



## EUROPEAN UNION STUDIES ASSOCIATION

Vol. 18, No.2 ISSN 1535-7031  
Spring 2005 www.eustudies.org

# EUSA REVIEW

### The European Constitutional Compromise

AS RATIFICATION OF THE TREATY establishing a Constitution for Europe is proceeding and heated debates are taking place in the context of referendum campaigns, some politicians, including former Europhile prime ministers in France have argued that they will vote “no” because the treaty is not ambitious enough while others believe a “no” vote means reining in an emerging “superstate.” The treaty is in fact modest, given constitutional value to past incremental developments. Could we expect a different outcome? In this issue Andrew Moravcsik provides an answer: “What we see now is what we get” and the “EU has reached a plateau.” He explores the reasons that may explain that we may be witnessing a moment of stable political equilibrium. And he makes an additional argument that is quite relevant to the current referenda debates in European public spheres: the current constitutional promise is democratically legitimate. Andrew Moravcsik presented this article at a conference that EUSA co-organized at Princeton University this fall.

*-Virginie Guiraudon- EUSA Forum editor*

### The European Constitutional Compromise *Andrew Moravcsik*

IN EUROPEAN POLICY-MAKING TODAY there exists a tension between rhetoric and reality—a tension that makes this an appropriate moment to take stock of European integration. Over the past half-century the European Union has successfully expanded its substantive mandate and institutional mechanisms until its scope, institutions and overall significance are without parallel among international organizations. Tariffs, quotas, and most customs barriers within Europe have been all but eliminated. In regulatory areas such as environmental policy, competition, agricultural, and industrial standardization policy, the EU is a dominant regional and global force. Similarly the EU is a bone fide superpower in the area of global trade. The European Court of Justice has established the supremacy of EU law, the right of individuals to file suits, and constitutional review for consistency with the Treaty of Rome, which is binding through the near-uniform acceptance of its decisions by domestic courts. The powers of the directly elected European Parliament have steadily increased

over the past decade. The European Commission enjoys exceptional autonomy among international secretariats. Under the aegis of the European Council, thousands of meetings among national officials, ministers and heads of state and government are held annually, resulting in hundreds of pieces of legislation.

Since in the 1950s, this spectacular record of growth and achievement has sparked controversy. Over the years, analysts invoke concepts like the “Monnet method,” “neo-functionalism,” “spillover,” and the ‘bicycle theory.’ According to this view, held by Jean Monnet and theorized by Ernst Haas, integration begets integration through an essentially unbounded process of spillover. From the perspective of Euro-enthusiasts, this is desirable, since if integration ceased, the ‘rider’ might fall off and progress to date will be lost. Eurosceptics, led by British and American conservatives, warn of the rise of a ‘superstate’ in Brussels run by democratically illegitimate technocrats—a ‘bureaucratic despotism’ recalling the ancien regime in France and, in a few more extreme formulations, the Nazi dictatorship in Germany.

Over the past two decades, bitter battles between Euro-enthusiasts and Euro-sceptics have grabbed headlines and tempted political entrepreneurs. Yet these battles disguise broad agreement on two fundamental assumptions. First, something akin to a federal nation-state is the natural outgrowth of current developments in Europe, as substantive issues demand ever more centralized solutions. Second, in order to be legitimate such a federal state must be substantially more democratic—that is, more accountable to popular majorities than the EU is today. It was on the basis that the Amsterdam and Nice treaties, and the recent draft constitution, were negotiated; it is on a different understanding of these same two points that Euroskeptics have opposed their negotiation and ratification.

Yet, as is so often the case in ideological debates, the middle is missing. For what is most striking about the last 15 years of constitutional change in the EU is the conservatism of the result. Voting weights and the structure of the Commission have been adjusted, the use of qualified majority voting and the prerogatives of the Parliament have been expanded at the expense of the Commission, and the EU has reinforced essentially intergovernmental cooperation (mostly outside the core “first pillar” of EU institutions) in a number of areas, including immigration and foreign(continued on p.3)

## EUSA Review

The *EUSA Review* (ISSN 1535-7031) [formerly the *ECSA Review*] is published four times yearly by the European Union Studies Association, a membership association and non-profit organization (founded in 1988 as the European Community Studies Association) devoted to the exchange of information and ideas on the European Union. We welcome the submission of scholarly manuscripts. Subscription to the *EUSA Review* is a benefit of Association membership.

© 2005 European Union Studies Association

The European Union Studies Association®, Information and Ideas on the European Union®, State of the European Union®, and [www.eustudies.org](http://www.eustudies.org)® are all registered trademarks of the European Union Studies Association, Inc.

### Managing Editor

Joseph A. Figliuolo

### Forum and Features Editor

Virginie Guiraudon (European University Institute)

### Book Reviews Editor

R. Daniel Kelemen (University of Oxford)

### Editorial Assistant

Shannon Speakman

### 2003-2005 EUSA Executive Committee

GEORGE ROSS, Chair (Brandeis University)

JOHN T. S. KEELER\*, Vice-Chair  
(University of Washington)

KAREN ALTER, Secretary  
(Northwestern University)

JEFFREY ANDERSON, Treasurer  
(Georgetown University)

GRAINNE DE BURCA\* (European University  
Institute; New York University)

VIRGINIE GUIRAUDON\*  
(European University Institute)

SOPHIE MEUNIER\* (Princeton University)  
(\* Term runs 2003-2007)

ALBERTA SBRAGIA (University of Pittsburgh)  
*Ex Officio*

### Immediate Past Chair (2001-2003)

MARTIN A. SCHAIN (New York University)

### European Union Studies Association ®

415 Bellefield Hall

University of Pittsburgh

Pittsburgh, PA 15260 USA

Web [www.eustudies.org](http://www.eustudies.org) ®

E-mail [eusa@pitt.edu](mailto:eusa@pitt.edu)

Facsimile 412.648.1168

Telephone 412.648.7635

## From the Chair

### George Ross

This is an eventful moment for the EU. Crunch time has come for the Constitutional Treaty. As I write, the French seem ever-so-slightly leaning toward a “*petit oui*,” as are the Dutch, with only days remaining, but, as my cautious colleagues note, they remain within the “margin of error.” What then from the Poles and the British? On the first anniversary of the 2004 enlargement the Press spoke often of a letdown in public opinion about the EU in the new member states. The Services Directive has been given back to the Barroso Commission for revamping, the same team that has just reconfigured the Stability and Growth Pact, albeit not very clearly. The European economy, excepting those countries outside EMU and a few other, small, overachievers, is mired in stagnation while the rest of the globalizing world proudly steams forward. The word “crisis” is thus being bandied about even more than usual. This should indicate to us that things are even more interesting than usual. How interesting they are was amply demonstrated at our recent conference.

Even die-hard Blue-staters like myself found Austin a delightful and comfortable discovery, with good food, music, the Texas hill country, even early evening bat brigades. Mark Pollack and the program committee worked hard and thoughtfully, and it really showed. Gentle but thoroughly competent administration by Joe Figliuolo and his team set new high standards. I attended as many panels as time allowed and found every one intellectually first class, with good papers and smart discussion. Among other things that struck me: the extraordinary talk by our lifetime award honoree Eric Stein; seamless interactions among Europeans, North Americans, and others; *en masse* arrival of a younger generation of EU scholars with sophisticated theories, empirical knowledge, and sharp research agendas; the multi-disciplinarity of program offerings. The last panel, headlined by Professors Hix, Moravcsik, and Sbragia (Marks was scheduled but not feeling well), prompted an appropriately lively debate in which the entire room participated. I found Andy Moravcsik’s final injunction that our success at penetrating the institutional and policy mysteries of the EU may have led us to lose some focus of the EU’s larger meanings very much to the point. We have two years to rise to Andy’s challenge! The date of our next Conference, spring 2007, will coincide with the fiftieth anniversary of the Treaties of Rome. That we will then convene in Montreal, Quebec, a splendidly convivial place to visit, think, eat, enjoy, and test our French, should help.

Being Chair of EUSA is an easy and pleasurable job. I say this mainly to reassure John Keeler, our new chair as of June 1, 2005. John is a real pro and will push us all in important new directions. He can count on a (*continued on p. 22*)

(continued from p. 1) policy. Yet when all is said and done, the expansion in substantive policy coordination has been modest. Taken together, all the institutional changes aimed at deepening the EU undertaken since the Maastricht Treaty of 1992 have not had as much impact as the process of enlargement—and even the latter has not generated fundamental institutional change or a decisive expansion in the substantive scope of policy-making under the “Community method.”

Perhaps, then, we are starting to glimpse the “European Constitutional Compromise” (or, if you are British, “constitutional settlement”) that is the logical endpoint of European integration for the medium-term. The EU appears to have reached a plateau. It may expand geographically, reform institutionally, and deepen substantively, but all this will take place largely within existing contours of European constitutional structures. What we see now is what we get. My central contentions here are that this arrangement is truly stable, due to the lack of functional pressures and institutional opportunities, and that the result is arguably a democratically legitimate form of constitutional governance.

### **The Functional Scope of the European Union**

The main impetus toward European integration has traditionally been functional. Major steps forward in the development of European institutions have traditionally rested on “grand projets” such as the customs union, common agricultural policy, single market, single currency, or Eastern enlargement. (This is true, if we are to believe prevailing neo-functional theories of judicial expansion, even in the case of the striking assertion of ECJ supremacy and autonomy.) In each case, the pressure to manage substantive policies stemming from new forms of regional interdependence motivated governments to make new institutional commitments.

Yet perhaps the most striking characteristic of the EU as a constitutional system is its limited substantive scope of its mandate. Certainly its role is far more limited than most commentators think. The limited nature of the mandate for EU policy-making under the existing constitutional compromise demonstrates why this is so. Current European policy-making can be divided into three categories. One contains areas of EU discretion or strict rules: monetary policy, anti-trust policy, and restrictions on internal tariffs and quotas. The second contains areas of joint decision-making by EU member states within common institutions. These include external trade policy, industrial standards, agricultural policy, various economic regulatory matters, certain rules regarding establishment, investment and service provision, and (between Strasbourg and Luxembourg) basic human rights. Finally, there are areas essentially untouched by direct EU policy-making, including taxation, fiscal policy, social welfare, health care, pensions, education, defense, active cultural policy, spending, and most law and order.

Today none among the latter policies that remain national appears a promising candidate for communitarization. The

single market has been declared complete, though incremental expansion continues. In other areas—defense policy, immigration and asylum, law and order, fiscal policy, social policy, even indirect tax harmonization, should it come to pass—EU policy plays a subordinate role. EU policy in these areas tends to proceed by unanimity, with a subordinate role, if any, for the Commission, Parliament and Court.

The limited substantive scope of the EU is, in many respects, disguised by the existing literature on the EU. Literature on EU policy-making focuses, understandably, on areas of intense EU activity. There is, for example, a considerable literature on the expansion of EU activity in areas like immigration, social policy, and defense. Yet this is in certain respects misleading. Even in areas where there is considerable progress, it is quite limited. By “selecting on the dependent variable,” EU policy-making literature creates the impression of unbounded expansion of policy-making, whereas we often observe new policy-making only within very limited sphere of policy externalities.

Consider the following tension between rhetoric and reality. Fifteen years ago Jacques Delors famously predicted that someday 80% of economic policy-making in Europe would be centralized in Brussels. This prediction has become a fundamental “factoid” in discussions of Europe, and is often cited as 80% of current lawmaking in all issues in Europe comes from the EU. European government ministers, who often use the EU as an excuse for legislative proposals, have recently argued that 60% of domestic legislation originates with the EU. Recent academic studies demonstrate that the actual number is in fact somewhere between 15 and 20%.

Consider immigration policy. Such cooperation consists largely of “soft” norms for national policies, coordinated activity vis-à-vis third countries, the exchange of data, codification of existing international obligations, and administrative coordination of parallel national policies (such as the granting of visas and passports). This takes place with reduced norms or oversight by the Commission, Parliament or Court, while national governments retain near total discretion in setting rules, deciding individual cases, imposing overall controls on immigration, designing programs to encouraging or inhibiting immigration, and nearly all other discretionary aspects of their status once in EU member states. There appears, moreover, to be little evidence of policy externalities that would give rise to pressures for centralized harmonization of such decisions.

Consider also what many consider to be the area of greatest promise in the EU, namely social policy. This issue has generated an enormous academic literature and considerable political attention, focusing primarily on the innovative “open method of coordination.” EU member states are engaged in OMC, which leads them to exchange information, benchmark policies, and evaluate results. Again, the academic literature is enthusiastic. Leading constitutional lawyers view this process as a striking formal innovation. Leading policy

analysts view it as a fundamental shift in the nature of regulation, if not modern state formation. Leading political philosophers and social theorists view the consensus on social welfare as the central element in an emerging European identity. Leading Socialists view it as the basis for balancing the “neo-liberal” tendencies of the EU. Yet all (to my knowledge) controlled empirical studies of the process of European social policy cooperation agree that its substantive results to date have been extremely modest—if indeed they are present at all. There is some sketchy evidence that governments may have used the information exchange to help plan social reforms, but no solid evidence either of any impact on or policy learning with regard to substantive policy—though some studies point to the ways in which certain governments have improved their administrative procedures, perhaps in part as a result of OMC lessons.

More fundamentally for our concern here, little evidence suggests the existence, viewed from the perspective of the national governments, of an underlying problem of negative policy externalities that an EU social policy could plausibly mitigate. The most sophisticated studies of current social welfare policy point to potential problems of a “race to the bottom” among European governments, but little evidence that such problems exist in the present or are inevitable in the future. As a constraint on social spending, domestic demographic, fiscal and policy constraints weigh larger than regional interdependence or policy-making externalities. Moreover, given that the central issue facing European governments is how to consolidate and stabilize welfare systems in the face of tighter constraints, it is unclear that a European floor under social policy is justified at all. Finally, to the extent that there are policy externalities to social policy, there is no agreement on the distributional implications of such a policy. To take only the simplest aspect, how would a European social policy balance the claims of rich and poor countries? To be blunt, to what extent should European intervention in social policy aim to redistribute wealth toward a German worker and to what extent toward a Polish one? This is why, although there is considerable discussion of social policy in Europe today, concrete progress and proposals are in fact quite modest and scattered. There are areas—the issues of giving notice before employment changes or gender mainstreaming, for example—but few more basic issues of social welfare reform. The area of greatest concern to social democrats, namely fiscal policy coordination, has nothing to do with social policy per se.

### **The Institutional Form of the European Union**

The limited scope of substantive policy-making in the EU is in large part a function of the way the European constitutional settlement has been embedded in EU institutions. Institutional constraints on EU policy today go far beyond the fact that wealthier member states, notably Germany, are less willing than in the past to provide modest side-payments to

facilitate interstate bargains. Such constraints reside in the very essence of the EU’s institutional structure, which imposes exceedingly tight limits on policy innovation. These make extensive change through everyday policy-making or through constitutional revision unlikely. The EU combines elements of the consensus democracy of the Netherlands, the federalism of Canada, the checks and balances of the US, and the reduced fiscal capacity of Switzerland. The result is an institution that, broadly speaking, does not tax, spend, implement or coerce and, in many areas, does not even hold a legal monopoly on public authority. This limits the issues it can handle, absent a redesign of its structure far more fundamental than anything contemplated at the recent constitutional convention.

The EU has no police, no army, no significant intelligence capacity—and no realistic prospect of obtaining any of these. Even if the most ambitious plans currently on the table in European defense were fully realized, the EU would manage only 2 per cent of European NATO forces—and these forces could be employed only for a narrow range of peace-keeping tasks. Any deployment can take place only with the consent of the home countries—a “coalition of the willing” approach that makes current efforts to create joint European military forces are intergovernmental commitments as consistent with NATO as with the EU. Fiscal constraints will mean some rationalization of defense procurement, yet the EU does not envisage thereby gaining control over military spending. Similarly, although the EU helps to co-ordinate efforts to combat international crime, the structure of national police, criminal justice, and punishment systems remains essentially unchanged—save for some information sharing.

The ability to tax, spend, and redistribute wealth is the pre-eminent activity of the modern state, yet the EU does little of this. Its ability to tax is capped at about 1.3 per cent of the combined GNP of its members—representing only about 2 per cent of the public spending by European national and local governments (as compared to 70% of US public spending by the federal government). EU funds are transfers from national governments, not direct taxation; and their disbursement is directed to a small range of policies like the Common Agricultural Policy, regional funds and development aid—leaving little room for discretionary spending by Brussels technocrats. (Efforts to develop such a capacity were cut back by member states.) Even in areas of the EU’s greatest fiscal activity, most public funding remains national. France is the biggest CAP beneficiary, but national sources provide two thirds of French farm spending—often enough to counteract EU influence where desired. None of this can change without the unanimous consent of the member states.

To be sure, great power resides in the ability to oversee detailed implementation. But who implements most EU regulations? Not the Brussels bureaucracy. For the EU’s employees, which number less than 30,000—of which 4-5,000 are real decision-makers—constitute a workforce no larger

that that of a medium-sized European city. They number about one-fortieth of the civilian federal workforce in the US, a country noted for the small size of federal civilian employment. So the task of implementing EU regulations falls to national parliaments and officials. Thus, while it is hard for such governments to avoid compliance permanently, they can shade it to benefit this or that domestic group, and delay it for years.

The EU is thus condemned in perpetuity to be what one scholar terms a “regulatory polity”—a system with instruments of regulation, but little fiscal discretion. It is similarly condemned not to implement its own regulations. Both aspects are critical because the most important issues that remain in the hands of national policy-makers—issues such as social welfare provision, health care, pensions, defense, education, and local infrastructural policy—all involve both discretionary taxation and fiscal capacity, as well as complex systems of bureaucratic monitoring and implementation.

The EU’s ability to act, even in those areas where it enjoys legal competence, is further constrained by the checks and balances among Brussels institutions. The EU is not a system of parliamentary sovereignty but one of separation of powers, with political authority and discretion divided vertically amongst the commission, council, parliament and court, and horizontally amongst local, national and transnational levels. The Commission must propose (by majority), the Council of Ministers must decide (by supermajority), European parliamentarians must assent (by absolute majority) and, if the result is challenged, the European court must approve. National parliaments or officials must then transpose directives into national law, and national bureaucracies must implement them. Formally, this makes everyday legislation as or more difficult to pass as constitutional revision would be in most advanced industrial democracies. As for constitutional change in the EU, it requires unanimity, often with public ratification, in the member states—a standard higher than any modern democracy except perhaps Switzerland. Such a system is deeply resistant to any fundamental transformation without consensus among a wide variety of actors.

The only salient exception to this rule concerns the actions of the ECJ, whose policy autonomy is in fact expanded by the constraints on EU decision-making. Still the ECJ is itself limited by political and legal constraints imposed by member states, as its recent, more cautious approach to certain problems suggests. In the scholarly literature, much has been made of this area of neo-functionalist policy-making in a sea of intergovernmental agreement. Whereas this exception merits closer attention, it does not fundamentally alter the prognosis for the basic trajectory of the EU’s institutional evolution.

### **The Democratic Legitimacy of the European Union**

Legitimacy has two meanings with regard to the contemporary EU. It is used to designate the extent to which the

EU is consistent with basic democratic principles, and it is used to refer to the level of support and trust among European publics. The conventional view is that the EU has a double legitimacy crisis, and that the second (public support) follows from the first (philosophical consistency). Critics of current EU institutions, both among Europhiles and Europhobes, argue that EU decision-making is both unstable and illegitimate because it is not based on direct democratic consent. For the past half-decade, this has been the most widespread public argument for fundamental constitutional reform of the EU.

It is not hard to see why EU institutions seem democratically illegitimate. Only one branch of the EU is directly elected: the European Parliament (EP). The EP is far weaker than national counterparts, and its elections are decentralized, apathetic affairs, in which a small number of voters select among national parties on the basis of national rather than EU issues. The European Commission is widely perceived as a remote technocracy. The European Court of Justice, with 15 appointed judges, is unusually powerful by European standards. Most powerful amongst Brussels institutions, the Council of Ministers assembles national ministers, diplomats and officials, who often deliberate in secret. On the right of politics, some believe the EU is infringing on personal liberty. On the left, many view the EU as a throwback to the fiscally weak, neo-liberal state of the 19th century—EU directives promote wider and deeper markets, with a limited range of balancing social policies.

Yet recent events in the EU, and in particular the experience of the constitutional convention, suggest the opposite. Neither member states nor populations view the EU as democratically illegitimate—at least not to an extent that leads them to act to redress it. And this tacit consent to the EU is consistent with basic democratic theory.

Let us consider first the abstract democratic theory. As I have argued in detail elsewhere, most critics of the EU’s legitimacy compare it to utopian forms of deliberative democracy. If we adopt more reasonable and realistic criteria—and, in particular, if we compare EU governance to the decision-making procedures of its European member states in dealing with similar issues—then the claim that the EU is democratically illegitimate is simply unsupported by the evidence. This is true for three reasons.

**(1) Indirect Democratic Accountability.** Constitutional checks and balances, indirect democratic control via national governments, and the growing powers of the European Parliament are enough to ensure that EU policy-making is, in nearly all cases, clean, transparent, effective and responsive to the demands of European citizens. Europeanization does not, in this sense, undermine democratic control. Indeed, it is very difficult to point to areas where the EU acts inconsistently with mobilized mass public opinion. Where such opinion is engaged, as on environmental issues, genetically modi-

fied organisms, foreign policy, and other issues, the EU appears responsive. There is no evidence, as I have noted above, that the EU is a primary force behind downward pressure on European social welfare systems.

Cross national studies reveal that its regulatory process is as transparent and open to pressure from interested parties as those of either the US or Switzerland. Its general legislative process is arguably more transparent than those in any of its member states. Its politics are relatively uncorrupt, not least due to the lack of control over discretionary funds.

**(2) Delegation.** Whereas some might object that the EU relies too much on technocrats and judges to resolve essentially political questions involving the sensitive apportionment of cost, benefit and risk. And it is true that some of the most important EU institutions, such as the central bank and constitutional court, are of this type. Yet there is little that is distinctively “European” about this pattern of delegation. It is generally accepted amongst political commentators that the late 20th century has been a period of the “decline of parliaments” and the rise of courts, public administrations and the “core executive”—not least in Britain. Democratic accountability in such bodies is imposed not simply through indirect control through majoritarian institutions, but also through complex systems of indirect representation, selection of representatives, procedural norms, and precise balances among branches of government. The key point for understanding European integration is this: EU judges and technocrats enjoy the greatest autonomy in precisely those areas—central banking, constitutional adjudication, criminal and civil prosecution, technical administration and economic diplomacy—in which many advanced democracies, including EU states, also insulate themselves from direct political contestation.

The functional similarities between delegation in domestic and EU settings suggests that political insulation of certain decisions is no historical accident. Most non-majoritarian institutions have been created in the EU and elsewhere for compelling reasons. Some non-majoritarian institutions are designed to provide greater efficiency and expertise in areas where most citizens remain “rationally ignorant” or non-participatory, as in the case of expert bodies. Other non-majoritarian institutions dispense impartial and equitable justice, rights, and entitlements for individuals and minority groups, as in the case of constitutional courts, which are often seen as defending individual or minority prerogatives against the immediate “tyranny of the majority.” This tendency has spread in recent years as increasing numbers of governmental functions have been recognized as human rights that are judicially or administratively enforced, often at the international level. And some non-majoritarian institutions afford majorities fair and unbiased representation in cases where broader representation is biased. Insulated institutions can help redress biases in national democratic representation, particular where government policy can be captured by narrow but powerful

interest groups who oppose the interests of majorities with diffuse, longer-term, less self-conscious concerns. Free trade is the most obvious example. Many of the same Europeans who criticize the democratic deficit also call for the US to retain “fast track” authority to pass trade liberalization—nothing less than empowering the US executive to act with minimal legislative constraint. In such cases, the EU is more representative of public preferences precisely because it is less directly democratic.

On this account only one EU institution is problematic: the European Central Bank. The ECB enjoys more political independence than any national exemplar, even though the technical (optimal currency area) justification for the bank itself is weaker. This implies that some counterweight to the ECB is

**(3) Deliberation.** The third and most important point about EU democracy is that its non-deliberative qualities are inherent. Some critics concede the existence of limited government and democratic accountability in the EU but nonetheless observe that the European constitutional settlement has failed to promote the transnational political parties, identities and discourses that might help render European political participation meaningful. It is widely assumed among current EU policy-makers that only greater active participation of this deliberative variety can counter increasingly negative public perceptions of the EU. This view is related to widespread support among political philosophers for more “deliberative” or “strong” democracy in the belief that it will reconnect to the political process an apathetic and passive citizenry. In this view, the EU is only a more extreme manifestation of trends that have long been sapping civic virtue and dampening active participation in western democracies.

This view rests on the curious premise that the creation of more opportunities for direct participation or public deliberation would automatically generate a deeper sense of political community in Europe or, at the least, muster greater popular support for EU institutions. As a general claim, there is good reason to doubt that this is the case. In modern democracies, there is in fact no correlation between participation and popularity of political institutions. “Insulated” institutions—constitutional courts, some regulators, police forces—are often the most trusted and popular with the public. Legislatures are generally disliked, to put it charitably. And the EU itself has not increased in popularity with the significant expansion in the powers of the EP over the past five years.

Even if increased participation were desirable, it is highly unlikely to occur. European voters do not fully exploit their current opportunities to participate in existing European elections. Nor have they shown much interest in efforts to include “civil society” in the workings of the constitutional convention. Research suggests that this is not because they believe that their participation is ineffective or that institutions like the EP are unimportant. One is forced to conclude that it

is because they do not care.

Why are they apathetic? The most plausible reason for apathy is that the scope of EU regulatory activity tends to be inversely correlated with the importance of issues in the minds of European voters. Of the five most salient issues in European societies today—health care, education, law and order, pension and social security policy, and taxes—none is primarily an EU competence. Amongst the next ten issues in the minds of the public, only a few (managing the economy, the environment, and the issue of “Europe” itself) could be considered major EU concerns. In contrast, the affairs of the EU—trade liberalization, agriculture, removal of non-tariff barriers, technical regulation in environmental and other areas, foreign aid and foreign policy co-ordination—tend to be of low priority in most European polities. Monetary policy lies somewhere in the middle. In a world without salient issues, new institutional avenues for participation, such as referendums and constitutional conventions, do not necessarily encourage rich deliberation by an engaged population. Instead they lead to unstable plebiscitary politics in which individuals have no incentive to reconcile their concrete interests with their political choices. This is the lesson of referenda on recent treaties. Consider the Irish referendum on the Nice Treaty, in which public opinion shifted by dozens of percentage points in response to offhand statements by the Commission president, driving citizens in one of the countries that benefits most per capita from EU membership to vote against an innocuous document. Ignorance was so great that the slogan “If you don’t know, vote no” carried the day. This is no way to inspire serious democratic deliberation—or a perception of legitimacy. Numerous EU countries now seem set to relive this experience with the draft constitutional treaty.

The recent episode of constitution-making has been, in a certain sense, a grand political experiment to test this proposition. Why was a constitutional convention held? The explicit reason on the part of federalist insiders was the hope that they would circumvent the haggling and vetoes of national states. European federalists—in the old-fashioned Altiero Spinelli sense of the term—hoped finally to realize their dream of an active and engaged pan-European citizenry. Pragmatists hoped to combat rising apathy and cynicism towards the EU by radically simplifying the treaty of Rome, more clearly delineating national and central prerogatives, and creating opportunities for democratic participation. Everyone gambled that an open, web-savvy 21st-century reenactment of Philadelphia in 1787 would engage citizens and politicians of all stripes, sparking an epochal public debate on the meaning and future of the EU.

It was not to be. Two hundred conventionnels came, they deliberated and, 16 months later, little had changed. Few Europeans were aware of the convention’s existence, and only a handful could explain what happened there. Only Eurosceptics paid attention, exploiting public ignorance to breed conspiratorial suspicion. So the task of preparing a

constitutional draft was left, as tasks so often are in EU affairs, to parliamentarians, diplomats and Brussels insiders. No wonder, then, that the resulting document is so conservative: a constitutional compromise that consolidates a decade or two of creeping change. European governments took few steps toward democratizing the EU, beyond a continued expansion of the powers of the EP.

Despite the modesty of the constitutional treaty, politicians are now being forced to pay back their borrowed public support with interest, as they guide the proposed document through national referenda. Of course those who keep the democratic faith will complain that it was precisely because of this that the constitution is viewed skeptically by many—but there is little evidence that this is the case. Instead, in order to give individuals a reason to care enough about EU politics to deliberate intelligently, it would be necessary to give them a stake in creating new political cleavages based on self-interest—as occurred historically in past episodes of democratization. Some have proposed that agricultural support and structural funds should be replaced with a massive redistribution of rights and resources from rich to poor, old to young, and from national citizens to immigrants. Indeed, such schemes would surely succeed in “democratizing” the EU, but only at the expense of its further existence.

### **Conclusion: The Constitutional Compromise**

The multilevel governance system of the European Union is the only distinctively new form of state organization to emerge and prosper since the rise of the democratic social welfare state at the turn of the 20th century. Recent events suggest that it may now have reached, through a characteristically incremental process, a stable political equilibrium. This “constitutional compromise” is unlikely to be upset by major functional challenges, autonomous institutional evolution, or demands for democratic accountability. There is, moreover, an undeniable normative attraction to a system that preserves national democratic politics for those issues most salient in the minds of citizens, but delegates to more indirect democratic forms those issues that are of less concern, or on which there is an administrative or legal consensus. In this respect, the EU is a mature polity, one that—contrary to what analysts from Haas and Monnet to the present have written—no longer needs to move forward to consolidate its current benefits. Analyses of the broader importance of the EU in European politics, global affairs, and democratic theory might usefully start from this premise.

*Andrew Moravcsik is Professor of Politics and Director of the European Union Program at Princeton University.*

place lynne reinner ad here



# Teaching the EU

## Delivering "EU Law & Policy" Over the Web Don C. Smith and Jessica Hogan

"THE ADVENT AND CONTINUED DEVELOPMENT of the internet (or Web) provides a tremendous boon for teachers of the EU. Benefits include the availability of vast new sources of information for use in the classroom or for student projects. The Web provides teachers and students with direct and quick access to official documentation and even policy makers. It also creates new possibilities for teaching courses on the EU, allowing teachers and students to transcend the limitations of distance and time that constrain conventional classroom methods."<sup>1</sup>

### Introduction

The University of Denver Sturm College of Law has offered two European Union-related courses via the internet: "European Union Law & Policy" (EU Law) and "European Union Environmental Law & Policy" (EU Environmental Law). The courses are aimed at educating future American lawyers about the challenges and opportunities represented by European Union legislation and policy-making, a notion that is beginning to take hold as American lawyers realize the increasing importance to their clients of EU legislation.<sup>2</sup>

A key element of the courses is to introduce students - through the use of technology - to some of the nuances and subtleties involved with EU law including its historical underpinnings and present day status. Technology allows the concepts to be focused on - to an extent never before easily possible - with the involvement of European experts from the policy-making, judicial, legislative, executive, and business worlds. Moreover, on-line learning allows for course delivery that addresses multiple learning styles.

### On-line Teaching Generally

The advent of using the internet for teaching has changed the way many educators are approaching their profession. Even the popular press has caught on to this new trend, with the Wall Street Journal suggesting, "[E]ducators are working digital technology into every corner of the curriculum."<sup>3</sup>

The use of online teaching, while not new to university settings generally nor to graduate programs in particular, is expanding rapidly. Universitas 21 Global, a consortium of 16 universities including the University of Virginia in the U.S. and the University of Edinburgh in the EU, began offering an on-line MBA last summer.<sup>4</sup> Moreover, the success of Duke University's Fuqua School of Business on-line MBA offering "has given tremendous credibility to online MBA programs."<sup>5</sup>

*Editor's note: This column is written by members of EUSA's "Teaching the EU" Interest Section. For details about the Section and how to join, please visit [www.eustudies.org/teachingsection.html](http://www.eustudies.org/teachingsection.html).*

There is also the matter of how today's students view the internet in general. In a recent study, 79 percent of students said that their college experience was made more positive by using the internet.<sup>6</sup> For example, nearly six in 10 students said using the internet resulted in improved relationships with professors.<sup>7</sup>

Bearing all of this in mind, there are clearly opportunities as well as risks associated with the on-line delivery of educational courses:

### Opportunities

- Incorporates forms of "active learning." The primary objective of active learning is... "to stimulate lifetime habits of thinking..." as contrasted with forms of teaching relying on more "passive" approaches to learning.<sup>8</sup>
- Ability to "transcend distance and space, by organizing faculty and students in diverse locations into common 'virtual classrooms.'"<sup>9</sup>
- Chance for students to engage in cross-cultural discussions (i.e., with European experts).<sup>10</sup>

### Risks

- Although the costs of replicating and delivering a course may be low, "...[T]he creation of internet education can be very costly and time consuming..."<sup>11</sup>
- Online courses that are "haphazardly thrown together" generally fail.<sup>12</sup>
- The difficulty in assuring student identity<sup>13</sup> (although, when "outside" papers are written for a "on site" course, the potential for the same problem exists).

### Development

In the fall of 2002, the associate dean<sup>14</sup> at the University of Denver Sturm College of Law (COL), first approached us about developing and implementing an on-line course that would focus on EU law. While EU law had been taught at the COL, it had always taken the form of an on-site offering. The plan was to offer the course during the winter interterm - that is between mid-December 2002 and mid-January 2003. Generally speaking, this timeframe is one in which law students have not been offered any courses, much less an on-line offering.

In October and November 2002, the framework for the first on-line offering began to take shape. Ms. Hogan was

responsible for developing the "web platform" while Mr. Smith was responsible for organizing the substantive content for the course. The effort proceeded in tandem and by early December 2002 the course was ready and in mid-December the course began.

### Course Structure

The EU Law and EU Environmental Law courses are based on a "modular system" of presenting and arranging the underlying concepts and associated materials. The courses are organized into a set of modules, each of which considers a specific aspect of the subject at hand. Thus, the December 2004-January 2005 offering of EU Law included these modules:

1. History - From "War" to "Union" and The Transatlantic Relationship
2. Structure and Constitutional Principles of the EU
3. Sources of Community Law; Institutional Framework
4. Decision-Making
5. European Community Court System
6. Methods of Judicial Interpretation; Preliminary Ruling Jurisdiction; Community Law and National Legal Orders
7. Competition Law and Policy

Each module was further organized in the following fashion (this example is from Module 1: History - From "War" to "Union" and the Transatlantic Relationship):

**Module I:** History - From "War" to "Union" and the Transatlantic Relationship

#### Key Themes

1. The search for Europe and European Unification
  - 1.1. European Cooperation
  - 1.2. European Integration
  - 1.3. Enlargement
2. Transatlantic Relationship
  - 2.1. Historically
  - 2.2. Currently

#### Reading Assignment

1. John Fairhurst and Christopher Vincenzi, LAW OF THE EUROPEAN COMMUNITY
  - 1.1. Chapter 1, "An Introduction to the European Communities and the European Union," pp. 3-31
2. Winston Churchill, "The Tragedy of Europe," Sept. 20, 1946, Zurich, Switzerland, <http://euro-know.org/speeches/paperchurchill.html>
3. Martha Neil, "Old Continent, New Deal," ABA JOURNAL, Sept. 2004, pp. 51-56

4. Robert Kagan, "Power and Weakness," POLICY REVIEW ON-LINE, [http://www.policyreview.org/Jun02/kagan\\_print.html](http://www.policyreview.org/Jun02/kagan_print.html)
5. "After Babel, a new common tongue," THE ECONOMIST, Aug. 5, 2004

#### Optional Reading

1. Klaus-Dieter Borchardt, THE ABC OF COMMUNITY LAW (ABC)
  - 1.1. "Introduction: From Paris Via Rome to Maastricht and Amsterdam," [http://europa.eu.int/eur-lex/en/about/abc/abc\\_02.html](http://europa.eu.int/eur-lex/en/about/abc/abc_02.html)
2. Establishing the Marshall Plan, Truman Presidential Museum & Library, [http://www.trumanlibrary.org/whistlestop/study\\_collections/marshall/large/index.php](http://www.trumanlibrary.org/whistlestop/study_collections/marshall/large/index.php)

#### Streaming Audio/Video Assignment

1. "Jean Monnet: Father of Europe," <http://www.law.du.edu/donsmith/eulaw/streamingvideo/eulawstreamingvideo.htm>
2. "Public Opinion in Europe," ONLINE JIM LEHRER PUBLIC BROADCASTING SYSTEM NEWSHOUR, March 17, 2004, [http://www.pbs.org/newshour/bb/national/jan-june04/survey\\_3-17.html](http://www.pbs.org/newshour/bb/national/jan-june04/survey_3-17.html)

#### Writing Assignment

Assignment 1 (covering Module I): The first writing assignment has two parts. First, identify two key events in the history of the European Union. Explain the significance of each event and consider what its impact has been. Second, consider and comment on the relationship between the EU and U.S. since the end of World War II.

Assignment 1 is due not later than Dec. 20, 2004. The writing assignment should be submitted via the "drop box" on the website.

#### Helpful Websites

1. History of the European Union: A Chronology from 1946 to 2003 [http://europa.eu.int/abc/history/index\\_en.htm](http://europa.eu.int/abc/history/index_en.htm)
2. Map of the European Union [http://europa.eu.int/abc/maps/index\\_en.htm#](http://europa.eu.int/abc/maps/index_en.htm#)
3. Glossary of EU Terms <http://europa.eu.int/scadplus/leg/en/cig/g4000.htm>

This organizational approach has been used for several reasons. First, the student sees - right at the beginning - the key themes around which the materials are organized. The purpose of noting key themes is to provide students with a "framework" in which to consider the relevant materials. Second, the reading assignment (arranged in "required" and "optional" categories) is set out with references and links to textual materials, freely available on-line materials, and in the context of this course some materials that are proprietary in

nature (e.g., the article from *The Economist* that is available via Lexis-Nexis.)

Another type of resource, streaming audio and video selections, is also listed and the links provided.<sup>15</sup> In some modules (although not the one mentioned above) video selections have included interviews with key EU figures (e.g., former ECJ Judge David Edward; former member of the European Parliament Richard Balfe) as well as American-based experts (e.g., TR Reid<sup>16</sup>).

Finally, each course includes a series of on-line discussions aimed at encouraging students to consider and comment about current issues within the European Union. For example, in the December 2004-January 2005 course, students were expected to participate in three approximately one-week discussions:

- Current Issues in Europe (e.g., what the admission of Turkey may mean for the EU).<sup>17</sup>
- Transatlantic Relationship.
- Looking Ahead: What Should American Lawyers be Thinking About in Terms of Representing Clients Doing (or Thinking About) Business in Europe.

One discussion in the just finished interterm course was moderated by a Swedish journalist, who examined the status of the Transatlantic Relationship. In earlier courses, discussions have been moderated by a European Commission official, a Canadian lawyer with expertise in Canadian and U.S. anti-trust matters and EU competition matters, and an environmental expert in a London-based think tank. Following last summer's EU Parliamentary elections, academic and business leaders in Germany, the Netherlands, Spain, and the U.K. offered their observations to and fielded questions from the students.

### Assessing Student Performance

A question often posed about on-line teaching is how to assess student performance. In the context of the College of Law on-line offerings several strategies are in place to address this. First, each module generally includes a 1,500 word (footnotes excluded) writing assignment. The writing assignments are graded bearing in mind the following:

- Degree to which the student demonstrates an understanding of the question;
- Citations to relevant supporting materials;
- How well course materials are brought into consideration of the question;
- Degree to which "outside" (i.e., non-required) materials are reflected in the answer;
- Clear and concise writing style; and
- Was the submission on time?

Each assignment is graded and commented on and returned to the students generally two or three days after the due date

for the assignment. When students receive their "comment report," they are also given a short summary of what the professor has deemed the most important concepts. Thus, students can - and often do - improve their performance by noting past mistakes and correcting them in the future.

The second critical component is a student's participation on the discussion board. This participation is a key element in a student's eventual performance since it generally comprises about 20 percent of the total grade.

Finally, most classes include a final paper in which a student analyzes and writes about a specific question.

### Observations: Student Assessment

Taken as a whole, this grading scheme has worked well in providing a complete picture of a student's performance for these reasons:

- A student cannot simply remain "anonymous."
- The on-going series of writing assignments provide a framework in which the professor can point out mistakes, suggest ways to correct errors, and encourage a student to improve his or her performance.
- The writing assignments also allow the professor to see how an individual student is analyzing a particular issue and what extra efforts - if any - the student has undertaken in the research of her or his paper.
- If a student is having trouble with a particular concept, the professor can spot this straightaway and work to address it.
- A student's final grade reflects her or his performance on a series of assignments. Thus, no student's performance - be it good or bad - on one particular assignment will have an undue impact on the final grade.

### Online Course Evaluations

The EU Law & Policy course has been taught online five times:

- Winter Interterm 2002.
- Summer 2003.
- Winter Interterm 2003.
- Summer 2004.
- Winter Interterm 2004.

### Review of the Survey Data

**First online course evaluation** (Winter Interterm 2002). The first course had the most complete online survey and assessment and the summary of that follows:

Overall Results and Comparisons - Key Findings. All of the students who responded to the survey found the website either easy or very easy to navigate. Many of the

students who responded did not use the media-related links (56% said that they did not look at the streaming media). Of those who did watch the streaming media files, 34% found them either useful (17%) or somewhat useful (17%).

Frequency of Use. While 43% of students accessed the web course daily, 30% checked 2 to 3 times per day.

Although a few disadvantages were listed, most of the students thought that there were more advantages than disadvantages to this type of course. The number one advantage: flexibility. Nineteen out of the 23 students (or 82%) said that they would take another course in this format again (three of those "absolutely" would).

All of the students surveyed thought the course was well organized and almost all agreed that the professor taught at a challenging level (48% strongly agreed and 43% agreed that the course was challenging). Ninety-six percent of the students thought that the modules handled by the outside experts were either useful (74%) or very useful (22%).

In this group of 23 students, only 13% have some type of high speed Internet access. Seventy-eight percent were still using either 56.6K (56%) or 28.8K (22%) modems.

**Second online course evaluation** (Summer 2003). The second and subsequent online courses were evaluated in different ways with various survey instruments.

Background and Methodology. In the Fall of 2002, the College of Law began testing the idea of administering course evaluations online. The pilot project was successful with an average response rate of 80% for all 11 substantive law school courses that participated in the pilot. Sixty-five (65%) of the students in the second European Union online course completed this newly created online course evaluation, the results of which remain online for student and faculty review. Hence, these online students began participating in the general law school online survey process in the summer of 2003.

Key Findings. Seventy-two percent of the summer 2003 students who responded to the online survey about their online-only course indicated that they either strongly agreed or agreed that their professor was willing to assist them outside of class. Eighty-one percent of the students who answered the survey indicated that they either strongly agreed or agreed that the professor taught the class at a level that challenged them. Ninety percent of the students responded that they strongly agreed or agreed that they would recommend that others take this course and that they would enjoy taking another course from this professor.

**Third course evaluation** (Winter Interterm 2003)

Background and Methodology. One year after the first EU online course, the students in this winter interterm course completed a modified version of the initial survey instrument that was created. Please note: We must look with caution at the conclusions drawn from the results of this survey because the response rate was only 25%.

Key Findings. As in the first course, all of the students who completed the survey responded that the course website was either very easy or easy to navigate. Most indicated that they did not have any problems finding items on the site.

Whereas 56% of the students in the first survey said they did not look at the streaming media files, only one student indicated that in this survey and 57% said that they found the streaming media files either very useful or useful.

As found in the first survey results, more advantages than disadvantages were listed for this type of course. The only disadvantages listed in this course both related to problems with slow internet connections from students accessing at a slow modem speed (28.8.)

As with the first course, most of the students either strongly agreed or agreed that the professor taught at a challenging level. Of the students who responded to the question "Would you take another course given in this format again?" all said yes. About 70% said that the modules handled by outside experts were useful or very useful.

**Fourth course evaluation** (Summer 2004). Each offering of the EU online only course produced new iterations of the course website with either enhanced or new features. Questions to reflect these changes were added to the survey instrument in the fourth course.

Key Findings. *Survey #1 - regularly administered course evaluation*

Sixty-five percent of students enrolled in this course completed the generally administered class evaluation. As with the summer 2003 course, a similar and quite high number of students in this course agreed that their professor was willing to help them outside of class (in the summer 2003 survey 72%; in the summer 2004 survey 84 %). This is a remarkable result given that this course is taught completely online and the contact that the students have with their professor is via email, course discussion board and possibly telephone. There is no face to face contact with these students.

The narrative comments generally indicate a high level of enthusiasm and interest in this online course offering, stressing in several cases the responsiveness and accessibility of the professor. The negative comments in the narrative section of this survey ranged from not liking the text to "this course took a lot more effort than the credits would suggest."

*Survey #2-modified version of online-only course survey.* Forty percent of the students enrolled in this course responded to the modified version of the original online-only course survey. The students indicated that they generally found everything they needed on the website and 87% percent of those surveyed said that the digital drop box was very easy to use.

Frequency of Use: All but one student indicated accessing the course website at least once daily (25% more than 3 times per day; 37% 2 - 3 times per day and 25% once per day).

Most of the students indicated that the discussion boards were at least somewhat useful with 37% indicating that they were either very useful or useful.

Sixty percent of the students who responded to the survey indicated that the interactions with the Europeans who participated in the discussions were helpful and of those who benefited from these discussions, 80% said that they would like to see more of them.

Though high speed Internet access is required in this course, two students still reported having modem access (56.6) at home.

#### **Fifth course evaluation (Winter Interterm 2004)**

Key Findings. The survey results for the fifth course evaluated largely mirror the results in the fourth evaluation as described above in survey number 2.

Frequency of Use: None of the students said that they accessed the course website less than once per day. Over 60% reported that they accessed the site 2 - 3 times per day.

All of the students who responded to this survey indicated that they either had high speed Internet access or they didn't know. As with the previous surveys, most of the students are using Internet Explorer to browse the Internet.

#### **Overall Course Evaluation Conclusions**

Level of Satisfaction. The students who have taken the European Union online courses generally had a positive experience. They indicated that the course was more rigorous than they originally anticipated and they learned a great deal from the course. The students said that the course materials were well-organized and that their professor was responsive and available to them.

Frequency of Use. The high satisfaction reported may be based on the high frequency of use of the course website, possibly correlating with a deeper understanding of the course materials throughout the semester, rather than trying to learn all of the materials at the end of the semester for a final exam.

Pedagogical differences. Is the delivery mode of the information (online) secondary to its structure (multiple assignments and feedback)? The structure of the course which includes multiple assignments with frequent feedback (as opposed to one evaluation at the end of the term) makes it difficult to separate the new delivery (online) of the information with the different pedagogical approach (frequent feedback throughout the semester).

Class size. The professor, Don Smith, says that having fewer students in the online-only courses allows for more interaction with the students and provides the opportunity for more comprehensive online discussions and feedback.

#### **Observations**

With the benefit of having offered the course five times (with the sixth now in progress), some further observations - based on conversations and correspondence - can be made:

- How would students react to the on-line delivery? In the great majority of cases students have reacted positively to on-line delivery. In fact, we can't recall any student who has been unhappy with either the content or delivery scheme.
- Was the course, as organized and delivered, too rigorous or not rigorous enough? The students to whom we have spoken have indicated that the course was just about right, with the additional comment that it was much more difficult than they had envisioned.
- Would students submit written assignments on time? Yes. This has not been a problem.
- Would the platform provide the functionality needed to make the substantive aspect of the course work? The answer to this is yes. It's also worth noting that as we've gone along, the platform has been upgraded and made easier to use.
- What would student reaction be to the self-discipline required to progress in an on-line course? In a great number of instances this has not provided any problems. That may be because the students are "self selecting" in the sense that highly-motivated and self-disciplined students are drawn to a course such as this one.
- Would students perceive they had enough interaction with the professor? Mr. Smith has been told by some students that they had more interaction with him than they did on-site professors. This may be for a variety of reasons, but suffice it to say no one has complained, that he is aware of, that they did not have enough communication with him.

#### **Conclusions**

While there have been a panoply of lessons learned in putting together and delivering this course, here are some of the most important conclusions:

- The professor must fill the role of "social facilitator" in the sense of introducing the students to European-based experts and academics who the students may not always, in the first instance, feel comfortable interacting with.

- Regular and on-going professor-student communication (through web-postings, e-mail, and phone conversations) helps maintain students' attention and addresses the potential issue of student isolation.
- Time involved in keeping the course on schedule (e.g., answering e-mails, clarifying assignments, etc.) is considerable, and the professor must devote at least one hour (and oftentimes more) to this every day (including holidays and weekends).
- Having high-speed internet access is critical to a student having a successful experience taking the course.

It would be presumptuous to suggest that one course changes anyone's educational career. However, it can be said that students who have completed the course are considerably more aware when they finished than when they began about the European Union. They are also more than likely to have a better understanding of their own abilities to study, analyze, and perform in a setting that places a premium on many of the skills they will be using everyday in their careers.

*Don C. Smith, is Adjunct Professor of Law at the University of Denver Sturm College of Law.*

*Jessica Hogan is the Manager of Educational Technology at the University of Denver Sturm College of Law*

### Notes

1. Michael Baun and Phil Wilkin, "Web-Teaching the EU: Online Sources and Online Courses" in *The State of the European Union Vol. 6-Law, Politics and Society* (Tanja A. Börzel and Rachel A. Cichowski eds., 2003), p. 334.
2. Peter H. Loedel and John Occhipinti, "Europe Matters: Teaching the EU in the U.S.," *EUSA Review*, Winter 2005, p.12. Profs. Loedel and Occhipinti refer to those who teach in law programs and note the "increasing importance to commercial law (e.g., antitrust regulations impacting U.S.-based firms)." Perhaps the best example of this is the recent dispute between the European Commission and Microsoft. In December, Judge Bo Vesterdorf, president of the Court of First Instance, ordered that competition law penalties imposed by the European Commission against Microsoft be re-imposed and not stayed as Microsoft had sought.
3. Kevin J. Delaney, "Teaching Tools: How do you communicate with students who have grown up with technology?" *The Wall Street Journal*, Jan. 17, 2005.
4. Sumathi Bala, "Time to break out from campus," *Financial Times*, July 26, 2004.

5. Robert J. Salzer, "Juris Doctor.com: Are full-time internet law schools the beginning of the end for traditional legal education?" *CommLaw Spectus*, vol. 12, p. 104.
6. Diana Oblinger, "Boomers, Gen-Xers & Millennials: Understanding the New Students," *Educause Review*, July/August 2003, p. 39.
7. Oblinger, p. 39.
8. Ruth Buchanan and Sundhya Pahuja, "Using the Web to Facilitate Active Learning: A Trans-Pacific Seminar on Globalization and the Law," *J. Legal Educ.*, vol. 53, p. 583.
9. Baun and Wilkin, p. 345.
10. Brian Murphy, "Embracing Collaboration and Technology: Georgia's EU Studies Curriculum," *EUSA Review*, Fall 2001, p. 10.
11. Austan Goolsbee, "Education and the Internet," available at <http://gsbwww.uchicago.edu/fac/austan.goolsbee/research/educ.pdf>, (2000), p. 4.
12. Salzer, p.103.
13. Goolsbee, p. 4.
14. J. Robert Brown, Professor of Law, University of Denver Sturm College of Law.
15. See <http://www.law.du.edu/donsmith/eulaw/streamingvideo/eulawstreamingvideo.htm>.
16. T.R Reid, *The United States of Europe: the New Superpower and the end of American Supremacy* (2004), p. 1.
17. The tensions in the Transatlantic relationship may represent an increased opportunity for learning. For example, Judith Kelley has written, "The increased attention to the relationship brought about by the disagreement over Iraq has meant several things – all of which are very healthy for conducting a good course: More interested students, more recent academic work on the subject, and more opportunities to engage the students..." Judith Kelley, *Transatlantic Tensions: Opportunities for Learning*, *EUSA Review*, Spring 2004, p. 9.

### EUSA Interest Sections

The European Union Studies Association now has seven active interest sections based on members' areas of special interest in European integration: EU Law; EU Political Economy; Teaching the EU; EU Latin America Caribbean; EU Economics; EU Public Opinion and Participation; and EU as Global Actor. Each section has its own Web pages (with syllabi banks, textbook lists, and more) and e-mail distribution list, and all will hold business meetings at the EUSA Conference in Austin (March-April 2005). For more information, please visit [www.eustudies.org/EUSAsections.html](http://www.eustudies.org/EUSAsections.html).

place vacudova ad here

## Book Reviews

**Andrew Martin and George Ross, (Eds.) *Euros and Europeans: Monetary Integration and the European Model of Society*. New York: Cambridge University Press, 2004, 398 pp.**

EDITED BY TWO OF THE MOST REPUTABLE American analysts of European politics and political economy, and with contributions from a veritable 'who's who' of leading experts from both sides of the Atlantic, this book promises much. To cite the editors, it aims to explore the national trajectories of the European 'social model' in the pre- and post-EMU years by examining how "pressures from the integration process enter member states' domestic politics and there interact with endogenous pressures". In addition to pan-European studies of the EMU macro-economic regime, the impact of EMU on policy-making systems, welfare reform, and industrial relations, there is a comparison of public finances and labor market reform in the EU and the US, and six in-depth country studies of France, Germany, Italy, Spain, the Netherlands and Belgium. At a time of ongoing dispute over the rules governing the EMU's Stability and Growth Pact (SGP) and widespread concern about the future of the 'European social model' and its national variants, we are badly in need of the new insights into the complex interaction between monetary integration and social systems that *Euros and Europeans* aims to deliver.

This promise is fulfilled – but only in part. Andrew Martin provides an impressive analysis of the EMU macro-economic policy regime and the European Central Bank's narrow focus of the ECB on price stability to which, in common with many critics, he attributes a good part of Europe's recent growth and employment problems. Nonetheless, his own narrow focus on the ECB and monetary policy prevents a consideration of numerous issues of great importance for understanding the impact of EMU policies - including the question of how effective monetary stimulus can be in the presence of large fiscal deficits, and the contribution that these deficits make to unemployment by keeping taxation high and consumption low. It also prevents any consideration of policy alternatives, such as a new form of coordination between European monetary policy and national fiscal policies. Some of the other pan-European studies are also first class. Dølvik provides a brilliant analysis of the adjustment of national industrial relations and wage setting institutions to EMU. Hemerijck and Ferrera's analysis of national welfare systems and the interaction between exogenous pressures and domestic problem loads is very comprehensive, although perhaps at the cost of being rather too descriptive. Among the country chapters, those by Ross on France, Siegel on Germany, Della Sala on Italy and Pérez on Spain stand out for

*EUSA members interested in reviewing recent EU-related books, please contact the reviews editor:*

**Dr. R. Daniel Kelemen**  
Lincoln College  
Oxford University  
Oxford OX1 3DR UK  
E-mail [daniel.kelemen@politics.ox.ac.uk](mailto:daniel.kelemen@politics.ox.ac.uk)  
Fax 44.1865.279.802

*Publishers should send two review copies of books directly to Dr. Kelemen.*

their combination of in-depth knowledge and highly sophisticated analysis of the interaction between national policy makers, actors and institutions and the emergence and implementation of EMU. Yet, though all of the contributions are more than competent and sometimes brilliant in themselves, together the whole seems less than the sum of its parts.

There are several reasons why. The first is the absence of an analytical framework that would help overcome some of the many problems created by the ambitions of the project. Political scientists have not been especially successful in separating the impact of EMU on the recent transformation of labour markets and welfare states from other contemporary pressures for reform (technological and post-industrial change, international and single market competition, endogenous problem loads stemming from population aging and the maturity and rising costs of welfare programmes) and this book is no exception. Some chapters are better at doing so than others – for example, Siegel on Germany, Della Sala on Italy and Pérez on Spain, all of which seek to specify the precise but limited ways in which EMU has affected domestic policy making; Featherstone's restricted and systematic study of how EMU convergence was exploited by national policy makers to strengthen their reform capacities; and Dølvik's fine and cautious investigation of social pacts and wage setting, which clearly refutes predictions of 'neo-liberal' convergence. But many other analyses are about national policy reform in general from the 1980s on, using EMU as a hook for a broad narrative, but failing either to specify causal links or to distinguish the 'EMU effect' from the other kinds of pressure listed above.

The editors do try to isolate some of these pressures in their conclusion, especially those requiring welfare state reform, and then try to relate them to one purported EMU effect in particular – the slow down in public spending. This, they argue, will make things even worse than they would otherwise have been. But this indicates a second weakness - a general failure to distinguish between what one might call the opportunities and costs of EMU for the European social model. Although many of the chapters are relatively optimistic about the ways in which EMU has facilitated certain types of desirable reform in the European social model (for example, Della Sala on Italy, Pérez on Spain, Hemerijck and



Ferrera on welfare), the tone set by the editors is one of impending doom. This is not to say that there is nothing but opportunities in the new EMU macro-policy regime, or that the narrowly conceived price-stability focus of the ECB has not exacerbated some of the adjustment problems confronting numerous Eurozone economies. The current divisions in the EU over the revision of the SGP are witness to the failure to devise a more imaginative and functional coordination of monetary and fiscal policies. But at no point in this book is there an explicit attempt to separate out the ways in which EMU may assist in making the European social model more sustainable (for example, by focusing the attention of policy makers on long-term liabilities in pensions and other areas of public spending, or providing a form of macroeconomic stability potentially conducive to timely and equitable reform) from those which may be damaging. To have done so might have made the overall package more balanced and insightful.

A third and closely related problem is a tendency to view the so-called 'European model of society' through distinctly rose-tinted glasses. There is much talk, especially on the part of the editors, about how EMU risks creating social injustices and advancing the cause of 'neo-liberalism'. But just as there is a failure in their joint and separate contributions to pin down the precise consequences of EMU for the Eurozone's monetary and fiscal policy mix, so too is there a tendency on their part to ignore the current injustices and manifest social failures of core European 'social model' countries and to engage in 'loose talk' about the dangers of 'neo-liberal reform'. For if 'social solidarity' is a hallmark of these countries, so too is a series of institutionalised inequalities, including a marginalisation of young people, older workers and women from the work force, an incapacity of highly protected labour markets to absorb immigrant workers into regular jobs, and an unwillingness to embrace the far-reaching regulatory reform required to stimulate post-industrial employment. A new EMU policy architecture and growth orientation may well be needed to facilitate solutions to these structural problems. But so too is an admission – by intellectuals and social conservatives (of all political colours) alike – that all is not well with the 'European model of society', that extensive reform is required, and that the unthinking and pejorative application of the label 'neo-liberal' to any change recommended to the status quo may just be part of the problem.

**Martin Rhodes**  
European University Institute, Florence

**Neil Walker (ed.) Europe's Area of Freedom, Security and Justice, Oxford: Oxford University Press, 2004, 289 pp.**

THE CREATION OF an 'Area of Freedom, Security and Justice' (AFSJ) has become a defining feature of the EU in the first

decade of the twenty first century, reminiscent in some ways of the drive to complete the single market in the early 1990s. Then the idea was to build a single economic space in a way that might excite the citizens of member states (soon to become EU citizens). This time, however, the EU has encroached on sensitive issues of 'high politics' where sovereignty concerns resonate and where the institutional tools to do the job have not been fully granted. This timely collection produced as part of the Collected Courses of the Academy of European Law surveys the AFSJ's development from a legal perspective. Substantive chapters deal with asylum (Kay Hailbronner), entry controls (Ferruccio Pastore), family migration (Steve Peers), judicial co-operation (Christine Van den Wyngaert) and policing (Cyrille Fijnaut). Together with an introduction by Neil Walker, they provide an excellent overview of the extent of co-operation and integration attained in this area and the challenges that lie ahead.

Not the least of these challenges is the quest for coherence. The AFSJ is not like other EU policy areas such as agriculture where at least the issues are reasonably clear and the legal framework fairly consistent. Instead, the AFSJ derives from a variety of legal sources, employs a mix of 'hard' and 'soft' laws and, through the complex sharing of power between national, supranational and international authorities, could be seen to impute a further degree of post-modern complexity to the Union. That said, the main focus of AFSJ policy has been on the more coercive (rather than rights protecting) aspects of migration and asylum policy and intensified activity in the areas of policing and judicial co-operation. As Kay Hailbronner, Ferruccio Pastore and Steve Peers demonstrate, particularly intense activity has been devoted to the development of a common migration and asylum policy. In these areas, we see clearly some of the complexities of policy-making. European states now seek to 'manage migration' so that labour migration (and with it family migration) meets economic needs and addresses some concerns about the effects of population change (although immigration is not a magic bullet that will miraculously resolve these concerns). Migration can thus be functional to the maintenance and sustenance of some of European states' key organisational borders, such as those of welfare states and labour markets.

Also, amidst the often overblown rhetoric about 'controlling immigration', its worth remembering that intra-EU migration (mainly) for nationals of member states is an integral component of the EU's identity. The EU might try to finesse this by distinguishing between mobility (intra-EU migration, a good thing to be encouraged) and immigration (extra-EU migration, often a bad thing), but such a separation is not really feasible. If the EU is to attain economic reform objectives, then migration from inside and outside the EU will be central to debates about economic change, as well as to those about security. Thus far the security frame has predominated. There has been an intensification of effort to stem flows of those forms of migration defined by state and supra-

national policies as unwanted, such as asylum seeking and illegal/irregular flows. The result is an ambivalent relationship between the territorial borders of EU member states and key organisational borders of work and welfare. EU policy is less about building a fortress and more concerned with finessing this relationship between those forms of migration defined as wanted and those defined as unwanted.

In his introduction to this volume, Neil Walker identifies some of the concerns that must be brought to the fore when the AFSJ is analysed. Not the least of these is a search for coherence either in terms of an internal coherence expressed through a consistent legal approach or externally in relation to the subject matter that is dealt with. Thematically, historically and institutionally, little internal coherence is found. There is, however, a developing policy coherence imparted by the Amsterdam Treaty, the declaration of EU heads of state made at Tampere in October 1999 and in the aftermath of 9/11. This leads Walker to another important observation. The creation of an AFSJ could be seen as reactive to such events as the attacks on New York, the Pentagon and, more recently, Madrid. There are, however, important pro-active elements at work too. Internal security policy is never simply compelled by external events. It is necessary to explore the ways in which freedom, security and justice have been defined through mechanisms of co-operation that date back more than 30 years, as well as the interests at stake, such as those of 'security specialists'. In addition to policy coherence, Walker makes a plea for greater attention to constitutional coherence, so that the form, type, nature and content of constitution that is slowly being built are to the fore in discussion. This is particularly pertinent when the rapid pace of developments in these areas is considered. To take one example, Ferruccio Pastore's excellent analysis of the EU entry control system explores the development of the EU policy concerning border controls, irregular migration and their increased entanglement with foreign policy issues. Pastore identifies eighteen different policy relevant documents in a two-year period. It could be difficult to keep an eye on the bigger picture when such intense activity is occurring, but given the importance and sensitivity of this EU action, it is important that discussion emphasises overall constitutional coherence.

Another important reason for this is that constitutional clarity may help define the respective roles of legislative, executive and judicial authority in the AFSJ. Walker shows that a supranational/intergovernmental dichotomy may neglect the mix of methods employed in this area. Moreover, it may miss more important issues about the balance of power and authority in this area. Internal security policy is typically an area where executive authority has predominated. The development of EU co-operation and integration could be seen to have strengthened the executive's hand while weakening the role of courts and legislatures. Whether co-operation and integration are intergovernmental or supranational may be less important than the relationship between account-

ability and efficiency expressed through the respective roles of executives, courts and legislatures. For example, the proposed increase in the role of national parliaments in the draft constitution could be seen to indicate intergovernmentalism, but what it may also do is strengthen the hand of legislative authority. One could add to this the observation, which has become apparent in much recent work on European migration policy and politics since the 1970s, that the role of the courts and the scope for what have been called 'rights based politics' was central to the greater security given to migrants in European societies. The conclusion to Steve Peer's chapter alludes to this point when expressing the hope that EU legal processes in the context of family reunion could offer consistent pan-European protection for the rights of family members.

A final point that becomes clear from the contributions to this volume, although not one that most of them specifically address, is the 'fuzziness' of the AFSJ's subject matter. In his chapter on police co-operation, Cyrille Fijnaut makes the point that more research is needed in order to better clarify the underlying social and political issues with which EU policy is concerned. This point could be extended more generally. The EU has decided on responses even though the causes and effects of the phenomena they seek to address may be unclear, which in turn imparts a good deal of uncertainty to policy outcomes. This is a peril of policy made in a hurry if the effects of policy diverge from expectations because the underlying phenomena are misunderstood. It hopefully goes beyond academic special pleading to remark that more research may be helpful. Indeed, the AFSJ seems particularly open to a multi-disciplinary approach that combines excellent legal analyses, such as those contained in this collection, with work from other disciplines that explores more deeply the social and economic context in EU states (and non-EU members).

**Andrew Geddes**  
**University of Sheffield**

**Gary Marks and Marco R. Steenbergen, (Eds.)**  
**European Integration and Political Conflict. New**  
**York: Cambridge University Press, 2004, pp.294.**

CERTAIN FIELDS IN THE LITERATURE on the European Union (EU) are well integrated, leading to scholarly work engaging in similar lines of inquiry and research efforts speaking to each other. An example for such a field is formed by studies on public support for European integration. Other fields, however, are much more divided. While the research questions are very similar and clearly related, scholarly work does not seem to engage in profitable debate and exchanges. The study of political conflict in the EU is clearly one of these fields, where insights are scattered and a common, integrating view is (actually, was, as we will see below) missing. Scholars

studying public opinion give us some insights about what cleavages are apparent in the context of the EU. Students of voting behavior in the European parliament give us another view, while researchers focusing on party manifestos come to another set of conclusions. Fields with such scattered insights cry out for unifying efforts.

Luckily enough, the book edited by Gary Marks and Marco R. Steenbergen and especially Gary Marks' concluding chapter, provides such an integrating perspective for the study of political conflict in the EU. Employing a wide array of data, ranging from survey data (mass, elite and expert), party programs, roll call votes, protest events, etc. all contributors to this volume pursue a set of closely related questions, namely what models most adequately reflect the dominant conflict dimension in the EU.

Steenbergen and Marks' introductory chapter sets the stage by reminding us of the various models proposed in the literature to account for political conflict in the EU. The international relations model simply emphasizes the conflict over more or less integration. Hix and Lord (1997) suggested that this integration dimension cut perpendicularly across a classic left-right cleavage, thus providing a two-dimensional space. Tsebelis and Garrett (2000) develop a scenario in which the left-right dimension subsumes the integration dimension, such that the left extreme stands for high levels of regulation, and the right for less. Finally, Hooghe and Marks (1999) suggest, as Hix and Lord (1997) had, that two dimensions are present, but, given that the left-right dimension absorbs some issues of European integration, these two dimensions are correlated.

Most of the contributions in this volume, employing different data sources, attempt to assess the relevance of these, or even additional, alternative models. In Chapter 1, Gabel and Anderson use individual data from Eurobarometer surveys to assess the structure of the policy space. Using responses to questions on the appropriate involvement of the EU in a set of policy fields, the two authors employ confirmatory factor analysis to assess which of the models better accounts for the individuals' responses. While a model with two dimensions appears to dominate, the two dimensions are highly correlated leading the authors to favor a model of conflict relying on one dimension. This very competently carried out study might have profited from some robustness checks of their empirical results, especially given the rather strong assumptions the authors adopt to avoid missing data and to integrate ordinal data into their confirmatory factor analysis.

In Chapter 2, Van der Eijk and Franklin also employ individual survey data to study the link between the left-right dimension and EU-integration. Their focus is, however, whether political parties, as reflected in the voters' perceptions of the parties' positions, reflect these two dimensions. They find that from the voters' perspective the EU-integration dimension is not yet politicized. This gap, according to the authors, constitutes a "sleeping giant." Skeptical readers might question what the underlying theory for the mobiliza-

tion of European issues might be, which leads the authors to this bold conclusion.

Two contributions to this volume look more closely at one particular policy field, namely social welfare. One cannot fail to be a bit astonished by this choice of policy field, given the admission of one set of authors that "European governance is more important as a catalyst of (de-regulating) markets than directly shaping resource allocation through social policies." (Brinegar, Jolly and Kitschelt, Chapter 4, p. 87). Starting from an argument on the varieties of capitalism, these authors suggest that opinions on the welfare state should affect support for the European Union. They find some support for this contention, but some skepticism is certainly in order. Some of their theoretical arguments in support of their hypothesis relies on the independence of the European Central Bank, but the empirical investigations include also countries from outside the Euro-zone. Similarly, the Eurobarometer data stem from a period, when social policies were hardly on the front-burner of the EU institutions (even of the European Court of Justice). The question then remains, whether their empirical results do not reflect interesting patterns not necessarily related to the issue of the welfare state.

The perspective in Ray's contribution (Chapter 3) is slightly different, since the question is what explains favorable opinions for delegating social protection to the EU level. He finds evidence that these opinions depend on the extent of the domestic welfare state and the economic situation of the individuals. Given that some variation in the public's opinion is explained by country specific variables, one might have wished a few robustness checks of the results.

Analyses of party manifestos (Gabel and Hix, Chapter 5) and roll call votes in the European parliament (EP) (Thomassen, Noury and Voeten, Chapter 7) essentially come to the conclusion, that the left-right dimension dominates in EP election campaigns and European parliamentary life. By looking at the development of the party programs, Gabel and Hix attempt to rescue the Hix and Lord (1997) model of a two-dimensional policy space. More support for an additional dimension comes from Thomassen, Noury and Voeten's study of EP roll call votes. While finding that party groups account for much of the difference on a first dimension, they find that on additional dimensions, though of lesser importance, the national background of members of the EP (MEPs) seems important. This analysis is complemented with a study of data stemming from a survey of MEPs. Responses of the latter to a series of questions dealing with the role of EU institutions appear to be structured in a more complex way. As with the roll call data, the position on the left-right dimension seems largely dependent on the affiliation with a party group. Party groups, on the other hand, are much more divided on the integration dimension and the third dimension, which the authors label as libertarian/traditional.

This libertarian/traditional dimension also figures prominently in the next set of chapters dealing mostly with expert

## EU-Related Web Sites

*The following URLs and annotations have been updated as of April 2005.*

### *Library and bibliographic sources*

**www.eblida.org**

The European Bureau of Library, Information and Documentation Associations represents national library and information associations and institutions in Europe, on issues of copyright, culture, EU Enlargement, information society, and technology.

**library.byu.edu/~rdh/eurodocs/ec.html**

The History of Europe as a Supranational Region, lists and links to every key historical document in European integration beginning with the 1957 Treaty of Rome and to the present.

**http://www.lib.berkeley.edu/doemoff/gov\_eu.html**

The University of California at Berkeley Library has an extensive electronic catalog devoted to scores of EU-related sources called European Union Internet Resources.

**europa.eu.int/eclas**

Register to become a user of the European Commission Libraries Catalogue (ECLAS). Site in French and English.

**www.mun.ca/ceuep/EU-bib.html**

The European Union: A Bibliography is a very thorough compilation of EU resources, regularly updated.

### *Official European Union sources*

**europa.eu.int**

Europa is the official server of the EU and is the primary resource on its institutions, goals and policies, documents, news, and treaty texts. Europa has many searchable databases and Web portals.

**ue.eu.int**

The Council of the European Union has a Web site with information about past and current Presidencies, major treaties and other documents, Intergovernmental Conferences, and more.

**europa.eu.int/eur-lex**

Eur-Lex is the EU's "portal to EU law," with an electronic archive of legal and juridical texts from all the institutions, the Official Journal, background information on EU legislation in force, links to white papers, and more.

**www.europarl.eu.int**

The official site of the European Parliament, with full details of the current MEPs and their committees, Parliamentary sessions, hearings, conferences, documents issued, and more.

**www.curia.eu.int**

The Curia site focuses on the Court of Justice and the Court of First Instance, providing documents on recent case-law (full texts), pending cases, and cases removed from the register.

surveys. In Chapter 6, Hooghe, Marks and Wilson find a curvilinear relationship between the parties' position on a left-right and a EU-integration dimension. This relationship is, however, largely driven by the extremist parties both on the left and the right, which are much more skeptical regarding European integration. If the focus is on the major parties, the curvilinear aspect largely disappears. In part based on this fact, the authors argue that their GAL/TAN (green/alternative/libertarian - traditional/authoritarian/nationalist) dimension is important. In Chapter 8, Steenbergen and Scott also employ expert surveys. However, they focus on the saliency of EU integration for parties and how to explain it. They argue, and find some support for their contention, that some parties strategically downplay the salience of the EU issue out of electoral calculations.

A bit at the fringes of the overall theme of the book are the chapters by Wessels (Chapter 9) and Imig (Chapter 10). The former focuses on interest groups, but the analyses of the growth of interest groups and their contacts with MEPs only remotely speaks to the issues of the volume. Similarly, Imig's study of national protest events with EU content shows a dramatic increase of such events. The findings concerning the organization of protest in a transnational fashion do, however, not directly speak to the main themes of the volume.

Despite these chapters appearing at the fringes of the themes addressed, in his conclusion Marks achieves the feat of offering an integrating perspective that covers all the chapters. He argues that to understand the way in which political conflict in the EU is structured, we need to better assess the distributional effects of EU at the domestic and international level. Political contestation is likely to be quite different if these distributional consequences differ between member states than if they are the same. Similarly, the importance of these distributional effects should affect how political conflict is structured in the EU. Given these two important dimensions, it is not surprising that the models proposed in the literature to account for political conflict have fared well at different times in the history of European integration. Which model will be able to account well for the structure of political contestation in the future, however, depends heavily on the direction European integration will take. This book, however, helps us to gain a better understanding how to conceptualize and understand these future trends.

**Simon Hug**  
**University of Zürich**

### References

Hix, Simon and Christopher Lord. 1997. Political Parties in the European Union. New York: St. Martin's Press.

Hooghe, Liesbet and Gary Marks. 1999. "The Making of a Polity: The Struggle over European Integration" in Continuity and Change in Contemporary Capitalism, ed. Herbert Kitschelt, Peter Lange and Gary Marks. New York: Cambridge University Press pp. 70-97.

**[www.echr.coe.int](http://www.echr.coe.int)**

The European Court of Human Rights site has information on the current composition and history of the Court, pending cases, judgments and decisions, and basic texts.

**[www.ecb.int](http://www.ecb.int)**

The European Central Bank's site is the definitive site on the European System of Central Banks, monetary policy and frame-work of the Eurosystem, and texts of relevant legal documents.

**[europa.eu.int/comm/dg10/epo](http://europa.eu.int/comm/dg10/epo)**

The Eurobarometer site has downloadable reports (in PDF format) with qualitative and quantitative data as recent as the current month from EU member states and candidate countries.

**[www.eurunion.org](http://www.eurunion.org)**

The European Union in the U.S. is the Web site for all official EU activities in the U.S., with links to their U.S.-based missions.

**U.S. Government sources**

**[www.useu.be](http://www.useu.be)**

The United States Mission to the European Union in Brussels maintains a Web presence with a valuable list of the key documents of the U.S.-EU relationship, current news, and more.

**[www.buyusa.gov](http://www.buyusa.gov)**

The U.S. Department of Commerce maintains a Showcase Europe site on doing business in the EU, including country-specific commercial guides, links on the EU and more.

**EU-related NGOs (and quasi-NGOs)**

**[www.eumap.org](http://www.eumap.org)**

The EU Accession Monitoring Program, run by the Open Society Institute, monitors human rights and the rule of law in Europe.

**[www.tacd.org](http://www.tacd.org)**

The TransAtlantic Consumer Dialogue is a forum of U.S. and EU consumer organizations which makes joint consumer policy recommendations to the U.S. government and European Union to promote consumer interests in EU and U.S. policy making.

**EU external relations sources**

**[www.cires-ricerca.it](http://www.cires-ricerca.it)**

The Interuniversity Research Centre on Southern Europe studies the impact of Europeanization on southern European countries and the Euro-Mediterranean area. Their bilingual Web site has working papers, a bibliography, hyperlinks, and other resources.

**[www.ue-acp.org](http://www.ue-acp.org)**

Actors and Processes in EU-ACP Cooperation (see next entry)

**[www.acpsec.org](http://www.acpsec.org)**

Secretariat of the African, Caribbean, and Pacific States Resources on the Lomé Convention, renegotiations, and related topics. The first site, above, hosts all historical documents on the EU-ACP Forum; the second site (in English and French), has summit documents, texts of treaties and agreements, etc.

**[www.europaveien.no](http://www.europaveien.no)**

In Norwegian, this site/portal is the gateway to EU information for Nordic and Scandinavian researchers, officials, businesses, and others. It provides searchable EU news sources.

**<http://www.dfait-maeci.gc.ca/canadaeuropa/menu-en.asp>**

A Web site dedicated to the exploration of Canada's relations with the countries of Europa.

**On-line archives and publications**

**[aei.pitt.edu](http://aei.pitt.edu)**

The Archive of European Integration is an electronic repository for research materials on the topic of European integration and unification. It now contains many of the papers from past EUSA Conferences. It is fully searchable, and searches of it will also include both EIoP and ERPA (see below).

**[eiop.or.at/eiop](http://eiop.or.at/eiop)**

The European Community Studies Association of Austria publishes a bilingual (German and English), peer-reviewed, interdisciplinary e-journal, European Integration online Papers.

**[eiop.or.at/erpa/](http://eiop.or.at/erpa/)**

The European Research Papers Archive is a portal to (currently) nine on-line papers series in the field of European integration studies, primarily, but not exclusively, from European institutions.

**[www.jeanmonnetprogram.org/papers/index.html](http://www.jeanmonnetprogram.org/papers/index.html)**

The Jean Monnet Working Papers series (a joint project of the Academy of European Law, European University Institute, and New York University School of Law) covers many issues related to the EU and law, and papers can be downloaded from the site.

**EU skeptics sources**

**[www.democracy-movement.org.uk/](http://www.democracy-movement.org.uk/)**

Democracy Movement's vision is "of a Europe of self-governing democracies that trade together, enjoy cultural exchange with each other, and co-operate voluntarily where it makes sense to do so."

**[www.teameurope.info](http://www.teameurope.info)**

The European Alliance of EU Critical Movements "connects over 40 EU-critical organizations and parties in 14 European countries," groups such as the Green Party, The Bruges Group, the Democracy Movement, and the Norwegian "No to the EU."

(continued from p. 2) super Executive Committee, whose newly elected members Liesbet Hooghe, Frank Schimmelfennig, and Amy Verdun are all well-known, wide-ranging and creative scholars, not unlike continuing members Grainne de Burca, Virginie Guiraudon, and Sophie Meunier. I trust that Joe F. will keep everyone in line, although this will not be easy, given that the Committee's members all live in different time zones. Karen Alter and Jeff Anderson, and I are hereby retired from the Executive. Karen and Jeff will continue as valued contributors to our knowledge, colleagues, and resources for EUSA. As for me, I have no intention of abandoning Brussels, Paris, London, Berlin and other such glorious places to hang out in between energetic field work on member state ski slopes. To everyone I've just listed, and all EUSA members, keep up the splendid work and thanks so much!

George Ross  
Brandeis University

## EUSA Prizes

THE EXECUTIVE COMMITTEE of the European Union Studies Association is pleased to announce the recipients of the following EUSA Prizes, which were awarded at the 9th Biennial Conference in Austin, Texas on April 1, 2005:

### Fourth EUSA Lifetime Contribution to the Field Prize

Eric Stein, Professor Emeritus, University of Michigan Law School.

### Best Book Prize 2003-2004

Frank Schimmelfennig. *The EU, NATO and the Integration of Europe: Rules and Rhetoric*. Cambridge University Press, 2003.

### Best Book Prize Honorable Mention

Mark Hallerberg. *Domestic Budgets in a United Europe: Fiscal Governance from the End of Bretton Woods to EMU*. Ithaca, NY: Cornell University Press, 2004.

### Best Dissertation Prize 2002-2004 (co-winners)

Christine Arnold, "How Two-Level Entrepreneurship Works: A Case Study of Ratcheting Up a Europe-Wide Employment Strategy" (PhD, University of Massachusetts Amherst, September 2002). Directed by Professor Eric S. Einhorn.

Berthold Rittberger, "The Parliamentarisation of the European Community," (PhD, University of Oxford, October 2002). Directed by Professor Jeremy Richardson.

### Best 2003 Conference Paper

Henrik Enderlein. "Adjusting to EMU: The Impact of Monetary Union on Domestic Fiscal and Wage-setting Institutions."

## Publications

Adnett, Nick and Hardy, Stephen (2005) *The European Social Model: Modernization or Evolution?* Northampton, MA: Edward Elgar Publishing.

Goodman, Joseph W. (2005) *Telecommunications Policy-making in the European Union*. Northampton, MA: Edward Elgar Publishing.

Heisenberg, Dorothee (2005) *Negotiating Privacy: the European Union, the United States, and Personal Data Protection*. Boulder, Colorado: Lynne Reinner Publishers.

Hosli, Madeleine (2005) *The Euro: A Concise Introduction to Europe's Single Currency*. Boulder, Colorado: Lynne Reinner Publishers.

Jordan, A.J. (ed.) (2005) *Environmental Policy in the European Union: Actors, Institutions and Processes (2nd Edition)*. London and Sterling, Va: Earthscan.

Keating, Michael, Loughlin, John and Deschouwer, Kris (2005) *Culture, Institutions and Economic Development: a Study of Eight European Regions*. Northampton, MA: Edward Elgar Publishing.

Keller-Noellet, Jacques and Milton, Guy, with Agnieszka Bartol-Saurel (2005) *The European Constitution: its Origins, Negotiation and Meaning*. London: John Harper Publishing.

Schimmelfennig, Frank and Sedelmeier, Ulrich (eds.) (2005) *The Europeanization of Central and Eastern Europe*. Ithaca, NY: Cornell University Press.

Ulst, Ingrid (2005) *Linkages of Financial Groups in the European Union: Financial Conglomeration Developments in the Old and New Member States*. Budapest and New York: Central European University Press.

Vachudova, Milada Ann (2005) *Europe Undivided: Democracy, Leverage, and Integration after Communism*. Oxford, UK: Oxford University Press.

Weatherill, Stephen (2005) *EU Consumer Law and Policy*. Northampton, MA: Edward Elgar Publishing.

Westlake, Martin and Galloway, David (2004) *The Council of the European Union (3rd edition)*. London: John Harper Publishing.

## EUSA Lifetime Membership

### What is it?

Simply put, it is a one-time dues payment to EUSA of US\$ 1500.

### What does it include?

The Lifetime Membership includes all regular membership benefits for life. Among those benefits currently are subscription to the quarterly *EUSA Review*, receipt of occasional EUSA monographs, discounted registration rates at the EUSA International Conference, subscription to our e-mail List Serve, and the opportunity to join EUSA interest sections.

### Are there any other benefits?

By making a one-time membership payment, you not only avoid the task of renewing each year, but gain the twin advantages of securing lifetime membership at today's dollar values and avoiding future dues increases.

### Who should do this?

Any person wishing to support the endeavors of the European Union Studies Association—the fostering of scholarship and inquiry on the European integration project. For U.S. taxpayers, an additional benefit is a receipt for a one-time \$500 charitable contribution to EUSA, tax-deductible to the extent allowed by law (reducing your tax liability for the year in which you become a Lifetime Member).

### How do I become a Lifetime Member?

Simply mail your check, in US\$ and made payable to “EUSA,” to the European Union Studies Association, address given at right. (We can not accept lifetime membership payments by credit card.) We will send you a receipt and letter of acknowledgment.

### Will my Lifetime Membership be publicly recognized?

Yes, EUSA Lifetime Members will be listed in the *EUSA Review* and in our printed, biennial Member Directory.

## EUROPEAN UNION STUDIES ASSOCIATION New Individual Membership Form Only (Please type or print)

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_

State/Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Country \_\_\_\_\_

Work Telephone \_\_\_\_\_

Work Facsimile \_\_\_\_\_

E-mail \_\_\_\_\_

Your Professional Affiliation \_\_\_\_\_

\_\_\_\_\_

Do you wish to be subscribed to  
EUSA's e-mail List Serve? \_\_\_\_\_ yes \_\_\_\_\_ no

### Membership dues (please check as appropriate):

Individual \_\_\_\_\_ \$85 two-year membership

Student\* \_\_\_\_\_ \$55 two-year membership

Lifetime Membership \_\_\_\_\_ \$1500 (+ credit for \$500 tax deduction)

\* Students must provide copy of current semester's registration form.

EU Law Interest Section \_\_\_\_\_ \$10 (2 yrs.)

EU Political Economy Interest Section \_\_\_\_\_ \$10 (2 yrs.)

Teaching the EU Interest Section \_\_\_\_\_ \$10 (2 yrs.)

EU Latin America Caribbean Interest Section \_\_\_\_\_ \$10 (2 yrs.)

EU Economics Interest Section \_\_\_\_\_ \$10 (2 yrs.)

EU Public Opinion and Participation Section \_\_\_\_\_ \$10 (2 yrs.)

EU as Global Actor Section \_\_\_\_\_ \$10 (2 yrs.)

EUSA members may wish to make a contribution to support the work  
of EUSA in any amount over membership dues:

EUSA Grants and Scholarships Fund \$ \_\_\_\_\_

EUSA Endowment Fund \$ \_\_\_\_\_

Ernst Haas Memorial Fund for EU Studies \$ \_\_\_\_\_

**Total amount of dues and gifts enclosed** \$ \_\_\_\_\_

We prefer payment by check (payable to “EUSA”) when possible. Checks must be in US\$ and drawn on a USA bank. We also accept international money orders and MasterCard or Visa credit cards. Your cancelled check or credit card statement will be your receipt.

MasterCard # \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Visa # \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Expiry \_\_\_/\_\_\_ Last 3 digits from back side of card \_\_\_/\_\_\_/\_\_\_

Signature \_\_\_\_\_

Mail or fax this form (please do not mail and fax this form) to:

### European Union Studies Association

415 Bellefield Hall

University of Pittsburgh

Pittsburgh, PA 15260 USA

Facsimile 412.648.1168



**Inside the Spring 2005 *EUSA Review*:**

<b>“The European Constitutional Compromise”</b>	<b>Andrew Moravczik</b>	<b>1</b>
<b>Teaching the EU</b>		
“Delivering ‘EU Law & Policy’ Over the Web”	<b>Don C. Smith and Jessica Hogan</b>	<b>9</b>
<b>Book Reviews</b>		<b>16</b>
<b>EU-Related Web Sites</b>		<b>20</b>
<b>EUSA Prizes, Publications</b>		<b>22</b>

*Founded in 1988 (and formerly called the European Community Studies Association), the European Union Studies Association ® is a non-profit academic and professional organization devoted to the exchange of information and ideas on the European Union.*



## ***How to Support the*** **European Union Studies Association**

### **Lifetime Membership**

\$1500 for all our materials, for life, and credit for a one-time tax-deductible contribution of \$500

### **EUSA Grants and Scholarships Fund**

to support EU-related scholarship, the EUSA prizes, and travel to the biennial EUSA Conference

### **EUSA Endowment Fund**

to ensure the long-term viability and independence of our non-profit organization

### **Ernst Haas Memorial Fund for EU Studies**

to honor the seminal work of Ernst B. Haas and support dissertation research in EU studies

Your gifts are tax-deductible to the extent allowable by U.S. tax law. Donors of \$25 or more receive a receipt for income tax purposes and will be listed in the *EUSA Review*. Include a contribution with your membership renewal, or contact the EUSA Office to make a contribution. Call 412.648.7635 or e-mail [eusa@pitt.edu](mailto:eusa@pitt.edu)