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EU Actors under pressure: politicisation and depoliticisation as strategic responses

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ABSTRACT

This contribution conceptualises bottom-up politicisation in Europe's multi-level system. EU-level actors, we argue, respond strategically to the functional and political pressures 'travelling up' from the member states. Perceiving domestic dissensus as either constraining or enabling, actors display both self-restraint and assertiveness in their responses. Motivated by the survival of the EU as a system 'under attack', and by the preservation of their own substantive and procedural powers, actors choose to either politicise or depoliticise decision-making, behaviour and policy outcomes at the supranational level. As a collection, this Special Issue demonstrate that the choices actors make 'under stress' at the EU-level – ranging from 'restrained depoliticisation' to 'assertive politicisation' – are, indeed, conditional on how bottom-up pressures are perceived and processed.

KEYWORDS Constraining dissensus; enabling dissensus; depoliticisation; politicisation; responsiveness; European Union

Introduction

Over the last decades, the European Union (EU) and the multi-level politics of Europe have seen major change. Gone are the times when EU decision-making resembled 'policy without politics' (Schmidt, 2006, p. ix); when EU policies were made under 'permissive consensus' (Lindberg & Scheingold, 1970); and when national (electoral) and party politics played out largely unaffected by supranational developments (Mair, 2001; Reif & Schmitt, 1980). The EU and its policies have become ever more relevant across the member states, and the concomitant functional and political pressures reverberate across Europe's multi-level system. This Special Issue explores, systematises and explains how and why EU-level actors have responded to these pressures.

Indeed, the EU has been hit by a string of crises in recent history: the Eurozone, migration, newly illiberal regimes and Brexit have kept the Union in

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continuous turmoil, with some scholars referring to a single 'polycrisis' (Zeitlin, Nicoli, & Laffan, 2019). This polycrisis has tested the endurance and survival of the EU polity to its limits; it has also put the Union under unprecedented pressure to manage these crises and to address their concomitant policy problems. In parallel, the contestation of the EU's policies and institutions became an ordinary fixture of domestic politics across the member states. The emphasis on the economic gains of transnational regulation – enjoying tacit support for decades – began to give way to the 'constraining dissensus' of post-functionalism (Hooghe & Marks, 2009). Standing for openness and lowered barriers of transnational exchange, 'the very existence of rule-based institutions' beyond the state became contested (Hooghe, Lenz, & Marks, 2019, p. 732; 731–3) – in public opinion, political discourse, party programmes, and at the ballot box. Its roots reaching back to the Maastricht referendums of the early 1990s, the new era saw the domestic politicisation of 'Europe' along three dimensions: (1) the Union and its policies have become more visible; (2) European integration has triggered increased contestation and polarisation; and (3) engagement with the EU has broadened beyond elite actors (De Wilde, Leupold, & Schmidtke, 2016).

This collection takes the domestic politicisation of Europe as its starting point. Domestic politicisation, we argue, translates into pressures that travel 'bottom-up'. *Functional pressures* confront EU-level actors with unprecedented expectations to manage and address the policy challenges of the 'polycrisis'; *political pressures* confront the Union with a new type of conflict, going well beyond the contained economic, regulatory or distributive conflicts of the first decades of integration. To be sure, European governance has never been free of controversy. Yet, for decades, conflict mainly played out at elite level; the Union, in turn, relied on elite-level mechanisms to accommodate heterogeneous interests. More recently, conflict has expanded into the public arena, comprising a novel range of policy-challenges, and putting the Union under the attack of Eurosceptic voters, political parties and public discourse. Under such pressure, EU-level actors have to respond, as maintaining the status quo is untenable. This Special Issue analyses these responses, which, we argue, are strategic choices to politicise or depoliticise decision-making, behaviour and outcomes at the supranational level. Our contributions systematically map and explain these choices, within and across EU-level actors, institutions, arenas and policies. In doing so, the collection makes three main contributions.

First, our focus on how EU-level actors respond and adapt to pressures 'travelling up' shifts attention from the 'top-down' to the 'bottom-up'. Top-down politicisation focuses on how Europe affects domestic politics, including societal cleavages, public opinion and political representation. This development is well-explored in the literature (e.g., Grande & Kriesi, 2005; Hutter, Grande, & Kriesi, 2016). Bottom-up politicisation focuses on how the

growing visibility of, polarisation around and engagement with Europe at the domestic level impacts on actors at the EU-level. This is an increasingly relevant but under-studied dimension of supranational governance (for exceptions, see Börzel & Risse, 2018; Koop, Reh, & Bressanelli, 2018; Schmidt, 2019).

Against this backdrop, the Special Issue conceptualises bottom-up politicisation; theorises the mechanisms underlying EU-level responses (Schimmelfennig, 2020); and analyses the types of responses chosen. The contributions look at supranational actors, like the Court of Justice of the European Union (CJEU), the European Central Bank (ECB) and the European Commission (Blauberger & Martinsen, 2020; Moschella, Pinto, & Martocchia Diodati, 2020; Reh, Bressanelli, & Koop, 2020) as well as intergovernmental ones, like the Council of the EU (Hobolt & Wratil, 2020). Also, they zoom in on different decision-arenas, including law-making and inter-institutional relations (Bunea, 2020; Franchino & Mariotto, 2020), and explore a variety of governance challenges, including transparency and the rule of law (Hobolt & Wratil, 2020; Kelemen, 2020). Taking the EU's growing domestic relevance as analytical starting point, each contribution feeds into building an integrated actor-centred theoretical explanation of the conditions under which domestic pressures do (or do not) translate into EU-level responses.

Second, in doing so, the collection challenges the dominant view of domestic dissensus as necessarily constraining and, therefore, limiting the room for manoeuvre at the EU level. Instead, we propose that the post-functionalist Union has space, too, for '*enabling* dissensus', with actors displaying both self-restraint *and* assertiveness. Actors adapt strategically to the new environment; they can opt for restraint, or they can capitalise on pressures to advance their substantive goals, extend the scope of their competences, and bolster their long-term survival. As introduced in detail below, these strategic responses will either politicise or depoliticise decision-making, behaviour and outcomes at the supranational level. Neither strategy is *apolitical*. Each explicitly recognises and deliberately responds to bottom-up pressure – be this pressure functional (such as a crisis-related policy problem) or political (such as the EU's visible contestation). In doing so, each strategy reinforces or moderates one (or more) of the three dimensions of domestic politicisation: visibility, polarisation and engagement (see Figure 1). Our contributors show that the choices made by EU-level actors are not fixed, predetermined or constrained – as implied by most theories of integration – but conditional on how actors 'under stress' perceive and process bottom-up pressures.

Third, if EU-level actors – in particular non-majoritarian institutions like the Commission or the ECB, designed to be insulated from public opinion and domestic electoral cycles – respond to bottom-up functional *as well as* political pressures, then they are 'responsive' and not just 'responsible'. Indeed, several contributions in this collection show that institutions react to the signals sent by public opinion, party political competition and electoral

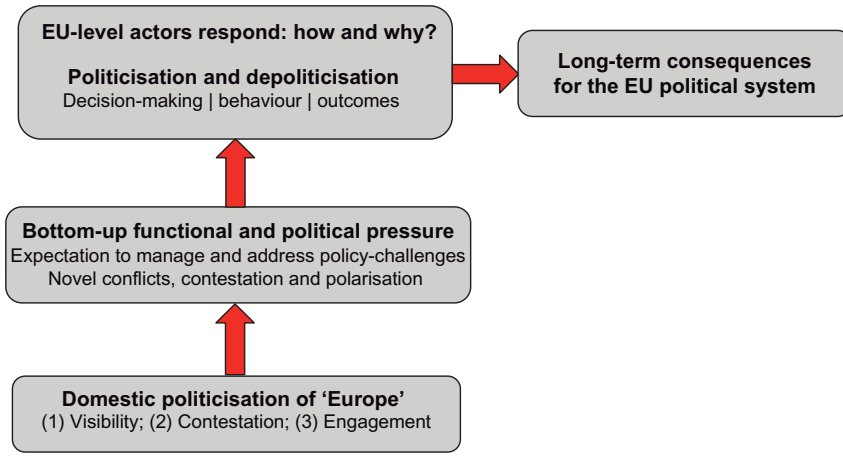

Figure 1. Bottom-up pressure and (de)politicisation as response.

politics across the member states (Blauberger & Martinsen, 2020; Hobolt & Wratil, 2020; Moschella *et al*., 2020; Reh *et al*., 2020). Contributing to a nascent research agenda on this aspect of EU and international governance (Hagemann, Hobolt, & Wratil, 2017; Rauh, 2016; Schneider, 2018; Wratil, 2018), the collection reflects on the responsiveness of individual actors and on the implications for the EU polity more broadly.

Bottom-up pressure and the need to respond

The EU's growing relevance and its 'polycrisis' translate into functional and political pressures on Brussels as well as on Luxembourg and Frankfurt. Given the intensity of these pressures, the nature of the EU's political system, and the position and perception of actors in this system, the apolitical approach of the first decades of integration is viable no longer. Instead, EU-level actors will respond strategically to the challenges facing them from the bottom up.

First, since Maastricht, the Union's competences have been extended into the 'core state powers' of monetary policy and justice and home affairs (Genschel & Jachtenfuchs, 2018). Maastricht also deepened the Union's democratic and civic ambition, including provisions on European citizenship (Weiler, 1991). At the same time, electorally salient social and redistributive policies and resources remained national-level responsibilities (Moravcsik, 2002). When delegation to the supranational level was, in essence, seen as a response to functional pressure and economic interdependence, and when domestic elites, Europe-wide, subscribed to integration – if to varying degrees – this seemed a tenable status quo. Yet, in combination, these developments prepared the ground for pressures building up, until, in the early

2010s, 'Europe' hit the core of domestic electoral salience for the first time, and hit intensely as well as politically: budgets and redistribution, borders and belonging, protection and control. 'Opening up' and the accompanying economic, political and societal challenges led to loud calls for EU-level policy solutions, brought very visible change, and polarised through passionate endorsement *and* intense rejection at elite and mass level (De Wilde *et al*., 2016; Hooghe *et al*., 2019; Hutter *et al*., 2016).

Under such conditions, the tried and tested supranational response – flanking Europe's market constitution with legal protections around free movement, building support through issue publics and organised interest, feeding on the legitimacy of national democracies (Cappelletti, Seccombe, & Weiler, 1986; European Commission, 2001; Scharpf, 2009) – became tenuous. Instead, when faced with intense and countervailing bottom-up pressures, simultaneously calling on the EU to act *and* to retreat, actors had to respond. These responses, we suggest, either politicise or depoliticise the supranational level; yet, no matter where exactly the responses fall, they invariably pertain to the newly political conflict around the EU and its policies.

Second, the European polity is, a priori, poorly equipped to respond. The EU is a political system whose competences are conferred by the member states. These competences have been 'in flux' since the outset, allowing flexibility, but limiting the Union's legal basis, financial resources and ability to tax and coerce. The EU's political system has traditionally been built on compromise, at the constitutional level and in everyday negotiation, accommodating competing interests, ideas and legitimating norms (Heisenberg, 2005; Moravcsik, 2005; Reh, 2012). When elites across Europe no longer share a basic preference for cooperation but clash openly and publicly, compromise becomes harder to reach and to communicate. More fundamentally, the EU is a system whose sheer existence polarises, and whose authority, institutions and outputs are fundamentally contested. Finally, the EU depends on its member states for effectiveness, legitimacy and stability (Scharpf, 2009); hence, when domestic elites are no longer trusted to deliver results, and when 'blaming Brussels' serves political point-scoring at home, the Union's ability to act and accommodate is directly affected. In sum, in a system whose very existence is contested, bottom-up pressures generate both opportunities to respond and constraints on how to respond.

Third, 'the EU' is under pressure, and our contributions explore and explain actors' responses at the supranational level. Like the system for which they were designed and in which they have evolved, these actors have never enjoyed an unquestioned existence, with diverse – and often competing – sources for their legitimacy debated. In developing their strategic responses to the new environment, EU-level actors will be driven by two motivations: (1) by the survival of the EU as a system 'under attack'; and (2) by the preservation of their own substantive and procedural powers. Under the stress of

political contestation and visible conflict, actors need to fight for their own reputation as well as for the reputation of the system they serve and on whose continued existence they depend (cf. Carpenter, 2001).

We suggest that these motivations – if not the response routes taken – hold true for both non-majoritarian institutions like the Commission, the CJEU or the ECB, and for electorally more connected actors like the European Parliament (EP) and governments in Council. All these actors are under stress, and all need to take a stance on the newly political conflict of integration.

Types of strategic responses

As discussed so far, the scope, nature and intensity of the changing attitudes towards Europe as well as the greater domestic relevance of the Union and its policies make it imperative to act at the supranational level. We assume that EU-level actors respond strategically; they will – through a variety of means – intentionally change the procedural, behavioural and substantive status quo at the supranational level so as to further their goals, taking other actors' expected behaviour and judgement into account (cf. Lake & Powell, 1999, p. 3). By its very nature, action is more prone to being strategic than inaction. Inaction, too, may be a strategic choice; yet, more often it is driven by habit, routine or the stickiness of standard practices. All these will continue to co-exist next to strategic responses, but they cannot remain the dominant route under intense pressure that puts the very survival of the system and its actors on the line.

Yet, perceiving pressure and recognising the need to act does not provide a blueprint for *how* to act. First, domestic politicisation may induce actors to increase their visibility, but may also incentivise them to keep a low profile and exercise self-restraint (Alon-Barkat & Gilad, 2016). Second, while domestic politicisation is primarily associated with Euroscepticism, it can also come as Europhilia (Turnbull-Dugarte, 2019). Moreover, attitudes towards Europe vary considerably across member states (De Vries, 2018). Hence, actors need to make choices between options, which often point into opposite directions and involve trade-offs. Indeed, zooming in on 'strategic politicisation management', Schimmelfennig (2020) argues that EU-level actors have agency in response to bottom-up pressure; the choices made, he theorises, are driven by actors' electoral accountability, mediated by issue salience, policy type, the degree of risk and election proximity.

We propose four types of EU-level responses to bottom-up pressure (see Table 1). Shifting the status quo at the supranational level, each response type is an explicit recognition of, and a deliberate attempt to impact on, domestic politicisation. Actors will choose the response most likely to further their main goal: survival of the Union, and/or preservation (and even expansion) of the actor's own powers. When making this choice, actors will consider two

Table 1. Types of responses by EU-level actors.

	Strategy	
Perception of pressure	Politicisation	Depoliticisation
Enabling	Assertive politicisation	Assertive depoliticisation
Constraining	Restrained politicisation	Restrained depoliticisation

questions: (1) Is the bottom-up pressure enabling or constraining? (2) Is a 'political response' to this opportunity or constraint likely to be acceptable? Actors will perceive a pressure as an opportunity (or constraint) if it enables (or constrains) their substantive or organisational (self-) empowerment through a broadly interpreted mandate, strengthened institutional competence, or an extended set of policy instruments. Actors will ask whether 'acting politically' – understood here as the explicit recognition of, and visible intervention into, political conflict – is or is not likely to be acceptable, and considered conform to the actor's mandate by elites and the public. If this is the case, an actor should attempt to actively politicise decision-making, behaviour or outcomes at the supranational level; if not, an actor should opt for a strategy that intervenes by depoliticising conflict. The answer to these questions – and, hence, the response type chosen – will not just differ across and within actors, but also vary with decision-arenas, issue-areas and specific constellations.

All four response types become options when the EU moves into the limelight of (domestic) politics (see Table 2). In this context, *depoliticisation strategies* aim to 'reclaim the shadow'; that is, while recognising the need to intervene, they are targeted at making the new conflict of integration deliberately and explicitly less visible, less polarising and less salient (cf. De Wilde & Zürn, 2012, p. 139). To do so, actors turn to decision-arenas that are secluded and reserved for narrow special interests and epistemic communities; when visible conflict occurs, negotiations display consensus-seeking behaviour, with wider communication conducted in technical terms; and actors produce outcomes that are problem-driven and presented as output-oriented and responsible. In their *assertive* form, depoliticisation strategies use the new opportunities from bottom-up pressure to actively expand or create secluded decision-arenas; to restrict participation; to shore up consensus-seeking when conflict occurs, including through formalisation and judicialisation; to use technical frames in public communication; and to put out messages of problem-solving responsibility. In their *restrained* form, depoliticisation strategies turn to existing spaces of secluded and restricted decision-making; actively move conflict out of the public eye; reduce outward-facing activity altogether; and justify outcomes as responsible expertise-based optimisation.

Contributors to the Special Issue show and explain the use of depoliticisation strategies by different EU-level actors. Revisiting Burley and Mattli's

classic 'law as a mask and shield' argument (1993), Blauberger and Martinsen (2020) analyse the CJEU's recent jurisprudence, in particular on freedom of movement and citizens' rights. They demonstrate how the Court engages in assertive depoliticisation by using the law as both 'mask' and 'shield', while engaging in judicial self-restraint – a strategy of restrained depoliticisation – under high levels of contestation by both member state governments and public opinion. Focusing on the European Commission, Reh *et al.* (2020) show that this institution uses its power to withdraw legislative proposals when facing domestic contestation, particularly in sensitive policy areas for the member states. In doing so, the Commission assertively depoliticises contentious decisions. Finally, assessing reforms of the EU's economic governance, Franchino and Mariotto (2020) point to a shift in decision-arena, away from domestic and intergovernmental politics towards the (more technocratic and implementation-focused) supranational level. Importantly, these different contributions find more evidence of assertive than restrained depoliticisation.

Rather than chasing the 'lost shadow', EU-level actors can also move the status quo deliberately into the heart of politics. *politicisation strategies* at the supranational level do not shy away from visibility, polarisation and broad engagement (cf. De Wilde & Zürn, 2012, p. 139); instead, they are targeted precisely at reinforcing one or all of these dimensions. To do so, actors opt for more transparent decision-making, open arenas up to participation and scrutiny by the wider public, civil society and political parties; allow visible conflict in their negotiation behaviour; are more outward-oriented; and present outcomes as primarily responsive to salient public issues. *Assertive politicisation* strategies capitalise on the new bottom-up opportunities by actively expanding and creating transparent and inclusive decision-arenas; allowing – even promoting – visible conflict, including over ideology, redistribution and fundamental values; expanding public communication and engagement; and presenting outcomes as responding to public opinion. *Restrained politicisation* strategies rely on existing open decision-arenas and established channels of participation beyond issue-specific stakeholders; opt for formal conflict-resolution, even if allowing controversy to become visible; engage in public justification; and promote outcomes as policy-solutions that address issues of high domestic salience.

Our contributions show a variety of politicisation strategies in response to bottom-up pressure. Focusing on contestation in the Council, Hobolt and Wratil (2020) find that under domestic opposition, member state governments move away from the 'normal' consensus pattern, particularly when deciding on salient policies. Opposition enables member states to deviate from the consensual 'business as usual', thus empowering governments at the EU level; yet, it may equally reflect increased constraint imposed by

domestic publics. Moschella *et al*. (2020) observe assertive politicisation in one of the most technocratic European bodies: the ECB. Analysing more than a decade-and-a-half of executive speeches, they point out that the Bank responds to negative public opinion by expanding the scope of its communication and by reducing the attention attributed to monetary policy only. Bunea (2020) offers a clear example of assertive politicisation by the European Commission in inter-institutional negotiations. Based on a perceived need to re-legitimise its role, the Commission actively expands openness and consultation beyond established stakeholders, makes conflict visible, and frames issues politically. Likewise, while Reh *et al*. (2020) depict a Commission that depoliticises through restraint, they also show an actor that assertively keeps domestically salient legislation on the agenda, even under visible adversity. Finally, Kelemen (2020) shows a paradoxical outcome in what he labels 'half-baked' politicisation of the Union. While the EU actively responded to political pressures strengthening EU-level parties and institutionalising the *Spitzenkandidaten* procedure, Europarties are not sufficiently known domestically to face any electoral consequence for what they (fail to) do in Brussels. The Hungarian leader Orban hugely benefitted from his membership in the European People's Party, whilst strengthening his illiberal regime undermining the EU's values. In short, on politicisation, too, our contributions find more responses that are assertive rather than restrained.

Table 2. Assertive and restrained (de)politicisation.

	Politicisation		Depoliticisation	
	Assertive	Restrained	Assertive	Restrained
Decision-Making (openness & participation)	**Transparency**		**Seclusion**	
	Expand/create open arenas	Use existing open arenas	Expand/create secluded arenas	Use existing secluded arenas
	Wider public, civil society & political parties		**Special interests & experts**	
	Seek/expand participation	Use established channels	Actively limit participation	Use established channels
Behaviour (negotiation & communication)	**Conflict & competition**		**Consensus-seeking**	
	Allow or promote visible conflict	Formal conflict resolution	Consensus when conflict occurs	Active attempts to hide conflict
	Outward-oriented		**Technical**	
	Increase public communication	Engage in public justification	Reframe controversy technically	Reduce outward-facing activities
Outcomes (drivers & frame)	**Public opinion**		**Policy-problems**	
	Respond to public opinion	Respond to salient issues	Problem-solving responsibility	Expertise-based optimisation
	Responsiveness		**Responsibility**	
	Focus on responsiveness as (re-) legitimation		Focus on responsible output as (re-) legitimation	

Conclusion: Long-term consequences for the EU as a political system?

Much of the debate about the post-functionalist Union has focused on the 'constraining dissensus' across member states. We have argued, instead, that there is space, too, for *enabling* dissensus; that the strategic choices made by EU-level actors are conditional on how they perceive and process bottom-up pressure; and that dissensus has a differential impact. In a nutshell, we propose – and our contributions show – that domestic politicisation will not lead to 'the end of integration' but to a variety of supranational responses, ranging from restrained depoliticisation to assertive politicisation. Following up on our conceptualisation, Schimmelfennig theorises the conditions under which actors can be expected to adopt (de)politicisation strategies, while the individual contributions to the Special Issue showcase and explain such strategies across actors, arenas and issue-areas.

Turning to the EU's political system more generally, we suggest three tentative conclusions and future research routes. First, as a highly divided polity, the EU has, traditionally, been built on compromise and accommodation, in everyday negotiation and in constitutional choice. Indeed, several of the depoliticisation strategies shown here are geared at the possibility of consensus under contestation – be this through the exchange of arguments, the possibility of persuasion, or the extension of time to cope with complexity (e.g., Chambers, 2004). We would, therefore, caution against equating legitimisation too readily with politicisation and responsiveness. Second, all contributions analyse (de)politicisation as responses in an everyday context – be that legislative agenda-setting or decision-making, jurisprudence or public communication, macro-economic coordination or party-political interaction. In the long-run, we will observe whether any of these 'everyday responses' lead to formal institutional reform – as happened, for instance, with parliamentary empowerment that started in the interstices of EU decision-making before being translated into Treaty change (Héritier, 2007). Finally, and closely related, the Special Issue studies the (de)politicisation of decision-making, behaviour and outcomes. Yet, if our argument is correct, and if one response to bottom-up pressure is self-empowerment, we might also expect competence shifts – including in redistributive policies – to the supranational level.

In sum, the top-down impact of 'dissensus' on politics in the EU's member states is well-explored. This collection focuses, instead, on how political pressures 'travel' bottom-up, and conceptualises, theorises and analyses the strategic choices actors make 'under stress' at the EU-level.

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