

# Rebordering and Political Development: The European Reconfiguration of Boundaries for the Movement of Persons

Buket Buse Demirci, Christian Freudlsperger, Jana Lipps, Frank Schimmelfennig & Aydin Yildirim<sup>1</sup>  
EUSA, Pittsburgh, 4-6 May 2023

*First draft, not to be cited*

## Abstract

This paper provides an overview of the raw data of the boundary configurations dataset that is currently being collected as part of the ERC-funded project “Bordering Europe: Boundary Formation in European Integration” (EUROBORD). The data collection aims to concisely measure the shifting economic, political, cultural, and military boundaries of the European Union (EU) over time, and investigate the relationship between these reconfigurations and the institutional development of the EU. The tentative data presented in this note concerns EU-level legislation on the cross-boundary movements of persons across the internal and external boundaries of the European Union since 1980. A first descriptive analysis demonstrates the variation in the data, both over time and across sectors, and the relationship between boundary control and boundary closure. Ultimately, our data will allow for an empirical test of sociological theories of political development, which regard external boundary formation and internal political consolidation as mutually reinforcing, and established conceptualizations of the EU as a regulatory polity, which understand European integration as independent of capacity creation. Our preliminary analysis shows that, first, after a period of both internal and external opening that lasted until the 2000s, the decrease in the gap between internal and external closure has stagnated more recently, suggesting that the era of the opening of borders with countries regardless of EU membership has ended. Second, while boundary closure had long remained independent of capacity-building via boundary control, the EU gradually advanced its executive control over its internal and external boundaries from the mid-2000s onwards. If the complete dataset were to corroborate this finding, it would signify a substantive shift in European political development beyond the ideal-typical regulatory polity.

## Keywords

Boundary formation, bordering, political development, European Union

---

<sup>1</sup> We gratefully acknowledge research assistance by Madison Coakley, Elia Heer, and Elizabeth Schilpp.

## Introduction

How do the external boundaries of the European Union (EU) relate to its internal development? Sociological theories of state formation have long postulated a link between the two. According to Stein Rokkan (1974, 1975), changes in the closure of the internal and external boundaries of a polity are important markers of its political development. Rokkan sees the ability of political units to close and control their boundaries to the outside world as a necessary precondition for internal consolidation and development. Open and incongruent boundaries, on the other hand, lead to political de-structuring and a decline in the scope and effectiveness of political production. To Bartolini (2005), this has been precisely the effect of European integration. By lowering, removing, and differentiating the internal boundaries between the member states, and by failing to compensate internal 'debordering' with external 'rebordering' (Schimmelfennig 2021a), the EU has weakened national democracies and welfare states (Bartolini 2005: 242-245, 369-381). Is Bartolini correct in asserting that European integration has primarily consisted in a process of internal 'debordering'? Or has the EU, especially under the impression of the past crisis decade, shifted its developmental path by engaging in a process of 'rebordering' on either the national or the supranational level (Schimmelfennig 2021a; Freudlsperger and Schimmelfennig 2022a)? And if so, has the closure of the EU's boundaries gone hand in hand with EU-level control, or have the member states remained the primarily responsible 'boundary guards' in the EU's multilevel 'regulatory polity' (Majone 1996; Caporaso 1996).

In this paper, we present novel data on the institutional configuration of the EU's boundaries for persons since 1980. For the purposes of our research, we define boundaries as functionally differentiated institutions that regulate the movement (entry and exit) of subjects (persons) and objects (goods) between territorial units. As functional institutions, they differ by the type of transactions they regulate, i.e. by the type of object or subject that crosses a given territorial boundary. In line with the literature, we distinguish economic, cultural, political, and military boundaries which correspond to the respective functional subsystems of territorial political systems (Bartolini 2005: 13-20; Rokkan 1974: 42). While the EU has long been engaged in the regulation of cross-border movements of goods (objects), the movement of persons, especially when not acting in their economic roles as workers and service providers, is a more recent domain of EU activity and thus a less likely case of internal institutional consolidation via external rebordering. Our data enables us to provide a fine-grained assessment of the over-time development of the EU's internal and external boundaries.

The institutional configuration of a boundary consists in a combination of closure and control. Closure determines the sectoral degree of restrictiveness of the rules of entry and exit for a given type of object or subject. On a six-point scale, it ranges from 'completely open' borders which allow unrestricted movement to 'completely closed' borders which prohibit entry or exit. Control refers to the legal competence and the resource-dependent capacity to make, implement, and enforce these rules of sectoral openness or closure. We distinguish between legislative, executive, and judicial control. Finally, boundary congruence refers to the overlap of functional boundaries. Congruence is high if different functional boundaries delimit the same territories and if they are equally closed and controlled. In sum, the 'boundary configuration consists in the constellation of closure, control, and congruence across the economic, cultural, political, and military boundaries' of a territorial system (Schimmelfennig 2021: 315-316). Our data allows us to trace this boundary configuration for thirteen types of cultural, economic, political, and military subjects over the period between 1980 and 2022.

## Theoretical background

A polity's ability to differentiate between its internal and external space is an important marker of its political development. In accordance with a long line of literature on state formation and political development, this act of differentiation between the internal and the external requires the erection, closure, and control of territorial borders and boundaries. Already the emergence of the territorial state in the early modern period was enabled by the monopolization of the means of coercion and resource extraction which, in turn, were necessary for expanding, policing, and defending the external territorial boundaries of sovereign political authority (Rokkan 1975; Tilly 1990). Whereas competing political forms, such as empires or city-states, were marked by their fluid and soft external borders (Zielonka 2007; Spruyt 1994), the territorial state distinguished itself by progressively consolidating and hardening its external boundaries. Rokkan generalized this nexus between external boundary formation and internal political development. By widening his perspective beyond the narrow Tillyan focus on the military and coercive borders of the state, and by incorporating economic and cultural boundaries into his analysis (Rokkan 1974, 1975), he was able to demonstrate two things: First, the ease with which political units could close their external boundaries – given their differing geographical, societal, and economic circumstances – determined the extent to and the speed with which they could develop into sovereign territorial states. Second, by foreclosing exit options, the progressive congruence of cultural, economic, and military boundaries (a categorization to which Bartolini [2005] later added a fourth, 'political' dimension) facilitated cohesion and solidarity among the members of the political community, aided the provision of public goods and the creation of welfare states, and paved the way for increasingly democratic 'politics of voice' (Rokkan 1974).

The process of European integration upended this hard-won national equilibrium. Bartolini (2005), in a seminal contribution to the study of contemporary European political development, took off where Rokkan had ended and applied his boundary-centred analysis to what he describes as the 'the sixth major developmental trend in the history of Europe since the sixteenth century' (364), that is, European integration. The EU, in Bartolini's perspective, has had an outsized impact on the fate of the European nation-state of the late 20<sup>th</sup> and early 21<sup>st</sup> century. While the immediate post-war era, the *Trente Glorieuses*, was characterised by a reaffirmation of national territorial boundaries, the reconstruction of democratic welfare states, and the embedding of capitalism in national political economies (Ruggie 1982), the process of European market- and polity-making of the 1980s and 1990s put these achievements forcefully into question. With its progressive move towards the 'completion' of a Continental-size market (Jabko 2006; Cecchini *et al.* 1988), the granting of four 'fundamental freedoms' (of goods, services, capital, and people), and its steady territorial expansion, the EU pry-opened the nation-state and thereby attenuated its ability to control its external boundaries. This form of 'dilutive' European integration (Schimmelfennig 2021a) was particularly problematic as it rendered states vulnerable to international market pressures in a 'disembedded' (Ruggie 1994) neoliberal economy without offering them adequate compensation by erecting and controlling equally closed territorial boundaries on the supranational level (Scharpf 1999; Bartolini 2005).

Our main interest in this paper is to assess whether Bartolini's assertion of a dilutive pattern of European integration is, or at least was, correct. Under the impression of the EU's long crisis decade since 2008, the focus of the scholarly debate has shifted toward perspectives that regard the EU's evolution through the lens of state formation (McNamara and Kelemen 2022; Kelemen and McNamara 2021), political development (Freudlsperger and Schimmelfennig 2022b; Genschel and Jachtenfuchs 2014; Genschel 2022), and 'rebordering' (Schimmelfennig 2021b, 2022; Freudlsperger and

Schimmelfennig 2022a). In a 'bordering' perspective in particular, the bulk of crises that have been so characteristic of European integration over the past fifteen years were either caused by or called into question the soft and open territorial borders of the EU. The preceding move towards national debordering and dilutive integration had increased the EU's exposure to external developments such as the US mortgage crisis and cross-border capital flows, which sparked the Eurozone crisis, or the repression and civil wars in Northern Africa and the Middle East, which ultimately triggered the migration crisis. It is safe to say that its reactions to this string of crises have profoundly transformed the European Union. But has the EU also reacted by engaging in 'rebordering' (Schimmelfennig 2021a), that is, by hardening its external boundaries and making them more congruent? Given that various of its sectoral open-border regimes have come under increased strain, we take this proposition – that the EU has entered a novel stage of its political development characterised by a move toward 'rebordering' – as the starting point of our analysis and assess its empirical purchase by means of a novel dataset on the long-term development of the EU's external territorial boundaries for four types of persons

In the following, we thus formulate a first set of hypotheses that allow us to grasp whether Bartolini's diagnosis of 'dilutive integration' ever held, still holds, or no longer holds; and/or whether the recent scholarly diagnosis of an EU-level 'rebordering' is correct. Both views agree that the EU has taken over the control over an increasing number of sectoral and territorial boundaries over time (H1). The residual hypotheses, by way of contrast, are formulated specifically from a rebordering perspective. If the rebordering diagnosis is correct, the external territorial boundaries of the European Union should be significantly more closed than the boundaries between member states (H2). Over time, the gap between internal and external closure should be increasing as the EU opens the boundaries between the member states and progressively closes the external boundaries of its emerging political community (H3). For rebordering to be effective from the perspective of internal institutional development, the congruence of the closure of different boundaries, in our case cultural, economic, political, and military boundaries, should increase over time (H4). Rebordering should also go hand in hand with political development in the sense that the EU increasingly acquires the legislative, executive, and judicial control over the boundaries of its political system (H5). Lastly, an increase in EU-level control of the system's external boundaries should also facilitate a further opening of the internal boundaries between the member states (H6).

In sum, rebordering would entail an increasing closure of the external territorial boundaries of the EU system, an inversely increasing openness of the boundaries between the member states, and an increase in the EU's ability to manage and control its boundaries to the outside world:

*H1) Boundaries increasingly come under EU regulation.*

*H2) External closure is higher than internal closure.*

*H3) The gap between internal and external closure increases.*

*H4) The congruence between the levels of closure of different functional boundaries increases.*

*H5) Boundaries are increasingly controlled supranationally.*

*H6) Internal boundaries become more open with the supranational control of external boundaries.*

A second set of hypotheses focuses more on the institutional form that rebordering in the European Union takes. The EU is not a territorial state in the making, and therefore the relationship between external boundary closure and internal development, which would be characteristic of a 'rebordering' Union, should play out differently than in historical processes of state formation. Most probably, the rebordering should occur in accordance with the EU's longstanding developmental path of the 'regulatory state' (Majone 1996, 1997; Caporaso 1996) and take the form of a 'regulatory boundary

state' (Freudlsperger and Schimmelfennig 2022a: 21). In the EU's 'regulatory state', the supranational level generally enacts and adjudicates laws while the national level implements and enforces them. While Majone centred his analysis heavily on the EU's historical core of market-making, a recent literature on the post-Maastricht integration of 'core state powers' (Genschel and Jachtenfuchs 2016, 2014; Freudlsperger and Jachtenfuchs 2021) found that, even beyond the market, the regulatory template held. Only in reaction to the 'polycrisis' (Juncker 2016; Zeitlin *et al.* 2019) did the EU begin to build novel administrative, coercive, fiscal, and technical capacities to safeguard the functioning of its institutions and to back up and consolidate its sectoral boundary regimes. In this perspective, a push toward rebordering should have occurred largely in correspondence with the longstanding regulatory template, and executive control should have only increased in reaction to recent crises.

Bearing this in mind, we formulate a variety of further expectations on the institutional development of the EU's regulatory boundary state. The historical core of EU regulatory activity lies in market-making. Correspondingly, both internal and external boundaries should be more open than other types of boundaries (H7). Furthermore, according to the regulatory template of EU institutional development, the EU's legislative and judicial control over both internal and external boundaries should be higher than their executive control, which remains largely in member states' hands (H8). In general, EU-level control, and especially its legislative and judicial variety, should be more pronounced for its pre-Maastricht core of economic market-making, whereas control of other types of boundaries should have occurred later and remained less pronounced (H9). Lastly, an increase in executive control should occur only recently, in reaction to the crises of regulatory integration, and should thus concentrate on non-economic domains of 'core state powers' (H10).

In sum, rebordering should have occurred in line with the regulatory state model, entailing less closure and more control over the economic boundary, a more recent transition to non-economic core state domains, and a build-up of executive control primarily in reaction to crises of regulatory integration:

*H7) The closure of the economic boundary is lower than for other types of boundaries.*

*H8) Legislative and judicial control is higher than executive control.*

*H9) Control of the economic boundary is higher and precedes the control of other boundaries.*

*H10) For non-economic boundaries, legislative and judicial control precedes executive control.*

## Data and measurement

Our dataset allows us to trace the closure and control of EU boundaries over a period of more than forty years. The basic unit of analysis is the country-year-dyad. This means that we gather annual data on the configuration of the territorial boundaries between any two states in our dataset. While all EU (current and former) member states are part of our data, we also include a relatively broad range of non-EU members that are politically, geographically, or economically proximate to the EU, e.g. Montenegro, Serbia, or Turkey as direct EU neighbours; Algeria, Tunisia, or Lebanon as proximate countries; and Japan, China, India, and the US as major economic partners. For each country-year-dyad, we code the boundary configurations for entry from A to B, exit from A to B, entry from B to A and exit from B to A. Ultimately, this will amount to four data points per dyad per year. As our period of observation runs from 1980 to 2022, this provides us with 181,064 directional annual dyads between the countries, i.e. observations, for each subject group in our dataset.

We follow the pertinent literature (Rokkan 1974; Bartolini 2005; Schimmelfennig 2021) in distinguishing four functional boundaries of political systems: economic, political, cultural, and coercive. First, to operationalise these abstract concepts, we have defined a range of objects (goods/artefacts) and subjects (persons) which cross each of the four boundaries and whose movements are affected by a given boundary's institutional configuration. In line with our codebook, the *political* boundary of a territorial unit, for instance, affects the movements of five types of subjects (citizens, residents, refugees, non-governmental political agents, government officials) and two object (personal data, propaganda). The *coercive* boundary, to take another example, regulates the cross-border movements of four subject types (military personnel, police/law enforcement personnel, judicial personnel, criminals) and two types of objects (dual-use technology and military weapons). *Table 1* provides a full list of the boundaries, objects, and subjects analysed in the framework of the project. Overall, our codebook defines 14 subject and 13 object types, along with a vast variety of sub-categories. For this manuscript, we rely on a subsample of our data that focuses on subjects (persons) only, as marked in bold in Table 1.

**Table 1:** List of boundaries and boundary-crossing objects and subjects (in bold)

| Function              | Subjects/objects | Boundary                 |
|-----------------------|------------------|--------------------------|
| <b>Economic</b>       | <b>Subjects</b>  | <b>Workers</b>           |
|                       |                  | <b>Service providers</b> |
|                       | Objects          | Goods                    |
|                       |                  | Services                 |
|                       |                  | Capital                  |
|                       |                  | Emissions                |
|                       |                  | Transport                |
| Intellectual property |                  |                          |
| <b>Political</b>      | <b>Subjects</b>  | <b>Citizens</b>          |
|                       |                  | <b>Residents</b>         |
|                       |                  | <b>Refugees</b>          |

|                 |                 |   |
|-----------------|-----------------|---|
|                 |                 | Political agents                        |
|                 |                 | Government officials                    |
|                 | Objects         | Personal data                           |
|                 |                 | Propaganda                              |
| <b>Cultural</b> | <b>Subjects</b> | <b>Students</b>                         |
|                 |                 | <b>Tourists/Short-term visitors</b>     |
|                 |                 | Researchers                             |
|                 | Objects         | Audio-visual media                      |
|                 |                 | Art objects                             |
|                 |                 | Printed works                           |
| <b>Military</b> | <b>Subjects</b> | <b>Military personnel</b>               |
|                 |                 | <b>Police/law-enforcement personnel</b> |
|                 |                 | <b>Judicial personnel</b>               |
|                 |                 | <b>Criminals</b>                        |
|                 | Objects         | Dual-use technology                     |
|                 |                 | Weapons                                 |

Second, we code the level of boundary closure for each of these boundary-crossing subjects and objects, i.e. a boundary's permeability for cross-boundary movement. To assess the value of closure for each dyad, we screen the relevant primary, secondary, and tertiary legislation of the European Union. We code the level of boundary closure based on the relevant regulation that applies to a given boundary-crossing subject or object at a given point in time. To measure the level of boundary closure, we constructed a six-point ordinal scale that ranges from *fully open (0)* over *mostly open (1)*, *partly open (2)*, *partly closed (3)*, *and mostly closed (4)*, to *fully closed (5)*. We start our coding from the baseline, i.e. whether a boundary is usually closed or open and whether regulation defines exceptions from either a fully closed or a fully open boundary. We then code the intermediary categories depending on the extent of exemptions to the default closure or openness. To this end, we operationalize the meaning of fully/mostly/partly open/closed in an issue-specific manner, that is, per boundary-crossing object/subject. In the current preliminary version of the dataset, these subject-level scales are not yet harmonised and hence not perfectly comparable across different subject types. Nonetheless, the coded levels of closure provide for a solid understanding of the variation between different boundaries and over time.

In a third step, we assess the degree of the EU's control over an internal or external boundary, i.e. the centralization of boundary control authority in the EU's multilevel system. To this end, we distinguish between legislative, executive, and judicial control.

- *Legislative control*: Our categorial measure of legislative control encompasses both the pooling of decision-making powers in the Council and the degree of task delegation to supranational bodies (Börzel 2005; Leuffen *et al.* 2013). It ranges from an *absence of EU-level policy*

*coordination (0), over intergovernmental coordination (1), intergovernmental cooperation (2), joint decision-making under unanimity (3), joint decision-making under qualified majority (4), to supranational centralisation (5).*

- *Executive control:* We distinguish two dimensions of executive control. The first dimension, executive competence, describes the legal authority to implement boundary legislation. It ranges from *national competence (0), over intergovernmental (1) and joint competence (2), to supranational competence (3)*. The second dimension of executive resources describes the origin of the fiscal, administrative, coercive, and technical capacities used to implement boundary legislation. It ranges from *national capacities (0), over supporting (1) and joint capacities (2), to supranational capacities (3)*.
- *Judicial control:* Lastly, we assess whether the treaties foresee the possibility of infringement procedures and preliminary references in the regulation of a given boundary. We then distinguish between *national jurisdiction (0) and EU jurisdiction (1)*.

Note that boundary closure and boundary control are conceptually and empirically independent of each other. Whether boundary control remains with the national level or is transferred to the Union does not imply more or less permeability for cross-border transactions, and vice versa. While in historical processes of state formation, closure and control proved mutually reinforcing, this need not be the case in the 'regulatory polity' (Majone 1996; Caporaso 1996) of the EU, which is strong on rules but weak on resources.



## Empirical analysis

In the following, we provide a descriptive analysis of our dataset on EU boundary configurations for subjects as a first test of our hypotheses. The empirical section proceeds in the order of the hypotheses and thus turns to the implications of rebordering for the closure of national and EU boundaries first (H1 to H6) before taking a closer look at its institutional form (H7 to 10).

### *Hypothesis 1: Increasing EU boundary regulation*

In order to test whether the dilutive integration paradigm introduced by Bartolini (2005) still holds, we start with an analysis of the level of legislative control through which we can observe the gradual supranationalization of dyadic boundary crossings. Figure 1 below plots the share of dyads where the level of boundary closure was determined by EU legislation. It shows that boundaries have indeed increasingly come under EU regulation, which would be posited by both Bartolini and the rebordering account of European institutional development. Due to European enlargement and this observed increase in the share of EU-regulated boundaries, our data allows us to observe both territorial and sectoral expansion of the legislative powers of the EU.

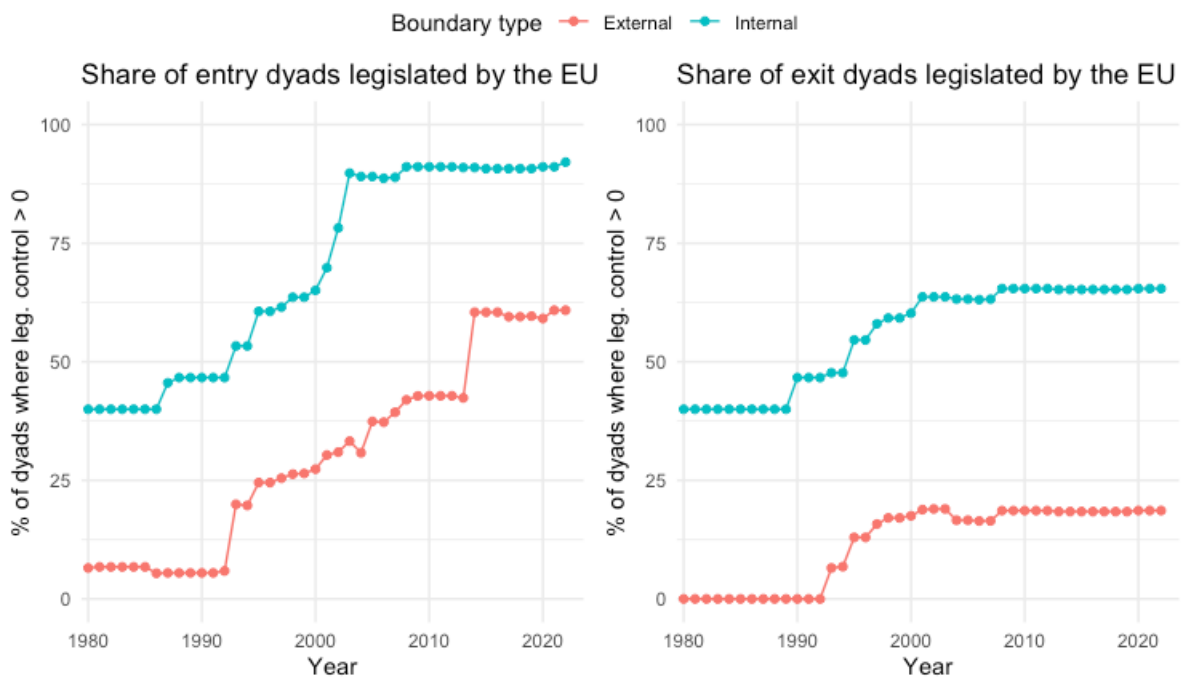


Figure 1: Share of entry and exit dyads where the EU has some level of legislative control (i.e. `subject_legcontrol > 0`).

Our dataset contains an overall number of 510300 EU-internal and 810390 external dyads. From Figure 1, one can easily discern that a higher percentage of internal boundary-making, where both the country of origin and the country of destination are EU member states, is subject to EU legislation than external boundary-making, both for entry and exit. Whereas the growth in supranational boundary regulation has generally moved in parallel for internal and external boundaries, the step increase in internal boundaries under EU regulation in the early 2000s was only mirrored in external boundary regulation a decade later (Schimmelfennig 2021a). This figure also shows that EU legislation is much more commonplace when it comes to movements of entry, rather than exit. This might be due to two reasons. One, member states might be less willing to transfer the control over boundary exits to the supranational level than boundary entries. Two, in general, boundary exits are much less salient than

entries, so there is little or no legislation of this type of movement even at the national level, which has resulted in less transfer of this type of legislation to the supranational level. We suspect that the second is the theoretically likelier case, as liberal democracies tend not to strongly restrict the movement of those who already reside within their borders.

The differences both between entry and exit as well as external and internal dyads also demonstrate why one must differentiate these four intersectional groups during the analysis.

*Hypothesis 2: External closure higher than internal closure*

We now move onto the hypotheses through which we can test the rebordering perspective of European political development, and focus on boundary closure as a starting point. The rebordering perspective of polity-making argues that the level of external closure would be higher than internal closure. In order to demonstrate this descriptive relationship, we have reconfigured our closure variable to consist of three levels: low (0-1.5), medium (2-3), and high (3.5-5). Then, we plotted the reconfigured variable separately for internal and external boundaries as well as entries and exits over our period of analysis (1980-2022). Figure 2 below supports the hypothesis that external closure is higher than internal closure for entries. The column names 1 and 2 refer to external and internal boundaries respectively. For entry, while the share of medium-controlled external boundaries has increased over time and the share of highly restrictive external boundaries decreased, internal boundaries have remained much more open than external ones. Meanwhile, exits of either type seem to not be legislated in a restrictive manner at the supranational level. Thus, we find partial support for our second hypothesis: external entry into the EU is indeed harder to undertake than internal entry.

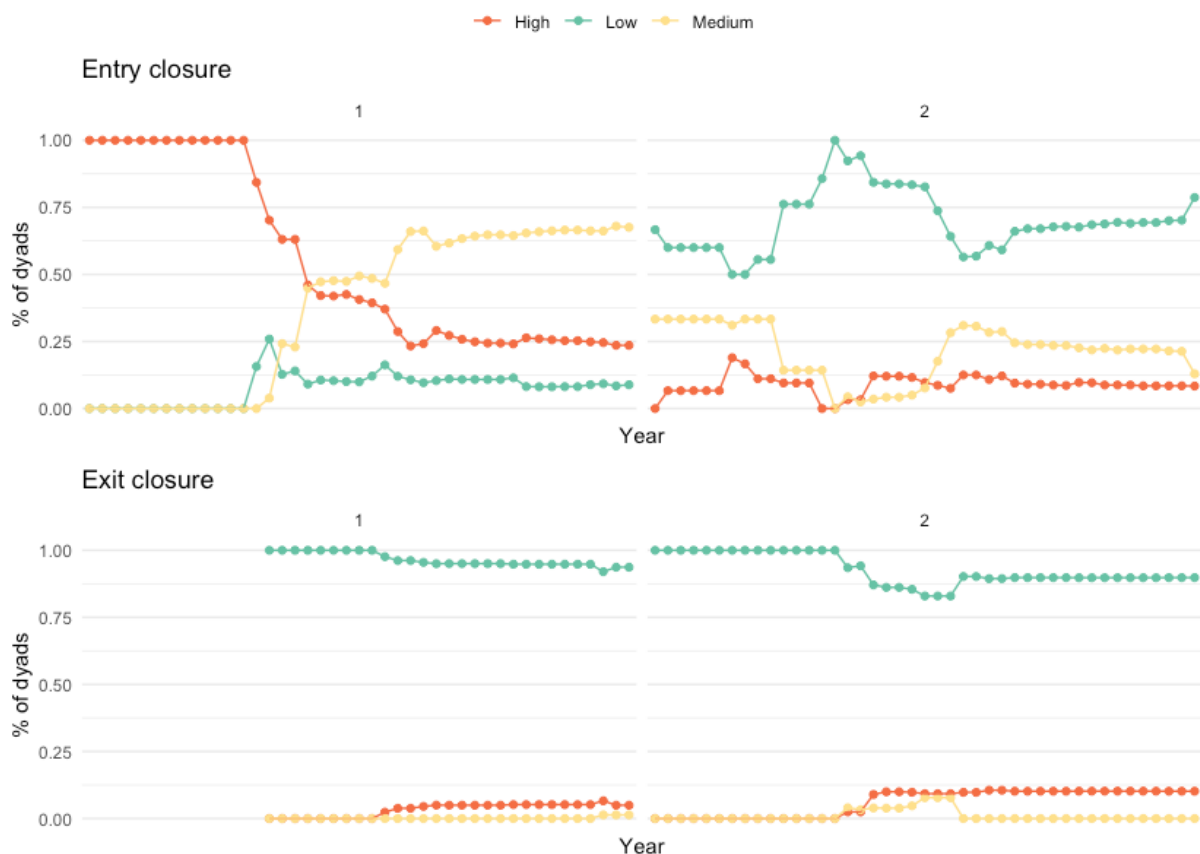


Figure 2: Simplified levels of entry and exit closure over the years. '1' refers to external boundaries, while '2' refers to internal ones.

*Hypothesis 3: Internal-external closure gap increases*

Proceeding from static to dynamic differences between internal and external closure, the rebordering perspective argues that, as a consequence of polity-making, ‘effective integration’ would require external rebordering alongside internal debordering. Thus, not only would there be a gap between the two levels of closure, but this gap would also increase over time. Figure 3 does not seem to support this expectation. For entry dyads, the gap between the levels of external and internal closure was the most pronounced prior to the 1990s, between mostly-closed (4) externally and mostly-open (1) internally, and has shrunk over time. From the early 1990s to the mid-2000s, the EU moved towards external debordering. This observation suggests that the EU was a project of simultaneous deepening and widening, and one of both regional integration and globalization, in this period. It also underlies Bartolini’s (2005) criticism that the EU failed to compensate and protect internal opening with external closure. Meanwhile, the mean level of external entry closure does not seem to have changed since then (but has also not decreased further), rather stagnating at a partly-closed (3) level. On the other hand, internal closure seems to have slightly increased starting in 2000, before decreasing again to pre-2000s levels. These are, however, small movements that keep the level of internal closure firmly at the mostly-open (1) level.

Concerning movements of exit, the most startling first impression is the lack of EU legislation for external exits, i.e. EU citizens leaving their countries of origin and moving outside the EU, until the mid-1990s.<sup>2</sup> The gap between external and internal exit closure is both smaller in scale and more static than that of entry closure levels. Thus, we find very little statistical evidence in support of hypothesis 3 for the subject categories currently under analysis.

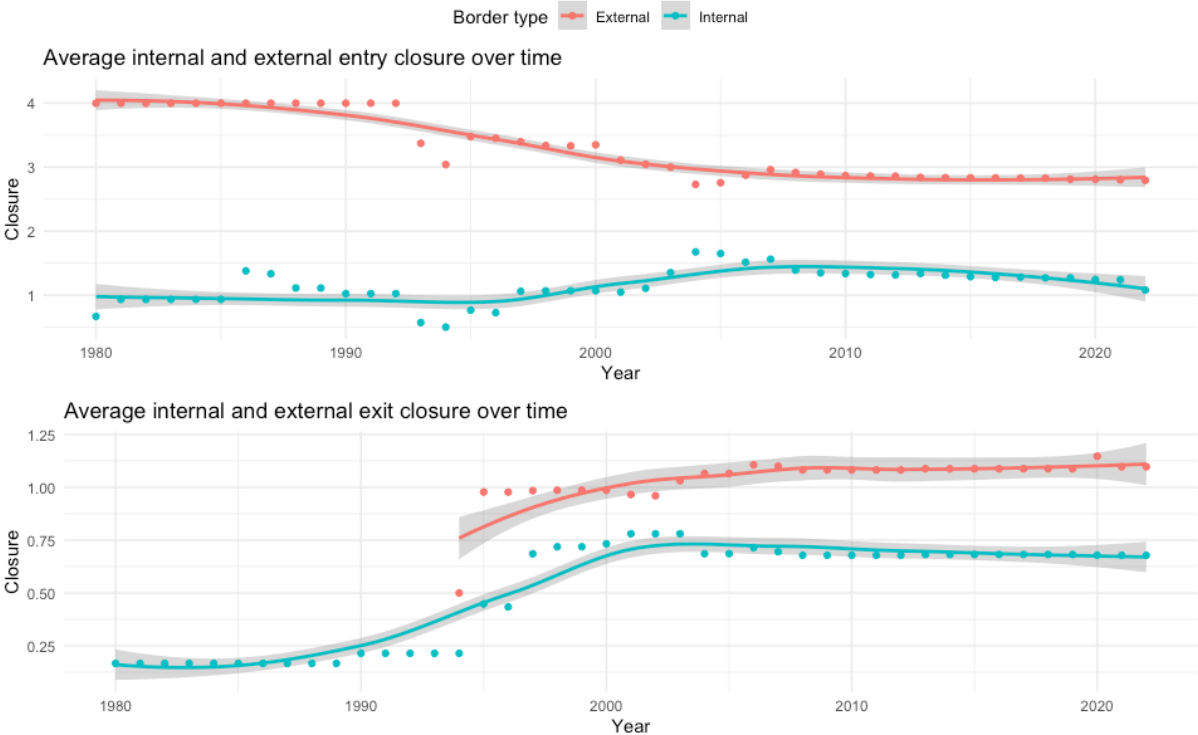


Figure 3: Average levels of internal and external closure during the period of analysis. Note the difference y-axis ('Closure') scales of the two plots.

<sup>2</sup> For the refugees subject category, internal entry or exit do not refer to the movement and/or recognition of EU citizens as refugees in other member states. Rather, this category refers to the conditions and policies relating to persons (usually third-country nationals) who have been recognized as refugees in one member state moving to another.

*Hypothesis 4: Boundary congruence increases*

Rebordering would entail not only the harmonization, implementation, and control of different boundaries at the supranational level, but also an increasing level of congruence between functional boundaries over time. In other words, the polity defined by the different functional boundaries becomes more uniform. To test the level and changes in the level of congruence, Figure 4 plots the average internal and external closure levels over the years, separated by the type of boundary (internal vs. external), function (coercive, cultural, economic, or political), and movement (entry vs. exit).

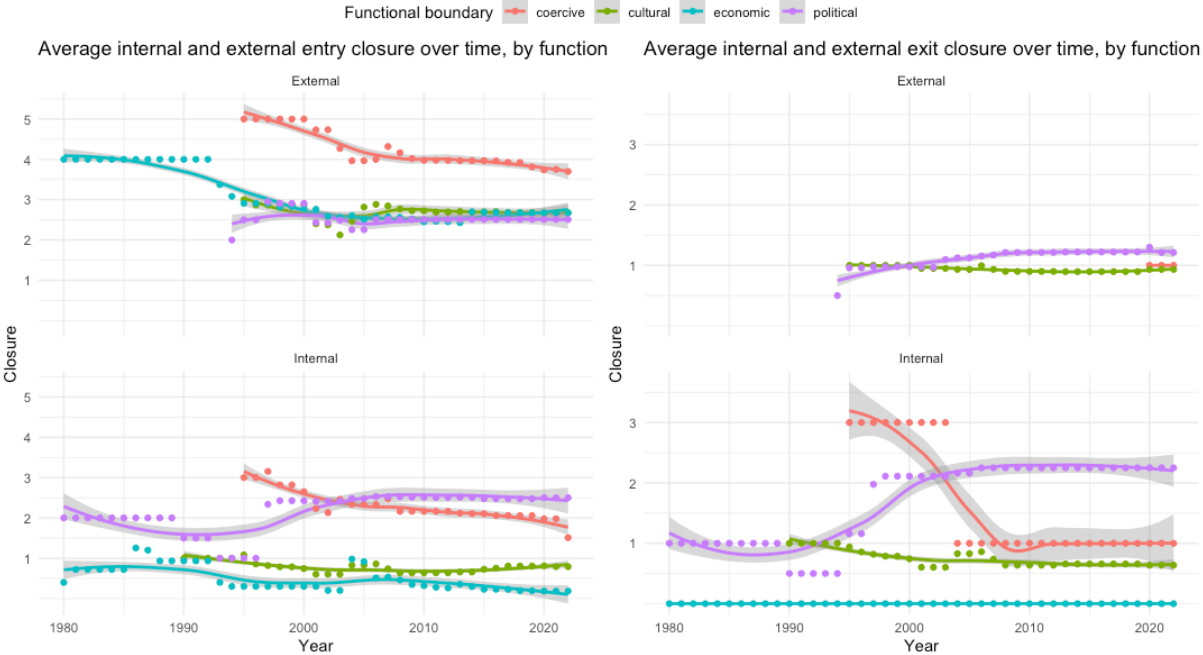


Figure 4: Average levels of internal and external closure during the period of analysis, separated by boundary function. Note the difference y-axis ('Closure') scales of the two plots.

For entries, we can see that the external closure levels of different functional boundaries have indeed become more congruent over time. The external entry closure levels for persons crossing the cultural, economic, and political functional boundaries are not significantly different from each other, merging at a medium-level of closure. This congruence over time seems to be driven mostly by a decrease in the closure level for the entry of external economic subjects in the 1990s. The outlier is the coercive boundary, which remains significantly more closed than the other external boundaries. On the other hand, the story seems to be more mixed for the mobility of internal subjects crossing different functional boundaries. For one, as would be expected by the primary historical focus of the EU being economic integration, the entry closure for workers has always been rather low. Due to the establishment of the Schengen Area and the recognition of the right of EU citizens to become students in other EU states under the same condition as the citizens of that member state<sup>3</sup>, the entry closure of the cultural boundary is also rather low and close to economic closure, but the gap does not seem to have reliably decreased over time. Meanwhile, due to the specific way we code refugees, the level of internal political closure seems to have increased in the 2000s, diverging from the economic and cultural entry closures. Lastly for entries, while there has been some supranational harmonization of the coercive capacities of the member states since the mid-1990s and a subsequent decrease in their

<sup>3</sup> Internal mobility of students: Council Directive 90/366/EEC; Council Directive 93/96/EEC; Directive 2004/38/EC.

levels of both internal and external closure, the coercive function remains incongruent with most other functions on the external borders, although it is closer to political closure than before.

Concerning exit closures by function, there do not seem to have been many changes for external dyads. In fact, the exit of workers and service providers from EU member states to outside the EU is still not regulated by the EU or harmonized at the EU level. Thus, the economic closure for external exit is missing. Similarly, coercive exit regulations have only recently started to become regulated at the EU level. Meanwhile, while all functional types of internal exits are harmonized at the EU level to some extent, the changes in the different functional boundaries do not seem in-line with each other. Thus, it is hard to tell a coherent story of functional congruence for exits.

*Hypothesis 5: Increasing supranational boundary control*

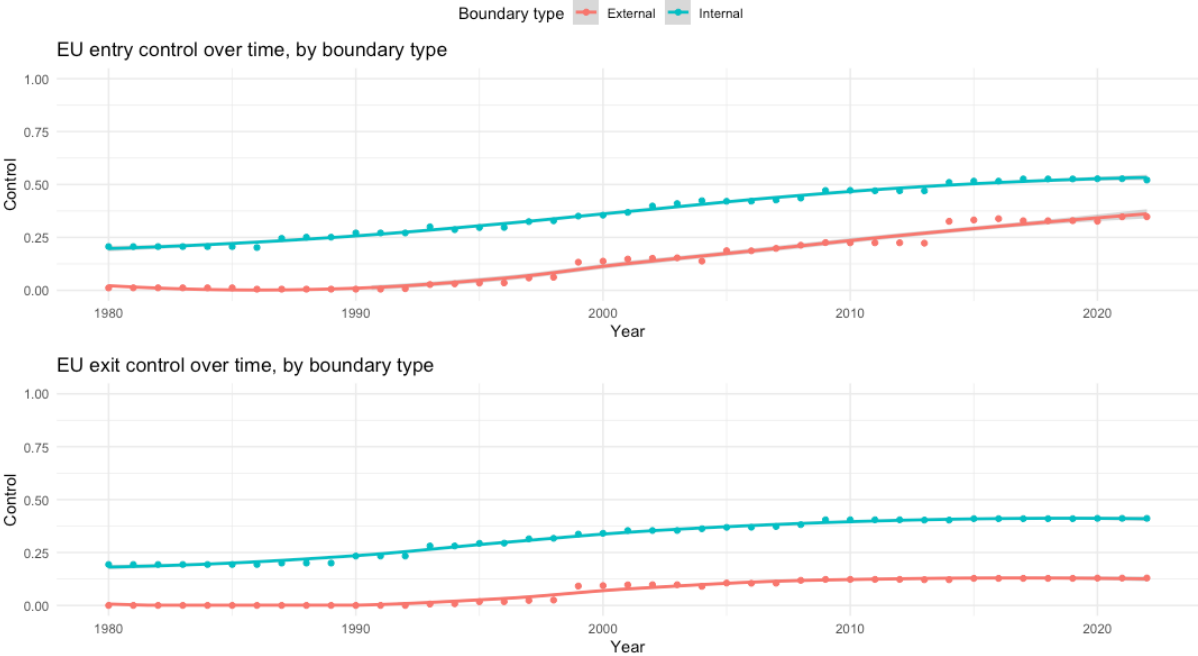


Figure 5: Average levels of control during the period of analysis, separated by boundary type (internal vs. external).

Turning to the supranationalization of control rather than closure, we test Hypothesis 5. According to the rebordering theory of political development, boundaries would be increasingly controlled supranationally. Figure 5 provides support for this hypothesis since the average level of control seems to have steadily increased over time for both entries and exits. This steady increase also holds for both internal and external boundary dyads, while it started from very low levels for external dyads until around 2000. Furthermore, the average level of control is higher for entries and internal dyads, as we had already observed for legislative control while testing the first hypothesis.

*Hypothesis 6: Internal opening and external closure*

As a preliminary, descriptive investigation into whether internal boundaries become more open with the supranational control of external boundaries, we plotted the levels of closure and control over time. Please note the difference in the y-axis scales of the plots for entry and exit. As can be seen in Figure 6 below, for entries, internal debordering and an increase in external control have indeed happened simultaneously during the 2010s. However, this is a recent pattern, as external control

seems to have steadily yet slowly increased over time, but that encompasses periods in which internal debordering is not observed. In fact, during some of these periods (roughly c. 1995-2010), internal rebordering seems to have accompanied the slight increase in external control. Overall, the changes in especially internal entry closure are relatively small, leaving the impression that, by and large, increasing levels of external boundary control on part of the EU has gone hand in hand with a roughly stagnating level of internal boundary closure.

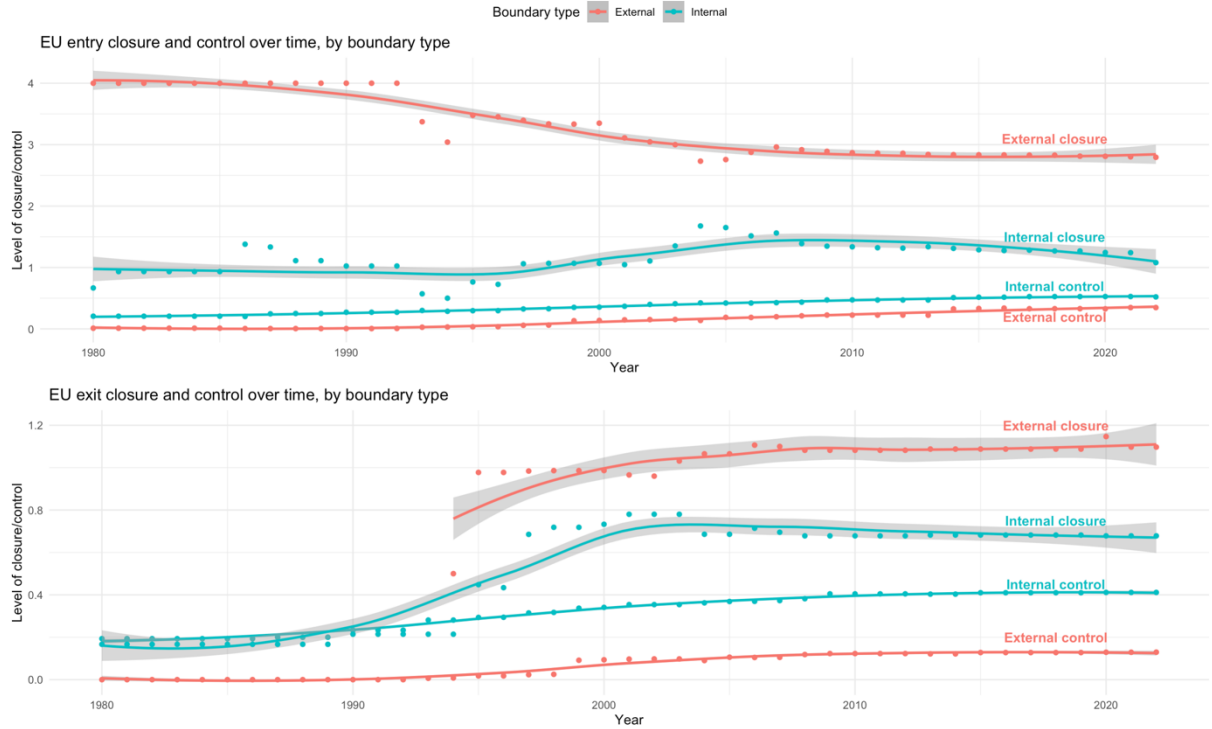


Figure 6: Average levels of closure and control during the period of analysis, differentiated by external and internal boundary crossings. Note the difference y-axis ('Closure') scales of the two plots.

On the other hand, for exits, the preliminary data does not seem to demonstrate any relationship between internal closure and external control. Internal closure has a small increase in the 1990s and becomes stagnant in the 2000s, while external control is rather stagnant during most of the dynamic period of internal closure and increases only afterwards.

Ultimately, this sixth test seems to support the 'dilutive integration' account of Bartolini more than it does the 'rebordering' one since we observe a decrease in the gap between external and internal closure and external control does not seem to have been followed by a significant level of internal debordering.

*Hypothesis 7: Lower closure for economic boundaries*

In the second part of the empirical section, we test the hypotheses that deal with the institutional form that rebordering in the EU takes and focus primarily on the EU's general developmental logic as a 'regulatory polity' (Majone 1996; Caporaso 1996). Focusing on closure once again, Figure 7 plots the average levels of internal and external entry and exit closures over time, but disaggregated by the four functional boundaries in our dataset.

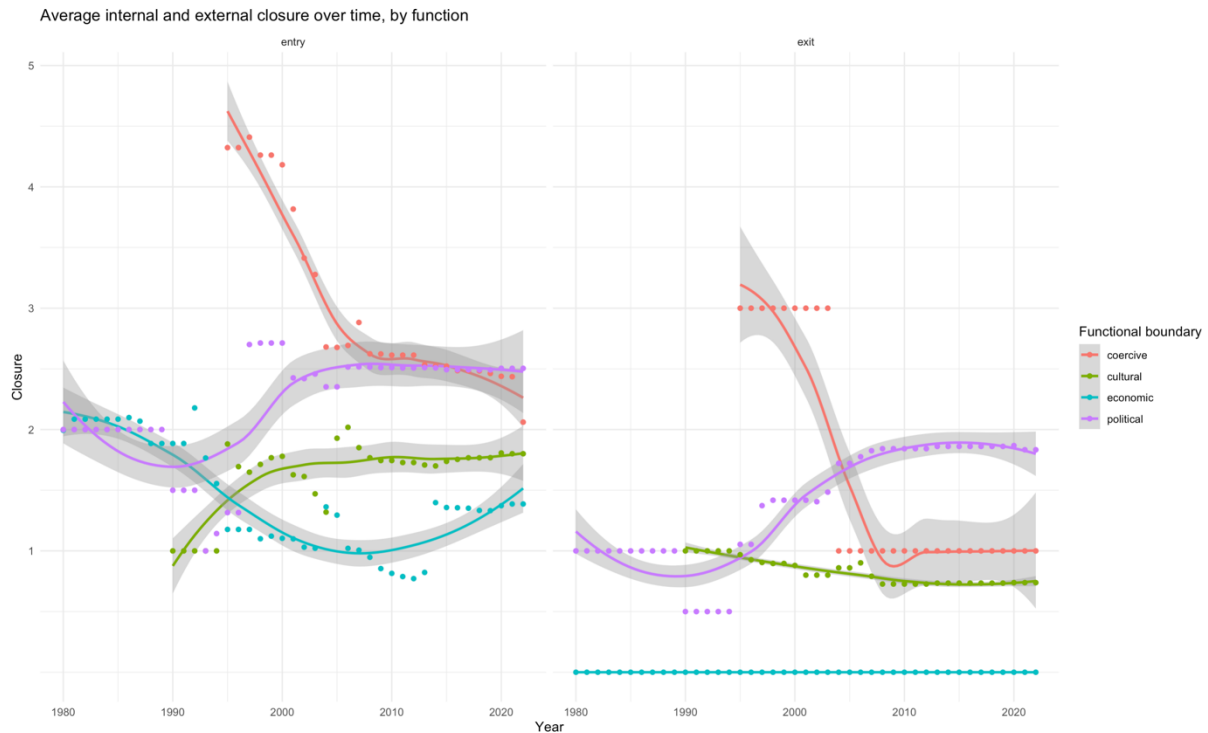


Figure 7: Average levels of internal and external (entry and exit) closure during the period of analysis, separated by functional boundary.

As posed by the hypothesis, both the entry and exit closure levels of the economic boundary are generally lower than that of the other functional boundaries. Where they seem to be higher or not significantly different (for entry dyads), this is driven by external dyads, and the internal economic closure has always remained lower than the other categories throughout the whole period (as seen in Figure 4). Thus, the data is in line with the regulatory-polity account of institutional development and we find supportive evidence for the seventh hypothesis.

*Hypothesis 8: Legislative and judicial control higher than executive control*

The regulatory polity literature expects that member states are much less willing to transfer and delegate executive powers to the supranational level than legislative and judicial powers (Majone 1996; Genschel and Jachtenfuchs 2014), and that executive powers will only be transferred to the EU-level in reaction to crises of regulatory integration (Genschel and Jachtenfuchs 2018; Freudsperger and Jachtenfuchs 2021). In order to show whether the level of supranational executive control is indeed lower than the other two types of control, Figure 8 plots the average levels of legislative, executive, and judicial control over time; separately for entries and exits as well as for internal and external boundaries. It shows that the level of EU executive control has indeed been lower than that of judicial and legislative controls throughout the whole period of analysis. While all three types of

control have increased over time, the slope of the change for executive control is lower than that of the other two.

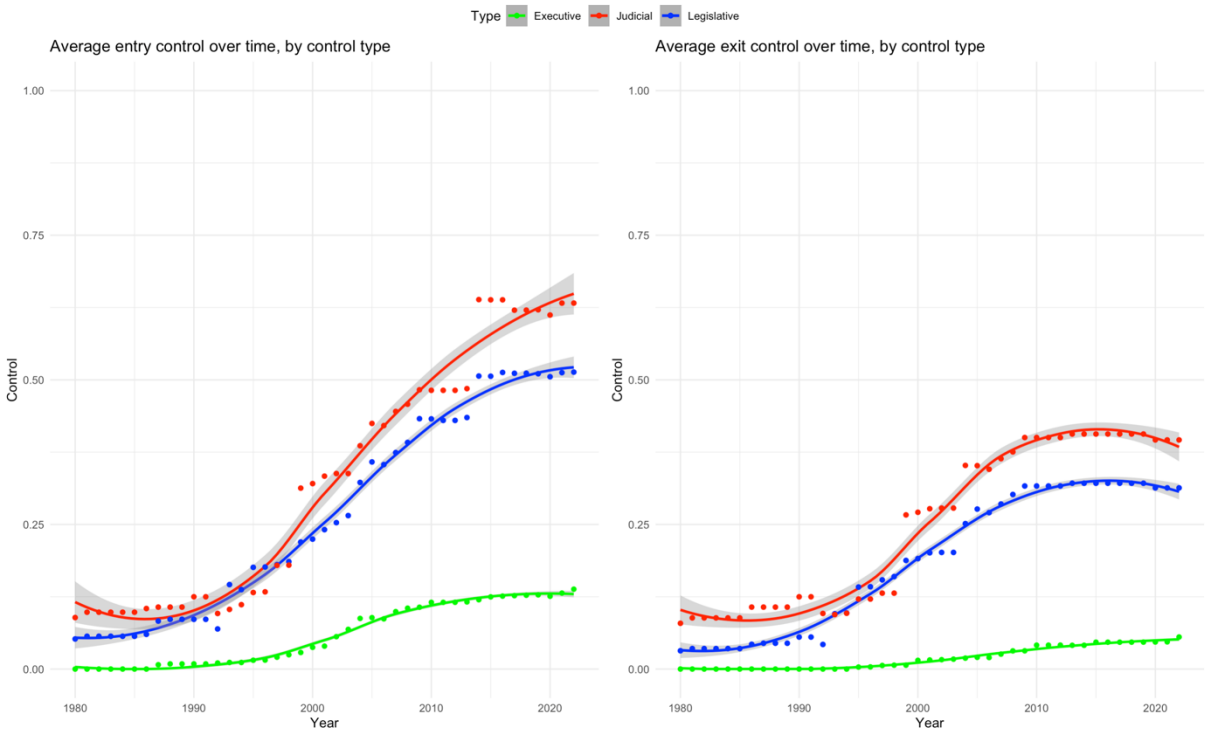


Figure 8: Average levels of entry and exit controls (normalized) during the period of analysis, separated by type of control.

Nevertheless, in contrast to the expectation of the regulatory polity account, executive control has increased quite significantly since around the mid-1990s, which indicates that the increase was driven not only by crisis-induced pressures but was also subject to the various treaty revisions of the 1990s and 2000s. On the other hand, turning to exit, the levels of legislative and judicial control seem to have stagnated and slightly decreased during the 2010s. Yet, this was in no way enough to bridge the gap between these two categories and executive control.

*Hypothesis 9: Higher control of economic boundary*

To further test the regulatory-polity and rebordering accounts of European institutional development, we again investigate the average level of control, but this time differentiating between the economic boundary and the others. Hypothesis 9 posited that the control of the economic boundary would be higher and precede the control of the other functional boundaries. Figure 9 below shows that this is the case only for internal dyads, both for entry and exit. Between the member states, EU-level control of economic interactions preceded control over other functional boundaries, although the EU increasingly acquired control over other internal boundaries from the 1990s onwards, and the level of EU-level control of the entry of cultural persons nowadays even eclipses that for economic subjects. For external boundaries, the inverse is the case and EU-level control over the movements of cultural and political subjects even precedes the level of economic control, which for entries remained very low until the mid-2000s and since has begun to increase as well. The coercive boundary, again, is an outlier in the sense that EU-level control tends to be lower than for other types of boundaries and,



since the mid-1990s, increases significantly only for internal movements of military, judicial, and law enforcement personnel.

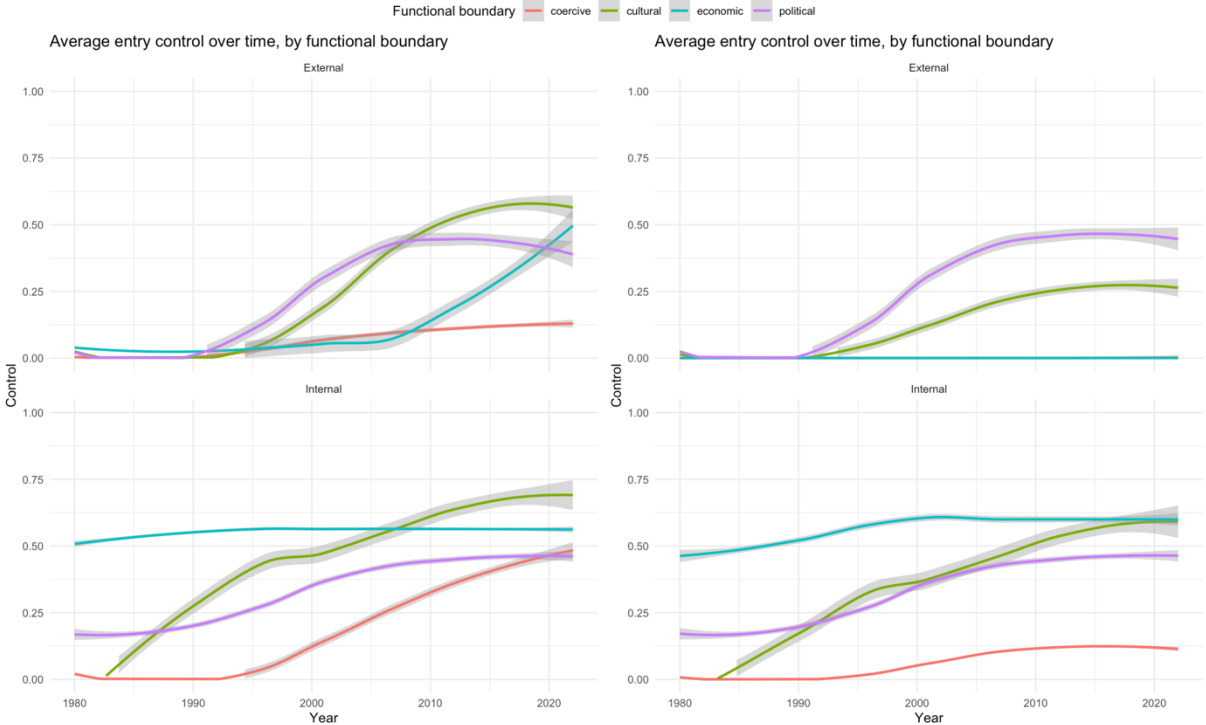


Figure 9: Average levels of entry and exit controls (normalized) during the period of analysis, separated by functional boundary and internal and external dyadic information.

*Hypothesis 10: Legislative and judicial before executive control of non-economic boundaries*

Recent accounts of EU institutional development furthermore expect a build-up of executive control powers solely after the consolidation of legislative and judicial powers, and primarily in reaction to crises in non-economic ‘core state power’ areas (Genschel and Jachtenfuchs 2014; Freudsperger and Schimmelfennig 2022b). When analyzing the disaggregated control plots which have been further divided into the functional boundaries, we can see that legislative and judicial control indeed generally precede executive control. Increases in executive control occur only after legislative and judicial control are already established, and they cluster in the non-economic domains of cultural, political, and military border-crossings. For the economic boundary, on the other hand, the regulatory polity account continues to hold, with elevated levels of EU judicial and legislative control corresponding to implementation and enforcement not by the EU but by the member states.

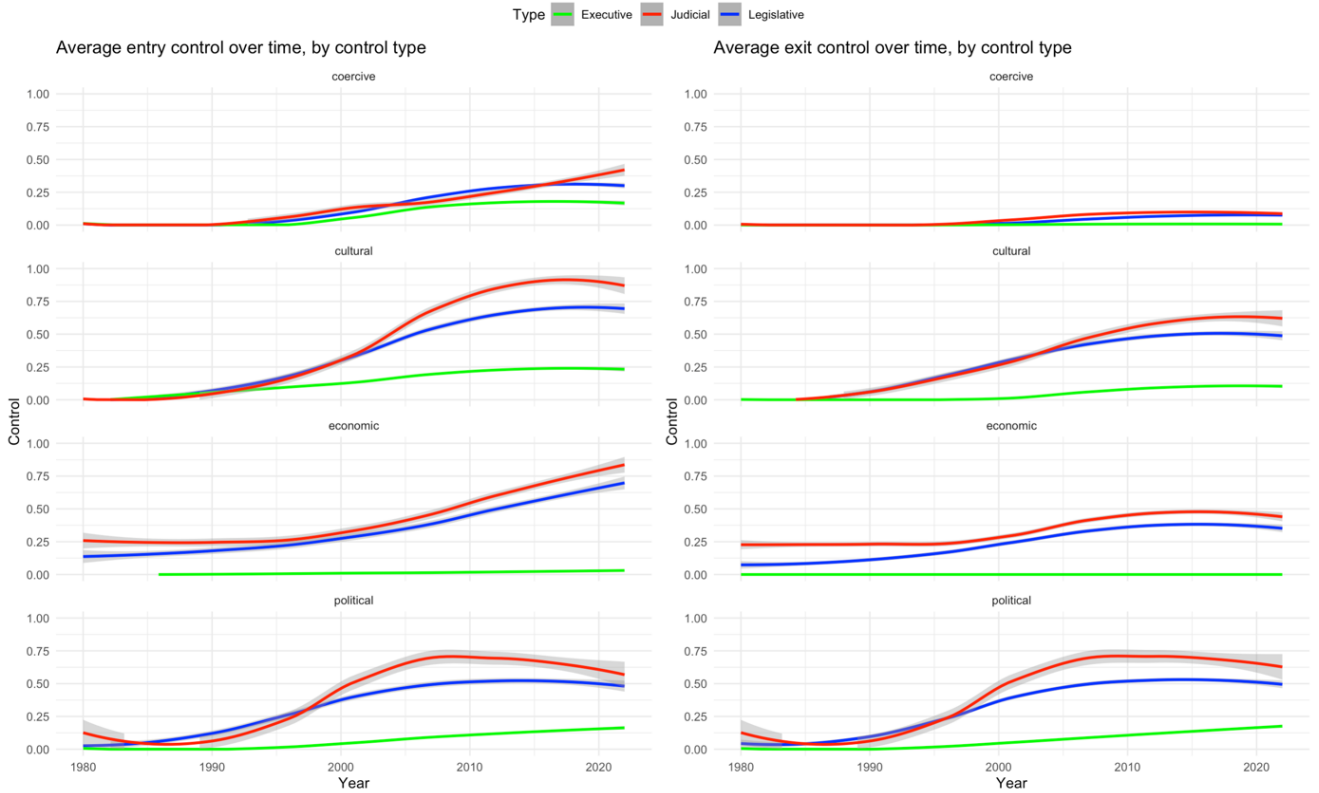


Figure 10: Average levels of entry and exit closure during the period of analysis, separated by functional boundary and type of control.

## Conclusion

How are the boundaries of the European Union linked to its institutional development? In this paper, we present a first and still incomplete version of a dataset that facilitates an empirical testing of sociological theories of political development. Eventually, the dataset will contain information on the cross-border movements of thirteen categories of cultural, economic, political, and military subjects (persons). Given that our data is still at a preliminary stage and requires further harmonization and verification, we cannot yet draw firm conclusions on the long-term systemic evolution of the EU's closure of and control over its internal and external boundaries. However, we can already discern a couple of trends, either over time or across sectoral domains.

We organised the theoretical and empirical sections of the manuscript along two dimensions. First, adopting a bordering perspective, we juxtaposed Bartolini's diagnosis of a 'dilutive' pattern of integration with more recent analyses of a polycrisis-induced 'rebordering'. While the former theoretical position would expect a progressive debordering both for EU-internal and external movements, the latter would look for a recently increasing gap between internal and external closure. In the following descriptive analysis, we found evidence for both positions. The historical period around the Treaty of Maastricht and until the 'big bang' Eastern enlargement of 2004 was indeed marked by a significant decrease in *both* external and internal border closure, mostly in lockstep but leading to a decreasing gap between internal and external closure over time. Since the mid-2000s, in turn, the size of the internal-external gap has stabilized between an average level of 1 (mostly open) for internal and 3 (partly closed) for external EU boundaries. While we have not tested for bivariate or multivariate relationships yet, the stabilisation of the internal-external gap goes hand in hand with increased levels of EU control since the 2000s. Overall, while we do not find strong evidence for a fervent rebordering of the EU political space (Schimmelfennig 2021a), the pattern of dilutive integration also seems to have ground to a halt after the rampant liberalization of the 1990s and early 2000s that Bartolini's account (2005) had problematized.

The second part of our theory and empirics were dedicated more to the institutional form that EU political development and boundary formation takes. Again, we mobilized two complimentary theoretical positions, namely the classic account of the EU 'regulatory polity' that was popularized by Majone (1996) and more recent analyses of 'core state power' integration that diagnose a gradual movement 'beyond the regulatory polity' (Genschel and Jachtenfuchs 2014, 2016; Freudsperger and Jachtenfuchs 2021). Our data corroborates the expectations of both these literatures. Generally, EU-level legislative and judicial control is more pronounced than executive control, as to be expected in a regulatory polity in which the supranational level passes and monitors the rules while the national level implements them. Also, the closure of the economic boundary is generally lower than that of other functional boundaries, as to be expected in a Union whose historical core lies in regulatory market-making. However, underneath the surface of this well-worn picture, significant change seems to have occurred over time. First, executive control on part of the EU has increased in contrast to the expectations of the regulatory polity paradigm. While it has remained at lower levels than legislative and judicial control, executive control has gradually mounted to significant levels since the mid-1990s, which also goes to show that its rise cannot be (exclusively) attributed to the EU's reactions to the polycrisis. Second, while for internal boundaries, general EU control over economic transactions indeed precedes control over non-economic 'core state boundaries', the EU's increasing control over its external boundaries is driven not so much by economic rebordering but primarily by cultural and political rebordering. Third, the increase in EU-level executive control clusters in just these non-

economic cultural and political domains, which in the post-Maastricht era have become ever more significant in the EU's institutional and political activity.

Taken together, these observations paint a picture of EU institutional development that substantively modifies the established paradigm of a primarily regulatory and dilutive pattern of institutional development. While both internal and external openness have reached 'floor effects' after the liberalization of the 1990s and early 2000s, with the gap between both stabilising and at points even slightly increasing, the EU has acquired an increasing degree of not only legislative and judicial but also executive control over its systemic boundaries, with EU-level control over its external boundaries driven by its activities in the cultural and political rather than the economic domain. Overall, these empirical findings point into the direction of a control-driven rebordering or a regulatorily continuously open European political space. Whether these assertions hold, however, is evidently subject to further empirical testing.

## References

- Bartolini, Stefano (2005). *Restructuring Europe: Centre Formation, System Building and Political Structuring Between the Nation-State and the European Union*. Oxford, UK; New York, NY: Oxford University Press.
- Börzel, Tanja A. (2005). 'Mind the gap! European integration between level and scope', *Journal of European Public Policy*, 12:2, 217–236.
- Caporaso, James A. (1996). 'The European Union and Forms of State: Westphalian, Regulatory or Post-Modern?', *Journal of Common Market Studies*, 34:1, 29–52 I.1.1.
- Cecchini, Paolo, Michael Catinat, and Alexis Jaquemin (1988). 'The European Challenge 1992: The Benefits of a Single Market', , Brussels.
- Freudlsperger, Christian, and Markus Jachtenfuchs (2021). 'A member state like any other? Germany and the European integration of core state powers', *Journal of European Integration*, 43:2, 117–135.
- Freudlsperger, Christian, Adina Maricut-Akbik, and Marta Migliorati (2022). 'Opening Pandora's Box? Joint Sovereignty and the Rise of EU Agencies with Operational Tasks', *Comparative Political Studies*, 55:12, 1983–2014.
- Freudlsperger, Christian, and Frank Schimmelfennig (2022a). 'Rebordering Europe in the Ukraine War: community building without capacity building', *West European Politics*, 46:5, 843–871.
- Freudlsperger, Christian, and Frank Schimmelfennig (2022b). 'Transboundary crises and political development: Why war is not necessary for European state-building', *Journal of European Public Policy*, 29:12, 1871–1884.
- Genschel, Philipp (2022). 'Bellicist integration? The war, the European Union, and core state powers', , Rome.
- Genschel, Philipp, and Markus Jachtenfuchs, eds. (2014). *Beyond the Regulatory Polity? The European Integration of Core State Powers*. Oxford, UK: Oxford University Press.
- Genschel, Philipp, and Markus Jachtenfuchs (2016). 'More Integration, Less Federation: The European Integration of Core State Powers', *Journal of European Public Policy*, 23:1, 42–59.
- Jabko, Nicolas (2006). *Playing the Market: A Political Strategy for Uniting Europe, 1985-2005*. Ithaca, NY: Cornell University Press.
- Juncker, Jean-Claude (2016). 'Speech by President Jean-Claude Juncker at the Annual General Meeting of the Hellenic Federation of Enterprises', [http://europa.eu/rapid/press-release\\_SPEECH-16-2293\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-16-2293_en.htm) (Accessed June 13, 2019).
- Kelemen, R. Daniel, and Kathleen R. McNamara (2021). 'State-building and the European Union: Markets, War, and Europe's Uneven Political Development', *Comparative Political Studies*, 0:0, 1–29.
- Leuffen, Dirk, Berthold Rittberger, and Frank Schimmelfennig (2013). *Differentiated integration: Explaining variation in the European Union*. Basingstoke, UK: Palgrave Macmillan.
- Majone, Giandomenico (1996). *Regulating Europe*. London, UK; New York, NY: Routledge.
- Majone, Giandomenico (1997). 'From the Positive to the Regulatory State: Causes and Consequences of Changes in the Mode of Governance', *Journal of Public Policy*, 17:2, 139–167.
- McNamara, Kathleen R., and R. Daniel Kelemen 'Russia's invasion of Ukraine is remaking Europe'. *Monkey Cage Blog - The Washington Post*  
<https://www.washingtonpost.com/politics/2022/02/28/russia-ukraine-european-union/>.
- Rokkan, Stein (1974). 'Entries, voices, exits: Towards a possible generalization of the Hirschman

- model', *Social Science Information*, 13:1, 39–53.
- Rokkan, Stein (1975). 'Dimensions of State Formation and Nation Building', in Charles Tilly (ed.), *The Formation of National States in Western Europe*. Princeton N.J.: Princeton University Press, 562–600.
- Ruggie, John Gerard (1982). 'International regimes, transactions, and change: Embedded liberalism in the postwar economic order', *International Organization*, 36:2, 379–415.
- Ruggie, John Gerard (1994). 'Trade, Protectionism and the Future of Welfare Capitalism', *Journal of International Affairs*, 48:1, 1–11.
- Scharpf, Fritz W. (1999). *Governing in Europe: Effective and Democratic?* Oxford, UK; New York, NY: Oxford University Press.
- Schimmelfennig, Frank (2021a). 'Rebordering Europe: external boundaries and integration in the European Union', *Journal of European Public Policy*, 28:3, 311–330.
- Schimmelfennig, Frank (2021b). 'Bordering Europe: Boundary Formation in European Integration (EUROBORD) - measures and datasets', , Zurich.
- Schimmelfennig, Frank (2022). 'The Brexit puzzle: polity attack and external rebordering', *West European Politics*,, 1–24 <https://doi.org/10.1080/01402382.2022.2132448>.
- Spruyt, Hendrik (1994). *The Sovereign State and Its Competitors*. Princeton, NJ: Princeton University Press.
- Tilly, Charles (1990). *Coercion, Capital, and European States, AD 990–1990*. Cambridge, MA: Basil Blackwell.
- Zeitlin, Jonathan, Francesco Nicoli, and Brigid Laffan (2019). 'Introduction: the European Union beyond the polycrisis? Integration and politicization in an age of shifting cleavages', *Journal of European Public Policy*, 26:7, 963–976.
- Zielonka, Jan (2007). *Europe as an Empire: The Nature of the Enlarged European Union*. Oxford, UK; New York, NY: Oxford University Press.