

**Reconstituting Sovereignty in the European Union:
A Comparison of the Eurozone Crisis and the Migration Crisis**

Nicolas Jabko and Meghan Luhman

Johns Hopkins University

Paper prepared for delivery at the EUSA Fifteenth Biennial Conference

Miami, May 4-6, 2017

A paradox of sovereignty has emerged in plain sight in the course of recent EU crises. The crises that have hit the European Union in the recent past have blindsided its political leaders and highlighted the EU's shortcomings. Yet even politicians who have called for strengthening EU "governance" and the "coordination" of member state policies have generally refrained from advocating outright increases of EU powers that would permanently infringe on the "sovereignty" of the member states. Paradoxically, advocates of European integration often invoke sovereignty in their efforts to build power at the EU level. At first sight, this seems like a contradictory position. EU political leaders appear unable to decide if they want to increase EU powers, or to heed widespread calls for reasserting national sovereignty. Indeed, the current cacophony of aspirations is often taken as evidence that the EU is in a state of near-paralysis and perhaps even in danger of collapse (Habermas 2012; Majone 2014; Zielonka 2014; for a review, see Phinnemore 2015). In the Eurozone crisis, the rhetoric of sovereignty has certainly fuelled sharply diverging aspirations. The states in need of EU financing have claimed a sovereign right to decide on their economic policies, whereas creditor states and EU officials have insisted that loan recipients should accept temporary limitations to their sovereignty as a condition for financial assistance and as the price to pay for better "governance" of the Eurozone. In the border control crisis, "coordination" was even looser as member states retained the "sovereign" right to reinstate border controls and to accept or deny refugees at the national level, despite the development of EU-level policies in these areas.

Although hesitant and conflicting reactions to crisis certainly underscore the depth of EU troubles, we also believe there has been another dynamic at play here. We observe that Europe's national leaders often see no contradiction between pressing for more governance at

the EU level and repeatedly invoking national sovereignty. This invocation of sovereignty seems to be more than disingenuous rhetoric designed to thwart EU efforts to carry out meaningful institutional reform. Scholars have already noted that crisis is not only a disabling, but also an enabling context for European initiatives that do not explicitly delegate more sovereignty to the EU level ([Tosun](#), [Wetzel](#) & [Zapryanova](#) 2015, Saachi 2015). Jones, Kelemen and Meunier (2016) have thus analyzed European integration as a process of “failing forward” in the face of successive crises. While we agree with them that the reforms the EU adopted were in many ways incomplete, we also contend that these reforms were politically inventive rather than “self-undermining”. Faced with a Eurozone crisis and then a border control crisis, many member governments have pushed for reforms that would enhance EU governance without encroaching on what they claimed as their sovereign prerogatives. National sensitivity about sovereignty has also led member governments to take an extremely direct and assertive role in the reform process, leading to what scholars have diagnosed as “executive federalism” (Habermas 2012) or “new intergovernmentalism” (Bickerton, Hodson, and Puetter 2014). Furthermore, EU officials have taken these sovereignty claims seriously, instead of seeing EU governance and national sovereignty as mutually exclusive. They have stitched together reforms that aimed at strengthening EU governance in a way that recognized and incorporated different national concerns with sovereignty.

Building on recent IR scholarship on sovereignty practices, we present a solution to the paradox of sovereignty that is less pessimistic than the conventional diagnosis of EU incoherence and failure in the face of crisis. Instead, we argue that crises represent opportunities for actors to recombine ideational repertoires of national sovereignty and EU

governance in new ways. Integrationist steps that were long rejected as anathema to national sovereignty have been taken not only for the sake of better EU governance, but also in the name of modernizing the exercise of member states' sovereignty. The Eurozone crisis has led to the introduction of new rules and of a European Stability Mechanism and a Banking Union; yet most member states still enjoy considerable flexibility under the new regime, which they only forgo voluntarily if they seek financial assistance. The migration crisis has led to the adoption of a quota system for redistributing refugees and to an EU Border and Coast Guard; yet member states retain the discretion to temporarily reintroduce national border controls, to suspend participation in the quota system, and to refuse an intervention of the EU Border Guard on their territory. These EU solutions have been criticized as weak and belated, but they offer crucial insights into how policymakers respond to crisis. Instead of classic interstate bargaining amongst sharply constraining national interests, we observe dynamic and open policymaking processes in which ad hoc coalitions actively reconstitute sovereignty practices. Before substantiating this argument in two cases of recent EU crises, this article begins by elaborating the analytical logic of how crises can lead to a re-constitution of sovereignty against the background of extant literature on sovereignty in IR and in the EU.

I. Crises and re-constitution of sovereignty

The conventional way of considering sovereignty in the European Union is to define it as a constitutional question, through the lens of a contractual perspective. As Genschel and

Jachtenfuchs astutely remark, there is a “tacit consensus” among many scholars to characterize the EU as a relatively self-contained authority structure within a broader constitutional arrangement of powers – be it a “regulatory state” (Majone 1996) or as a “multilevel polity” (Hooghe and Marks 1996) or as “constitutional settlement” (Hix 2007, Moravscik and Schimmelfennig 2009). This consensus can in turn be traced back to a widely accepted solution to scholarly interrogations about what the EU means for sovereignty. When Europe was “re-launched” in the late 1980s, IR scholars coined the concept of “pooled sovereignty” (Keohane and Hoffman 1989). They viewed Europe’s integration as a series of discrete decisions to “pool” sovereignty to the EU level. Such decisions involve cost-benefit calculations (Keohane 2002), which in turn hinge on the rational pursuit of state preferences. Thus, the pooling and delegation of sovereignty helps states pursue their material interests (Moravscik 1993, 1998). The essence of sovereignty, firmly located at the national level, remains unaffected by this process of contracting out some of their powers.

This contractual perspective on the EU certainly fits within classical understandings of sovereignty in the field of international relations. IR scholars have typically studied sovereignty as a legal and political property, with fixed determinants. Yet they have also recognized that there may be situations in which states exert more or less “domestic sovereignty”, i.e. less control over public authority within its territorial boundaries (Krasner 1999). Such situations have become so common that some IR scholars have declared the advent of a “new sovereignty in international relations” (Lake 2005). In particular, states might come to accept less domestic sovereignty through delegation to international regimes. Keohane (2002: 756) thus describes the EU as a beneficial outcome for states accepting “gradations in sovereignty”. Krasner

himself has also made theoretical room for a related concept of “shared sovereignty” for states that enter into international agreements (Krasner 2005). In all cases, however, such pooling or sharing of sovereignty assumes a potentially reversible delegation of state powers. States remain sovereign, yet forego their veto power in the interest of international cooperation (Aalberts 2004). The authority that is exercised at the EU level pertains to the “regulatory state” (Majone 1994) and is essential non-majoritarian, non-political. Only the details of policies remain to be worked out, and European institutions act as the agents of member state principals. Of course, the existence of a principal-agent relationship implies a well-known risk of “agency loss”. But that should remain rare – or else there would be no “pooling” or “delegation” of sovereignty with sufficient stability to be meaningfully depicted as such.

Recent scholarship has begun to question the value of this contractual conception of sovereignty, in view of important anomalies. In the conventional characterization of sovereignty, powers are clearly allocated at any point in time. Once sovereignty has been pooled or delegated to the EU in a certain area, the exercise of that sovereignty should be straightforward and uncontested. Yet Cooley and Spruyt (2009) note that this is not the case because the EU entails “incomplete contracting”. By way of international treaties, member states have empowered European institutions to build an autonomous institutional and policy structure at the European level. In this light, EU institutions are not merely the agents of member state principals. “Agency loss” is pervasive, not exceptional. “Incomplete” EU institutions sustain momentum for further European integration – a point also explicit in Jones, Kelemen and Meunier’s concept of “failing forward”. In a similar vein, a recent volume edited by Genschel and Jachtenfuchs has focused on the EU’s accretion of “core state powers”,

defined as characteristic “functions of sovereign government” (Genschel and Jachtenfuchs 2014: 1). It enumerates conditions under which the EU is more likely to gain such powers, especially as a result of processes of “integration by stealth” or (more rarely) “integration by publicity”.

We believe these critiques are useful to understand the dynamic nature of sovereignty in the EU. Concepts of “incomplete contracting”, “integration by stealth”, and “failing forward” have the merit of highlighting an agentic role for EU officials and the relative fluidity of power relations in policy areas that are progressively integrated at the EU level. Yet they do not explain why political elites would successfully raise the stakes in times of crisis, for example by touting sovereignty or the risk of EU collapse. In such cases, the “incomplete contract” itself becomes politicized in response to events, and this can in turn push forward, rather than impede, the integration process. This goes against the widespread expectation that politicization leads to a “constraining dissensus” (Hooghe and Marks 2009), whereas integration is supposed to take place incrementally and below the political radar. More generally, we think it is important to address the paradox of states that continue to invoke sovereignty *after* the delegation of sovereignty has already occurred. This paradox becomes especially salient in moments of crisis, when EU powers become objects of strident controversy. While intergovernmentalist scholars see these moments as reflecting the “normal” intergovernmental logic of the EU (e.g., Schimmelfennig 2015), we see them as expressions of the ever-present precariousness of the EU political order and as openings for political change – including major redefinitions of sovereignty. We agree with Hooghe and Marks’ “postfunctionalist” diagnosis that states are generally not predisposed to seeing EU interventions favorably, even when

these interventions seem functionally necessary. Yet we also note that invocations of sovereignty and criticisms of existing delegations of sovereignty to the EU can themselves reframe policy and constitutional debates, which can paradoxically lead to major re-definitions of the ways in which sovereignty is exercised.

To explain these redefinitions of sovereignty, we build on recent IR scholarship that views sovereignty as an evolving nexus of practices. New sovereignty practices typically come about as a result of tacit incremental adjustment and reflexive deliberation. From this perspective, there are no fixed legal or political characteristics that make a state sovereign. In a pragmatist IR vein, Schmidt (2014) has analyzed sovereignty as a practical norm, i.e. an “entrenched habit” that changes in response to real-world challenges. Schmidt explores how, in response to new military technology and geopolitical context, the practice of establishing military bases in other sovereign countries took root after 1945. In this case, the “habit” of sovereignty changed through processes of deliberative innovation as policymakers “defined workable courses of action, set more specific aims, and come to terms with new situations” (Schmidt 2014: 824). We think this is very relevant to the process of EU institution-building and policy-making, which can be analyzed as a powerful stimulus for the constant re-definition of member states’ sovereignty practices. From a critical IR perspective, “the meanings attached to sovereignty and the practices which follow from them are historically and geographically variable” (Weber 1995: 16) – a point see also made by constructivist IR scholars (Kratochwil 1989, Ruggie 1993). Thus, EU member states may willingly delegate sovereignty in one area for the pragmatic purpose of adapting to changed circumstances.

IR scholars have begun to fruitfully apply this practical understanding of sovereignty to the EU. In the EU context, extensive areas of “delegated” sovereignty have accrued at the EU level in the form of EU competences. Yet these delegations of sovereignty and the ensuing new sovereignty practices remain relatively fragile. The “pooling” or “delegation” of sovereignty to the EU level does not indicate that member state claims to sovereignty are no longer relevant, or that the EU constitutional order is “stable” in a meaningful sense. Sovereignty is never really a stable equilibrium. National politicians are quick to denounce what they see as undue encroachments of the EU on national sovereignty. They do not hesitate to express what Werner and de Wilde (2001) call “sovereignty claims”. Member states’ claims to sovereignty therefore coexist with the autonomy of EU law and delegated powers. In practice, member states retain their capacity to make sovereignty claims because the member states are still recognized as sovereign within the European Union as well as in international society. Werner and Wilde (2001: 305) thus note the importance of competing claims to authority in the evolution of the EU. European integration is suffused with what Adler-Nissen and Gammeltoft-Hansen (2008: 15) have called “sovereignty games”, in which “states engage in new practices and modify their understandings of their own sovereignty”. This can lead member governments either to push for the repatriation of EU competences to the national level, or else to delegate more formal powers to the EU – all in the name of reasserting state sovereignty.

How sovereignty is reconstituted in the course of EU crises

Our intervention in this literature on sovereignty practices starts from the observation that politicization plays an unusually important role in the EU, especially in times of crisis. This is unlike many other international contexts, where national sovereignty is a matter of course and where, precisely for that reason, it can evolve more quietly and pragmatically. Practices of sovereignty in international relations typically evolve as a result of incremental habitual change, reflection, and deliberation over the shortcomings of established practices among elite circles of policymakers. These actors see that existing practices of sovereignty create problems, and they begin to discuss, renegotiate, and reconstruct new sovereignty practices without running into crisis (e.g., Schmidt 2014). In the EU context, however, the fact that existing sovereignty practices are problematic is not in itself sufficient ground for incremental change. Because the EU is already the beneficiary of major delegations of sovereignty, suspicion of EU “technocrats” and sensitivity about further “losses” of sovereignty are unusually high. Therefore, EU officials must constantly heed and pay their respect to the sovereignty concerns of its member governments. Significant change in sovereignty practices becomes possible, however, when a crisis erupts, its stakes become highly politicized, and it becomes evident well beyond the usual EU policymaking circles that established practices cannot continue.

Our claim is that politicization in situations of crisis can actually accelerate the reconstitution of sovereignty practices that become more evidently fragile. We agree with most EU scholars that politicization can easily turn into a “constraining dissensus” (Hooghe and Mark 2009) for European integration, and that it was certainly “not part of the neo-functionalist scenario” (Levkofridi and Schmitter 2015: 17). Yet we highlight an alternative path for the evolution of sovereignty practices that *can* ultimately lead to more integration, rather than

paralysis and disintegration. This path of reconstitution schematically involves four steps, which we argue were all in evidence in the Eurozone crisis and the border control crisis.

First, a crisis revealed the vulnerability of existing sovereignty practices. When a few Eurozone states ran into major financial trouble and triggered a region-wide banking panic, the Eurozone's "no bailout" system of strictly independent sovereign debts no longer had much credibility. Likewise, when the continent suddenly faced massive pressures from immigrants and refugees, the contradiction between a border-free continent and the existence of porous external borders became more glaring. A crucial ingredient of each crisis was that national politicians and constituencies not versed in the technical aspects of these policies were not prepared to abandon what they saw as sovereign prerogatives over fiscal and immigration matters. In normal circumstances, the Economic and Monetary Union and the Schengen Treaty could therefore only remain half-way houses on the path of European integration. Yet the Eurozone crisis suddenly compelled member states to seek emergency financing from or to bail out their neighbors, and the border control crisis forced them to come to terms with suddenly massive flows of refugees and immigrants into the continent. By making the contradictions in these EU regimes suddenly evident, the two crises thus fostered an unprecedented and concrete awareness of the fragility of national claims to sovereignty. In the Eurozone and the border control crises, it became painfully obvious that scarce EU resources and limited intergovernmental cooperation actually hampered the exercise of sovereign powers.

Second, the revelation of vulnerability in sovereignty practices heightened awareness of the problems and triggered a search for remedies at the EU level. In economic governance as in border control, EU political leaders realized that they could no longer resort to strictly technical

fixes and continue with a status quo that had become unsustainable. They became open to change, as habitual practices were no longer effective, and as they reflected on this ineffectiveness and attempted to find remedies. At the same time, EU crisis management had to walk a fine line. The remedy of aggressively rolling back the EU and reasserting sovereignty at the national level was generally not available. In both crises, the easiest solution, however costly, would have been the dismantlement of EU regimes, i.e. the return to national currencies and national borders. In core EU countries, however, many voters would not forgive their political leaders for “destroying” the EU and for the associated costs. Neither could EU political leaders afford to resolve problems among themselves in a strictly practical mode, away from the public eye. They were constrained by the limits that their constituents and their partners – and sometimes they themselves – placed on significant redefinitions of sovereignty. The invocation of sovereignty, often by adversaries of reform, was a call to arms. It threatened to expand what Schattschneider called the “scope of conflict” (Schattschneider 1960) to the point where political elites would completely lose control. In the European context of rising right- and left-populism, governments were at risk of electoral defeat – and sometimes were indeed defeated – by challengers who expressed strident sovereignty concerns. Struggling to retain the initiative, EU political leaders therefore had little choice but to acknowledge sovereignty concerns while working toward more integrated EU solutions.

Third, EU political leaders imposed crisis solutions that were transformational yet took on board sovereignty concerns. Far from being incompatible with further European integration, national concerns with sovereignty formed the raw materials of EU institution-building. EU political leaders, both at the national and at the EU level, did not set sovereignty concerns

aside. On the contrary, they took advantage of the crises as opportunities to recombine the ideational repertoires of EU governance and national sovereignty in new ways. Paradoxically, member governments that remained averse to delegations of “sovereign powers” to the EU level acted to upend existing sovereignty practices and constitutional arrangements. Some legal scholars have charged that EU crisis management was in fact “extra-legal” and “authoritarian” (Kreuder-Sonnen 2016). While EU crisis management were in some respects quite questionable from a democratic perspective, it also illustrated the difference between sovereignty as an abstract legal principle and sovereignty as a concrete practice. Abstract principles can stand even if they are impractical and routinely disregarded. But when concrete practices become completely impractical, they typically change. This is what happened to sovereignty practices, as opposed to sovereignty as a legal and abstract principle. In order to avoid a collapse of existing regimes, political leaders had little choice except working hard to find workable solutions and thus to reconstitute sovereignty practices .

Fourth, EU political leaders built new coalitions among themselves as well as at the domestic level in order to institutionalize these new sovereignty practices. The result in both cases was a remarkably open-ended process – to the point that it often seemed cacophonous or even “schizophrenic” (Greenhill 2016). As events unfolded, ad hoc coalitions of states and EU officials formed. Member states were not just negotiating on the basis of clearly identified and stable national interests, as intergovernmentalist scholars tend to assume. The crises had thrown national interests in question, by revealing the fragility of existing regimes and the assumptions upon which they were built – e.g., that Eurozone states would never be bailed out, or that human flows across the EU’s external borders would be managed in orderly fashion.

Proponents of change carefully calibrated their dramatic and politicized discourse of urgent call to action. They combined it with a more reassuring and habitual discourse about the need to preserve a careful balance between EU governance and state sovereignty. The center of gravity of the reform coalitions changed in reaction to unforeseen crisis events. EU governments and institutions constructed new policies and institutions on the go, in reaction to the problems they faced and to rapidly changing domestic politics.

In sum, the evolution of sovereignty practices provided the backdrop against which European crisis management played itself out. National concerns with sovereignty were never out of sight, but they did not prevent the reform of EU regimes. On the contrary, EU leaders worked to incorporate them as reform ingredients. Member governments accepted reforms that were inconceivable before the crisis because the EU responded to their sovereignty concerns. Persistently strident calls to reassert sovereignty at the national level were increasingly limited to the usual suspects, i.e. fringe political parties and populist politicians. As we will now see in both the case of the Eurozone crisis and of the border control crisis, the concerns about sovereignty that emerged in full sight with the crises became part and parcel of the political responses that EU leader crafted.

II. The re-constitution of sovereignty in the Eurozone crisis

The pre-crisis framework of the Economic and Monetary Union was one where the practical exercise of sovereignty was divided, and yet it was widely assumed that this was

workable because “market discipline” would keep everybody in line. Monetary policy was squarely in the hand of the European Central Bank. The ECB decided on a single monetary policy for the entire Eurozone. Although the governors of national central banks participate in this monetary policymaking process, they do not individually control it. Decisions are made “by consensus” but that does not mean that individual central bankers are able to veto a decision desired by a majority of their colleagues; if needed, ECB Governing Council members can take a vote. By contrast, economic policy remained for the most part in the hands of the member states. Although they were bound by the rules of the Stability and Growth Pact and had to participate in a process of “economic coordination”, the circumstances under which collective Eurozone decisions could be imposed on individual member states were quite narrowly defined. In addition, the fiscal obligations of member states to the EU and to other member states was, in theory, sharply limited by the small size of the EU budget and the “no-bailout” provisions of the Treaty.

The crisis of the Eurozone suddenly revealed the glaring contradictions of the Economic and Monetary Union. Many observers forecast the end of the euro and the return to national currencies. As it turned out, these predictions were overdrawn. Yet the crisis shattered the normative underpinnings of the Eurozone and, more broadly, redefined sovereignty practices. In effect, the Eurozone shifted from a “no-bailout” regime of loosely coordinated member state budgets to a new regime of tighter coordination and conditional bailouts. This redefinition was clearly a balancing act. On the one hand, EU powers have been buttressed. The “no bailout” framework was abandoned in practice, even though the Treaty still affirmed it. There is now a permanent institution in charge of issuing loans to struggling states, the European Stability

Mechanism, and a Banking Union is currently being built, with the European Central Bank at its apex. These imply a much greater collective and individual liability of the member states for the preservation of the Eurozone. In return, struggling member states had to agree to fiscal and economic reform conditions as *sine qua non* for financial assistance. On the other hand, transfers of powers and resources to the EU were limited by member states' desire to retain as much control as possible over their own economic policies. The EU still does not have a full-fledged fiscal union, and the new Banking Union has no collective system of deposit insurance. Thus, both discipline and solidarity remain limited in the post-crisis Eurozone.

In view of such limitations, most scholarship on the Eurozone crisis has stressed continuity with the status quo ante. Intergovernmentalist scholars highlight enduring national economic interests (e.g., Schimmelfennig 2015), while institutionalist and constructivist scholars see pre-existing neoliberal ideas and institutions as key constraints on institutional change (e.g., Hall 2012, Blyth 2013). In particular, scholars have noted that Germany's Chancellor Angela Merkel increasingly dominated the fray of Eurozone leaders. She acted as the spokesperson for Northern European states that refused to pay for Southern "sinners" (Matthijs and McNamara 2015) and she worked hard to impose German ideas and solutions (Matthijs 2016). To be sure, Germany had a stake in preserving existing Eurozone institutions and existing sovereignty practices of self-help and budgetary discipline. Merkel consistently opposed any debt mutualization in the name of defending German taxpayers – even declaring that "Eurobonds" would not come into existence "as long as I live".¹ Practices of fiscal sovereignty were certainly entrenched, both among Germany's general public and its elites.

¹ <http://www.spiegel.de/international/europe/chancellor-merkel-vows-no-euro-bonds-as-long-as-she-lives-a-841163.html>

Throughout the 1990s, German political leaders had peddled the “no-bailout” provision of the Treaty as a crucial safeguard against excessive spending by Southern European states. By insisting to play by the rules, Merkel was also defending ordoliberal economic ideas that held the higher ground in German policy circles (Dullien and Guerot 2012). Finally, she was mindful of the German constitutional court’s increasingly frequent invocation of Germany’s sovereignty and its restrictive definition of the EU as “an association of sovereign states, and, hence, a secondary political entity” (Schorkopf 2009: 1220).

Continuity with the status quo ante and its defense by Germany are only one side of the coin, however – and arguably not the most significant one if we want to understand how the crisis was resolved. We observe that the EU introduced significant institutional innovations that conventional lines of scholarly explanation have trouble explaining – the considerable reinforcement of existing rules, the creation of a European Stability Mechanism, the increased activism of the European Central Bank, and the move toward a European Banking Union. What is missing from many scholarly accounts is an appreciation of how brinksmanship altered settled notions of sovereignty and governance in the Eurozone, in a way that was *not* preordained by pre-existing interests, ideas, and institutions. The Eurozone crisis was arguably the first “real crisis” of the European integration process (Parsons and Matthijs 2015). As Jones, Kelemen and Meunier (2016, p. 3) have recently pointed out, “Taken together, the series of incremental reforms adopted sequentially in response to the crisis (...) has led to one of the most rapid periods of deepening and integration in EU history.” In order to preserve the Eurozone, the political leaders of the EU could not simply count on the institutional status quo

to reproduce itself. They had to deploy new practices to cope with adversity, to entrench authority in novel ways, and to adapt the existing order so as to re-legitimate it.

A prime illustration of this new authority structure is the move toward a bifurcated understanding of sovereignty with respect to national economic policies. A first understanding of sovereignty applies to member states that required financial assistance from the EU and the International Monetary Fund and that have been considered “under programme” under the newly created European Stability Mechanism (i.e., Greece, Ireland, Portugal and Cyprus). These states were placed under the close tutelage of a Troika constituted by the European Commission, the European Central Bank, and the International Monetary Fund. The Troika entered into contractually binding memoranda with the states “under programme”. The memoranda specified strict conditions that states have to abide by for their loans to be disbursed. In this sense, the new regime is one of conditional bailout, different from the strict “no-bailout” regime of self-help that was assumed to exist before the crisis. If the conditions set forth by the Troika are not respected, the EU and the IMF can withhold scheduled tranches of financial assistance programs, thus exerting considerable pressure on financially struggling states. As European Commission president Jean-Claude Juncker declared on the eve of the first agreement between Greece and the Troika, "The sovereignty of Greece will be massively limited" (EU Observer 2011). By contrast, the member states that do not require any financial assistance are left almost completely free to decide on their economic policies. To be sure, they must abide by EU rules under a process of “multilateral surveillance”. For states that broadly abide by the rules, however, that process mostly issues non-binding recommendations.

For this second group of compliant member states, the rules are in sight, but they do not concretely encroach on sovereign national economic policy prerogatives.

One reason why most scholars have stressed continuity rather than change may be that actors adopted new measures *so as to* buttress the existing order, in which national sovereignty was a cardinal value. EU leaders were keen on preserving the “sovereignty” of member states, yet they also realized that the “governance” of Economic and Monetary Union must be improved. As much as EU leaders and officials wanted to preserve existing patterns of sovereignty, they also had to reform them. Indeed, our intuition is that there is no contradiction at all between the two phenomena. Financing mechanisms such as the European Stability Mechanism that did not exist before the crisis were invented to prevent disorderly sovereign default. Yet these mechanisms were not overtly revolutionary, as there was no appetite for revolution. Consider this much-touted declaration by European Central Bank president Mario Draghi, which put to rest market anxieties about the Eurozone crisis in 2012: “Within our mandate, the ECB is ready to do whatever it takes to preserve the euro. And believe me, it will be enough.”² In the same sentence, Draghi expressed both a commitment to the existing EU treaty (“within our mandate”) and a forceful commitment to change (“whatever it takes”). Likewise, EU leaders were eager to do everything they could to preserve the existing order. They did not change the EU Treaty – since French presidents did not want to face a popular referendum a new treaty referendum – and they also continued to stress its “no-bailout” provisions – as the German chancellor needed to cover herself from adverse ruling by the sovereignty-conscious German constitutional court (Author

² <https://www.ecb.europa.eu/press/key/date/2012/html/sp120726.en.html>

Interview, French president's office, January 2012). They nonetheless agreed to circumvent a strict interpretation of the Treaty, by arguing that the new financial assistance mechanism were a "last resort" to preserve the integrity of the Eurozone. In turn, the constraints that the Eurozone placed on states "under program" were carefully defined as exceptional and mutually accepted quid pro quos for loan financing, rather than permanent infringements on their sovereignty.

Ultimately, Germany's defense of the existing order prevailed not in an absolute sense, but only to the extent that Merkel was able to rally international and domestic support in favor of governance reforms that she could live with. This balancing act between the need to preserve sovereignty and the need to reform the governance of the Eurozone became the focus of a new coalition that formed among EU member states and EU officials with different goals and interests. Germany and other member states that had the most at stake in existing institutions had to take into account the reality that power relations are emergent, not fixed. It was obvious that creditor-debtor relations would have to evolve beyond the "no bail out" principle. If new financial assistance mechanisms had not been created, then contagion would have spread and the Eurozone itself would have been jeopardized. In accepting the logic of such mechanisms – the European Stability Mechanism, the Banking Union, and the ECB's increased activism – Merkel increasingly sided against ordoliberal fundamentalists in Germany and beyond. She became de facto engaged in a different and increasingly assertive coalition, formed by EU and member state officials who recognized the need for "governance" and favored an evolution of sovereignty practices in the EU. Angela Merkel thus declared to the

German Parliament: “We need more Europe (...) If the euro fails, Europe fails”.³ This pro-Europe discourse became a mantra for Merkel. It was not at all easy for her to choose this course of action in the German context, especially within her own political family (Jacoby 2014). Yet she used the credibility that she had first acquired in expressing Germany’s sovereignty concerns and fiscal interests in order to argue for important changes in EU governance. Provided that the survival of the Eurozone was at stake and that the aid recipients would be subject to stringent conditionality, she was prepared to accept a less rigid interpretation of the “no-bail out” treaty clause. The ECB’s activist turn under Mario Draghi gave her political cover, and she repeatedly took the side of governance advocates against those who in Germany argued for the defense of narrowly conceived national interests.

More generally, the repertoire of “EU governance” became prominent and provided a discursive basis for the successive institutional innovations that EU leaders adopted in response to the crisis. A report drafted by EU Council President Herman Van Rompuy in close consultation with France and Germany and argued for “a fundamental shift in European economic governance” (European Council 2010, 1). As Froud et al. (2012) argue, the crisis replaced “old familiar liturgies” with “competing stories from bankers, politicians, and regulators so that multiple political agendas conflict in a new conjuncture”. Within this new context, “more Europe” was a way for leaders to articulate what they were doing to themselves and to their constituencies, as well as of asserting control over crises that threatened to get out of hand. Appeals to “governance” seemed to provide them with the requisite flexibility to adjust to changing circumstances and to avoid chaos. At the same time, the repertoire of

³<http://www.bundesregierung.de/ContentArchiv/DE/Archiv17/Regierungserklaerung/2011/2011-10-27-merkel-eu-gipfel.html>

“stronger EU governance” contained the debate at the elite level, and was designed both to respond to and to undercut popular contestation and outside interference. EU officials issued multiple reports on “governance” between the Van Rompuy report (European Council 2010) and the Five Presidents’ Report (European Commission 2015), in order to chart a course for Eurozone reforms. The language of “governance” did not reflect a well-organized and self-contained paradigm, but a set of evolving practices that actors adopted to maintain order.

At the end of the day, the reforms preserved as much of the pre-existing EMU framework as possible, but also introduced considerable change from the previous configuration of sovereignty and governance. Although a straightforward way to preserve and even reassert national sovereignty would have been to accept the collapse of the Eurozone, EU leaders consistently argued in favor of “more Europe” as a solution to crisis in the EU. Rather than face regime collapse, EU leaders came to terms with a more intrusive regime. Perhaps the most symbolic change was to give the EU priority in the discussion of national budgets. Eurozone member governments now draft their yearly budget proposals and get them vetted at the EU level *before* these are submitted to national parliaments. As it turned out, no member state was prepared to cling to an absolute notion of national sovereignty if that meant facing the steep economic and political costs of leaving the Eurozone. Not even Greece took that step, despite austerity fatigue and the electoral victory of a left-populist government. As Greek Prime Minister Alexis Tsipras tweeted on the eve of the July 2015 memorandum: “Honoring the sovereignty of the Greek people to express their will is in no way a decision to rupture w/Europe.”⁴ EU elites handled the democratic challenge from Tsipras’ Greek government

⁴ https://twitter.com/tsipras_eu/status/614939404885434368

with a characteristic carrot-and-stick approach. Greece was bluntly told that political and market pressures would relent if it played by EU rules – i.e., if it accepted continuing austerity in the short term. Although the new balancing act between sovereignty and governance in the Eurozone remains fragile and could still go awry, it has certainly put an end to the most acute phase of the Eurozone crisis.

III. The re-constitution of sovereignty in the border control crisis

The arrival of hundreds of thousands of migrants and asylum seekers to the land and maritime borders of the EU in 2015 engendered a humanitarian crisis and revealed flaws in two key institutions of the EU border regime: the Schengen area and the Dublin Convention. The Schengen Area is an area without internal borders, and the Dublin Convention governs the process by which asylum seekers should be registered upon entering EU territory. Both of these agreements originated as intergovernmental cooperation. Member states were then eager to protect their sovereign prerogatives while enabling greater mobility of people across EU borders. As Fratzke (2015) notes, the Schengen area of free movement “made it possible for asylum-seekers to move across borders and thus introduced grounds for Member States to dispute responsibility regarding asylum claims.” The member states therefore decided to cooperate among themselves to avoid such disputes, rather than delegate the management of these issue areas to the EU. Originally under Schengen and Dublin, states retained the right to monitor their own borders and to unilaterally re-introduce border controls, and retained the

right to return asylum seekers to the first country of entry—to prevent potential influxes of migrants and asylum seekers from external border states such as Italy and Greece. These developments were adequately explained in the literature by approaches that emphasized member states' desire to use intergovernmental cooperation to protect the “essential aspect of sovereignty,” i.e. control over frontiers (Schain 2009).

Despite the primacy of national concerns with the protection of sovereignty, as in the case of the Eurozone crisis, a series of migratory crises led to simultaneous calls for “more Europe” on the one hand and increased national discretion vis-à-vis the EU on the other. EU officials, in particular members of Commission and of the Parliament, have tried to incorporate national concerns about sovereignty into new policies and institutions for “managing” migration, while creating new processes that increase oversight and coordination at the EU level. On the one hand, this dynamic reflects an incremental model of integration, as asylum policies and Schengen governance have continuously evolved since the 1990s. On the other hand, increased migration by both economic migrants and asylum seekers from the Arab Spring and refugees from the Syrian conflict have contributed to the perception of a crisis in border control. These events have underscored the need to redress vulnerabilities in the EU's policies for border control and to share the burden among member states with respect to the processing of asylum seekers.

In the wake of the recent crisis, the resulting policy changes in the migration and asylum policy arena have aimed to incorporate national concerns about sovereignty while simultaneously increasing oversight and coordination for EU-level institutions. These changes are puzzling because they required states to concede partial control over what Schain (2009)

had labeled the “essential aspect” of sovereignty. Further, they are precisely the opposite of “integration by stealth” (Genschel & Jachtenfuchs 2014). The advocates of these changes, both in member states such as France and Germany, and at the EU level, have publicly called for enhancing EU-level coordinative powers and oversight while simultaneously justifying their proposals in terms of national sovereignty. At the October 2015 European Council where the border guard idea was first tabled by the French, French Interior Minister Bernard Cazeneuve noted the need for member states to “maintain their sovereignty on the control of their borders” (Politico 2015).

Further, as will be discussed below, many states who opposed the EU Border Guard on grounds of sovereignty eventually voted in favor of the amended proposal, despite the fact that the new legislation instantiates a binding legal commitment on member states to accept the agency’s intervention in the management of borders. States such as Greece, Hungary, and Poland, who had resisted the initial border guard proposal, eventually supported it. For example, in December 2015, the spokesperson of Greek PM Tsipras declared *in support of the Border Guard proposal*: “The borders are European but also national. We agree with the upgrading of Frontex's activity and the assistance to our country. But this has limits and the limits is our national sovereignty” (ANA-MPA 2016b).

Migration scholars offer several explanations to why political leaders would invoke national sovereignty while supporting a policy solution to the migration crisis that would lead to more EU-level oversight. According to some authors there is a gap between discourse and practice, or “talk” and “action” (Brunsson 2002; Geddes and Boswell 2011). In this case, according to Brunsson, the separation of talk and action may be necessary to advance policy—

what he calls a “necessary hypocrisy.” Applying this logic, perhaps member state leaders are cognizant of the need to maintain electoral support by referencing sovereignty discourse to voters at home, despite their recognition of the necessity of a shift in practices requiring EU-level coordination of border guards. Others have examined a “discursive simulation” with a reference to humanitarian discourse for migration control ends (Horsti 2012). A different approach taken by authors such as Guiraudon (2003) have also discussed the early 2000s shifting of certain aspects of migration policymaking to the EU level as a way to escape need for public justification. While it is true that the responses to the border control crisis may appear inconsistent, neither hypocrisy nor negotiations out of the public eye explain why or how shifts in sovereign practices may occur in response to crisis. What is missing from the literature is an account of the impact of the crisis on policymakers’ heightened awareness of the need to address concerns about sovereignty in public discourse while forwarding certain reforms that effectively alter practices of sovereignty. Far from being completely paralyzed by the crisis, European leaders moved to increase EU-level oversight in a policy area long considered sacrosanct to national identity, while publicly discussing *both* the need to respect national sovereignty and increase EU-level powers.

The current border control crisis, driven primarily by massive flows of people fleeing the Syrian conflict, has revealed limitations of the existing regime. The Commission has euphemistically spoken of “disorderly irregular migration flows” to describe the ongoing disparities between states in both the number of arriving migrants and the ability to adequately process asylum claims (Commission 2016b). The Dublin system, which requires asylum seekers to be processed at their first point of entry, has ceased to be effective. The primary member

states receiving asylum seekers do not have the capacity (e.g. Greece) to process asylum applications, or else they are unwilling to do so due to national political pressures (e.g. Hungary). Some member states have sought to insulate themselves from unwanted flows of migrants and asylum seekers. In response to the breakdown of the Dublin Agreement, the people who managed to enter the EU have tried to move on to Northern Europe. Member states—even migrant-friendly states such as Germany and Sweden—have responded by closing their borders. As the number of states closing borders increased, dire forecasts, such as the Austrian Interior Minister warning that “Schengen is on the brink of collapse,” heralded not only the end of the area of free movement, but perhaps even the end of the EU (Traynor and Smith 2016).

Yet, as in the case of the Eurozone crisis, we believe that these predictions are too hasty. The ways in which EU institutions have sought to address the crisis indicate their continuing intention to utilize national concerns to develop EU-level policy solutions. Member states have increasingly realized the costs of leaving behind Schengen are too high in both socioeconomic and political terms. Core EU states such as Germany and France are concerned with the broader economic and political implications of reintroducing border controls. Even newer EU member states from Central and Eastern Europe find themselves hard-pressed to argue for the long-term reintroduction of border controls throughout the EU, since their citizens have been amongst the primary beneficiaries of free movement. While rhetorical ultimatums and predictions of collapse have been issued to respond to the waning popularity of Schengen in public opinion, particularly following terrorist attacks in Paris and Brussels, policymakers have returned to the repertoires of EU coordination and governance. For

example, Francois Hollande, in a joint press conference with Angela Merkel, announced the proposed reforms of Schengen with the following statement: “In the end, our objective is to put Schengen back in order, which will happen through coordination, solidarity, and reinforcement of our mutual resources” (Euractiv 2016a).

In order to put Schengen “back in order,” rather than completely overhauling the system EU leaders have sought to improve cooperation and coordination. Member states have agreed to share more data through existing systems, and to coordinate in order to register asylum seekers at so-called “hot spots”. The focus has been on returning Schengen to “normal” and “restoring a fully functioning system,” as stated by Commissioner for Migration, Home Affairs, and Citizenship Dimitris Avramopolous (European Commission 2016a). EU officials have adopted a number of modifications to the Schengen Borders Code and further developed existing capacities to evaluate and provide support to areas under pressure from migratory flows, now called “hotspots.” Thus, contrary to the dire predictions of the collapse of Schengen, existing EU institutions for border control are adapting and being reformed to address the current crisis. A coalition led by France and Germany—two states that once expressed significant reservations about EU-level Schengen governance—now fully supports this process.

In addition to these reforms addressing the crisis within the existing framework, new policies and institutions have been created to bolster the border control regime. Many point to the EU’s March 2016 deal with Turkey to return migrants irregularly arriving to Greece as a landmark breakthrough for addressing the crisis, albeit deeply contested from a legal and human rights perspective. We suggest that different reforms to address migration policy follow

different discursive logics and may, or may not, indicate a shift in practices. For example, while critics of the EU-Turkey deal focus on the break with legal obligations to uphold the rights of individual asylum seekers, others characterize the deal as an extension of the practice of what Lavenex (2006) has called the “externalization” of border control. Focusing on the reform of Frontex and the legal establishment of the European Border Guard, we believe this particular reform heralds a potentially significant shift in sovereign practices. In December 2015 the Commission proposed the establishment of a European Border and Coast Guard to replace Frontex, the existing agency that oversees cooperation on border control. A European border guard had been proposed in 2002, but a number of member states resisted European-level coordination and monitoring of what they saw as sovereign borders. As such, Frontex, an agency designed to take a coordinating role, was required to ask member states for resources and border guards in response to each individual event. The agency’s inability to require states to provide resources or accept help severely limited its powers. For example, Greece rejected a proposal from Frontex in October 2015 to guard the northern border with the Former Yugoslav Republic of Macedonia, with Greek Prime Minister Alexis Tsipras stating “protecting borders is exclusively a national concern” (ANA-MPA 2016). States were also slow to respond to calls for providing border guards, with 775 border guards requested from the member states by Frontex and only about 50 being pledged as of October 2015 (Le Figaro 2015). The recent migration and border control crises underscored the weakness of this approach, which often led to foot-dragging by member states when it came time to allocate resources or manpower, or to accept intervention.

The idea of an EU Border Guard was revived in December 2015 in response to the crisis. States at the external border that were dealing with incoming flows of migrants and asylum seekers found some common ground with states such as Germany and France that wanted to halt those migrants and asylum seekers' westward migration. They all expressed collective support for a "better management of the external borders," according to the European Parliament rapporteur Artis Pabkris (Euractiv 2016b). However, debates about sovereignty featured centrally as the Border Guard proposal was developed.

Controversies about sovereignty revolved around two axes: first, "the right to intervene." The Border Guard proposal tabled by the Commission in December 2015 included the right of the EU border guard to intervene in urgent situations "even where there is no request for assistance from the member state concerned or where that member state considers that there is no need for additional intervention" (EU Observer 2015).

States such as Greece, Poland, and Hungary opposed the deployment of European border guards in their territory without their consent in the name of national sovereignty. Greek PM Alexis Tsipras, already under pressure to accept EU intervention to respond to the crisis, reiterated that borders were ultimately a national responsibility (Euractiv 2015). Poland's foreign minister questioned the "undemocratic structure" of the proposal while his Hungarian counterpart called the proposal a "diktat-based takeover of border controls" (EUObserver 2015). Commissioner Avramopolous sought to reassure these governments that they would retain a de facto veto, since their consent would be required for intervention. According to the Commission's initial December 2015 proposal, the agency could intervene in a member state that had not requested an intervention, but would be required to consult with them to develop

an operational plan *with* the member state. He noted the new agency “goes beyond Frontex but we don’t replace member states’ responsibilities and definitely not their sovereignty” (De La Baume 2015). Avramopolous thus tried to move beyond the status quo while recognizing the importance of states’ sovereignty, much as ECB President Mario Draghi had done during the Eurozone crisis.

A second group of member governments invoking sovereignty claims, led by France and Germany, also wanted to ensure the Border Guard proposal reflected their concerns. These states were concerned that other states under pressure, such as Greece, might jeopardize their own internal security should they fail to comply with EU recommendations. Further, these states staked out a claim that sovereignty was compatible with greater EU integration in response to the border control crisis. Hollande and Merkel both stressed in a joint appearance at the European Parliament that national parliaments and national publics had an important role to play in sanctioning European agreements (European Parliament debate 10/7/15). The French Interior Minister, Bernard Cazeneuve, suggested that critics who continually opposed EU-level solutions on sovereignty grounds were committing an error by “pre-empting the question of sovereignty to its detriment and making it a weapon against the European Union” (France Inter 10/8/15).

In order to address these sovereignty concerns from both directions a compromise was struck between the member states, the European Commission, and the European Parliament. The Parliament’s proposed amendments included replacing the agency’s autonomous right to intervene to include a role for the Council in decision-making if “the functioning of the Schengen area as an area without internal border control” is in “jeopardy.” The amended

recital noted it was “taking into account sovereignty-related aspects and the political sensitivity thereof, which touch on national executive and enforcement powers.” This compromise was meant to assuage the concerns of those who thought sovereignty was under threat from autonomous intervention by the agency, and, at the same time, those who thought that sovereignty was potentially threatened by a lack of effective external border control. By tying the power to trigger an intervention to the Council and allowing member states to re-introduce their borders in the event of a member state’s non-compliance with the Council’s recommendations, the final text managed to address sovereignty concerns from both directions. Thus, the supporters of the final adopted proposal brought together strange bedfellows including Fidesz (Hungary) and Law and Justice (Poland) MEPS and centrists from the EPP, ALDE, and S&D groups (European Parliament 2015 – first reading). MEPs from Fidesz and Law and Justice alike backed the proposal, despite the fact that the respective governments of Hungary and Poland had strongly criticized the Commission’s initial text. Similarly, the vote in the Council was unanimously in favor of adoption, despite the earlier fierce criticisms of states like Hungary, Greece, and Poland (VoteWatch 2016).

As the EU Border Guard developed, policymakers had to take into consideration both the member states’ concerns for sovereignty and the widely shared recognition that the status quo was untenable in the face of migratory pressures. The swiftness of the negotiations in 2015-16, with the amended proposal entering into force in October 2016, indicated that the majority of states had come to recognize that the status quo was insufficient even in an area considered a highly symbolic national prerogative. According to the parliamentary rapporteur, the proposal furthers the notion that “the security of the EU external borders is a responsibility

shared among all EU member states” (European Parliament 2016b). Rather than requiring member state approval to donate equipment and personnel on an ad hoc basis, the EU Border Guard will be able to deploy independently. Further, while the bill made concessions to states concerned with national sovereignty, it also indicates a marked shift in practice since interventions in the case of “ineffective border control” may be approved by a qualified majority of the member states at the Council. Despite public reassurances, in practice this means that an individual member state’s objections to intervention could be overruled and that member state would be legally required to comply with the Council’s decision. This legal obligation, however, is not accompanied by any real and immediate enforcement mechanism other than the de facto exclusion of the non-complying member state from Schengen if neighboring states choose to reintroduce border controls. This compromise in the adopted proposal was thus a step back from the “autonomous right to intervene” initially proposed by the Commission, leading some critics to suggest that the Border Guard was “new in name only,” and “watered down.” On the other hand, Commissioner Avramopolous depicted the new legislation as “a milestone in the history of European border management” (European Commission 2016c). Slovakian PM Robert Fico, holding the Council Presidency at the time the new legislation went into force, praised the legislation as “creating a new reality at our external borders” (ibid.). An analysis by VoteWatch concluded that the adopted legislation amounted to the “soft centralization” of border control (VoteWatch 2016).

Despite the mixed reviews regarding the significance of the legislation, the creation of a legal obligation to comply with the Council’s decision heralds a potentially significant shift in practice. Combined with the establishment of independent resources and governance, the

mandate of the European Border Guard represents a subtle yet significant alteration of states' willingness to accept EU-level oversight and intervention in a previously "unthinkable" area. The surprising finding is that some actors who once strenuously objected to the autonomous right to intervene for the EU Border Guard on sovereignty grounds, like Poland and Hungary, have found common ground with those who consider the failure of states to protect their external border as a threat to their "internal security." The Visegrad states by the summer of 2016 now stated their support for the border guard as a way to protect the EU's external frontiers, and even as a potential step towards a European army or further cooperation in security and defense (Polish Ministry of Foreign Affairs 2016; Politico 2016).

The European asylum and border control regimes have come under unprecedented strain in 2015, revealing flaws and gaps in institutional development. To address these flaws, policymakers sought to restore order in the short- and medium-term, and over the long-term, to institutionalize greater coordination and oversight at the EU level. Over time, the intergovernmental agreement behind the Schengen Agreement and Dublin Convention has thus shifted from an original primary concern with the protection national prerogatives to a new primary concern with preserving and consolidating EU-wide institutions respectful of national rights. As in the Eurozone crisis, the crisis has thus spurred member states to move toward "more Europe" and a still-unfolding reconfiguration of sovereignty.

IV. Conclusion

The Eurozone crises and the current (2015-2016) border control crisis revealed vulnerabilities in the EU's institutions. In reaction to these crises, politicians and media outlets predicted the potential collapse of the Euro, Schengen, and even the European Union itself. Yet these predictions have not come to pass. While tensions between the practices of national sovereignty and EU institutions have emerged during moments of crises, we believe these tensions can, under certain conditions, become constitutive of new practices of sovereignty. Even in a highly politicized environment, policymakers can utilize crisis moments to reform existing institutions while carefully attending to member state concerns about sovereignty. Intergovernmentalist accounts do not capture these outcomes, as they are too narrowly focused on national power and economic interests, and tend to discount non-economic interests and the fluid coalitional dynamics that we observe. Constructivist explanations, such as those that highlight the importance of neoliberalism in the Eurozone crisis, also often overlook this fluidity. Institutional explanations that predict incremental evolution apparently fare better, but incremental change does not really capture the dynamism inherent in crisis management and order maintenance (see also Jabko and Sheingate forthcoming).

The Eurozone crisis revealed a tension between weakly coordinated member state economies and a common currency and monetary policy. To resolve this tension, previously held ideas about acceptable encroachments on member state sovereignty would need to shift. Creditor states such as Germany progressively shifted away from their previous rejection of bailouts as unacceptable. This reconstitution of sovereignty included policies that, in practice,

would amount to bailing out struggling member states – under strict conditions. With respect to the border control crisis, conflicting member states’ desires to promote the free movement of people across borders on the one hand, while retaining the ability to control immigration and asylum at the national level on the other hand, revealed the limits of the Schengen and Dublin agreements. These agreements were premised on the assumptions of member state “coordination” on border control and on policies toward asylum seekers. In reality, however, the crisis showed that coordination was quite weak in the face of large numbers of asylum-seekers fleeing the Syrian conflict. EU and state officials have therefore worked to shift member states’ practices of sovereignty by focusing on increased coordination, while at the same time being attentive to national concerns about EU encroachment.

When examined together, these cases provide evidence for understanding sovereignty as a nexus of practices rather than simply a legal or contractual quality. How member states understand their sovereignty in relation to each other and to the EU changes over time. In the case of the Eurozone crisis, states’ understanding of sovereignty in relation to each other shifted as creditor states came to view bailouts as a method of self-help for debtor states and as a means of protecting their own national interests. In the case of the border control crisis, states’ understanding of sovereignty in relation to the EU shifted as they came to accept more EU-level coordination, especially in the regimes governing when and how border controls can be reintroduced, how asylum seekers are distributed, and how and when border guards can deploy. Even if the details of the policies and institutions are contested, we still find evidence for subtle yet significant shifts in the way sovereignty is practiced both by member states in relation to each other and in relation to the EU.

Observers who indicted policy changes for being too piecemeal and insufficiently radical often failed to account for the enormous political stakes and heightened rhetoric that characterized the policymaking environment in times of crisis. The policy changes we have traced – bailouts moving from taboo to a de facto necessity in the Eurozone, and increased EU-level oversight and coordination over the long sacrosanct national turf of border control and asylum – were not simply technocratic or focused on legal minutiae. To garner support for the changes needed to respond to crises, leaders of member state governments and EU institutions had to engage in political debates touching the core questions of what constitutes sovereignty. The cases examined here have provided evidence for a policymaking process that takes national concerns about sovereignty seriously in reforming core institutions such as Schengen and the Euro so as to address the flaws revealed by crises. In a post-Brexit environment in which national claims to sovereignty are likely to continue to come to the fore, European leaders will need to face up to these claims and incorporate them into new EU-level policy and institutional proposals. The resulting policy solutions will be criticized either as abuses of EU power or as politically-engineered compromises in the service of powerful member states. Yet if the EU persists (as we believe it will), it will need to heed member state concerns about sovereignty while finding ways to reform flaws in its policies and institutions.

References

- Aalberts, T. E. (2004). The Future of Sovereignty in Multilevel Governance Europe - A Constructivist Reading. *JCMS: Journal of Common Market Studies*, 42(1), 23-46.
- Adler-Nissen, R., & Gammeltoft-Hansen, T. (2008). *Sovereignty Games*. Palgrave Macmillan.

ANA-MPA (2015a). 'PM Tsipras: Greece rejects proposal for 'refugee ghetto', EU accepts gov't alternative.' October 25. <http://www.amna.gr/english/article/11750/PM-Tsipras:-Greece-rejects-proposal-for-refugee-ghetto--EU-accepts-govt-alternative>

ANA-MPA (2015b). 'We won't allow actions that violate our national sovereignty, gov't spokeswoman Gerovassili says.' December 17. <http://www.amna.gr/english/article/12284/We-wont-allow-actions-that-violate-our-national-sovereignty--govt-spokeswoman-Gerovassili-says>

Bickerton, C.J., Hodson, D. and Puetter, U. (2014) 'The New Inetrgovernmentalism: European Integration in the Post-Maastricht Era'. *Journal of Common Market Studies*, vol. 53, No. 4: 703-722

Blyth, M. (2013), *Austerity: The History of a Dangerous Idea*. Oxford University Press. Oxford

Boswell, C., and Geddes, A. 2011. *Migration and Mobility in the European Union*, Palgrave Macmillan

Brunsson, Nils. (2002). *The Organization of hypocrisy: talk, decisions, and action in organizations*. 2nd ed. Copenhagen Business School Press.

Cooley, A., & Spruyt, H. (2009). *Contracting states: Sovereign transfers in international relations*. Princeton University Press.

De La Baume, M. (2015.) 'Countries balk at EU border force proposal.' 15 December 2015. Politico EU.

Dullien, Sebastian, and Ulrike Guérot (2012). 'The Long Shadow of Ordoliberalism'. ECFR Policy Brief, no. 49. February.

EU Observer (2011). 'Greece faces 'massive' loss of sovereignty'. July 4. <https://euobserver.com/news/32582>

Euractiv.com (2016). 'EU unveils plan to restore Schengen by the end of 2016.' <https://www.euractiv.com/section/global-europe/news/eu-unveils-plan-to-restore-schengen-by-end-2016/>

European Council (2010). 'Strengthening Economic Governance in the EU: Report of the Task Force to the European Council.' Brussels. <http://www.consilium.europa.eu/en/press/press-releases/2010/10/pdf/strengthening-economic-governance-in-the-eu-report-of-the-task-force-to-the-european-council/>

European Commission (2015). *Five Presidents' Report: Completing the Economic and Monetary Union*. Brussels. June 22.

European Commission (2016a). 'Back to Schengen: Commission Proposes Roadmap for restoring Fully Functioning Schengen System.' Brussels. IP/16/585.
http://europa.eu/rapid/press-release_IP-16-585_en.htm

European Commission (2016b). 'Communication from the Commission to the European Parliament and the Council. Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe.' Brussels. COM (2016) 197 final.
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf

European Parliament (2016a). 'Report on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard.' Brussels. A8-0200/2016. <http://statewatch.org/news/2016/jun/ep-border-guard-reg-text-for-trilogues-30-5-16.pdf>

European Parliament (2016b). 'European Border and Coast Guard: Parliament and Council strike provisional deal.' Brussels.
http://www.europarl.europa.eu/pdfs/news/expert/infopress/20160621IPR33114/20160621IPR33114_en.pdf

Le Figaro. 2015. 'Migrants : Paris prône un «Eurocorps» de gardes frontières' October 15.
<http://www.lefigaro.fr/international/2015/10/15/01003-20151015ARTFIG00137-migrants-paris-prone-un-eurocorps-de-gardes-frontieres.php>

France Inter. 2015. Interview de M. Bernard Cazeneuve, ministre de l'intérieur. October 8.

Froud, J., Nilsson, A., Moran, M., and Williams, K. (2012), "Stories and Interests in Finance: Agendas of Governance Before and After the Financial Crisis," *Governance*, vol. 25, no. 1, (January): 35-59

Genschel, P. and Jachtenfuchs, M, eds. (2014) *Beyond the Regulatory Polity? The European Integration of Core State Powers* (Oxford: Oxford University Press)

Greenhill, Kelly M. (2016) 'Open Arms Behind Closed Doors: Fear, Hypocrisy, and Policy Schizophrenia in the European Migration Crisis' *European Law Journal*, vol. 22, no. 3: 317-322.

Guiraudon, V. (2003). The constitution of a European immigration policy domain: a political sociology approach. *Journal of European public policy*, 10(2), 263-282.

Habermas, J. (2012) *The Crisis of the European Union: A Response* (Cambridge: Polity Press)

Hall, Peter A. (2012) The Economics and Politics of the Euro Crisis. *German Politics*, vol. 21, no. 4: 355-371

Hooghe, Liesbet, and Gary Marks (2009), 'A Postfunctionalist theory of European Integration: From Permissive Consensus to Constraining Dissensus,' *British Journal of Political Science*, vol. 39, no. 1: 1-23

Horsti, K. (2012). 'Humanitarian Discourse Legitimizing Migration Control: FRONTEX Public Communication' in *Migrations: Interdisciplinary Perspectives*, Messer, Schroeder, and Wodak, eds. Springer.

Jabko, N. (forthcoming). "Contested Governance: The New Repertoire of the Eurozone Crisis" (manuscript)

Jabko, N. and Sheingate, A. (forthcoming), "Practices of Dynamic Order" (manuscript)

Jacoby, Wade (2014) "The Politics of the Eurozone Crisis: Two Puzzles Behind the German Consensus" *German Politics and Society*, vol. 32, no. 2 (Summer): 70-85

Jones, E., Kelemen, R.D., and Meunier, S. (2016). 'Failing Forward? The Euro Crisis and the Incomplete Nature of European Integration,' *Comparative Political Studies*, vol. 49, no. 7: 1010-1034

Keohane, R. (2002). 'Ironies of Sovereignty: The European Union and the United States', *Journal of Common Market Studies* 40, 4: 743-65.

Keohane, R. and Hoffmann, S. (1991). 'Introduction'. In Keohane, R. and Hoffmann, S. (eds) *The New European Community* (Boulder, CO: Westview).

Krasner, S. D. (1999) *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press

Krasner, S. D. (2005). "The Case for Shared Sovereignty." *Journal of Democracy*, vol. 16, no. 1: 69-83

Kreuder-Sonnen, C. (2016) 'Beyond Integration Theory: The (Anti-)Constitutional Dimension of European Crisis Governance,' *Journal of Common Market Studies*, vol. 54, no. 6: 1350-1366.

Lake, D. (2003). "The New Sovereignty in International Relations." *International Studies Review*, vol. 5: 303-323.

Lavenex, S. (2006). Shifting up and out: The foreign policy of European immigration control. *West European Politics*, 29(2), 329-350.

- Levkofridi, Z., and Schmitter, P. (2015). 'Transcending or Descending? European Integration in Times of Crisis,' *European Political Science Review*, vol. 7, no. 1: 3-22
- Luxembourger Wort*. (2016). 'Crisis-hit EU in asylum shakeup to share migrant burden.' <http://www.wort.lu/en/international/asylum-system-not-working-crisis-hit-eu-in-asylum-shake-up-to-share-migrant-burden-570527801bea9dff8fa75b75>
- Majone, G. (1994). "The Rise of the Regulatory State in Europe." *West European Politics* 17(3): 77–101.
- Majone, G. (2014) *Rethinking the Union of Europe Post-Crisis: Has Integration Gone too Far?* (Cambridge: Cambridge University Press)
- Matthijs, Matthias, and Kathleen McNamara (2015). The Euro Crisis' Theory Effect: Northern Saints, Southern Sinners, and the Demise of the Eurobond. *Journal of European Integration*, vol. 37, no. 2: 229-245
- Matthijs, Matthias (2016). Powerful Rules Governing the Euro: The Perverse Power and Logic of German Ideas. *Journal of European Public Policy*, vol. 23, no. 3: 375-391.
- Moravcsik, A. (2005). The European constitutional compromise and the neofunctionalist legacy. *Journal of European Public Policy*, 12(2), 349-386.
- Moravcsik, A. (1998). *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Cornell Paperbacks. Cornell University Press.
- Moravcsik, A., (1993). 'Preferences and power in the European Community: a liberal intergovernmentalist approach.' *JCMS: Journal of Common Market Studies*, 31(4): 473-524.
- Parsons, C. and Matthijs, M. (2015). 'European Integration Past, Present and Future: Moving Forward Through Crisis?' in Matthias Matthijs and Mark Blyth (eds.) *The Future of the Euro* (New York: Oxford University Press), 210-232.
- Peers, S., and Roman, E. (2016). 'The EU, Turkey, and the Refugee Crisis: What Could Possibly Go Wrong?' EU Law Analysis. <http://eulawanalysis.blogspot.com/2016/02/the-eu-turkey-and-refugee-crisis-what.html>
- Peterson, J. (2016) 'Juncker's European Commission and an EU in Crisis' *Journal of Common Market Studies*: 1-19
- Phinnemore, D. (2015) Crisis-Ridden, Battered and Bruised: Time to Give Up on the EU? *Journal of Common Market Studies*, vol. 53 Annual Review : 61-74

Politico (2015). 'EU will push to tighten border controls: a European coast guard is one of the options on the table.' <http://www.politico.eu/article/eu-will-push-to-tighten-border-controls/>

Polish Ministry of Foreign Affairs (2016). "Information of the Minister of Foreign Affairs on Polish foreign policy tasks in 2017"
http://www.msz.gov.pl/en/ministry/minister/speeches/information_of_the_minister_of_foreign_affairs_on_polish_foreign_policy_tasks_in_2017

Sacchi, Stefano. (2015). Conditionality By Other Means: EU Involvement in Structural Debt Reform in the Sovereign Debt Crisis. *Comparative European Politics*, vol. 13, no. 1 (January) : 77-92.

Schain, M. (2009) 'The State Strikes Back: Immigration Policy in the European Union' *European Journal of Int Law* 20 (1): 93-109

Schimmelfennig, F. (2015) Liberal intergovernmentalism and the euro area crisis. *Journal of European Public Policy*, 22(2), 177-195.

Schmidt, S. (2014). 'Foreign military presence and the changing practice of sovereignty: A pragmatist explanation of norm change.' *American Political Science Review*, 108(04): 817-829.

Schorkopf, F. (2009). The European Union as an Association of Sovereign States: Karlsruhe's Ruling on the Treaty of Lisbon. *German Law Journal*. 10(8) pp. 1219-1240.

Tosun, Jale, Anne Wetzel & Galina Zapryanova. 2014. The EU in Crisis: Advancing the Debate. *Journal of European Integration*, vol. 36, no. 3 (April): 195-211.

Traynor, I. and Smith, H. (2016). 'EU Border Controls: Schengen scheme on the brink after Amsterdam talks,' *The Guardian*. 26 January 2016.
<http://www.theguardian.com/world/2016/jan/25/refugee-crisis-schengen-area-scheme-brink-amsterdam-talks>

VoteWatch (2016). 'Large support in the EP for the new EU agency for border control, even from some euro-critic parties.' <http://www.votewatch.eu/blog/large-support-in-the-ep-for-the-new-eu-agency-for-border-control-even-from-some-euro-critic-parties/#sthash.v6YdKOSW.dpuf>

Wendt, A. (1999). *Social theory of international politics*. Cambridge University Press.

Weber, C. (1995). *Simulating Sovereignty: Intervention, the State, and Symbolic Exchange*. Cambridge: Cambridge University Press.

Werner, W. G., & De Wilde, J. H. (2001). 'The endurance of sovereignty.' *European Journal of International Relations*, 7(3): 283-313.

Zielonka, Jan. 2014. *Is the EU Doomed?* Polity Press: Cambridge.