

Contents

List of figures	XI
List of tabels.....	XII
Acknowledgements.....	XIII
Summary	XVII
1 Introduction	1
1.1 Contribution to the state of the art.....	6
1.2 Key concepts and operationalization.....	12
1.3 Case selection	14
1.4 Theoretical framework, method and data.....	16
1.5 Overview of the dissertation.....	21
2 Conceptualizing vertical differentiation	25
2.1 “Integration” as conceptual core.....	25
2.2 Vertical differentiation as selective integration	28
2.3 Measuring integration levels and vertical differentiation	30
2.4 Case selection and research design	36
2.4.1 Policy Pair 1 – vertical differentiation of migration policies... 39	
2.4.2 Policy Pair 2 – Justice: the vertical differentiation of law cooperation policies	46
2.4.3 Both cases in light of the broader universe of cases.....	49
3 Theory	55
3.1 The demand side: Explaining governmental preferences for integration.....	59
3.1.1 The domestic arena: Benefits of unilateral policy-making....	61
3.1.2 The transnational arena: Interdependence and preferences for integration.....	63
3.1.3 The European arena: Supranational activism and preferences for integration	64

3.2	The supply of integration: Explaining bargaining outcomes	67
3.2.1	The domestic arena: Veto players and politicization	68
3.2.2	The transnational arena: Preference intensities	69
3.2.3	The European arena: Supranational activism	71
3.3	Method for analyzing vertical differentiation	73
4	Vertical differentiation of regular and irregular immigration policy	77
4.1	Immigration policy	77
4.2	Immigration policy in Europe	80
4.3	Mapping vertical differentiation of immigration policies	81
4.4	Theorizing vertical differentiation of immigration policies	83
4.4.1	Home country benefits	83
4.4.2	Interdependence	88
4.4.3	Supranational activism	91
4.4.4	Domestic opposition	94
4.4.5	Preference intensities	96
4.4.6	Supranational leadership	97
4.5	The demand for integration at Amsterdam	100
4.5.1	Sinking home benefits of unilateral policies on irregular immigration	101
4.5.2	Stable home benefits of unilateral, regular immigration policies	105
4.5.3	The borderless Schengen area and high interdependence of irregular immigration policies	108
4.5.4	Slightly increased interdependence of national regular immigration policies following the implementation of Schengen	117
4.5.5	Supranational activism: No supranational alliances and self-restraint	120
4.6	The supply of integration on immigration policies	129
4.6.1	Preference intensities for integrating immigration policies: The threat of exclusion and British isolation	133
4.6.2	Domestic opposition and integration: Accommodating the German Länder and British concerns	135

4.6.3	Supranational activism: Presidencies as agenda-setters and gate keepers.....	138
4.7	Towards the IGC leading to the Treaty of Nice.....	141
4.7.1	Sinking home benefits of national irregular immigration policies.....	142
4.7.2	Sinking home benefits of national regular immigration policies.....	146
4.7.3	Increased interdependence of irregular immigration policies.....	149
4.7.4	Increased interdependence of regular immigration policies.....	151
4.7.5	Supranational activism: The Commission's subversive activism pays off.....	152
4.8	The supply of integration and the Nice IGC.....	156
4.8.1	Preference intensities for integrating regular and irregular immigration policies.....	157
4.8.2	Rising domestic constraints and differentiation.....	161
4.8.3	The absence of supranational influence in the bargaining process and the result.....	164
4.9	Demand for uniform integration with the Treaty of Lisbon.....	168
4.9.1	Sunk home benefits of irregular immigration.....	170
4.9.2	Sinking home benefits of regular immigration policies.....	172
4.9.3	Interdependence of irregular immigration policies.....	173
4.9.4	Interdependence of regular immigration policies.....	174
4.9.5	Supranational activism with regard to irregular immigration policies.....	175
4.9.6	Supranational activism with regard to regular migration... ..	176
4.10	The supply of uniform integration.....	179
4.10.1	Preference intensities for integrating immigration policies.....	181
4.10.2	Domestic opposition to communitarizing regular immigration matters.....	182
4.10.3	Supranational activism.....	185
4.11	Conclusion.....	186

5	Vertical differentiation of judicial cooperation policies.....	191
5.1	Civil law and criminal law matters.....	192
5.2	Cooperation on civil law and criminal law matters in Europe.....	194
5.3	Mapping vertical differentiation of judicial cooperation policies.	195
5.4	Theorizing differentiation of judicial cooperation policies.....	198
5.4.1	Home country benefits of civil law procedures.....	198
5.4.2	Home country benefits of criminal law procedures	199
5.4.3	Interdependence of civil law systems and procedures	200
5.4.4	Interdependence of criminal law systems and procedures	201
5.4.5	Supranational activism.....	202
5.4.6	Preference intensities	204
5.4.7	Domestic resistance to integration.....	204
5.4.8	Supranational activism.....	207
5.5	Varying demand for integration	209
5.5.1	Declining home benefits for both national criminal law and civil judicial cooperation policies	209
5.5.2	Interdependence	213
5.5.3	Supranational activism before the Amsterdam and Nice IGCs.....	219
5.6	The unequal supply of integration at the Amsterdam IGC.....	224
5.6.1	Domestic opposition to integration.....	226
5.6.2	Preference intensities regarding integration.....	230
5.6.3	Supranational activism.....	232
5.7	The varying demand for integration at the Nice IGC	237
5.7.1	Sinking home benefits of unilateral policy-making.....	238
5.7.2	Interdependence of law systems	239
5.7.3	Supranational activism.....	243
5.8	The supply of integration at the Nice IGC.....	246
5.8.1	Domestic opposition to integration	246
5.8.2	Preference intensities	248
5.8.3	Supranational activism.....	251
5.9	The demand for integration at the European Convention	255
5.9.1	Interdependence	255
5.9.2	Supranational activism.....	258

5.10 The supply of integration at the European Convention.....	260
5.10.1 Domestic opposition and preference intensities.....	260
5.10.2 Supranational activism	263
5.11 Conclusion.....	264
6 Conclusion	271
Bibliography	281
Primary Sources	281
Secondary Sources	298