-level foreign policy-making also reveals some important parallels to other, chiefly distributive, sectors of public policy, notably the EU core executive branch composed of Commission departments. Third, policy fields (as are policy-makers) are increasingly interconnected and have, since long, 'gone' international, trans-national or global, from economy and finance, energy, transport, to science and technology or environmental policy. Foreign affairs, in its full sense, takes a horizontal or cross-cutting position and needs to adopt an approach of 'integrative diplomacy' (Hocking et al. 2012, 29) or 'a full-spectrum EU diplomacy' (Smith 2013) in relation to those issues, as all of these are part of the external dimensions of the EU's competences and activities. At the very least, there is no reason why the study of international relations or foreign policy should not benefit from the – sensible – confluence of analytical devices that have proven to be useful in other sub-disciplines and fields of public policy, management, administration and organisation studies.

Note

1. Cf. http://www.eeas.europa.eu/what_we_do/index_en.htm However, the EEAS is also obliged to assist '…the President of the European Council and the President as well as the Members of the Commission in their respective functions in the area of external relations and ensures close cooperation with the Member States. The network of EU delegations around the world is part of the EEAS structure'. (*ibid*.)

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A clash of hybrid exceptionalisms in EU–Russia relations

Cristian Nitoiu

Introduction

The study of relations between the European Union (EU) and Russia has experienced a significant boost during the last five years. While during the Cold War, relations between the West and the Soviet Union received a high degree of scholarly attention, the end of the Cold War saw a gradual decrease in the amount of studies on relations between Europe (and the EU) and Russia. As a consequence, academic institutions focusing on the study of Russia, as well as specialised journals were downsized in many European countries (House of Lords 2015). However, the Kremlin's recent assertiveness in foreign policy, together with its actions in Ukraine, Syria or during the recent American presidential elections have brought a renewed wave of popularity to the study of relations between the West and Russia. This increasing level of attention has been translated in a proliferation of studies on relations between the EU and Russia, or on the foreign policy of the Kremlin. Most of the literature that was published during the 1990s and early 2000s was rather descriptive, primarily presenting the evolution of EU–Russia relations. However, during the last decade various analytical and insightful studies have sought to explore various aspects of EU–Russia relations, and import several approaches from international relations theory. Russia's actions in Ukraine have also sparked a deeply polarised debate, where there is now a tendency in the literature to take a normative stance either against the Putin regime or criticising the position of the West and the EU (Sakwa 2015). There seems to be no middle ground, as studies that chose to take a more neutral stance are either perceived as appeasers of the Kremlin (or useful idiots) or merely examples of anti-Russian rhetoric.

In this context, the aim of the chapter is to present a critical approach to EU–Russia relations, while also briefly taking stock of the mainstream literature and the various approaches that have been developed (especially during the last decade). One of the main preoccupations of the mainstream literature has been to account for the way in which relations between the EU and Russia have developed during the post-Cold War period, primarily through historical or institutional lenses (Forsberg and Haukkala 2016). Secondly, studies have explored interactions between the two actors in various policy areas: such as energy security, trade migration, educational exchanges or technical standards. Thirdly, with the expansion of the EU towards Central and Eastern Europe (CEE), the shared neighbourhood (i.e. the post-Soviet space or the eastern

neighbourhood) has been at the centre of various analyses of EU–Russia relations, as the main geographical space where the two actors interact (Casier 2017). Finally, and most importantly, the overlapping between patters of cooperation, competition and conflict in EU–Russia relations tends to permeate most of the scholarship (Nitoiu 2014). Approaches in this case have drawn on international relations theory (especially realism, liberalism and constructivism, but also neo-Marxist and post-modern perspectives), and have focussed on the role of geopolitics, status, identity, discourse, hegemony, or economic interdependence.

It is the latter (i.e. the conflict-cooperation dichotomy) focus that the chapter seeks to address. It does so by arguing that at the centre of the recent move towards conflict in EU–Russia relations is the gradual collision of the hybrid exceptionalisms that the two actors have developed since the end of the Cold War. These endeavours have been influenced by the need to achieve authenticity in solving the deep identity crises the EU and Russia have had to tackle during the last three decades. The chapter argues that the gradual collision has been influenced by two factors that are not normally analysed in the literature: humiliation (and the need to achieve redemption) and trauma. The analysis draws on insights from the literature on social psychology in order to highlight the salience of the two concepts. However, it should be interpreted as complementary to the findings of the more mainstream scholarship. The chapter proceeds with a discussion of the interactions between the EU and Russia's hybrid exceptionalisms. The next sections analyse the salience of humiliations and trauma, and find that the concepts have been one of the key factors that have informed the foreign policies (and their mutual interactions) of the EU and Russia since the onset of the Ukraine crisis in late 2013.

A clash of hybrid exceptionalisms

The chapter claims that the breakdown of EU–Russia relations has been underpinned by the gradual clash of exceptionalisms that the two actors have constructed since the end of the Cold War. Both the EU and Russia have been facing deep identity crises in world politics, which have forced them to figure out what type of model they can promote in international relations. As the period that followed the end of Cold War was dominated by the unipolar moment enjoyed by the United States, the EU and Russia were constrained to find a niche for themselves in world politics (Neumann 1995; Vogler and Bretherton 2006). This was translated in the search for hybridity and authenticity, an effort which sought to devise a coherent answer to the question of what makes the EU and Russia exceptional in world politics and what kind of civilisational model they can promote externally. The chapter claims that up to the second presidency of Putin (2004–2008), Moscow and Brussels sought to develop their hybrid exceptionalism in a compatible manner, even reinforcing each other, with mutual cooperation to be a key component in both approaches. However, the mid 2000s marked the increasing collision of these two hybrid exceptionalisms, as both Russia and the EU sought to address their identity crises in mutually exclusive ways.

Achieving and portraying exceptionalism is a proxy for states to gain more influence in world politics, as well as having a higher status recognised. Exceptionalism also implies that states develop innovative and progressive civilisational models, that both challenge mainstream behaviour in the international arena together with having the ability to manage structural pressures and constrains (Johansson-Nogués 2007; Oskanian 2018; Tonra 2011). During the Cold War, the United States and the Soviet Union developed two diametrically opposed types of exceptionalisms which prescribed two different – seemingly separate and mutually exclusive – modes of global governance. The whole range of capabilities and attributes was employed in order to develop these exceptionalisms and promote the underpinning civilisational models (which in

turn led to a deeply polarised world order). Distinct interpretations of economic governance, political ideology and the use of military forces formed the backbone of the US and Soviet exceptionalisms (Legvold 2016). Conversely, the more recent attempts of the EU and Russia to develop their own brands of exceptionalism have been less ambitious, as they have not relied on the whole spectrum of capabilities that Brussels and Moscow possess, nor have they designed new and innovative ways of dealing with economic governance, political ideology or military affairs. Rather they have aimed to mix tried and tested aspects employed by the United States or the Soviet Union, and combined them with distinct (but limited) innovations in specific (policy) areas – resulting in what be understood as hybrid exceptionalism.

The development of the EU and Russia's hybrid exceptionalism has also been influenced by their search for authenticity. To that extent hybridity and authenticity go hand in hand in defining the distinct nature of Russia and the EU's presence in the international arena. On the one hand, the EU has aimed to develop an ethical or normative approach to international relations, whereby it does not act primarily in order to promote its own interests, but it is concerned with bettering the existence of peoples around the world (Birchfield 2007; Mayer and Vogt 2006). The focus is thus on what are understood to be universal values rather than particular ones. This idea has been especially popular in the literature, with countless studies both advocating the EU's normative power, as well as exploring the way it works in practice in various areas (Manners 2015). This approach is present in official EU documents, which highlight that it has permeated the so-called 'Brussels bubble'. One of the main criticisms that the normative power Europe (NPE) perspective has received is that it is very inward and draws chiefly on the internal concerns of the EU, while artificially imposing a certain set of 'universal' (but primarily European or Western) values on different cultures (De Zutter 2010). This, in turn, limits the agency of third-party actors. The EU's search for authenticity has also found it struggling between endeavouring to act like a nation state in foreign policy, and figuring out how it can develop a different type of international actorness (sui generis). The former concern was on the agenda to a larger extent during the 1990s, when scholars and policymakers were trying to understand the 'nature of the beast', and more precisely the inner workings of EU foreign policy (Risse-Kappen 1996). With the relative success of expansion towards CEE, the EU entered a more idealistic phase which allowed for the NPE approach to become mainstream and drive the search for authenticity and hybrid exceptionalism. This approach tended to sideline external views and claims to exceptionalism as inherently *non-universal* and inferior, which led to the increasing showdown with Russia's own efforts to develop its hybrid exceptionalism. More recently, though, a series of overlapping crises both internal and located in the neighbourhood, have prompted the EU to reconsider its normative approach, and be more open to understanding its own limits together with the views and interests of other actors (Delcour 2015; Tocci 2016).

Due to its vast territory together with its diverse ethnic landscape, Russia has been torn between developing a European approach and embracing a more distinct Eurasian one (Tsygankov 2012). More than anything, it has dealt historically with a key tension between being civilised by Europe and the West, as well as acting as a civilising force in the steppes of Siberia and Central Asia. Consequently, its hybrid exceptionalism has been developed in a rather confusing, but also dialectical manner. Periods of seeking to be civilised by the West have been succeeded by or overlapped with attempts to civilise Eurasia. Moreover, in this process Russia has been orientalised by Europe and the West, and perceived as an inferior 'Other' (which is a traditional source of trauma and humiliation which will be discussed in the second part of the article). Being seen as uncivilised by the West has pushed Moscow to seek to both modernise but also orientalise other parts of the world, in order to highlight that it is more civilised than 'Others' – traditionally the focus has been on Central Asia and Siberia (Neumann 1995).

For example, during the Cold War a popular narrative in Russian society was that it was making too many sacrifices in the Soviet Union in order to civilise and modernise Central Asian nations (White and Feklyunina 2014). Following the fall of the Soviet Union, Russia was very much willing to accept the civilising influence of the West (including the EU) in order to be integrated as an equal and central actor in the international community, even though it was not content with being orientalised (Sakwa 2015). However, in the middle of the 2000s, Russia became disenchanted with not being embraced as an equal, and started to resent the orientalising approach of the West, which turned Kremlin's attention towards Eurasia and its potential civilising approach in the region (one of the main outcomes is the creation of the Eurasian Economic Union (EEU)).

The search for authenticity has also been compounded by the fact that both Russia and the EU can be represented as distinct empires which claim control and influence across their border (especially in their shared neighbourhood). The Kremlin embodies a subaltern type of empire, where it resides at the periphery of the economic and political order (being increasingly marginalised), while military is one of the most important actors in the system (Morozov 2015). Its relationship with the issue of borders is rather complex, as the dissolution of the Soviet Union left a series of unresolved questions and legacies (Ambrosio 2008). This is also underlined by the various claims to Russianness raised by the large number of Russian speaking individuals living outside the borders of Russia (the so-called 'Russkiy mir'). The EU can be seen as a postmodern type of empire, as on the surface it has a seemingly open and flexible understanding of borders, territory and values, but in reality it professes an exclusionary approach, engaging in deep processes of othering. In this context, the chapter focusses on two aspects that can help explain the way the hybrid exceptionalisms of Russia and the EU have increasingly collided, and the effects on their relationship: humiliation and trauma.

Dealing with humiliation and seeking redemption

A key long-term driver in Russian foreign policy has been the need to deal with humiliation usually caused by the West, other European powers, various Slavic nations but also during the war with Japan at the beginning of the 20th century. During the 19th century Russian diplomats made frequent references to the intense sense of humiliation felt in relations with other European states: for example, the war in Crimea, the Bosnian crisis, or the Russian-Turkish war. Feeling humiliated pushed the Russian leadership to prove itself to other European states, and develop a stronger presence in foreign policy. To a large extent, the drive to further conquer the Asian steppes and modernise the region was underpinned by the need to achieve redemption from the huge sense of humiliation that Russia was frequently feeling throughout the 19th century (Tsygankov 2012). Lieven (2015) shows that the Russian upper and middle classes' support for the country's entrance in the first world war was motivated by the need to prove the West wrong in its view of the Tsarist Empire being less civilised. Hence, experiencing humiliation and being able to deal with it or achieve redemption have rather deep roots in Russia's foreign policy (Neumann 1995).

The literature on international relations also points to the salience of humiliation as a driver for state behaviour (Lindner 2006; Moisi 2010). As an emotional response, humiliation is usually attributed to individuals rather than groups, however studies have shown that states can also experience humiliation, which is judged according to internal beliefs, values, and norms in the world order, as well as endogenous or exogenous behaviour (Forsberg 2014; Rothbart 2018). For example, the modernisation of Japan during the latter part of the 19th century can be attributed to the need to overcome the huge sense of humiliation caused by the need to open

the country at the demand of the United States, as well as the realisation that Japan was lagging behind European states and was not taken seriously in the international arena (Cooney 2015). Hence, this sense of humiliation poised Japanese policymakers and intellectuals to seek ways in which they could prove the abilities of the country in world politics and claim equality with the Western world.

Expectations are key here, as not matching one's expectation in regards to a state's role, rights or duties in world politics will lead to humiliation (Larson and Shevchenko 2014). Moreover, not being afforded a seat at the table of negotiations when it comes to various issues on the international agenda or in international fora is also a frequent source of humiliation. Evaluations of one's own capabilities which find states to be lagging behind other countries, as in the case of 19th century Japan, can also lead to humiliation. While experiencing humiliation might not be a marker of rational action, the way states choose to respond to this feeling tends to fit into rational frameworks (Moisi 2010). To that extent humiliation drives states to seek redemption and to devise various strategies in order to overcome it (Tsygankov 2014). As most times humiliation tends to derive from the actions and perceptions of other states, the level of agency of international actors in experiencing this feeling is rather limited, however, they have a larger degree of autonomy in seeking redemption. The most frequently employed strategies for overcoming humiliation focus on shaping both domestic and external transformations. Internally these could include reframing political systems, developing new ideologies, or opting for a change of leadership. On the other hand, externally, states can focus on creating old and new webs of alliances, trying to increase their status in world politics, acquiring new tools and sources of power, as well as aiming to have the ability to project power more effectively across borders.

For many Russian policymakers the end of the Cold War did not represent a defeat for the Soviet Union, but represented the Kremlin's willingness to contribute to a more peaceful and equal world order. This idea was captured by the Common European Home project put forward by Gorbachev which emphasised the need to create a new security architecture on the European continent, where all states would be equal, and post-Soviet Russia would have a strong presence in the international arena (Sakwa 2013). Throughout the 1990s, Russia engaged on a path towards liberalism and modernisation in a bid to be considered as an equal by the West and fully integrated member in the liberal world order. However, various developments in world politics such as the North Atlantic Treaty Organization's (NATO) intervention in Serbia, the expansion of NATO towards CEE, the intervention of the US in Iraq, the coloured revolutions in the South Caucasus and more recently the expansion of EU integration to the post-Soviet space, have made leaders in the Kremlin increasingly aware of the fact that the West would not treat Russia as an equal. Moreover, various narratives in the United States and the EU have promoted the idea that that Soviet Union was defeated to end the Cold War (Stent 2015). This, in turn, caused a significant feeling of humiliation, where post-Soviet Russia increasingly came to the realisation that it had been betrayed by the West. Initially when Putin became president in 2000, he showed a large degree of openness towards collaborating with the EU. The literature tends to agree that starting with his second term as president, Putin became disenchanted with the EU (Nitoiu 2016). This move was securitised in a string of narratives of national humiliation caused by the West (which the Kremlin had to address). During the last 15 years the Putin regime has developed a political culture that emphasises the threat posed by the West, and the untrustworthy character of the EU and the United States, who through their actions constantly humiliate Russia (Hansen 2016). Besides feeling humiliation due to not being seen as an equal in the world order, another key source (of humiliation) has been the direct criticisms from the EU or the West regarding democratic standards in Russia: for example, the freedom of the media, the rule of law, or human rights standards.

The narrative of national humiliation was also coupled with the deep identity crisis that Russia faced in international relations. At the root of the crisis has been the need to devise a new type of civilisational model that could elevate Kremlin to a similar status and influence to that of the Soviet Union during the Cold War (Forsberg 2014). Putin's regime has sought to achieve redemption both in terms of the need to deal with humiliation, as well as tackling the identity crisis by engaging on a path of long-term domestic transformation, and more recently, assertive actions in the international arena. Internally, the country has adopted conservative values (as a basis for its hybrid exceptionalism) such as the primacy of the traditional family, sovereignty, or Orthodox religion, together with building an increasingly strong and to some extent repressive leadership (Makarychev and Yatsyk 2015). Externally, during the last decade, Russia has focussed its attention on Eurasia, aiming to civilise and modernise the region. Rather than embracing a European or liberal path, the Putin regime chose to develop a new type of hybrid exceptionalism where Russia was at the basis of civilisation that spans from Vladivostok to Lisbon. In practice, these moves were translated in the creation of Eurasian integration (and the EEU) or closer cooperation with Asian states like China and India (Badmaev 2015). Redemption has been also sought through greater involvement in various issues on the international agenda such as the Syrian civil war or the Iran nuclear deal. The annexation of Crimea and the Russian involvement in the conflict in Eastern Ukraine have, however, offered Moscow a key path towards redemption and overcoming national humiliation. In the case of Crimea this also had historical roots going back to the 19th century war with other great powers in the peninsula. The importance of overcoming humiliation is emphasised by the fact that while Putin's election for a third presidential term in 2012 caused a sharp decrease in his popularity, the annexation of Crimea proved to significantly boost his level of public confidence (Bukkvoll 2016).

The EU has a rather short engagement with the feeling of humiliation, as for much of its existence it has followed a progressive path. The integration project at its centre has generally been on the rise, with the expectation that following the enlargement towards CEE it would eventually achieve a strong presence in the international arena. In the build-up to the 2004/2007 expansion the EU even went as a far as to underline the fact that the world order is conducive for it to take a leading role, and promote a new type of way of behaviour in the international arena. As was discussed in the previous section this new approach emphasises the EU's seemingly altruistic approach or its focus on promoting a new mode of global governance based on universal values and principles and appropriateness of political action. For example, the Security Strategy of 2003 argued that the EU was surrounded by a 'ring of friends' in its neighbourhood (Council of the European Union 2003). This group of countries was perceived to be willing to accept, but also demand, leadership from the EU. The scene was thus set for the EU to achieve effective influence in its neighbourhood, and replicate these results on the global stage. However, in devising its approach towards the neighbourhood, the EU operated on the assumption that geopolitics is a remnant of the past. Hence, it was almost a given that the EU mode of governance (aimed to promoting principled behaviour in world politics) was poised to be embraced by most states around the world (Nitoiu 2013). One of the key arguments was that the success of European integration would allow it to be a leader by example and convince other states to take up its governance model (Zielonka 2008). Nevertheless, this approach disregarded the fact that a large number of international actors still viewed power politics and geopolitics as key drivers, including, for example, the United States and Russia (Nitoiu and Sus 2019).

During the last decade the EU has had to deal with a series of internal and external crises, all of which have challenged the rather biased perspective of the EU regarding the world order. Disruptions ranging from the Eurozone crisis and the Arab Spring, to the Ukraine crisis and the migration crisis have forced the EU to recognise the salience of geopolitics and the limits of its

own ability to promote change and principled behaviour in world politics. Even more, in the neighbourhood its previously ambitious agenda of democratising and modernising the states in the region has registered meagre results at best (Delcour 2013) – in the case of Ukraine sparking a confrontation with Moscow over the very foundations of the security architecture in the European continent. The EU's response to these crises has been muted and half-hearted, with it being virtually unable to counter Russian actions in Ukraine for example. Humiliation derives here from the inability of the EU to live up to its ambitious goal of developing a strong presence in the neighbourhood and then exporting it on the global stage. Key official documents such as the 2015 revision of the European Neighbourhood Policy (ENP) (European Commission 2015) or the 2016 Global Strategy (European External Action Service 2016) underscore the fact that the EU was caught unprepared by this range of crises, and that it has been constrained to take a step back and acknowledge the limits of its power and influence. The 2015 revision of the ENP for example argued that the neighbourhood transformed from a 'ring of friends' to a 'ring of fire' which is no more conducive to EU leadership, but has become a threat (European Commission 2015).

Redemption has been sought from the part of the EU by engaging in a process of renewal, both in terms of its approach to global governance, as well as in the way it perceives the shape of the world order. Resilience and principled pragmatism as central concepts in the renewed approach to global governance mark a sharp retreat from trying to achieve a strong presence in the world (Tocci 2016). They also highlight that the EU is in crisis mode and is trying to insulate itself from what it perceives to be a whole host of exogenous risks (primarily originating in the neighbourhood). Especially the paradoxical and contradictory concept of principled pragmatism exposes the deep identity crisis that the EU is facing. It is trying to salvage the ambitious commitments that characterised the first two post-Cold War decades, but also aiming to deal with the huge sense of humiliation, acknowledging the limits of its power.

The role of trauma

The increasing collision of the hybrid exceptionalisms developed by the EU and Russia has been hastened by the range of traumas they have experienced during the last decade. To a large extent, the very birth of the EU can be understood as the result of the trauma that the world wars caused on the European continent (Duchene 1972). As a peace project aimed to address the trauma of the global conflagrations, the EU has contributed to the stability and development of the continent during the last 60 years. Hence, the crisis of identity, as well as the hybrid exceptionalism developed by the EU is based on the mission of the Union to bring peace. However, the long period of cooperation in the European continent, has made the EU rather redundant when it comes to assuring peace (Zielonka 2008). This has paved the way for building a progressive and ambitious agenda of promoting the success of EU integration and values around the world. Consequently, in the case of the EU, trauma was a key driver for its creation, but throughout its existence the EU was (up until recently) sheltered from having to deal with this type of experience. Russia's more historical sense of trauma has been more telling than the case of the EU. While it experienced the two world wars, it also had to overcome significant and brutal political changes that led to the birth and development of the Soviet Union. Trauma was felt both at the level of individuals, but also when it comes to cohesion within society and the foundations of Russian political culture. As this was not enough, the loss of great power status caused a new and deep trauma, as the Soviet Union collapsed rather unexpectedly in the space of 2–3 years. In a system where most individuals did not enjoy significant autonomy, taking pride in the status of their country was a key source of emotional and social stability (Neumann 1995).

Similar to the study of humiliation, trauma has been primarily analysed through the lens of emotions in international relations theory (Bleiker and Hutchison 2008; Marcus 2000; Moisi 2010; Tsygankov 2014). Trauma can be experienced both by groups and individuals, with long-lasting impacts that can span over generations following a specific trigger (Edkins 2002; Hutchison 2010; Resende and Budryte 2013). In the case of states, causes that lead to trauma usually refer to unexpected and unwanted events that occur both in the international and domestic arenas (Hutchison and Bleiker 2008). These could include, for example, interstate conflicts, sanctions imposed by other states, genocide, exclusion from international fora, experiencing terrorism, civil wars or revolutions. For example, the Bolshevik revolution led the Russian state to experience deep trauma, which marked the development of the Soviet Union for the next two decades (Tsygankov 2014). The 9/11 attacks triggered significant trauma not only in the United States but also around the world, by exposing the extent of the threat of terrorism to the American-led liberal world order (Edkins 2002).

In the literature on social psychology causes for trauma in the case of individuals tend to represent life changing events which lead to various decisions, or epiphanies. These, in turn, can form the basis for positive and constructive developments or can spiral into a cycle of further trauma (Crossley 2000). Similarly, in the case of states, trauma can form the springboard for revision and renewal processes, as well as the ferment for new political ideas (e.g. innovative solutions or expectations). While trauma tends to have exogenous causes, the way in which states choose to deal with it provides them with increased agency. Consequently, states have increased autonomy in choosing the strategies and methods for coping with trauma. Most of these methods tend to overlap with the approaches used to overcome humiliation: for example, forming new alliances, changing political systems, or developing new ideologies. Moreover, experiencing strong feelings of humiliation can also lead to deep trauma, similar to the experience of Russia's gradual disenchantment with the West during the 1990s, when it felt increasingly betrayed.

The fall of the Soviet Union led Russia to try to overcome the trauma caused by the loss of status and prestige in the world order, by reinventing itself with a new orientation towards liberalism and the West. As was highlighted earlier, the West did not afford the sense of respect and recognition as an equal that Kremlin expected, which made Russia feel increasingly humiliated and embark on a path towards building a competing type of hybrid exceptionalism. The expansion of the EU's integration project (and the Ukraine crisis), besides placing the two hybrid exceptionalisms in a seemingly irreconcilable lock, has also forced Russia to act in a way which goes against most of the rhetoric and values that it has developed since the end of the Cold War. Pacifisms, equality among nations and the importance of the Slavic and Russian brotherhood have even deeper roots in Russia's imperial and Soviet past (White and Feklyunina 2014). More specifically, the annexation of Crimea or support for separatists in Eastern Ukraine is very much contradictory with the values outlined above. Hence, Russia acted in opposition to the very foundation of its hybrid exceptionalism, going against conservative values, severing ties with the Ukrainian nation, or treating with disregard other states (while equality in world politics and the salience of sovereignty are a staple of its hybrid exceptionalism). The literature on social psychology points to the concept of 'moral injury' which describes the trauma felt by individuals when they are forced to act in a manner that goes against their values and principles (Drescher et al. 2011). The chapter claims that Russia is undergoing a similar trauma of 'moral injury' as it was constrained to act in a way that is not complementary with its hybrid exceptionalism. The expansion of the EU's integration in the post-Soviet space, the threat of NATO expansion in the same region, as well as the

gradual process of promoting conservative values in Russian society (and vilifying the West) have all led the Kremlin to path dependency. Thus, Moscow was constrained to act aggressively in Ukraine both by its own agency as well as the actions of the West or the post-Soviet states, none of which could be avoided at the time (the start of the Ukraine crisis) by Russia. The Kremlin has chosen to ignore for the moment the trauma, and further develop its hybrid exceptionalism in opposition to the West and the EU, being locked in a dangerous standoff with them. Moreover, it has not admitted or come to grips with the fact that its actions in Ukraine have contradicted its hybrid exceptionalism: considering the long period (around 30 years) that was necessary to acknowledge the tragic actions of the Stalin regime, it might take a while until Russia is ready to overcome the current trauma of 'moral injury'.

For much of the post-Cold war period the EU seemed to be on the rise, acting in the shadow of the prospect of developing a strong presence in the world order. As the chapter previously highlighted there was an expectation that the EU would continue to increase its influence in the neighbourhood and the international arena, with the success of the enlargement towards CEE confirming these aspects. Consequently, the NPE rhetoric emphasising the EU's hybrid exceptionalism based on promoting principled behaviour that downplays the role of geopolitics became the mainstream idea guiding policymaking and academic research. Rather oblivious to the views of other actors regarding the world order, the EU developed an inward and exclusive approach, which tended to lecture to other states about standards of normal behaviour or the most appropriate 'universal' norms and values (Nitoiu and Sus 2019). This patronising attitude was in turn met with criticism and opposition, the literature highlighting that in the neighbourhood many states have demanded from the EU to be more sensitive to their own needs and interests (Delcour 2015). The recent crises, however, have uncovered the contradictions in the EU's hybrid exceptionalism and its inability to fulfil the potential or ambitions and expectations that shrouded its development. The trauma for the EU has derived from the fact that it has been forced to acknowledge the limits of its presence and influence in the neighbourhood and the international arena. Moreover, the EU has had to come to terms with the fact that other international actors are currently more successful in shaping norms and values, and its global governance model is actively challenged around the world by countries like Russia, France, and Brazil. Adopting a very inward approach, the EU experienced with a sense of deep surprise developments such as Russia's assertive actions in Ukraine or Syria, Trump's emphasis on isolationism or geopolitics, or the migration crisis. As unexpected events and developments have caused trauma for the EU, they have also pushed the Union to seek a process of renewal in its hybrid exceptionalism. Experiencing trauma, thus, has led to the EU revising its approach to the neighbourhood by affording more space to the needs and interests of the states in the region (European Commission 2015). Globally the EU has gradually come to recognise the primacy of geopolitics and the need to pursue its own interests (but not at the expense of universal values). This points to a response triggered by recent traumatic developments, but it also (as in the case of humiliation) highlights the limits of the EU's hybrid exceptionalism.

Conclusion

The onset of the Ukraine crisis has marked a sharp proliferation of studies on EU–Russia relations. This has enriched the literature both in terms of gaining more insights regarding the nature and workings of the bilateral relationship, as well as applying innovative (at times critical) perspectives. One of the main points of convergence has been the need to understand the dichotomy between conflict and cooperation and the current standoff between the West

(including the EU) and Russia. The approach of the chapter aims to complement the findings from the mainstream. It explored the overlaps between cooperation, competition and conflict in EU–Russia relations by problematising it as the result of the increasing clash of hybrid exceptionalisms developed by the two international actors. In this sense, focusing on the concepts of humiliation and trauma, the chapter provided a critical perspective of this clash. Drawing on the international relations literature on the role of emotions, as well as on insights from social psychology, the chapter showed how the recent interactions between (as well as behaviour of) the EU and Russia have been marked by their experience with trauma and humiliation, and the subsequent coping strategies employed by the two actors. While the hybrid exceptionalisms of Russia and the EU have been gradually developed in mutually exclusive ways, the analysis of humiliation and trauma highlights a series of aspects that can lead to future cooperation. On the one hand, similarly to the 1990s, both Russia and the EU have the options to identify each other as key agents in their path to redemption from the humiliation they have recently experienced. Re-energising the strategic partnership would supplement the process of renewal that they have both embarked on. On the other hand, an emphasis on the shared trauma that they have experienced as a result of exogenous and structural developments would open the way for future collaboration as a proxy to strengthening mutual resilience: such as terrorism, the rise of China or cross border crime.

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