



אירופה לבחירתך? מודלים שונים של חברות באיחוד האירופי

Europe a la carte? Different models of membership in the EU

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הפתרון לשונות (differentiation) בין המדינות החברות באיחוד האירופי הוא גמישות (flexibility). אולם ז'אן מונה, מהוגי ומייסדי תהליך האינטגרציה האירופית, הקביל בין גמישות בתהליך זה לבין כשלונו. בעשורים האחרונים אנו עדים למערך נסיבות שהופך התפתחות זו – גמישות בתהליך האינטגרציה האירופית – למתבקשת ואולי אף רצויה. ברקסיט מסמנת מפנה דרמטי מגמישות להיפרדות והתנתקות. הכלל של "מידה אחת טובה/מתאימה לכולם" (one size fits all), שהנחה את תהליך האינטגרציה בעשוריו הראשונים, הופך פחות ופחות רלבנטי וישים, וכתוצאה מכך ה"שיטה הקהילתית" עוברת שינויים. האיחוד האירופי נחלק למדינות ה"ליבה" המובילות ונמצאות בחזית קידום תהליך האינטגרציה האירופית ולמדינות ב"שוליים" שלו.

הרחבת והעמקת האיחוד נקשרה להגדלת השונות בו, וכפועל יוצא להכנסת גמישות באינטגרציה. "ריבוי מהירויות", "גאומטריה שונה" ו"אירופה כתפריט" הם המודלים הרשמיים הראשיים של גמישות זו, אולם קיימים גם מודלים לא רשמיים, נסתרים.

בקורס נשאל: מהו מודל ה"שיטה הקהילתית" האחידה? מה היתרונות והחסרונות בה? מה גמישות בתהליך האינטגרציה האירופית? מדוע, האם, מתי, ואיך להשתמש בה? כיצד עלה והתפתח הדיון סביב נושא הגמישות? מהו הביטוי המוסדי והאמפירי שהמודלים השונים של גמישות מקבלים במציאות? מה היחס בין הרחבה, העמקה (אופקית ואנכית), שונות וגמישות בתהליך האינטגרציה? מהן ההשלכות של שונות וגמישות על תהליך האינטגרציה האירופי ועל שכנותיו? כמה גמישות יכול האיחוד להכיל בטרם יפסיק להוות איחוד? נבחן את תהליך ברקסיט – יציאת בריטניה מהאיחוד האירופי, ונסה לעמוד על היתרונות והחסרונות של ברקסיט הן לבריטניה והן לאיחוד האירופי, ועוד.

דוגמה למקרי בוחן של גמישות אותם הקורס יבחן: איחוד המטבע, מדיניות בטחון, הסכם שנגן, ברקסיט, ועוד.



סוג קורס והיקף: שיעור, 2 ש"ס.
פגישות השיעור: סמסטר ב', ימי רביעי, שעות 14:15-15:45, **הקורס יתקיים ב-זום** גם אם תהיה חזרה להוראה בכיתות.
שעות הקבלה: בתיאום מראש, או אחרי השיעור בצמוד ובהמשך למפגש הזום.

מרכיבי הציון בקורס וקריטריונים לקביעת הציון לכל מטלה:

40% מטרות: - לעודד קריאה וחשיבה ביקורתית בנושא הנדון - לעודד דיון בכיתה על בסיס קריאה ונקודת התייחסות משותפת	1. הצגת מאמר בכיתה + משוב למאמר המוצג למידה פעילה
60%	2. בחינה (שאלון רב תשובות/ "אמריקאי")



רשימת קריאה לשיעורים

מטבעה של כל תכנית שהיא כפופה לשינויים ויש לעקוב אחר הודעות הנמסרות בכיתה, באמצעות moodle או במזכירות המחלקה. התכנית להלן מפרטת את המקורות הנדרשים לקריאה לפני כל שיעור, וכן המלצות קריאה למקורות נוספים בכל אחד מנושאי הקורס.

1. The unitary European integration - the principle of *acquis communautaire*: "ever closer union" or "onion"?

- * K. E. Jørgensen (1999). "The Social Construction of the Acquis Communautaire: A Cornerstone of the European Edifice." *European Integration online Papers (EIOP)* 3(5): 1-24. [note: you may skip part II: The genealogical method].

2. What is differentiated integration?

Dirk Leuffen, Berthold Rittberger and Frank Schimmelfennig, *Differentiated Integration: Explaining Variation in the European Union* (Basingstoke: Palgrave Macmillan, 2012), .

Katharina Holzinger, Frank Schimmelfennig (2012), "[Differentiated integration in the European Union: Many concepts, sparse theory, few data](#)," *Journal of European Public Policy*, 19(2), 292-305.

Frank Schimmelfennig, Dirk Leuffen and Berthold Rittberger (2015), "[The European Union as a system of differentiated integration: interdependence, politicization and differentiation](#)," *Journal of European Public Policy*, 22(6), 764-782.

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Helen Wallace (2000), "Differentiated Integration," *Encyclopedia of the European Union*, Desmond Dinan, Ed. (London: Macmillan), 137-139.

3. The historical background: Origins

- * Caroline de Gruyter (2020), "[The lessons of Grøxit](#)," *EUobserver*, 14 October (2 p.).

- * Helen Wallace and Adam Ridley (1985), *Europe: The Challenge of Diversity*, London, Routledge & Kegan Paul, ch. 2 "New Ideas in Old Bottles," pp. 14-28.

Alexander Stubb (2002), part of ch.3 "the evolution of the theoretical and political debate of flexibility," *Negotiating Flexibility in the European Union: Amsterdam, Nice and Beyond*. New York: Palgrave, 34-41.

- * Filip Tuyschaever (1999) *Differentiation in European Union Law*, Oxford: Hart Publishing ch. 1 ("From Rome to Maastricht: A Historical Overview of Differentiation") 7-32.



- * Claus Dieter Ehlerman (1984), "How Flexible is Community Law? An Unusual Approach to the Concept of 'Two Speeds'," *Michigan Law Review*, 82(5/6), 1274-1293.
- * Ralf Dahrendorf (1979), "A Third Europe?" Jean Monnet Lecture, Florence, European University Institute.

4. The terms and categories of differentiated integration

- Alexander Stubb (1996), "A Categorization of Differentiated Integration," *Journal of Common Market Studies*, 34(2), 283-295.
- Alexander Stubb (2002), *Negotiating Flexibility in the European Union: Amsterdam, Nice and Beyond*. New York: Palgrave, 30-33; 42-57.
- S. S. Andersen and Sitter, N. (2006), "Differentiated Integration: What is it and How Much Can the EU Accommodate?" *Journal of European Integration*, 28 (4), 313-330.
- * Filip Tuytschaever (1999), *Differentiation in European Union Law*, Oxford: Hart Publishing ch. 5-6 ("A Categorisation of Differentiation") 116-135.
 - * Alex Warleigh (2002), *Flexible Integration: Which Model for the European Integration?* ch. 1 "Typology of Flexibility," London, Sheffield Academic Press, pp. 9-13.

5. Evolution: the current institutional settings

- Philippart, E. and G. Edwards (1999), "The Provisions on Closer Co-operation in the Treaty of Amsterdam: The Politics of Flexibility in the European Union," *Journal of Common Market Studies* 37(1): 87-108.
- * Alexander Stubb (2002), *Negotiating Flexibility in the European Union: Amsterdam, Nice and Beyond* New York: Palgrave, parts of ch. 5, 6, pp. 106-108, 118-122, 123-134, 142-143.
 - * Carlos Closa (2010). "Differentiated Integration and Flexibility in the EU under the Lisbon Treaty: challenges for the Trio Presidency (ARI)" *ARI* (77): 1-6.
 - * Wolf Schäfer (2003), "Withdrawal Legitimised? On the Proposal by the Constitutional Convention for the Right of Secession from the EU," *Intereconomics*, 38(4): 182-85.

6. The relations between enlargement, deepening and differentiated integration

- Thomas Plümpner and Christina Schneider (2007), "Discriminatory Membership and the Redistribution of Enlargement Gains," *Journal of Conflict Resolution*, 51 (4), pp. 568 - 587.
- Jan Zielonka (2006), *Europe as Empire: The Nature of the Enlarged European Union*, Oxford: Oxford University Press, ch.3 "Diversity and Adaptation", pp. 65-90.
- * Gerald Schneider (1994), "Getting Closer at Different Speeds: Strategic Interaction in Widening European Integration" in: *Game Theory and International Relations*:



Preferences, Information and Empirical Evidence, P. Allan and C. Schmidt eds., Aldershot, Edward Elgar (especially 140-145).

* Christopher Preston (1997), *Enlargement and Integration in the European Union*, London, Routledge.

* John Agnew (2001), "How Many Europes? The European Union, Eastward Enlargement and Uneven Development," *European Urban and Regional Studies*, 8(1), 29-38.

7. The uses of differentiated integration – what does it serve?

Hellen Wallace (2000), "Flexibility: A Tool of Integration or a Restraint on Disintegration?" in: *European Integration after Amsterdam: Institutional Dynamics and Prospect for Democracy*, Karlheinz Neunreither and Antje Wiener eds., Oxford: Oxford University Press, pp. 175-191.

Filip Tuytschaever (1999), *Differentiation in European Union Law*, ch. 7 ("Differentiation in Context,") 221-245.

David Howarth and Tal Sadeh (2010), "The Ever Incomplete Single Market: Differentiation and the Evolving Frontier of Integration," *Journal of European Public Policy* 17(7): 922 - 935.

- Flexibility as Solution to the Tension between Deepening and Enlargement?

8. Examples of differentiated integration - case studies:

Sion Tzidkiyahu, Maya (2017), "Comparing Opt-Outs: How Different is Differentiated Integration," in: Thomas Giegerich, Desirée C. Schmitt, Sebastian Zeitmann (Hrsg.), *Flexibility in the EU and Beyond: How Much Differentiation Can European Integration Bear?* , 107 – 122.

7.1. Multiple speed

7.1.1. Transition periods

- Given to new member states
- Taken by existing member states

Preston, C. (1997), *Enlargement and Integration in the European Union*, London, Routledge.

7.1.2. EMU third phase – fulfilling the convergence criteria

7.2. Variable geometry (transformed into two-speed or Europe à la carte)

- EMS, EMU
- Schengen Agreement 1985-1999

7.3. Europe à la carte



Dahrendorf, R. (1979), A Third Europe? Jean Monnet Lecture, Florence, European University Institute, 5-23.

7.3.1. Permanent derogations

Filip Tuytschaever (1999), Differentiation in European Union Law, Oxford, Hart Publishing, pp. 125-129.

Claus Dieter Ehlermann (1984), "How Flexible is Community Law? An Unusual Approach to the Concept of "Two Speeds," Michigan Law Review, 82, 1279-1285.

7.3.2. Opt-outs

- **EMU** – formal and informal opt-outs: The UK, Denmark and Sweden

David O'Keefe and Catherine Turner (2001), "The Status of Member States Not Participating in the Euro," ch.14 in: Cambridge Yearbook of European Legal Studies, 4, pp. 293-314.

Daniel Naurin, Rutger Lindahl (2010), "Out in the Cold? Flexible Integration and the Political Status of Euro Opt-Outs," European Union Politics, 11(4), 485-509.

Anthony Forster (2002), Euroscepticism in contemporary British politics: opposition to Europe in the British Conservative and Labour parties since 1945, ch. 7, "The Struggle against Monetary Union, 1992-2001," London, Routledge, pp. 106-128.

Jim Buller and Andrew Gamble (2008), "Britain: The Political Economy of Retrenchment," in: The euro at ten: Europeanization, power, and convergence, K. Dyson ed., Oxford University Press, pp. 258-273.

David Howarth (2004), "Explaining British Policy on the Euro, EIOP, 8 (17), 1-19.

Martin Marcussen (2002), "EMU: A Danish Delight and Dilemma," in: European States and the Euro: Europeanization, Variation and Convergence, Kenneth Dayson ed., Oxford University Press, pp. 120-144.

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Kenneth Dyson (2010), "'Euro' Europe: 'Fuzzy' Boundaries and 'Constrained' Differentiation in Macro-Economic Governance," in: K. Dyson and A. Sepos, Eds. Which Europe? The Politics of Differentiated Integration, Basingstoke: Palgrave, pp. 215-232.

- **JHA/Schengen - opt-ins or opt-outs?** – the UK, Ireland and Denmark

Maya Sion-Tzidkiyahu (2008), "Opt-Outs in the Lisbon Treaty: What Direction for Europe à la Carte?" European Journal of Law Reform 10 no.4, 497-514.

* Andrew Geddes (2005), "Getting the Best of Both Worlds? Britain, the EU and Migration Policy," International Affairs, 81(4), 723-740.

* Jörg Monar (1997), "Schengen and Flexibility in the Treaty of Amsterdam: Opportunities and Risks of Differentiated Integration in EU Justice and Home



Affairs," in: *Schengen, Judicial Cooperation and Policy Coordination*, ed. M. den Boer, Maastricht, European Institute of Public Administration, 9-28.

- **Defence policy, social charter**

L Wolfstädter, V Kreilinger (2017), "European Integration via flexibility tools: the cases of EPPO and PESCO" Policy Paper.

Henrik Larsen (2008), "Denmark and the ESDP Opt-Out: A New Way of Doing Nothing?" in: *New Security Issues in Northern Europe: The Nordic and Baltic States and the ESDP*. C. Archer. New York, Routledge/ UACES, 78-93.

Henrik Larsen (2008), "Denmark and the ESDP Opt-Out: A New Way of Doing Nothing?" in: *New Security Issues in Northern Europe: The Nordic and Baltic States and the ESDP*. C. Archer, ed. New York, Routledge/ UACES, pp. 78-93.

Olsen, G. R. (2009), "Europeanization of the defence administration in spite of opting-out from military cooperation: Denmark and the ESDP," Paper prepared for the workshop 'Bureaucracy at work: The role of the administrative level in the ESDP' Maastricht University.

- **Charter of Fundamental Rights** – the UK, Poland, the Czech Republic.

7.3.3. Constructive abstention in CFSP

7.3.4. Enhanced cooperation

9. Theorizing differentiated integration

Frank Schimmelfennig, Dirk Leuffen and Berthold Rittberger, "Ever Looser Union? Towards a Theory of Differentiated Integration in the EU," Working Paper presented at the ECPR Joint Sessions of Workshop, St. Gallen, 13-16 April 2011, pp. 1-21.

Alkuilin Koelliker (2001), "Bringing Together or Driving Apart the Union? Towards a Theory of Differentiated Integration," *West European Politics*, 24(4), 125-151.

Kenneth Dyson and Sepos, A. (2010), "The value of 'grand' theories in explaining differentiated integration," in: Dyson and Sepos (eds.), *Which Europe? The Politics of Differentiated Integration* (Basingstoke: Palgrave), 17-19.

* Sieglinde Gstohl (2000), "The European Union after Amsterdam: Towards a Theoretical Approach to (Differentiated) Integration", Green Cowles, Maria and Smith, Michael (eds.), in: *The State of the European Union*, Vol. 5, Oxford University Press, pp. 42-63.

* Klaus Goetz H. (2010), "The Temporal Dimension" (sections: "Time in Integration Theory"; "Time in Europeanisation Theory"), in Dyson/Sepos (eds) *Which Europe? The Politics of Differentiated Integration* (Basingstoke: Palgrave), pp. 72-76. [pdf]

* Klaus Goetz and Meyer-Sahling, J.-H. (2009), "Political Time in the EU: Dimensions, Perspectives, Theories," *Journal of European Public Policy*, 16 (2), 180-201. [pdf]

* Gerald Schneider (1994), "Getting Closer at Different Speeds: Strategic Interaction in Widening European Integration" in: *Game Theory and International Relations*:



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- * Alex Warleigh (2002). Flexible Integration: Which Model for the European Integration? London, Sheffield Academic Press, ch. 2 "Theorizing Flexibility: The Return of Functionalism?" pp.17-42.
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10. Differentiated integration as/or Foreign Relations? – EEA, Switzerland and ENP

S Gstöhl (2015), "Models of external differentiation in the EU's neighbourhood: an expanding economic community?" *Journal of European Public Policy*.

"EEA"; "Switzerland" – from *Encyclopedia of the European Union*, Desmond Dinan ed. 2000, pp. 197-99; 443-45.

Frank Schimmelfennig, Dirk Leuffen and Berthold Rittberger (2011), "Ever Looser Union? Towards a Theory of Differentiated Integration in the EU," Working Paper presented at the ECPR Joint Sessions of Workshop, St. Gallen, 13-16 April 2011, pp. 16-20.

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Christine Kaddous (2008), "The relations between the EU and Switzerland," in: *Law and Practice of EU External Relations: Salient Features of a Changing Landscape*, Alan Dashwood and Marc Maresceau eds. (Cambridge: Cambridge University Press), pp. 227-267 (especially 227-231, 263-67).

*Morten Egeberg and Jarle Trondal (1999), "Differentiated Integration in Europe: The Case of EEA Country, Norway," *Journal of Common Market Studies*, 37(1): 133-142 (especially 133-34). [pdf]

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*Hanne Marthe Narud and Kaare Strøm (2000), "Adaptation without EU Membership: Norway and the European Economic Area," *Journal of Legislative Studies* 6, 1 (Spring), pp. 125-50. Reprinted in *Delegation and Accountability in European Integration*, eds. Torbjörn Bergman and Erik Damgaard (London: Frank Cass, 2000), pp. 125-50.

11. The positive and negative implications of differentiated integration on the European integration process

Deirdre Curtin (1993), "The Constitutional Structure of the Union: A Europe of Bits and Pieces," *Common Market Law Review*, 30, 17-69 (especially 44-62; 66-69).



Lee Miles (2003), "Moving Towards a 'Hub and Spokes Europe'?" *Journal of Common Market Studies*, 41 (Annual Review), 1-11.

Norberto Nuno Gomes de Andrade (2005), "Enhanced Cooperation: the Ultimate Challenge of Managing Diversity in Europe," *Intereconomics*, 201-216.

12. Brexit – Breaking Free? Or Hard Fall?

Frank Schimmelfennig (2018) "Brexit: differentiated disintegration in the European Union," *Journal of European Public Policy*.

B Leruth, S Gänzle, J Trondal (2019), "Exploring Differentiated Disintegration in a Post-Brexit European Union," *JCMS*.

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Andrew Gamble (2018): *Taking back control: the political implications of Brexit*, *Journal of European Public Policy*.

13. Summary - Differentiated integration over time – lessons for the future

Dirk Leuffen, Julian Schuessler & Jana Gómez Díaz (2020), "Public support for differentiated integration: individual liberal values and concerns about member state discrimination," *Journal of European Public Policy*, 1-20.



General Reading:

- Adler-Niessen, R. (2008), *Organized Duplicity? When States Opt-Out of the European Union, Sovereignty Games: Instrumentalizing State Sovereignty in Europe and Beyond*, R. Adler-Niessen and T. Gammeltoft-Hansen, London, Palgrave - Macmillan: 81-104.
- Adler-Niessen, R. (2009), "Behind the Scenes of Differentiated Integration: Circumventing National Opt-Outs in Justice and Home Affairs," *Journal of European Public Policy* 16(1): 62-80.
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- Closa, C. (2010), "Differentiated Integration and Flexibility in the EU under the Lisbon Treaty: challenges for the Trio Presidency" *ARI*(77): 1-6.
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- De Neve, J.-E. (2007) 'The European Union? How Differentiated Integration is Reshaping the EU', *Journal of European Integration*, 29 (4): 503-521.
- den Boer, M. (1997), "Justice and Home Affairs Cooperation in the Treaty on European Union: More Complexity Despite Communautarization," *Maastricht Journal of European and Comparative Law* 4(3): 310-316.
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