

# **EU CONSTITUTION AND ELECTIONS**

## **Competing Models for Europe's Constitutional Debate: *The Basics***

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On 13 December 2003, the heads of state and government of twenty-five European Union (EU) member states (fifteen actual and ten prospective) left their European Council summit in Brussels without a constitution. This non-result was largely unexpected, at least prior to November. At the end of the summer, most analysts believed that the heads of state and government would come to some agreement, probably one closely approximating the draft constitution provided by the European Convention last July. If there were to be problems, they were expected to show up during the ratification process. Referendums to approve integration treaties have failed in Europe, albeit only occasionally.<sup>1</sup> The intergovernmental conferences (or IGCs) responsible for treaty negotiation have not.<sup>2</sup> Soon after the IGC responsible for negotiating the constitution was inaugurated in October, important differences between the member states became apparent. By December, it was clear that these differences could not be bridged during the Brussels European Council summit.

Negotiations over a draft constitution collapsed for a number of ostensible reasons. Poland and Spain refused to make concessions to Germany and France about the structure of voting in the Council of Ministers. Political turmoil within the Council of Ministers of Economics and Finance (ECOFIN Council) concerning the procedures for macroeconomic policy coordination deepened suspicions that not all member states would find equal treatment under any constitutional framework. Italian prime minister Silvio Berlusconi failed to provide effective leadership in his role as rotating European Council President. European Convention President Valéry Giscard D'Estaing paid too little attention to the need to build political support for his draft constitution at the popular level, and so forth. Although some commentators pointed out how much agreement had been reached—by some accounts as high as 95 percent of the provisions were settled—the failure of the constitutional negotiations was manifest. Delegations were already leaving by midday Saturday.<sup>3</sup>

Yet the Brussels summit was not a total failure, and neither was the Italian presidency. The European Council made progress on a number of issues. The member states could agree on how European integration can be used in the present,

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<sup>1</sup> Examples here include successive Norwegian referendums to ratify the accession treaties of 1973 and 1993, the Danish referendum on the Maastricht Treaty in 1992, and the Irish referendum on the Nice Treaty in 2001.

<sup>2</sup> The one major exception was the Fouchet Plan negotiations of 1960-1962. See Silj (1967). The negotiations concerning the European Defense Community and the European Political Community (1950-1952) actually succeeded, but the ratification failed in French Parliament. See Willis (1968: 130-184).

<sup>3</sup> For a blow-by-blow account, see Ludlow (2004)

but not on how it should be structured or where it should be headed. At Brussels, the European Council endorsed an economic program called 'Action for Growth'. It acknowledged work accomplished in the management of common borders. It reviewed the progress of enlargement and the pattern of external relations. It adopted a new security strategy. And it issued a declaration explaining why 'the transatlantic relationship is irreplaceable' and what should be done to bolster ties with the United States and with the North Atlantic Treaty Organization (NATO).<sup>4</sup>

The European Union is muddling through despite the current crisis in its constitutional development. But where is it going? The question is easier to ask than to answer. Much as in the late 1950s and early 1960s, Europe is confronted with a set of 'grand alternatives'.<sup>5</sup> The difference is that the Europe of today is not what it used to be. Europe is larger, less homogenous, more expansive in terms of function, and less clearly bounded in terms of geography. Given these differences, it may even be more appropriate to ask what is Europe becoming rather than where it is going.<sup>6</sup> It is also worth asking how much choice is really involved, and how much of Europe's future is likely to be determined by the unintended consequences of muddling through.

This essay provides a basic overview of the competing constitutional models for Europe. Along the way, I argue that Europe's evolution will become at the same time increasingly incremental and increasingly unpredictable. Not only will Europe's political leaders have difficulty choosing between alternative futures, but they will have little ability to discern which elements of choice will have a decisive impact on Europe's development before the fact. The paper is in four sections. The first outlines the present impasse. The second sketches alternative constitutional scenarios. The third makes the case for unintended consequences. The fourth section concludes.

### **The European Impasse<sup>7</sup>**

The problem at the heart of the controversy in Brussels is simple. Without some sort of agreement on the basic rules and institutions, the European Union will soon cease to function adequately—because European Council presidencies will lose the capacity to establish consensus across an ever increasing range of policy areas. Conflict would spill over from one issue to the next, much as failure to reform the Common Agricultural Policy (CAP) has hardened Dutch attitudes on European Union finances or disagreement over the Common Foreign and Security Policy (CFSP) has hardened French attitudes on accession.

Recognition of the need to underpin integration with effective institutions is as old as the Treaty on European Union itself, if not older. Nevertheless, the problem has consistently eluded resolution. In the final provisions of the Maastricht Treaty (1992), the second paragraph of Article N provided for an intergovernmental conference to be held in 1996 in order to revise the institutions of the Union. That IGC culminated in the Treaty of Amsterdam (1997), which was intended to prepare the European Union for future enlargement. Unfortunately, however, the European

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<sup>4</sup> This list of achievements is taken from the presidency conclusions. See European Council (2003).

<sup>5</sup> 'Grand Alternatives' is in quotation marks as an allusion to Calleo (1967). See also Frey-Wouters (1965), Lichtheim (1963), and Wolfers (1963)

<sup>6</sup> Much of my thinking in this regard has been influenced by Calleo (2001). However, rather than reiterate arguments about the elaboration of Pan-Europe in a global system, I try to focus here more closely on the constitution of power within the European Union. The distinction is at best fuzzy, and my own models for Europe's future are not intended to compete with Calleo's.

<sup>7</sup> Much of this section is drawn together from Ludlow (2004) and from newspaper coverage. As a consequence, I have limited my references to lines of analysis and not reporting of fact or event.

Council at Amsterdam could not agree on basic institutional provisions—not least of which was the weighting of votes in the Council of Ministers. As a result, the Amsterdam Treaty included a protocol stipulating that ‘at least one year before the membership of the European Union exceeds twenty, a conference of representatives of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions.’

The Amsterdam protocol provided the basis for the intergovernmental conference that culminated in the Treaty of Nice (2000). There, at last, the vexing issue of Council voting weights was resolved. In Article 3 of the ‘Protocol on the Enlargement of the European Union’, the Nice Treaty stipulates both a new distribution of weights across countries and the provision that ‘when a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the qualified majority comprises at least 62 percent of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.’<sup>8</sup>

Unfortunately, the solution found at Nice is even worse than the original problem. As Richard Baldwin and Mika Widgren (2003) demonstrate, the redistribution of voting weights and the introduction of a population threshold will greatly reduce the efficiency of decision-making within the Council of Ministers. Fortunately, the Nice European Council also made provision for further reform. The ‘Declaration on the Future of the European Union’ annexed to the Treaty called for a new IGC to be convened in 2004 in order to strengthen the institutional framework of the Union and to make it more transparent to the people of Europe. The European Convention was a direct outgrowth of that declaration. In turn, the 2003 Brussels European Council summit was a consequence of the European Convention. Nevertheless, the failure of that Brussels summit was a reflection of the weakness of the reforms made at Nice. The European Union’s efforts to elaborate more efficient institutions have thus come full circle.

Debate over the future of Europe currently hinges on two factors. The first of these is timing. German Chancellor Gerhard Schroeder insists on having some sort of constitutional agreement by the end of 2004. Schroeder’s alternative is to downgrade German support for a constitutional solution and to refocus his attention to more ad hoc or flexible arrangements with whatever other European countries (presumably including France) that choose to go along. This German position is viewed as a threat by all but the six founding members of the European Economic Community. The implication is that while the founder countries continue to integration, the rest will be downgraded to second-tier status. In response, Irish Taoiseach Bertie Ahern, who has assumed the rotating presidency from Berlusconi, has agreed to push the constitutional agenda with cautious determination.

The second factor is financing. The budgetary authority agreed in Berlin (1999) and amended in Brussels (2002) will expire by 2007. Hence the European Commission plans to deliver its initial proposals for renewed budgetary authority early in 2004. These proposals are complicated on both sides of the equation. On the expenditure side, the problem is that European Commission plans must assume some notion of how the EU will function and what it will attempt to accomplish. In this sense, a constitutional agreement is prerequisite for rational budgetary calculation.<sup>9</sup> On the revenue side, the European Commission faces a tax revolt from six of the major net contributors to EU coffers—Austria, France, Germany, the Netherlands, Sweden, and the United Kingdom. Within days of the failed Brussels summit, this group of six

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<sup>8</sup> The citation is taken from the amendments to Article 205, Paragraph 4 of the Treaty Establishing the European Community. These provisions will have effect from 1 January 2004

<sup>9</sup> See Spinant (2003/4).

addressed a letter to European Commission President Romano Prodi indicating their unwillingness to endorse an extension of current financial commitments. Instead, they called for European 'own resources' to be limited to 1.0 percent of gross national income (GNI) as opposed to the current ceiling of 1.24 percent. Prodi responded by suggesting that 'with only 1 percent of GNI it will simply not be possible to do what these Member States—and all others—expect from us'.<sup>10</sup>

Prodi's comments underscore that the two factors in present debates about the future of Europe work against one another. Efforts to hurry the relaunch of constitutional negotiations exacerbate the difficulties faced in coming to a financial agreement. Efforts to sort out the EU budget, slow down and complicate the constitutional discussion. Under the best of circumstances, the coincidence of budgetary and constitutional negotiations would present an impasse.

Current circumstances are anything but the best. The workload facing the Irish presidency is daunting even without the combined stress of constitutional and budgetary negotiations. The spring semester is always a challenge because of the need to prepare for the March European Council summit that is the cornerstone of EU economic policymaking. This summit has become more complicated to manage as the EU has accepted responsibility for an ever-wider array of economic reform processes. It will be particularly difficult for the Irish presidency given continuing tensions surrounding macroeconomic policy coordination, persistent inflation within those countries participating in the single currency (the 'eurozone'), and the negative consequences of an ever weakening dollar.<sup>11</sup> In addition, Mr Ahern must put the final touches on the accession of the ten new member states (1 May), he must oversee Euro-parliamentary elections (13 June), and he must lay the foundation for the appointment of a new European Commission (November).

Nevertheless, time is of an essence. The problem is not so much the pressure coming from Germany, but the inexorable march of European elections. Politics across the European Union is unsynchronized and so each year witnesses a parade of national electoral contests. Having said that, the electoral calendar is not too crowded in 2004. Of the member states, only Greece, Spain, Luxembourg, Slovenia, and Lithuania will go to the polls, although there will also be important regional elections in Austria, Belgium, and Germany. The point is that each election poses the threat that any draft of the EU's constitutional fabric will hit a snag and so begin to unravel. Mr Ahern must not only bring flexibility back into the negotiations, but he must do so with a gradually changing collection of participants who find themselves in gradually changing political environments.

If the European Union is to succeed in adopting a comprehensive constitution to provide an overarching structure for the network of treaties, protocols and *acquis communautaire*, the Irish Presidency will have to make substantial progress quickly. The longer the process of negotiation drags on, the more difficult will be the challenges to be inherited by future European Council presidencies.

### **Principles and Models**

As with most vexing problems, the trick to finding a solution to the constitutional impasse in Europe is to work back to basic principles. In this case, the emphasis two

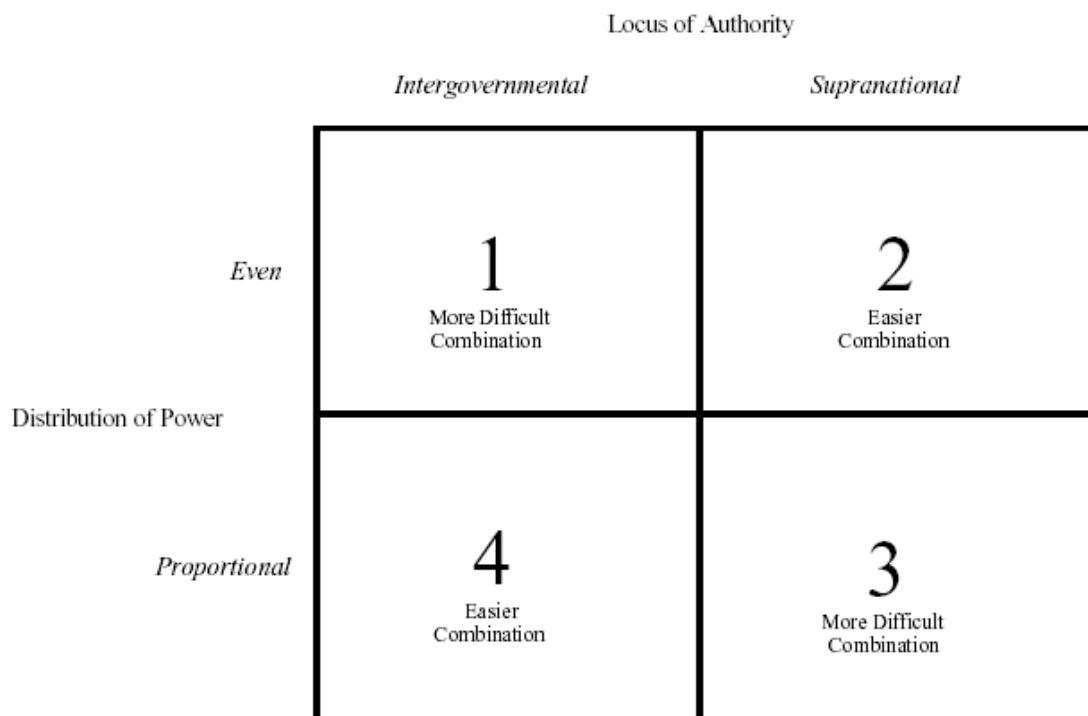
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<sup>10</sup> The letter can be accessed at the UK government website (<http://www.pm.gov.uk/output/Page5046.asp>). Prodi's response is set out in European Commission (2003).

<sup>11</sup> As I am writing this during the second week of January 2004, the European Commission has decided to challenge the ECOFIN Council for its handling of the Stability and Growth Pact in the European Court of Justice (European Commission 2004) and the European Central Bank has lamented the persistence of euro-inflation (ECB 2004) while at the same time acknowledging the dangers posed by the falling dollar (Major and Crooks 2004).

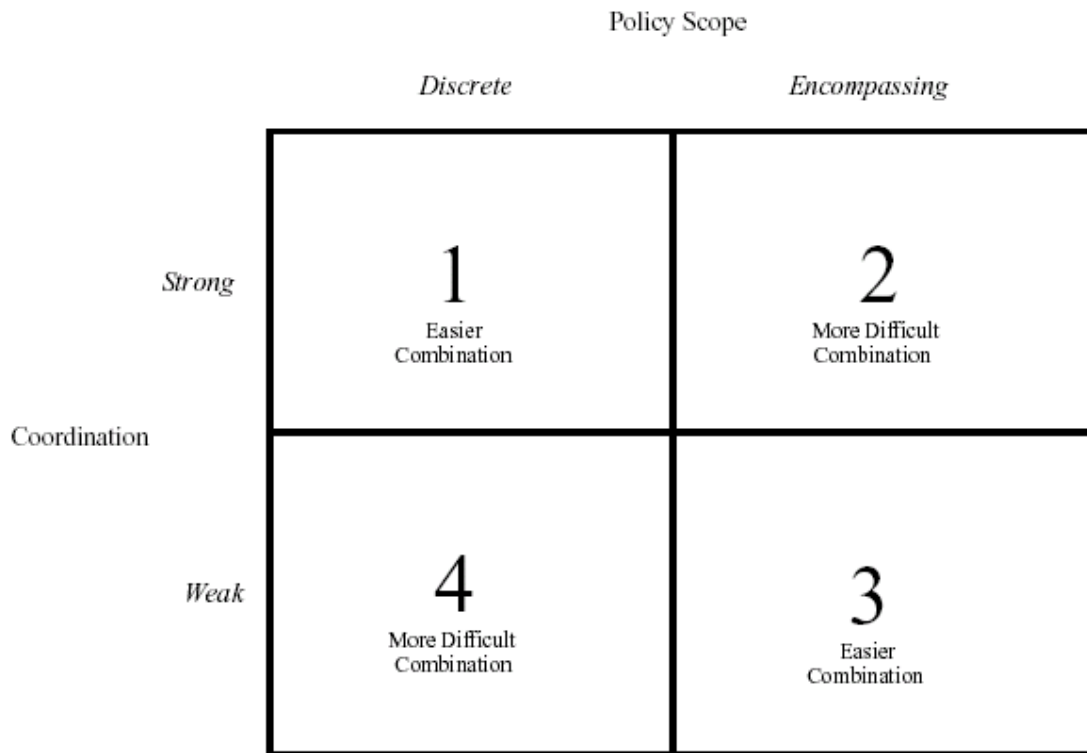
sets of concerns—one political and the other institutional. The first question is how to combine elements within the realms of politics and institutions. The second question is how to combine elements across the two domains of politics and institutions. The final question is how best to use this framework to understand the constitutional possibilities confronting the heads of state and government of the European Union.

The political elements are the locus of authority and the distribution of power. Is authority intergovernmental or supranational? Is power even distributed across all participants or is it distributed in proportion to the relative economic or population size? The objective is not to answer these questions in any definitive sense. For the moment, the point is simply to establish that some combinations of features are easier to imagine than others. An intergovernmental arrangement based on an even distribution of power across participants would be hard to accept for the larger countries. This is why Germany is so reluctant to accept the distribution of voting weights negotiated at Nice. A supranational arrangement with a proportional distribution of power would be more difficult to accept for the smaller countries. This is why the smaller states fought so hard to retain their representatives in the European Commission. By contrast, larger countries are more likely to accept an even distribution of power under supranational authority and smaller countries are more likely to accept a proportional distribution of power in an intergovernmental context. Neither France nor Germany complains about the fact that their representation in the European Central Bank (ECB) or in the European Court of Justice (ECJ) is no different from Luxembourg. Similarly, the smaller states often have to accept that their influence in intergovernmental fora is limited by their relative size or weight. These combinations of political elements are illustrated in Figure 1.



The institutional elements are the scope of policies addressed and the enforcement of coordination. Does the institution encompass a wide range of policies or is it focused on a discrete set of policy issues? Is coordination strongly or only weakly enforced? Here too it is possible to imagine some combinations more easily than others. Countries are more likely to agree to a strong enforcement of coordination in a discrete area than across a wide range of policy concerns. Article V of the West

European Union Treaty could compel participating countries to treat an aggression against one of their number as an attack against them all. However, few countries would like to see the same level of compulsion applied across the European Union. By the same token, countries are more likely to see the advantage of participating in an encompassing group that offers only weak coordination rather than a narrowly defined group offering only weak coordination. The Organization for Economic Cooperation and Development (OECD) does not compel its members to adopt specific policies, but it offers a wide range of services for sharing information and ideas across policy domains. A similarly weak organization without such a wide range of services would not enjoy the same popularity as the OECD. These combinations are illustrated in Figure 2.



Looking across the panoply of European organizations, it is possible to identify successful institutions as combinations that are easy both politically and institutionally. The ECB and ECJ are not just supranational organizations with an even distribution of power across participating countries. They are also discretely focused and strongly enforced. The ECB handles monetary policy and the ECJ resolves disputes over EU legislation. The decisions made by the organizations may not be universally popular, but they are accepted nonetheless.<sup>12</sup> NATO is intergovernmental and dominated by the United States, but it is discretely focused and strongly enforced as well. By contrast, the Lisbon strategy for market structural reform and the OECD are broadly encompassing and weakly enforced. It would be possible to characterize both of these organizations as constituting some elements of supranational authority with an even distribution of power and some elements of intergovernmental authority and a proportional distribution of power. The placement in this political domain is somewhat arbitrary. These institutional examples are set out in Figure 3.

<sup>12</sup> For acceptance of ECJ decisions, see Goldstein (2001), and for the ECB, see Jones (2002).

Political Combination

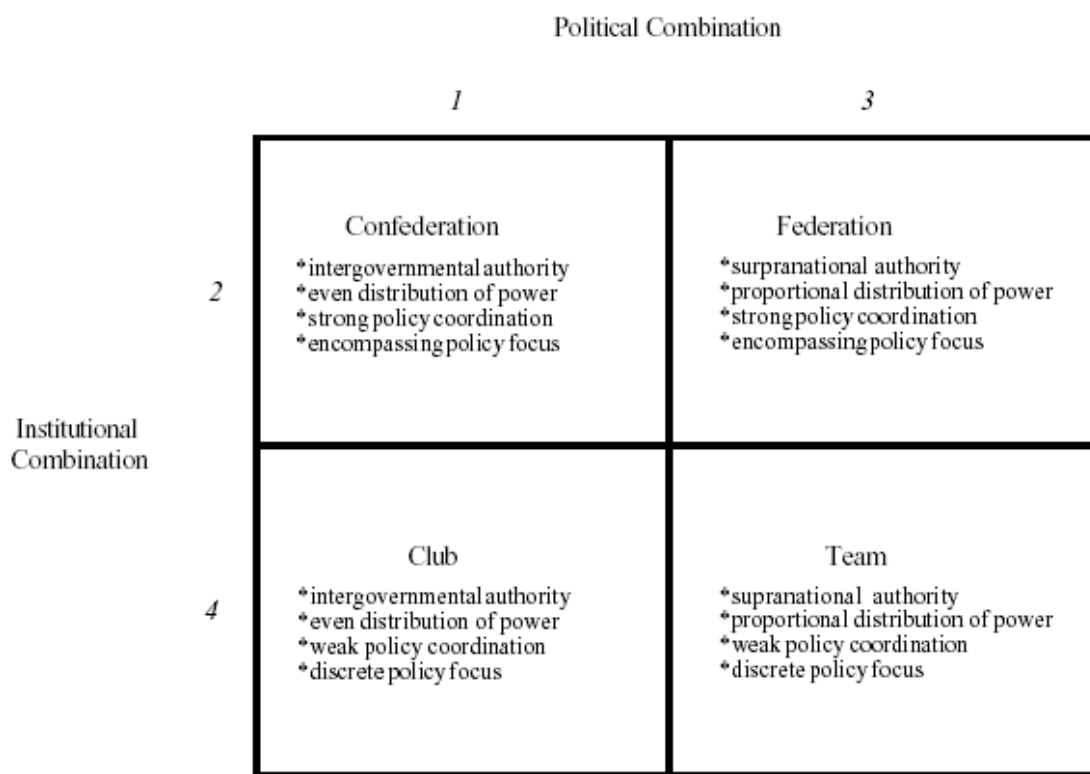
		2	4
Institutional Combination	1	<p>ECJ / ECB</p> <ul style="list-style-type: none"> <li>*supranational authority</li> <li>*even distribution of power</li> <li>*strong policy coordination</li> <li>*discrete policy focus</li> </ul>	<p>NATO</p> <ul style="list-style-type: none"> <li>*intergovernmental authority</li> <li>*proportional distribution of power</li> <li>*strong policy coordination</li> <li>*discrete policy focus</li> </ul>
	3	<p>OECD</p> <ul style="list-style-type: none"> <li>*supranational authority</li> <li>*even distribution of power</li> <li>*weak policy coordination</li> <li>*encompassing policy focus</li> </ul>	<p>Lisbon Strategy</p> <ul style="list-style-type: none"> <li>*intergovernmental authority</li> <li>*proportional distribution of power</li> <li>*weak policy coordination</li> <li>*encompassing policy focus</li> </ul>

The European Union as a whole is more difficult to classify. Like the OECD and the Lisbon strategy (viewed in isolation), the EU has elements of intergovernmental and supranational authority. However, the EU also has aspirations to strong policy coordination across an ever encompassing range of issues. The Rome Treaty (1958) started with trade and market access. The Single European Act (1987) expanded into factor markets and non-tariff barriers to trade. The Maastricht Treaty (1992) added monetary union, foreign and security policy, and justice and home affairs. The Amsterdam Treaty (1997) included employment. These institutional aspirations create difficulties for the organization as a whole. Member states object both to the binding nature of coordination and to the encompassing nature of policy interests. France and Germany have insisted on flexibility in interpreting the stability and growth pact. Britain, Denmark and Sweden remain outside the single currency.

The politics of constitutional reform has only succeeded in making matters worse. For much of the 1990s, the larger countries insisted on streamlining the European Commission and strengthening the European Council presidency. These are supranational institutions. The smaller countries expressed the concern that the result of such reforms would be to redistribute power within those institutions in a more proportional manner—giving the larger countries the upper hand. As a result, the small countries emphasized the importance of a more even distribution of power, not only in the more supranational institutions but elsewhere as well. In turn, the larger countries viewed efforts to ensure a more even distribution power across member states as a threat to their position in intergovernmental institutions such as the Council of Ministers. Attempts to link controversies across specific institutions only served to nurture the concern for inter-institutional conflict. At Amsterdam (1997), for example, the large states tried to trade off concessions in the Commission against demands in the Council of Ministers. This exchange only underscored the relative balance of power between the Commission and the Council. From the small state perspective, concessions in the Commission are worthless if the Council predominates. This explains both why the Dutch converted to

supranationalism in the early 1960s and why a majority of the smaller states are backing Commission legal action against the Council of Ministers today.<sup>13</sup>

The concerns expressed by large and small member states reflect extreme models for bringing together political and institutional elements that are themselves composed of difficult combinations. A confederation, for example, could be characterized as an intergovernmental authority with an even distribution of power. At a certain level at least, all cantons in Switzerland are created equal. By contrast a federation would be more supranational, with a more proportional distribution of power. Here the contrast is between Texas and Delaware or Rhode Island. The point to note is that both confederations and federations share the attributes of strong policy coordination across an encompassing range of issues. Both also exist in the real world. However, they are difficult to bring about through a voluntary association of different member states. Such combinations are more likely to be forged than negotiated. These extreme models are illustrated in Figure 4. The figure also includes categories for weak policy coordination and a discrete focus, but these are largely irrelevant to Europe's future.



The conclusion to draw from this modeling exercise is that the European Union is unlikely to develop into a more confederal or federal organization, at least as confederations and federations are characterized in Figure 4. A more likely scenario would have the European Union evolve into something like the OECD—with Lisbon strategy's 'open method of coordination' serving as the underlying model for integration. If that is the case, whether the EU is more intergovernmental or more supranational will matter less than the fact that it is broadly defined and only weakly enforced. Indeed, this is the nightmare of those who believe in Europe as an ideal.

<sup>13</sup> For the Dutch conversion to supranationalism, see Jones (1993). The coming legal battle between the Commission and the Council is referred to in note 11 above.

## Jumping to Conclusions?

Fortunately for the Euro-idealists, the jury is still out. Before giving into excessive pessimism about Europe's future, it is worth reconsidering one more principle underlying the debate. What exactly is this 'Europe' that is in search of a constitution? This question has been asked frequently since the end of the Cold War, but too often the answers have been posed in terms of culture, religion, and geography. Such answers are interesting and provocative, but they are not necessarily relevant.<sup>14</sup> For the present constitutional debate, the more appropriate context is institutional. Put simply, the European Union is not Europe. Although it is a convenient shorthand to say Europe instead of the EU, the reality is that at least some European countries choose to operate outside EU institutions. A number of organizations—NATO, the OECD, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the European Court of Human Rights—operate outside the EU as well. By the same token, the chain of institutions running from the European Coal and Steel Community of the early 1950s to the European Union of today is not the sum total of European integration.

This institutional argument is not merely a question of organizational semantics. Whether or not scholars agree that NATO, the OECD, the OSCE, etc. contributed to the development of the European Union, there is little doubt that these institutions brought the countries of Europe closer together, and that they fostered economic interaction, the sharing of values, and the development of common identities. These organizations are not simply part of Europe. They helped to create Europe.<sup>15</sup> Hence a first question to ask is whether a constitution for Europe should reach outside the European Union, or whether it should only focus inward on that one—albeit very important—institution?

Most 'Europeans' have tended to avoid answering this question by pointing to the absorption of extra-Community institutions by the European Union itself. Looking backward across the history of deepening integration, they may have a point. Indeed, the number of institutions that have been integrated into the EU framework is impressive, and includes the West European Union (WEU), the Schengen Accords, and, to a large extent, the Nordic Union and the Benelux. It also includes a range of institutions that were half-in-half-out, like the European Monetary System (EMS) and the European Council.

The point to note is that with each absorption, the EU has had to accept an ever increasing range of exceptions to the notion of 'Union'. Austria and Ireland do not participate in the WEU. Ireland and the United Kingdom do not participate in Schengen. Norway and Iceland do not technically belong to the European Union but, through their participation in the Nordic Union, they do belong to Schengenland. Denmark and Britain remain members in the EMS, although they have opted out of the single currency. Sweden cannot opt out of the single currency and so it has chosen not to participate in the EMS (which is a necessary criterion for participation in the euro). Hence, even if we choose to look inward on the European Union we do not find a monolithic entity.

Still it could be suggested that this heterodox institutional construct is motivated by a common idea. Not all the parts may share the same rationale, but the European Union as a whole is only special because of this influence of this European ideal. This is the claim made by, *inter alia*, Craig Parsons (2003). For Parsons, the core concept

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<sup>14</sup> I do not want to seem to flippant here. There really have been a large number of excellent contributions to the debate. For a survey, please consult Gowan and Anderson (1997).

<sup>15</sup> Thomas (2001) provides a strong case for the influence of the 1975 Helsinki Accords and their embedded human rights norm on the reconstitution of Europe. See also Albonetti (1963) and Milward (1984)

is the notion of 'community' that was fostered by specific groups of French elites at particularly important moments in the development of the European Union. However, Parsons is careful to note that the influence of this notion of community was not consistent over time and that a range of other ideals have penetrated into the architecture of the Union.<sup>16</sup> The implication is that the development is highly contingent:

'[H]ad unrelated electoral competitions installed more continuous pro-community French leadership, Europe might look still more like a supranational federation today. Given a heart attack or two and some plausible coalitional reshuffling, such leadership might have saved the EDC, or perhaps the Werner Plan. The end of the millennium might have seen a Europe with even more powerful international institutions.'<sup>17</sup>

If anything, however, Parsons understates the historical contingency at work and he overstates the crucial significance of any continuous ideational influence.<sup>18</sup> The defining features of the European Union today are at best idiosyncratic in origin, and their impact was almost impossible to predict before the fact. For example, it would be just as easier to argue that the Dutch set the pattern for European integration, rather than the French. The Dutch insisted, together with their Benelux partners, on adding a Court of Justice and a Council of Ministers to the supranational High Authority of the Coal and Steel Community. The Dutch pushed hardest for the idea of starting with economic integration during the run-up to the Treaty of Rome. The Dutch were the most vocal early proponents of a common agricultural policy (CAP). And the Dutch rescued the European Commission from De Gaulle's proposal to reorient European integration around a series of different ministerial councils (Fouchet Plan).

In all these efforts, the consistency lies in the pursuit of Dutch national interest and not in the promotion of a particular constitutional model per se. Dutch advocacy of the Council of Ministers and Court of Justice was intended to rein in the drift toward supranationalism, and Dutch support for the European Commission was intended to prevent a resurgence of intergovernmentalism. The Economic Community was essentially market liberalizing and the CAP was market distorting.<sup>19</sup>

The Dutch were profoundly influential despite their being only a smaller member state not because they dominated the integration process, but because they became a focal point for concessions that grew in importance only after the fact. Compromise, and not ideals, lies at the heart of European constitution forming. Moreover, the essential significance of compromise remains true whether we look inward on the European Union or outward at the wider array of European institutions and countries. The challenge is to estimate what elements of compromise in the present will be of decisive importance in the future. The problem is that we simply cannot know with any high degree of certainty. Otherwise, perhaps the Germans would not have accepted the distribution of voting weights at Nice that proved so difficult to reform in Brussels only three years later.

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<sup>16</sup> See, for example, Parsons (2003: 235-236).

<sup>17</sup> Parsons (2003: 235).

<sup>18</sup> This critique of Parsons is developed in Jones (2004).

<sup>19</sup> In commenting on this paper, Desmond Dinan observed that the Dutch were strong opponents of the common agricultural policy as it developed. This is true, but only partly. The original Dutch argument for a 'green pool' was focused on the desire to secure market access for Dutch agricultural exports and not price supports for French farmers. As De Gaulle began to take an interest in the common agricultural policy, he succeeded in shifting the emphasis at the European level from market access to price supports. The Dutch remained supportive of the CAP in principle, but not in this particular emphasis.

## Europe's Incremental Future

Europe is constituted through compromise, and compromise derives from negotiation. We can use models to identify salient features of these negotiations and to sketch out easier and more difficult pathways. However, we would be ill-advised to lay too much stock in prediction. These are the basics.

Such basic notions do yield important insights. First, we can expect that negotiations will be more lengthy and compromises more complicated in a Europe of twenty-five than they were in a Europe of six, twelve, or even fifteen. Time may be of an essence, but Mr Ahern is right to adopt an attitude of cautious determination nonetheless. So long as negotiations continue—and so long as the participating countries remaining willing to make concessions – this is arguably more important than any given result. Second, whatever constitution is adopted within the European Union must accommodate the variety of experience within the wider Europe as well as that evident within the EU itself. Put another way, the EU is unlikely to become either a true approximation of Europe or a coherent Union anytime soon. Third, aspirations to form a European Union that is either characteristically federal or confederal in nature are unrealistic, if indeed they exist. However, cleverly we might devise competing models for Europe's constitutional debate, reality is going to look a lot more like muddling through.

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