



From the Chair

Liesbet Hooghe

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EUSA Review Forum

Turkey and the EU: Where Do We Stand?

IT HAS BECOME common in recent years to observe that the fate of Turkey's membership bid may shape the future nature of the EU more than anything else. Thus I was very pleased that some of the world's top experts on Turkish-EU relations agreed to contribute to my first issue as Editor. Birol Yeşilada is Professor of Political Science at Portland State University, and holds an endowed chair in Contemporary Turkish Studies. He opens the Forum with a survey of where the accession negotiations stand today and the basic benefits and challenges that accession offers to both sides. Hugh Pope is Senior Analyst on issues concerning Turkey and Cyprus at the International Crisis Group. He is a frequent contributor to the Wall Street Journal and other high-profile outlets, and his latest book (*Sons of the Conquerors: The Rise of the Turkic World*) was named a "book of the year" by *The Economist*. His contribution considers in more detail how and why views of Turkish accession within the EU have evolved in recent years. Meltem Müftüler-Baç is Professor of International Relations and Jean Monnet Professor at Sabanci University in Istanbul. Her essay shifts more to the Turkish viewpoint, discussing the role of EU conditionality in Turkish domestic political change. Şahin Alpay, finally, is Professor of Political Science at Bahcesehir University in Istanbul. He delves more deeply into the role of the military in Turkish politics, providing both a historical overview and a more specific account of civil-military relations as the EU talks have proceeded. These experts are unanimous that Turkish accession will be good for Turkey and good for the EU—but also realistic that many people on both sides do not agree with them.

-Craig Parsons
EUSA Review Editor



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Where Do Turkey's Accession Negotiations Stand?

Birol Yeşilada

RELATIONS BETWEEN THE EUROPEAN UNION (EU) and Turkey have never been easy, but now they seem to have reached a crucial crossroad. Indeed, they look to be entering the most difficult time of their forty-five year association. Despite the initial enthusiasm that followed the start of accession talks in 2005, two significant developments seriously damaged EU-Turkey relations: a new wave of conflict about Cyprus, and the election of Nicolas Sarkozy as president of France.

A staunch opponent of Turkish accession, Sarkozy prefers a "privileged partnership" to membership and has been lobbying other European leaders to adopt his position. He succeeded in rallying the support of German Chancellor Angela Merkel and now leads a coalition of anti-Turkey states. The Cyprus issue is more complex and pits both sides against each other over treaty obligations and political promises. On December 11, 2006, EU ministers agreed to punish Turkey for refusing to open its ports and airports to EU member Cyprus. At that time, the EU indefinitely froze eight of 35 "chapters" in the accession negotiations. Turkey refuses to open its ports because it wants a de facto embargo lifted on the self-declared Turkish republic of northern Cyprus, which the EU promised to do following Turkish Cypriots' approval of the internationally supported Annan Peace Plan for Cyprus in April 2004. The Greek Cypriots had rejected the plan by a 3-to-1 margin. At the time the Greek Cypriot government strongly opposed the plan's power sharing arrangement between the two communities, the financial formula for compensation of private property, and the amount of land allocated to two federal states.

A more step-by-step summary of critical recent events includes:

- 2005, October: Accession talks begin on 35 "negotiating chapters" of the EU *acquis communautaire*.
- 2006, June: The EU and Turkey open and close the first and shortest of the chapters, on Science and Research.
- 2006, December: The EU freezes the opening of eight chapters over Turkey's refusal to open its ports and airports to traffic from Cyprus.
- 2007, January: The EU and Turkey open the negotiating chapter on Enterprises and Industrial Policy.
- 2007, April: The AKP government in



Turkey launches its own seven-year national action plan to move toward adopting the EU *acquis*.

- 2007 June: Two more chapters of the EU *acquis*, Statistics and Financial Control, are opened for negotiation. But France blocks the expected opening of the chapter on work towards European monetary union, in line with new President Sarkozy's determination to block five chapters that would pave the way for Turkey to become a member of the EU.

- 2007, December: To further add insult to injury, the French member of COREPER (the Committee of Permanent Representatives that forms the heart of the EU Council of Ministers), Pierre Sellal, demands removal of "accession" from "accession negotiations" that is part of the final summit report of the European summit on December 14, 2007. Furthermore, the report's section on enlargement omits the phrase "the objective of accession negotiations is membership [in the EU]" when referring to Turkey and revises the title of meetings that open accession chapters from "Accession Conference" to "Intergovernmental Conference."¹ Austria and Germany give full support to the French position.

Potential Benefits of Membership

There is no doubt that accession of Turkey presents challenges and benefits for both sides. For Turkey, benefits include support for the consolidation of democracy, an increase in economic competitiveness, and finalization of Atatürk's goal of permanently anchoring the country in the European family of nation states. As the EU Commission observed, "Changes to the Turkish political and legal system over the past years are part of a longer process and it will take time before the spirit of the reforms is fully reflected in the attitudes of executive and judicial bodies, at all levels and throughout the country."² Given the above concerns, continuous and effective implementation of democratic reforms is necessary for Turkey in order to improve the quality and consolidation of democracy. Further institutional reforms during the EU accession process would be helpful in this regard.

On the economic front, EU membership would further bring Turkey into the global economy. Following EU's decision to start accession talks with Turkey, FDI jumped to \$10 billion in 2005. In the following year, this figure doubled to around \$20 billion. With access to other EU markets, unhindered flow of capital and labor would further serve as a catalyst of economic growth.

For the EU, Turkey's membership will also bring benefits. First, it will send a clear message to the world that the EU is not a Christian club and so refute the "clash of civilizations" argument. Second, it will strengthen the European Security and Defense Identity (ESDI) with considerable military capabilities and further smooth out the NATO-ESDI partnership.³ Third, Turkey's membership will go a long way toward settling Greek-Turkish problems, much like other bilateral disputes that member states learned to settle peacefully in the EU. Perhaps the best example of this is France and Germany. Fourth, Turkey would be a secure energy corridor for Europe for carrying oil and natural gas from the Caspian Sea basin and Central Asia. And fifth, Turkey will contribute to economic revival of EU's competitiveness in global affairs.⁴ Yet, despite such clear benefits of Turkey's membership, there are serious challenges facing both sides.

Challenges of Membership

For the Turks, challenges include surrender of economic and political sovereignty to Brussels' supranational institutions, an effective overhaul of Turkey's domestic political landscape, potential change in state-religion relations (strict laicism versus secularism), and implications for Greek-Turkish relations (particularly Greek/Greek Cypriot demands for concessions on Cyprus and the Aegean). Public opinion in Turkey has also turned more negative toward EU membership – from a high of 72 % in favor in 2004 to 52 % in 2007. Today most of the Turkish secular political parties, the Turkish military, and leftists and ultra nationalists view EU membership with suspicion. As far as they are concerned, EU's focus on minorities in Turkey is nothing more than a European conspiracy aimed at breaking up Turkey into smaller units—a revamped Treaty of Sevres!

Support for Turkey's membership among EU citizens is also quite low. According to a special Eurobarometer on enlargement (no. 255), a majority of Europeans interviewed (52%) saw the accession of Turkey as mainly in Turkish interests, while only 20% saw a mutual interest for both the EU and Turkey.⁵ The strongest opposition was observed in Austria (81%), Germany (69%) and in Luxemburg (69%), Cyprus (68%) and Greece (67%). Behind such negativity lies public and officials' prejudice against Turks as well as implications of Turkey's membership for the EU institutions and budget. Not only would Turkey have the largest population in the EU, its entry would require drastic reformulation of the allocation of seats in the EU parliament and of votes in the Council of Ministers. Potential economic costs of Turkish accession also raises objections. As the poorest member of the EU, Turkey would seriously alter the



size and distribution of the Cohesion Funds that the EU spends on its poorer regions. Under current rules, given Turkey's size and relative poverty, its accession would add €36.7 – 40.9 billion to the EU budget during 2015-2017 in 1999 prices. Taking into consideration Turkey's own likely contribution to the EU budget during the same time, the net receipts by Turkey would likely be between €25 and 27 billion.⁶

Final Thoughts

There are many reasons one could present in favor or against Turkey's membership in the EU. Recent developments have fueled negative feelings on both sides and strengthened the hands of those who are opposed to membership. In my view, however, the consequences of shutting the door on Turkey would be devastating for all concerned. Such a decision would eliminate all the positive benefits noted above with unpredictable consequences. It would force Turks to look elsewhere for a "new alliance," further destabilize Greek-Turkish relations, and unfortunately, give credit to the notion of a "clash of civilizations."

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Endnotes

- 1 *Radikal* (Turkish Daily) "Fransa suyunu çıkardı" December 12, 2007, p.1.
- 2 European Commission, *2002 Regular Report on Turkey's Progress Toward Accession* (Brussels: Commission of the European Communities, 2002), p. 55.
- 3 International Crisis Group, *Turkey and Europe: The Way Ahead, Europe Report No. 184* (Istanbul and Brussels: ICG, 17 August 2007), p.6.
- 4 According to a study by Yesilada, Efir and Noordijk (2006) the EU's economic decline against China and the US is expected to continue into the mid-21st Century. Based on power transition analysis, the authors argue that the EU can only recover economic competitiveness given entry of a large and dynamic economy like Turkey into the Union starting in 2020-2025.
- 5 European Commission, *Special Eurobarometer on Enlargement no. 255*, p. 69.
- 6 A.M. Lejour, R.A. de Mooij, and C.H. Capel "Assessing the economic implications of Turkish accession to the EU," ECP Document no. 56 (Netherlands: Netherlands Bureau for Economic Policy Analysis, 2004).

Virtuous and Vicious Cycles in European Views of Turkey

Hugh Pope

THE GOLDEN ERA AFTER 1999, in which EU-Turkish affairs moved in a virtuous circle of European encouragement and Turkish reform, culminated in the opening of Turkey's negotiations to join the European Union in 2005. Since then, however, the relationship has stalled amid mutual recriminations. The main actors in this new vicious circle have been leaders from the more powerful side, the European Union, just as it was a change of heart in Europe that encouraged Turkey's strong progress towards accession.

This new wave of hostility flared up as Turkey confounded expectations and seemed to be coming within reach of EU membership. It began in 2002, when former French President Valéry Giscard d'Estaing stated flatly that Turkey was "not a European country." Political leaders in Austria, Denmark, the Netherlands and elsewhere followed suit. The substitution of the goal of "privileged partnership" for full membership—suggesting a reversal of an EU promise since 1963 of Turkey's eventual right to join—was a key part of the Christian Democrat election manifesto of German Chancellor Angela Merkel in 2004. Opposition to Turkey's EU membership became a major platform in Nicolas Sarkozy's election as President of France in 2007. Since taking office, he has made his opposition to Turkish membership a defining theme of French and EU foreign policy. All in this group express beliefs that Turkey's geography, culture or ethnicity are somehow un-European.

Anti-Turkish leaders in Europe base their policies on polls showing low support within Europe for both enlargement in general (recently 46 per cent for and 42 per cent against) and Turkey's membership in particular (39 per cent for and 48 per cent against).¹ The proportion is highest in old EU countries with large Turkish minorities, where the idea of Turkey conjures up the old cliché of unintegrated immigrants, not the real Turkey, with its fast-growing economy and the vibrant metropolis of Istanbul, the European Capital of Culture in 2010. Europeans believe enlargement has gone too fast for the EU institutions to cope with, even though recent research shows that the institutions are coping reasonably well with the near-doubling of the number of countries since 2004.²

Using Turkey's Muslim identity as an anti-accession argument is still taboo for European leaders, although not for Dutch politician Geert Wilders, who is seeking a ban on the Koran. Still, the Islamic factor weighs on the average European's mind; 43 per cent of Europeans think Turkey's 75 million Muslims would make the EU "too diverse."³ Media commentaries viewed Turkey's



decision not to help the US invasion of Iraq in 2003 as an “Islamic” move rather than a “European” reflex. Debates on Turkey tend to focus on Turkey’s Muslim headscarves, while ignoring Istanbul’s emergence artistic and commercial center. There is an unspoken idea that Islam is the antithesis of a Christian European-ness, illustrated in European publishers’ hunger for books by Muslim women who turn against Islam. Some of this is because Europeans are angry about terrorist attacks originating in immigrant Muslim communities and are nervous about their little-known fellow countrymen. Coupled with the eastward growth of the EU into a much misunderstood Muslim country like Turkey, fears have grown about Europeans’ power to rule their own lives and fueled demands for power to be brought back from Brussels to national governments.

Often overlooked as a factor confounding EU policy towards Turkey is the problem on the Mediterranean island of Cyprus. The competing claims of the Greek Cypriot majority and Turkish Cypriot minority, and the Turkish troops protecting the latter since a 1974 invasion, have long constituted an intractable wedge between Turkey and Europe. A breakthrough came in 2004, when the virtuous circle with the EU brought an about-face in Turkish policy. Two-thirds of Turkish Cypriots then voted to accept a UN-mediated, US- and EU-backed compromise settlement known as the Annan Plan. But three quarters of the Greek Cypriots rejected it. Despite this slap in the face, the EU allowed the Greek Cypriot administration into the EU as representatives of the whole island; despite European and UN promises to end the legal isolation of the Turkish Cypriots, change has been slow to come.

The Cyprus problem is now spreading to many domains, and, behind the scenes it is hobbling the EU-Turkey relationship. Greek Cypriots formally blocked the opening of eight of the 35 EU negotiating chapters with Turkey in 2006; France added its block to five in 2007. Both countries have informally blocked several more chapters within the EU bureaucracy. In revenge, Turkey is blocking EU access to NATO assets, especially if there is Greek Cypriot involvement. This has meant NATO cannot protect EU police in Afghanistan and has set back planning for EU missions in Chad and Darfur. EU policy on Kosovo independence is also constrained by Greek Cypriot fears of a precedent that might benefit Turkish Cypriots. At the same time, the sense that the EU is now a pro-Greek Cypriot party to the Cyprus problem has angered Turkish public opinion and delegitimized the Turkish government’s calls to pursue domestic reforms for Europe’s sake.

Seeing the growing threat, the European Commission bureaucracy is leading efforts to revive the UN-mediated Cyprus settlement process in 2008. The situation has also provoked a broader new dynamic:

the emergence of a European faction ready to stand up publicly against other Europeans in favor of Turkey’s EU membership. This group is led by Sweden’s Carl Bildt, Spain’s Jose Luis Rodriguez Zapatero, Italy’s Massimo D’Alema and, since the departure of Tony Blair, Britain’s David Miliband. They tend to want a broader EU than the old Franco-German-dominated club. They also view the challenging facts about Turkish membership—the largest population in Europe within a decade, per capita income that is still one third of the EU average, and a raft of issues of poor governance—as transitional matters that will be solved by rising wealth and the 10-20 years’ time needed before Turkey can be ready to join.

Still, this group’s support for Turkey has not yet become part of a broad, coherent vision for the future of the EU’s southeastern flank. For instance, the impulse to counteract authoritarianism that was at the heart of the EU’s founding partnership between Germany and France, and which subsequently benefited Greece, Spain and Portugal and in the 1980s, fitted modern Turkey’s needs as well. But the EU lost stamina in 2005, just when the democratizing EU magic was beginning to work.

On the other hand, the pro-Turkish faction did defeat France’s initiative for an expert commission to focus exclusively on defining a European geography that would exclude Turkey. Instead, the “reflection group” agreed in December 2007 under former Spanish Prime Minister Felipe Gonzalez could catalyze new thinking about Europe’s future in general. Its report, due in 2010, may even find that Turkey’s Muslim identity and Middle Eastern influence are advantages for Europe, or see that a new generation of young Europeans are better wider at accepting differences and integration. Similarly, a new generation of European Muslims is now influenced by Turkey’s ruling AK Party’s pragmatic compromise between religious tradition and international modernity.

If Europe wants to dry up support for the sinister side of the dynamism of its Muslim communities, it has no choice but to take the lead in an embrace of a pluralistic European identity that can embrace its three per cent Muslim minority and other religions. A Europe that rejects Turkey’s EU process will undermine its goal of becoming a global actor. Along the way, continued work on Turkey’s membership—a process that will, after all, last another decade or two—can show Europe a way out of narrow definitions of “the West” and return to a more confident European idea that is more likely to sway opinions and promote European interests in its Middle Eastern backyard.

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Endnotes

- 1 “Public Opinion in the European Union First Results”, Eurobarometer 66, European Commission, December 2006.
- 2 Helen Wallace, “Adapting to Enlargement of the European Union: Institutional Practice since May 2004”, Trans European Policy Studies Association, 16 November 2007.
- 3 “Tomorrow’s Europe”, EU-wide Deliberative Poll, published 18 October 2007.

Turkey and the European Union’s Political Conditionality

Meltem Müftüler-Baç

WHEN TURKEY BEGAN its accession negotiations with the European Union in October 2005, this created a renewed interest in understanding Turkey’s politics. A question looming in many minds in assessing Turkey’s fit as an EU member was whether Turkey conforms to the basic principles of European democracy. This concern is highly salient in spite of the European Commission’s assessment in its 2004 Progress Report that “Turkey *sufficiently* fulfills the political aspects of the Copenhagen criteria’, based upon which Turkey’s accession negotiations were opened. Though Turkey was deemed to meet the political criteria, there was still doubt in the minds of European officials, as underscored by the stipulation in the 2005 Negotiating Framework for that “In the case of a serious and persistent breach in Turkey on the principles of democracy.... the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations.”¹ This essay rests on the proposition that Turkey’s accession to the EU ultimately depends on the consolidation of democracy in Turkey and addresses the adaptation process in Turkey to European political norms.

Turkey is an interesting case study to assess the degree of the European Union’s political conditionality and its ability to induce political change through the carrot of membership. This is partly because of Turkey’s incorporation into the European order since 1945 and its extensive ties to the EU. Turkey became a member of the Council of Europe in 1948, OEEC in 1949 and NATO in 1952. Its relationship with the EU dates back to 1963 when it became an associate member of the EC with an eye towards full membership. Turkey applied for full membership in 1987, realized a Customs Union with the EU on industrial products in 1996, and became a candidate country for EU membership in 1999.

Even though Turkey was an integral part of the European order since 1945, its democracy did not meet West European standards as of the 1990s. The Turkish

political system suffered from restrictions on individual rights and freedoms, as well as an institutionalized role of the military in civilian politics. A significant wave of political reforms began in Turkey by the end of 1990s and gained significant momentum in 2002. The EU provided a major motive for these reforms as the 1993 Copenhagen criteria tied Turkey’s candidacy and opening of accession negotiations ultimately to its democratic credentials. As a result, Turkey adopted a substantive Constitutional Amendment package in 1995 in order to fulfill its political obligations under the 1995 Customs Union agreement. Similarly, Turkey underwent significant political reforms in 1998-1999 to qualify for candidacy, and then greatly accelerated reforms in the 2002-2005 period to qualify for accession negotiations. Since the opening of accession negotiations, the pace of political reform is still on track, despite the backlash against it that I discuss below. Turkey’s leaders know full well that final accession to the EU will be determined by its democratic credentials in addition to its ability to adopt the EU *acquis communautaire*.

The major political changes in Turkey since 1995 range from legal to institutional restructuring. At the same time, one could argue that there is an increased assimilation of rules and norms of liberal democracy in Turkey since 1999. It is clear that these political reforms and the subsequent norm diffusion partly resulted from the EU’s political conditionality.² For example, the Turkish Prime Minister Recep Tayyip Erdogan declared that “the reforms would continue at a rapid pace and Turkey’s EU bid is a reconstruction process that is raising Turkey’s political, economic and social standards.”³ One should note that the adaptation to EU rules is a costly process, as is almost any process of significant political reform.⁴ In addition, the reception of European norms by various segments in the Turkish society during the negotiations process is particularly problematic. Thus, it comes as no surprise that the Turkish political adaptation process to the European Union’s political criteria created a backlash that is mainly nationalist in character.

The Turkish political system and costs of change

Various Turkish governments since 1999 have engaged in political reforms. Of these reforms, the most notable changes are the new Civic Code adopted in 2001, abolition of the death penalty in August 2002, and the new Penal Code adopted in 2005. The changes in the civil-military relationship were underway since 1999 when the military’s ties to the civilian institutions were gradually removed. A major constitutional package was adopted in May 2007 which allowed for the election of the Turkish President by popular vote. In addition, a series of political reforms strengthened the



cornerstones of democracy such as freedom of speech, association, and religion. Since 2002, the Turkish government adopted at least 12 different Constitutional packages and around 400 different laws to adjust to the EU's political criteria. These political changes aimed at effectively transforming the Turkish political system into a liberal democratic order.

This transformation is not fully complete, however. The three main current political issues in Turkey show that the process of Europeanization has become the major fault line in domestic politics: the process of democratization (most notably freedom of speech and civil-military relations), gender equality, and the Kurdish issue. The history of Turkish modernization since the early 19th century is one of a fierce struggle between the proponents and opponents of Europe. Deniz Baykal, the opposition leader from the Republican People's Party, is unambiguous: "We approach the Turkish EU membership with scepticism."⁵ Thus, the Turkish accession to the EU should be analyzed and read through this cleavage, and the EU acts as a force on its own right to deepen and highlight this division in Turkish politics. Even though negotiations between Turkey and the EU evolve around the Turkish adoption of the EU acquis and laws in 35 different chapters, there is an equally important negotiations process going on within the Turkish society itself, between the reformists and those who would like to keep the status-quo intact.

One needs to note that even when Turkey adopts the changes in legislation in order to harmonize its laws to the EU standards, the society's reception of these laws and norms might remain problematic. In other words, political change has two important aspects: the adoption of legal political reforms and the society's internalization of these changes. It seems that the second aspect is a gradual process of change, much harder to accomplish than legal harmonization.

An important revelation with respect to the Turkish case is that it demonstrates that the EU becomes a credible influence only when it signals its intent and political resolve. This is also similar to the EU's impact on democratization in Central and Eastern Europe. The 1999 Helsinki decision and the opening of accession negotiations in 2005 were all the right steps in that regard. However, when the internal disputes and debates within the EU over enlargement and Turkey's accession are reflected onto Turkey, or when such leaders as Nicolas Sarkozy or Angela Merkel talk about 'privileged partnership' rather than membership for Turkey, that rhetoric decreases the EU's credibility in the Turkish eyes, thereby reducing its effectiveness as an anchor for political reforms. Were the EU to present a clearer commitment, this would effectively strengthen the hands of the political reformers. Their position is

challenged by the conservative forces at home which claim that Turkey is adopting political reforms in an attempt to adjust to the EU norms and fulfill the political aspects of the accession criteria but the EU is not going to accept Turkey as a full member in any case. In this fashion, the EU becomes an additional player in Turkish politics.

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Endnotes

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The Military and Democracy in Turkey

Şahin Alpay

TURKEY WAS DECLARED A CANDIDATE for membership in the European Union in December 1999. The first Regular Report from the EU Commission on "Turkey's Progress Towards Accession" (issued in November 1998, actually a year earlier than the country was officially declared a candidate state) provided a comprehensive survey of shortcomings Turkey had to overcome in order to fulfill the membership criteria. The report mentioned "anomalies in the functioning of public authorities, human rights violations, and shortcomings in the treatment of minorities" as the main areas where reforms were deemed necessary.

One of the "anomalies" emphasized was the political role of the National Security Council (NSC), a con-



stitutional body that brought together top ministers and military commanders with the president as the chairman. The Report stated that the Turkish constitution allowed the Army to play through the NSC “a civil role and intervene in every area of political life”, and that the Army was “not subject to civil control and sometimes even appears to act without the government’s knowledge” contrary to the practice in the member states of the EU. It recommended that the civilian - military relations (CMR) in Turkey be brought in line with EU standards.

Following the reforms adopted by Turkey under two different governments between 2001 and 2004, the EU decided in October 2005 that Turkey had “sufficiently” fulfilled the “political” criteria, and accession negotiations could start. Two years later the Progress Report of 2007 outlined the remaining major problems of CMR in Turkey: “The armed forces continued to exercise significant political influence. Senior members of the armed forces have stepped up their public comments on domestic and foreign policy questions... The General Staff directly interfered with the April 2007 presidential election by publishing a memorandum on its website expressing concern at the alleged weakening of secularism in the country... Overall, no progress has been made in ensuring full civilian supervisory functions over the military and parliamentary oversight of defence expenditure.”

As witnessed by the recent Progress Report, despite reforms adopted between 2001-2004, which significantly curbed the constitutional and legal basis of the military’s political role, establishing full civilian control over the military remains the greatest challenge to the consolidation of a liberal democracy in Turkey.

There are historical and cultural factors that explain the continuing political role of the military. The Army is the oldest, strongest, and most trusted institution of the Turkish Republic. Public trust in the Army remains higher in Turkey than in any other democracy. The people’s respect and trust of the military does not, however, extend to support of direct military rule.

The military regards itself as the guardian of Kemalism, the principles set by Mustafa Kemal Atatürk, the founder of the Turkish Republic, which forms the official ideology of the Turkish state. Kemalism can be briefly defined as a rigorous commitment to legal secularism, state control of religion, territorial integrity, and cultural homogeneity based on the Turkish language and culture. Adherence of the military corps to an authoritarian form of Kemalism is enhanced by its educational system, which also establishes the military as a group largely apart from the rest of society.

While the Turkish officers regard the multi-party system as an integral element of democracy, they tend to see political parties as gatherings of undisciplined individuals who subordinate national interests to personal or group interests (Karaosmanoglu 1993, 27).

The political culture of the Turkish military encourages an ambiguous attitude towards democratic politics. Officers believe in the legitimacy of democratic government, but regard the intervention of the military also legitimate when the Turkish state or Kemalist principles are in danger. On those grounds the military has intervened in the democratic process on five different occasions since the introduction of multi-party rule in 1950, each time in different ways.

The political role of the military acquired a constitutional basis first in the wake of the military intervention of May 27, 1960, when a military junta toppled the first democratically elected government. The Constitution of 1961, drawn up by the military, institutionalised its political role by establishing the NSC. Originally designed to serve as a platform for the military to voice its opinion on matters of national security, the NSC over time acquired broader powers through amendments to the constitution. Article 35 of the Military Internal Service Code adopted in 1961 gave the task of “protecting and safeguarding the Turkish motherland and the Turkish Republic” to the military, thus providing the legal basis of the military interventions to follow. Laws passed in 1970 authorized the Chief of Staff to determine defense policy, the military budget, weapons systems, production and procurement of arms, intelligence gathering, internal security and all promotions. The defence budget has never been subjected to parliamentary debate. It is seldom discussed and criticized in the media. There is in general a cloud of secrecy surrounding military spending.

On March 12, 1971, the top military command responded to a discovered coup plot by intervening not only to arrest the plotters, but also to force the elected government to resign, and the parliament to support a government composed of technocrats. Constitutional amendments of 1973 extended the powers of the NSC to make recommendations to the government. In September 12, 1980, in response to escalating violence between left and right wing extremist groups, the top military command staged a full coup d’etat, closed down the parliament and banned all political parties. The constitution of 1982, drawn up by the military regime in power between 1980 – 83, further enhanced the status of the NSC by stipulating that its recommendations were to be given priority consideration by the government. The NSC was entrusted with the defense of broadly and ambiguously defined “national security.” The military was empowered through the NSC to set the limits to the policy-making powers of the civilian authority.

These military interventions lasted for relatively short periods, but on each occasion the military gained tutelary powers and exit guarantees (Ozbudun



2005, 105–116) that provided the military with what has been termed “political autonomy,” defined as the military’s “ability to go above and beyond the constitutional authority of democratically elected governments.” The high degree of autonomy the Turkish military enjoys in political, economic, and other spheres have led some observers to conclude that it is virtually “a state within the state” (Jung and Piccoli 2001, 96).

Domestic violence between ultra rightist and leftist groups during the 1970s, the rising threat of Kurdish separatism in the 1980s, and the growing electoral power of the Islamist movement in the 1990s gave rise to what may be called a “national security state” in Turkey. Ultimate power rested with the military or within a broader National Security Establishment obsessed with internal and external enemies intent on dismembering the country. The military not only guaranteed the security of the state against internal and external enemies, but also had power to exert important influence over domestic and foreign policy. Any means that were useful to control or destroy enemies was justified. Public debate was limited through secrecy and intimidation. Policies were defined in secret, and implemented through covert channels and clandestine activities.

Throughout this story, the military also became an important actor also in the economy. The Army Mutual Assistance Association (OYAK), established in September 1961, supported by subsidies, legal privileges and tax exemptions, has since developed into one of the largest holdings in the country. It owns companies involved in industry, banking, insurance, retail trade, real estate development, and other areas. The Foundation for Strengthening the Turkish Armed Forces (TSKGV), established in 1987 for investments in defense industries, has become another economic pillar of the military (Parla 1998, 42–49).

According to Umit Cizre, the foremost scholar of CMR in Turkey, “The constitution of 1982 entrenched the military’s veto power in the political system to such an extent that it has made crude military intervention into politics redundant” (Cizre-Sakallioğlu 1997, 153–154.) The point was proved when on February 28, 1997, in an intervention that has been dubbed a “lite” or “post-modern” coup, the military launched a campaign supported by the mainstream media and civil society groups to force the resignation of the coalition government composed of Islamist Welfare and center-right True Path parties.

The prospect of EU membership that opened up for Turkey in 1999, provided a very strong external dynamic for change, and united Turkish society on an unprecedented scale. Secularists and Islamists, liberals and pro-Kurdish groups, all regarded eventual EU membership as the best guarantee against their adversaries. The capture of the leader of the Kurd-

ish separatist organization, the PKK which combined guerilla war and terrorism against Turkey, created a positive climate for EU reforms. The EU prospect, however, confronted the military with a dilemma: The overriding aim of Atatürk’s reforms of the 1920s and 1930s was to transform Turkey into a modern, Western state. By 1999 that meant joining the EU. But membership required the radical reform of several of the keystones of the Kemalist state, including the withdrawal of the military from the political arena, concessions which the military feared could eventually lead to the dismemberment of the country or establishment of an Islamist state (Jenkins 2001, 8).

Moreover, tensions between the civilian government and the military increased with the coming to power of the former Islamist Justice and Development Party (AKP) in the elections of November 2002. The military deeply distrusted AKP’s commitment to secularism, but still gave its support to the reforms for the sake of EU membership. The constitutional and legal reform packages prepared by the AKP government introduced fundamental changes to the functions and composition of the NSC, as well as to the conditions relating to the control of military expenditures. The NSC was transformed into a consultative body with a 9 to 5 civilian majority. The secretariat of the NSC was no longer able to conduct national security investigations on its own. State assets utilised by the military were brought under the inspection of the Court of Auditors, and parliamentary control over military budgeting was enhanced (Aydın and Keyman 2004, 19 – 22; Ozbudun and Yazıcı 2005, 32– 41).

Despite these reforms, however, Turkey remains far from establishing civilian democratic control over the military. Military interventions in the political process have continued. When the ruling AKP decided to nominate Foreign Minister Abdullah Gül to the presidency last April, the military made clear that it would not accept a president whose wife wears a headscarf by placing a declaration on the website of the Chief of Staff late on the night of April 27, 2007 (Posch: 22 – 23). The declaration sent out as email was dubbed an “e-memorandum” by the media. The AKP did not give in to the pressures, and decided in early May to dissolve the parliament when a Constitutional Court decision rendered the presidential election impossible.

Also in April 2007, the diary of a retired navy commander between 2003 and 2005 was leaked to the weekly journal *Nokta*. It revealed that the top commanders of the Armed Forces had plotted two attempts at a coup d’état during 2004. The attempts, explained the diary, had failed because then-Chief of Staff General Hilmi Özkök and the majority of generals were opposed. Right after publication of the story



a military court ordered the Nokta offices searched, and the editor of the weekly was soon indicted for defaming the retired admiral. The publisher, seemingly under pressure from the military, discontinued the publication of the weekly (Posch 2007, 18–19).

Early elections held on July 22nd brought AKP back to power with 47 percent of the vote instead of the 34 percent it received in the previous election, and Abdullah Gül was elected 11th president of the republic in late August. Despite refusing to attend receptions in the presence of President Gül's headscarved wife, military commanders seem to be adapting to the new conditions in Turkish politics as defined by the landslide victory of the AKP against thinly veiled military opposition.

The opposition by the former Chief of Staff Gen. Özkök and most of the generals to the plans for a coup d'état may be an indication of a significant bifurcation among the ranks of the military. On the one hand there seem to be those who are committed to the "tradition" of intervening in the democratic process when deemed necessary. On the other are those who are increasingly aware that military interventions have begun to backfire and damage the image and prestige of the military both domestically and internationally.

It is difficult to advance predictions about the future of CMR in Turkey. Two excellent recent reports discuss the need for reforms necessary to bring CMR in Turkey in line with European standards (Cizre 2006; Faltas and Jansen 2006). It seems reasonable, however, to make the following observations. Military interventions so far display a trend of decreasing force and scope. If the trend continues any further, Turkey is about to close the chapter of outright military interventions.

This cautious optimism is based primarily on such factors as deepening integration with Europe, increasing economic interdependence with the outside world, growing satisfaction of the electorate with the democratic regime, the Islamist movement's ideological transformation to combine cultural conservatism with an economically and politically liberal platform, shrinking fears in society at large about an impending Islamist takeover, increasing hopes for a peaceful solution to the Kurdish problem, an ever stronger civil society, diminishing support for military interventions by a vibrant and diversified media, and—last but not least—US signals that it will no longer support military interventions, and EU conditionality pushing for normalization of CMR.

The pace of reforms slowed down and their implementation became uneven after 2004, when French and German leaders began to talk about offering Turkey "privileged partnership" instead of full membership in the EU, and the PKK resumed violence. Normalization of CMR in Turkey may thus be said to depend primarily on the continuation of the EU accession

process on the one hand, and putting an end to PKK violence by solution of the Kurdish problem on the other. While neither development is in any way guaranteed, this scenario allows for a cautious optimism.

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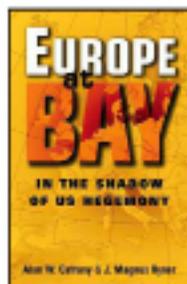
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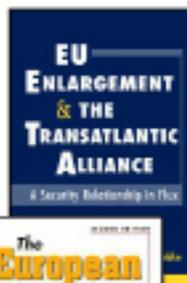
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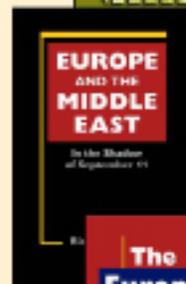


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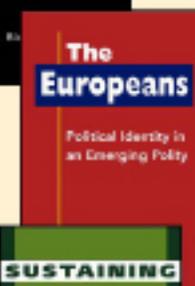
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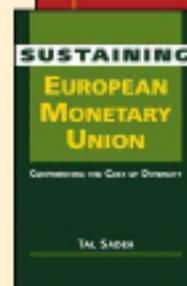
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Latin American Integration in Comparative Perspective

Roberto Domínguez

SINCE THE INCEPTION OF the European integration process five decades ago, scholars have speculated whether or not the European Union (EU) experiment can be replicated in other regions of the world. The answer has varied and a diversity of nuances between the two ends of the aisle has appeared: skepticism and enthusiasm. Fortunately, both positions present powerful arguments in their explanations. On the one hand, it has been argued that the unique features of the EU have been an impediment to comparative analysis.¹ In this light, the EU is different because of its supranational institutions, the qualified majority system and its “governance without government, governance without money and governance without partisanship.”² However, on the other hand, the mere existence of a variety of integration processes around the world and its permanent evolution have also encouraged scholars and decision makers to debate ideas and implement policies aiming to develop distinct types of regional integration models.

The literature on comparative regionalization and integration is extensive but not enough to provide convincing answers to the numerous questions as to the genesis, scope and future of the multiple integration process. Some scholars have conducted research to understand the conditions that favor the formation of either supranational arrangements or intergovernmental projects; others have been seeking to explain the striking differences in the targets and contents of regional laws, while a third group of students has been concerned with measuring and explaining the efficiency of integration models.³ The variety of perspectives makes clear that comparative regional integration studies is a fertile research area and that there is a need to develop more systematic research.

In the case of Latin America, the experience of regionalization can be traced back to the 1960s. However, the regional institutions created back then found some problems to fill the expectations of their constitutive charters. Throughout the past five decades, scholars have devoted attention to explaining the evolution of the regionalization of Latin America. Several variables have been taken into account to explain why they integrate and what the main obstacles and conditions are to deepen integration processes. In a brief review of the literature, it is possible to be aware of the vivid debate

on the integration in Latin America.

Based on three scholars,⁴ we can observe at least sixteen variables that help to explain obstacles and steps forward of the integration process in Latin America. In a seminal article published in the 1960s, Ernst Haas and Philippe Schmitter suggested nine variables that are more or less consistently present in integration processes: size of units, rate of transactions, extent of pluralism, elite complementarity, governmental purposes, power of union, decision-making style, rate of transactions and adaptability of governments. More recently, Louise Fawcett considered pertinent three related issues to discuss contemporary regionalism: capacity, sovereignty and hegemony. On the other hand, Kanishka Jayasuriya has outlined four central elements of a regional project governance: a stable set of international economic strategies, a distinctive set of governance structures which enables regional economic governance, a set of ideational constructs to make possible the regional governance and the definition of region, and a convergence of domestic coalitions and political economy structures across the region.⁵

The variety of variables taken into account reflects the complexity of the integration processes. Many of them are interrelated and are more or less relevant depending on the specific case to be studied. Some others are unrelated or less significant for specific cases. In this regard, in order to study the integration processes in Latin America, the sixteen variables, some of them overlapping, can be grouped in four main areas: a) conditions for the integration process, b) institutional regional structure, and c) commitment of the member states and d) the role of external actors.

The conditions to set in motion the integration process in Latin America are multiple. Haas and Schmitter considered as background conditions the size of units, the rate of transactions, the extent of pluralism and elite complementarity. While the size of the units was not a relevant condition in Latin America during the first stages of integration, the rate of transactions (intra-trade exchanges, for instance) has remained relatively low among the members of Central America and Andean Community, presenting some increments in the 1990s. An important element present in this area is the condition of under-development in Latin America as an obstacle to perceive the strategy of integration as viable while other more urgent issues are prioritized in the domestic agendas. Although the region is the richest in the developing world, it has also record levels of inequality, with 50% of wealth being concentrated in the hands of 10% of the population.⁶

More significant were the arrival of the free trade policies and the revamping of the idea of integration in the last decade of the 20th century. Against this background, MERCOSUR was created and the Central American and Andean processes underwent deep transformations in their fundamental treaties. As to the role of the elites who embraced the integration, Mattli states: "Dispassionate and pragmatic bureaucrats, the *técnicos*, were few and between. Group structure tended to be asymmetric, rendering difficult for the *técnicos* to constitute a homogenous class capable of engaging in symmetrical learning through joint decision-making."⁷ In sum, the initial drive for the integration in Latin America did not penetrate and change the domestic institutions and the mindset of the elites in the region.

II

A second element to compare regional integration processes is the institutional structure. Under different perspectives, regional structures have been studied by prominent scholars in the field of comparative studies. For instance, in the 1960s, Haas and Schmitter divided the study of integration institutions in two different categories, namely, power of the union and decision-making style. In a more contemporary version, Jayasuriya has called them "a distinctive set of governance structures which enables regional economic governance."⁸ What is common to the analysis is the emphasis on two different aspects of regional institutions: first, their formal legal structure and, second, their effectiveness to achieve their goals.

As to the formal structure, there are plenty of similarities between the EU and the Andean Community. Based on the Trujillo Protocol of 1996, the legislation in the current Andean Integration System is proposed by the Andean General Secretariat and is adopted by the Council of Ministers. The CAN legislation is directly applicable and prevails over national law and more than 600 decisions have been adopted since 1969. A different case is MERCOSUR because the 1991 Asunción Treaty and the 1994 Ouro Preto set a highly intergovernmental structure. Both the Common Market Council (the main decision-making body and responsible for overseeing compliance with the strategic objectives laid out in the treaties) and the Common Market Group (in charge of regulating the decisions adopted by the Council and managing the proper functioning of the integration process) are composed of representatives of the member states, while the Secretariat is essentially administrative.⁹ The Central American process is the least developed in formal institutional terms. The 1991 Tegucigalpa Protocol constitutes the foundation of the Central American Integration System (SICA). While the economic subsystem is mainly intergovernmental,

the region has found some problems with agreeing on the general institutional framework on issues such as unifying the different secretariats in a single Secretariat-General or working towards a single legal instrument reviewing and rationalizing the statutes.

On the other hand, when the institutional structure is analyzed by pondering the effectiveness of the institutions, the dissimilarities between the EU and the Latin American processes dramatically augment. The assessment in this area can be made from two different angles. The first is by looking at the gap between the aims of the formal institutions and their problems to deliver. MERCOSUR is an interesting case for the analysis. Since 2002, a number of milestones are worthy to underline: the upgrade of the Administrative Secretariat to a Technical Secretariat; the creation of the Commission of Permanent Representatives and the Permanent Review tribunal, and the establishment of the MERCOSUR Fund for Structural Convergence. Nonetheless, there are major hindrances in the performance of the MERCOSUR institutions such as the incompleteness of the customs union, the limited scope of the common market, the frictions and the obstacles for the transposition of rules. In the case of the CAN, the institutional performance is also limited, particularly in the case of the difficulties with adopting the common external tariff, the increasing infringements of CAN rules and a the proliferation of trade defense measures. As to the Central American integration process, a number of critical issues require attention: problems with coordination, follow-up execution and evaluation of presidential and ministerial decisions, the need to consolidate the legal base of the institutional set-up and to amend the statutes of the Court of Justice and the PARLACEN as well as the establishment of an automatic financing mechanism for regional institutions.¹⁰

The second perspective to assess the effectiveness of the institutions is by the way they boost interdependence among the members. One of the most common indicators is the intra-regional trade growth. MERCOSUR's intra-regional trade averaged 15% of the total over the period 2002-2005, a relatively low rate when compared with other regions such as the EU (65.9%) or NAFTA (43.3%).¹¹ In the case of Central America, intra-regional trade accounted for 27% of the total exports and 13% of the total imports.

III

The third element in the analysis is related to the commitment of the members in the construction of the integration process. Integration treaties only signify a promise by the leaders to engage in a particular course of action. It is implementation of those treaties which



translates the aspiration for better living standards into reality.

In the attempt of comparing and assessing the integration processes, Haas and Schmitter pointed out the case of the adaptability of governmental actors to fulfill the commitments in the integration process,¹² while Louise Fawcett highlighted the role of sovereignty and the constraints that imposes to the willingness of the states to cooperate and Jayasuriya presented the convergence of domestic coalitions and political economy structures across the region.¹³ To some extent, these elements can be encapsulated into the willingness of the Latin American countries to move forward or slow down their integration processes. There are several examples that reflect the weaknesses in this area.

In the case of Central America, the effectiveness of the weak regional institutions is harmed by the fact that Costa Rica, Guatemala and Panama are not members of the Central American Court of Justice and Costa Rica is not member of the Parlacen. As to the CAN, the region is aiming to a flexible definition of external tariffs, which both facilitates negotiations with non-CAN countries regions and is detrimental to the Common Tariff Policy. In this regard, Peru has opened up its market to the other member countries since 2006. In MERCOSUR there are also some problems as to the commitment with the integration process. Even the conceptualization of regionalization differs between Brazil and the rest of the partners and, consequently, the commitment of the member states to the integration process is undermined. Nicola Phillips states that basically the interest of Brazil is tied principally to trade concerns and uses the unilateral bloc-driven liberalization to propel reciprocal liberalization in other markets and other levels. Conversely, the interests of the Argentine, Uruguayan and Paraguayan governments “are dictated by a broader set of developmental imperatives, of which the attraction of capital and the industrialization are foremost.”¹⁴ Likewise, the MERCOSUR member states transpose on average only 48% of the rules adopted by the bloc’s legislative bodies.

IV

The fourth category of issues makes reference to the role of external actors. The economic and political weight of the United States in the region influences the strategies of the integration mechanisms. In the case of NAFTA, Mexico simply opted for deepening the interdependence with the United States, and negotiated low-impact free trade agreements with most of the Latin American countries. As to the Andean Community, the inability to reach a common strategy to negotiate a free trade agreement with the United States led to the individual negotiations and the weakening of the regional

institutions. This situation coincided with the announcement of Venezuela to leave the Andean Community. In other words, as Louise Fawcett states: “All regional activity in the Americas, whether bandwagoning in NAFTA or balancing in MERCOSUR, is predicated on the dominant role of the United States.”¹⁵

Unlike the role of the United States, the EU has attempted to play the role of catalyst in the Latin American integration. Thus, the role of aid should not be ignored.¹⁶ Even in the case of the European integration, the Marshall Plan indirectly set an environment conducive for the initial stages of the integration process. In the case of Latin America, the EU has consistently provided incentives for regional integration. In the Regional Indicative Program 2007-2010, the EU has allocated 25% of the budget to promote regional integration.¹⁷ Even though the impact of EU aid to encourage the Latin American process is modest, more decisive actions coming from Europe may have a deeper effect such as the launch of negotiations for a comprehensive Association Agreement between both the EU/Andean Community of Nations and EU/Central America.

Conclusion

The elements mentioned above attempt to remind us of the relevance of comparative regional integration studies in Latin America. The common denominator in the Latin American integration processes is that there is an urgent need to bridge the gap between the objectives predicated in legal frameworks and their implementation. In this regard, there is still a myriad of unanswered questions surrounding the half full/half empty paradox of the Latin American integration, in which despite all the flaws there are also notable progress in some cases, particularly in the case of MERCOSUR. From the corners of the scholars, the task is to continue revealing not only the patterns of success, but also launching the political imagination to adapt in other regions what worked in the EU and understanding that every integration process possesses both unique characteristics and commonalities with other regions.

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Endnotes

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Assessing co-curricular simulations: A preliminary analysis of Eurosिम 2008

Rebecca Jones

ASSESSMENTS OF SIMULATIONS both inside and outside of the classroom are designed to determine not only how well the simulation was carried out, but the pedagogical worthiness of the exercise. Sociologists and teacher education faculty have long touted the idea of simulations as valid tools for conveying information and life lessons in one package (Greenblat 1973; Szafran and Mandolini 1980; Dougherty 2003). Greenblat (1973) and Szafran and Mandolini (1980) also discussed the idea of affective learning outcomes in simulations; students are able to experience “real world” situations and gain an understanding of the stresses and pressures inherent in business and political processes.

Faculty members design and utilize simulations to achieve a number of goals. Simulations are viewed as a unique, attention-holding method for delivering subject knowledge (e.g. facts, theories) in such a way that students will retain the information. Secondly, simulations are designed to motivate students to participate more in class. Finally, simulations are seen as a way to show students through experience how institutional processes, such as making laws or implementing policies, function in their particular field of study.

The Eurosिम simulation, run by the Trans-Atlantic Consortium for European Union Studies and Simulations (TACEUSS) is designed to provide a hands-on introduction to students of the governing processes of the European Union (EU). An initial round of surveys was distributed at Eurosिम 2007 which was held at Canisius College in Buffalo, New York. A second round was distributed at Eurosिम 2008 at the European Academy Otzenhausen in Germany. Pre-simulation surveys, distributed at the opening banquet, asked students to conduct a self-assessment of their level of preparation as well as their opinion regarding their preparation relative to that of other participants. In addition, students were asked to rate the simulation in terms of its usefulness to their future careers, ability to broaden their horizons, improve their negotiating and interpersonal skills, etc. These aspects of simulations were identified by Greenblat (1973) and Szafran and Mandolini (1980) as necessary to improving the affective learning of students and a primary benefit of participation in simulations.

The results and analysis of the surveys from Eurosिम 2007 have been reported elsewhere and will appear in *The Journal of Political Science Education*

in the fall of 2008. This article will discuss the very preliminary results of the post-simulation surveys from Eurosिम 2008.

Eurosिम 2008 took place in Germany at the European Academy in Otzenhausen. 22 schools and 176 students from Europe and the United States participated. The topic was CFSP/ESDP generally, with an emphasis on Kosovo and that province’s (at the time) pending independence. The response rate to the post-simulation survey was low, only 42% (74 students) completed the survey. Of those responding, 48.6% were U.S. students, and 44.6% were European students. Women accounted for 52.7% of respondents and men for 40.5%; the average age was a little over 21 years (21.43). For 70.3% of the students, Eurosिम 2008 was their first experience participating in the simulation and among those who indicated they were not leaving school at the end of the Spring 2008 term, almost 49% (48.6%) plan on returning and participating again. In terms of their introduction to the simulation, 58.1% participated in Eurosिम through a class on the EU, while 29.7% did so through a club.

The post-simulation surveys asked students for their overall assessment of the simulation, their assessment of their own level of preparation and knowledge of the topic area and their role as well as their evaluation of the performance of their peers and the strengths and weaknesses of the simulation. Issues did arise with the return rate of both the pre- and post-simulation surveys. Students, both European and American, appeared to be “surveyed-out” and have no desire to respond any more than they were minimally required. A number of students only responded to those questions that required circling a one-to-five response; they either minimally, or not at all, filled in the open-ended questions. Almost 18% (17.6%) of the students did not answer the question regarding the weakest element of the simulation, and 25.7% did not answer the question asking them to identify the strongest elements of the simulation. While the importance of the survey in regards to their own and others future enjoyment of and learning experiences within the simulation are stressed, students appear to have little desire to fill in surveys.

Over all, 78.4% of the participants described their experience as “good” (36.5%) or “very good” (41.9%), while 12.2% described their overall experience as “excellent.” About 65% (64.9%) felt that their experience at the simulation met or exceeded their expectations, however, just over one-quarter (25.7%) noted that the simulation either failed to meet their expectations (4.1%) or only met some expectations (21.6%).

Much of the literature discussing simulations focuses on cognitive learning outcomes (factual information gained, the ability to apply concepts) rather than affective learning (see for example Ciliotta-Rubery



and Levy 2000; Galatas 2006; Zeff 2003). In terms of gaining knowledge about the European Union, 78.3% agreed or strongly agreed that the simulation helped them to learn more about the EU. 90.6% felt that they were well-prepared for the topic and we can infer that they learned more about the situation in Kosovo and the European response to that issue than they might have otherwise. In addition, 79.8% felt that they were adequately prepared for their role in the simulation. This year, for the first time in a few years, a surprise crisis situation was inserted into the simulation. Students were informed via news cast that a terrorist group in Kosovo had taken several EU representatives hostage and was demanding a ransom payment. Subsequent broadcasts announced the murder of two of the hostages and the fact that the whereabouts of the surviving hostages were unknown. The crisis forced students to surface, so to speak, and adapt to a now rapidly changing situation; several mentioned in open-ended questions that they found the crisis to be one of the strongest elements of the simulation.

Affective learning includes elements such as improved interpersonal skills, improved relationship between professor and students, an increased ability to put oneself in others' place and appreciate the stresses and demands of a different job, more accurate self-assessment, and improved levels of self-confidence (Greenblat 1973; Szafran and Mandolini 1980; Boud and Falchikov 1989). Achievement of affective learning goals means that students have acquired or improved their ability to conduct a self-assessment of their own capabilities. Several questions in the post-simulation survey were designed to address these areas. When asked how they would change their own preparation for the simulation, 25.7% of the students felt that they had done an adequate job of preparation and would not change anything. Just over half (51.4%) indicated that they would indeed change their preparation in some way. Of those, 33.8% stated that they would engage in more research on the topic (18.9%), their particular role (8.1%), or more specific information (e.g. on parliamentary procedure) (6.8%).

When it came to improving personal interaction skills and broadening their horizons, 48.7% said that they had gotten to know other students from their university that they would not have met had it not been for the simulation. 63.5% felt that the simulation had broadened their horizons at their university and 68.9% agreed with the statement that the simulation would help them to deal with other new situations they would encounter in life. 54.1% indicated that the simulation had changed their perspective on how government works, and 73% said that they had gained a greater appreciation for the stresses and pressure faced by government officials. Increased empathy for others

and increased insight into the issues confronted by decision makers (Greenblat 1973) are signals that affective learning has taken place. 51.4% noted that the simulation had helped them learn to work better with their peers. Each of these areas has long been considered a "side-effect" of simulations, but Greenblat (1973) and Szafran and Mandolini (1980) have argued that these types of interaction skills are in fact some of the stronger results to come from simulations.

In terms of their relationship with their professor, 29.7% stated that they experienced no change in the relationship, with several stating that the relationship was good to begin with. 40.5% said that the relationship had changed for the better, while 10.8% indicated that they had experienced some change in the relationship. Again, an improved relationship between professors and students is viewed as one of the extra benefits of simulations, but not necessarily a goal. Others (Greenblat 1973) have indicated that interacting with a professor outside of the classroom breaks down some of the hierarchical barriers that exist naturally in the relationship and that can become reinforced in the classroom setting.

The Eurosim simulation has multiple goals including increasing knowledge of the institutions, functions, and policies of the EU, the role of the EU as an international actor, and introducing US students to Europe and European students to the United States. The most frequent response to the question regarding the strongest element of the simulation was the opportunity to meet and work with students from other countries. 18.9% of students noted the international atmosphere as the strongest element of the simulation. Based on this preliminary analysis of the 2008 post-simulation survey, it appears that those goals are being achieved. Continued data collection will allow us to make a more precise determination of the impact of the simulation in terms of both fact-based knowledge and affective learning.

Consistent with assessment of earlier data, it does appear that simulations help students to gain affective learning as well as cognitive or factual knowledge. In addition, students mention that the opportunity to practice negotiating skills, meet new people both from their own university as well as from other countries, and improve or deepen their relationship with their professor are all welcome outcomes of participation in Eurosim. More in-depth analysis of the data, as well as a comparison with the 2007 data will undoubtedly yield more nuanced results and allow us to further refine the surveys prior to distribution at Eurosim 2009.

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Katie Verlin Laatikainen and Karen E. Smith (eds).
The European Union at The United Nations. Intersecting Multilateralisms. London: Palgrave, 2006.

THIS BOOK SHOULD BE ACCLAIMED by all scholars working on either the UN or the EU (or both) for at least two reasons: First, there are few published studies on the subject. Second, the ten contributors succeed in offering a quite comprehensive vision of EU-UN interactions at the beginning of the Twenty-First Century.

At the time of publication, both organizations are at a crossroads. The ratification of the Constitutional Treaty is still in process, the Common Foreign and Security Policy (CFSP) is more than ten-years old (even if the position of the High Representative remains relatively weak: Javier Solana is cited only eight times in the book), the European Security and Defence Policy (ESDP) is still "work in process", whereas EU external relations still focus predominately on trade and development. On the other hand, the UN has gotten over the Iraqi Crisis but not the relative failure of its own reform (failings of the Security Council, the incomplete replacement of the Commission on Human Rights by the Human Rights Council), not to mention Kofi Annan's bitterness at the end of his second term as Secretary General. As leaders of world (UN) and regional (EU) politics, both organizations have been in the front line of the global challenges of this century: collective security (chapter by Sven Biscop), economic and social issues (Paul Taylor), human rights (Karen E. Smith) and environmental issues (Chad Damro), the latter being more convincing in his case study of the Kyoto Protocol than in the rest of a chapter which overlooks the power of EU directives like Natura 2000.

These global challenges take up a third of the book. The other two thirds are on theoretical questions: multilateralism, diplomacy and negotiations (inside the EU, EU-UN and EU-other UN member states). The book certainly succeeds in presenting a pluralistic view on multilateralism and on the analysis of EU external action. In the conclusions, Knud Erik Jørgensen discusses the global governance perspective (Rosenau, Weiss), but also neo-realism (Grieco, Kagan), neo-institutionalism (Ruggie, Moravcsik) and constructivism (Finnemore, Wendt). On the other hand, some chapters adopt mainly a classical perspective by focusing on power politics: Christopher Hill on 'The European Powers in the se-



curity Council'; Katie Verlin Laatikainen on 'Pushing Soft Power: Middle Power Diplomacy.' Meanwhile the introduction emphasizes Keohane & Hoffmann's concept of 'pooling and sharing of sovereignty' to analyze the EU rather than a supranational, global governance approach. The editors themselves underline that 'our contributors reveal how power continues to shape the progress and limits of EU diplomacy' (p.21).

Overall, this book provides convincing evidence that 'intersecting multilateralisms' (EU and UN) benefit first the EU by favouring the integration of European foreign policies through convergence in votes at the UN General Assembly (chapter by Mary), a trend which includes newcomers from Central and Eastern Europe (Elisabeth Johansson-Nogués), and this even before they enter the EU. Consequently, the EU is able to rally a considerable number of votes (EU-25 represented 13% of UN membership, EU-27 is 14%). Nevertheless, the authors underline the limits of this convergence: the EU remains a 'political dwarf' unable to challenge the United States power politics at the UN, and this despite the fact that, when taken together, EU member states are the largest financial contributors to the UN and hold two permanent seats on the Security Council.

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David Michael Green. *The Europeans: Political Identity in an Emerging Polity.* Boulder, CO: Lynne Rienner Publishers, 2007.

THE EUROPEANS SEEKS TO EXAMINE the extent to which European identity exists, as well as to determine the content and depth of any European identity that is detected. The main underlying premise of the book is that the European integration project is more likely to be successful in the long run if it is supported by a strong affective element. Although many might contend that the project has, in fact, been remarkably successful despite low levels of European identity, Green argues that if the European Union ever faces 'meaner times...a lack of diffuse support could very possibly result in rapid breakdown' (p. 7).

The book first provides a brief overview of the origins of the idea of European unification, then uses mass survey data to establish that a small minority of EU citizens (around 15%) identify very strongly with Europe, while another third feel at least a little bit European some of the time. The real contribution of the book lies in the presentation of original data collected by the author. To supplement mass survey data on who 'the Europeans' are, Green has conducted interviews

with over 60 European elites (MEPs, business elites, think tank researchers, etc.) and obtained almost 300 responses to a questionnaire targeting individuals who are expected to be strong European identifiers. The findings from these interviews and questionnaires are juxtaposed against the mass survey data and point to some interesting conclusions: 'the Europeans' are the more cosmopolitan, multi-lingual former participants in exchange programs like Erasmus and Socrates. The findings further indicate that being European is widely linked with the idea of peace, but some also associate it with shared culture, while others point to the economic benefits of being part of Europe. At least among European identifiers, Europe is also connected to respect for diversity, tolerance, and multiculturalism.

It is difficult to draw promising conclusions about the future of European identity from Green's analysis. The mass survey data indicate very little, if any, increase in European identity in the decades following the creation of the ECSC. Moreover, the results from the European Identifier Survey seem to point to the conclusion that European identification will continue to be limited to the handful of EU citizens who go on exchange programs, speak multiple languages, etc. Green's response to this is that despite the thirty-odd years of survey data available, we still only have a snapshot of European identity and that European identity may develop in time.

Perhaps more important, though—according to Green—is the fact that the nature of identity is itself changing in the modern day. Factors such as reduced state capacity, along with multiculturalism and increased time for contemplation of identity, may be producing postmodern conceptualizations of identity having more to do with citizenship rights and less to do with ethnicity. In Green's view, identity is becoming more connected to civic values than to 'emotive' (p. 159) primordial characteristics, and this is the likely basis of the future European identity.

Overall, the book is well-written and provides a reasonably thorough assessment of European identity. The author could go further in exploring the dimensions of European identity (e.g., cultural and civic) and could also conduct an in-depth analysis of non-identifiers. However, the book does an admirable job of integrating mass survey data and the non-representative sample of European identifiers to develop a more holistic perspective of the nature of European identity than would have been possible with only one or the other of these resources. Still, the conclusions to the book as outlined above are rather speculative, with the author ultimately concluding that strong, widespread affective European identity may not be such a good thing after all and that the more modern 'passionless identity'(p.



164) is probably preferable, given the past atrocities that have resulted from strongly emotive national identities. Whether passionless identity can help Europe to survive meaner times—the primary concern discussed in the introduction to the book—is, of course, another question.

Lauren McLaren, University of Nottingham

Jonas Tallberg. *Leadership and Negotiation in the European Union.* Cambridge: Cambridge University Press, 2006.

JONAS TALLBERG HAS PRODUCED a lucid and much-needed survey of the chairmanship role in EU governance. He systematically traces the functional, efficiency-based logic behind the delegation of presidency power resources to member-states' aversion to collective action problems inherent in multilateral negotiations, including clogged agendas, bargaining breakdowns, and incoherent representation (interinstitutional and with the outside world). Theoretically and empirically, the book's design offers a compelling account of three primary roles anchored in the modern EU presidency – as agenda manager, as compromise broker, and as an external representative. Each role is carefully process traced through a pair of case studies that yield an impressive body of evidence of presidency influence across a range of member-state presidencies, issue-areas, and formal decision rules. Tallberg also provides an historical account of how the office of EU presidency evolved to fill such roles. He considers where alternative explanations might part company from his account, engages counterfactual reasoning to ask how outcomes might/might not have differed, and concludes with a broader extension of his argument to other international settings (including the OSCE, WTO, and UN).

There are three major contributions on offer here. First, his formal leadership theory anchored in rational choice institutionalism (RCI) offers a high precision model for understanding how EU presidencies engineer bargains and make the need for supranational actors like the Commission redundant. Second, he convincingly documents how the EU presidency is not just about securing efficient bargains; by design, it offers the chair a privileged position to push outcomes towards national preferences and even exploit for domestic gain (think France and the Nice Treaty). His cases are selected to show how the presidency acts as a rotating “power platform” to give governments privileged procedural and informational advantages and allow them to steer outcomes to their own advantage. Third, Tallberg's theory of formal leadership and the functional, demand-

driven logic that it rests on can be usefully generalized to other multilateral contexts. If the power of the chair in multilateral settings is driven by the search for efficient bargains, generally, the exact roles and privileged resources are “custom-fitted” in ways predicted by the RCI model. If European integration theory does not traditionally export well, Tallberg's study is a noteworthy exception.

One shortcoming stems from a case selection rationale which seems to skew the balancing act which the EU presidency performs in favor of the “ego” and at the expense of the “alter.” Tallberg's selection rationale for cases where the presidency has extreme preferences is clear enough. It has the benefit of a “least-likely” design to spotlight how the chair can steer results in a nationally-preferred direction. However, this comes at the cost of truncating a broader (and arguably, more “normal”) range of cases where the presidency does not hold such preferences and/or works to find collective, consensus-based solutions. Tallberg is upfront in acknowledging that this limits the generalizability of his findings (cf. 8, 215-16). But one suspects at times that there is a wider range of motivation by chairs than what is presented. One example is the Finnish Northern Dimension initiative which involved complex reputational considerations to avoid appearing too self-promotional. Viewed in isolation this sequence may fit RCI assumptions concerning reputation, but did Finland balance winning this pet project with “this is the right thing to do” efforts at finding consensus-based compromise in other policy areas? Tallberg notes the Finnish presidency “mainly focused on the existing European agenda, and on some occasions even sacrificed national interests if this could facilitate agreement” (93). This reader for one would like to have seen more attention to this type of evidence. In general, if presidencies push for outcomes they privately prefer in one area, might they soft pedal interests in others?

A related concern is that this book's main alternative explanation, sociological institutionalism (SI), is only measured against a very narrow range of informal appropriateness standards in the EU chairmanship. In particular, his SI alternative assumes that the chair must act in neutral, impartial ways. This strikes me as a very narrow test of norm conformance. His cases repeatedly note how chairs “took no notice of the norm of the neutral and impartial Presidency, let alone allowed this norm dictate its behavior” (110), or failed to be “determinate” of national behavior “forcing” governments to “abstain from actions that would serve national priorities” (140). This is a very limited understanding of how norms work. Collective norms in settings such as EU decision making are conditioning, not determining on behavior. While he punctures the myth of the impartial chair, he does not really engage the SI argument that EU presidency



standards balance “power platform” resources with a broad range of expectations about the “right thing to do” while in that position and the legitimacy conferred on the position to show partiality in order to find collective solutions. Again, one wonders if a fuller account and range of cases would show a more conditional exercise of presidency power resources by EU governments. But overall, despite a design that succumbs to a ‘searching for keys in the lamp light’ flavor at times, this richly documented, theoretically-driven account of the modern EU presidency is likely to become regarded as an authoritative and path-breaking study in the field of European studies and international relations theories of multilateral negotiation more generally.

Jeffrey Lewis, Cleveland State University

Derek Beach and Colette Mazzucelli (eds.). *Leadership in the Big Bangs of European Integration*. Basingstoke, New York: Palgrave Macmillan, 2007.

DEREK BEACH AND COLETTE MAZZUCELLI attempt to go beyond the either-or dichotomy of neo-functionalists and inter-governmentalists by proposing “a theory that bridges the gap” (p. 2). Their “leadership model” is based on negotiation theory and rational choice institutionalism. They define leadership as “any action by one actor to guide or direct the behavior of other actors (be they the whole group or only a smaller coalition) toward a certain collective goal” (p. 6); the provision of leadership can be motivated not only by an interest in collective gains, but also by influencing outcomes for private gains (p. 2).

Since the EU treaty negotiations are highly complex multilateral affairs, leadership can help in crafting “mutually acceptable and efficient” agreements (p. 9). The authors list four categories of leadership resources (material resources, informational resources, reputation and internal capacity). Two types of leadership strategies have been of greatest relevance for EU treaty negotiations. Structural leadership is based upon material resources and involves threats or use of negative or positive sanctions (a definition which comes close to power). Instrumental leadership is provided through functions such as managing agendas, crafting compromises, building coalitions and brokering deals (p. 17). The rest of the book has been grouped into two clusters: six chapters dealing with specific EU institutions and four focusing on individual or groups of member states.

Jonas Tallberg is one of the authors who analyze EU Presidencies. He assesses the behavior of French negotiators at the Nice IGC. Tallberg notices that “the French government paid little regard to norms of neutral-

ity and impartiality, specifically favored French national interests, ... yet succeeded in crafting a compromise that eventually was accepted by all parties” (p. 36). Provision of leadership in international negotiations is seldom altruistic.

Three chapters deal with the leadership roles of the Council Secretariat, the Commission and the European Parliament at treaty negotiations. Derek Beach maintains that the staff of the Council Secretariat cannot compete with the Commission in their substantive knowledge on the working of the EU treaties; yet the Secretariat has “a breadth of knowledge conducting both daily EU negotiations and treaty reform and strong legal expertise” (p. 78). According to Andreas Maurer, constitutional reform takes place incrementally during the “valleys” of day-to-day EU politics and the European Parliament is an important actor here (p. 132). Four chapters deal with French-German leadership, Britain, Poland and the “big” versus “small” cleavage during the Convention.

The book edited by Beach and Mazzucelli is an important contribution both for its empirical and theoretical analysis of EU politics from the perspective of leadership. The chapters on the (supposed) leadership roles of the EU institutions are commendable. I also found interesting the various references to small states; they cannot exercise “structural leadership”, but they can provide “instrumental leadership” at IGCs with their substantive expertise and knowledge of how to broker compromises (Mazzucelli, p. 41).

The Reform Treaty clearly reduces the possibilities for the smaller EU states to exercise leadership and influence EU decision making. The status of the Commission will probably be diminished as well. How far the “leadership model” of Beach/Mazzucelli and the “polycentric process” hypothesis used in the contribution by Renaud Dehousse and Florence Deloche-Gaudez will still be valid (beyond the influence of the big states), only the future will tell.

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Esra Lagro and Knud Erik Jorgsen (eds.). *Turkey and the European Union: Prospects for a Difficult Encounter*. London: Palgrave Macmillan, 2007.

WRITTEN BY SCHOLARS FROM Turkey and EU countries, this book scrutinizes the political, economic and cultural aspects of Turkey’s accession to the EU. Candidate to the European Community since 1987, accepted as such in as recently as 2002, Turkey and the EU only began formal negotiations in December 2005 which may last



at least ten years. Whether Turkey can accede to the EU or not is a difficult and an unpredictable issue which is the underlying question of this book. The Turkey-EU relationship triggers passionate debates in Turkey and in Europe because it questions the aims of the European Union and because "Turkish accession is, first and foremost a challenge to our imaginations to rethink collective European identity" (K. Dyson, p.59).

The first four chapters focus on the political side of Turkey's accession and this because any candidate state has to comply with the whole *acquis communautaire*. All the authors recognise that although Turkey has made strong and successful reforms to fulfil 'the Copenhagen criteria', its related democratization requirements, as well as human rights reforms, there is still a great deal to be done. Significant problems still remain primarily with respect to freedom of expression, the judicial system (Art. 301 of the new Penal Code), freedom of association and the protection of minorities (Kurds, Alevis and non Muslim minorities). Indeed "Turkey's European integration process since 2000 has been a very effective, influential and system-transforming framework underpinning democratic and legal reforms, as well as bringing about a very strong societal will and support for the reform process. In fact, as opposed to, and compared with, the 1990s, Turkey has recently accomplished a democratic reform process of a historic nature in a wide range of areas, from human rights to civilian-military relations" (E. F. Keyman, S. Düzgit, p.71).

The economic dimension of the accession process is subsequently presented by two stimulating contributions which underline the ambiguities of the Turkish economy. On one hand, Turkey has already achieved remarkable macroeconomic stability by implementing a variety of structural reforms in the frameworks of the Custom Unions and after the terrible 2001 crisis. For E. Lagro, "It is possible to foresee that the Maastricht agenda will not be a main concern for Turkey's accession in the absence of large and unexpected external events affecting the global economy" (p.103). On the other hand, an active industrial policy is presented as the *sine qua non* of the accession process (to catch up with existing member states but also to enhance development in Turkey). However, one may question whether industrial policy actually remains a tool of EU political economy.

Finally, the last chapters of the book address the social-cultural dimension of Turkey's accession which remains the most controversial question. The contributors point out the importance of identity and cultural issues in Turkey-EU relationships, loaded as they are with strong preconceived ideas and stereotypes. For K. E. Jorgensen "the cultural factor has been introduced

as a key nodal point in public and political discourse." One of the factors concerning which provokes opposition to Turkey's accession is that the great majority of Turks are Muslim, even though the state is secular. Ö. Eriş notes that: "in the highly turbulent security environment of post-11 September, as the only secular Muslim democracy anchored clearly to the west, Turkey represents an antithesis to religious fundamentalism movements in the Middle East, with the capacity to act as a bridge between the Western world and Islamic countries" (p.211). But the reluctance of some European states, the slowness of the membership process and the feeling of double European standards also generate some negative effects on Turkish polity and politics such as the rise of Euro-sceptical feelings in Turkish society. And the alternative of an unclear "privileged partnership" proposed by German and French leaders to replace full membership serves only to strengthen this misunderstanding (and seems unlikely to ever be accepted by Turkey).

Ultimately, this book provides an interesting and relevant overview of the difficult relationship between Turkey and the EU. In clarifying the real challenges of the Turkey's candidacy, it should help bring rational arguments to public and scholarly debate.

Jean-François Polo, Institut d'Etudes Politiques de Rennes, CRAPE-CNRS



Judicially Crafted Federalism: EU and USA

Mary L. Volcansek

THE DESIGNATION “United States of America” appears to have been used for the first time in 1776, in the closing paragraph of the Declaration of Independence, and almost two centuries later, in 1948, Winston Churchill applied a similar assignation, “the United States of Europe,” to capture one vision of a future face for Western Europe. The first was a declaration, and the second, a statement of aspiration. As the European Community (EC) evolved into the European Union (EU), many parallels between it and the United States have been offered. In this essay I follow in that line by considering how federalism, as a concept and as a reality, has been molded in the hands of judges. The trajectories of federalism may, however, explain more about how courts consolidate and wield their power than about center and periphery relations. Even so, the evolution of federalism, which carries different connotations in Europe and the U.S., bears the fingerprints of judges.

Several competing explanations are typically offered to explain how or why court decisions that mold public policy are reached. The so-called legal argument follows some variation on mechanical jurisprudence and rests on the premises that judges are objective and that the law is a closed logical system: Rules x Facts = Decision (Frank, 1949: 14). The attitudinal model, on the other hand, relegates law qua law to the background and moves the judges’ policy preferences or ideologies to the foreground (Segal and Spaeth, 1993). Strategic choice theory negates neither, but proposes that judges act strategically in their decisions to maximize their impact, whether on law or on policy, within their own court and in relation to other institutions (Epstein and Knight, 1998). Judges are most likely motivated by some combination of all three, or, as Gibson suggested, decisions of judges are “a function of what they prefer to do, tempered by what they think they ought to do, but constrained by what they perceive as feasible to do” (Gibson, 1983: 9). Judicial decisions are, in other words, the result of preferences, legal parameters and the political and social environment. The European Court of Justice (ECJ) and the U.S. Supreme Court are institutions composed of shifting personnel and linked to the past by a history of their own jurisprudence. I propose to trace how federalism has been crafted by judges, but also how judicial institutions evolve in relation to other institutions and political forces.

The confusion about the meaning and implications of federalism that exists today was also found in 1786. Indeed, much discussion in the early days of the Constitutional Convention in Philadelphia was consumed by attempts to define precisely what was meant by a “federal” system, where the power that would reside within the constituent parts was significantly greater than local entities could claim under any centralized arrangement. Indeed, long after the Constitutional Convention ended, James Madison was writing letters still attempting to explain how the proposed configuration of political power could aptly be described: “Will you pardon me for pointing out an error of fact into which you have fallen, as others have done, by supposing that the term national applied to the contemplated Government,” Madison began to Andrew Stevenson. “The term was used, not in contradistinction to a limited, but to a federal government And there being no technical or appropriate denomination applicable to the new and unique system, the term national was used, with a confidence that it would be not be taken in a wrong sense” (Farrand, 1966: III, 473). In another letter, written to N.P. Trist in 1831, Madison may have touched upon the most distinguishing element of the new design, that “the powers to be vested in the new Govt. were to operate as in a Natl. Govt. directly on the people and not as in the Old Confedcy. on the States only” (Farrand, 1966: III, 517).

In Europe in the nineteenth century, political will favored national systems, wherein power was consolidated centrally; only the Swiss confederation of 1848 deviated from that tendency. Though national governments in Europe were the norm, federal ideas were prevalent in the early years of the twentieth century, particularly between the wars. Jean Monnet and Altiero Spinelli were, during the 1940s and 1950s, clearly influenced by federalist ideas, and their inclination is evident in the treaties that founded the EU (Close, 2000: 45).

Both the U.S. Constitution and the early treaties on which the EC was based reflected a desire to create something not quite centralized, but more than confederated. And, as Elazar points out, the U.S. and the EU experienced almost reverse processes, since “European integration has tended to be seen as a valued end in itself, often confusing means with ends” (Elazar, 2001: 32). Yet, the two federal systems have both experienced varying degrees of state autonomy versus centralized power in different eras. The U.S. Supreme Court and the European Court of Justice (ECJ) did not direct the course of federation alone, for the executives, legislators, administrators and other judges at both state and central levels were also active in channeling or limiting the extent of centralization. The judges, even so, set parameters and goals to



be attained; they provided the frame that demarcated what could and could not be painted on the canvases by actors at the national, supranational or state level.

The sagas of judicial intervention are by now well-known to students of U.S. constitutional development and those of European integration, but usually one, not both, of those stories is told. This essay links the two in order to discern both familiar patterns and divergent tendencies in the forces driving each judicial expansion and contraction.

Federalism and Integration

The greatest barrier to discussions of federalism is “a lack of conceptual clarity” (Wildavsky, 1967: vii). Madison was at pains to describe the original U.S. version, and European scholars and politicians have been equally challenged in their efforts to define what federal Europe is or is not. Daniel Elazar provides what is the most generic and, therefore, least controversial definition of federalism: “the mode of political organization that unites separate polities within an overarching political system by distributing power among general and constituent governments in a manner designed to protect the existence and authority of both” (1984: 2). That division of power drives negotiations and yet links the two competing entities.

The term “federalism” is nowhere to be found in the U.S. Constitution, but rather it is derived from a juxtaposition of the enumeration of national powers in Articles I, II and III with the reserved powers of Amendment X, but tempered by the supremacy clause of Article VI. The last of those provisions makes explicit that the national constitution and laws trump any other: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of an State to the Contrary notwithstanding.” In light of state rivalries and jealousies to preserve powers at the time of union, the inclusion of that statement is striking, but subsequent history has proved it essential to the future of the polity. The ratification process clarified that the goal of the system should be attainment of an equilibrium between the states and the national government, with some powers exercised concurrently and with a division of sovereignty between states and the national government (Federalist No. 32).

Some architects of the early efforts toward European federalism clearly had a model similar to that of the United States in mind, and Robert Schumann even referred to the Treaty of Paris that established the European Coal and Steel Community (ECSC) as a first step in “laying the foundation for a European federation” (Close, 2000: 107). Because of the connotation

that “federalism” in Europe carries, most proponents of the ECSC and the later European Community Treaty in 1957 eschewed use of the term. They chose instead to speak of “integration,” of functional integration of economic sectors. Indeed, the descriptors devised for the European experiment include “supranational,” “functional integration,” and “intergovernmental” (Rosamond, 2000). “Federalism” is too politically charged and deemed simultaneously convenient and dangerous, ideological and analytical; it has become “an elastic and controversial concept in the politics of European integration” (Rosamond, 2000: 24). Indeed, the failed 2003 EU Constitutional Treaty settled on a novel description, “the principle of loyal cooperation,” to regulate relations between the Union and the Member States. The elasticity of the term federalism permits, nonetheless, the conclusion that a form of it has been crafted in Europe as well as in the U.S.

The founders of the European Coal and Steel Community adopted, however, the nomenclature of “supranational” as early as 1949, and that term is found in the Treaty of Paris. The key elements of a supranational institution include its independence from its constituent parts, its authority to make decisions that bind its member states and its ability to act on both states and on individuals within states (Hay, 1966: 33-34). Is a supranational body federal? Ernst Haas answered that “federal,” “central” and “supranational” could be treated as synonymous since all described “activities, organizations and loyalties transcending the existing nations, even though in a strict constitutional sense there are no clear ‘federal’ powers” (Haas, 1958: 9). He preferred to use “economic integration” instead to describe the first linking of six nations and the European Community, and he defined it as nothing more elaborate than forging economic links among countries; he countenanced the possibility, though, of using integration in economic sectors as a vehicle for eventual political integration. Thus, the EU and the USA each have a form of federalism, but the balance within each of these dual systems shifts and changes with new conditions.

On both sides of the Atlantic, the process of integration proceeded at different rates over time. The meaning of American federalism was not settled with constitutional ratification (O’Brien, 1997: 595), and the EU’s evolution has proved to be even more fluid as each new treaty attempts to remedy perceived flaws of earlier ones and accommodate new or anticipated conditions. There have been clear similarities at least in the judicial blush that has colored each version of federation. The U.S. experience spans more than two centuries and the European one is only one-quarter that, but analogous tendencies, particularly at the highest level of the courts, are discernible in the directions and degrees of federalization.



Foundational Era

Neither the United States Supreme Court nor the European Court of Justice received any notable litigation in their earliest days and, indeed, were regarded as somewhat peripheral to the newly formed systems of governance. Nonetheless, both seized opportunities to assert the primacy of their respective national or supranational entities over the constituent parts and, thereby, also to consolidate their own institutional place. *Chisholm v. Georgia* (1793) marked the first foray of the Supreme Court into the field of federalism, and the Court first confronted the question of state sovereignty: can a citizen of one state sue another state? The Court said “yes.” This case is particularly relevant since it also highlights the limits of judicial power and how other institutions can prevail against judicial pronouncements. The Eleventh Amendment establishing state sovereign immunity was passed in 1798 specifically to reverse the result of the *Chisholm* case.

The Supreme Court decided a series of cases in the early nineteenth century that formed the foundation for a strong central government thereafter. *Marbury v. Madison* (1803), *McCulloch v. Maryland* (1819) and *Gibbons v. Ogden* (1824) constituted the three legs on which the U.S. national government could rest its authority. The first firmly established the supremacy of the Supreme Court and articulated the power of judicial review; the second declared the supremacy of the national constitution and national laws, when appropriately enacted, over those of the states; and the third elaborated a comprehensive definition of commerce as “commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that commerce” (*Gibbons v. Ogden*, 1824). Thereby, a far-reaching power was claimed for the national Congress to control economic transactions among the states and with foreign nations. This trilogy of cases declared the supremacy of the national government, so long as it acted within its proper sphere, over that of the states.

The European Court of Justice chose to strike a similar centralizing theme in a quartet of cases early in its existence. The U.S. Constitution had embodied the concept that distinguished it clearly from earlier confederations by providing that the national government could act directly on citizens and not merely on states. The term for that arrangement in European parlance would be “direct effect.” Rejecting a literal reading of Article 12 of the 1957 Treaty of Rome, the ECJ gave an expansive interpretation in its 1963 decision in *Van Gend en Loos* and declared that “the Community . . . constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects

of which comprise not only Member States but also their nationals” (*Van Gend en Loos*, 1963). The ECJ further declared in *Van Gend en Loos*, that the treaties imposed obligations on individuals, but also simultaneously conferred rights upon them. This has been hailed as the first step in the Court’s “constitutionalizing” the treaties. The ECJ then expanded the reach of lower order Community laws to trump those of the Member States by allowing individuals to invoke the authority of Community norms in national courts (*Costa v. E.N.E.L.*, 1964) and providing for direct applicability of regulations and some directives (*Van Duyn v. Home Office*, 1974).

In a parallel to *McCulloch v. Maryland*, the ECJ also declared the supremacy of supranational law in *Costa v. E.N.E.L.* The Court explained that, consistent with the spirit of the treaties, Member States had through the treaties accepted “a permanent limitation of their sovereign rights” and thereby Community laws “take precedence in, the legal order applicable in the territory of each of the Member States [and] also preclude the valid adoption of new national legislative measures to the extent to which they would be incompatible with Community provisions” (*Costa v. E.N.E.L.*, 1964). The Court established, thereby, a ground for judicial review of domestic laws by national courts and in the 1977 *Simmenthal* case the power of judicial review and the supremacy of the treaties were also extended to national constitutions (Dehousse, 1998: 43).

The U.S. case of *Gibbons v. Ogden* carved out what Europeans call the “positive commerce clause” by declaring the authority of the central government to have sole authority to make regulations for interstate commerce. The ERTA Case (*Commission v. Council*, 1971) accomplished the same result in Europe by declaring that “when such common rules come into being, the Community alone” can act. If there is positive commercial integration, then there remains the question of a “negative” commerce clause or integration. In Europe, prohibitions on negatively affecting the free movement of goods derive from several treaty articles and prohibit tariffs, duties, discriminatory taxes and other barriers to intra-community/union trade.

The U.S. Supreme Court and the Court of Justice each managed, in the short interval of less than two decades, to assert that the constitution or treaties were supreme over state or national laws, even state or national constitutions, and had direct effect on citizens, not just on states. However, a significant difference did emerge. The European treaties that formed “the constitution” of the EC or EU were largely restricted to the economic issues, unlike the clear political union in the U.S. Hence, the EU has been said to possess an “economic constitution” (Maduro, 1998).



Mutations of Jurisdictions

Joseph Weiler labeled the second era of European integration one of “mutation of jurisdiction and competencies” (1999: 39), which also aptly describes the second phase of American federal evolution. There are a number of constitutional provisions that served as vehicles for the Supreme Court, but this discussion will rely only on commerce clause interpretations. Near the end of the nineteenth century, the United States entered an era that was more attuned to the rights or prerogatives of states, but the twentieth century witnessed a distinct mutation that altered jurisdictions and competencies. Extreme assertions of state powers were laid to rest by the Civil War of the 1860s, but the balance between the authority of the national government and that of the states still tilted toward the latter. The period from 1895 to 1937 in the United States has been labeled “dual federalism,” which describes a situation in which states and the national governments had distinct jurisdictions and possibly even antagonistic interests; each was viewed as supreme within its own sphere, without overlapping or cooperative competencies. The national government first tested the limit of the commerce clause during this era and discovered that the Supreme Court was inclined to read the constitution rather narrowly and, indeed, to step back from the sweeping field defined in *Gibbons v. Ogden*.

The Sherman Anti-Trust Act, passed in 1890 under the guise of the commerce clause, was designed to break up collusive or monopolistic concentrations. The Supreme Court read the commerce clause in the *E.C. Knight* case (1895) as incapable of extending congressional power to regulate manufacturing, mining, agriculture or any form of production, activities that were said to precede commerce. The Court similarly prevented Congress from using the commerce clause to establish “unreasonable” regulations (*Standard Oil v. U.S.*, 1911 and *U.S. v. American Tobacco*, 1911) or to prohibit products manufactured with the use of child labor from entering interstate commerce (*Hammer v. Dagenhart*, 1918).

While the U.S. Supreme Court was narrowly defining the national government’s power to regulate commercial enterprises through the commerce clause, it was interestingly upholding use of the commerce clause to promote social policies. Central government legislation to prohibit interstate transportation of lottery tickets (*Champion v. Ames*, 1903), stolen automobiles (*Brooks v. U.S.*, 1925), impure food and drugs (*Hippolite Egg Co. v. U.S.*, 1911) and women for immoral purposes (*Hoke v. U.S.*, 1913) were, during the same period, validated by the Supreme Court as legitimate applications of the commerce clause. The Supreme Court’s treatment of national and state relations dur-

ing the era of dual federalism was, in other words, not wholly unidirectional. Only when laissez faire economic theories were offended by national government interference did the Court rebuke the central government.

In the 1930’s the Supreme Court even more dramatically interpreted the central government’s power under the commerce clause as strictly limited. Whole sectors of New Deal legislation were declared unconstitutional as exceeding the powers authorized by the constitution. The National Industrial Recovery Act that aimed at controlling detrimental competition was declared unconstitutional in part in *Panama Refining Co. v. Ryan* (1935) and *Schechter Poultry Corp. v. U.S.* (1935), because the elements being regulated were not, according to the Court, part of commerce. Similarly, the Agricultural Adjustment Act of 1933 was found to regulate agriculture and was, in line with the earlier *E.C. Knight* case, not commerce (*U.S. v. Butler*, 1936); the Bituminous Coal Conservation Act was invalidated in *Carter v. Carter Coal Company* (1936) using the same logic. The Court read the commerce clause and, hence, the extent of national power, as limited to interstate transactions and placed the power to regulate so-called local activities squarely within the prerogative of the individual states.

The U.S. Supreme Court’s treatment of centralized authority over commerce was out of sync with both the president and Congress, but then it mutated again and redefined central and state competencies. Leaving the earlier restrictive interpretation behind, the Court broadly enunciated the extent of national government authority under the commerce clause from 1937 until the mid-1990s. Beginning with the decision in *National Labor Relations Board v. Jones & Laughlin Steel* (1937), the Court for almost sixty years rarely encountered an assertion of a congressional power to regulate via the commerce clause that was not constitutional. Though the issue in *Jones & Laughlin* revolved around manufacturing, the Court found that Congress was within its authority to regulate it; manufacturing was no longer an antecedent to commerce, but part of it. Shortly thereafter, the Court also upheld an application of the commerce clause to establish a minimum wage (*U.S. v. Darby*, 1941) and explicitly over-ruled its earlier decision in *Hammer v. Dagenhart*. By 1942, the Court was willing to uphold the Agricultural Adjustment Act’s application of agricultural quotas to products that were intended for use on the farmer’s own property because “home-grown wheat in this sense competes with wheat in commerce” (*Wickard v. Filburn*, 1942).

Congress turned its use of the commerce clause to tackle policies that were only tangentially commercial, most notably racial discrimination, and the Court upheld those applications, as well. The 1964



Civil Rights Act was deemed a constitutional use of the commerce power (*Heart of Atlanta Hotel v. U.S.*, 1964) and was held to be appropriately applied to restaurants that did not market to people traveling in interstate commerce, but had purchased food that had been imported from out-of-state (*Katzenback v. McClung*, 1964). This logic also permitted the Civil Rights Act to reach a resort in a remote location in Arkansas where some of the food sold, the records on the jukebox and the paddleboats had been purchased from out of state (*Daniel v. Paul*, 1969). Using such broad, judicially sanctioned definitions of interstate commerce, Congress's power to regulate recognized almost no bounds and was even extended to what state governments could pay their employees (*Garcia v. San Antonio Metropolitan Transit Authority*, 1985).

The second phase defining center-periphery relations in Europe commenced in 1973 and ran until 1992. The European Court of Justice was no longer making revolutionary changes in how member states related to the supranational structure, but rather clarifying, usually to the benefit of the higher authority, what the relationship would be. A look at how the four freedoms--free movement of persons, good, services and capital-- were implemented in this time period illustrates the trend.

Free movement of goods was central to the founding of each of the treaties, and the Court acted to limit markedly what member states might do to restrict products from other member states. In *Procureur du Roi v. Benoit and Dassonville* (1974) the Court issued sweeping limitations on how member states treated imports from fellow member states, by prohibiting all rules that were "capable of hindering, directly or indirectly, actually or potentially, intra-Community trade" as equivalent to explicitly banned quantitative restrictions "or measures equivalent to quantitative restrictions." That position was buttressed in the 1979 *Cassis de Dijon* case (*Rewe-Zentral AG v. Bundesmonopolverwaltung für Branntwein*) in which the ECJ declared not only that the German legislation prescribing alcoholic content of spirits offered for sale was a trade barrier, but also introduced a new criterion: if a beverage could be sold in one member state, it could validly be sold in another. Thus, the doctrine of mutual recognition would, thereafter, guide intra-Community trade.

Free movement of people was rendered less encumbered by national restrictions by the 1975 case of *Van Duyn v. Home Office*, in which the U.K. refused entrance to a Dutch national immigrating to Britain for employment with a sect that the British government did not approve. The Court stated, however, that a member state government has no discretion in implementing any Community law and established the

principle of direct effect. At the same time the ECJ allowed that the British government could bar Van Duyn from entering on grounds of public policy. The stricture against discrimination against non-nationals was held the next year to extend to organizations that were not governmental (*Dona v. Mantero*, 1976), so long as the reasons were economic in nature.

Free movement of services was bolstered by the ECJ's assertion that even rules not overtly discriminatory can, nonetheless, run afoul of the treaty provisions guaranteeing free movement of services. In *Van Binsbergen v. Bestuur Van de Bedrijfsvereniging* (1975) the Court held that a member state cannot impose additional requirements, in this case the requirement of habitual residence, on a non-national when there are no other special conditions under national law. Finally, in the area of free movement of capital, the Court in *Commission v. Germany* (1987) invalidated a German requirement that non-German insurance companies maintain an establishment within the country as violating provisions on free movement of capital and freedom of establishment; simply having an office was sufficient.

Divergent Paths

Weiler sees 1992 and the implementation of the Single Europe Act as heralding the most recent phase of development in the EU, though much of the activity was focused away from the ECJ (Weiler, 1999: 63). The U.S. Supreme Court in that same decade tacked to a new course in defining national and state competencies. Both the ECJ and the U.S. Supreme Court began to focus on state sovereignty. Weiler chose his demarcating year because in February, 1992, the Maastricht Treaty or Treaty of European Union (TEU) was signed; its stated intent was to move to a closer union. The treaty created two new "pillars" or mechanisms for implementing common policies on foreign and security and on police and judicial cooperation in criminal matters. Both new pillars were explicitly intergovernmental, as opposed to supranational, and both were explicitly placed beyond the purview of the ECJ. That was slightly modified to give the ECJ limited jurisdiction in police and criminal cooperation by the Amsterdam Treaty that went into effect in 1999 and again with the Lisbon Treaty of 2007.

The TEU was read as an intentional rebuke to the Court of Justice and signaled that further integration would move through an intergovernmental arrangement, without interference by the supranational or central institutions. The ECJ may have inferred those motives, but was seemingly undeterred as it approached questions of state sovereignty. Indeed, it made a decision in 1993 on state liability that shaved very close to what remained of national sovereignty. In *Francovich*



and *Bonifaci v. Italy* (1993) the ECJ held that if a member state failed to meet its obligations under EU law and an injury was sustained, the member state could be held liable for compensation. That rule was elaborated in the 1996 joined cases of *Brasserie du Pêcheur v. Germany* and *Regina v. Factortame*. Both cases touched notable national interests; the former involved the German law on purity of beer and the second, on British fishing regulations. In the joined cases, the Court held that financial compensation could be sought from a national government if three conditions were met: the law in question intended to confer rights on individuals, the injury was serious, and a direct causal link existed between the state's action or inaction and the injury. Actual determination of damages and awards of reparations were left to national courts. These decisions removed a form of sovereign immunity that had shielded national governments when EU law was involved.

As the ECJ entered the 21st century, the EU was transformed by the adoption of the euro and shortly thereafter by the accession of twelve new member states. The move towards greater integration was blunted when the European Constitutional Treaty was killed by referenda in France and the Netherlands in 2005 and further diluted as central European nations with uneven levels of economic development and commitments to democracy joined the union. Even so, the Court retained, often bound by its own jurisprudence, its pro-integration bent. The ECJ struck down, for example, U.K. measures that limited non-nationals from obtaining student maintenance loans as discriminatory (*Queen ex parte Bidar v. Secretary of State for Education and Skills*, 2005) and U.K. corporate tax practices as hindering the freedom of establishment (*Marks and Spencer*, 2005), while upholding the U.K.'s ban on marketing tobacco products as consistent with the EC directive on labeling of tobacco products (*Swedish Match v. Secretary of State for Health*, 2004). The ECJ waded into criminal law, drawing on the "constitutional traditions common to the member states and . . . the guidelines supplied by international treaties" to block the application of retroactive criminal penalties that would result from the application of an EEC directive (*Berlusconi, Adelchi, dell'Utri and others*, 2005) and foreign affairs by ruling against Ireland for seeking relief from the International Law of the Sea dispute settlement system instead of utilizing the EU mechanisms (*Commission v. Ireland*, 2006). It further upheld regulatory actions on electronic communications (*U.K. v. Parliament and Council*, 2006), food additives (*U.K. v. Parliament and Council*, 2005), and biotechnology inventions (*Netherlands v. Parliament and Council*, 2001), while annulling a di-

rective on the advertising and sponsorship of tobacco products (*Germany v. Parliament and Council*, 2001).

Beginning in 1999, the U.S. Supreme Court was also hearing cases asserting sovereign immunity for American states, but moving in the opposite direction from its counterpart in Europe. The first decision involving federalism in the United States was that of *Chisholm v. Georgia* (1793), and Amendment XI was passed to counter it, preventing national courts from entertaining law suits against a state. In other words, the amendment guaranteed that a state cannot be sued without its consent. In the 1999 case of *Alden v. Maine* the U.S. Supreme Court held that state employees could not, under Amendment XI, sue their employing states under the national Fair Labor Standards Act. The Court in 2000 similarly found that the U.S. Age Discrimination in Employment Act could not be applied to state governments, since Congress could not abrogate a state's sovereign immunity (*Kimel v. Florida*, 2000), and the next year the Americans with Disabilities Act fell, with reference to state employees, to the same fate (*Alabama v. Garrett*, 2001). In short, Amendment XI was erected as a barrier to applying otherwise valid national legislation to state governments. An exception to that rule was carved out in 2003, when the Court held that a state employee could sue the state for violating the Family Leave Act, because Congress did possess the power under Amendment XIV's equal protection clause to remedy gender discrimination. The equal protection clause, in effect, trumped state sovereign immunity (*Nevada Department of Human Resources v. Hibbs*, 2003).

The Supreme Court also began to restrict national reach under the commerce clause. *Garcia v. San Antonio Metropolitan Transit Authority* (1985) was mentioned earlier as having extended congressional authority under the commerce clause. Though *Garcia* has never been explicitly over-ruled, the Court has limited the extent of congressional application of the commerce clause in recent years. In *New York v. U.S.* (1992) the Low-Level Radioactive Water Policy Act of 1980 was deemed an infringement on state authority as protected by Amendment X. The Brady Handgun Violence Prevention Act required state law enforcement agencies to conduct criminal background checks on people wanting to buy guns, but the Supreme Court held, in *Printz v. U.S.* and *Mack v. U.S.* (1997), that the federal government could not "command" state officials to enforce a national regulatory mechanism.

The Violence Against Women Act of 1994 was passed by Congress under its commerce authority, but the U.S. Supreme Court held in *U.S. v. Morrison* and *Brzonkala v. Morrison* (2000) that Congress ex-



ceeded its commerce power when it provided a civil remedy for enforcement of the law. That same year, the Court upheld congressional use of the commerce power to restrict states' ability to disclose a person's personal information from drivers license applications without the person's consent (*Reno v. Condon*, 2000). A California law legalizing marijuana for medical purposes fell to Congress's power under the commerce clause to regulate controlled substances (*Gonzalez v. Raich*, 2005), but the same congressional act was not allowed to over-rule Oregon's Death with Dignity Act (*Gonzalez v. Oregon*, 2006). The U.S. Supreme Court has, in other words, more recently charted a course opposite to that of the ECJ, by rejecting most attempts by the central government authorities to infringe state sovereign immunity or to use the commerce clause too expansively.

Judicial Decision Making

To understand what all of this says about the nature of federalism in the U.S. and the EU and where each may be going, how and why judges made the decisions they did seems central. That can best be approached by returning to Gibson's three-pronged explanation for how judges decide cases: judicial preferences, legal policy constraints and external limitations (1983: 9). Judicial preferences usually connote ideological, political or policy predispositions that color how a judge views the law to be interpreted or applied. These values or goals are usually relatively consistent over time for each judge (Segal and Spaeth, 1993). During the foundational period on both sides of the Atlantic, the judges were motivated by specific goals. Both sets of judges were federalists and, in the case of the United States, Federalist partisans. The Marshall Court (1801-1836) defined the foundational era and consciously intended to create "an effective national government endowed with vital substantive powers" (Schwartz, 1993: 45). The judges on the ECJ were driven by market-building (Weiner, 2000: 320). Moreover, during their foundational periods, both courts were largely unencumbered by prior decisions and jurisprudence that might have limited their work; both were quite clearly writing on blank slates and painting the first judicial strokes on the canvases of constitutional and treaty provisions.

The feasibility of judicial efforts is determined by the goals of other institutions and the extent to which they are harmonious or antagonistic. During the foundational era in the U.S., the Federalist Party held only the Court at the national level, while hostile Jeffersonians controlled both the presidency and Congress. The Jeffersonians espoused limited government, an-

tithetical to the nationalizing goals of the Supreme Court. Their displeasure with the direction of the Court led to the impeachment, but not conviction, of Justice Samuel Chase, which was clearly intended as a threat to the Court as a whole (Schwartz, 1993: 57-8). The ECJ found, on the other hand, itself surrounded during its foundational period with institutions sharing its goals. Both the Commission and the Council joined the Court in its drive to build a market. That permitted a concerted top-down constitutionalism (Shaw, 2000: 301). The U.S. Supreme Court and the European Court of Justice both also benefited from a political environment that embraced a respect for the rule of law and accepted that courts were cloaked in its mantle of legitimacy (McCloskey, 1960: 11). Only rogue criticisms were lodged against the ECJ (e.g., Colin, 1966; Rasmussen, 1986). The darts flung at the U.S. Court were so clearly partisan as to be discounted.

The era of mutation of competencies was, for the ECJ, an easier time. The Court was primarily putting muscle on a skeletal architecture that was already in place. European integration was, as a whole, largely stagnant during these years (Weiler, 1999: 39), but the Court encountered little resistance from other European institutions and was gaining support at the national level from domestic judges (Alter, 1997).

The U.S. Supreme Court was driven, from 1895 to 1936, by a belief in the gospel of Adam Smith (Schwartz, 1993: 179) and was alternately in or out of step with the other political institutions. That commitment eroded, as is evident in the narrow votes within the Court itself, and the Great Depression argued that it was a failed ideology. The second election of F.D. Roosevelt and the bold presidential court-packing plan made clear that the Court was an institution antagonistic to all other political sectors. The Court capitulated. Sitting Justice Robert Jackson saw the "Court as poised between two worlds," and "the older world of *laissez faire* was recognized everywhere outside the court as dead" (Jackson, 1941: 85).

The two courts diverge, though, in the third cycle of their development of federalism. The ECJ was rebuked, if only mildly, by provisions of the Maastricht Treaty that explicitly denied the Court a hand in new initiatives. Before concluding, however, that the ECJ was clinging to an isolated position when it encroached on national sovereignty and asserted that member states could be held financially liable for violations of EU law, another feature of the Maastricht Treaty should be noted. Because of repeated difficulties in gaining member state compliance, the Commission was given the option to impose penalties when states refused to comply with decisions of the ECJ. The Commission



first used this option in 1997, when it sought a financial penalty against a member nation sanctioned by the ECJ (Azzi, 2000: 64). The Court was, perhaps, acting in concert with the EU executive in assuring that supranational laws were not flaunted by recalcitrant states. At the very least, the two sought the same goal.

Ideology is the most obvious explanation for the U.S. Supreme Court's shift on some extensions of the commerce clause and on its position on state sovereign immunity. Former Chief Justice William Rehnquist championed states' rights, and his position gained support on the bench with the arrival of the first conservative majority since 1936. That majority reflected the conservative movement in the U.S. prior to the 1992 election and made a "definite changes in direction" in several lines of jurisprudence; all tilt to the right (Schwartz, 1993: 372). There has been no tension between the Court and other institutions as a result of the federalism decisions, largely because lawmakers, politicians and the public are not particularly interested in the subject. Federalism struck a chord in the U.S. during the drive for racial integration in the 1950s and 1960s, but no longer garners votes or exacts tolls.

State sovereignty is still a political theme in Europe, but it is becoming progressively more muted. It may, as it has in the U.S., lose most of its resonance. Placement of sovereignty remains a concern in allocating legal competencies and assessing obligations and responsibilities and may emerge as more controversial with the addition of the new member states from central Europe and implementation of the more modest Lisbon Treaty. George Berman asserted that courts should not have a major policing role in federalism, because their role is only to supervise the structure (Berman, 2001: 197), but courts have had and will continue to have a hand in crafting the shapes that federalism or supranationalism have assumed.

What, though, has determined the directions of the courts? Preferences or ideologies have been determinative in three eras in the U.S., but a reaction followed the foundational period, the 1895-1936 free market bent and, more recently, the very central-government-friendly interpretation of the commerce clause. The reactions to the first and the last came through changes in Court personnel; the 1937 shift was in response to a number of external political pressures. None can be attributed to strictly legal concerns.

On the European side of the equation, the direction of the Court has not altered significantly. Once the foundational period constitutionalized the treaties and began a centralizing course, that trajectory has been generally maintained. The intensity of the pace has varied, however, over time. Since judicial votes are not recorded on the ECJ, attribut-

ing values or ideology at the individual judge level is impossible. At the level of the Court, however, market building and integration seem to be the overlying templates across three eras. That has been possible because of the consistent complicity of the Commission, the Council and member state judges, even if the European Council and member states objected.

The history of the U.S. Supreme Court and national-state relations extends over two centuries. Contractions and expansions could be anticipated as so much in the political and economic world have changed. The EU has been propelled by centripetal force toward a more integrated, federal Europe. As economies and politics change and as the fifteen became 27, the ECJ may also find its jurisprudence will be pulled by in the opposite direction by centrifugal forces. The values of the judges, the positions of the other institutions, and the parameters of the law defined by earlier decisions will forge that future. The key to a working federal system, as James Madison explained two centuries ago, is achieving and maintaining an equilibrium.

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(cont. from p.1) of innovations. Over the past decade, EUSA has introduced prizes for best dissertation, book, and conference paper, a prestigious life-time academic achievement award, pre-dissertation research grants, conference grants for graduate students and junior scholars, 8 interest sections, a listserv, and conference papers online.

Preparations are underway for the biennial EUSA conference, April 23-25 2009, in Los Angeles, California. This will be EUSA's 20th anniversary, and we are looking forward to a festive event in Marina del Rey. The Executive Committee will meet early April to select the program committee, redesign the paper & panel selection procedure to deal with an ever increasing number of proposals, and add new features to the conference format, including teacher workshops. If you have suggestions on the conference format, please email Amy Verdun (averdun@uvic.ca); please send comments concerning the paper & panel selection to Frank Schimmelfennig (frank.schimmelfennig@eup.gess.ethz.ch). Or email me on either matter. The conference will, as usual, be open to proposals from graduate students and non-traditional scholars, EUSA interest sections, EU centers, and practitioners in government, law, business, and across all disciplines. Contingent upon support from the European Commission, we will again offer travel grants for students and young scholars. We like to boast that the EUSA conference is a major—perhaps the major—intellectual event for Europeanists. As of mid-February, the EUSA paper website for the forthcoming Montreal conference received 108,000 visits, including 37,700 paper downloads! Ten papers have been downloaded over 300 times, 23 over 200 times, and the average paper has been downloaded 138 times.

We will soon be advertising competitions for best dissertation, best paper, and best book. In 2003 the Ernst Haas Memorial Fund for EU Studies was set up; it subsidizes annually one or two pre-dissertation summer research grants. This year we received 50 applications from 10 countries. The demand is there, and we would like to do more. There is a link for donations on the EUSA website, and a place to designate a donation to the Haas fund on your membership renewal form. Remember: donations are tax deductible in the USA.

Last but not least, I'd like to thank Amy Verdun (University of Victoria) for her inspired work as Forum editor over the past two years. Amy organized features on the Danish Cartoon Controversy, EU migration and asylum, the Lisbon Agenda, a debate on "What is Science in EU Studies," and a John Peterson interview with European Commission President Barroso—all of which can be downloaded from our website. Craig Parsons (University of Oregon) is taking over the torch, and his first forum features four contributions on Turkey and the EU in this issue. If you have ideas on the forum or other EUSA Review features, he would be glad to hear from you (cap@uoregon.edu).

Liesbet Hooghe, UNC Chapel Hill and VU Amsterdam



EU Related Library and Archival Collections

European Union Archival Collection at the University of Pittsburgh

Phil Wilkin

Introduction

HISTORICALLY, THE MOST COMPLETE EU depository library in North America has always been at the Delegation of the European Commission to the US, Washington, DC. The Delegation library received a complete collection of public European Union official documents and publications from 1952 to 2007, including many items not received by the 56 other depository libraries in the US. The Delegation recently donated this entire collection to the University Library System (ULS), University of Pittsburgh. This essay is a description of the contents this collection.

Nature of the Collection

This collection includes over 16,000,000 pages, and is comprised of three main physical segments:

- the “main” collection with a paper copy of most official publications, about 1,750 linear shelf feet.
- microfiche collections of several series, some of which duplicate paper documents, about 650 linear shelf feet.
- “research files”: these are folders of EU documents, such as COM and SEC documents, European Parliament reports, Council of Ministers and European Commission press releases, and individual pieces of legislation, filed according to subject. The files also include clippings from non-EU publications like Agence Europe, European Reports, and European and U.S. newspapers. As a result of these files, patrons have access to nearly complete collections of these documents running from when the Community began publishing them until the late 1990s.

Some important points about this collection:

- this guide refers only to items which are physically a part of this archival collection. In many cases, publication of paper documents has been discontinued, and continuations are now in electronic format.
- nearly all documents in the collection published since 1973 are in English; many earlier documents are in French, with a few in other languages..
- the focus here is on documents published before about 1995, because many post-1995 documents are on EU websites, and readers will be more familiar with them.

Strengths of the collection

Describing the strengths of this collection is not a

simple task. Several factors influence the quantity of materials available for specific time periods. First, the existence of documents on a topic depends upon when the Community was given authority to act, and the responsibility of the EU over policy areas has grown over the years. Second, the institutions play different roles in the legislative process and their powers have changed over time, particularly for the European Parliament. Third, more documents have been produced during periods of greater activity within the Community, hence there will be far more and a wider variety of documents available for the 1990s on than for the prior period.

The best way to describe this collection is to list and describe a range of representative titles in the policy areas. Documents are divided into three major categories below: documents on general, not policy-specific, topics; documents containing information on subject or policy areas; and documents containing technical or scientific information which does not apply to subject or policy areas. Within individual policy areas, documents are listed under three headings: serials; series; and individual documents. Where appropriate, the number of items in a series and total pages are listed to provide a sense of both the quantity of materials on the topic and the size of individual documents.

Documents of a General Nature

Major Community institutions have published documents which describe general activities and developments. The European Coal and Steel Community (1951-1967), which became part of the European Communities in 1967, produced a number of publications describing their institutional activities, among them: General Report on the Activities of the Community (1952-67, annual, 3,800 p.); ECSC Financial Report (1953-87, 1,750 p.); C.E.C.A. 1952-62: résultats; limites; perspectives (1963, 650 p.); Annuaire/Yearbook of the Consultative Committee of the European Coal and Steel Community (1955-79, 2,500 p.).

The Commission has always published the vast majority of all Community documents, despite the fact that some Commission working papers were not made public. The Commission publishes the General Report on the Activities of the Community (1958-2004, annual, 18,000 p.). Most Council of Ministers publications were never made public; this has changed in recent years. The Council published the Review of the Council's Work (1960-96, annual, in French until 1971, 12,000 p.) and the Guide to the Council (1974-1996, annual, 5,000 p., describing the composition and activities of the Council). The European Court of Justice collection includes about 340,000 total pages. The Economic and Social Committee collection includes about 40,000 pages, including



its annual report on its activities (1973--, 3,000 p.).

Additional documents of a general nature in this collection: Bulletin of the EEC/EC/EU (1958-2005, 17,000), a monthly report on the activities of the institutions; Bulletin mensuel d'information/Bulletin de la C.E.C.A. (1956-67, 5,500 p.). Reviews activities in nearly all policy areas with the European Coal and Steel Community; complete set of European Parliament working and session documents, reports, and debates from 1951-94. (350,000 p.); entire run of the Official Journal, the gazette record of the Community, about 2,230,000 total pages; collection of speeches given from the 1950s through the 1990s by Community officials (17,000 p.); complete run of press releases from the 1950s to 1990s (150,000 p.); set of Eurobarometer public opinion surveys on a variety of topics. (1974-2000, 38,000 p.); complete compilation of the statistical publications of the European Coal and Steel Community and the Statistical Office of the European Union starting in 1958 (750,000 p.).

Documents on Subject or Policy Areas

Many Community policy areas are highly disciplinary, and hence not easy to isolate from others, so I have used the policy headings used in the names of the Directorates-General of the European Commission. The total number of pages listed below in this section is about 6,011,090, or about 38% of the total 16,000,000+ pages in the collection. Just over 5,000,000 of these 6,011,090 pages are the Foreign Trade Analytical Tables, listed in External Relations, External Trade below. If one subtracts them from the 6,011,090 it leaves about 1,034,090 total pages listed below, or about 6% of the total collection. This illustrates how much of the collection is NOT included in this essay.

Agriculture and Rural Development

The topic of agriculture was of primary importance to European leaders right after World War II because of food shortages. When the Treaty of Rome established the Common Market, and also the Common Agricultural Policy, in 1958, widespread state intervention concerning production, price setting, marketing, and farm structures was a barrier to cooperation. So the Community focused on agricultural policy, and one of the results was the production of a large quantity of analysis and research in the field from the early years. Even now, the CAP absorbs nearly 50% of EU budgetary expenditure, and over half of all EU regulations deal with agriculture. The separate agriculture collection includes about 500,000 total pages; about 237,350 pages are listed here.

Serials: the Community produced the following

informational publications between 1963 and 1994 which are either parts of the same series or closely related: Green Europe (1979-94, 1,825 p.); Newsletter on the Common Agricultural Policy (1963-77, 3,600 p.); Green Europe-Newsletter in Brief (1979-85, 875 p.); Green Europe News Flash (1983-89). (8,700 p.); The Agricultural Situation in the European Union-Annual Report. (1975-present, 11,000 p.); Reports of the Scientific Committee for Food. (1975-98, 3,500 p.); Financial Report Concerning the European Agricultural Guidance and Guarantee Fund. (1974-97, 7,000 p.).

Series: Etudes - serie agriculture. (1960-68, 28 items, 4,250 p.). Most titles in French. Titles on topics such as agricultural cooperation in the EEC, agricultural production, and agricultural research; Informations internes sur l'agriculture - etudes et rapports/Information on agriculture. (1964-84, 260 items, 78,000 p.). Topic coverage very similar to title just above; Conditions de production de l'agriculture - Informations internes. (1961-64, eight items, 600 p.); Les structures agricoles dans la C.E.E., Informations interne. (1962-64, 25 items, 3,500 p.); Common Market Farm Report. (1963-71, 30 items, 240 p.); Marches agricoles/Agricultural Markets. (1965-2001, 660 items, 112,500 p.). Mostly graphs and figures, simultaneous publication in Dutch, German, and Italian.

Individual documents: Le plan Mansholt. Memorandum sur la reforme de l'agriculture dans la Communauté économique européenne. (1968, 530 p.); The Italian "enti di sviluppo agricolo" (Agricultural Development Bodies) in the Structural Reform – Adjustment Problems and Prospects. (1976, 250 p.); Projections for the Agricultural Sector – Forecasts of the Trends in Farm Structures and Factor Input in Agriculture in the EC. Vol. 1 – Theoretical Basis and Analysis of Existing Studies; Vol. 2 – Analysis and Forecasts, Empirical Results – General Part; Vol. 3 – Analysis and Forecasts, Empirical Results – Report by Country. (1979, 980 p.).

Budget

The budget collection is relatively small compared to other areas, including about 60,000 total pages; about 20,000 pages are listed here.

Serials: Rapport du Commissaire aux Comptes/Auditor's report for the year____. (1957-76, 4,000 p.). Concerns the European Coal and Steel Community; Budget de la Communauté – Complement au 2e Rapport general sur l'activite des Communautés. (1957-69, 450 p.). Concerns the European Coal and Steel Community; Community Budget: The Facts in Figures. (1988-99, 900 p.); Comptes de gestion et bilans finan-



ciers afferent aux opérations du budget de l'exercise. (1958-80, 47 items, 13,000 p.); Analyses of the Financial Management in Respect of the Revenue and Expenditure of the European Communities. (1976-80, 1,100 p.).

Individual items: Community Public Finance: The European Budget After the 1988 Reform. (1989, 120 p.); Survey of the Member State National Laws governing Vertical Distribution Agreements. (1996, 110 p.).

Competition

Competition includes policy areas such as anti-trust, competitiveness, mergers, and state aids. The competition collection is relatively small because the Community did not place major emphasis on competition policy until the run-up to the Single Market. The separate competition collection includes about 105,000 total pages; about 69,000 pages are listed here.

Serials: Report on Competition Policy. (1952-2005, 9,000 p.); Report on the Community's Anti-dumping and Anti-subsidy Activities. (1983-96, 1,000 p.); Monitoring of Steel Aid Cases. (1994-2001, 800 p.); Report...on the Application of the Community Rules for State Aid to the Coal Industry. (1988-99, 330 p.); Report...on the Implementation...of Community Rules for Aid to the Steel Industry. (1981-99, 300 p.); Survey of state aids. (1989-98, 850 p.).

Series: Competition – approximation of legislation series. (1970-80s, 40 items, 7,500 p.). In English and French. Studies focus on relative advantages of integrated and fragmented markets; "Concentration studies" series. (1970-74, 200 items, 50,000 p.). Studies on concentration in various industries, various languages.

Individual documents: Competition Rules in the EEC and the ECSC Applicable to State Aids. (1987, 265 p.); Community Competition Policy in 1993. (65 p.).

Economic and Financial Affairs

Economic and financial affairs have always been a major priority for the Community, hence the collection is sizeable. The separate economic and financial affairs collection includes about 280,000 total pages; about 133,500 pages are listed here.

Serials: European Economy. (1979-2002, 60,000 p.). Includes analyses and statistics on both EU and member states; Results of the Business Surveys carried out among Managements in the Community. (1962-98, 29,000 p.). Six per year, in six languages. Results of questionnaires completed by businesses

on production, employment, investment, etc.; Annual report of the European Investment Bank. (1958-97, 4,600 p.); Report on the Activities of the Monetary Committee. (1959-88, 900 p.); Graphs and Notes on the Economic Situation in the Community. (1959-78, 5,000 p.). Monthly, non-English before 1970. Description and statistics various aspects of economic situation; Economic Situation in the Community. (1959-78, 15,000 p.). Description of economic situation with some statistics; Investment in the Community in _____ and its Financing. (1956-2000, 5,600 p.); Annual Report from the Commission to the Council and the European Parliament in the Borrowing and Lending activities of the Community. (1976-2002, 1,500 p.).

Series: the EU frequently produces publications which, although published separately, are closely related. The Report on the Economic Situation in the Countries of the Community (1958, 610 p.), also in French, offers an "...initial general review of the economic structure of the Member States and of the trends which will determine their future development." This report was created by a Working Party, chaired by Pierre Uri, appointed by the Commission. Etudes/Studies. Economic and Financial Series (1962-77, 23 items, 6,700 p.), which focuses on member state economies, was produced to complement the Report on the Economic Situation... In 1971, the Rapport sur la capacité concurrentielle de la communauté européenne (2 volumes, plus Annex, 1,100 p.) was produced as an additional follow-up to the Report on the Economic Situation...

Individual documents: The Instruments of Monetary Policy in the Countries of the European Economic Community. (1962, 270 p.); Policy on the Bond Markets in the Countries of the EEC. (1970, 210 p.); Premier programme de politique économique a moyen terme 1966-1970. (1971, 180 p.). Also Second programme de politique économique a moyen terme. (1971, 380 p.); Monetary Policy in the Countries of the European Economic Community. Institutions and Instruments. (1972, 440 p.). Also, same title, Supplement, 1974. (200 p.); Fifteen Years of Community Policy. (1973, 80 p.); European Economic Integration and Monetary Unification. (1973, 320 p.); Report of the Study Group – "Problems of Inflation." (1976, 130 p.). Simultaneous publication in French and German; Study on the Possible Part played by certain Primary Non-employment Incomes in the Inflationary Process in _____, 1974. (10 items, 1,260 p.). Individual volumes on eight countries, two in French.

Education and Culture

Only with the Maastricht Treaty did the Com-



munity make comprehensive reference to how education and training might make a significant contribution to the Community, hence the education collection (by itself) is relatively small, about 54,000 total pages, and about 11,940 pages are listed here. Within Community parlance, education includes the field of vocational training; this includes about 150,000 pages; about 68,000 pages are listed here. The cultural policy collection is very small.

Education

Serials: Annual report on ERASMUS program. (1987-94, 350 p.). Designed to encourage student and faculty exchange so as to deepen integration at a personal and professional level; Annual report on LINGUA program. (1989-94, 300 p.). Designed to promote improvement in foreign language competencies in the EU; Annual report on SOCRATES program. (1995-99, 250 p.). Designed to improve the quality of education by encouraging closer cooperation between educational institution; Annual report on TEMPUS program. (1990-99, 500 p.). Designed to promote educational change between Community and Central and East European Countries.

Series: Key Data on Education in the European Union. Multi-volume. (1994-2002, 1,000 p.); Studies/Education Series. (1977-84, 13 items, 2,600 p.). Sample titles: The Children of Migrant Workers. (1977, 54 p.); Management Education in the European Community. (1978, 70 p.); Academic Recognition of Diplomas in the European Community: Present State Prospects. (1979, 75 p.); Documents series. (1980s, 16 items, 3,500 p.). Sample titles; The Condition of Service of Teachers in the European Community. (1988, 160 p.); Literacy Training in Europe: A Comparative Analysis of the Most Effective and Innovative Literacy Schemes being Implemented in Member States by the Authorities and Private Agencies. (1985, 110 p.); Higher Education in the European Community: Study Abroad in the European Community. (1987, 220 p.); Document series on evaluation of the COMETT program. (1988-89, four items, 1,340 p.).

Individual documents: Key Topics in Education. 2 volumes, 2000. Vol. 1: Financial Support for Students in Higher Education in Europe – Trends and Debates. Vol. 2: Financing and Management of Resources in Compulsory Education – Trends in National Policies. (2000, 650 p.); Structures of the Educational and Initial Training Systems in the European Union. 2nd, (1995, 465 p.); A Guide to Higher Education Systems and Qualifications in the EU and EEA Countries. (1998, 890 p.); Final Evaluation of the FORCE Programme.

(1997, 290 p.); Quality Assurance in In-house Continuing Training-Case Studies from Europe. (1996, 220p.).

Vocational Training

Serials: Vocational Training: Bulletin for the European Centre for the Development of Vocational Training. Three per year, various languages. (1974-2004, 100 items, 6,000 p.).

Series: Eight series on vocational training by European Centre for the Development of Vocational Training (CEDEFOP). (1970-90s, 260 items, 61,500 p.).

Individual documents: The Evolution of Vocational Training. (1975, 155 p.); Comparative Study on the Rehabilitation of Handicapped Persons of the Community. 3 vols. (1975, 425 p.).

Employment, Social Affairs and Equal Opportunities

This is the most multi-disciplinary of the Community D-Gs, because it combines two areas which can be considered as separate: employment/labor market, and social affairs. The field of occupational health could be included here, but I have placed it with Health and Consumer Protection. Employment policy has been important to the Community since the 1950s, because it is so important for economic integration; here it includes areas such as employment & unemployment, labour market, work structures, and working conditions. The collection includes about 160,000 total pages; about 61,000 pages are listed here. Social policy includes areas such as social exclusion, social protection, and social security. The Community did not attempt to harmonize social policy as a separate area until the early 1970s, but there is much material in the collection before then and since because social policy has developed in areas related to economic integration. The collection includes about 250,000 pages; about 76,400 pages are listed here. The equal opportunities collection includes about 20,000 total pages; about 15,400 pages are listed here.

Employment Policy

Serials: Annual report by European Foundation for the Improvement of Living and Working Conditions, 1983-- (1,750 p.); Employment in Europe. Annual. (1987-2002, 4,300 p.); Trade Union News from the European Community. (1964-75, 700 p.); European Trade Union Information Bulletin. (1985-98, 8,000 p.); Trade Union Information. (1974-86, 12,000 p.); Labor in the European Community. (1964-68, 400 pp.).

Series: Les problèmes de main-d'oeuvre dans



la Communauté (1970s, 14 items, 2,500 p.); Notes d'information. Informations syndicales et ouvrières. (1964-68, 125 items, 18,000 p.); La libre circulation de la main-ouvrière et les marchés du travail dans le CEE. (1966-70, five items, 750 p.); "Program for research and activities on the development of the labour market", series. (Most 1980s, 50 items, 12,000 p.).

Individual documents: L'évolution de l'emploi dans les états membres, 1954-1958. (1961, 290 p.); Thirty Years of Free Movement of Workers in Europe. (1998, 325 p.).

Social Policy

Serials: European Social Fund. (1973-89, 3,000 p.); Report on Social Developments/Report on the Development of the Social and Economic Situation of the Community. (1971-95, 5,500 p.); Tableaux comparatifs des régimes de sécurité sociale applicable dans les États membres des Communautés européennes/Comparative Tables of the Social Security Schemes in the Member States of the European Communities. (1962-2004, 9,250 p.)

Series: Note d'information. (1955-64, 80 items, 6,000 p.); Series "Événements sociaux dans la Communauté". Concerns the European Coal and Steel Community, contains sections on member states; Guides pour les travailleurs migrants. (1960s, 14 items, 600 pp.); Evolution et tendances de la sécurité sociale, 1959. (Eight items, 2,500 p.); Compendium of Community Provisions on Social Security. (1980-83, four items, 1,100 p.); Condition of work for women, series. (Early 1970s, eight items, 1,550 p.); Etudes/studies. (Most 1970s, 50 items, 8,000 p.). Social policy series. Sample titles: The Organization, Financing and Cost of Health Care in the European Community. Problems and Prospects of Collecting Bargaining in the EEC Member States. The Cost of Hospitalization; Micro-economic Approach to the Problems Involved. Pharmaceutical Consumption: Trends in Expenditure; Main Measures Taken and Underlying Objectives of Public Intervention in this Field. L'information relative aux revenus et aux patrimoines dans les pays de la Communauté. Les incidences économiques de la sécurité sociale; Documents series. (Most 1980s, 50 items, 9,000 p.). Sample titles: The Social Aspects of Technological Developments Relating to the European Machine-tool Industry – Final Report. Medicine: Statistics of Smoking in the Member States of the European Community. Linguistic Minorities in Countries Belonging to the European Community. Les accords de technologie en Belgique. The Specific Training Needs of Immigrant Women: Existing and Recom-

mended Measures to fulfill Them. The Re-insertion of Women in Working Life: Initiatives and Problems. Non-salaried Working Women in Europe: Women Running their own Businesses or Working Independently – Women Involved in their Husbands' Professional Activity; Social Europe. (1983-97, 180 items, 25,000 p.). Serial, with supplements, three times a year, on employment, equal treatment, health and security, etc.

Individual documents: Evolution et tendances de la sécurité sociale. (1959, 2,500 p.); Formation professionnelle des travailleurs qualifiés dans les pays de la C.E.E. (1962, 810 p.); Conférence européenne sur la sécurité sociale. 2 vols. (1962, 1,125 p.); Social Policy of the EEC Commission: A General Survey: Achievements and Trends at the End of 1967. (100 p.); The EEC on the Eve of the Customs Union. (1968, 110 p.); Privatisation et sécurité sociale – rapport pour la Commission des Communautés Européennes. (1986, 350 p.).

Equal Opportunities

Serials: Equal opportunities annual report. (1996-99, 100 p.); Annual reports on equal pay for men and women. (1960-80, 1,040 p.); Women of Europe Newsletter. (Late 1970s to mid 1990s, 14,000 p.). Covers wide variety of social and economic issues.

Individual documents: L'emploi des femmes et ses problèmes dans les états membres de la communauté européenne - Sullerot report. (1973, 245 p.); also abridged version, The employment of women and the problems it raises in the [community]. (55 p.).

Energy and Transport

The collection for energy includes about 170,000 total pages; about 40,300 pages are listed here. The collection for transport includes about 206,000 total pages; about 16,700 are listed here.

Energy

Serials: Energy in Europe. (1985-present, 18,000 p.). Includes volumes on topical issues, plus Annual Energy Review; La conjoncture énergétique dans la Communauté/The Energy Situation in the Community. Situation and Outlook. 1962-84, 1,500 p.).

Series: Energy, series. (1970-1980s, 70 items, 20,000 p.). Sample titles: Economic Activity and Energy Demand – Link to Energy Flow; Example: France. (1980, 106 p.); Input-Output and Energy Demand Models for Ireland: Data Collection Report. (1981, 90 p.); A Dynamic Energy Model for the Countries of the European Communities: Simulation as an Instrument



for Energy Planning. (1978, 260 p.); Method of Calculating the Cost of Electricity Generation from Nuclear and Conventional Thermal Stations. (1982, 85 p.).

Individual documents: The Community Oil Sector Medium-term Forecast and Guidelines. (about 1980, 80 p.); Prospects of Primary Energy Demand in the Community (1975 – 1980 – 1985). (1972, 125 p.); Problems, Resources and Necessary Progress in Community Energy Policy 1975-1985. (early 1970s, 55 p.).

Transport

Serials: Market for Solid Fuels in the Community. (1983-99, 1,100 p.); Trans-European Networks. (1990-2000, 300 p.).

Series: Etudes/Studies. Transport Series. (1965-82, nine items, 1,250 p.); Europa Transport – Market developments. (1980s, 50 items, 3,550 p.). Focuses on "...statistical information on the international intra-Community transport of goods collected under the "Market Developments" reports"; Transport Research. (1996-98, 55 items, 10,000 p.).

Individual documents: Rapport sur la situation de l'infrastructure et du parc des transports dans la communauté. 1961-2. (Three items, 370 p.); European Transport: Crucial Problems and Research Needs – A Long-term Analysis. (1982, 110 p.); Employment in Europe 1996: Analysis of Key Issues. (1997, 61 p.).

Enterprise and Industry

Enterprise and industry includes areas such as industrial policy, businesses, innovation, and regulation. This is a highly interdisciplinary area. The main policy areas here are enterprise policy, entrepreneurship, industrial policy, competitiveness and innovation, and some of these are closely related to employment and social affairs. The collection includes about 280,000 total pages; about 101,200 are listed here.

Serials: Panorama of EC Industry: An Extensive Review of the Situation and Outlook of the Manufacturing and Service Industries. (1989-97, 8,600 p.); Shipbuilding industry annual report. (1978-88, 300 p.); The European Aerospace Industry – Trading Position and Figures. (1973-97, 960 p.); Annual Reports of the European Observatory for SMEs. (1993-8, 2,500 p.); TARIC (Integrated Tariff of the European Communities). (1984-2000, 42,000 p.). Designed to show the various rules applying to specific products when imported into the Community; Common Customs Tariff. (1961-2004, 24,000 p.).

Series: Etudes/Studies. Industry series. (1971-75, 18 items, 4,500 p.).

Individual documents: Industrial Policy in the Community. (1970, 400 p.); Industrial Policy in the Community: Memorandum from the Commission to the Council. (1970, 385 p.); Stage reached in Work on Industrial Policy in the Community. (1972, 50 p.); Prospects for Industrial Research in the European Economic Community. (1973, 210 p.); Industrial Innovation: A Guide to Community Action, Services and Funding. (1984, 125 p.); Operations of the European Community concerning SME Practical Handbook 1986. (225 p.); Meeting the Global Challenge: Establishing a Successful European Industrial Policy. (1992, 155 p.).

Environment

The Community expressed its first formal interest in environmental policy in the early 1970s. Despite this relatively late start, there is a good deal of research on various aspects of the environment since the 1970s. The collection includes about 210,000 total pages; about 46,900 pages are listed here.

The term "environment" is highly interdisciplinary; here the term will be used broadly, including areas such as environmental policy, environment and health, pollution, and occupational health and safety.

Serials: European Topic Centre reports on air emissions, inland waters, nature conservation, air quality, and land cover. (1995–, 13,300 p.).

Series: Six successive Environmental Action Programmes (1973-present) are listed under the Health and Consumer Protection policy area below; Environment and Quality of Life, series. (1970s-1990s, 130 items, 20,000 p.). Sample titles: Noxious Effects of Dangerous Substances in the Aquatic Environment. (1978, 600 p.); Levels of Pollution of the Environment by the Principal Pollutants. (1977, 120 p.); Study of the Techniques for the Determination of the Enteric Viruses. (1978, 125 p.); Control of Nitrogen Oxide Emissions from European Cars. (1978, 155 p.); The European Communities Research Project on Open-top Chambers – Results on Agricultural Crops 1987-1988. (1989, 175 p.); Agriculture and Environment: Management Agreements in Four Countries of the European Communities. (1987, 230 p.); Identification and Quantification of Atmospheric Emission Sources of Heavy Metals and Dust from Metallurgical Processes and Waste Incineration. (1987, 110 p.); Community Water Quality Policy for the Nineties. (1989, 10 p.); Bilan des connaissances et des applications



de l'agriculture biologique et intérêt pour l'agriculture communautaire. Situation des pays de la CEE. (1989, 615 p.). Two volumes cover 12 member states; Environmental Issues Series. (1997--., 3,500 p.).

Additional series: Organic Micropollutants in the Aquatic Environment: Proceedings... The European Commission hosted 6 symposiums between 1978 and 1990 (Six items, 2,800 p.). Typical themes: partitioning of organic pollutants in the aquatic environment; monitoring micropollutants; novel analytical techniques in environmental chemistry; chemical and photochemical oxidation; Ecosystems Research Report series. (1991-99, 30 items, 3,000 p.). Sample titles: Fire in Mediterranean Ecosystems; Introduced Species in European Coastal Waters; Global Change in Europe's Cold Regions.

Individual documents: there are also literally hundreds of individual titles on various aspects of the environment. One could trace individual themes through many of these. Sample individual titles:

Inventaire des dispositions législatives, réglementaires et administratives relatives à la lutte contre la pollution des eaux de surface, en vigueur ou projetées dans les états du parc de C.E. (1974, 380 p.); Non-organic Micropollutants of the Environment. Volume 1 – General Presentation; Volume 2 – Detailed Listings of Levels Present in the Environment. Volume 3 – Synthesis of Data. Volume 4 – Methods of Analysis. Report of a Working Group of Experts. (1974, 680 p.); Europe's Environment: The Dobris Assessment. Also follow-up Second Assessment. (1995, 1998, 1,100 p.); Protecting Europe's Environment. The Environmental Policy of the European Community. (1992, 20 p.).

Health and Consumer Protection

Health includes areas such as public health, industrial health, diseases (both non-and communicable), mental health, health and the environment, and food safety. Health and consumer protection did not take a prominent place on the Community political agenda until the 1990s. Nevertheless, there is considerable material available on the environment and health and industrial health from the 1970s. The collection includes about 35,000 total pages; about 23,450 pages are listed here. Concerted Community action in the field of consumer affairs began in the 1990s, as an aspect of the Single Market. Consumer policy includes areas such as consumer education, protection, and rights. The collection includes about 22,000 total pages; about 1,730 pages are listed here.

Serials: Information Bulletin of the Steel In-

dustry Safety and Health Commission. (1970-81, 650 p.). Focus on conditions and accident prevention; Annual reports on safety, hygiene and health at work. (1975-late 1990s, 800 p.).

Series: The Community has published a great deal on environmental and industrial health issues. The effect of the natural environment on human health has been a major concern of the European Community (EC) since the 1970s. The EC has sponsored a series of environmental research and action programs, which were aimed at providing scientific and technical information and support to the European Community policy on the environment. Under these programs, the Community supplied grants for varied research programs. First Environmental Action Programme 1973-1976 (465 p.); Second Environmental Action Programme 1977-1981 (1,950 p.); Third Environmental Action Programme 1982-1986 (500 p.); Fourth Environmental Action Programme 1987-1992. (500 p.); Fifth Environmental Action Programme 1993-2000. (500 p.); Sixth Environmental Action Programme 2002-2012. (500 p.); International Symposium: Proceedings; Recent Advances in the Assessment of the Health Effects of Environmental Pollution, Paris, 24-28, 1974. 4 volumes. (2,550 p.). Co-published by Commission of the European Communities, World Health Organization, and United States Environmental Protection Agency; Indoor Air Quality & Its Impact on Man reports 1-19. (1988-97, 1,000 p.); Industrial Health and Safety pamphlets. (1977-80, 10 items, 1,750 p.); Report of the Mine Safety Commission/Report of the Mine Safety and Health Commission. (1957-82, 25 items, 10,000 p.). Contains wide variety of expert reports, evaluations, and statistics; Health in mines: Synthesis Report on Research in the Third Programme 1971-1976. (214 p.).

Individual documents: The Organization, Financing and Cost of Health Care in the European Community. (1979, 161 p.); National Health Survey Systems in the European Economic Community. (1977, 160 p.); The Improvement of Safety and Health of Workers at Work. (1993, 300 p.); Hardness of Drinking Water and Public Health. Proceedings of the European Scientific Colloquium, Luxembourg, 1975. (560 p.); Public Health in Europe. (1997, 195 p.); The State of Women's Health in the European Community. (1997, 135 p.); European Guidelines on Quality Criteria for Diagnostic Radiographic Images in Paediatrics. (1996, 61 p.); European Protocol on Dosimetry in Mammography. (1996, 76 p.); European Guidelines for Quality Assurance in Mammography Screening. 2nd. (1996, 210 p.); Europeans and Cancer Prevention: Food Consumption Habits, Smoking and Can-



cer Screening for Women. (March-April 1988). (120 p.); Some like it "light": Women and Smoking in the European Union. European Report. (1999, 75 p.).

Consumer Protection

Individual documents: The Judicial and Quasi-judicial Means of Consumer Protection. Symposium. (1975, 320 p.); After Sales Service in the EEC. (1976, 275 p.); Consumer Protection and Information Policy. First Report. Also Second Report and Third Report. (1977, 1979, 1981, 230 p.); Proceedings of the Symposium of Consumer Organizations on 2 and 3 December 1976. (125 p.); The Consumer Organizations and the Public Authorities. (1977, 65 p.); Food Additives for the Consumer. (1980, 54 p.); A New Impetus for Consumer Protection Policy. (1985, 30 p.); Ten Years of Community Consumer Policy: A Contribution to a People's Europe. Document. (1986, 120 p.); Withdrawal and Recall of Dangerous Products in the European Community and the Member States. (1986, 80 p.); Individual Choice and Higher Growth: The Aim of Consumer Policy in the Single Market. 1st. Also 2nd. (1989, 130 p.); European Consumer Guide to the Single Market. 1st, 1994 and 2nd, 1995. (440 p.).

Internal Market and Services

Internal market covers areas such as measures designed to promote the free movement of people, goods, capital, services, and the business environment. The Community has always been active in various aspects of the common market; activity increased during the 1980s in anticipation of the Single Market/Internal Market. The collection includes about 105,000 total pages; about 54,000 pages are listed here.

Serials: Report on Community Measures Affecting Tourism. 1992-2002, 750 p.); Completing the Internal Market. (1986-96, 6,500 p.); Inventory of taxes levied... (1965-93, 10,000 p.). These are comprehensive inventories of taxes levied by central government and local authorities; Bulletin statistique de la Communauté européenne du charbon et de l'acier, haute autorité. (1952-61, 15,000 p.). Concerns the European Coal and Steel Community. Various languages; Informations statistiques. (1953-59, 5,000 p.). Monthly. Concerns the European Coal and Steel Community. Information varies monthly, covers wide variety of topics, such as: trade between member states; industrial production; movement of workers; price structures and movement; salaries; social conditions; Research on the "cost of non-Europe." 16 volumes. (1986-88, 7,000 p.). Study designed to "establish the cost of the present market fragmentation of the European Community and thus, the potential benefit

to be derived from the removal of market barriers."

Series: Single Market Review. Thirty-eight volumes plus survey. (1997, 9,500 p.).

Individual documents: Les aspects économiques de la liberté d'établissement et de prestation de services dans la Communauté économique européenne. Conférence internationale...9 et 10 juin 1967. (220 p.).

Regional Policy

Regional policy was first put in place in the early 1970s, with the creation of the European Regional Development Fund. The collection includes about 70,000 total pages; about 19,600 pages are listed here.

Serials: Annual Report of the Cohesion Fund. (1993-99, 1,800 p.); European Regional Development Fund. (1973-98, 1,700 p.); Annual Report on the Structural Funds. (1990-99, 2,000 p.).

Series: Studies. Regional Policy Series. (1980s, 4,000 p.). Sample titles: Study of the Regional Impact of the Community's External Trade Policy. (1984, 124 p.); Integrated Development of Mountain Areas: The Alpine Region. (1981, 90 p.); The Role of the Tertiary Sector in Regional Policy: A Comparative Study. (1980, 230 p.); Regional Development Studies, series. (1992-99, 8,000 p.). Research studies on various aspects of regional development. Sample titles: The EU Compendium of Spatial Planning Systems and Policies: France. (2000, 150 p.); The Impact of Economic and Monetary Union on Cohesion. (2000, 94 p.); The Prospective Development of the Northern Seaboard. (1995, 200 p.); Programmes: Regional Development Programme, _____, 1977-1980. (1978-9, six items, 900 p.). Regional Policy Series. One general, others on Denmark, Ireland, Luxembourg, Netherlands, United Kingdom; Regional development Programme (second generation), 1981-85. (Six items, 1,100 p.). On Belgium, Denmark, Germany, Greenland, Ireland, Luxembourg, four French, two English.

Individual documents: A Regional Policy for the Community. (1969, 260 p.). Also in French; Documents de la Conférence sur les économies régionales. Two volumes. (1961, 675 p.); La politique régionale dans la Communauté économique européenne. (1964, 405 p.); Regional Development in the Community: An Analytical Survey. Also in French. (1971, 315 p.); Regional Economic Structures and Policies in Denmark, Ireland, Norway and the United Kingdom. (1972, 210 p.); Relocation of Economic Activities traditionally located in the Copenhagen Area. Final report. (1978, 230 p.).



Series, Internal documentation on regional policy in the Community; Europe 2000: Outlook for the Development of the Community's Territory. (1991, 210p.).

Research

The Community's research policy was formally initiated in the 1970s—since then there have been successive research framework programs. The collection includes about 240,000 total pages in this area; about 34,100 pages are listed here.

Serials: The Community's Research and Development Programme on Radioactive Waste Management and Storage: Annual Progress Reports. (1989-93, 3,000 p.); Industry Research and Technology. Weekly. (1969-71, 6,000 p.); The European Report on Science and Technology Indicators. (1994, 1997, 2003, 2,000p.).

Series: Science and Technology Policy series. (Twelve items, 6,000 p.). Sample titles: The Evaluation of Research and Development: Recommendations and Main Contributions. (1979, 460 p.); The Evaluation of Research and Development: Summary of the Recommendations and Main Contributions. Two volumes. (1979, 550 p.); The Comparison and Coordination of National Policies and Programmes in the Energy Research and Development Sector. (1978, 185 p.); Research and Development series. (1960-70s, 4,000 p.). Sample titles: Public Financing of Research and Development in the Community Countries 1967-1970: Analysis by Objectives. (1970, 140 p.); La recherche industrielle alimentaire dans les pays de la Communauté européenne. Two parts. (1,000 p.); Etude sur les modalités de gestion des crédits de recherche: rapport de synthèse. (1972, 50 p.); Utilization of the Results of Public Research and Development in _____. On Member States. (1989, 2,000 p.); Research on Raw Materials/ Research on Secondary Raw Materials. On minerals, aluminum, waste disposal, etc. (1979, 9,000 p.).

Individual documents: Recherche – développement et concurrence dans les Communautés européennes du parc Colloque internationale...Grenoble les 16 et 17 avril 1970. (340 p.); The Europe plus Thirty Report. (1974, 500 p.). Forecast of future of fields of science and technology; Industrial Food Research in the Countries of the European Community. (1975, 360 p.); Evaluation of the Community's Environmental Research Programmes (1976-1983). (1986, 255 p.). Research Evaluation Report No. 14; Evaluation of the Community's Medical and Public Health Research Programmes (1980-1986). (1986, 50 p.). Research Evaluation Report No. 15; Evaluation of the Community's

Primary Material Raw Materials Programmes. (1986, 255 p.). Research Evaluation Report No. 16; Interdisciplinary Research in the Mediterranean Sea: A Synthesis of Scientific Results from the Mediterranean Targeted Project (MTP) Phase I 1993-96. (1997, 344 p.).

External Relations

The major categories in external relations include: general category (which includes the political status of the Community, or its ability of its Member States to act as a unit), focusing on relations with third countries; development; external trade. In the first decades of Community existence, economic affairs and internal development were more important than the political status of the Community. But with the Maastricht Treaty, new emphasis was put on the political status of the Community. Development policy was an important part of external relations since the 1970s. Trade policy has been a consistent concern for the Community since the 1950s. There are about 195,000 total pages in the general collection; about 61,500 pages are listed here. There are about 170,000 total pages in the development collection; about 59,400 pages are listed here. There are about 5,000,000 total pages in the external trade section, and nearly all are listed here.

General

Serials: Convention on International Trade in Endangered Species of Wild Fauna and Flora. (1984-99, 7,000 p.).

Series: Europe Information-External Relations. (1978-89, 1,300 p.); Association and cooperation agreements linking EU with non-member states. (1984-88, 50,000 p.). Sample title: 14-volume annual on the relations between the Community and Turkey; the last volume in the series is entitled Association between the European Economic Community and Turkey. Fourteenth Annual Report of the Association Council to the Parliamentary Committee of the Association. report (1965-78, 1,960 p.).

Individual documents: The European Community, International Organizations and Multilateral Agreements. (1977, 1980, 1983, 850 p.); Relations between the European Community and International Organisations. (1989, 375 p.).

Development

Serials: Report on the Implementation of Financial and Technical Assistance to Asia and Latin America. (1979-98, 700 p.); Annual review of aid given by the EU to ACP countries. (1982-2000, 1,260 p.); Europe Information-Development. (1978-92, 1,930 p.); An-



nual Report of the ACP-EEC Council of Ministers. (1977-2000, 1,750 p.); Report to the ACP-EEC Council of Ministers on the Implementation of Financial and Technical Assistance. (1967-89, 1,800 p.); Four Lome Conventions, 1975-2000. (3,000 p.). Acts, agreements, texts, etc.; Ten Years of Lome: A Record of ACP-EEC Partnership, 1976-1985: Report on the Implementation of Financial and Technical Cooperation under the First Two Lome Conventions. (1986, 63 p.); Report from the Commission on the Operation of the Export Earnings Stabilisation System. (1977-99, 800 p.); PHARE – Report on the Implementation of Financial Assistance to the Countries of East and Central Europe. (1991-99, 380 p.); Commission Report on Cooperation with European Non-governmental Organizations (NGOs) in Fields concerning Developing Countries. (1978-89, 1,500 p.); The Courier. (1973-98, 24,000 p.). Monthly magazine on developments in ACP countries; Bulletin d'information – Produits et commerce des pays en voie de développement. (1964-71, 700 p.); European Development Fund pamphlets on African countries. (1960-75, 60 p.).

Series: Etudes/Studies. (1963-79, 1,900 p.). Most on economics or production in developing areas; Series on Structural Economics and Industrial Studies on Developing Countries. (Early 1970s, 4,200 p.). On Africa; Possibilités de création d'industries exportatrices dans les états africains et malgache associés. (1974, 6,000 p.); Possibilités d'industrialisation des états africains et malgache associés. (1966-67, 5,600 p.); Les conditions d'installation d'entreprises industrielles. (1972-74, 4,500 p.). On countries.

Individual documents: Document du travail sur la situation et la structure politiques administratives et économiques des Pays et Territoires d'Outre-Mer associés à la Communauté (établi à l'intention des membres de l'Assemblée Parlementaire Européenne). (1958, 55 p.); Le rôle de l'aide publique des Pays de la CEE dans l'aide mondiale aux Pays en voie de développement (1962-1966). (55 p.); Memo de statistiques - Pays et Territoires non-européennes des états membres de la CEE-Année 1959. (255 p.); Rapport sur la situation social dans les pays d'outre-mer associés à la Communauté économique européenne. (1960, 255 p.); Memorandum on a Community Policy on Development Cooperation. Synoptic and Programme for Initial Actions. (1972, 305 p.).

Trade, external

Serials: Foreign Trade Analytical Tables. NIMEXE Imports. NIMEXE Exports. (1976-92, 5,000,000 p.).

Series: Practical Guide to the Use of the European Communities' Scheme of Generalized Tariff Preferences. (1976-86, 3,500 p.); GATT multilateral trade negotiations. (1979, 850 p.). European Commission report to Council on negotiations.

Documents on Scientific and Technical Topics

The European Atomic Energy Community (EURATOM), which merged into the European Communities in 1967, produced a massive amount of documentation (about 2,006,000 pages). Most EURATOM publications are of a strictly scientific and technical nature which are of little use to administrative or policy areas. The major research focus was on the peaceful development of nuclear energy. The EUR series contains the bulk of this technical and scientific literature, which is in various languages. One serial is Transactions of the International Conference on Structural Mechanics in Reactor Technology. 1st-8th conferences. (1972-85, 32,000 p.).

Phil Wilkin is bibliographer for West European Studies and curator of European Union Archival Collection at the University of Pittsburgh



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