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National Institutional Autonomy and EU law : time to reframe the stakes of interdisciplinary scholarship?

Julien Bois and Pieter Van Cleynenbreugel[1]

Introduction

The emergence of the European Union as a legal and political actor has been accompanied by the development of academic fields of study, including European Union law, European studies, sociology of the European Union to name but a few. Despite studying the same phenomena or similar developments, however, those fields of study have grown increasingly detached from one another. Scholars in sociology, European studies and European Union law increasingly operate in silos and have forgotten the epistemological assumptions underlying their respective fields. As a result, different disciplines studying the European Union use different vocabularies and notions to study similar developments and are no longer aware of the assumptions underlying them. That in itself is not only an interesting observation, it also complicates EU-focused interdisciplinary research. That is especially the case in relation to legal research. Although law and economics (Geradin, Layne-Farrar and Petit 2012), empirical legal studies (Dyevre, Wijtvliet and Lampach 2019, but see also Pavone and Mayoral in Bartl and Lawrence 2022) and law and behavioural studies (Alemanno and Sibony 2015) have all become approaches advocating a more contextual study of EU law, they have resulted in additional silos being created. Interdisciplinary research is considered not to be law and doctrinal legal research is considered to remain detached from causality-centered empirical analysis. As a result, doctrinal legal and interdisciplinary research exist next to each other with only limited interaction.

The silo-enhancing approach taking place in EU (legal) studies has some perverse consequences and results in blind spots in the setup and design of EU research. Against that background, questions need to be raised on whether a more interdisciplinary venture integrating doctrinal legal research and other scientific approaches can be envisaged to address or overcome those blind spots. This paper proposes one way forward in that respect. To do so, it revisits the epistemological assumptions that underlie both legal doctrinal and social scientific studies of EU law and calls for a principled and actor-focused scientific approach to be taken as one solution for more forward-looking contextual legal scholarship. Rather than doing this exercise in the abstract, it starts from the analysis of national administrative/institutional autonomy as a phenomenon having been identified as an object of study by both legal and other social sciences scholars, but seemingly also having fallen between the cracks of different disciplines so far. As a result, both the legal contours and practical implementation of national administrative/institutional autonomy has remained somewhat under the radar. We submit that a more integrated approach is helpful in studying the ways in which national institutional autonomy takes shape. Attention for and explicit reliance on social theory promises to be helpful in that respect..

To highlight the (epistemological) limits of current legal doctrinal and social-scientific research, the paper starts with an overview of the national administrative/institutional autonomy phenomenon and the different ways in which it has been apprehended in doctrinal legal and other EU social scientific disciplines (I.). That analysis and the blind spots identified as a result

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constitute the starting point for identifying and distinguishing the different epistemological assumptions underlying different scientific disciplines (II.). Calling for a renewed social theory-informed approach, the paper subsequently revisits the potential of the epistemological foundations of actor-network theory as a way forward for richer qualitative EU legal scholarship (III.).

I. The limits of EU doctrinal legal research: national administrative/institutional autonomy under EU law as a case in point

In its barest essence, national administrative autonomy refers to the preservation of member states' institutional structure when applying and enforcing EU law. It also additionally implies that a common body of rules – EU rules- may be fine-tuned by national administrative practice. National administrative autonomy is an idea that is well engrained in the setup of the European Union and is as such inherently linked to the judicially recognized principle of national institutional autonomy (Platon, 2018).[2] It flows from the sui generis character of the EU as a transnational polity tasked to regulate exclusive and shared competences without possessing the ultimate right of political authority, or in other words sovereignty[3]. In legal terms, it means that some states in Europe accepted to delegate and to pool competences at the supranational level because its governing institutions believed in a centralized resolution of some common problems. These states however only delegated this right to rule (and may revoke their consent if its rulers choose to[4] and retained the right to accommodate the concrete exercise of EU rules according to their preexisting or simply according to their preferred administrative structures – hence administrative autonomy.

Lawyers, political scientists and historical sociologists all noticed that the staff of EU institutions adopted rules and practices that incrementally eroded this principle, albeit indirectly. The Court of Justice declared in the early 1960s that the provisions of the treaties superseded national law and applied directly in member states[5], breaking with a traditional understanding of international law that did not have a direct application in nation-states. The process of "negative integration" (Scharpf 1999) started by the CJEU[6] and picked up by the Commission (Alter and Meunier-Aitsahalia 1994) led to the removal of national administrative practices (border checks) in the area of the Free Movement of Goods, paving the way for the subsequent establishment of the common market in the areas of free movement, services and capital (Barnard 2019). This erosion of autonomy did not generate much contention however in the 20th century. The Four Freedoms are substantive elements of EU law, and their concrete development had vested effects on the administrative structures of member states. In other words, the Court and Commission did not frontally challenge the organization of state administrations. Mutual recognition did not automatically lead to the death of the

[2] CJEU, most in line with procedural autonomy

[3] The recent debate about "European sovereignty" is confusing since it does not refer to the concept as understood in legal or political philosophy. Macron's idea of European sovereignty refers to the idea for the EU of acquiring strategic autonomy in international affairs vis-à-vis other global actors such as the US or Chine, implying an increased independence in trade and security areas. It does not challenge however (at least not yet) the principle according to which member states remain at the helm of the (dis)integration process and remain the masters of treaties which "borrow" legitimacy to EU institutions (Lindseth 2010). See more below.

[4] Art. 50 TEU

[5] Respectively in *Costa* and *Van Gend en Loos*

[6] E.g. for free movement of goods in *Dassonville* and *Cassis*, then tempered in *Keck*.

Bundesmonopolverwaltung für Branntwein, but rather changed the extent to which this service may carry out activities of control.

National governments did not in any case oppose this state of affairs in the 1980s and endorsed it instead. The Single European Act took stock of the activities of the EU judiciary and executive and lead to further integration with the introduction of QMV. The "semi-permanent revision process" of the treaties (de Witte 2002) saw the Maastricht treaty include former "core state powers" (Genschel and Jachtenfuchs 2014) such as monetary policy and citizenship, Amsterdam included the Schengen agreements into the EU law order (suppressing this time border checks of persons) and Nice prepared the entrance of the New Member states (thus preemptively preparing for the "Europeanization of the Central and Eastern European countries that would join the block in 2004). This integration process was further enhanced by the legislator and the judiciary, making national administrative autonomy a diluted principle drowned by an uncontested desire of more Europe in the 1990s and early 2000s.

This trend came to an abrupt halt in the mid-2000s. The most paradigmatic example is the rejection of the Constitutional treaty in 2005 and in the Netherlands and France, showing that citizens of Europe (who already showed signs of contention at the time of ratifying the Maastricht treaty) were no longer passive observers of political developments at the transnational level. On the contrary, even if referenda about EU issues may serve as sanction of incumbent governments for *domestic* political issues, this rejection was also partially the result of citizens not willing first to have common institutions in certain policy fields (e.g. European army), but second to have labels and symbols traditionally found at national level displaced at the EU level. Common anthem and the label of "minister" prove to be intellectual frames of reference that people keep associating to the nation-state[7]. Even if governments enshrined in the Lisbon treaty most of the substantive content found in the constitutional treaty, they nonetheless erased any trace of reappropriation of state symbols[8]. The surge of right-wing parties in several member states in the early 2000s (FPÖ in Austria, Front National in France) also led governments to account for a slower integration process in sensitive fields. Citizenship law, which showed promises of a circulation of citizens freed from Common market considerations[9] was considerably altered by the Citizenship Directive, and brings back to the fore national administrations in charge of delivering or refusing residence permits. The Services Directive also expressly excludes numerous sectors of the economy from its scope, e.g. financial, healthcare or audiovisual services. In sum, national political leaders decided to bring back their sovereign prerogatives of organizing the Four Freedoms on their own terms.

The Court of Justice did not immediately pick up this trend and kept having its expansionary vision of the EU legal order, but it faced several fierce contestations like never before. It consecrated the freedom of establishment of companies providing services in other member states above the national collective labor arrangements such as collective bargaining and strikes[10], which led to numerous contestations not only from trade unions but also from political parties that saw an illegitimate European judicial immersion into a core sensitive national issue (Bogoeski 2020; see Kelemen 2012 for an opposite view). Its citizenship case law showed signs

[7] This was particularly the case in the Netherlands: see also Armin Cuyvers 2013

[8] A great example being the replacement of the label "Union Minister for Foreign Affairs" for the longer expression of "High Representative of the Union for Foreign Affairs and Security Policy"

[9] A trend especially found in the case-law of the Court in *Martinez-Sala*, *Grzelczyk* or *Baumbast*

[10] In the famous *Laval* quartet

of limiting its earlier interpretations based on extensive interpretations of the treaties[11], but also displayed the opposite tendency of stretching the limits of EU law to purely internal situations[12], to accept the instrumentalization of EU citizenship rules up an abuse[13] or even the right to deny member states to remove citizenship[14]. The negative reactions of national administrations to these rulings[15] led the Court to limit the rights associated to EU citizenship, in a gradual[16] but unequivocal fashion[17]. Finally, the Court always felt safe in securing its extensive interpretations in the field of fundamental rights and rule of law (Dawson 2017), and could dispose of the Charter to cement those[18]. It thus got extensively involved in the debate surrounding the reorganization of the judiciary in Poland by PiS[19]. Its bold interpretation of judicial independence based on article 19 TEU – praised by leading scholars on the subject (Kochenov and Pech 2021; Kelemen and Pech 2018) – nonetheless recently led to the most abrupt rejection of its case law by the Polish constitutional court[20]. In sum, the principle of institutional autonomy that was almost forgotten for years has recently come back to the fore in unequivocal fashion in contemporary European politics.

However, concluding that national administrative or institutional autonomy has unambiguously become an uncontested mantra would be hasty. Indeed, there are legal/policy areas where the EU is increasingly contesting this principle and does so without resistance, i.e. with the (tacit or explicit) consent of national governments. That is the case in economic governance and data protection. During the financial crisis, the legislator created various bodies such as the European Supervisory Authorities (e.g. European Banking Union) that centralized the control of financial markets at the transnational level of governance. The 6-Pack and 2-Pack granted the Commission formidable powers in supervising member states' public finances and even launch a procedure that could lead to a financial sanction of member states not respecting the Maastricht criteria. Furthermore, the European Semester grants the Commission to possibility to issue recommendations about the very administrative structures of member states and propose potential changes (e.g. judicial organization). These recommendations are no longer only about the substance about EU policies but also about the concrete ways by which member states should implement those. Equally importantly, these recommendations affect member states asymmetrically: if some receive benign recommendations about changing behaviors, others are asked to implement a complete overhaul of their administrative system. Even if Semester recommendations remain non-binding and are largely ignored by member states (European Commission 2014), this imposition of changes in state organization became an obligation in disparate fields ranging from data protection to energy market supervision and beyond. The GDPR demands that member states create an independent administrative body that may not be bound to the rest of the administration. The same goes for energy regulators. If such bodies were already existing in some member states in other policy areas (e.g. France), they

[11] E.g. *Förster* and *Brey*
[12] *Zambrano*
[13] *Chen*
[14] *Rottmann*
[15] E.g. the abolition of *jus soli* in Ireland. See Kochenov and Lindbloom in Nicola and Davies 2017
[16] *McCarthy*
[17] *Dano* and *Alimanovic*
[18] *Akerberg Fransson*; and Maxime's forthcoming contributions
[19] Even in cases where Poland was not involved and where the Charter could not be invoked: *Portuguese judges*
[20] K3/21; whether this Court is captured by the political power is beyond the scope of this contribution, since the point here is merely to describe the return of institutional autonomy as a core argument in European governance.

found no equivalent in other states such as Germany which had to change its administrative identity[21].

Autonomy is thus not applied uniformly in and across the EU. Moreover, its content begs for further precision. It has on the one hand acquired such an important symbolic importance that it led a majority of citizens in a member state to vote in favor of an exit from the block. It did not carry enough weight however to convince the legislator to preserve administrative identities in other fields. Autonomy presents variation at least across 3 dimensions – time, space and issue – which find an explanation when treated separately but have not been the object of a single comprehensive framework.

I) Dissecting "institutional autonomy"

In order to capture the cross-variation of institutional autonomy in the realm of Member States' administrations, a clear conceptualization is required in order to unpack not only the challenges associated to its appraisal, but also the proper social-scientific design necessary to fully understand it. The definition is itself pretty straightforward: institutional autonomy refers to the preservation of state administrative structures despite the existence of a common legal framework. The potential extreme answers such as full autonomy vs absence of autonomy are not likely to find an echo in practice, however. Just like pretty much in any social-scientific study, the solution will neither be black or white, but rather lie in a grey area found between these 2 ideal-types. The purpose is thus to find dark or light grey answers and find the explanatory factors causing these effects.

Autonomy has 2 aspects. The first describes a principle that ruling institutions ought to abide to or should attempt to achieve since it is a key feature of the polity. It thus implies to study autonomy from a *normative* perspective, i.e. to study what the principle entails from a philosophical and – since the EU is based on the rule of law and its competences remained firmly framed by the principle of conferral – legal perspective. In simpler terms, it is about what institutional autonomy should be in EU law (A).

The existence of a principle does not necessarily mean however that it finds an echo in practice. The introduction already alluded to the varying salience of autonomy across various dimensions. Practice thus comes to alter, dilute or amplify said principle. The latter is thus reappropriated by actors who would autonomy life or death, sun or shadow, flourishing or decay. The normative scholarship that studied the existence or not of the principle must be complemented by an empirical, actor-centered appraisal of autonomy in context. This type of enquiry is traditionally led by political scientists and sociologists (B).

A) Autonomy as principle

The first aspect of institutional autonomy refers to a constitutional meta-principle resulting from the "constitutional balance" that binds the EU and the member states (Dawson and de Witte 2013). It postulates that the EU legislator and executive must account for the institutional administrative specificities found in the 28/27 masters of the treaties. An illustrative historical example is the existence of directives[22] that acknowledges the prerogatives of each member

[21] By way of recent example, see C-718/18 - Commission v Germany

[22] Art. 290(3) TFEU : "A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but *shall leave to the national authorities the choice of form and methods*" (emphasis added).

state to decide on the modus operandi surrounding EU law implementation[23]. The end of the "permissive consensus" (Hooghe and Marks 2009) showed that citizens were increasingly wary of the activities of EU institutions. The decade of crises that affected Europe showed that national identity (read autonomy) had either come back to the fore or had always lurked in the shadow of EU politics (Kuhn 2019). Political philosophers that studied the legitimacy of the Union in the last decade thus denounced the process of integration "by stealth" (Schmidt 2020) carried out during the sovereign debt crisis and claimed instead that socio-economic crises revealed on the contrary that the nation-state remained the political frame of reference for citizens, calling the EU a "demoicracy" (Nicolaïdis 2013) or a "Republican Europe of states" (Bellamy 2019).

The resurgence of the member state as the main frame of reference does not however cancel out the continuation of activities at EU level. The last standard Eurobarometer showed that two-thirds of EU citizens are totally optimistic about the future of the EU and the nearly half trust the EU as it stands today – at a level superseding trust in national governments (37%) and parliaments (35%)[24]. These 2 paradoxical tendencies result in a European Union where citizens hold a fairly positive image of the Union but remain attached (despite a lack of trust in current governing authorities) to the specifics of their member state[25]. While the substantive content of policies established at EU level remains globally accepted by most citizens, the concrete ways by which states achieve those goals shall remain directed by national administrations.

Therefore, the constituent power and the legislator have a moral obligation to manage the different sensibilities found in all member states. This philosophical commitment should be expected to find an echo in their outputs, namely in the legal texts that frame the exercise of Union policies. However, explicit references to institutional autonomy have always been scarce in the European legal order.

Skimming through the EU's foundational Treaties (Treaty on European Union (TEU) and Treaty on the Functioning of the European Union (TFEU), the notions of institutional or administrative autonomy are nowhere to be found at first sight. Only two indirect references can be detected in Art. 4(2) and (3) TEU, in addition to some prudent references to an EU law general principle of institutional autonomy in the Court of Justice of the European Union's (CJEU's) case law, which would extend to Member States' administrative design powers as well. All in all, however, EU primary law does not contain any particular references on the ways in which Member States have to structure and organise their administrations tasked with the application and enforcement of EU law (Chiti, 2012). As a result, the contours of and the question as to the constitutional status of administrative autonomy under EU law remain open to interpretation.

First, Article 4(2) TEU only refers to the protection of national identity and government structures of the different Member States, yet does not mention institutional autonomy as such (Dobbs, 2015; Cloots, 2015). AG Jääskinnen opined that a principle of national institutional autonomy could be found to underlie that provision (Opinion to Case C-276/14, *Gmina*

[23] From a legal perspective, it leaves the possibility to implement EU law either at the administrative, legislative or constitutional level.

[24] Standard Eurobarometer 95, Spring 2021, respectively at pp. 14 and 9

[25] An important distinction must be made between states as "Leviathans" that structure the cognition and habits of its nationals (language, units of measurement, place of religion in society, etc.) and the governments exercising a temporary function in ruling those. Political crises in Europe are great empirical demonstrations showing that trust for the former is upheld/increasing while it is collapsing for the latter.

Wroclaw, para 50). The AG did not clarify how, in his opinion, such a principle would take shape and what limiting conditions would be put on it. Overall, the scope of that clause remains vague as does its exact meaning or relevance in the context of Member States' administrative designs.

Second, Article 4(3) TEU refers to a principle of sincere cooperation, requiring Member States to assist the EU in carrying out the tasks flowing from the Treaties. That principle does not refer to Member States' autonomy, yet also requires EU Member States to act in a cooperative manner with the European Union (Van Cleynenbreugel, 2014(1); De Baere and Roes, 2015, Klamert, 2016). As a result, those Member States will indeed have to set up structures so as to ensure EU law obligations can be complied with, implying in some ways limits to the unbridled autonomy of Member States to create whatever (administrative) structure they want. However, the exact limits on such autonomy have neither been marked clearly in the Treaties nor in the Court's case law on that principle.

Third, the CJEU additionally also refers to institutional autonomy in the context of its well-developed 'procedural autonomy' case law. Given the absence of EU Courts at Member State level, national courts have to apply EU law (Van Gerven, 2000). Member States have always retained a significant amount of discretion to designate the appropriate courts and tribunals and to determine the procedural rules governing their operations. In this particular context indeed, the Court refers to the legal principles of institutional (liberty to designate and structure courts and tribunals) and procedural (liberty to set the rules of procedure for the enforcement of EU law) autonomy simultaneously (CJEU, Case C-310/16, *Dzivev*, para 30; CJEU, Case C-574/15, *Scialdone*, para 29; CJEU, Case C-419/14, *Webmindlicenses*, para 26). National procedural autonomy is not an absolute principle, however. Indeed, ever since the famous *Rewe*-judgment (CJEU, Case 33/76, *Rewe-Zentralfinanz eG*), Member States' remedial and procedural rules can only remain in place to the extent that they give EU-based claims at least the same equal treatment as similar claims based on national law (principle of equivalence) and as long as they do not render impossible or excessively difficult the invocation of EU rights (principle of effectiveness, later attached to the principle of effective judicial protection) (Girerd, 2002; Haapaniemi, 2009; Arnull, 2011; Widdershoven and Prechal, 2011; Van Cleynenbreugel, 2012; Jans, Prechal and Widdershoven, 2015).

Although it is clear that conditions of equivalence, effectiveness and effective judicial protection impose limits on the Member States' procedural autonomy, the Court has not conclusively addressed the question whether those very principles also apply and limit Member States' autonomy to set up and organise particular institutional structures. According to Mehdi, 2014 and Platon, 2018, the Court seems to give Member States more leeway in the institutional realm than in the procedural realm by not imposing similar conditions (see already, Rideau, 1972). So far, however, the Court has not clearly stated to what extent institutional autonomy in the realm of judicial organisation could be limited indeed.

EU law has to be applied and enforced not only by Courts but also by Member States' administrations (Verhoeven, 2010). In that context as well, Member States appear to remain at liberty to designate, structure and organise their administrations as long as they are capable of implementing EU law. Within the framework of the administrative implementation of EU rules, Article 197 TFEU highlights that effective implementation of Union law by the Member States' administrations shall be regarded as a matter of common interest. As such, the EU may support the efforts of the Member States to improve their administrative capacity to implement Union

law. However, that support may not take the shape of measures harmonising Member States' administrative structures. When other, more specific provisions of EU primary law allow for such harmonisation, the EU may do so, yet only in the particular sectors touched by those provisions (Mungianu, 2016, p. 25 in the realm of border controls). Member States remain free to design and structure their administrations, until and unless the EU uses a more specific competence to harmonise and modify the conditions of administrative enforcement in particular sectors by means of EU secondary legislation (see also Schütze, 2018).

The existence of Member States' leeway in setting up administrative structures has been confirmed by different Advocates General as well. AG Jacobs in 2005 referred to a 'principle of national institutional autonomy' governing the relationships between the EU and its Member States (Opinion to Case C-394/02, *Commission v Greece*, para 27). He continued by stating that 'in the absence of applicable [EU] rules, the responsibility for the implementation, application and enforcement of [those EU] rules falls upon the Member States in accordance with their national legal systems, […] subject, of course, to the constraints of the principle of effectiveness as developed by the Court'. The condition of effectiveness would thus also limit national administrative autonomy. AG Cruz Villalon on the contrary stated that as a result of the administrative autonomy principle, EU law cannot determine which persons or institutions actually *perform* certain enforcement functions in each Member State (Opinion to Case C-279/12, *Fish Legal,* para 70). That does not mean that such a principle places no limits on Member States' discretion, however. Indeed, AG Bobek more recently held that the different fundamental rights outlined in the Charter of Fundamental Rights of the European Union could also pose limits to Member States' administrative autonomy, as they would have to have structures in place ensuring compliance with the obligations flowing from that Charter (see Opinion in Case C-310/16, *Dvizev,* para 119).

In the literature, the existence of a principle of institutional autonomy in the administrative context has been recognised as well (Verhoeven, 2010, Szydlo, 2012, Platon, 2018). Verhoeven more particularly made the claim that administrative autonomy is above all to be interpreted as a compensatory principle for authorities having to apply EU law (also confirmed by Finck, 2017). Its contents should not be regulated too strictly by that same EU. Schütze, 2018, for his part, acknowledged the existence of a principle of administrative autonomy which leaves Member States in charge of setting up administrative structures. In his opinion, however, that principle could be limited extensively, as long as this fits certain objectives in a given EU policy field. As a result, in some sectors, Member States would be much less autonomous than in others. De Somer, 2018 added to this that, because of the extensive limits that could be placed on it, administrative autonomy is not to be considered an EU law principle of constitutional value. It would rather be a political benchmark the EU has to take into account when considering rules harmonising Member States' administrative structures.

Within the context of the organisation, structure and design of (parts of) Member States' administrations in specific sectors, Directive 2018/1972 explicitly refers to the institutional autonomy of Member States as a way to justify particular organisational requirements on national regulatory authorities imposed by EU law. According to recital 34 of that Directive, 'Member States should guarantee the independence of the national regulatory authority or authorities with a view to ensuring the impartiality of their decisions. This requirement of independence is without prejudice to the institutional autonomy and constitutional obligations of the Member States'. Advocates General at the Court of Justice have confirmed that the principle of institutional autonomy recognised in that Directive can be limited by different

objectives and provisions of that same Directive (see Opinion of AG Kokott in Case C-560/15, *Europa Way*; AG Bot in Case C-424/15, *Garai* and C-85/14, *KPN*; AG Sanchez-Bordona in Case C-240/15, *ISTAT* and AG Cruz Villalon in Case C-389/08, *Base*). Other than that, however, no attention has been paid to the actual contents and limits of such autonomy (CJEU, Case C-560/15, *Europa Way*; CJEU, Case C-424/15, *Garai*; CJEU, Case C-240/15, *ISTAT*; CJEU, Case C-82/07, *Comisión del Mercado de las Telecomunicaciones*; CJEU, Case C-389/08, *Base and Others*; CJEU, Case C-85/14, *KPN*). The exact scope of the administrative autonomy principle underlying that Directive thus remains unclear.

At the same time, however, other instruments of secondary legislation (e.g. Regulation 2016/679 in data protection law) impose similar or other limits on Member States' administrative autonomy. In contrast with Directive 2002/21/EC, however, they do not refer explicitly to institutional autonomy in that regard. All in all, an increasing Europeanisation of the institutional design of national administrative bodies by means of EU secondary legislation has nevertheless been noticed (De Somer, 2018). The different varieties of EU legislative interventions limiting Member States' administrative autonomy have not been the object of a comprehensive study so far, despite the EU continuing to adopt more rules determining the institutional and organisational design of Member States' administrations (e.g. Directive 2019/1 in the field of competition law).

This brief overview makes clear that something akin to a legal principle of national institutional autonomy is around, but the contours and limits that can be imposed on it by EU law have not been the object of a cross-sector comprehensive analysis. In addition, EU law scholarship has paid only limited attention to the phenomenon of the shrinking size of Member States' administrative design autonomy and the role played by EU law in that regard, despite the field of EU administrative law being a booming one (see among many others Besselink and Widdershoven, 1998; Schmidt-Assman, 1999, 2006; Harlow, 2002; Ziller, 2005; Schwarze, 2006; Hofmann and Türk, 2007; Auby and Dutheil de la Rochère, 2007; Curtin and Egeberg, 2008; von Danwitz, 2008; Eliantonio, 2008; Curtin, 2009; Caranta, 2009; Mendes, 2009; Harlow 2011; Hofmann, Rowe and Türk, 2011; Mendes 2011; Chiti, 2016; Wollenschläger, 2017;Harlow, Leino and della Cananea, 2017; Craig, 2018; Carolan and Curtin, 2018; Mendes and Venzke, 2018; Stelkens, 2018; Mendes, 2018). As Hofmann, Rowe and Türk have highlighted in their reference work on EU administrative law and policy, EU administrative law studies the tasks entrusted to administration, the processes through which those tasks are fulfilled and the organisational framework within which those processes take place (Hofmann, Rowe and Türk, 2011). More particularly, it analyses those tasks, processes and institutions at both EU and Member State levels. So far, however, EU administrative law scholarship has predominantly focused on processes, tasks and institutions at EU level (most notably comitology and related implementation procedures (Lenaerts and Verhoeven, 1993; Vos, 1997; Volpato, 2019) and the accountability of EU administration (Bovens, 2007; Curtin, 2009; Dawson, 2015), EU agencies (Everson, 1995; Chamon, 2016; Everson, Monda and Vos, 2018), on integrated, composite or mixed administrative procedures (Schmidt-Assman, 1999; Della Cananea, 2004; Hofmann and Türk, 2007; Mendes, 2011), on common principles governing EU administrative procedures (Reneual, 2014; Brito Bastos, 2018) and on the spill-over of EU general principles of administrative law to national administrative procedures (most notably the impact of general principles of EU law on national administrative procedures, Dragos and Neamtu, 2009; Widdershoven and Remac, 2012; van den Brink and den Ouden, 2015; Xenou, 2017).

At Member State level, focus has above all been on how administrations deal with EU substantive law and to what extent they enjoy discretion in doing so (Egeberg and Trondal, 2009). Comparatively little attention has been given to the conditions EU law sets on the institutional organisation and design – i.e. the status, format, structure, composition and modus operandi – of Member States' administrative bodies or authorities. De Somer has acknowledged the emergence, at Member State level, of so-called 'autonomous public law bodies', which are ever more Europeanised. That Europeanisation trend, however, is not exclusively the consequence of EU law (De Somer, 2012), as the European Court of Human Rights (ECtHR) imposes conditions as well and Member States meet in international fora such as the Organisation for Cooperation and Development in Europe (OECD), which also results in streamlining of certain administrative law features. On top of that, autonomous public law bodies have been facing increasing scrutiny at Member State level, to which they also remain accountable. EU law operates against the background of this complex set of rules and has only a limited impact (De Somer, 2017).

B) Autonomy as practice

The scarce traces of autonomy in EU legal texts, coupled with a subsequent lack of attention paid thus far by legal scholarship on the subject, means that autonomy is subject to ambiguity. In other words, a loosely circumscribed autonomy will likely generate different understandings and application of the concept in practice.

One could already argue that different interpretations of EU law is a necessary feature of EU politics. The administrative structure of the EU itself does not allow it to sufficiently monitor and assess a perfectly harmonized application of legislation. The Commission must rely on national administrations to give concrete effects to EU rules, just like the CJEU must rely on national courts to see preliminary rulings obeyed. The reappraisal of common rules by different bodies is likely to generate different applications or *translations*[26] at national level. After all, there are even reasons to doubt that EU law is even a "unified academic discipline" (de Witte in Vauchez and de Witte 2013) since teachers and scholars would confront their appraisal of EU rules with their pre-existing intellectual grids (or habitus in Bourdieu's theory) that were extensively shaped by their education provided by national law schools. Thus, the alleged pretention of EU law to be an autonomous legal order will necessarily be tempered by the unconscious processes of reappropriation by the actors, agents or actants that will insufflate life to EU rules.

One cannot cite all factors that lead to a differentiated application of EU law before the enquiry is conducted, but there are already some factors that may be mentioned. Nationality and member state specificities are one. Differentiated understanding may also be tempered by the socio-professional belonging of the actors in charge of drafting or implementing rules. One may assume (without being overly bound by it) that national bureaucrats in charge of giving life to EU rules are acquainted to EU law – by being law graduates or having performed the duty of implementation for some time already. They pertain however to a socio-professional with its peculiar logic: bureaucracy. Bureaucrats have a set of rules to follow but also some agency: they must cope with uncertain situations (e.g. about the meaning of a legal provision), work with constraints (hierarchical, time) and self-calculate the anticipations of politicians they

[26] See part IV about ANT

"serve" (ministers, members of Parliament, etc.). The combined result means that appraisal of EU rules is just another variable in a much longer bureaucratic equation.

Practice or behavioral autonomy may be found at all levels of sociological analysis, making the social-scientific enquiry complex:

- Macro-level: differences among state legal cultures, organizations
- Meso-level: differences among socio-professional groups
- Micro-level: differences among human agents

EU law may then be theoretically given an infinite number of practical applications, which may not all be traced by the social scientist[27]. That does not cancel out automatically however attempts at generalization. Despite the multiple/infinite number of historicized phenomena, some patterns may be spotted out. Even if every bureaucracy possesses its own policy/national specificities, the concept of bureaucracy itself points towards an identifiable set of expectations about the actors under study: these are state apparatuses made up of public administration experts appointed following a rational-legal logic (Weber 1978). Second, the norms under study are a common vector to all stakeholders: even if EU law will be diluted by practice, it will nonetheless always leave fingerprints in any enquiry that studies its application and should as such remain the starting point of any investigation because it is – or even better, should be – an "obligatory passage point" (Callon 1984). By definition, EU law has to be present one way or the other, and will at least momentarily force the actors to converge, even though this convergence process may never be perfect[28]. Thus studying institutional autonomy in practice supposes that there is in the equation a centripetal factor – here common rules – that will pull the actors towards a common center of gravity/understanding. Studying some of these micro-level differences assessed against the background of a common backbone will enable the empirical social scientist to say something meaningful about behavioral institutional autonomy in quantitative terms[29].

Case-studies scholars have a point however when they argue that numbers may not convey everything about human behavior. Autonomy as reappraised by human agents provoke psychic reactions that cannot be captured quantitatively. They generate reactions such as acceptance or rejection that will not be fully visible in the legal texts under study, e.g. national transposal acts. Autonomy may trigger opposite reactions for agents submitted to a "double bind" between on the one hand a perceived excessive intrusion of EU law into national sensibilities and on the other hand an interiorized professional duty of providing an efficient transposal of EU rules, leading to a result that will lie in between these 2 extremes[30]. Perceptions thus matter and may

[27] Which leads some ANT scholars like Latour (2005) to argue that only thick descriptions (provided after an ethnography) are the only possible way to provide scientific accounts. We will dispute this account later in this paper.

[28] EU law texts are translated into the 24 official languages of the EU. Multilingualism and translation – understood here traditionally – necessarily present challenges in terms of convergence since words in a given language carry unsaid meanings that pure translation may not convey (think of the CILFIT doctrine in the case law of the CJEU).

[29] Which in this project will take the form of aggregated results of answers to a survey sent to national bureaucrats. See Part V.

[30] This idea of double bind or competing rationalities acting at once makes sociologists more convincing than political scientists from an epistemological perspective. Political scientists too often try to prove that actors are driven by a single social driver (rational actor, path-dependent action, constructivist). Sociologists – and especially ANT scholars – adopt a more inductive approach to the drivers of action in the social world (which corresponds to Callon's agnosticism and symmetry of arguments).

not be appraised by regression or descriptive analysis, but rather from a more qualitative approach. While we already admitted that all rationalities cannot be captured in a single enquiry, repetitive qualitative encounters should enable us to abstract common features shared by several agents.

II. Studying institutional autonomy: recoupling disciplinary divides

This framework paper will push for a renewed theoretical approach to study the appraisal of EU law in context, notably with the introduction of social theory. The use of social theory allows for the reinsertion of epistemological debates in the analysis of EU law, which is crucially lacking in contemporary debates about European integration and explains the absence of cooperation between legal scholars and political scientists despite a common object of analysis and a potentially high interdisciplinary scope. Before exposing our epistemological vision of the contemporary EU legal order, we will highlight these social-scientific divides (A) and then argue why it is not only welcome but necessary to overcome these disciplinary squabbles in order to provide a comprehensive theory of institutional autonomy in the EU today (B).

A) A difficult conciliation between social sciences in EU studies and beyond

The scope for interdisciplinary cooperation in EU studies is indeed high. Political scientists, sociologists, historians and lawyers have all studied EU institutions for decades (Haas 1958; Moravcsik 1998; Vauchez 2015; Cohen 2012; Davies 2012; Rasmussen 2021; Craig and de Burca 2020; Chalmers and al. 2019) and have at times provided interdisciplinary accounts of EU integration (e.g. Lindseth 2010; Vauchez and de Witte 2013; Nicola and Davies 2017). But most research outputs remain firmly entrenched within their disciplinary boundaries.

The separation of the social sciences into disciplines followed a division of academic labor according to the objects of study. Lawyers studied norms, psychologists studied cognition, sociologists studied interactions, historians studied detailed past events, etc. It still makes sense if one accepts that some objects challenge these flexible boundaries and accept the creation of hybrid intellectual streams such as social psychology, law and economics or social history. But the consolidation of the disciplines into hermetic research departments and specialized journals also led to the displacement of epistemological debates into the background of discussions. Grand social theories like Habermas' theory of communication, Parsons' and Luhmann's systems theory, Giddens' structuration or simply Weber's sociology were transcending disciplinary barriers because they asked broad questions about human behavior that anthropologists, sociologists, historians and others could refer to. The time for grand theories has ended, and contemporary social scientists rather focus nowadays on mid-range theories that focus on narrower theoretical arguments and broader datasets, while leaving epistemological considerations at the level of assumptions[31]. The shifting of focus from ontology and epistemology to theory, methods and data reinforced the hermeticity of social sciences up to the point where these have a difficult time to communicate.

Ontology cannot raise much interdisciplinary debate, just like it may not raise much debate in general. General trends like positivism (there are law-like generalizations about the social

[31] The structuring social action theory or paradigm that guide theoretical developments (e.g. rational action, neo-institutionalism, structuralism) are often not even mentioned in articles published in EU studies journals.

world) or interpretivism/relativism (everything is socially constructed, and on the second case one cannot provide any type of generalizations since everything is historicized) are the assumptions of social-scientific assumptions and remain empirically unobservable, so that they can only exist in the mind of the researcher. Epistemology or sociology of knowledge (or how we come to know about social phenomena, e.g. shall the researcher aim at providing a deterministic or a probabilistic theories?) are on the contrary observable, even if they lead to the nerdiest discussions that most empirical political scientists or sociologists do not carry anymore[32]. Questions such as "what is the social?" or "are norms binding?" are arguably abstract and does not match the more recent desires to provide numerous observations about the world. The absence of contemporary discussions about epistemological debates has thus led social scientists to borrow insights from earlier scholarship to develop their theories, and the gradual cumulative developments of science have left these broader questions aside. Political scientists have contemporarily employed rational-actor, institutionalist or sociological paradigms as established canons of their disciplines without rediscussing those in the light of newer empirical evidence[33].

Scientific accounts have thus been developed in silos, meaning that unexplained social phenomena must find an explanation provided by pre-existing accounts found in their discipline. Most lawyers assume that norms are binding and believe in the Kelsenian dogma that the legal system provides an answer for any interpretation problem (i.e. that a higher norm will shed light on an obscure lower rule in his hierarchy). Many political scientists and sociologists study actors and firmly hold that answers will always be found in intersubjectivity, thus leaving a marginal if not inexistent place to non-human factors (e.g. law or technology).

This does not pose much of a problem for decades since each discipline had its own objects of analysis. Anthropologists had their tribes, lawyers their rules, historians their battles and kingdoms, political scientists their legislatures and governments. Even if their account were partial in that actor-based explanations did not consider counterfactual rule interpretation and vice-versa, their monopoly over their empirical object gave them an uncontested voice about it. Modern social science however has ended the phenomenon. Since epistemology became secondary and that data/methods became the primary preoccupation, researchers thus extended their craft to objects that were traditionally coopted by others. Courts were no longer the monopoly of lawyers but became a common research field for political scientists (Alter 2001; Stone Sweet 2000). Parliaments became the subject of anthropological enquiries (Abelès 1996). Some lawyers denounced the lack of attention to socio-economic factors and created new intellectual streams such as Critical Legal Studies to account for the gap. In sum, norms, institutions and actors were no longer the apanage of isolated disciples to open to other scientific cults. Objects but also research methods travelled from one discipline to next. Political scientists started to use regression analyses traditionally employed by financial market experts to assess large-N while isolated a single or a few independent variables. Legal scholars started to include empirical content in their doctrinal analysis such as text analysis or interviews. The frontiers between social sciences have become more porous than ever.

However, epistemological stakes were unsurprisingly not part of these exports. This seemingly benign neglect had nonetheless strong theoretical consequences for the models developed

[32] Except for the most recent theories of social actions that still must convince the scientific community about their soundness.

[33] And so even in research design treatises, even if those are built to help researchers articulate their argument from beginning to end (although see Beach and Pedersen 2018 about their specific take on "process-tracing").

recently. The choice behind the methods is hardly ever innocent. Those reflect broader epistemological stakes firmly entrenched in the disciplines. Regression analyses are the result of theoretical predictions assuming that the preferences of actors are both stable and interest-maximizing, which is likely to be correct for financial investors but less so for politicians or judges. Semi-structured interviews provide great accounts about actor perceptions and provide premium empirical substantiation to sociological institutionalists who place intersubjectivity at the center of their model, but only bring limited insights to legal scholars aiming at providing convincing interpretations of the norms of the land. Yet this unquestioned export remains steady, encouraged by the modern funders of scientific projects such as the Commission or national research councils because "interdisciplinarity" has become trendy in the 21st century. Yet, instead of generating a fruitful interdisciplinary dialogue such as the one defended here, it created a great sense of intellectual cacophony.

By cacophony we mean that many social scientists have the same object of study but arrive at drastically opposite conclusions, or – equally worrisome – make similar points by using epistemologically incompatible paths. For example, supreme courts are a common object of study for lawyers and political scientists. But their appraisal differs substantially depending on the disciplines. For political scientists, constitutional or supranational courts are often depicted as political bodies that – following a rational-actor logic – try to maximize their power and interests (those being defined by the scientist herself). For lawyers, supreme courts represent the higher organ of the third branch of government whose craft may only be analyzed via the instrument judges are supposed to interpret: the law. Contextual factors such as the composition of the bench or the socio-economic situation are at best scope conditions that may not overshadow doctrinal developments[34]. Lawyers would thus explain judicial behavior depending on their interpretation of the acquis and assess whether judges were 'right' or 'wrong'. Political scientists on the other would stress that judges anticipate the reactions of actors – especially governments – when giving solutions to cases, while trying to a maximum to realize their "privately held beliefs" (Harsch and Maksimov 2019) constructed by the researcher itself, namely to enhance or European integration and increase the Court's prerogatives. The common conclusion is that a body like the CJEU may be "activist", but the substantive criteria or design to make such an assessment are totally at odds. Lawyers would stress that judges adopt a wide and encompassing interpretation of the provisions of the treaties and secondary law, while political scientists would argue that the Court calculates its probabilities to not to face retaliation (Larsson and Naurin 2016; Carubba and Gabel 2014) and seizes every opportunity to increase its power. Here conclusions are concurring, thus shadowing the divergences that led to such explanations.

The situation becomes more cacophonous when results differ. The same example of the CJEU remains useful here. The Kadi case remains one major tour de force in recent global governance and is likely cited alike in major international relations accounts (e.g. Zürn 2018; Morse and Keohane 2014). All social scientists tried to provide explanations to a decision that saw the ECJ overturn a GC ruling, even if all member states presenting observations were in favor of the contested measure that was eventually declared inapplicable. Lawyers unsurprisingly referred to legal principles to justify the outcome, here that higher courts are always more wary of the fundamental rights of the vulnerable party than lower courts – thus exercising their countermajoritarian function (Ely 1980) – and established that the principle of effective judicial protection superseded any consideration contained in a UN Security Council Resolution (e.g.

[34] Except for newer areas of (case) law such as the whole rule of law business started in the EU recently

Kokott and Sobotta 2012). Political scientists instead would stress that judges survey potential governmental opposition that would lead to an override – which could have been the case in 2005 and not in 2008 – or find support in public opinion about terrorism suspects' rights – that would have been shallow in '05 but much higher in '08, granting the ECJ the possibility to declare EU law supreme, even over a UN Resolution (Harsch and Maksimov 2019). The conclusions differ radically between on the one hand a judicial body that did its job well despite strong governmental opposition and on the other hand an opportunistic court that just seized the right moment to enhance its prerogatives. The result is this cacophonous and the explanations behind Kadi remain obscure.

B) A necessary reconciliation for a comprehensive framework

One could argue that the role of social sciences is to provide various hypotheses/scenarios to explain behavior. Yet – apart from being rather unsatisfactory if one aims to provide a causal argument or to provide a catchy normative argument – the question of institutional autonomy as respected/disregarded by EU law and institutions is too much of a pressing academic and societal demand to simply provide another alternative. The purpose of the EUDAIMONIA project is on the contrary to capture the insights of political science, law and sociology. While the rest of the paper has already argued why such a move is welcome, this section goes even further and will argue that this intellectual stance is necessary.

First, the question of epistemology remains a major concern. Political scientists and sociologists tend to impose or simply assume that a single driver of social action leads to continuity or change in society. Actors are either rational and have fixed preferences or on the contrary can be persuaded to change their mindset and course of action after various interactions. Yet such approaches do not include the possibility that both or more logics may operate at once, e.g. across the configuration of actors or simply employed by the same actor diachronically. Moreover, they tend to impose their line of actions to the actors themselves. Theoretical models would be forged assuming that actors are rational or constructivist, because the researcher says so herself. Even if she remains quite open about the empirical findings, her reasoning will nonetheless have been obscured from the beginning. One thus needs to reintroduce epistemology into theories. Among the 3 social sciences mentioned, only sociology keeps paying (scarce) attention to these stakes and will therefore be a privileged source of inspiration. Political science hardly ever includes epistemological debates. Those are totally absent in legal scholarship. The main idea is that norms ought to be binding. Lawyers are thus very good at pointing towards inconstancies in the judicial development of EU (they easily highlight where judges take a firm control and use treaty provisions directly or instead defer to the legislator and stick to textual interpretations of directives) but cannot explain (they can just hypothesize) why those exist.

Not substituting rationality means that the researcher must follow the actors themselves and assess afterwards their behavior. However, the recourse to grounded theory or a purely inductive leads to a risk of becoming a prisoner of the historicized phenomena under study, and consequently limit the possibilities of generalization. Pure induction also never truly exists (Beach and Pedersen 2018): even if one adopts the strictest Weberian axiological neutrality principle, the researcher will keep being subject to his prior beliefs and expectations (including knowledge that we learned from Weber himself). While the design of the investigation should not lead us to become prisoners of an alternative between the main and null hypotheses and on the contrary leave us open to any type of observations – in other words, not become a prisoner

of a deductive theory – the investigation may safely start of a set of expectations. It means that the enquiry will be guided to a limited extent by prior theoretical developments corresponding to the object of study. And since the question is about how EU law frames, enhances and/or limits national institutional autonomy, legal scholarship is a primary source of inspiration, although not necessarily in a way intended by most legal scholars themselves.

The latter often ask social scientists to "take the law seriously" (Joerges 1996). But Joerges' argument is not legal in itself but is sociological. Social theories of law all stressed that law generates a certain sense of autonomy that distinguishes lawyers from the rest of the members of society. Bourdieu stressed that the legal field is "autonomous" (Bourdieu 1987): the right to say what the law is led lawyers to adopt their own customs and language that become inaccessible to those not acquainted to these features. While law is potentially a social medium that transcends the division of society into systems (Parsons 1951), its appropriation and application led to the specialization of a few who progressively acquired the legitimate right over this monopoly – to say what the law says. This autonomy is even stronger for Luhmann who saw in law an operatively close system functioning according to its own logic (Luhmann 2008). The relationships between the system and its environment are conditioned by a complex process of "structural coupling" by which exogenous considerations are translated into the binary code "legal/illegal"[35]. Latour in his actor-network approach stressed that the members of the Conseil d'État always try to ensure that the law goes through (Latour 2009; Audren and Moreau de Bellaing in Benakar and Travers 2013). This specificity of the law must be acknowledged in the research design instead of projecting categories applied to other instruments such as politics or bureaucracy. This specificity was the development of major theoretical sociological treatises such Weber's *Economy and Society* (1978 [1922]), Habermas' *Between Facts and Norms* (1996) or Luhmann's *Law as a Social System* (2008). They give us interesting intellectual tools to think about the appraisal of law by various actors. These remain nonetheless global theories of social action that necessitate a contemporary substantiation with the concrete developments of EU law today. And since sociological developments of contemporary sociological accounts are scarce, the doctrinal developments provided by legal scholarship must be included in this study. They should not be understood as a principal source of inspiration but rather as premium empirical material which will help us in teasing out the logic of action of the actors under study. Doctrine contains the intellectual modus operandi by which lawyers assess and reason about their craft. They provide potential counterfactual explanations to ambiguous norms and principles, and equally importantly exclude some potential resolution mechanisms. Doctrine is a common enterprise shaped by scholars and practitioners alike and thus displays the socially accepted or acceptable views of the agents that are collectively in charge of giving it.

[35] If this alternative were absolute – something is simply legal or illegal – then the inner activities of the system would be rather limited, since only these 2 options would be possible. However, to say what the law is involves a sociological struggle between involved stakeholders in situations where the limit between these two extremes is not clear-cut. The justification behind legal reasoning, administrative substantiation and judicialization precisely occurs because translating social phenomena into legal semantics generates confusion, ambiguity and various potential solutions. Lawyers precisely justify their craft by providing solutions to ambiguous situations. This phenomenon is often overlooked in EU studies by political scientists who at times buy too easily this simplistic distinction between legal and illegal, and therefore too hastily search for actor or contextual factors to explain what they quickly analyzed as an instrumentalization of norms, rather than acknowledging that lawyers are actually struggling to find a consensus about the meaning of a provision.

Recourse to legal scholarship is unfortunately not enough. First, its exclusive focus on norms and its exclusion of the actors in the analysis overlooks the human touch in governance, which is precisely a factor that should not a priori be excluded from our expectations about institutional autonomy, especially considering that legal sources dealing with it are scarce in the EU legal order (see IA). Second, if law is an overlapping category in this study, the stakeholders analyzed in these studies possess different identities. The "lawyer" will also be a "civil servant", a "bureaucrat", an "administrator", etc. This driver of behavior teased out of legal scholarship must then find a complement with an actor-centered perspective that would help us show how practice shapes, dilutes or is simply modified by other considerations. This is where political scientists and sociologists provide detailed accounts about the "European civil service" (Georgakakis 2017) that contributes to drafting legislation and national "level-street bureaucrats" (Lipsky 1980) who give it concrete application on the ground. This literature is helpful in showing what bureaucrats do when they cope with uncertainty or even in situation where they personally oppose the norm they must implement. Practice will redefine law's application, and cannot be ignored by a study focusing on concrete institutional autonomy. But this redefinition may only occur if there was a frame of reference to start with, namely the norm itself as analyzed by lawyers. That is why an interdisciplinary effort is not only welcome but necessary.

Conclusion

This framework sought to show the relevance of interdisciplinarity in order answer the questions raised by the combination of EU law and national institutional autonomy. It highlighted that a single concept – autonomy – can have a normative *and* an empirical component, thus demanding the recourse to several social scientific paths in order to get a comprehensive grasp on the object under study. Forging a strong normative definition of what autonomy ought to be in the European legal order in the 21st century cannot overlook concrete development about the implementation of the acquis by national administrations.

This paper nonetheless also stressed that such an endeavor was more difficult than envisaged at first glance. Legal scholarship on the one hand and empirical disciplines such as political science and sociology on the other hand have strong ontological and epistemological assumptions that render difficult the conciliation of insights from various disciplines. The peculiarity of legal reasoning as a prospective art does not easily match the backward-looking and causality-oriented research design of political scientists. The combination of doctrinal developments with empirical research methods demands a careful and deep reflection about the epistemological stakes behind such an enquiry. This represents a far greater task that commonly allowed by research publication imperatives.

But the stakes raised in the introduction point to the need of a renewed understanding of EU law from an interdisciplinary angle. The EU is at a crossroads, and integration did not only come to a halt but was even reversed since it lost a major part of its territory when the UK chose to leave the block. The question of national autonomy is central in all debates surrounding European politics nowadays, and demands from the scientific world a comprehensive and possibly exhaustive answer regarding the potential intrusion of EU law into (too) sensitive national issues. This pressing societal need will lead the researchers of the EUDAIMONIA project to delve deep into social theory and forge a renewed understanding of law in context.

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