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This volume set out to study the policymaking and politics in the EU multilevel polity during the 2015–16 refugee crisis. We asked how policymakers in the EU and its member states tried to come to terms with the crisis situation they faced in 2015–16 and how they dealt with the fall-out of the crisis in its aftermath. The refugee crisis of 2015–16 was not the first crisis of its kind, but it still hit the EU and its member states unprepared and led to internal strife and an incoherent and eventually unsustainable policy response. The puzzle we are trying to elucidate in our study of the refugee crisis is why key decision-makers like the German chancellor came to be trapped in a desperate situation at the peak of the crisis, and why she and her fellow heads of government, together with the EU authorities proved to be unable to come to reform the Common European Asylum System (CEAS). The answer to this puzzle is important because the EU's resilience, or at least the resilience of one of its main pillars, the commitment to free movement, was put to a heavy test by the refugee crisis and, retrospectively (in summer 2021), this crisis was considered to have been the “most serious threat to the survival of the European Union” in the decade before the arrival of the Covid-19 pandemic by the European public overall and by the public in the destination states of northwestern Europe in particular.

For answering our key puzzle, we embedded the policymaking in the refugee crisis in a broader theoretical framework, the “polity approach” to European integration (Ferrera et al. 2022), which treats the EU as a compound polity composed of nation-states. As we set out in the introduction, this approach distinguishes three key long-term macro-processes – the three B's of polity formation: boundary building (bounding), center formation (binding), and system maintenance (bonding). Over the period of centuries, the combination of these three processes led to the consolidation of the European nation-states, each of which is the idiosyncratic product of the varying conditions of state formation across the continent. The process of European integration has shifted the three types of processes to the supranational level, adding an additional layer

of polity formation to the level of the nation-states. The addition of the supranational layer to the system of European nation-states constitutes a unique form of polity formation with highly uncertain outcomes.

At the core of the emerging compound polity lies a fundamental tension between the integration process, which is predicated upon the removal of boundaries among the preexisting system of states, and the national, democratic, and welfare features of the states, which are predicated upon their continued control over redistributive capacities, cultural symbols, and political authority (Bartolini 2005: 368, 375). In the refugee crisis, the tension between the integration process and the destructuring of the national polities became particularly critical, given that it put into question the internal and external boundaries of the compound polity. The combination of the lack of a joint policy on border control, outdated asylum policies, the adoption of unilateral national policies to deal with the crisis, and the member states' resistance to share the common burden meant that what should have been a routine policy problem challenged the bounding, the binding, and ultimately the bonding of the EU member states, putting into evidence the fundamental tensions in the EU's architecture.

The challenge of the refugee crisis focused on bounding, but it had important implications for binding and bonding, for which bounding is a precondition. The outcome of the crisis was, in Schimmelfennig's (2021) terms, a form of "defensive integration," that is, a combination of measures of mainly internal rebordering (the resurrection of barriers between member states or their exit from common policies or the EU altogether) with external rebordering (the creation and guarding of "joint" external EU borders). "Defensive integration" can be characterized as a limited, minimum common denominator solution to the refugee crisis (see Jones, Daniel Kelemen, and Meunier 2021; Lavenex 2018; Biermann et al. 2017). The goal of our study was to trace the policymaking processes that account for this outcome. In our view, the basic tension at the core of the EU polity shaped the policymaking at both levels of the compound polity and limited its capacity to take far-reaching decisions. As we have argued, this tension was exacerbated in the asylum policy domain, since it rendered issues concerning national sovereignty highly salient and mobilized political forces defending the national sovereignty of the member states, in line with the postfunctionalist notion of "constraining dissensus" (Hooghe and Marks 2009). Based on our analysis of the refugee crisis and contrary to some received wisdom, we do not see any contradiction between the failing-forward approach and the postfunctionalist approach. Rather, we see them as complementary and contributing to the understanding of the outcome of this particular crisis (see Ferrara and Kriesi 2021).

For the analysis of how policymakers reacted to the challenge of the refugee crisis domestically and internationally, we took as our starting point two sets of factors – the policy-specific institutional context, that is, the policy heritage and the institutionalized decision mode, and the crisis situation defined in terms of problem pressure and political pressure. Our results show that policymaking in the crisis was to a large extent, although by no means exclusively, a response to the specific situation the member states and the EU faced in late summer 2015 – a situation characterized by a combination of limited EU policy-specific competences and an asymmetrical distribution of crisis pressures. The low capacity and lack of policy resources of EU institutions in asylum policy made crisis resolution highly dependent on decision-making in inter-governmental fora. At the same time, the uneven distribution of policy capacities and crisis pressures among the EU member states resulted in a highly politicized mixture of conflicts both at the transnational and the national level, which constrained the potential for intergovernmental agreement, coordination, and joint action and resulted in minimum common denominator solutions. We contend that in a different crisis situation, policymaking would have taken a different course, the policy outcome would have been less constrained, and supranational institutions would have been likely to have played a more important role – in line with more neofunctionalist or federalist accounts (see Ferrara and Kriesi 2021).

By applying a combination of tools from comparative politics and policy analysis to the study of policymaking in the EU polity, we showed how, in the absence of generally accepted rules, EU policymaking in the refugee crisis developed in an uncoordinated, ad hoc way that served to poison transnational relationships among member states beyond the narrow confines of asylum policy and led to the formation of transnational coalitions, which are likely to haunt EU policymaking far beyond the refugee crisis. By distinguishing between five types of member states, based on the way they were affected by the crisis, and by systematically analyzing the domestic and international (trans- and supranational) conflicts triggered by the resulting configuration of member states, our approach provides a comprehensive account of the crisis. In particular, we analyzed the reciprocal relationship between domestic and international conflicts in the two-level game of EU policymaking: On the one hand, we documented the multiple ways in which international conflicts spilled over into domestic policymaking, where they exacerbated partisan conflicts articulating the transnational cleavage. On the other hand, we showed how domestic partisan conflicts and unilateral national reactions to the crisis spilled over into the intergovernmental and supranational arena,

where they exacerbated transnational and vertical conflicts between member states and the EU.

With regard to crisis outcomes, our results underscore continuity. In spite of the pressure exerted by the crisis, the EU and its member states proved unable to reform the defective asylum policy. Instead, they reinforced the external borders and externalized the problem solution to third countries, which provided some respite. By relying on “defensive integration,” they have been buying time. The dysfunctional common asylum system has been left untouched. Continuity also prevails with regard to the conflict potentials of migration and asylum policies, which continue to be large and have even markedly increased during the crisis. The incapacity to reform the common asylum policy risks the reactivation of these potentials at any moment in time. Importantly, the political parties on the right that are ready to mobilize these potentials have been reinforced by the general drift toward the right resulting from the refugee crisis.

Compared to previous accounts, our approach has the advantage of tying the individual pieces together within one and the same theoretical and empirical framework by systematically linking policymaking at the two levels of the EU polity and by consistently focusing on the prevailing conflict configurations at each level individually and at both levels jointly. In this concluding chapter, we summarize our theoretical and methodological contribution and provide some further detail on our main findings. We conclude with an afterthought regarding the new refugee crisis that hit the EU as a result of the war in Ukraine.

Our Approach to Studying the Refugee Crisis

Our theoretical approach to studying the refugee crisis is based on the perspective of the EU as a compound polity of nation-states involving interdependent vertical relations between member states and the EU authorities, as well as transnational relations between the member states themselves. The two-level structure invites political structuring at both the supranational level of the EU and the national level of the member states and produces two lines of international conflicts. The vertical conflict line opposes the polity’s center – the EU – to the member states, whereas the horizontal conflict revolves around the specific interests of the member states and involves conflicts between and within member states. These conflicts do not occur in a vacuum. Thus, the fundamental tension between the integration process and the destructuring of the national polities becomes particularly critical in crisis situations. We highlighted two sets of factors for the explanation of the policy

outcome – the policy-specific institutional context within the compound polity (the policy domain-specific competence distribution and the institutionalized decision-making procedures governing the crisis interventions) and the characteristics of the crisis situation (the crisis-specific distribution of problem and political pressures). Our core argument is that the asymmetric distribution of crisis pressures across member states combined with the limited competence of the EU agencies in the asylum policy domain and the demanding consensus requirements goes a long way toward explaining the outcome of crisis policymaking in this case. The main focus of our volume lies in the investigation of the kind of conflicts that were triggered by this particular combination of factors, the way these conflicts were politicized, and how they influenced the policy output and political outcomes of the crisis.

To analyze the conflicts within the refugee crisis, we relied on three key concepts: political structuring, politicization, and conflict intensity. Political structuring refers to the structural preconditions that allow the expression of voice, which include both the nature of the EU polity and the specifics of the crisis situation. Politicization corresponds to the expansion of the scope of conflict in terms of issue salience and the polarization of the actors' issue-specific positions within these structural preconditions, and conflict intensity bears on the specific types of actions undertaken by the actors to defend their positions in the policymaking process during the crisis.

In operational terms, to measure these concepts and explore the relation between them, we employed an ambitious empirical approach. The central tool of analysis upon which our study is based uses policy process analysis (PPA), a method that builds on political claims analysis (PCA) (Koopmans and Statham 1999) and that we developed further for the purposes of this study. This method relies on the systematic coding of media data for capturing the policymaking and politics surrounding policy debates. We applied this method to individual policy episodes within selected countries and the EU. For each episode, PPA captures indicators related to the actors involved in the policy debate, the forms of action they engage in, the arena where the actions take place, the issues addressed, and the frames used to address them. PPA allows for the measurement of our key concepts of politicization and conflict intensity both statically and over time. At the same time, PPA supplies detailed qualitative data, which allowed us to illustrate the systematic quantitative results with narrative accounts of our episodes.

In democracies, policymaking is not only playing out in the public, it is also constrained by public opinion and the public debate. In the EU, public opinion is still a mainly national opinion, and the public debate is

still a mainly national debate. To the extent that they focus on the same policy episodes at the EU level, the national debates are Europeanized, but the debate about a EU-level episode may also be domesticated as a result of the specific incidence of the episode on a given member state (see Chapter 12). The domesticated debate on European episodes and the domestic debate on national episodes, in turn, may be consequential for EU policymaking. Whatever the status of the public constraint – nationally specific or Europeanized – the exclusive focus on the supply side of policymaking of PPA neglects features related more specifically to the demand side of public opinion and vote intentions. Therefore, we complemented our PPA dataset with a variety of original datasets involving different methods of data collection depending on the elements of the crisis on which we zoom in. At various points across our study, we employed core-sentence analysis (CSA) for studying political competition dynamics in election campaigns, survey data for capturing public opinion on migration, and speech analysis for studying rhetorical devices employed by key center right and far right actors during the crisis.

The Crisis Context and the Unfolding of Policy Episodes

Our first set of insights relates to the characteristics of the policy-specific institutional context and its impact on the subsequent unfolding of the policy episodes. In the first place, policymaking is embedded in the domain-specific policy legacies: As argued by historical institutionalism, past policies create a situation of path dependence that limits the available choices for policymakers in the crisis situation. From this point of view, it is important that the refugee crisis of 2015–16 was not the first refugee crisis in Europe. Other such crises have preceded this one and have shaped the policy heritage at both the EU and the national level, which in turn was what the decision-makers relied upon when the problem pressure and the political pressure kept mounting during the summer and early fall of 2015. As Geddes (2021) argues, policymakers' past experiences with crises in the migration domain generally shape their representations of what is normal about migration. Perceptions of normality, in turn, define what they know how to do and what they think they are expected to do next.

Crucially, in the asylum policy domain, responsibility is shared between the EU and the member states. In asylum policy, the mixture of interdependence and independence of the member states imposes reciprocal constraints on the decision-makers at each level of the EU polity. The limited competence of the EU in this domain posed a great challenge for policymaking in the crisis, a challenge that was enhanced by the diversity

of the domain-specific policy legacies in the member states. As a result of the lack of harmonization of minimum standards between member states and of the deficient capacity of some national asylum systems, the entire CEAS rested on what has been called an organized hypocrisy (Krasner 1999; Lavenex 2018; van Middelaar 2019: 103ff).

Second, the characteristics of the crisis situation proved to be decisive for the policymaking in the various episodes. Thus, the problem structure of this crisis implied a high degree of urgency but only a limited degree of uncertainty. The refugee movements were predictable, but little was done to prevent escalation. The core of the CEAS, the Dublin and Schengen regulations, proved unsuited to channel the inflows. The EU Commission was, indeed, preparing for the advent of the crisis, but when it arrived in full force in September 2015, it still hit the member states unprepared and required responses under conditions of high urgency. It was the external shock of mass displacements that created the urgency for the decision-makers at the national and EU levels. This shock came to a head in the summer and fall of 2015. Crucially as well, the shock was asymmetrical: While some member states hardly experienced any problem pressure at all during the crisis, it was the least prepared among them (such as Greece and Hungary) that were hit particularly hard. The asymmetrical distribution of problem-solving capacity and problem pressure across member states, combined with the independence that member states have retained in asylum policymaking, made joint responses particularly difficult.

The variation of the policy heritage combined with the variable problem and political pressure exerted by the crisis created a complex configuration of transnational interests, aligning EU countries into four types: frontline states (Greece and Italy), transit states (Austria and Hungary), open destination states (Germany and Sweden), and closed destination states (France and the UK), as well as a residual category of bystander states that have hardly been affected by the crisis at all (Chapter 4). This typology guided our analysis, although we are conscious of the fact that even within the same type, the crisis experience varied to a considerable extent. Thus, among the frontline states, Greece experienced a sudden and explosive shock of inflow, while Italy faced small but reoccurring shocks, which had already started before the refugee crisis of 2015–16 and continued during 2017 and 2018. In spite of such variations, the interests of the states of a given type more or less aligned during the crisis. However, interests also converged across some types. Thus, the most important adversarial coalition that was forged in the crisis, the Visegrad 4 coalition, was composed of a transit state (Hungary) and three bystander

states (Poland, the Czech Republic, and Slovakia), which shared a common opposition to relocation schemes.

Political pressure added to the predicament of a number of key member states. This type of pressure is indicated by the salience of the migration issue in public opinion and by the presence of a radical right challenger party. In terms of the salience of the issue in public opinion, political pressure was added to the problem pressure in precisely those member states where the latter was greatest. In addition, in the two transit states (Austria and Hungary), the government came under pressure from the radical right, which had already been strong before the crisis, whereas in the two open destination states (Germany and Sweden), the originally weak radical right achieved an electoral breakthrough at the time the crisis hit. Under the cumulation of problem and political pressure, open destination and transit states became major protagonists in the management of the crisis. The combined pressure became particularly important in the case of Germany – because of its size and influence, which enabled it to take the lead in common initiatives. Confirming the public goods literature (Thielemann 2018: 69), Germany came to shoulder a disproportionate part of the common burden, since it had potentially more to lose (in absolute terms) from the nonprovision of the public good in terms of stability and security, and since it was also able to unilaterally make a significant contribution to the provision of the good.

Biermann et al. (2017) acknowledge the asymmetrical nature of this crisis, but they distinguish between only two types of member states – those affected by the crisis and those unaffected by it. This simple dichotomy does not do justice to the complexity of the interest configuration among the member states during the crisis. In the short run, the transit and open destination states shared a common interest in stopping the inflow at the external borders, which aligned them with the frontline states but placed them in opposition to the restrictive destination and the bystander states, which were not directly affected by the inflow. However, with regard to the accommodation of asylum seekers, the position of the transit states was more ambiguous, since they clearly benefited from the secondary movements of the refugees within the EU. Moreover, the interests of the frontline and destination states were not fully aligned with each other either: If they shared a common interest in the short run, they were on opposing ends with regard to the reform of the CEAS. Together with the other member states, open destination states were in favor of restoring the Dublin regulation, which attributes responsibility for accommodating incoming refugees to the frontline states. By contrast, the priority of the frontline states was to reform the CEAS such that they would no longer have to assume the entire responsibility for accommodating the inflow

Table 15.1 Summary of member state characteristics

Type of state	Crisis situation				Prevailing conflicts		
	Policy heritage: capacity	Policy heritage: openness	Problem press	Political press	Primary	Secondary	Politicization
Frontline							
Greece	Low	Closed	High	Low	International	—	High (late)
Italy	Medium	Medium	High	High	International	—	High (late)
Transit							
Hungary	Low	Closed	High	High	International	Part/soc	High (peak)
Austria	Medium	Medium	High	High	International	Intragov	High (peak)
Open destination							
Germany	High	Open	High	High	Intragovernmental	International	High (peak)
Sweden	High	Open	High	High	Partisan	Societal	High (peak)
Closed destination							
France	Low	Closed	Low	Low	Partisan	—	Low
UK	Low	Closed	Low	Low	Partisan	Societal	Low

of new arrivals. Table 15.1 summarizes the crisis situation in the eight member states of our study and also provides some information about conflict structures and politicization – to which we now turn.

Actors and Their Conflict Structures

Given the crisis situation, we identified the configurations of actors who attempted to deal with the crisis and the conflict structures between them at both levels of the EU polity. Member state governments proved to be the pivotal actors in the two-level game of policymaking at both levels of this polity. In line with expectations, it is executive decision-making led by representatives of member state governments that prevailed in the policymaking episodes during the refugee crisis. At the EU level, international conflicts involving members states and their key executives (with a dominant role played by Germany and its chancellor) predominated (Chapter 7), while at the domestic level, governments faced essentially four types of conflicts: international, partisan, societal (represented above all by NGOs defending humanitarian rights), and intragovernmental conflicts – with the first two being more common than the latter two (Chapter 6).

In line with our theoretical framework, international conflicts include both vertical oppositions between member states and the EU (supranational conflicts) and horizontal ones between various groups of member states (transnational conflicts) or between member states and third countries (externalization conflicts). As the crisis progressed at the EU level, these conflicts coalesced into two camps that express the emerging integration–demarcation cleavage – the EU core coalition (including destination and frontline states in addition to EU actors in their quest for burden sharing) and the sovereignty coalition (including transit and bystander states preventing any form of burden sharing or policy reform). The reduction of the complex interest structure among member states to such a simple, binary configuration is a result of the onslaught of the sovereignty coalition, which succeeded in sidelining all other conflicts between member states. In addition to this major dimension of conflict, a secondary dimension also contributes to the structuration of conflict at the EU level – a humanitarian–realist dimension opposing a coalition of civil society actors, international organizations (UNHCR), and domestic opposition parties (demanding a more humanitarian policy approach) to the executive-dominated realism of the member states and the EU authorities.

At the domestic level, the parallel presence of the four types of conflict lines constitutes perhaps the most important feature of the refugee crisis. In contrast to the EU-level conflicts that largely unfolded between

member states and EU institutions, the domestic debates revealed a much more complex reality with a diverse set of actors involved. Throughout the refugee crisis, governments were trapped in a two-level game, with their bargaining power in the European arena conditioned by the type and the intensity of conflict they faced from domestic stakeholders. However, the prevalence of the four conflict types varied according to the type of member state. International conflicts prevailed in frontline states, which were mainly concerned with border controls during the crisis. International conflicts about border control were also characteristic for transit states in the first two periods of the crisis but lost importance in these states during the third period, when the governments of the transit states turned to primarily domestic issues: Hungary's government started to exploit the refugee issue for its own political purposes, which gave rise to partisan and societal conflicts, and the Austrian government turned to retrenchment of asylum rules, which involved intragovernmental conflicts. In both types of destination states, international conflicts were of lesser importance. Even if, in these states, too, the most decisive measures concerned border controls – keeping the borders open (in Germany) or closing them down (in the other three), the episodes were mostly dealing with the retrenchment of asylum rules. Accordingly, intragovernmental conflicts prevailed in Germany, partisan conflicts in France, and partisan conflicts in combination with societal conflicts in Sweden and the UK.

At the domestic level, international conflicts result from the interdependence of the member states and their embedding into the framework of the common EU asylum policy. They arose in border controls episodes in which national governments opposed EU actors, the governments of other member states and of third countries, and/or other supranational institutions such as the UN over what were usually unilaterally rebordering measures. Such conflicts stand out from the rest, with more than double the level of politicization and support behind governments. Thus, the involvement of international actors seems to simultaneously lead to higher levels of politicization and to higher levels of government support as it draws in a broader group of participants but at the same time tends to mute criticism from domestic opponents.

Among the domestic opponents, mainstream opposition parties emerged as the most important adversaries of national governments, although on occasion they were joined by challenger parties from the radical left and especially from the radical right. Surprisingly, during the refugee crisis, the radical right has not played a unique role in articulating the integration–demarcation cleavage at the domestic level. When further zooming in on partisan conflicts between the national governments

and the opposition, but also within the government itself (Chapter 8), we focused on two critical aspects of government composition – fragmentation and ideology. Unsurprisingly, as governments in the member states covered by our study range from monolithic single-party governments (the Fidesz government in Hungary and the Mitsotakis government in Greece) to grand coalitions (in Germany and Austria), fragmentation was closely associated with intragovernmental conflicts. Some of these coalitions were further fragmented on ideological grounds, as we have witnessed in the case of the M5S–Lega coalition in Italy. However, overall, the ideological makeup of the government was only weakly related to the intensity of the partisan conflict and did not play a crucial role in determining its substantive content. In substantive terms, it is rather the ideological orientation of the partisan opposition that turned out to be decisive. When the opposition comes from the radical right – and to a lesser extent, from the center right – it tends to be justified with security–sovereignty–identitarian arguments, while opposition from the center left tends to be justified with humanitarian–solidaristic–democratic arguments.

In order to better understand how they justify their opposition to the reception (accommodation) of refugees, we analyzed in more detail the arguments and frames used by right-wing actors during the refugee crisis. As we have pointed out in Chapter 9, the opponents to immigration have to deal with the challenge of humanitarian arguments in favor of the protection of refugees. To come to terms with this challenge, anti-immigration actors, predominantly from the right, are complementing their rhetoric with frames that correspond to Hirschman's (1991) rhetoric of reaction. They argue that the aid provided to refugees is bringing about perverse outcomes; resulting in more human tragedy than it averts; and that, concurrently, it places our societies in grave jeopardy due to the social changes brought about by the refugee inflow. Analyzing the discourse employed by radical and mainstream right parties, our results underline that, apart from a common focus on security frames (with the exception of the British Conservatives), there is virtually no convergence of their rhetoric in a transnational radical right discourse. However, even if they do not deploy a common rhetorical and framing template, they share a common pool of arguments, from which they liberally borrow a wide array of frames and themes, depending on their country's context, the political competition, and the issues that were dominant when the crisis was introduced in their respective countries. The result is a sort of kaleidoscope through which different patterns and permutations of arguments and frames present themselves as each party sees fit, depending on its strategic calculus and the country's status quo.

Dynamics of Policymaking across Polity Levels

Regarding the general unfolding of the policy episodes (Chapter 5), it proved to be useful to distinguish between three periods – the precrisis period, which started in early 2013 with the initiation of the first episode in our set and lasted until August 2015, when the crisis situation became acute; the peak period, lasting from September 2015 until the adoption of the EU–Turkey agreement in March 2016; and the postpeak period, which extended over several years from April 2016 up to the spring of 2020. The politicization of the crisis reached its apex during the peak period, at both levels. For the EU, politicization is single peaked at the time of the EU–Turkey agreement; for the member states, there are two peaks, one at the moment the crisis exploded in September 2015 and another at the time of the adoption of the EU–Turkey agreement. More limited peaks follow in the third phase at the level of the member states.

The overall level of politicization is a direct response to problem and political pressures in the crisis situation. However, if we go to the level of the individual member states, the association between pressure and politicization at the peak of the crisis turns out to be close only in the two open destination states and in one of the transit states (Austria), and only for two of the three indicators for pressure. The reason is that policy episodes were politicized not only by pressure in the crisis situation but also by factors endogenous to politics, which became increasingly important as the crisis progressed. Among these factors we noted the anticipating reactions of policymakers, the strategies of political entrepreneurs (especially important in Germany, Italy, and Hungary) designed to create a crisis situation where there was none (anymore) for political purposes, key triggering events such as terrorist attacks (important in both Germany and France), the legislative cycle (as in the strategies of the new ministers of the interior, Salvini and Seehofer, and in one of the three late episodes in Greece), and in general the endogenous dynamics of policy reactions to the crisis once they have been set in motion. In the special case of Hungary, three of the five episodes occurred after the crisis peaked and problem pressure ceased to exist. These episodes all refer to measures that the Fidesz government under Viktor Orbán introduced in its attempt to outbid its radical right competitor as a defender of the national cause.

Our detailed analysis of support for government policies by elite actors, broadly understood (including governments, opposition parties, civil society organizations, and international actors), shows variation over the course of the episodes. The results indicate that far from the elite closing ranks behind government proposals as the “rally-around-the-flag”

perspective would lead us to expect, elite groups appear to have distanced themselves from the government initiatives in response to mounting problem pressure (Chapter 10). Depending on the context, elite groups used the strategic opportunity offered by mounting problem pressure to signal opposition to the governments' proposals and, in response to the pressure exerted by the growing strength of the radical right, to step up dissent. The elite response proved to be particularly critical during the first two phases of the crisis, in destination states, and in episodes related to asylum policies (rather than border controls). In terms of endogenous effects, the analysis of elite support confirms that elite groups engaged in strategic behavior in reaction to other parts of the elite. While dissenters within governments were responsive only to partisan opposition actors, the behavioral calculus among opposition, civil society, and international actors was more complex. In one way or another and to different degrees, the governments' opponents systematically responded to each other's expressed level of support for the government's initiatives, albeit sometimes with substantial lags. Though the government, by virtue of its central role in the policy process, was, indeed, the main originator or target of conflict, other actors hardly acted in isolation and followed in each other's footsteps when attacking the government's policies.

We analyzed in detail the dynamics of cross-level episodes (around half of all the episodes), which are characterized by the expansion of conflict beyond the national political space, that is, by a particularly high intensity of politicization, and which demonstrate the interdependence of the two levels of policymaking in the EU polity (Chapter 11). Border closures and the relocation issue gave rise to a large number of such episodes, which all result from the spillover effects created by unilateral actions on the part of some member state or by inaction on the part of the EU within the EU policy framework. Such episodes refer to both top-down and bottom-up cross-level interventions in conflicts originating either at the international or the domestic level. Top-down interventions involve both regulations and capacity building, and they occur in conflicts about the (lack of) implementation of EU policies in individual member states or in conflicts arising from ("deviating") domestic policies violating EU policy. Bottom-up interventions involve unilateral policy measures on the part of individual member states to substitute for EU policy that has not been forthcoming and subsequent attempts to "upload" this policy to the EU level. In addition, they include unilateral measures designed to signal to the EU and other member states the domestic incapacity to implement EU policy or unilateral appeals for support/mediation in some domestic/bilateral policy conflict.

We have illustrated the great variety of cross-level dynamics with the four member states that played a particularly prominent role during the crisis. Greece served to illustrate both “top down” EU interventions to increase the domestic capacity of a “foot-dragging” frontline state to deal with the crisis (in the Hotspot episode) and “bottom-up” demands of a frontline state for support by the EU (in the border conflict with Turkey). The case of Italy, our second frontline state, focused on “bottom-up” (“self-help”) efforts to substitute unilaterally for EU policy (Mare Nostrum and the EU–Libya agreement) and subsequent attempts to upload the unilateral measures to the EU, but it also featured episodes of top-down interventions by the EU to come to terms with externalities created by Italian policy for its neighbors (in the border conflicts with France and Austria and the conflicts created by the Port Closures). In contrast to the Greek case, the Italian examples show how factors endogenous to domestic policymaking are creating international conflicts and cross-level interactions. The Hungarian case served to illustrate unilateral “self-help” actions (the Fence Building and the Legal Border Barrier Amendment) substituting for EU policies, as well as conflicts endogenously created in domestic politics, which led to top-down interventions attempting to punish “deviating” policies (the Civil Law and the “Stop Soros” legislation) and to bottom-up “signaling” of the incapacity (“our hands are tied”) to implement EU policy (the quota referendum). The German episode (the CDU–CSU Conflict), finally, illustrated the appeal of a member state to the EU for help in resolving a domestic conflict and showed how domestic policymaking can trigger symbolic gestures of EU policymaking in support of a member state government.

Among the great variety of cross-levels episodes, the most important for our study is the EU–Turkey Deal due to its intense salience, centrality, and consequences (Chapter 12). In order to show how an EU policymaking episode is domesticated in national policymaking, we coded this episode at both the EU level based on international sources and in four of our eight member states – Germany, Greece, Hungary, and the UK – based on the national press. Our results indicate that the very same agreement had very different implications in terms of conflict and domestic policymaking in different countries. At the EU level, the dominant conflict line in the EU–Turkey episode opposed the EU/its member states and Turkey. While the episode was hardly noticed in the UK at all, this conflict structure also emerges from the German and the Hungarian debates. In Germany, the agreement allowed Chancellor Merkel to escape from the trap of her open-doors policy. In Greece, by contrast, this conflict appeared much weaker, despite the episode’s great

salience in this frontline state. The Greek debate was far less conflictive and polarized than the debates in the other countries. While the Greeks covered this episode a lot, they did so in overwhelmingly positive or neutral terms. Moreover, as the agreement faded from the attention of the German public once it had been concluded, in Greece, it had an ambivalent and lingering character: It successfully stopped the inflow of refugees, but it left many refugees stranded within Greek borders, whom Greece could only provide for with EU support.

The Political Outcomes of the Crisis

We have argued that the characteristics of the crisis situation in combination with the policy-specific institutional context generate distinct patterns of policymaking in the EU. This implies that we cannot easily generalize from one crisis to another. In the refugee crisis, the low capacity and lack of resources of supranational institutions in the asylum policy domain made crisis resolution highly dependent on intergovernmental decision-making. At the same time, the potential for agreement in intergovernmental negotiations was constrained by the asymmetrical distribution of crisis pressures among member states. The combination of asymmetrical incidence and joint competence between EU and member states proved to be particularly critical for joint solutions. As pointed out by Ferrara and Kriesi (2021: 13) and as documented throughout this volume, such a setting renders joint policymaking initiatives and collective action solutions difficult and, instead, leads to unilateral reactions on the part of member states, the spillover effects of which unleash and exacerbate transnational conflicts and give rise to a complex web of cross-level interactions to come to terms with these conflicts. As a result of these difficulties, the EU has found only stop-gap solutions to the refugee crisis and still tries to reform its dysfunctional common asylum policy.

Hardly any integration steps resulted from the crisis with respect to the reform of the rules for a common asylum policy (Börzel and Risse 2018). Instead, the crisis led to the extension of essentially intergovernmental protectionist policies limiting access to the CEAS (Lavenex 2018). Externalization and reinforcement of the external borders temporarily stopped the inflow of refugees. The EU–Turkey agreement was the key measure to bring the flow of refugees into the EU to a temporary stop. As Lavenex (2018) has pointed out, however, the externalization of the policy to Turkey and Libya, countries that are not or not fully party to the Geneva Convention, amounted to the circumvention of EU standards. Moreover, the non-legally-binding EU–Turkey “statement”

eschews fundamental principles of accountability and of the rule of law. The “statement” was an informal deal concluded by the EU member states in their capacity as independent legal subjects. This has been “failing forward” in the direction of “defensive integration” – a combination of reinforcing external and internal borders.

This policy response did not stray very far from the well-known policy heritage in the asylum policy domain. EU asylum policymaking remained prone to continuity rather than change (Ripoll Servent and Zaun 2020), and the same can be said of national policymaking. Despite crises often acting as “windows of opportunity,” the breakdown of the EU’s asylum system in the 2015–16 crisis triggered the same kind of response as in past crises – namely, a shift of responsibility outward and a reinforcement of external border control at the EU level (Guiraudon 2018). At the national level, it led to the reintroduction of border controls at the domestic borders and to the further retrenchment of asylum policy across the member states. In general, the measures introduced during the crisis were consistent with an approach at the national and EU levels that can be traced back for more than two decades (Geddes, Hadj Abdou, and Brumat 2020). In this policy domain, the EU seems to be stuck in a “sub-optimal equilibrium” (see Hix and Hoyland 2022: 363).

In fall 2020, five years after the peak of the refugee crisis, the new Commission under President Ursula von der Leyen presented a New Pact on Migration and Asylum, a comprehensive proposal for the reform of the EU’s migration and asylum policy designed to provide for a long-term solution fully grounded in European values and international law. The proposed pact proved to be deficient, however, and at the time of this writing (September 2022), none of its provisions has been implemented yet. Crucially, the key proposal for a “Regulation of asylum and migration management” left the core principles of Dublin III unchanged. In particular, the responsibility of the country of first entry into the EU still remained in place. Unsurprisingly, the ministers of the interior of the southern European frontline states heavily criticized this unchanged distribution of responsibilities, and critics like ECRE (2021: 6) pointed out that “it is inherently paradoxical to maintain a system which generates unfairness that has to be corrected through solidarity mechanisms.”

In June 2022, twenty-one months after the launching of the new pact and in the midst of a new refugee crisis linked to the war in Ukraine (see below), the European Commission announced that member states had agreed to start implementing a voluntary mechanism offering relocations, financial support, and other measures for member

states in need.¹ The French presidency claimed that this “Solidarity Declaration” was a first step in the gradual implementation of the New Pact on Migration and Asylum. According to the Commission, this declaration was to provide a voluntary, simple, and predictable solidarity mechanism designed to support the member states most affected in the Mediterranean as well as other member states under pressure, including states on the western Atlantic route. This declaration, however, was no more than a declaration of intent, and of very limited scope, indeed: It promised to relocate only 10,000 asylum seekers per year, and only a dozen member states declared their willingness to accommodate them. Hungary, Poland, Austria, and the Baltic states continued to reject any kind of solidarity mechanism.²

Meanwhile, the pressure exerted by asylum seekers on the European borders had temporarily decreased because of the Covid pandemic. In 2020, the number of first applications for asylum in Europe was as low as it had not been since 2013. At the same time, the refugee issue largely disappeared from public attention, which was now fully focused on the pandemic and its consequences. But the lull proved to be only temporary. In 2021, the pressure returned once again as the border crossings on the Balkan route increased, as did crossings on the Mediterranean route. Rescue ships like the *Geo Barents*, the *Sea-Watch 3*, the *Ocean Viking*, and the Italian coast guard continued to rescue hundreds of migrants in distress at sea.³ The situation continued to be in flux, far from a state of equilibrium.

In addition, a series of incidents revealed Europe’s continued vulnerability to the weaponization of migration flows by third countries. Thus, in May 2021, the Moroccan authorities, in reaction to what they perceived as a lack of Spanish support on the issue of Western Sahara, opened the gates at the border with Spain’s North African enclave Ceuta, letting pass some 8,000 refugees of mostly Moroccan origin. The influx, the biggest in recent Spanish history, created a political crisis in Spain. Even more seriously, in summer 2021, Belorussian dictator Alexander Lukashenko used asylum seekers from Middle Eastern war zones to put pressure on the EU in reaction to the sanctions the EU had imposed on Belarus following his fraudulent 2020 reelection. Lukashenko’s first target was Lithuania, followed by Poland. In this most blatant example

¹ European Commission 2022. Migration and Asylum: Commission welcomes today’s progress in the Council on the New Pact on Migration and Asylum, Press Release, Brussels, June 22, 2022

² See NZZ, June 11, 2022.

³ See, for example, NZZ, August 24, 2021; October 23, 2021; November 18, 2021; February 23, 2022; May 31, 2022.

of coercive diplomacy, Lukashenko used displaced people as a weapon against the EU in an attempt to exploit its deep transnational divisions and public fears of uncontrolled immigration.⁴ However, he miscalculated: Lithuania and Poland both built fences at their respective borders with Belorussia and manned the borders to defend the fences. Thus, in the thinly populated border area between Poland and Belorussia, 15,000 Polish border guards, police officers, and soldiers ended up facing the thousands of migrants from the Middle East who, instigated by Belorussian officials, tried to break through the fences.⁵ Whereas the EU Commission had once chided its member state governments for building fences at its external borders, it now supported the fence building with enhanced sanctions against Belorussia. The EU's resolve eventually induced the Belorussian dictator to back down, and many of the Middle Eastern asylum seekers returned to their home countries.

Finally, while the EU expected Turkey to stand by its commitments and to deliver on all elements of the agreement,⁶ the fragility of the agreement was demonstrated by the events in spring 2020, when Turkey unilaterally tried to break it by inciting refugees to cross the Greek border – an episode that we have analyzed in detail in Chapter 11. After the passage of the Covid-19 crisis, in spring 2022, President Erdogan increased the pressure on the Greek border once again, threatening Greece with an invasion of asylum seekers.⁷ In reaction to this increased pressure, the Greek border guards had prevented no fewer than 154,000 people from crossing the river Evros at the Turkish–Greek border during the first eight months of 2022.

In the absence of a sustainable policy to resolve the problem pressure, the refugee crisis did nothing to solve the underlying conflicts between and within member states. The uncoordinated, ad hoc way in which EU policymaking developed during the refugee crisis served to poison transnational relationships among member states beyond the narrow confines of asylum policy and led to the formation of transnational coalitions, which are likely to haunt EU policymaking far beyond the refugee crisis. Thus, the key adversarial coalition that took shape during the refugee crisis – the sovereignty coalition of the Visegrad 4 countries – reappeared and solidified in the subsequent rule-of-law and Covid-19 crises. The

⁴ See FT, December 5, 2022.

⁵ See NZZ, November 11, 2021.

⁶ European Commission (COM 2021, 590 final, 9/29/2021). Communication from the Commission to the European Parliament, the Council, the European economic and social committee and the Committee of the regions on the Report on Migration and Asylum, p. 17.

⁷ See NZZ, September 7, 2022.

seeds for the conflicts in the later crisis were sown in the refugee crisis, and in that sense, the policy failures in the refugee crisis created a latent potential for a polity crisis of the EU. In fact, the transnational conflicts that characterized policymaking during the refugee crisis were exploited by the respective governments in Hungary and Poland to transform their political regimes into illiberal democracies, which created the subsequent rule-of-law crisis (Bohle, Greskovits, and Naczyk 2023).

The refugee crisis also exacerbated the existing conflict lines in public opinion (Chapter 13). As our analysis of public opinion in the aftermath of the crisis showed, the policy-specific conflicts in the public are above all structured by the relocation debate and by the Dublin Reform, while the prevailing policies involving external or internal bordering or externalization are comparatively consensual. At the transnational level, the opposition between the frontline and destination states on the one hand and the V4 countries on the other is mirrored in public opinion. At the domestic level, we find the expected opposition between nationalists and cosmopolitans that is politically articulated by the radical right and some nationalist-conservative parties on the one side and by the left and some parties of the mainstream right on the other side. Comparing the two levels, our results show that conflicts surrounding asylum policy are more intense at the domestic level between supporters and opponents of migration than between various types of countries. Generally, our results suggest that the conflict potentials of immigration policies, rather than being fully mobilized or alleviated, are still large and have markedly increased over the past few years, especially in the destination states of northwestern Europe. The large opposition to immigration in some member states is bound to constrain the options available to policymakers as it is likely to constitute a major obstacle to joint solutions.

The refugee crisis also had electoral repercussions (Chapter 14). While it did not give rise to a wholesale transformation of party-systems in any country, as was the case in the Eurozone crisis, the refugee crisis did make room for various actors that were able to profit from the increased salience of the immigration issue. In contrast to the Eurozone crisis, which caught several actors by surprise or forced them to adopt untenable and unpopular positions, the refugee crisis with its cumulative and expected nature allowed much more room for strategic choices by parties that were able to anticipate the potential political impact of the crisis and react strategically to the country-specific crisis situation. The most salient pattern of transformation our results underline is one of drift toward the right more generally, as more parties on this side of the spectrum rushed to capitalize on the issue and prioritized it in their campaign discourse. Even if this pattern of drift enhances the impression of

stability, the transformation of the party system is still apparent in some countries, as right-wing actors who persisted in their anti-immigration message enjoyed electoral gains at the expense of their proximate competitors and of the left. In some countries, such as Hungary, Austria, the UK, and Greece, nationalist conservative parties displaced the radical right, while in others, such as Italy, Germany, France, and Sweden, the radical right increased its vote share at the expense of the mainstream right.

The drift to the nationalist-conservative right as well as the exacerbation of the domestic conflict between nationalists and cosmopolitans and of the transnational conflicts between a sovereignty coalition and a core coalition bent on further integration suggests that the refugee crisis has undermined the solidarity between member states in the EU. Far from contributing to further bonding, the way this crisis has been managed by the EU and its member states has left the core issues unresolved and rendered future problem-solving more difficult.

An Afterthought

If the 2015–16 refugee crisis was not the first one, it will not be the last one either. On February 24, 2022, Russia attacked Ukraine, which triggered the greatest refugee inflow into the EU ever. Until the end of May 2023, more than 8 million refugees from Ukraine had been recorded across Europe.⁸ Faced with the enormous number of inflowing refugees, the EU reacted very rapidly: On March 2, the Commission proposed the activation of the Temporary Protection Directive granting temporary protection to all those fleeing the war, meaning that the Ukrainian refugees were to be given residence permits and to have access to education and to the labor market.⁹ On March 4, the Council activated this proposal.¹⁰ This was the first time the Temporary Protection Directive, which had been adopted in 2001, was activated.¹¹ By the end of May 2023, of the 8 million refugees who had fled from Ukraine to Europe, a

⁸ <https://data.unhcr.org/en/situations/ukraine> (last updated on May 23, 2023).

⁹ European Commission, 2 March 2022, Press release. Ukraine: Commission proposes temporary protection for people fleeing the war in Ukraine and guidelines for border checks.

¹⁰ Council implementing decisions 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

¹¹ Council directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

large number had returned to Ukraine, 1.4 million had stayed in Poland, and 3 million had moved on to other European countries – 1 million of them to Germany.

Compared to these numbers, the previous waves of refugees seeking protection in the EU pale to a considerable extent. Thus, at the end of 2019, the EU had hosted some 2.6 million refugees, equivalent to 0.6 percent of its population.¹² Still, the earlier inflows of refugees into Europe led to a much greater politicization, that is, greater salience and polarization, and deeper political conflicts between and within EU member states than the much more massive inflow of Ukrainian refugees. Following Moise, Dennison, and Kriesi (2023), we can explain the different reaction of Europeans to Ukrainian refugees with the extraordinary event of having a war on their doorstep, which fundamentally shaped their perspectives on refugees fleeing that war. Europeans are less likely to be aware of the exact circumstances of refugees from the Middle East and Africa. In turn, the fact that Europeans are much more accepting of Ukrainian refugees than they were of Syrian refugees and they currently are of refugees from Afghanistan or Somalia is likely to constitute an important reason why elites have managed to stay united in their strong support for refugees in the Ukrainian case.

We believe that it would be helpful to start the debate about a joint solution to the asylum conundrum with the recognition of the restricted proportion and the partially temporary nature of the overall problem. It would also be helpful to remind ourselves of the disproportionate political consequences of a failure to come to terms with this problem. As we have seen in our account of the refugee crisis, the potential for exploitation by political elites of the issues linked to refugees and asylum seekers is huge and is actually shamelessly used by political entrepreneurs from the right in various member states. Given the importance of the integration–demarcation conflict in the European party systems, the maintenance of the European asylum system in spite of its obvious inadequacy during the crisis constitutes a latent time bomb that might explode at any moment if inflows of unwanted groups of asylum seekers increase again and the issue becomes once again more salient.

Given this state of affairs, the search for a solution should not be left to the experts of the policy domain but should become the responsibility of the chief executives at the EU level and in member state governments. The goal is to regain control over the flows of refugees and asylum seekers in Europe in a sustainable way. Proposals to this purpose, outside

¹² European Commission (COM 2020, 609 final, 9/23/2020). Communication from the Commission on a New Pact on Migration and Asylum.

of the box of the specialists of justice and home affairs, do exist (e.g., Koopmans 2023). To be sure, given the deep conflicts between and within member states, a joint solution will not be easy to find, but if, in a sufficiently large number of member states, the moderates on both sides of the domestic political divide are able to jump over their respective shadows, a political compromise may be possible.