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How Differentiated Integration Shapes the Constraining Dissensus

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Abstract

If European Union (EU) member states realize differentiations in EU Treaties, what effect do we see on

public and political support for future integration? We argue on the basis of a two-tier integration theory

and postfunctionalism that differentiations of member states do lead to a preference for slower future

integration by its citizens and parties. Once citizens and parties are used to opting out, they demand

more of the same in the future. We test our arguments with time-series cross-sectional data for 1994-

2018 on all voluntary primary law opt-outs in the EU. Our panel matching estimates demonstrate that

opt-outs decrease integration support. After a differentiation, parties become more Eurosceptic on

average and publics express a lower preference for future integration. This suggests that differentiated

integration is not a cure against Euroscepticism but rather reinforces two-tier integration.

Keywords: differentiation; EU integration; postfunctionalism; responsiveness; panel data; public

opinion

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Introduction

By avoiding forcing states into a choice between full integration and no integration at all, differentiated integration (DI) grants each member state (MS) of the European Union (EU) the sovereign right to choose the level of integration that matches its policy preferences and collective identities (Lord, 2015: 792). But even though the United Kingdom had a high degree of differentiated EU membership, such as important opt-outs from Justice and Home Affairs, it did not keep the country within the EU. The capacity of DI to avoid disintegration, therefore, stands in doubt.

We only start to learn about the capacity of differentiated integration to hold the EU together, especially with respect to the relationship between opt-outs and public opinion. On the level of political decisions, Winzen (2016) finds that majority governments may take into account the level of Eurosceptcism when aiming for differentiations. But what is the next step to this story? Should opt-outs lead to a less Eurosceptic public because the fear of too much integration could be resolved? Or do citizens in the periphery states realize that they are not part of the "success story" of European integration and desire more integration after a major opt-out?

On the level of public mood, we start to know something about the preferences for differentiations. De Blok & de Vries (2022) establish the connection that citizens' general European integration preferences affect support for a 'two-speed Europe'. Schraff & Schimmelfennig (2020) are amongst the first who reversed the line of reasoning and observed the effect of opt-outs on public opinion. They show the positive effects of differentiated integration on democratic legitimacy when people are allowed to decide if they want an opt-out or not. In a similar vein, Vergioglou & Hegewald (2022) show that trust towards the European Union increases in a member state if a requested differentiation is achieved. While these recent studies suggest a positive effect of DI on EU regime support (e.g. people's evaluation of the EU's democratic properties and diffuse political support), it is still unclear how DI shapes people's preferences about the integration process. What is missing so far is a systematic study on whether actual differentiation can influence the desired speed of integration.

Our paper contributes to closing this gap by testing the effect of opt-outs on citizens' evaluations of the integration process. We base our theoretical explanation on the "two-tier" approach, which seems to correspondent best to the political reality of the differentiation dynamics (Schimmelfennig & Winzen 2020). It captures that some states realize many opt-outs and drift into the direction of a periphery Europe. Contrary, the MS that form core Europe have almost no or only a few differentiations, especially in primary law (Chiocchetti 2023, Leuffen et al. 2022, Schimmelfennig & Winzen 2014). We combine the two-tier model with a postfunctionalist focus on public opinion and party positions. Hereby, we deliver a theoretical answer how citizens adjust their integration preferences as a reaction to

differentiation. Postfunctionalism assumes that European integration threatens the national identity and self-determination of national political communities (Hooghe & Marks 2009). Opt-outs can be seen as one way to appease Eurosceptic citizens. However, the politization of opt-outs can lead to a polarization of European integration in the public sphere. As a consequence, a path-dependent process of differentiated integration emerges, where every opt-out generates its own demand, suggesting that a new differentiation should decrease demand for more integration.

We test this expectation with an original dataset on public opinion on the desired integration speed and party measures of Euroscepticism in all EU member states from 1994 – 2018. Panel matching estimation identifies the treatment effects of primary law differentiations. Overall, our findings are in line with the postfunctionalist two-tier model. Primary law differentiations tend to reduce preferences for faster future integration and lead to more Eurosceptic party positions. This suggests that opt-outs satisfy a demand for maintaining a differentiated membership trajectory. Our findings imply that opt-outs have the potential to lock-in a multi-tier EU, with the risk of a fractionalized and polarized Union.

Theoretical frame: How differentiation affects evaluation of integration

Citizens of the European Union live in a complex political environment. They are citizens of both a nation state and the European Union; most of them have an occupation in an economic sector that is integrated into the European single market; they consume products and pursue social activities that are regulated by the EU; and they have a given experience with the duration, speed, and scope of European integration. All these dimensions of European integration can vary between citizens on the basis of their attributes (for example their occupation or age) and their nationality. The scholarly community takes many of these attributes as variables to predict support for European integration or general opinion about the EU. Standard explanatory accounts like the utility or identity model ask which personal or national attributes increase the likelihood of supporting more or faster European integration (Goldberg et al. 2021a/b, Hobolt & De Vries 2016, Malang 2017). We challenge one implicit assumption of all these studies: that European integration has the same velocity and depth for all citizens from all member states.

It is easy to challenge the uniformity assumption of European integration on factual grounds. The European Union is a system of differentiated integration (Heidbreder 2022, Leruth et al. 2022, Leuffen et al 2022). Differentiation means that the application of shared rules in terms of time, space, and matter is not uniform (Stubb 1996, Leruth et al. 2019). Schimmelfennig & Winzen (2020: 17) re-label these dimensions 'multi-speed', 'multi-tier', and 'multi-menu' integration. By avoiding to force states into a choice between full integration and no integration at all, differentiated integration grants each MS the sovereign right to choose the level of integration that matches its policy preferences and collective

identities (Lord, 2015: 792). Therefore, differentiation can take two forms, either enhanced cooperation by a set of member states that want more integration than the rest or opt-outs for a number of member states from a given legal rule that prefer less integration. We focus only on differentiations based on opt-outs. The standard measure for opt-outs is the adherence to legal rules, either in primary or secondary law. "Differentiations" of these rules can vary along the three above-mentioned dimensions: time (multi-speed: exemptions of rules for limited periods), space (multi-tier: exception of rules across member states), and matters (multi-menu: variation in rules across EU-policies). We focus especially on cross-country variation which is represented in the multi-tier dimension. Because of multi-tier differentiation, citizens in different countries experience different speeds of integration, and citizens in countries with more differentiation live in countries with a slower speed of integration.

Are citizens influenced in their opinion formation towards the EU by the different levels of European integration between countries through opt-outs? It is harder to challenge the uniformity of European integration on the level of citizens' perceptions. Our knowledge of public opinion and DI is limited. The general assumption is that ordinary citizens might often lack detailed information about the EU (Karp et al., 2003), and that DI especially is largely part of a European elite discourse (Telle et al. 2022). On a descriptive level, we can see a positive correlation between Euroscepticism and DI. MS with more Eurosceptic publics realize more differentiations (Schimmelfennig & Winzen 2020, Winzen 2015). Bølstad (2015) posits that some countries have been allowed to opt out of several aspects of the EU partly as a result of initial high levels of Euroscepticism (see also Holzinger & Schimmelfennig, 2012; Kölliker, 2001, Winzen 2020). But do the differentiations lead to a change in public opinion?

Two recent research trends link DI and public opinion. (1) Studies that analyze variation in public preferences towards DI (hypothetical differentiations as the dependent variable) and (2) studies that search for evidence if DI can have an effect on public opinion (actual differentiations as independent variable). Focusing on DI as dependent variable, two articles analyze the potential explanatory factors for DI preferences with own surveys (De Blok & De Vries 2022, Schüssler et al. 2022). Their common denominator is to find factors that explain preferences for different forms of DI, especially enhanced

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¹ Since at least Jensen & Slapin 2012 used the term multispeed integration together with DI, ambiguities exist how the dimensions time, space, and matter should be translated into realizations of differentiation. Whereas Telle et al (2022) and De Blok & De Vries (2022) equate the two-speed concept with enhanced cooperation (the coalition of the willing) as opposed to a two-tier concept that is manifested in opt-pus (for the laggards), other authors are less deterministic in the demarcation (Holzinger & Schimmelfennig 2012). We stick to the broader definition of Leruth et al (2022:10) that uses differentiation as an umbrella term "covering a wide range of (dis)integrationist techniques such as multi-speed Europe, variable geometry or à la carte Europe". We however call the mode of DI that we are focusing on in accordance with Telle et. al (2022) "two-tier". Nonetheless, the two different tiers produce also different speeds of integration, which we use as a measure of the dependent variable.

² We discuss the implications of our results as research agenda that could be applied to enhanced cooperation in the conclusion.

cooperation/ a multi-speed model versus permanent opt-outs / a multi-tier model. De Blok & De Vries (2022) start with the premise that citizens are almost unaware of DI and rely on benchmarks to form an opinion. In their context, the two benchmarks are general EU support and political ideology. They argue that EU support has a positive effect on the preferences for a multi-speed Europe whereas more Euroscepticism (and a right-wing ideology) should result in a stronger preferences for opt-outs. Their affirmative findings stand in soft opposition to the results of Leuffen et al (2020) who explain variation in public support for DI across different member states and individuals with more general dispositions towards societal differentiation. Citizens with stronger liberal economic values are in favor of DI, whereas citizens with more egalitarian preferences oppose it. In a co-authored synthesis, both teams establish the multidimensionality of the DI concept (Schüssler et al 2022). A factor analysis first shows that the 'core Europe' idea gets support by European friendly citizens and mirrors the ideal of enhanced cooperation. Contrary, 'a la carte' model is supported by Eurosceptic publics that highlight the value of national autonomy that can be achieved through opt-outs.

The other recent trend is to ask for the effects of DI on public opinion – using actual differentiations as explanatory variable. Schraff & Schimmelfennig (2020) use the discontinuity of a referendum on a major differentiation in Denmark (the Danish Justice and Home Affairs opt-out referendum) to show that the possibility of a differentiation increases the perceived democratic legitimacy of the EU. Especially Eurosceptic citizens perceive the EU more democratic after an opt-out was realized through a referendum than before. Similarly, Vergioglou & Hegewald (2022) show that DI has an effect on how the public evaluated the EU. More specifically, the study separates different forms of DI. If a MS receives an opt-out that the public desired (like the Danish one or the Fiscal compact) or are allowed to abandon an involuntary opt-out (Latvia and Lithuania joining the Eurozone), the public image of the EU gets better. Contrary, the authors observe a considerable decrease in EU support if MS get a discriminatory opt-out (the exclusion of Romania and Bulgaria in Schengen) or are not allowed to opt-out (Czech Republic and the Charter of Human Rights).

Winzen & Schimmelfennig (2023) deliver the first synergy between the two described research streams by asking if the actual level of DI has an effect on the publics' preferred version of differentiation. They show on the basis of an original cross-sectional survey in 14 EU MS and opt-outs in primary law that citizens from countries with DI experience prefer multi-tier over multi-speed DI. The authors explain this connection by the fact that permanent opt-outs are seen as a tool to safeguard the sovereignty of a MS in core state powers where citizens do not want to integrate.

The condensate of the previous works is that citizens can build explainable opinions towards DI (if they are forced to) and that the experience of differentiations can have a temporary effect on the evaluation of the EU. What we are so far lacking is a systematic test if the realization of opt-outs lead to an adjustment of citizens' integration preferences and a re-structuring of domestic politics towards the EU. Do opt-outs have an effect on the preferences for future European integration?

(1) Main explanation: The two-tier prediction

On several occasions, Schimmelfennig & Winzen showed a stable correlation between the level of Euroscepticism and the number of opt-outs (2014, 2020). Since they were interested in DI as phenomenon to be explained, their take was that a more Eurosceptic public leads demand for more opt-outs. Because the other MS (with less Eurosceptic publics) favor more integration, the preference of the brakemen is satisfied through opt-outs. But what is the next step to this story? Should DI lead to a less Eurosceptic public because the fear of too much integration was resolved? Or do citizens in the periphery states realize that they are not part of the "success story" of European integration and desire faster integration after a DI to catch up? Or, the third possibility, does DI simply have no effect on the attitudes towards European integration?

The empirical and conceptual work of Schimmelfennig & Winzen (2020) showed that differentiation constitutes a critical juncture that defines insiders (no opt-outs) and outsiders (opt-outs). If member states and their respective publics separate into two different equilibria based on the initial calculations of member states, one can argue that citizens are either socialized with or without opt-outs and learn about the effects through experience (Schraff & Schimmelfennig 2020). Additionally, once MS are on the path of DI, reversing the process is costlier than demanding additional opt-outs as a consequence of previous ones. Jensen and Slapin (2012) argue that the 'cascading' of initial differentiation increasingly widens the gap between insiders and outsiders as the opt-outs of integration sceptics facilitate insiders' decision-making on an 'ever closer union'. This leads to a self-reinforcing dynamic in which DI creates its own demand.

But how do publics and parties react to DI or even DI cascading (Winzen & Schimmelfennig 2023)? On the level of citizens, we start with the assumption that citizens are unlikely to think of DI in the abstract or have specific knowledge about differentiations in EU law. However, they can be assumed to be aware of the differentiations of their own country, especially for the more visible primary law opt-outs, such as their country's membership of the Schengen area or the Euro zone. As primary law opt-outs signal the depth and trajectory of integration, citizens' national experience with primary law opt-outs informs their assessment of European integration more generally.

The politicization literature argues that European integration creates political opposition once it begins to seriously affect the national self-determination (Green-Pedersen 2012). An opt-out, especially a permanent one, is seen as a means to safeguard national sovereignty, which makes the EU less menacing for Eurosceptic citizens (De Blok & De Vries 2022). However, being the outsider (being part of the peripheral DI tier) also transforms the integration cleavage. Getting and demanding opt-outs is assumed to socialize citizens of the DI tier. The longer experience of being the in- or outsider, i.e. (not) using the Euro as currency in contrast to citizens in other countries should transform the integration preferences. We expect that under the idea of path dependence, *DI is influencing public opinion towards slower integration*. Insiders want faster integration because of sunk costs and more interdependence whereas

the outsiders desire slower integration (or more future opt-outs) to satisfy their underlying Euroscepticism.

H1a: After a country realizes opt-outs, citizens demand slower European integration.

To theorize the effect of opt-outs on party positions towards European integration, the distinction between insiders and outsiders resonates well with postfunctionalist thinking. There are no clear theoretical predictions if party Euroscepticism is an effect of the changes in public opinion or if citizens react to the politicization of European integration through party politics. Generally, it is often argued that since the Treaty of Maastricht political elites take into account public opinion into their decisions about European integration (Leuffen et al 2022). Postfunctionalism and the politicization literature assumes that European integration creates political opposition once it begins to seriously affect the national self-determination (Hooghe & Marks 2009). This opposition takes place on the domestic level via a new political cleavage around the pro-anti integration dimension, also labeled the transnational cleavage (De Wilde 2011, Hooghe & Marks 2018).

The realization of a major opt-out potentially has an effect on how national parties position themselves towards European integration. Party theories of issue ownership suggest that only in MS with Eurosceptic publics it is rational for challenger parties to politicize European integration (De Vries & Hobolt 2020). The politicization works best around potential opt-outs where political parties can sharpen their profile. The British Referendum Party for example politicized EMU opt-outs in the 1990s (Carter et al. 1998). If an opt-out is finally realized, we assume two effects on party competition. First, European integration becomes an even more salient issues for parties once a policy issue gets politicized by challenger parties (Evand & Mellon 2019). Second, opt-outs might be treated as a valence issue. Valence politics means that issues are not framed in positional terms (related to the left-right dimension) (Stokes 1963). Rather, voters are assumed to make their electoral choices based on the assessment who gets the job done (Carrieri & Angelucci 2022). In our case, we should not observe a clear pattern around which party favors opt-outs, a finding recently confirmed Bellamy et al. (2021). Rather, we should see that once an opt-out is realized, the programmatic question is not if more opt-outs should be realized, but who is best capable to negotiate them. Hence, less integration (more opt-outs) becomes the default of the political competition. Third, even when an opt-out in one policy area does not necessarily lead to a spillover into other policy areas, it shows voters that opposition to European integration is a viable option. Therefore, parties that realize opt-outs show the voters and the other parties that their political strategy worked.³ As an effect, these parties should be more successful and other parties might adjust their position towards a slightly more Eurosceptic one. We therefore expect that the average Euroscepticism in the party system increases in countries with opt-outs, since non-politicized integration

³ We thank referee 1 for that thought.

is no longer a viable option. Taken together, this race to the bottom-dynamic results in a positive effect of opt-outs on Eurosceptic party positions:

H1b: After a country realizes opt-outs, the level of party Euroscepticism increases.

(2) Alternative explanation: The thermostatic prediction

The two-tier logic that DI produces the quest for slower integration in the future (translated in more DI) stands in conflict with a much more general idea about the relationship between policy-output and public opinion: the thermostat-logic of policy responsiveness. Models of policy responsiveness theorize a dynamic relationship between policy output of a government and the respective public preferences on an issue (Soroka and Wlezien 2010; Wlezien 2017). The changes happen at the level and direction of policy output and the public is assumed to react through a process of adaptive feedback (Jennings 2009, Claassen 2020). In other words, if the public is responsive to what policymakers do, it takes into account new policy output and adjusts its preferences.

The logic of the public reaction resembles that of a thermostat. The standard example of Wlezien (1996) is preferred levels of spending on defense. The public preference is represented as the median along the dimension less or more defensive spending. If the actual level of spending differs from the preferred level (i.e. they are not congruent), the public prefers policy change. The outcome is a marked negative feedback loop between policy output and opinion (Claassen 2020). The public desires more spending when the perception of the actual level is too low and less spending when the expenditure is perceived as too high. In this dynamic system, governments and parties represent the adjusted policy preferences of the electorate through a change in their own policy position (Wlezien & Soroka 2012)

The idea of policy responsiveness was also implemented into research on the European Union (Franklin & Wlezien 1997, Rasmussen et. al 2019, Schneider 2019). The main focus hereby is if governments and EU institutions react towards public opinion in EU decisions (Hobolt & Wratil 2020, Wratil 2018, De Wilde & Rauh 2019). We reverse the direction and apply it to European integration. If a member state realizes one or more opt-outs in a new integration Treaty, it is seen as less integration. Toshkov (2012) uses a somewhat similar application of the responsiveness model for the EU as aggregated system by utilizing the number of secondary legislations as measure for policy.

With respect to theoretical expectations, the thermostatic model forwards a negative feedback loop between policy output and public opinion. The literature suggest that opinions shift to the left as policy moves to the right and vice versa (Soroka and Wlezien 2010). This is explained by governments' tendency to 'overshooting' on the output side, resulting in a thermostatic shift in public opinion in the

opposing direction of the output. Recently, this thermostatic prediction has also been confirmed for the dynamic link between democratization and popular support for democracy (Claassen 2019).⁴

If the public is responsive to what their national elites negotiate at the EU level, the prediction of the thermostat-model for the relationship between DIs and public preferences should be as follows: If a country realizes opt-outs in primary law, integration is generally said to be slower in this country as compared to a country with no opt-outs. As the thermostatic logic always assumes overshooting, one or more opt-outs should be interpreted as too little integration (maybe in comparison with other countries) by the public in the next time period. Accordingly, after the realization of a differentiation, the public should perceive the actual deceleration of integration and is more likely to prefer faster integration in the future. This relationship can be thought on the level of the concrete policy where countries realized opt-outs and might demand a return to the policy later (the "opt-out of the opt-out", f.e. countries want to join the Eurozone or the Common Security and Defence Policy after they opted-out in the beginning once citizens consider it a success or external conditions changed). But the idea also works between policy areas in a way that citizens of a countries with many opt-outs generally perceive that they are laggards of integration and adjust their preference towards more integration. Conversely, if national governments obtain no opt-outs on the treaties, integration will be perceived as faster and citizens are more likely to desire slower integration in a negative feedback loop. In a second step, the policy positions of governments and parties should react to the public mood change and adjust accordingly. Generally, we should find a positive effect of the number of opt-outs on desired speed of European integration and a decline in party Euroscepticism.

H2: After a country realizes opt-outs, citizens demand faster European integration and parties become less Eurosceptic.

Empirical strategy

We implement a quantitative time-series cross-section design with a panel matching analysis to assess the effect of opt-outs. We obtain information on a yearly basis about (1) the public evaluations of the desired peed of European integration on the basis of European et ata (2) the party-level EU support on the basis of Comparative Manifesto data and (3) the information about realized opt-outs on the basis of all differentiations as measured by the EUDIFF I data (Schimmelfennig & Winzen 2020). We use the

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⁴ One caveat emerges if we apply the responsiveness logic to DI. The thermostatic model assumes the possibility of governmental overshooting, i.e. too few or too many realized opt-outs. Until the recent canceling of the Danish opt-out from Common Security and Defense Policy through a referendum in June 2022, there were hardly any examples for a governmental overshooting in terms of too many opt-outs leading to a preference for less DI.

years 1994-2018 and all EU member states (at the time of being) as our case universe. The unit of analysis is the country-year, which results in a total of 565 country-year observations.

(1) Dependent variables: Integration speed preference and party Euroscepticism

Our first dependent variable should capture the demand for future European integration speed. Generally, we know that EU support is a multidimensional construct (Boomgarden et al. 2011), with the support for future integration being one dimension. Furthermore, recent studies highlight the importance of the perceptions that citizens have towards varying future speeds of integration (Goldberg et al. 2021a, Malang 2023). We build on these studies and argue that the present and future speed of integration – the dynamic components of EU integration – is the phenomenon that should best fit to our concept of different integration speeds through DI.

To measure the preferences towards integration speed, we utilize the Euro-Dynamometer-items from the Eurobarometer. The Euro-Dynamometer is an evaluation tool first included into the Eurobarometer in 1986. It consists of two interrelated questions. The first half of the question asks about the perceived speed of European integration:

"In your opinion, what is the current speed of building Europe?

No.I is standing still, No.7 is running as fast as possible. Choose the one which best corresponds with your opinion of the current speed of building Europe?"

The second half asks for the desired level of integration (with the same answer categories)

"And which corresponds best to the speed you like?"

We use the second part of the item to capture the *desired* integration speed preferences. While the first part asks about an evaluation of the *present* integration speed, the second part captures an individual's desired speed of integration – the dimension we theorized earlier. Nevertheless, the first part could potentially deliver an interesting addendum to our analysis, namely if opt-outs materialize in people's description of the present integration speed. If our analysis would show that opt-outs have an effect on the assessment of the present speed of integration, we could use this as additional evidence that differentiated integration is recognized by citizens. An opt-out should then have a negative effect on the present speed, i.e. opting out from integration leads to a perceived deceleration.

Our main dependent variable, however, taps into individuals' *desired integration speed* and ranges from one to seven. Importantly, the lowest category does not mean disintegration. It captures the desire for stasis, meaning that the integration process should "stand still". While the desired speed indicator captures well individual's preferences for halting or continuing the process of EU integration, the present

speed indicator is more ambiguous in its meaning.⁵ Individuals might struggle to assess how to qualify the present speed and evaluate in how far it is running "as fast as possible". Assessing the present speed might be a too complex of a task for the average citizens. In contrast, respondents should feel more comfortable in expressing their wishes for their desired speed of integration, as this does not require to be reflected in the present (objective) circumstance of integration.

The Eurodynamometer contains one potential pitfall for our interpretations. The question about the "speed of building Europe" does not allow to draw conclusions if respondents have the whole European Union in mind when they answer or their country as part of the Union. For example, if citizens desire slower integration, this could mean that they want the integration process of the whole Union to decrease its speed or only their country to slow down integration (potentially through more opt-outs). This is especially important for us when we substantiate our findings. If our analysis shows that more opt-outs lead to a desired deceleration in the future, it could mean that citizens want even more opt-outs for their country, or contrary, that citizens want the whole EU to integration slower so that their country can catch-up. We prefer the first reading that relies on the own country as reference point. Since Andersons "When in doubt use proxies" (1998), citizens are assumed to interpret the EU with reference to the national political system, especially in areas where their knowledge is limited. Previous research also understood the Eurodynamometer item in a way that citizens evaluate the speed of their country's integration into the EU (Brinegar et al. 2004, Ray 2003). We especially think that the first part of the question about the present speed of integration is most likely answered with a benchmark to the home country (De Blok & De Vries 2022). Citizens report here how they perceive the process of their country's integration into the EU. It seems not very likely that they change these "national" lenses when answering the desired speed part of the item directly afterwards.

We measure party-level EU support with the Comparative Manifesto Project (CMP) data (Volkens et al. 2021). Based on the CMP's measure of EU support of parties over elections, we calculated the average level of Euroscepticism in the party system. We carry forward party-system Euroscepticism scores from one election to the next to arrive at a yearly panel and then match this indicator to our dataset.

We have to account for missing data due to gaps in the Euro-Dynamometer, as it has not been surveyed every year. While the share of 30% of missing values is moderate in size for the older EU member states (EU-15), we do have 45% missing values for the new member (Central and Eastern European) EU state. We apply time-series imputation tools to fill gaps of maximal up to three years, which works well for all member states as the gaps are relatively spread out over the observation period. Specifically, we

taps more directly into the notion of multiple speeds of integration.

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⁵ We think that the desired speed indicator has similarities to survey items about EU integration support in the European Social Survey (e.g., regarding whether EU integration "has gone too far" or "should go further"). Compared to this data, however, the desired speed indicator from the EB covers more countries and years, and

generate smooth interpolations using Stineman imputation, as implemented in the 'imputeTS' package in R. We report the imputed values in Appendix 1. After imputation and deleting periods of non-EU membership, we end up with an estimation sample of N=565 country-year observations covering 28 EU countries over a period of 25 years.

While time-series interpolation works well to provide a complete dataset for all EU states, it does not adequately account for the statistical uncertainty in the imputations. Time-series interpolation is an ad hoc method that often rests on reasonable intuitions as aggregated public opinion data change slowly over time and the imputed observations at the mean of the data might in some instanced not affect inferences (Honaker & King 2010, 562). Indeed, our integration speed variables shows strong temporal autocorrelation, giving interpolation strategies some plausibility (cf, Appendix 4). Often, these ad hoc methods, however, can be statistically biased and/or inefficient, meaning that it is unclear how good they work in general. We therefore also assess our data with a multiple imputation (MI) methodology as implemented in the "Amelia" package in R (Honaker & King 2010). Given our limited sample size and the substantial number of missing values, this MI approach seems only reasonable the EU-15 states in our sample, as shares of missing values are at a moderate level of 30% here.

We therefore specify a MI model for the EU-15 data as to fill the missing values in the present and desired speed measures using complete information on 12 socio-economic and political covariates. The selection of covariates is inspired by the existing literature the correlates of macro-level trends in EU-related public opinion, which points to socio-economic and political trends (e.g., Foster & Frieden 2017; Schraff 2020). The MI model includes a second order polynomial time trend that varies over countries, accounting for the temporal autocorrelation in the variables. We average our results over five imputed datasets and include the standard bootstrap procedure to proxy the statistical uncertainty involved in the imputation process. More information on the design and performance of our MI model can be found in Appendix 4.

Below, we present results for both imputation approaches, as we think that they have different strength and weaknesses. The time-series interpolation approach provides analyses for all EU states, strengthening the external validity of our findings. The MI approach does only work reliably with the smaller subsample of the older member states, sacrificing some external validity and statistical power for a more conservative approach towards statistical uncertainty in the missing value imputation.

(2) Main predictor: Differentiation in primary law

Several operationalization decisions have to be made to utilize differentiation as our main independent variable. First, we use a legal definition of DI. Differentiation means a formal opt-out from a legal rule of the European Union (Schimmelfennig and Winzen 2020). A different strategy would be to take non-compliance as differentiation (Börzel et al. 2012) or to look at enhanced cooperation where some

member states tighten integration beyond the level manifested in EU law (Kroll & Leuffen 2015). Second, we focus on DI in primary law as compared to secondary law. Primary law in the EU is codified in the treaties of the EU (primary law), whereas secondary law is materialized in legislative acts. Our choice for DI in treaties is motivated by the salience of primary law integration. Since we aim for a test if the public perceives and evaluates DI at all, we aim for the most visible and prominent integration steps and opt-outs. These are manifested in the Treaties with questions concerning core state sovereignty like border control and very visible market integration like being or not part of the monetary regime "Euro" (Leuffen et al. 2022).

Third, we do not distinguish between permanent or temporary opt-outs. We only observe if a DI is realized at a given time. However, we omit differentiations emerging from accession to the EU. EU accession processes frequently are accompanied by temporary opt-outs to facilitate the process, such as the temporary exclusion of the 2004/7 Eastern enlargement states from the free movement of people. This accession DI events have three problems: (a) they conflate the event of accession with DI, (b) they cannot model the process we have theorized above, namely EU citizens reactions to a DI while being a member of the EU, referring to the dynamic process of updating evaluations during membership, (c) many DIs in the wake of accession are involuntary DIs (Schimmelfennig & Winzen 2020). These discriminatory exclusions adhere to a different logic since they are not negotiated by the MS that realize them. We therefore omit DI in a country's first year of accession and thereby also get rid of most of the temporary opt-outs.

The data of all DI in primary law is delivered by the EUDIFF I dataset by Schimmelfennig & Winzen (2020) from 1993-2019. The timeframe allows use to start with the Treaty of Maastricht if we lag the independent variable by one year.

We use the information if a member state realizes a new differentiation in a given year as our main measure for DI. A different way would have been to use all differentiations that are in force in a given year (Duttle et al. 2016, Malang & Holzinger 2019). Since we want to grasp the real events in a given year that happened and could be perceived by the public, we opted against this overall measure of the level of DI. Instead, we take the newly realized opt-outs in a given year per country to better grasp perceivable changes. For example, the EU 15 member states agreed on a potential opt-out from parts of the Schengen regime and many realized this DI in social policy regulations in 2004 (TEC Article 39). Related to that, many opt-outs in 2006 are manifested in the Prüm Convention to cooperate more efficiently in terror prevention.

that citizens neither know nor perceive a difference between the two.

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⁶ To echo footnote 1: Whereas there exists a distinction between temporary (two-speed) and permanent (two-tier) DIs in the conceptual literature, we do not think that this distinction is meaningful for our analysis, since we assume

(3) Descriptives

Before formally testing the hypotheses, we begin with a descriptive examination of trends in the preferences of EU integration speed. We present and discuss time series plots for the 27 MS for their time of membership in the EU. The goal of this exercise is to provide a first indication of how the speed preferences are developing at all. Any panel data analysis has to establish that there is substantive temporal variation that can be subject to explanation.

As Figure 1 shows, we can see that the desired integration speed varies strongly over countries and time. Some Southern European countries, such as Greece and Portugal and some CEES states (Poland, Romania, and Bulgaria) have preferences for fast integration over the observed period. Citizens in other countries, such as Sweden, Denmark, or the UK prefer a comparatively slow integration speed from the outset. Most countries show substantial variation over time. The Swedish, Finish, and Danish desired speed increases over the observation period. Countries like Austria, Spain, and Ireland show longer periods of desired deceleration, reaching a low point as the Eurozone crisis hit, but then recovered substantially towards a more integrationist public mood.

Figure 1: Temporal trends in the desired EU integration speed

Figure 2 presents the temporal variation in our measure of party Euroscepticism. There is less temporal variation as our measure only moves with each election. But the average level of party Euroscepticism still changes substantially over time. The Greece party system, for example, changes from an overall agnostic position towards a very critical stance. The average party Euroscepticism in Italy drops around the 2008/9 economic crisis, but then recovers in the two elections afterwards. Descriptively, there is no clear-cut association between the dynamics in the integration speed differential and party-system dynamics. But some trends align, such as the up and down swings in Denmark and France.

Figure 2: Temporal trends in party Euroscepticism

Method

Estimating the effects of DI on integration support is a complex task. We are faced with an unbalanced panel that has multiple treatments within countries over time. Moreover, our cross-section of countries is naturally limited to the universe of EU member states, reducing the between-country variation. This makes the data unsuitable for standard diff-in-diff designs or synthetic control methods. To address these challenges, we use a matching estimator (PanelMatch) to estimate causal effects of discrete treatments

in time-series cross-sectional data (Imai et al. 2021). This method allows multiple units to be treated at any point in time, and units can switch their treatment status multiple times. Moreover, PanelMatch can be used to estimate causal effects using panel data with a relatively small number of time periods and countries. Finally, the panel matching method can estimate treatment effects over a different number of years after the treatment, allowing for the assessment of contemporaneous (same years as treatment – t0) and lagged (t+1, t+2...) treatment effects.

The panel matching method identifies the average treatment effect among the treated (ATT) by matching treatment observations with control observations that have the same pre-treatment history. Here, the researcher must set the length of the pre-treatment period that shall be used for matching, considering the bias-variance trade-off involved (Imai et al. 2021). We follow Imai et al. (2021) by setting a pre-treatment lag window of three years. Besides the treatment history, the method can make use of covariates to improve the matching quality. Especially the lagged dependent variable is highly informative to improve matching, as one can match observations that had a similar public evaluation of EU integration pre-treatment. Moreover, we add complete data on 11 socio-economic and political covariates to improve matching, such as measures of satisfaction with democracy, economic performance, and EU trust (see Appendix 1 for a list of all covariates and the data sources). Figure A2 in the Appendix 3 presents the statistical balance on these covariates after matching, suggesting a good performance of our estimators for present and desired integration speed.

Figure 3 plots the distribution of our DI treatment over member states and time. As the method discussion already foreshadowed, we transform our main predictor into a binary measure, for which 1 (red areas in Figure 3) indicates that a country has an opt-out in primary law at a given year. We can see that the primary law opt-outs appear around the years where new treaties are ratified and major other integration steps appeared. On the DI-tier, the United Kingdom is the country with most treatments (nine DI years), followed by Denmark (eight treatments) and Sweden (seven treatments). The full integration-tier is led by Germany and Slovakia with only one DI-year, followed by a larger group of countries with two treatments.

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⁷ The lagged window for matching is also considering whether a control condition was treated in the past. We restrict the selection of control units as to avoid including control cases that were treated in the three-year lag window. This, at least partially, accounts for the potential confounding role of past treatments. The underlying bias-variance trade-off of expanding the lagged window only allows us to partially account for this source of bias.

⁸ A logit regression of missingness in the speed variables using these 11 covariates, country-fixed effects, and a second-degree polynomial – as in our MI imputation approach outlined above – reports a value of area under the ROC curve (AUC) of 0.86, demonstrating a good predictive power.

Figure 3: Treatment distribution plot

Results

Main results

Figure 4 presents the estimated ATT of primary law DIs on the desired speed of integration (a tabular presentation can be found in Appendix 2). We account for long-term effects by presenting ATTs up to 5 years after a DI event. Our findings suggest that the effect of opt-outs on the desired speed of building Europe tends to be negative. We can see that the immediate effect is negative and significant for the first two years after an opt-out. The effect continues to be negative, but after two years, the significant difference between countries with and without opt-out diminishes. This generally supports hypothesis H1a that was built on the basis of the two-tier logic. Contrary, we find no empirical pattern consistent with the responsiveness prediction that after an opt-out citizen desire faster integration (H2). The effect is sizable, suggesting that — on average — the desired speed declines by 0.13 points. This is a relevant effect amounting to 1/4 of a standard deviation of the desired speed variable. Substantively, this negative effect means that differentiated integration leads MS publics to desire slower integration over faster integration.

Figure 4: ATT of DI on desired integration speed

For the contextualization of the results, figure 5 provides the same analysis for the perceived speed of integration (not the desired one). We can see that an opt-out does not influence the way how citizens assess the velocity of present integration. Overall, the findings from figures 4 and 5 suggest that citizens adjust their desired integration speed in response to opt-outs but cannot evaluate the present state of integration speed better after a DI event. As outlines above, we expect that citizens might have a harder time to assess the present speed of integration (e.g., benchmarks for such a more 'objective' evaluation unclear), while they might have an easier time expressing their preferences for their desired speed of EU integration. Our findings underline these assumptions and demonstrate a link between EU opt-outs and citizens is restricted to citizens desire for slower integration, rather than their assessment of integration speed.

The public opinion results above provide evidence for the two-tier argument we have forwarded in this paper. As member states secure an opt-out, popular desire for slower integration increases, enshrining a path dependent process of DI generating more demand for slower integration. Can we find the same direction for the party level? We have argued that opt-outs hold the potential to reinforce the constraining dissensus within member states. The driving factor was the change of opt-outs from a positional issue (only Eurosceptics have the position) to a valence issue (all parties want to show that they are able to deliver opt-outs). If this holds, we should see party systems moving into a more Eurosceptic direction once opt-outs are realized in a country. Figure 6 presents the PanelMatch estimation of DI effects on the average EU support within the party system. We find a statistically significant negative effect of the DI event on party-system EU support for the first two years after the opt-out. Again, the two-tier logic is corroborated by our result whereas the responsiveness hypothesis receives no support. The effect size is substantially relevant amounting to 2/5 of a standard deviation of the party-system EU support variable. This, indeed, shows that DI moves party politics into a more Eurosceptic direction, re-enforcing the two-tier dynamic. Also, on the level of the party system, opt-outs create their own demand by shifting partisan politics towards less integrationist political competition.

Figure 6: ATT of DI on party-system EU Support

A common feature of both effects – the desired speed and the party Euroscepticism – is their temporal sequence. An opt-out has an effect on the treated countries for the first two years. Afterwards, the effect cannot be distinguished from zero. But is this temporary nature of the effect compatible with our theoretical predictions? We think yes. The public debates and political negotiations around major opt-outs happen before their realization. The short-term effect that we obtain thus is not really that short. Rather, it is a meaningful time span for an attention cycle in which citizens and parties link expectations and preferences to an opt-out. The reason why the effect diminishes two years after the treatment are rather of technical nature. Both ATEs, in Figures 4 and 6, remain negative over the subsequent years, but statistical uncertainty becomes too large to say something meaningful about the true effect size. Our findings, therefore, demonstrate that national politics responds to DI according to the two-tier logic but cannot enlighten the potential long-term effects.⁹

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⁹ This limitation is also related to the inability of our panel matching method to model cumulative treatment effects, meaning the accumulation of opt-outs over time. This limitation, however, most likely underestimates the effect

Robustness

Our robustness tests are mainly concerned with the presence of missing data in our dependent variable. As reported above, the integration speed variables have especially large shares of missing data in the new member states joining in the EU in the 2005/7 accession round. We therefore restrict our analysis to the subsample of the old EU-15 member states and implement a more valid MI approach for this data as to re-assess our findings for EU integration speed.

First, we present the PanelMatch findings for the EU-15 subsample using the interpolated data. Figure 7 shows that the results look almost identical if we reduce the number of countries. An opt-out still leads to a desire for deceleration in the first two years. This demonstrates that our findings do not hinge on the large shares of missing values in the new MS. Rather, the findings hold in the full sample as well as in the sub-sample with moderate missing data (i.e., 25% missing values).

Figure 7: ATT of DI on desired speed of integration, EU-15

Second, on a technical level, our interpolated data could be biased and might not reflect the statistical uncertainty in missing value imputation properly. Figure 8, therefore, replicates our analysis of EU integration speed preferences using the MI approach outlined in the data section. Appendix 4 provides more details on the quality of our imputation model. The findings in Figure 8 are substantially the same as our results with the interpolated data. We do not find a clear ATE with respect to present speed evaluations but a negative contemporaneous effect of DI on citizens' desired integration speed. The negative effect on desired speed is substantively larger in our MI analysis, but disappears more quickly and comes with larger statistical uncertainty. Yet, the clear contemporaneous negative effect replicates under the more demanding MI procedure, which also comes with a substantively smaller sample (EU-15 only).

Figure 8: ATT of DI on integration speed ratings, EU-15 and MI data

Taken together, our analysis showed that granting opt-outs is not a means to appease Eurosceptic publics and parties. We found no evidence at all that an opt-out had a positive effect on the desired speed of integration or that it reduces the level of Euroscepticism, a connection that was thinkable according to a

of DIs on popular perceptions, rather than inflating our results. Indeed, cross-sectional analysis demonstrate a robust link between a MS's DI history and popular preferences for DI (Moland 2022).

thermostatic logic of the public opinion-policy nexus. Contrary, we find that citizens desire slower integration after an opt-out and party systems become more Eurosceptic. The two-tier logic prevails in our analysis, present opt outs lead to a general political mood that makes the demand for future opt-outs more likely.

Conclusion

Can differentiation influence the way how citizens and parties evaluate European integration? EU decision-makers see opt-outs as one potential means to pursue European integration and satisfy Eurosceptic publics at the same time. Our paper delivers a systematic study on whether differentiation has an effect on the desired speed of European integration and party Euroscepticism.

We build our theory on the basis of a two-tier logic of differentiation. We theorized that over the course of time, two distinct classes of member states emerge; the forerunners of the core European states and the laggards of the EU sceptic periphery. Generally, citizens in these respective states affirm the current level of differentiation. Especially in Eurosceptic countries that realize opt-outs, opposition towards European integration becomes politicized within the party system and the public. This positive feedback loop has the implication that an opt-out does not lead to more desire for integration but, conversely, to even less support for integration. This should be manifested in a slower desired integration speed and more Eurosceptic party positions.

To test the effect of opt-outs on public opinion, we combined data of all primary law differentiations with Eurobarometer polls for the years 1994-2018 and MANIFESTO data. On the basis of this time-series cross-section dataset, we use panel matching estimation to identify the treatment effect of primary law opt-outs. Our dependent variables were (1) the desired speed of European integration, i.e. which future speed of integration citizens demand, and (2) the level of Member State's party-level Euroscepticism. Our findings support the two-tier model. If a country realized opt-outs in the major integration steps of the past three decades, its public desire rather slower European integration in the future and the party positions became more Eurosceptic, too.

If opt-outs reduce preferences for faster future integration and – over time – lead to a saturation with the current state of integration, what are the policy implications? Our analysis supports the claim that DI breeds its own demand. Policy-makers should be aware that, in our view, opt-outs cannot be used to influence a Eurosceptic public towards a future support of integration by generating present satisfaction through opt-outs. Brexit might be an extreme but telling case. All the opt-outs that the UK realized did not lead to more EU support. Rather, even more opt-outs were demanded until the ultimate opt-out from the whole EU. A more positive interpretation (from an EU point of view) of our results suggest that the EU develops further into a core and a periphery. Here, citizens in core Europe are satisfied with the fast integration process and citizens in the differentiated periphery receive continuous opt-out concessions to slow down the integration process that looms as a threat to national sovereignty.

Our study contributes to an emerging scholarship emphasizing that citizens' preferences can matter in DI, either as cause for opt-outs or as effect (Winze, 2015, Schüssler et al. 2022, Vergioglou & Hegewald 2022). The limitations of our study can be seen as avenue for future research. First, we were agnostic about the relationship between public opinion and the party dimension. Here, one could focus more on

their explicit relationship and ask for the direction of influence. What is the effect of the opinion-policy nexus on the party level? Can opt-outs be politicized by parties and how does the public react? Second, we focused on opt-outs, the differentiation version for the states that decided to be laggards. But can our effects be reproduced with a positive direction for enhanced cooperation, the voluntary version of core Europe? Third, we treated all opt-outs equally. There could be important differences due to the nature of the opt-out and its policy field. Future research could use synthetic control methods or qualitative evidence to account for this heterogeneity. Forth, from a comparativist perspective, the fact that opt-outs rather foster disintegration tendencies could also be tested for other (regional) integration projects, informing the general research agenda of the mass politics of disintegration (Walter 2020).

So, is the constraining dissensus rather aggravated through differentiated integration than it is softened? Our results suggest that – on average – opt-outs appear to aggravate the constraining dissensus. To echo the original text passage from Hooghe and Marks' constraining dissensus (2008:5). Elites, that is, party leaders in positions of authority, must look over their shoulders when negotiating opt-outs. What they usually see does reassure them that more opt-outs are desired.

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