

# Defying Convention: A Revolution in EU Treaty Reform?

**Jean-Luc Dehaene**

*The View From Within:  
An Interview with the Convention's  
Vice-President*

**Christine Reh and  
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of Treaty Reform?  
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*Euro-Medievalism: Modern Europe  
and the Medieval Past*



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# The View from Within: An Interview with the Convention's Vice-President

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**Jean-Luc Dehaene<sup>1</sup>**

*Collegium:* Mr Dehaene, you were a member of President Prodi's 'Group of Wise Men' set up in 1999 to prepare the Nice IGC. How does this experience translate to your work in the Convention? Do you think that the Convention's Presidium might create a new kind of 'Triumvirate' along the lines of Richard von Weizsaecker, Lord Simon and yourself in the 1999 Group?

*JLD:* I think that there is some continuity, but our work now has another dimension. When we worked with the Group of Wise Men, the question was limited to that of adapting decision-making and the institutions to enlargement. At that moment, the mission given to the IGC by the European Council in Cologne was delimited to what was then called the 'Amsterdam Leftovers'. President Prodi was convinced of the need for a more comprehensive approach to the institutional problem and he therefore set up the 'Group of Wise Men' to give him arguments for such a more comprehensive approach. We did that, but we also focused on the issue of adapting decision-making and institutions to enlargement. I think that in the process of preparing our report, there was a growing consciousness that the challenge was a much larger one, that after the reunification of Europe there was not only an organisational problem, but there was in a certain sense a need to redefine the *finalité* of Europe. That is the reason why some started to speak about the need for a constitution. And you could observe in the period before Nice that while working with a limited objective for the IGC 2000 that the task could no longer be reduced to adapting the structures and the institutions quantitatively to enlargement, like we did with previous enlargements and reforms. There was a growing consciousness among the leaders that there was a need for more.

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1 Jean-Luc Dehaene was Prime Minister of Belgium from 1992 to 1999. He is currently Vice-President of the Convention on the Future of Europe. The interview was conducted in Vilvoorde, Belgium, on May 7th 2002.

This changing understanding was expressed in the important speeches, starting with the Fischer speech, which accurately described the challenge that Europe faces - a challenge that Delors called 'la refondation de l'Europe'. And then you saw that in Nice the European Council gave a first definition of the so-called 'four points of Nice' and what we should discuss to go further. I found it important that the European Council did not close the discussion in Nice, that they opened the way for a new discussion but the mission they gave at that moment was much too narrow to have a grand debate on the future of Europe. And when I worked in the so-called 'Group of Laeken', with Bronislaw Geremek, with Giuliano Amato, with Jacques Delors and with David Miliband in helping Prime Minister Verhofstadt formulate his 'Declaration of Laeken', our principle objective was to have a broad mission for what would afterwards become the Convention so that we could really have a discussion about the *finalité* of Europe and how to translate that into a constitution.

So, a long answer to a short question - between the 'Group of Wise Men' and the Convention you can say that the debate made a qualitative jump from a rather technical debate linked to enlargement to a broad political debate on the *finalité* of Europe, on how can we organise Europe to be effective, but effective in a global world? Indeed, what is the role of Europe in that global world?

**Collegium:** Do you see the Convention as a revolutionary way of discussing treaty change or do you consider it as a continuation of previous reform processes?

**JLD:** Should we succeed, this would certainly be a revolution in the way that Europe is constructed, in the sense that previous treaties were clearly negotiated among diplomats and members of governments. With the Convention you have a large debate with all parliaments involved, including the European Parliament. We also have to make a tremendous effort to reach out to the larger population through the 'Civil Society Forum'. So it is indeed a new approach and - at least in theory - it is more of a grassroots approach, more democratic, less restricted to closed negotiations. But the challenge remains: will we succeed?

It is clear that the Convention was invented because people felt that the 'classical' IGC method had reached its limit, that you needed a broader debate. In proposing such a Convention the European Parliament of course referred to the success of the previous Convention on Fundamental Rights. Now, I am a

little bit more prudent in the sense that the success of the previous convention was to a great extent linked to the fact that it had a very limited mandate - that is, to make a coordinated text on existing rights. Where we did try to define new rights, we immediately felt that the Convention would not succeed. So we had success because we limited ourselves to a well-defined mission. This Convention - and this was a necessity - has an undefined mandate and that makes a big difference. We will all do all we can to deliver successfully, but this cannot be guaranteed.

**Collegium:** How would you define such a successful outcome?

**JLD:** It is easy to define the two extremes - what would be a failure, what would be a success. A failure would be a report describing ten, fifteen different ways of defining the future of Europe and models for the future of Europe. That could be an interesting document for the library of a University, but certainly not for the library of a politician, because you cannot do anything with that. The other extreme would be - and that is probably utopia, but it can be stimulating to try to achieve utopia - to find broad consensus on a proposal for a new treaty, which would be a constitutional treaty. It would be very important to find broad consensus, which is possible, even if it is not evident from the start. The most important condition for our effectiveness is that our results have the form of a treaty text because that would be the best guarantee that the IGC to follow cannot ignore them. On the contrary, if you have a good written report, without alternatives but general, I am pretty sure that on the first day of the IGC there will be ten different interpretations. But if you oblige yourself to formulate in the form of a treaty text you will be taken more seriously.

**Collegium:** If you opt for suggestions in the form of a treaty text, in how far are you consulting the proposals of the European University Institute in Florence and what do you think will become of the Charter of Fundamental Rights within this treaty text? Both could already be considered as 'constitutional elements'.

**JLD:** I think there is a growing consensus that a basic treaty or a constitutional treaty would integrate the Charter of Fundamental Rights. When I worked in the previous Convention we were pretty sure that that would happen one day. We knew it was important to have a consensus on the Charter - we sensed that the European Council was not ready to integrate it into the Treaty. But because the document was formulated as a treaty text - or a legal text - we knew that it would be treated as such by the Court of Justice. Indeed, the Court in



Luxembourg referred to it in one of its rulings, and we knew that this would create pressure to integrate the Charter into the treaty. So I would consider it a failure if we could not present a text where that happens. I warn those who want to ameliorate the Charter at the same time - I think having that discussion would be an error. You have a Charter, you have a consensus in the Convention, you have a solemn proclamation that it is an important step forward in terms of rights. Do you still want to discuss in five or ten years how to ameliorate it? So I frankly say now that it would be a failure if we did not reach consensus on that.

Secondly, in terms of the working method to get at a basic treaty, I am not sure. You have in fact two approaches - one is to take the work of Florence as your basis. The advantage of that would be that you are sure not to lose anything; that the *acquis* will be integrated in the new treaty for example. The disadvantage would be that you have a risk that the result is not very transparent.

So there is another way, which would be a basic constitutional treaty with one article that defines the procedure how to adapt the existing treaties to that new constitutional treaty. This would imply that the existing treaties would be adapted at the European level and do not have to pass through the whole procedure of national ratification. Ratification should only be on the basic treaty, the constitutional treaty, and amendments to that constitutional treaty should be approved by all member states, but all texts that are applications of that treaty would be amended by a European procedure.

**Collegium:** Closely linked to the question of a new treaty is the debate on institutional reform. What are your predictions on the Convention's outcome in that respect and how would you like to see the institutional balance reformed and reassessed?

**JLD:** The institutional issue is an important issue for the Convention. And by the way, the institutional challenge was not in the 'four points' [of the Post-Nice-Process] because some consider that in Nice the institutional problems were solved. So it is an important element of the Laeken Declaration that the institutional issue is once again on the table. I think, however, that you have to be clear on the *finalité*, the competences and the instruments of the Union before you can tackle the institutions, even if the institutional issue is still a key aspect. My principal aim is that we first decide what to do together at the European level, where we should regroup our forces for doing things jointly. That is 'subsidiarity' for me: looking for the best level to exercise a competence

and in some cases that best level is the European one. Let us be clear that it is not the intention that all competences should become European. It is also not the purpose that we become a European 'super-state' or a kind of 'United States of Europe'. What we try to do - and in that sense, we are still completely in line with what [Jean] Monnet defined - is where you decide to do something European, to do it 'really European' and to give a strong position to European institutions.

But what are 'really' European institutions? European institutions are those whose mission is to work for the common European interest and not for a European interest as a compromise between national interests. Institutions like the Commission, the Central Bank, the Court of Justice, the Parliament - those are real European institutions. In a certain sense, the members of the board of the European Central Bank or of the Commission 'lose' their nationality to become European and to take a European approach. Together with a kind of generalisation of majority voting, a reinforcement of these European institutions should be a key element of the new Treaty. If you want an integrated Europe that has a weight on the global equilibrium, we have to look for European institutions that speak for that Europe with one voice.

But I am also aware that this is a huge challenge because the sectors where you have to do that are those where the populations have the highest expectations. People expect their security to be guaranteed by Europe, in the internal sense as well as the external. People expect Europe to play a role in the Middle East, in the Balkans and so on, and people have the impression that in this field Europe is still a 'lame duck'. That is largely because these matters are in the second and the third pillar and don't have the communitarian approach. So that is what we should try to do - put the 'real' European institutions in charge and decide by majority voting. But that is easy to say but not so easy to realise.

**Collegium:** Do you get any sense that there is a willingness to do this on the part of the member states?

**JLD:** On the part of the member states, I am not sure. For the members of the Convention I have the impression yes and that is another crucial factor for our success: that the members of the Convention act and feel like members of the Convention, as Giscard said in his inaugural speech. That they consider the failure or success of the Convention as their failure or their success, that they act with the chemistry and group spirit of the Convention more than as the

representatives of this or that government or parliament. It is also very important that they themselves give feedback to their national parliaments and their national public opinion of what they negotiated and what they defended.

**Collegium:** Do you think that this might be undermined by the fact that so many of the civil servants of the Convention's administrative apparatus are drawn from the Council rather than from the Commission?

**JLD:** I think we have a good mix. The Convention's staff comes from the three basic institutions - Commission, Parliament and Council, but I think it is a good equilibrium, and there is a certain number of external people too. I do not have any bad feelings about the way they were chosen and I think it is important that you have staff with a real professional know-how of what the European Union is.

**Collegium:** Previously, you talked about your visions for Europe's institutions. Would you consider the Convention as one of the 'real' European institutions also working with the European interest in mind?

**JLD:** No, I do not see it like that. But the question is valid - some people had proposed to integrate the Convention into the European institutions even before it had started. I would be more careful and wait and see if it works first. If it does work, why not - you could include a Convention in the changed treaty. I do not say 'don't do that', I say 'let's first see what the experience is'.

**Collegium:** The Convention's Presidium has come under fire in the media for being too dominant. How do you manage to strike a balance between an open dialogue and a very structured discussion - between integrating as many people as possible and guaranteeing an efficient outcome?

**JLD:** Well, let's say - and that is also the experience of the previous Convention - we should avoid that the Convention has strict procedural rules to which we stick rigidly. The Convention needs flexibility, the ability to adapt to new circumstances. That was what we tried to do in the rules of procedure that we presented to the Convention. In that sense we differ from the previous convention - not only because the subject was more limited then but also because of [Roman] Herzog's personality. Not only did he come with the prestige and weight of Germany, but he is also an expert in human rights, so he was also a natural authority.

It is clear that in the new Convention there was a kind of distrust at the start, and that is completely normal because the mission of the Convention is so political that everybody wants to be involved and is afraid of some kind of 'dictator' at the top. On the other hand, the Convention is not a parliament and the Convention cannot vote like a parliament - so there is a delicate balance which might not work if there is not a minimum of confidence between the Presidium and the Convention. So, at the start we invested a lot of time in trying to re-establish that confidence by permitting certain amendments to the basic rules, and I think progressively people understood what we were trying to do. But it is clear that in the future the role of the Presidium will be crucial to achieve results and it will be our difficult part, probably from September on, to propose texts to the Convention and to let the Convention react on them. That is a very pragmatic and necessary process but you have to allow room for manoeuvre to be as flexible as possible.

**Collegium:** Do you think that candidate countries are sufficiently involved in the process given that the outcome of the Convention is bound to shape the Union to which they will adhere later on?

**JLD:** It was essential to have the candidates there. And we advocated that, from the first minute we drafted the Laeken Declaration. One thing has to be clear and we explained that very clearly, I think, in the 'Wise Men Report': after Nice and after the quantitative adaptation of the institutions, you cannot put a new condition on the enlargement process. The enlargement process, which is a process of 15+1 with each candidate, has to progress on its own merits, with its own rules. So we said in the 'Wise Men Report' that if you do not succeed in Nice to make the necessary reforms you will not stop enlargement but the discussion will resurface later and we will face the risk of creating a crisis within the whole European Union. So we have to act today from the conviction that enlargement will take place, and that it will take place on the basis of Nice. But if we stop there it will be a catastrophe because the institutions are not adequately adapted. There will be stagnation and Europe will end in a big crisis. That would not necessarily be a catastrophe because Europe has tended to make all its qualitative jumps through crises, but if you can avoid them, you should try to. So, common sense tells us to avoid a crisis and that is also the position of the Convention.

But if we succeed with the Convention it is clear that a new treaty will be agreed pretty soon after enlargement so the only way to avoid that the candidates feel

trapped is to associate them with the Convention. And when I say 'associate' I mean 'participate'. We also need to find a formula through which the candidates can be associated at the next IGC even if they are not yet members. Whatever the outcome of the Convention, an IGC will follow and it will be very close to the conclusion of the Convention. It is therefore very important that the candidates participate in the Convention as true members. I was particularly glad by the first intervention at the first official meeting of the Convention where the Hungarian delegate, who was also the Minister of Foreign Affairs of Hungary at that moment, said: 'I will participate in this Convention as if I were a member of the European Union and moreover I do not need a group of candidate states - I want to participate and not be part of a separate group'. I thought that was a very good beginning, a very important point in the discussion.

The text of Laeken makes only one reference to the way of reaching agreement in the Convention, but it says that if there is a consensus among the fifteen, this consensus cannot be broken by the candidates. But what does that really mean? First of all, that would imply having consensus among the members of the European Union - and that is not self-evident. If that happens and at that moment there will be a total disagreement among a large majority of candidates, then in any case we have a problem and one should be aware of that. But I believe today that should we succeed in having a consensus in the Convention it might find the broad support of the whole public opinion in the candidate countries. So, it is important that the candidates are there, it is important that they participate as if they were members and after the Convention we should continue to associate them so that there will be no surprises once they join.

**Collegium:** Do you think that with hindsight, some aspects of the way that the Convention was set up and organised could have been improved, for example the representation of women in the Convention, or perhaps the way that France effectively imposed a President on everybody else?

**JLD:** Well, let us say that these are two different things. National parliaments, European parliaments were completely free to designate whom they wanted - so do not blame the Convention for their choice. And I do not think it would be a very good thing to apply quotas to the Convention as I do not think there should be too many rules on how the Convention should be. It should try to be as representative as possible, but it is also very important that those who are members are considered by their parliaments as truly representing them.

*Collegium:* You are responsible for the dialogue with civil society. How do you actually go about involving civil society? And do you think that this is the only way of involving the population or, put differently, that this is the best way to improve legitimacy?

*JLD:* We try to open up different channels. One of the channels is the website and you can deliver contributions to it of which we will try to make a synthesis. We also ask the national representatives to organise a forum in each of the member states and the candidate countries. I think that this is an important element because you should not see the 'Civil Forum' of the Convention as something run by Eurocrats with no roots in the population. Therefore, it is very important that there is an organised public debate at the nation state level - and at the decentralised level in some member states. A third way is that we try to have contact with NGOs working at the European level and we encourage them to regroup.

What we try to avoid, if possible, is the experience of the previous Convention where NGOs had the chance to give a speech for three minutes and then had to leave and where most of the representatives of the Convention were not even there. Of course, they were pretty frustrated by that experience, so the first thing I proposed them was to organise among themselves - and I proposed the think-tanks to do the same, and the universities. They should regroup to a point where we have three, four, five groups and where as members of the Convention we can regularly have contact with them, they can give us feedback and so on. You will then have - and that is partly for visibility reasons - a youth convention and probably have a hearing of some selected people. What is important for me is that the contact with NGOs, with universities, and with think-tanks has continuity until the end of the process. I am perfectly aware that this is probably not enough to ensure that people feel involved but I think it is an important step. On the other hand, it is very labour-intensive and members of the Convention and members of the bureau have other jobs to do as well and cannot be at the disposal of the 'Civil Forum' day and night. We have to find a balance because we are also under time constraints - so, there again, we try to find our way.

*Collegium:* So the establishment for example of the 'Civil Society Contact Group' would be a step in the direction you envisage?

*JLD:* Indeed, that would be.

**Collegium:** To what extent do you think that the process of discussing the future of Europe in the Convention is going to connect to the 'man or woman in the street'? Can it help to actually bring Europe closer to the citizen?

**JLD:** We have to make a big effort to achieve that but we have to be realistic at the same time. Whether you like it or not, the European level is much further from the citizen than for example the local level - let us be realistic about that. But let's make a big effort to try to mobilise people, to try to interest them in the debate, let's have these national debates. Let's also try to deliver a text that people can understand and in which they will be able to see what Europe stands for. We should at the same time search for things that bind people together - both with each other and with Europe. And naturally the key example of that is the introduction of the euro - people were glad to have the euro, were proud of the euro, felt European. I think there are other elements of identification, car licences for instance can have a uniform model with the European flag and national flag. You can say the same of identity cards - European, but with a national sign so that you have identification with both, with unity and diversity. But I think it is important to find those things that link citizens directly to Europe. If you can do that and if Europe delivers and is efficient - I prefer to speak about a 'delivery deficit' rather than about a 'democratic deficit' because I have the impression that if you are transparent with people so that they understand what Europe is doing and how they are concerned - then we may be able to build a basic European feeling among the whole population.

**Collegium:** Do you think that a constitution would help to create a feeling of 'Europeanness'?

**JLD:** Well, if there is a constitution - drafted with a certain transparency and visibility - I think that can help, even if it will not be a 'pamphlet' that everybody will read, you have to be realistic here too. And you always have to keep in mind that Europe made its important qualitative steps through and thanks to leadership and not under the pressure of public opinion. You need that link with the population but you also need a real leadership in Europe to define where Europe is going.

**Collegium:** You just mentioned a constitution as a potential outcome of the Convention and the 2004 IGC. What do you think this would actually mean for Europe - do you think that would put an end to the constant process of treaty reform? Also, do you think that such a constitution would bring the dynamic of European integration to a halt or would you view it more positively?

*JLD:* Yes for the one, no for the other. Why do we have to change the treaties so often? It is because there is far too much in the treaties. So if you got to a constitutional treaty, this would define the 'basics' - what is the *finalité*, what are the competences, what are the instruments, what are the institutions? - and this would be decided by unanimity and changed by unanimity and be ratified by national parliaments. The rest would be more 'European business', with European procedures with the Council of Ministers, the Commission, the Parliament and so on. And that separation can also help, like I said, to make the constitution more understandable to the citizen, even if I am convinced that not every citizen will read this basic treaty. But it will give a fundament on which we can build and one that is visible for the citizen.

*Collegium:* Do you actually think that the member states will work with the proposals you discussed as the basis for the next IGC or do you fear that the member states might just proceed with the IGC as they have always done?

*JLD:* Well, knowing my colleagues I am sure that a certain number of them will say 'let the kids play in the garden and when they bring their things inside then the serious work will begin'. Those who are of that position could have, from their point of view, a bad surprise because if the Convention should come up with a basic treaty by quasi-unanimity then it will be very difficult for them not to take that into account. Then you might really have the pressure that the European public opinion says - 'no, this has been agreed on, let's work with it'.

*Collegium:* So you think that the main task will be finding consensus within the Convention, not convincing the Heads of State and Government?

*JLD:* It will be crucial to see how we can find solutions and, as I called it, you can have a kind of 'chemistry' within the Convention with a will to succeed. It is clear also during all the debate in the Convention, that we expect from the members that they feedback into the country or state, that they organise the feedback in their parliaments and with their larger public. And it is important that they explain that to us so that we do not lose the contact and the momentum and if - by miracle - we achieve a consensus on a good text, then hopefully people will have followed what is going on. We will have to explain what is on the table and what are the chances we have. I think that every discussion on what will happen in the IGC and on what the European Council might do is meaningless now - we first have to see what the Convention will deliver. From there you can go on, and then it is true that a figure or personality like Giscard will be important



because he is a former President of France, he has European prestige and he is willing to sell whatever the result of the Convention will be, which might create an important momentum.

The questions were asked by  
Jean-Pierre van Aubel, Christopher Reynolds and Christine Reh

# Towards an Innovative Mode of Treaty Reform? Three Sets of Expectations for the Convention

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**Christine Reh and Wolfgang Wessels<sup>2</sup>**

## *Abstract*

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Despite determining the composition and core rules of procedure of the Convention on the Future of Europe, the Laeken Declaration has provided this new institution with a mere framework mandate. Accordingly, both behavioural patterns in and the outcome of the Convention will crucially depend on how this mandate is interpreted. The authors offer three competing sets of expectations for the Convention and analyse their underlying theoretical and normative 'mental maps': a minimalist set of expectations understanding the Convention as an intergovernmental think tank, a maximalist model viewing the Convention as a *constituante* and a deliberative conceptualisation tracing an evolving European discursive space. The analysis closes with a synopsis of indicators for each model to guide further empirical observation of the Convention's work as well as of the IGC to follow.

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- 1 We would like to thank the participants of the Optional Course 'Theories and Strategies of European Integration' at the College of Europe in Bruges (2001/2002) for stimulating debates and valuable comments.
  - 2 Christine Reh is an Academic Assistant in the Department of Politics at the College of Europe in Bruges. Dr. Wolfgang Wessels is Jean-Monnet-Professor at the University of Cologne and Chairman of the Trans European Policy Studies Association (TEPSA) in Brussels.

## 1. Introduction: An Open Finalité as a Key Characteristic of the EU's Evolution

Since the early days of European Integration, the member states as 'masters of the Treaties'<sup>3</sup> have left the ultimate goal of their political creation undefined.<sup>4</sup> This deliberate openness has become a key characteristic of the EU's evolution with the much-tried and much-criticised Monnet Method renouncing a clear finalité for the sake of incrementally constructing and furthering integration step-by-step.<sup>5</sup> The process of integrating Europe was not to be unnecessarily hampered or even blocked by unproductive debates about competing visions of its final destination. Thus, 50 years on from the founding of the European Coal and Steel Community (ECSC) what has become known as the EU's 'pillar-structure' still lacks a clearly defined political blueprint.

Yet ever since the 1950s successive generations of politicians have engaged in launching grand conceptual debates<sup>6</sup> and in taking concrete steps to advance the integration project in constitutional terms. The issues of 'completion, deepening and enlargement', coined at the 1969 The Hague summit<sup>7</sup>, have indeed remained pertinent in Europe's political debates as well as Treaty amendments and revisions ever since.

In this light, the Heads of State and Government's latest initiatives in Nice 2000 and Laeken 2001 can be understood as the continuation of a general debate

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3 This term was coined in the so-called 'Maastricht Decision' by the German Bundesverfassungsgericht: 'Urteil des Bundesverfassungsgerichts über die Verfassungsbeschwerden gegen den Vertrag von Maastricht vom 12. Oktober 1993', in: *Entscheidungen des Bundesverfassungsgerichts*, Vol. 89, 1994, p. 190. See also Hans Peter Ipsen, 'Zehn Glossen zum Maastricht-Urteil', in: *Europarecht*, Vol. 29, No. 1, 1994 and Joachim Wieland, 'Germany in the European Union: The Maastricht Decision of the Bundesverfassungsgericht', in: *European Journal of International Law*, Vol. 5, No. 2, 1994. A key assessment was given by Joseph H. H. Weiler in his Jean Monnet Paper 'The State "über alles": Demos, Telos and the German Maastricht Decision', Harvard 1995, <http://www.jeanmonnetprogram.org/papers/95/9506ind.htm>.

4 In this context, Jacques Delors has called the Union 'un objet politique non identifié', quoted in Jean-Louis Quermonne, *Le système politique de l'Union européenne*, 3ème ed. (Paris: Montchrestien, 1998), p. 8.

5 Jean Monnet's Memoires (Paris: Fayard, 1976) are a key point of reference. For an analysis of the Monnet Method see also Wolfgang Wessels, 'Jean Monnet - Mensch und Methode. Überschätzt und überholt?', in: *Reihe Politikwissenschaft des IHS*, Vol. 74, 2001a, pp. 7-10.

6 See among others Brent F. Nelsen and Alexander Stubb, *The European Union: Readings on the Theory and Practice of European Integration* (Houndmills: Macmillan, 1998) and Pierre Gerbet, *La Construction de l'Europe* (Paris: Imprimerie Nationale, 1999).

7 Cf. Desmond Dinan, *Ever Closer Union* (London: Lynne Rienner Publishers, 1999), p. 61.

that has time and again shown both the desire to finally pinpoint Europe constitutionally and the heterogeneity of programmatic concepts to do so.<sup>8</sup> This conceptual breadth is reflected once again in the mandate given by the European Council in Laeken: the newly created Convention's task is barely defined and the Laeken Declaration comprises a plurality of positions, each with different underlying 'polity-ideas'<sup>9</sup>, Leitbilder<sup>10</sup> or 'frames'<sup>11</sup> concerning both the EU's ontology and its *finalité*.

Indeed, current attempts to (re)define Europe's future do not stem from a political, institutional and conceptual *tabula rasa*. Rather, they can draw on a substantial *acquis* of programmatic and academic conceptualisations as points of reference.<sup>12</sup> Equally, the Convention has to be seen as embedded in the reality of the EU as an evolving political system.<sup>13</sup> Although the Convention itself is an innovative experiment, both its work and potential impact have to be contextualised in a tradition of controversial debates about the EU's nature, its substantial growth and its ambiguous process of constitutionalisation. Starting its task neither within a stable political system nor with a clearly defined mandate, the Convention faces a plethora of open questions and unknown variables that in turn result in diverging interpretations of, and predictions about, its final output and influence.

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8 Cf. Wilfried Loth, 'Der Post-Nizza-Prozess und die Römischen Verträge', in: *Integration*, Vol. 25, No. 1, 2002, p.16.

9 Cf. Markus Jachtenfuchs et al., 'Which Europe? Conflicting Models of a Legitimate European Political Order', in: *European Journal of International Relations*, Vol. 4, Nr. 4, 1998, pp. 409-445.

10 Cf. Heinrich Schneider, 'Zusammenfassende Überlegungen zum Wandel europapolitischer Grundverständnisse', in: Mathias Jopp et al. (eds.), *Europapolitische Grundverständnisse im Wandel. Analysen und Konsequenzen für die politische Bildung* (Bonn: Europa Union Verlag, 1998), pp. 193-204.

11 Cf. Markus Jachtenfuchs, 'Ideen und Interessen: Weltbilder als Kategorien der politischen Analyse', *MZES Arbeitspapier ABII Nr. 2*, Mannheim 1993.

12 Cf. Wilfried Loth and Wolfgang Wessels, 'Auf dem Weg zur Integrationswissenschaft', in: Wilfried Loth and Wolfgang Wessels (eds.), *Theorien Europäischer Integration* (Opladen: Leske und Budrich, 2001), p. 7.

13 For an overview and assessment of these developments see among others Simon Hix, *The Political System of the European Union* (Houndmills: Macmillan, 1999); Andreas Maurer and Wolfgang Wessels, 'The EU Matters: Structuring Self-Made Offers and Demands', in: Wolfgang Wessels et al. (eds.), *Fifteen into One? The European Union and Member States* (Manchester: Manchester University Press, 2002), pp. 39-72; Alec Stone Sweet et al., 'The Institutionalization of European Space', in: Alec Stone Sweet et al. (eds.), *The Institutionalization of Europe* (Oxford: Oxford University Press, 2001), pp. 1-28; Joseph H. H. Weiler, 'The Transformation of Europe', in: *Yale Law Journal*, Vol. 100, No. 8, 1991, 2403-2483 and Wolfgang Wessels, *Die Öffnung des Staates. Modelle und Wirklichkeit grenzüberschreitender Verwaltungspraxis 1960-1995* (Opladen: Leske und Budrich, 2000), pp. 195ff.

It is this heterogeneity of potential scenarios that will be at the centre of our analysis. Thereby, we do not aim at developing 'the one' valid conceptualisation of the Convention nor at accurately prescribing or predicting its future role.<sup>14</sup> Rather, we are interested in mapping possible readings of the Convention and in looking more closely at their underlying 'mental maps'. Based on different theoretical and normative assumptions about the ontology of the European construction we will formulate a set of expectations to be tested in the light of the Convention's final output as well as the Intergovernmental Conference (IGC) to follow in 2004. After embedding the Convention in the context of previous processes of Treaty reform and taking a closer look at the Laeken mandate, we will therefore present three 'competing' models: a minimalist scenario understanding the Convention as an intergovernmental think tank, a maximalist-integrationist model viewing the Convention as a *constituante* and a deliberative conceptualisation emphasising an evolving European discursive space. Each model will be linked to specific aspects of the theoretical *acquis* and will draw on textual evidence from the Laeken Declaration. In order for this 'work in progress' to serve as a more substantial grid for further empirical analysis of the Convention, we will conclude with a synopsis of indicators extracted from the three models.

## 2. *The Convention in Context: Previous Processes of Treaty Reform and the Laeken Mandate*

Most assessments of the Convention on the Future of Europe start from a common assumption: previous attempts of constitutional design in the EU have had limited success.<sup>15</sup> Indeed, processes of agenda-setting and of preparing the founding, reforming and amending of Treaties have varied considerably. The final decision-making at European summits, however, has always followed the same pattern.<sup>16</sup>

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14 For a first assessment of the Convention's reflection phase see Bernard Cassen, 'Une convention européenne conventionnelle', in: *Le Monde Diplomatique*, Vol. 49, No. 580, 2002, p.3 and Ben Crum, 'Laying Building Blocks or Just Window-Dressing? The First Half Year of the Convention on the Future of the EU', *CEPS Commentary*, July 2002, <http://www.ceps.be/Commentary/Jul02/crum.php>.

15 Cf. Elmar Brok, 'Europa im Aufwind? Überlegungen zu den Ergebnissen des Gipfels von Laeken', in: *Integration*, Vol. 25, No. 1, 2002, p. 4; Claus Giering, 'Die institutionellen Reformen von Nizza - Anforderungen, Ergebnisse, Konsequenzen', in: Werner Weidenfeld (ed.), *Nizza in der Analyse. Strategien für Europa* (Gütersloh: Verlag Bertelsmann-Stiftung, 2001), pp. 141-143; Klaus Hänsch, 'Die deutschen Länder und das Vertragswerk von Nizza', in: *Integration*, Vol. 24, No. 2, 2001, p. 98.

To prepare their IGCs throughout the last 30 years, Heads of State and Government have so far concocted an impressive variety of procedures and institutions which usually worked with vague and ambiguous mandates.<sup>17</sup> Examples include the Davignon Report on European Political Cooperation (EPC), the Werner Plan for Economic and Monetary Union (EMU), the Tindemans Report, the Dooge Report prior to the Single European Act (SEA) as well as Delors' preparation of monetary union or the Reflection Group of personal representatives for the 1996/97 IGC. By now choosing the Convention method, Heads of State and Government have implicitly admitted their dissatisfaction with the previous preparatory modes.

Yet different that the preparatory phases may have been, decisions as such have always been taken by the Heads of State and Government along the same procedure - usually package deals were concluded following long and tiring 'endgames' and bargaining 'from dusk till dawn'.<sup>18</sup> If some of these decisions had been well-prepared by the above-mentioned bodies, others resulted from last minute proposals and compromise. Frequently successful in advancing the negotiation 'marathon' and in both deepening and widening the EU, the consequences of these proposals had not always been fully thought through. The EU's constitutional design has therefore often been subject to an - almost deliberately provoked - negotiation fatigue with the process of constitutionalising Europe being dominated by a series of tactical ad-hoc decisions.

This weakness surfaced most clearly at the Nice European Council where the Heads of State and Government went through their most extensive negotiation marathon yet of three days and two nights despite equally extensive preparation (30 meetings of personal representatives, 10 Council meetings and 3 Summits,

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16 Cf. Gerda Falkner, 'EU Treaty Reform as a Three-Level Process', in: *Journal of European Public Policy*, Vol. 9, Nr. 1, 2002, pp. 1-11. An overview description of the IGC Method is given by Desmond Dinan, 'Treaty Change in the European Union: The Amsterdam Experience', in: Laura Cram et al. (eds.), *Developments in the European Union* (Houndmills: Macmillan, 1999), pp. 290-310. For an interesting process-oriented account of Treaty reform beyond the summits of intergovernmental bargaining see Thomas Christiansen and Knud Erik Joergensen, 'The Amsterdam Process: A Structurationist Perspective on Treaty Reform', *European Integration Online Papers*, Vol. 3, No. 1, 1999 <http://eiop.or.at/eiop/texte/1999-001.a.htm>.

17 Cf. Philippe de Schoutheete, 'The European Council', in: John Peterson and Michael Shackleton (eds.), *The Institutions of the European Union* (Oxford: Oxford University Press, 2002), pp. 33-40.

18 For an understanding of the EU's evolution as a series of intergovernmental bargains see Andrew Moravcsik, 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach', in: *Journal of Common Market Studies*, Vol. 31, No. 4, 1993, pp. 473-523 and *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht* (London: UCL Press, 1998).

amounting to 370 hours of preparatory negotiating). Accordingly, the decisions taken on key constitutional issues have been far from convincing and all participants agreed on the sub-optimal efficiency of this method of Treaty change. Even those continuing to praise the creative potential of 'endgames' consider this method as inadequate when it comes to discussing the EU's future on a broader basis, including Europe's citizens. A unanimous criticism of 'secretive diplomacy' has thus been one of the prime outcomes of Nice, along with a consensus on the need for a broader European reform agenda.<sup>19</sup>

The Nice consensus of negotiating Treaties while agreeing on the necessity of further reform is fully in line with the 'endgames' of the three European Councils preceding the Nice summit. Indeed, negotiating Treaties with an inbuilt agenda for further reform seems to have assumed a self-perpetuating dynamic that recalls the neo-institutionalist concept of 'path dependency'.<sup>20</sup> The Nice summit followed in this line: The 'Declaration 23 on the Future of the EU', annexed to the Treaty, contains a non-exhaustive list of four broad reform topics as well as a timetable to decide on reform procedures. With its Laeken Declaration in December 2001, the European Council - despite divergent opinions - agreed on a significant step towards realising these reforms by setting up the 'Convention on the Future of Europe'. When discussing alternative modes of Treaty reform in the wake of the 2000 IGC, this model had quickly lent itself as a similar experiment had proved a successful alternative to intergovernmental bargaining when drafting the albeit non-binding Charter of Fundamental Rights.<sup>21</sup> Accordingly, the Laeken European Council agreed on inaugurating the 'Convention' and decided on the composition, the mandate and the core rules of procedure for this experimental institution.<sup>22</sup> Depending on its final outcome

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19 For a good account of the Nice negotiations see Mark Gray and Alexander Stubb, 'The Treaty of Nice: Negotiating a Poisoned Chalice?' in: *Journal of Common Market Studies*, Vol. 39, Annual Review, 2001, pp. 5-23. For an assessment of the outcome of the IGC 2000 see among others Wolfgang Wessels, 'Nice Results. The Millennium IGC in the EU's Evolution', in: *Journal of Common Market Studies*, Vol. 39, No. 2, 2001b, pp. 197-219.

20 Cf. Paul Pierson, 'The Path to European Integration: A Historical-Institutionalist Analysis', in: Alec Stone Sweet and Wayne Sandholtz (eds.), *European Integration and Supranational Governance* (Oxford: Oxford University Press, 1998), p.46.

21 For analyses of the Charter Convention see among others Florence Deloche-Gaudez, *La Convention Pour l'Elaboration de la Charte des Droits Fondamentaux: Une Methode de l'Avenir?* Paris: Notre Europe, 2001, <http://www.notre-europe.asso.fr/fichiers/Etud15-fr.pdf> and Kim Feus (ed.), *A Charter of Fundamental Rights: Texts and Commentaries* (London: Federal Trust, 2000).

22 For a more detailed account of the Convention's mandate and composition, see *The Future of the European Union - Laeken Declaration*. [http://europa.eu.int/futurum/documents/off-text/doc151201\\_en.htm](http://europa.eu.int/futurum/documents/off-text/doc151201_en.htm), 15 December 2001; Alexander Stubb, 'Debating the Future of the European Union: From Laeken to IGC 2004', in: *Collegium*, No. 23, 2002 and Eric Philippart, 'The Convention on the Future of the EU', *CEPS Policy Brief No. 11*, Brussels 2002.

- presenting options or paving the way towards a constitutional settlement - the Convention might either follow the traditional 'path' of self-perpetuating reform or alternatively put an end to the dynamic of Treaty change by defining Europe's *finalité* in a legal text.

As had been the case with previous preparatory bodies, and in accordance with Art. 48 TEU, the Convention on the Future of Europe was not set up to replace the IGC but to prepare the Heads of State and Government's decisions. During its 'reflection phase', the Convention will thus offer the opportunity of tabling comprehensive proposals and of publicly discussing these before they are submitted to negotiation at the summit meeting. This inbuilt tension between preparing the IGC in the Convention and concluding it in the European Council makes it crucial to carefully look at the relation between the Convention's final report on the one hand and the IGC's outcome on the other if one wishes to assess the Convention's impact.

### 3. *The Institutional Mandate as 'Opportunity Structure': Three Sets of Expectations*

Although the European Council in Laeken has thus provided the Convention with 'a number of indicators on how it should proceed in terms of deliberation, drafting and decision-making'<sup>23</sup> it has not given the new institution a clear programmatic focus let alone defined its *finalité*. In the following we would like to understand this open, sketchy mandate as an 'opportunity structure'<sup>24</sup> for the actors in and around the Convention, authorising and enabling as well as constraining change.<sup>25</sup> Indeed, it is up to the members of the Convention to 'interpret the meaning of their institutional commitments'<sup>26</sup> and to give the Convention a distinct institutional character by fleshing out the framework mandate. As has been observable since February, a good deal of the Convention's attention has indeed been spent exactly on the question of how to define its task

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23 Philippart, *op. cit.*, p. 1.

24 In the following, we will understand this term in a restricted, institutional sense rather than as capturing an actor's comprehensive institutional and political opportunities ('policy-window'). For a discussion of political opportunity structures in the context of European integration, see Tanja A. Börzel and Thomas Risse, 'When Europe Hits Home: Europeanization and Domestic Change', *European Integration Online Papers*, Vol. 4, No. 15, 2000, <http://eiop.or.at/eiop/texte/2000-015a.htm>, pp.6ff.

25 Johan P. Olsen, 'Organising European Institutions of Governance. A Prelude to an Institutional Account of Political Integration', *ARENA Working Paper WPO0/2*, 2000a, p. 14.

26 B. Guy Peters, *Institutional Theory in Political Science. The New Institutionalism* (London: Continuum, 1999), p. 26.



more clearly, reaching from the composition of the Presidium, to the setting up of working groups and the debate about the drafting powers for the final document.

However, members of the Convention are not only confronted with imprecise institutional-procedural instructions but with divergent underlying concepts about the integration process and the Convention's role therein. This may very well be another opportunity, as '[m]ajor sources of change are inherent in [...] tensions and collisions caused by competing ideals and principles built into single institutions'.<sup>27</sup> Both behavioural patterns in, and the output of, the Convention will thus crucially depend on how the actors interpret their institutional and conceptual mandate.

### **3.1 The Convention as the Governments' Think Tank? A Minimalist Approach**

If one interprets the Laeken mandate in a minimalist way, the Convention will be considered as no more than an opportunity for discussion, a 'think tank' developing a catalogue of non-binding options from which the Heads of State and Government can pick and choose during the IGC to follow. The Convention's creation would be seen as resulting from the member states' enlightened self-interest: after the difficulties of previous reform processes, the chance of making plausible, balanced and efficient suggestions would appear higher in a Convention than in the heated negotiation climate of an IGC. Indeed, a preliminary discussion of 'taboo questions' such as the role of the Presidency or a re-opening of the Nice provisions could 'de-charge' the IGC negotiation agenda. A similar procedure would diminish the transaction costs of reaching an agreement at the Summit and might thus lead to more rational results - an effect that would not only please 'minimalists' but equally those countries interested in fostering the EU's construction step-by-step.

Underlying this scenario is the assumption that Europe's constitutional evolution has been mainly shaped by the European Council and that this development is likely to continue well into the future. Accordingly, as far as its outcome is concerned, the Convention would be expected to present the member states with acceptable options for improving the status quo. This would also imply that the Convention support the current Treaty structure with the European Council as 'constitutional architect'<sup>28</sup> and with the Convention itself always subject to

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27 Olsen 2000a, *op. cit.*, p. 13.

28 Cf. Wolfgang Wessels, 'Europäischer Rat', in: Werner Weidenfeld and Wolfgang Wessels (eds.), *Europa von A-Z. Taschenbuch der europäischen Integration*, 7<sup>th</sup> ed. (Bonn: Europa Union Verlag, 2000), p. 181.

strict (remote) control by the Heads of State and Government. In this scenario one would indeed expect a clear principal-agent-dynamic at work with the governments seemingly willing to delegate certain responsibilities while aiming to retain the 'strictest oversight'.<sup>29</sup>

The grounding of this scenario in neo-realist<sup>30</sup> and liberal intergovernmentalist conceptualisations of European integration is obvious. Indeed, the three main assumptions of liberal intergovernmentalism<sup>31</sup> could well be traced in the Convention's creation and potential development. The decision to create the Convention would be seen as an act of rational state behaviour with member states interested in increasing the efficiency of interstate bargaining.<sup>32</sup> If these governmental preferences were to result from processes of liberal preference formation at the national level, we would expect the scheduled 'national debates' on the Future of the EU to play a crucial role. Equally civil society actors would be 'gate-kept' without the chance of exerting a significant influence via the 'Civil Society Forum' at the European level.<sup>33</sup> Finally, with regard to the centrality of interstate negotiation, the fact that the Convention prepares but does not replace the IGC will be fully in line with an understanding of Europe's constitutional evolution as a 'series of celebrated intergovernmental bargains'.<sup>34</sup>

A minimalist reading of the Convention would also match the intergovernmental understanding of more supranational European institutions. Expecting non-state actors and supranational institutions to be but 'passive structure[s]'<sup>35</sup>, the Convention would merely provide 'a contractual environment conducive to efficient intergovernmental bargaining. As compared to ad hoc negotiations, [it would] increase the efficiency [...], facilitating agreements that would otherwise

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29 Pierson, *op. cit.*, p. 32. For a detailed analysis of the principal-agent model in the context of EU Treaty reform, see Mark A. Pollack, 'Delegation, Agency and Agenda Setting in the Treaty of Amsterdam', *European Integration Online Papers*, Vol. 3, No. 6, 1999, <http://eiop.or.at/eiop/texte/1999-006a.htm>.

30 For neo-realist accounts of European integration see John J. Mearsheimer, 'Back to the Future: Instability in Europe after the Cold War', in: *International Security*, Vol. 15, No. 1, 1990; Joseph M. Grieco, 'The Maastricht Treaty, Economic and Monetary Union and the Neo-Realist Research Programme', in: *Review of International Studies*, Vol. 20, No. 1, 1995 and Werner Link, 'Die Entwicklungstendenzen der Europäischen Integration (EG/EU) und die neo-realistische Theorie', in: *Zeitschrift für Politik*, Vol. 48, No. 3, 2001.

31 Cf. Moravcsik 1993, *op. cit.*, p. 480.

32 *Ibid.*, p. 507.

33 This aspect was first raised by Ana Maria Dobre in her course paper 'Possible Scenarios for the Convention in the Light of European Integration Theories', written for the above-mentioned course.

34 Moravcsik 1993, *op.cit.*, p. 473.

35 *Ibid.*, p. 508.

not be reached'.<sup>36</sup> With regard to the process of institutional formation, one would expect proponents of this approach to focus more on the conscious decision to set up the institution than on the processes of moulding it and imbuing it with values.<sup>37</sup> Furthermore, the Heads of State and Government as principals would try to check on their creation and would 'devise ways to control their agen[t]'.<sup>38</sup>

In the Convention's internal negotiation processes, 'bargaining' would be envisaged to trump 'arguing'<sup>39</sup>: there would be limited willingness to compromise by those representing national governments. Moreover, large member states would try to reinforce their relative power in a process of 'integrative balancing'.<sup>40</sup> Traditional bargaining patterns rather than collective problem-solving would thus dominate the Convention.

Key passages of the Laeken Declaration can be used to support this interpretation. One need only consider the starting formula according to which the European Council has convened the Convention 'in order to pave the way for the next IGC as broadly and openly as possible'.<sup>41</sup> Equally, the use of the Convention's output for the intergovernmental negotiations has been left undefined: 'the final document will provide a starting point for discussions in the IGC, which will take the ultimate decision'<sup>42</sup> – a procedure resembling previous mandates. Yet the weight of the Convention's suggestions is further reduced as they will be discussed 'together with the outcome of the national debates on the future of the Union'.<sup>43</sup> All these formula point at a tactical hesitation to make the Convention's output the *a priori* dominant, let alone exclusive, textual basis for the IGC. This attitude is further reflected in considerations to create a so-called 'firewall', which would clearly separate the Convention's conclusions from the beginning of the IGC in terms of both time and political content.

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36 Ibid.

37 Cf. Peters, op. cit., p. 32.

38 Andrew Moravcsik, 'Explaining the Treaty of Amsterdam: Interests, Influence, Institutions', in: *Journal of Common Market Studies*, Vol. 37, No. 1, 1999, p.6.

39 For a distinction between 'arguing' and 'bargaining' see Thomas Risse, "'Let's Argue!': Communicative Action in World Politics', in: *International Organization*, Vol. 54, No. 1, 2000, pp. 1-39 and Thomas Saretzki, 'Wie unterscheiden sich Argumentieren und Verhandeln?', in: Volker von Prittwitz (ed.), *Verhandeln und Argumentieren. Dialog, Interessen und Macht in der Umweltpolitik* (Opladen: Leske und Budrich, 1996), pp. 19-39.

40 Cf. Link, op.cit.

41 *Laeken Declaration*, op. cit., p. 4.

42 Ibid., p. 5.

43 Ibid.

If one wishes to continue along this line of intergovernmental thinking, the mandate's considerable breadth, with its 61 highly divergent questions, may well be interpreted as a 'quantity trap'. Considering the brief period of deliberation time, the Convention would have to choose between two strategies: either it tackles all questions superficially or it only analyses a selection. In both cases, the IGC might evaluate the Convention's contribution as either not comprehensive or not detailed enough. Consequently, the Heads of State and Government might very well decide to follow their own agenda without having to formally renounce the Laeken mandate. In this scenario, the main source of influence for the Convention could be to 'lock in the IGC'<sup>44</sup> by convincing as many governments as possible to endorse its conclusions in their own position papers.<sup>45</sup>

Following on from this reading, one could equally talk of an additional 'procedural trap' as devised by the European Council. After examining the questions sketched in the Laeken Declaration, the Convention is to 'draw up a final document which may comprise either different options, indicating the degree of support which they received, or recommendations if consensus is achieved'.<sup>46</sup> In other words: there will be no voting. Considering the potentially highly divergent answers to the breadth of questions, one is led to expect an extremely problematic process of consensus-finding. Without the ultimate 'threat' of voting the outcome may very well lead to the type of ambiguous compromise and advancing of specific national positions that was to be avoided by establishing the Convention. If, on the contrary, the Convention chose the second strategy and merely presented options, national governments might use the final document only to pick and choose, based on their own, pre-determined convictions. The presentations of clear alternatives could then even lead to a further hardening of national stances.

On the basis of both the theoretical assumptions underlying this scenario and the textual evidence from the Laeken Declaration we would like to raise some more concrete expectations about how 1) the Convention's working methods, 2) the Convention's output, and, 3) the Convention's legitimacy, might develop.

The role and composition of the Presidium, where government representatives and ex-Heads of State and Government dominate, would fit this line of argumentation. Indeed, the Presidium's composition might be interpreted as a strategic choice to enhance the 'governmental' weight in the Convention. If the

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44 Philippart, *op.cit.*, p. 5.

45 *Ibid.*

46 *Laeken Declaration, op. cit.*, p.5.

Presidium functioned as a 'Mini-IGC' and consciously followed an intergovernmental logic, this could indeed serve as an indicator for the 'executive grip'<sup>47</sup> on the Convention. Comprehensive, let alone 'revolutionary' drafts would be unlikely to result from the European Council's 'executive agent'. With the Presidium forming an exclusive 'core' to produce the final document, the 'normal' member would be sidelined to a consultative role.

Control might also be exercised through members of the Convention representing Heads of State and Government and turning into *de facto* veto players on behalf of national executives. This scenario would even question the *de jure* equality of members and could lead to an immediate restriction or 'tabooing' of presentable options. In this case of 'remote control' via the national capitals, the influence of European actors would be limited in the face of the representatives of the Heads of State and their decisive bargaining weight. Theoretically, this would imply, firstly, that the Heads of State and Government devised successful strategies not only to control but to instrumentalise their agents, and, secondly, that no processes of norm formation or socialisation took place among the Convention's members.

Furthermore, as far as the Convention's working environment is concerned, proponents of this scenario would expect members of the European Council to actively advance their conceptual plans for the future of the EU.<sup>48</sup> National politicians would want to stay centre-stage which could lead one to expect a multi-focal debate, not necessarily dominated nor controlled by the Convention. Also, national debates on Europe's future could then decisively impact on the Convention's work and open further room for the influence of national politicians. It would be particularly interesting to observe how ideas furthering the debate will be introduced - via grand political speeches as before Nice, or via actors from civil society and academia that find ways of advancing their concepts during the agenda-setting stage.

In this scenario, the 'Forum' for civil society may be considered no more than an unproductive distraction and as just one more 'trap'. A broad debate to involve all citizens, as called for in the Laeken Declaration, would absorb resources

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47 Philippart, *op.cit.*, p. 3.

48 This happened prior to and immediately after the Convention's inauguration with the Blair-Schröder-Letter on working methods of the Council, cf. [www.number-10.gov.uk/print/page4498.asdp](http://www.number-10.gov.uk/print/page4498.asdp) or the key speech on Europe delivered by Jacques Chirac in Strasbourg, cf. <http://www.chiracaveclafrence.net/PDFArticle/Strasbourg.pdf>. See also the Franco-British proposal for an elected President of the European Council or decisions on Council reform taken at the Seville Summit in June 2002, cf. <http://europa.eu.int/council/off/conclu/>.

without mobilising additional support. Considering that participation of the public might be rather unlikely, the forum would turn into a project driven by Europe-conscious elites. With reference to organised civil society, this might turn into an equally futile exercise. A 'minimalist' would expect these groups to be gate-kept and to participate in processes of preference-formation at the national but not the European level.

In terms of output, one could expect the final document to be drafted by an efficient Secretariat and presented by the President. The Convention as 'plenary' would agree on the 'core's proposal' and pass the document - consensus-based but moderate - on to the European Council. Should the Presidium succeed in this steering exercise, the Convention would indeed be no more than the IGC's 'think tank', discussing and testing options that might then find or not their way to the Summit. Despite significantly higher investment in terms of time, personnel and attention the Convention would then resemble the 1995 Reflection Group whose 'prenegotiation brainstorming was optimally to generate information and policy options without the need to make commitments'.<sup>49</sup>

In a similar perspective, 'normal' members of the Convention would soon lose interest in the *l'art pour l'art* event and react by sending their deputies. A vicious downward spiral of decreasing influence would be the result: limited expectations of the Convention's role would lead to decreasing initiative, in turn diminishing the future weight of the Convention and playing into the hands of the national governments in (remote) control.

This reading of the Laeken Declaration is also based on a certain understanding of the Convention's legitimacy. As was the case with previous preparatory committees, the members' legitimacy would be indirect, based only on a mandate from the European Council. The possibility of interpreting the 'rules of the game' in a more extensive way, based on the legitimacy of direct or indirect election, would be limited. Criticism of previous IGCs and an assessment of their weaknesses would not have resulted in a radically changed procedure with the broad public debate on the Future of the EU serving as a mere alibi. A similar development would follow an understanding of democracy in the EU where legitimacy is seen to be guaranteed via nationally elected governments and where a 'democratic deficit' is in turn considered non-existent.<sup>50</sup>

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49 Moravcsik 1999, *op.cit.*, p. 65.

50 Cf. Andrew Moravcsik, 'If It Ain't Broke, Don't Fix It', In: *Newsweek*, 4 March 2002, p. 15.

In response to the two aspects raised in the beginning of this analysis - Europe's open *finalité* and previous processes of Treaty reform - the 'minimalist Convention' would thus stand in line with an understanding of European integration as a process of incremental change. The Convention would be an opportunity to lead a more focused debate on Europe's future but would not conclude by defining a constitutional blueprint. Yet although not 'revolutionising' the system of Treaty change and preserving the predominance of 'grand bargaining', a 'minimalist Convention' could be established more permanently as an appropriate way to prepare European Summits more effectively and would thereby create a new 'path' for designing the Union's constitutional shape. In a long-term perspective, this body would then serve as a further indicator of the 'fusion trend'<sup>51</sup> with national and European, governmental and parliamentary actors pooling their views and legitimacy and jointly reinforcing the multi-level complexity of the EU's political system.

### **3.2 The Convention as Constituante? A Maximalist Approach**

The above restrictive assessment of the Convention's potential scope and impact can be directly confronted with a model of the Convention as a fully-fledged constitutional assembly. In this view, the actors would use the Laeken mandate as a unique opportunity to develop an encompassing vision of Europe's institutional and political future in a draft Constitution. This document would then be used as a catalyst for European constitution-building.

Proponents of this maximalist reading of Laeken see the Convention's creation as a genuinely new and far-reaching step allowing the Convention to 'think big' and 'out of the box'.<sup>52</sup> With the deficits of previous Treaty reforms in mind, the Convention would not be expected to gather options but to come forth with a 'legal text' transcending national positions. To raise and discuss the above-mentioned 'taboo questions' would then not only aim at contracting the IGC's agenda but at publicly discussing a genuine reform of Europe's political system. In the eyes of the 'maximalists', the Convention would thus be an institution created not only to facilitate interstate bargaining but rather recall the neo-institutionalist understanding of institutions as developing 'lives and deaths of their own'.<sup>53</sup> Transcending both previous modes of Treaty reform and making optimal use of its open mandate the body would develop its own institution-

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51 Cf. Wolfgang Wessels, 'Trends in European Integration: Ever Closer Fusion?', in: *Journal of Common Market Studies*, Vol. 35, No. 2, pp. 267-299 and Wessels 2001b, *op. cit.*

52 Philippart, *op. cit.*, p. 2.

53 Olsen 2000a, p. 14.

dependent dynamic of framing political proposals.<sup>54</sup> As such the Convention could function more as a representative of the 'European people' than as a think tank for the Heads of State and Government.

This last aspect shows that the maximalist scenario is based on assumptions entirely different from those underlying the minimalist model. Although recognising the eminent role that summit bargaining and the European Council have played, its proponents would adopt a more normative understanding of the EU's future constitutional evolution. In particular, they would put a much greater emphasis on both representing and involving the people - be that through public debates or Europe-wide ratification referenda.

Equally, the Convention's output would be expected to be far-reaching: Rather than optimising the status quo within the framework of the pillared Treaty structure, the Convention would aim at replacing the existing Treaties as a pact between sovereign states by a Constitution recalling those of the nation state.<sup>55</sup> In this scenario, the body would therefore resemble the 1787 Philadelphia Convention not only in its 'historic' label.

As far as underlying assumptions about the macro-level of European integration are concerned, this model is rooted in (early) Federalist reasoning, whereas the conceptualisation of the Convention's institutional evolution seems to be based on normative institutionalist thinking.

Thus, (early) Federalists advocated a *saut qualitatif* based on a 'European people' and the launching of a grand debate to involve all citizens. Indeed, Federalism insists 'that European union should be brought about by the European population, and not by diplomats, by directly electing a European constituent assembly, and by the approval through a referendum, of the constitution that this assembly would prepare'.<sup>56</sup> Although not directly elected, the Convention's composition would resemble this concept: a substantial number of its members are national and European parliamentarians whose cooperation 'on the ground' might fundamentally transform the Convention's direction and impact.

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54 Cf. *ibid.*, p. 17.

55 For a distinction between the terms 'Constitution' and 'Constitutional Treaty' in the EU context see Tanja Börzel and Thomas Risse, 'Who is Afraid of a European Federation? How to Constitutionalise a Multi-Level Governance System', *Contribution to the Jean Monnet Working Paper No. 7/00*, 2000, <http://www.jeanmonnetprogram.org/papers/00/00f0101.html>, p. 3.

56 Altiero Spinelli, 'The Growth of the European Movement Since the Second World War', in: M. Hodges (ed.), *European Integration* (Harmondsworth: Penguin, 1972). For a neo-federalist account of the EU's evolution see John Pinder, *The Building of the European Union*, 3<sup>rd</sup> ed. (Oxford: Oxford University Press, 1998).



On the level of the Convention's institutional evolution, normative institutionalist assumptions can be traced in the maximalist scenario. In this view, institutional change is not triggered by 'clear problem-definitions and objectives leading to tailor-made institutional design'<sup>57</sup> as rational-instrumental approaches would suggest. Rather, anything but 'passive structures' or 'mere facilitators', controlled in a clear principal-agent-chain, institutions will develop both independent agency<sup>58</sup> and impact on the values of actors associated with the institutions. Thus despite 'control mechanisms' and 'strategic selection' of an institution's individual members 'there are almost certain to be some differences in values and perceptions. Those differences will influence the way in which institutional values are interpreted, and will generate a political process that will tend to result in some modifications of the initial constellation of institutional values'.<sup>59</sup>

With regard to the Convention's processes of institutional formation, one would therefore expect a neo-institutionalist to focus less on the 'design format in the consciousness of the creator'<sup>60</sup> than on the institution's evolving 'internal constitutive characteristics'.<sup>61</sup>

If one looks for textual evidence from the Laeken Declaration to support a similar reading, the Convention's composition itself springs to mind. National governments and their (bureaucratic) representatives are outnumbered by national and European parliamentarians as direct representatives of the European citizens. Therefore, the Convention could be understood as a truly transnational assembly and thus as a 'quantum leap' *vis-à-vis* traditional IGCs.

Furthermore, the mere scope of the Laeken mandate as well as the constitutional nature of the questions to be tackled could be interpreted in a maximalist way. Thus rather than setting up a 'quantity trap' for the Convention's members, the 61 divergent Laeken questions would open up the chance of discussing a complete overhaul of the Union's political basis and institutional set-up. This is reflected in the four headings of the catalogue of reform questions: 'A Better Division and Definition of Competence in the EU', 'Simplification of the Union's Instruments', 'More Democracy, Transparency and Efficiency' and, finally, the ambiguous formula of 'Towards a Constitution for European Citizens'.

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57 Johan P. Olsen, 'How, Then, Does One Get There? An Institutional Response to Herr Fischer's Vision of a European Federation', *Contribution to the Jean Monnet Working Paper No. 7/00*, 2000b, <http://www.jeanmonnetprogram.org/papers/00/00f0101.html>, p. 6.

58 Cf. Olsen 2000a, *op. cit.*, p. 14.

59 Peters, *op. cit.*, p. 33.

60 *Ibid.*

61 Olsen 2000a, *op. cit.*, p. 4.

In view of this interpretation and the above theoretical assumptions we will again raise expectations about the Convention's working methods, potential outcome and its legitimacy that are significantly different from those of the first model.

Thus, the role of the Presidium and the 'plenary' would be assessed differently in the maximalist model with the Presidium expected to dominate the Convention less than to chair joint discussions and to facilitate consensus-seeking. Indeed, in a process of 'bottom-up' parliamentarisation, the Convention's discussions would be broad with the drafting of texts being done either jointly or in working groups and/or transnational party groupings. Following this line of argumentation, the Convention's composition would facilitate a dynamic search for consensus: in this focused and pluralistic rather than heterogeneous representative body, input, support and public mobilisation would flow from all major groups represented in and associated with the Convention.

Equally, 'maximalists' would not envisage consensus-seeking to be a straightforward exercise but government representatives with *a priori* veto positions would be perceived less as a threat than as a challenge. Indeed, 'remote control' from national capitals as well as the upholding of fixed preferences would be more difficult in a context where actors are believed to become part of the institution's evolving routines and norm formation which might even commit 'the members to behave in ways that [...] violate their own self-interest'.<sup>62</sup> Socialisation processes through interaction and 'value drifts'<sup>63</sup> creating an *esprit de la convention* would then not only be a possible scenario but an expected step towards finding consensus on a final, legal document.<sup>64</sup>

Furthermore, with reference to the Convention's working environment in the agenda-setting phase, the Heads of State and Government would be challenged in their 'conceptual monopoly' by a 'broad, democratic constitutional debate on the preferred political order'.<sup>65</sup> Conceptual contributions would thus be presumed to emanate not only from national governments and debates but in

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62 Peters, *op. cit.*, p. 29.

63 *Ibid.*, p. 33.

64 See, e.g., Giscard's opening speech to the Convention's members implicitly calling for distinct institutional values: 'You are the members of the Convention on the future of Europe. You are the "Conventionists" of Europe. You therefore have the power vested in any political body: to succeed, or to fail' (cf. <http://european-convention.eu.int/docs/01565EN.pdf>) or the Austrian Green Johannes Voggenhuber speaking of an evolving Convention-specific dynamic with the actors increasingly thinking outside their national boxes (cf. *Die Presse*, 26 June 2002).

65 Olsen 2000b, *op. cit.*, p. 8.

particular from (an avant-garde) within the Convention. For a maximalist, involving the broader public and setting up a 'Civil Society Forum' as called for in the Laeken Declaration would accordingly not be a 'distraction' but a prerequisite to convey the Convention's work to the EU citizens and to mobilise their support.

A similar dynamic would result in far more 'radical' expectations about the Convention's output. Thus, following up on broad public debates and internal norm formation processes, a 'maximalist' would expect a final document to contain clear recommendations for the Heads of State and Government. Instead of a 'pick-and-choose' catalogue of options, the Convention would produce a coherent, readable (legal) document that would become the nucleus for European constitution-building. Throughout the decision-making process a consistent majority would emerge with, however, dissenting minority views reflected in the final document. It would be through this final document that the Convention could 'lock in' the IGC to follow. Faced with the Convention's internal consensus and a 'critical public'<sup>66</sup>, Heads of State and Government would have to at least seriously discuss the Convention's text and at most actually endorse it.

Similar expectations of the Convention's working methods and output would have consequences for an assessment of the body's legitimacy. Opposed to the first scenario where legitimacy would be indirect and based on national mandates, the 'maximalist' Convention would be seen as working with an 'implied' mandate from the European people. This would be reflected in the broad public debate about Europe's political order and be enforced by an exercise of 'demos-building'<sup>67</sup>- be that through Europe-wide referenda on (aspects of) the constitutional project or the formation of transnational party groups as a step towards further parliamentarisation. At the same time the Convention would, however, need to be aware of a looming 'legitimacy gap between those taking part in discourses and interaction and the bystanders'.<sup>68</sup>

A 'maximalist model' would thus give entirely different answers to the questions of the EU's *finalité* and future mode of Treaty reform. The Convention would provide Europe with its political and institutional blueprint and thereby end the

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66 Justus Schönlaue and Jo Leinen, 'The Europe We Need', *EPC Breakfast Briefing*, 6 June 2002, [http://www.theepc.be/europe/print\\_europe.asp?](http://www.theepc.be/europe/print_europe.asp?)

67 Cf. Simon Hix, 'The Study of the European Union II: The New Governance Agenda and Its Rival', in: *Journal of European Public Policy*, Vol. 5, No.1, 1998, pp. 51ff.

68 Olsen 2000a, p. 11. See also the June 2002 *Eurobarometer* showing that 64% of the European population has never heard of the Convention on the Future of Europe (cf. [http://europa.eu.int/comm/public\\_opinion/archives/eb/eb57/eb57highlights\\_en.pdf](http://europa.eu.int/comm/public_opinion/archives/eb/eb57/eb57highlights_en.pdf)).

self-perpetuating process of incremental reform. In this case, one would also expect the Convention to become part of a new Constitution to accommodate potential future change. This issue seems particularly acute in the light of difficulties in predicting the future direction of the EU - unexpected internal and external events might easily upset a clear-cut constitutional vision.

### **3.3 Constitutional Evolution Through Deliberation and Arguing**

A third set of expectations, which we call 'deliberative' or 'argumentative', would start from a very different understanding of Laeken. The European Council's mandate would be considered less as a functional task - be it to map options or to draft recommendations - than as an opportunity of engaging in a transnational debate about Europe's normative and political order. The mandate's institutional and procedural rules would then be read as a framework to 'develop stable patterns of expectations and interactions'<sup>69</sup> to facilitate discussions and to guarantee an equal and open exchange of opinions. Freed from fixed hierarchies and narrowly determined (national) interests, the actors would discuss their concepts, without, however, negating their own background traditions. A similar transnational process of deliberation could produce convincing and thus powerful arguments and instigate a broad, genuinely European debate beyond the 'Brussels meeting room'. Rather than bargain on the basis of fixed national interests and preferences, the Convention would engage in arguing about Europe's 'common value orientation'.<sup>70</sup>

A similar 'deliberative scenario' would expect the Convention to engage in a process of clarifying and up-dating the (citizens') basic understanding of the EU's underlying normative model, or, in Jürgen Habermas' words, to go into 'symbolic depth'.<sup>71</sup> The Convention would thus be understood as a 'deliberative space' with a mandate far beyond that of any other European discussion *fora*. Accordingly, it would be less its textual output than its 'mental' influence on future political orientations and behavioural patterns as well as its exemplary mode of problem-solving through processes of 'reflection and consciousness-raising'<sup>72</sup> that would turn the Convention into a lasting point of reference. Although initially impacting mainly on its members' experience and perceptions, this exemplary exercise would be expected to eventually impact upon the broader European public.

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69 Thomas Risse, *op.cit.*, p. 15.

70 Jürgen Habermas, 'So, Why Does Europe Need a Constitution?', Florence 2000, [http://www.iue.it/RSC/EU/Reform02\(uk\).pdf](http://www.iue.it/RSC/EU/Reform02(uk).pdf), p. 7.

71 *Ibid.*, p. 4.

72 Olsen 2000a, p.16.

When analysing the rationale behind the Laeken mandate, one could link the Convention to theorising about processes of legitimation, understood as the 'reproduction of legitimacy'<sup>73</sup> in a political system. Following this line of thinking one could read the Convention as an exercise in generating polity-ideas or (new) 'normative orders in which specific constructions of the legitimacy of a political system are (re-)produced'<sup>74</sup> - an exercise going far beyond the mere compilation of ideas for the IGC to follow. Its rationale would then no longer be seen as springing from the governments' interests to optimise their bargaining environment in the IGC to follow, but from the system's need to be redefined in the face of current challenges. Indeed, with Eastern enlargement, pressures on the EU's institutional, political and financial system and the increasingly adverse public climate since Nice, the EU would require new 'normative models for the legitimation of [...] political order [that] are usually mobilised in periods when the existing order is no longer unproblematic and taken for granted'.<sup>95</sup> This process would simultaneously try to realise the much quoted aim of 'bringing Europe closer to its citizens' as '[e]conomic expectations are not a strong enough motivation to induce the population to give their political support to the risk-filled project of a "Union" that would be deserving of the name. For that we need a common value orientation'.<sup>76</sup>

With reference to the Convention's internal discussion of these polity-ideas, the third scenario seems to assume that this new institution would be a particularly apt one for processes of argumentation, deliberation and persuasion as a 'distinct mode of social interaction to be differentiated from both strategic bargaining [as dominant in model 1] and rule-guided behaviour [as dominant in model 2]'.<sup>77</sup> A similar 'ideal speech situation'<sup>78</sup> favouring processes of 'communicative action' or the 'logic of arguing' would require, firstly, participants in the discourse to be open to 'being persuaded by the better argument'<sup>79</sup>, secondly, relationships of power and social hierarchies to be absent or to 'recede in the background'<sup>80</sup>, and, thirdly, an institutional environment favouring 'dense interaction patterns'.<sup>81</sup> In order for the Convention to approximate this ideal-type

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73 Jachtenfuchs et al., *op. cit.*, p. 413.

74 *Ibid.*

75 Peter Graf Kielmansegg 1971, quoted in *ibid.* For a further discussion of the role of Leitbilder in the evolving EU system see Heinrich Schneider, *op. cit.*

76 Habermas 2000, *op. cit.*, p. 7.

77 Risse, *op. cit.*, p.1.

78 *Ibid.*, p. 10.

79 *Ibid.*, p. 7.

80 *Ibid.*

81 *Ibid.*, p. 15.

situation and to arrive at 'a mutual understanding based on a reasoned consensus'<sup>82</sup> one would thus expect, firstly, national representatives and parliamentarians not to stick with a set of fixed preferences, secondly, access to the debate to be equal as well as 'power questions' to be of minor relevance and, finally, an interpretation of the institutional mandate that facilitates such an inclusive debate.

If one interprets the Laeken Declaration in the light of these expectations, the breadth of the mandate would be assessed as a chance to comprehensively debate Europe's political and normative basis. In particular, this reading would welcome the 'fundamental character' of the issues raised as well as the mode of putting forth a whole range of non-prioritised questions. Furthermore, the genuinely transnational composition of the Convention combined with the absence of coercive majority voting rules could be used to support this model. Indeed, the open discussion of fundamental questions in a truly transnational context could be understood as an experiment for a 'post-national' discursive space *en grand*.

In a similar deliberative model, one would presume the Convention's working methods to primarily serve the openness of debate. Accordingly, the Presidium's role would be to stabilise interaction and to guarantee processes of joint discussion and persuasion. Thereby inclusiveness of - and, even more importantly, open access to - the debate would be crucial. Throughout the agenda-setting stage, ideas would be expected to be far-reaching without 'tabooing' and to emanate through a variety of national and European channels. Access to the debate would indeed have to be even more open, inclusive and transparent than in the maximalist model, where the ultimate goal of giving clear recommendations to the IGC would be, after all, more functional.

Actors in the Convention would be envisaged to proceed in two steps: in a 'prenegotiation phase' they would try to reach agreement on the 'rules of the game' and search for a common definition of the situation whereas a second stage would be devoted to finding optimal solutions for the commonly perceived problem.<sup>83</sup> Throughout the whole process, actors would constantly challenge each other's causal and principled beliefs about Europe's 'normative model' to arrive at 'a reasoned consensus about validity claims'.<sup>84</sup> Furthermore, if one assumes the Convention to resemble an ideal communicative sphere,

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82 Ibid., pp. 1f.

83 Ibid., p. 2.

84 Ibid. p. 9.

neither a *priori* veto positions nor control via national capitals should be a hindrance: members of the Convention would be expected to be open to 'discursive challenge'<sup>85</sup> and 'national power politics' should recede in the background in favour of stable and equal social interaction. In contrast to the maximalist Convention, value drifts, norm-formation and socialisation would here serve the *process* of communication rather than the search for a forceful majority on textual *output*.

Concerning output, the Convention's discussions of different underlying (national) models and beliefs about the integration process would ultimately lead to a definition of the common core values to underlie a potential constitutional text. In this sense, the Convention would be as 'maximalist' as in the second model, though less legal-technical. The presentation of these results could take on different formats - the final text could offer consensus-based basic orientations to the IGC, supplemented by carefully analysed options on contested points with the Heads of State and Government then taking the final political decision. Furthermore, a crucial part of the Convention's 'outcome' would be its public visibility as a 'microcosm' or 'testbed' of genuinely European communication.<sup>86</sup>

In terms of legitimacy, the 'deliberative Convention' would set out to define the 'substantive part of social legitimacy, understood as those commonly agreed values that underlie a system's political culture'.<sup>87</sup> These values should be subscribed to by Europe's citizens and thereby perform the important function of generating citizens' affective rather than mere functional support of the political system.<sup>88</sup> On the other hand, debates within the Convention could provide a 'catalysing impetus'<sup>89</sup> with the constitutive process becoming a 'unique instrument of cross-border communication'<sup>90</sup> and, in that sense, an exercise of 'post-national' identity construction. Thus, a 'deliberative Convention' would be as engaged in the process of 'demos-building' as a maximalist one but it would rely much less on classic democratic practices as known in the nation state. Rather, relying on the symbolic function of the Convention - a transnational process of deliberation and the drafting of a value-based text - it would transcend the notion of a demos requiring a common memory, experience and language.<sup>91</sup>

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85 Ibid., p. 7.

86 Cf. Jürgen Habermas, *Die postnationale Konstellation: Politische Essays* (Frankfurt am Main: Suhrkamp, 1998), pp. 91-169, esp. p.117.

87 Cf. Joseph H.H. Weiler, 'Problems of Legitimacy in Post 1992 Europe', in: *Außenwirtschaft*, Vol. 46, No. 3/4, p. 184.

88 Cf. David Easton, *A Systems Analysis of Political Life* (New York: Wiley, 1967), pp. 171-219.

89 Habermas 2000, *op. cit.*, p. 18.

90 Ibid.

The third set of expectations would, accordingly, avoid clear answers to both the question of political *finalité* and the future of Treaty reform yet would seek to clarify Europe's underlying substantive value-base. At the same time, its main function would lie in exercising an exemplary, transnational process of deliberation that could ultimately instigate a broad and genuinely European discursive space.

#### 4. Conclusion: Indicators for Empirical Observation

In the preceding analysis, we have tried to show that the Convention - albeit its innovative method and hitherto unknown investment in resources and media attention - needs to be analysed as embedded in, firstly, the perpetuating process of Treaty reform in the European Union, and, secondly, underlying theoretical assumptions about the nature of European integration and the role of institutions therein. Thereby, we have analysed the openness of the Convention's mandate as a framework for different modes of internal action and external impact. Depending on the theoretical position adopted, different answers were thus given to the two dimensions raised at the beginning of this article: Europe's open *finalité* and the sub-optimal process of Treaty reform.

In the following we would like to extract a set of questions, based on the three models and their underlying theoretical assumptions, that might serve as a starting point when analysing the empirical evidence available and conducting further research on the Convention's evolution and the IGC to follow.

1. In how far will the Heads of State and Government be successful as 'principals' to control the Convention as their 'agent', i.e. will the body become no more than a facilitator of interstate bargaining? Or will the Convention be successful in developing its own 'agency' beyond the Heads of State and Government's control? The Convention's internal working dynamic, an evolving distinct value structure and control over agenda-setting would be particularly interesting to analyse. Most importantly, the gradual convergence of opinions around a final, possibly legal, text will be key.

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91 Cf. Peter Graf Kielmannsegg, 'Integration und Demokratie', in: Markus Jachtenfuchs and Beate Kohler-Koch (eds.), *Europäische Integration* (Opladen: Leske und Budrich, 1996), p. 55. See also Fritz Scharpf's conceptualisation of 'thick collective identity' in *Governing in Europe: Effective and Democratic?* (Oxford: Oxford University Press, 1998), pp. 8-10.85  
Ibid., p. 7.



Closely related is the question in how far this final document will succeed in 'locking in' the IGC 2004 and, potentially, IGCs to follow, thereby challenging the primacy of intergovernmental bargaining and turning Treaty reform processes into a more 'people-based' exercise.

2. In how far will preference formation remain a national process with preferences staying fixed throughout negotiations at the European level? The conceptual input by Heads of State and Government, the role of national 'Future of Europe' debates and the (un)successful gate-keeping of organised civil society might serve as yardsticks.

Or will the Convention be successful in mobilising support from a broader, European public for a constitutional project? Factors to observe would be media coverage, participation rates in national debates on the Future of Europe, 'hits' of the Convention's and the Commission's 'Futurum' websites as well as the number of proposals submitted via the 'Forum'. Opinion polls on citizens' support or rejection of the Convention's work will equally be valuable sources. In terms of content, debates under the heading of 'democracy, transparency and efficiency' will be particularly interesting to observe as would be the status of the Charter of Fundamental Rights.

3. In how far does the Convention approximate an 'ideal speech situation' in the Habermasian sense, i.e. can we observe arguing processes complementing or even replacing strategic bargaining and rule-guided behaviour? In how far will actors' causal beliefs be open to challenge? Who is granted access to the discussion process? Do the chosen rules of procedure facilitate inclusiveness or do they lead to hierarchisation?

Will a similar Convention thereby become a successful 'testbed' or nucleus for future Europe-wide communication processes and as such provide an impetus for citizens' communicative involvement with Europe? Above-mentioned indicators on public discourses could be used here, complemented by a more systematic inquiry about the Convention's short-term impact on its members' experience and more long-term effects on citizens' perceptions.

Following on from these questions, Table 1 summarises and further breaks down the indicators to provide a more detailed grid for empirical analysis of both the Convention's work and the next IGC. We do hope that this set of indicators - albeit reflecting ideal-type models - might prove useful in structuring empirical research throughout the phases of Treaty reform to follow.

**Table 1.: Synopsis of Indicators**

SET OF EXPECTATIONS

DIMENSION	Minimalist-Intergovernmental	Maximalist-Integrationist	Deliberative
Overall Role	Facilitator of intergovernmental bargaining, 'think tank'	<i>Constitutante</i>	'Testbed' for a European discursive space
	Cf. Reflection Group	Cf. Philadelphia Convention	Cf. creation of national 'constitutional myths'
Working Procedures			
• Presidium	'Executive agent', 'mini-IGC'	Limited to formal functions	Facilitator of non-hierarchical interaction and open discussions
• National representatives	<i>De facto</i> veto-players with stable preferences	Parliamentarisation, gradual convergence of opinions	Openness to discursive challenge
• Heads of State and Government	Principals with control strategies	Subordinate role compared with Parliamentarians as citizens' representatives	One factor in a genuinely transnational debate
• Civil Society Forum	'Distraction', alibi function	Participation and input as prerequisite to mobilise support	Equal access and participation

## SET OF EXPECTATIONS

DIMENSION	Minimalist-Intergovernmental	Maximalist-Integrationist	Deliberative
<b>Output</b>			
• Drafting power	Presidium/Secretariat	Working committees/transnational party groups	Drafting subordinate to reflection and discussion
• Final document	'Pick and choose' catalogue of options	Constitution (maximum), coherent, legal text (minimum)	Open - key aspect: definition of substantial objectives and values
• Relation with IGC	Preparation	IGC 'locked in' through consensus and public support	Less short-term goals than long-term impact on public perception
<b>Legitimacy</b>			
• Legitimacy basis	Indirect, based on a mandate from Heads of State and Government	Direct, representation of the European citizens	Substantive, definition of the EU's underlying value-structure
• Democratic dimension	No broad mobilisation of public support, democracy guaranteed through national governments	'Demos-building' via transnational democratic practice	Short-term: impact on members' perceptions  Long-term: post-national demos-building through transnational deliberation

# The Role of The Media in a Developing European Union

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**Fritz Groothues<sup>1</sup>**

## *Abstract*

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Although people, goods and services may flow freely across today's porous intra-European borders, Fritz Groothues argues that information does not. The 'European information gap', whereby domestic media appear to keep the discussion of important issues well protected from any European exchange of ideas, results in a lack of true pan-European debate on the key questions facing the citizens and governments of the European Union (EU). Only through the creation of a genuinely European editorial agenda will the opinions of citizens and policy-makers be based on real insight rather than prejudice and the connecting of citizens to the EU move from rhetoric to reality. After fifty years of European integration, the EU can and should be doing more to encourage this.

## *1. Introduction*

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The media play a crucial role in shaping our perceptions of the context we live in, whether that context is local, regional, national or international. As Lord Hurd, the former British Foreign Secretary said recently, 'The Europe of perceptions is part of the Europe of substance'.<sup>2</sup> More generally, the media are central to any functioning democracy. Robert McChesney summed it up like this in an article in the *Boston Review*:

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- 1 Fritz Groothues used to work for the BBC and was a member of the World Service Management Board. At present, he is a strategy and broadcasting consultant in London. The article is based on a guest lecture given at the College of Europe in Bruges on 21 March 2002.
  - 2 At a conference on press bias organised by *The Guardian* on 23<sup>rd</sup> February 2002.

'Media perform essential political, social, economic, and cultural functions in modern democracies. In such societies, media are the principal source of political information and access to public debate, and the key to an informed, participating, self-governing citizenry'.<sup>3</sup>

The problems start if we try to apply this to the European context. It is easy to see how certain aspects of governance - accountability for example - are even more important for the media to probe in the European framework than domestically. But what exactly are European media – just the agglomeration of media companies that exist in the member states, or is there something else, a European level on which media should operate? Of course we want a democratic European Union, but can the media be assigned the same role as in a state? Would that not imply that Europe is indeed becoming a 'superstate'?

To answer these questions, I would firstly like to describe the role the media are playing today in Europe, and the way they are structured in relation to their European function. Secondly, I want to explain why I think that in the current phase of European integration the role of the media is particularly important. And thirdly, I would like to outline what I think should be done to make the media more responsive to the needs of an enlarging European Union, a Union which is internally said to suffer from a democratic deficit and externally strives to define its role on the international scene. If the statement about the essential function of the media in a democracy is true for a country, how should it be applied to Europe? Should there be such a thing as a European level, in addition to the already existing ones?

## 2. European Media Levels

Both print and electronic media operate on at least three different levels in European countries: there is the local level, which is taken very seriously by both print and electronic media, and within the electronic media by both commercial and public service broadcasters, on radio as well as television. On the regional level we again find that electronic and print media are flourishing, with variations from one country to the other. In Germany, for instance, the federal nature of the country has resulted in a strong regional structure, where each *Land* has its own regulatory body. In the UK, 'regional' can refer to England, Scotland, Wales and Northern Ireland or to the English regions. Moving up one

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3 Robert McChesney, 'Making Media Democratic', in: *Boston Review*, Summer 1998.

level, every country attributes great importance to nationally based media activities, in both the public service and commercial sector, in print and electronic format. We talk about a country's national broadcaster, about the vital function this national broadcaster fulfils in enabling the nation to talk to itself and to reflect on the challenges it faces.

Then there is the international level, where again quite a lot is happening. Many European countries have international broadcasters, mostly in radio, some also in television. And there are a number of commercial international broadcasters, from CNN to MTV to Rupert Murdoch's *Star TV*.

But what about the level in between the national and the international, the European level? After 50 years of European integration you would perhaps expect a considerable degree of activity. In the same way that local broadcasting has blossomed over the last 30 years, we might justifiably look for some pan-European radio or TV stations or newspapers. But this is not a rewarding task. Although there is *Euronews* and *Eurosport*, the prefix Euro does not necessarily indicate a specific European function. The only pan-European print venture, *The European*, no longer exists. *The Financial Times*, which one might think could position itself as a pan-European business paper, saw the need to start a tailored German language edition.

Why then, after almost five decades of European integration, is there still an almost complete absence of pan-European media? There are several explanations. The first is language, which is particularly difficult to solve for newspapers, but easier for the electronic media, as *Euronews* has shown. The second, related to the language issue, is commercial. The incentive to invest in pan-European newspapers is not overwhelming, and given the very limited audience reach of *Euronews*, pan-European television does not look like the most attractive investment opportunity either. There is of course media ownership across European borders, and there are common themes in the commercial electronic media in Europe, so that a visitor from Mars might well think that we do indeed have strong media links: many millions of Europeans follow programmes called 'Who wants to be a millionaire?' or 'Wer wird Millionär?' or 'Qui veut gagner des Millions?'. The *Big Brother* television programmes made waves not just amongst TV audiences in many European countries, the newspapers were also full of them. Unfortunately, all this points to is the success and the exportability of certain television formats, not to any commonality of purpose. However, it would be quite a challenge for a TV

producer to come up with a European *Big Brother*, in which the audiences could vote out contestants of different nationalities. Or perhaps better not.

### 3. Pan-European Public Service Broadcasting?

If there are no strong commercial reasons for creating proper pan-European media projects, what about public service initiatives? Again, this is not a world of abundance – public service broadcasters are not falling over themselves to be as European as possible. There is a conflict between two lines of thinking – on the one hand the somewhat timid realisation that there is indeed a need to create an information flow across national borders and to generate proper debate in Europe. On the other hand, the subsidiarity argument is increasingly weighty: should information not be provided on the level that is closest and most relevant to the citizen – local, regional and national? And are pan-European media initiatives therefore not at best unnecessary, at worst propaganda exercises dreamt up by the European Commission?

There is a further reason why Europe does not figure highly on the agenda of public service broadcasters. They see their role as essential for the fabric of democracy, and define democracy in purely domestic terms. The BBC states that one of its core purposes is to ‘nurture and cherish the rich diversity of the UK’s heritage, identity and cultural life’ and as one of its benefits that it supports ‘citizenship and democracy’. No mention of Europe here – it is not perceived as a factor in the accountability relationship between broadcaster and audience.

So if there is general unwillingness on the part of domestic public service broadcasters to create services on a European level, what about their international divisions? Do *Deutsche Welle*, *Radio France Internationale* and the *BBC World Service* not have a special obligation towards European audiences that is different from their programming for audiences in Nigeria or Sri Lanka? In today’s Europe, do these traditional external broadcasting operations, established during World War II and flourishing during the Cold War, still make sense?

There were indeed several initiatives by Europe’s international broadcasters to create a joint European broadcasting operation – one in the late 70s, which quickly ran into the sand, and another one in the early 90s, a project called *Radio E*, launched by the *BBC World Service*, *Deutsche Welle*, *Radio France Internationale* and *Radio Nederland Wereldomroep*. *Radio E*, with which I was

closely involved for several years, provides a good illustration of the challenges any pan-European broadcasting initiative faces, particularly one that depends on new technology.

The task which *Radio E* set itself was to lift international broadcasting within Europe onto a new level and to redefine it as European broadcasting, addressing its listeners as a domestic European audience. It would use the editorial resources of all participating stations to produce specific European current affairs programming in English, French and German, and in other languages as more stations joined the project. To begin with, this programming would be quite limited, and broadcast on the existing short and medium wave frequencies of each station. But there was a new technology on the horizon that would enable *Radio E* to develop into a fully-fledged European service: DAB, Digital Audio Broadcasting.

This technology, which was developed by Europeans and supported by the European Commission, seemed much more attractive than any existing way of delivering radio signals, and certainly much better than the traditional distribution method of international broadcasters, short and medium wave, to which fewer and fewer people in Europe listen. Even compared to FM, DAB gives higher quality reception, the option to add text and graphics, and the possibility of broadcasting over large areas using the same frequency. So thanks to the quality of DAB, we thought, this pan-European initiative would become attractive to European radio audiences.

Not only that, DAB was going to be the end of spectrum scarcity. So far any attempt to offer new services on new frequencies had come up against the restrictions of a very crowded FM spectrum. It was highly unlikely that additional frequencies would be found, even if the licensing bodies were in favour of giving them to the *Radio E* initiative. DAB was going to open up this over-restricted and over-regulated sector. By forming a European consortium, the *Radio E* broadcasters would transcend national considerations and be able to appeal to the spirit of reciprocity. For instance, if a DAB licence had been made available in Paris and Berlin for the project, it would be churlish of the UK to refuse the equivalent in London – at least, that was what we thought. But we were wrong – London proved just too difficult.

The other big advantage of DAB for this project was that one frequency would carry several languages, at least three in reasonable audio quality. These could



be configured to match the needs of target audiences across Europe – French, English, German for some, Spanish, French, English for others. One day, in the not too distant future, the service would also be carried by digital satellite, so that you would be able to drive from Aberdeen to Sicily in your car and stay on the same frequency, listening to European programming.

We received funding from the European Union for a number of years and we developed a certain amount of joint programming. But digital radio did not become a reality by the year 2000, as we had thought in the mid-90s. Only recently has there been a slight acceleration in its take-up, as receiver prices begin to drop and car manufacturers build digital radios into new cars. For the moment, though, the early enthusiasm has left the project and *Radio E* is on hold.

Still, the international stations have retained a substantial amount of European programming on medium and short wave, some of it co-produced with other stations: “Accents de l’Europe” on *Radio France Internationale*, a programme still called ‘Radio E’ on *Deutsche Welle*, ‘Europe Today’ on the *BBC World Service*. However, hardly anyone in Europe listens to medium and short wave any more. Only where there is some FM presence, such as that of the BBC in Berlin, can we assume that there is a sizeable number of listeners, but on the whole the impact of international broadcasting in Europe is marginal.

#### 4. Domestic Media and Europe

So does it matter that a European level of media operations does not really exist? I think it points to a more serious problem, and that is the absence of a European public sphere. This has major implications, particularly if we look at the way the domestic media - mainly national newspapers, radio and TV - cover Europe, and by that I do not just mean the EU institutions and EU developments, but also, and perhaps more importantly, events and issues in the countries of Europe.

Firstly, European news and issues are processed and reported according to a strict dualism - domestic and foreign. This matters because it prevents the coming together of these two spheres, which in reality are no longer separate. What one country, within or outside Schengen, does with asylum seekers, to take just one example, matters everywhere else in Europe. If car prices are much lower in Belgium than in the UK, is this a domestic or a foreign issue? So

joining up these two spheres is a necessity for the existence of proper debate within Europe. There are notable exceptions where this is already the case, in particular in *Le Monde*, which introduced a European section between the French and the international pages after its re-launch at the beginning of the year.

When European issues are subsumed within the foreign section of a newspaper or a television bulletin, this has the effect of drawing the line between 'them' and 'us' in such a way that the rest of Europe finds itself firmly categorised as 'them', wherever the rest of Europe happens to be. And this becomes reinforced through other mechanisms to which I would like to come back later.

Europe can of course also be a domestic item – when it is part of the domestic party political agenda. Again, this reduces the way in which Europe can be debated to the question: who is the staunchest defender of the national interest amongst the parties vying for support? Contributions from other European countries do not fit into this pattern. As they are foreign opinions, they are banished to the foreign columns. Throughout large parts of the media there is therefore an inability to discuss European issues in such a way that voices from other European countries are given equal weight, regardless of whether they are for or against further integration.

If the domestic/foreign dualism is the first obstacle to proper reporting and debate, what I call 'silo' thinking is the second. In the same way that silos are airtight compartments that protect their content from outside influences, newspapers and electronic media generally keep the discussion of important issues well protected from any European exchange of ideas. A glance through European papers and also websites demonstrates that this is the case for many of the problems facing European countries today.

To give just one recent example, there is the quite prosaic case of mobile phone radiation, which different countries are tackling. The Portuguese Daily *Diário de Notícias* reported on 16<sup>th</sup> January 2002 that the Portuguese government had launched a working party to study the effects of mobile phone radiation, and that in the same week the Spanish government had issued a decree asking mobile phone companies to limit the power of their transmitters in sensitive locations. On 25<sup>th</sup> January *The Guardian* in London reported that the British government was funding mobile phone safety studies. In Germany, the *Süddeutsche Zeitung* of 7<sup>th</sup> December 2001 had already carried a piece on

German efforts to limit mobile phone radiation. The German ARD broadcasting website tackled the same subject and asked: how dangerous are mobile phones? Three of these publications – the ARD website, *The Guardian* and the *Süddeutsche Zeitung*, did not even mention experiences in other European countries – *Diario de Noticias* included some Finnish findings, without going into any detail.

What this suggests is an unwillingness to regard material from other European countries as relevant. There seems to be a real mental block against incorporating such material into the discussion and making it part of the learning processes that take place within each country. It is almost as if every nation felt the need to produce its very own solution. Are Portuguese newspaper readers and mobile phone users constituted differently from their German and British counterparts? Only this could explain the perceived need to come up with a different answer all by oneself, untarnished by the experience of other Europeans. This is of course not just the fault of the media, it reflects the practices of many politicians. But this approach implies a terrible waste of resources, and sometimes an almost atavistic desire to reinvent the wheel.

The silo mentality also pervades other important and more complex areas of society, more complex because each country has developed its own system of health care, provisions for the elderly, transport, immigration control, education and so on, with idiosyncrasies that are sometimes justified, sometimes not. Clearly there can be no simple one-size-fits-all solution, but there should at least be public debate about how other Europeans are proposing to solve these crucial issues. And this debate cannot take place without large quantities of reliable, relevant information crossing national borders.

It is important to realise what exactly this criticism is directed against. The point is not that the media are not pro-European enough, in the sense of pro European integration, or that they do not give European issues their due weight, whether it be the EU Convention or the Barcelona summit. The problem is that European media on the whole do not consider what is happening in other European countries as something that concerns their readers and audiences closely. Only when political events take on truly dramatic proportions, such as the rise of Le Pen in France, do the media in other countries really begin to take notice.

There is therefore a European information gap, created by, on the one hand, greater interdependence and stronger economic links, and, on the other hand,

a severely limited flow of information across intra-European borders. This information gap is already pronounced enough in relation to the existing member states. It is terrifying when we come to the accession countries. To sum up the performance of the media in Europe, regardless of your stance on European integration as such, it would be fair to say that they are not doing their job properly.

## *5. A Critical Phase in the Development of the European Union*

This is particularly serious because Europe now finds itself in a difficult phase of its development. The certainties of the first decades after World War II have disappeared, and Europe needs to redefine itself convincingly.

Reconciliation, economic reconstruction and the Cold War were the powerful constellation under which the European Union was born and under which it developed. This constellation also shaped the way in which European integration was understood, reported and discussed by the media. For reconciliation, mainly between Germany and France, to work, for economic reconstruction to be effective and for the strongest military position to be achieved against the East, the pooling of sovereignty in Western Europe was seen as the only logical option. Looking at the way newspapers in the 1950s and 60s covered the milestone developments of European integration, it is striking how much the thought patterns of a bi-polar, Cold War world pervade the reporting. Everywhere in the newly formed economic community, the emerging institutions of the Common Market provided a democratic, market-orientated counter argument to totalitarian developments in the East.

After the Berlin wall came down in 1989 the joy over the collapse of communism slowly gave way to a new uncertainty about the way Europe should organise itself within this new world. It is no coincidence that this went along with a critical reassessment of European institutions and their democratic legitimacy, in which the media wanted to play their part, whether through scare stories about a committee issuing the definition of a 'sauce' or by examining the role of the European Commission.

Today there is a new constellation of challenges that concern the citizens and governments of the EU, and on which there needs to be a real in-depth debate. These are no less demanding, but less visible, and the need to meet them is perhaps less apparent than over the last 50 years. They are:

- Democratic legitimacy
- Enlargement
- Europe's position in the world.

To meet them, Europe needs properly functioning media, both public service and commercial, that demonstrate an awareness of their role within this new Europe. How can this be achieved?

Step one is to make Europe a key part of the strategy media organisations pursue. This implies that they expand their objectives beyond a purely domestic horizon and fill the vacuum between the international and the domestic spheres. Not only do they have a duty to inform their audiences accurately, objectively and fairly about other European countries, they must also actively create platforms for debate between Europeans of different nationalities. It is important to recognise that the debate about the future of Europe has to be built on this foundation. Without relevant information about the rest of Europe, each country will be caught in its own debate about the future of the institutions, unaware of what others really think and uninterested in their perspective.

This is particularly relevant for public service broadcasters, because they see themselves as a vital component of democratic life and justify the licence fee in these terms. Their responsibility towards their licence fee payers does not end at the national borders, it includes treating other Europeans as people whose lives and opinions have a direct relevance for their audiences. Europe has to be an integral and clearly acknowledged part of their *raison d'être* and their strategy rather than, as is often the case now, something that is neither acknowledged nor discussed, an agenda that is hidden, but that has strong implications for audience perceptions and behaviour.

Doing this does not imply an ideological shift – it would be futile and counterproductive to ask broadcasters and newspapers to adopt a more europhile line. What I am arguing for instead is the recognition that the editorial agenda needs to reflect changing realities in Europe.

## 6. An Editorial Agenda for Europe

How would we know whether this has happened or not? We would be able to watch television news bulletins and read newspapers that incorporate news

from other European countries and engage their audiences in these items as a matter of daily routine. Of course there would still be many events and issues from each country that would not merit a place in other European bulletins, in the same way that most local issues from the Limousin do not make it into the French national media. But what would be avoided is that only two kinds of events are reported outside each country: the truly big story, such as the outcome of an election or a major disaster; and the bizarre, in which Britain seems to specialise.

The real aim of editors in broadcasting and print should be the creation of a genuinely European agenda, consisting of stories from different European countries, driven by the journalistic know-how of correspondents on the spot. There are huge areas in each country that are hidden away from the eyes of other Europeans. To discover them amounts to a journey of exploration which would hugely benefit European media consumers and Europe as a whole. Take for instance the relationship between France and Algeria, a theme that is very much alive in the French media and really nowhere else. But Algeria is not just an issue for France – it is an issue for the whole of the European Union and part of Europe's complicated relationship with the developing world.

Spain's experience with illegal immigration, particularly pertinent because of its proximity to Africa, is another of these hidden issues. The stories these African immigrants have to tell contain lessons for other European countries and for the whole of Europe. Some time ago *El Pais* printed a thorough and lively analysis of what goes wrong when Africans try to settle in Andalucia. This was not just a theoretical piece, of interest only to academics and politicians; it contained a gripping human story that epitomised the gulf between Europe and Africa, and from which readers across Europe would have benefited.

This new way of looking at other European countries is essential if the citizens of Europe are to base their opinions and decisions on real insight rather than prejudice. In each country, the quality of the debate on Europe over the coming years will be closely linked to the information available about European co-citizens in other countries. Connecting the citizen to the EU – one of the EU's declared aims - is only possible if EU citizens are, and feel, connected to each other. In addition, the much-discussed celebration of diversity in Europe only makes sense if we learn substantially more about what makes us so diverse.

The need to make that information flow happen is most acute in the relationship between current EU member states and accession countries. If the existing information gap has led to increasingly creaky relationships between the 15 member states at the EU level, then the level of ignorance about the new members in the East could prove much more harmful for the new Europe. This is a huge task, particularly for media organisations in the existing member states. They must take the reporting of Central and Eastern Europe much more seriously than they do now, by paying more attention to developments there, and probably by deploying additional correspondents.

This European agenda does not take anything away from the existing national or international agendas, but enriches them and, more importantly, creates what could be called an informational infrastructure for the political challenges Europe is facing. Attempts to achieve such an agenda are being made in some media organisations – I have already mentioned *Le Monde*. The BBC *World Service* is another example, and you can see the beginnings of a European agenda on the *World Service's* web pages.

Traditionally, media organisations are not used to the two-way information flow made possible by the Internet. They prefer giving out information on a take-it-or-leave-it basis, with the odd letters page or listeners programme to express their responsiveness. Really engaging audiences in a debate demands a new relationship with that audience and a new moderating capability. The opportunities for debate within Europe are in fact immense for all kinds of media organisations who now already operate their own websites.

### ***What Can the EU Do?***

What can and should the EU do to improve the way the media serve their European audiences and readers? There are three possible answers:

Firstly, open up much more of its processes to the existing media.

Secondly, utilise the Internet much more than it has done in the past. It can do this in two ways: by streaming events over the net, as with the launch of the Convention on the Future of the Union, and so in a way the EU would become its own web broadcaster. But the EU should also dramatically improve its web presence generally. The existing site projects some of the unwanted attributes of the EU itself – it is unwelcoming and full of jargon. The section devoted to the Future of Europe debate looks bland and less attractive than the average corporate website. Much remains to be done in this respect.

Thirdly, should the European Union not create a European level of public service broadcasting, based on all the principles of public service journalism, independence, balance, and so on? This 'European Broadcasting Corporation' could become a central instrument to provide Europeans with information about each other – it would not be a tool of EU propaganda. Perhaps the time has not yet come for such a venture – it goes too much against the spirit of subsidiarity for the EU to be seen as the originator of its own broadcasting station. But that does not mean the European Union should not actively help European public service broadcasters to co-operate much more closely and, perhaps under the umbrella of the European Broadcasting Union (EBU) to create their own European Broadcasting Channel. They could use digital technology to operate in the relevant languages, whether on radio or online, and they could explore different programme genres, without necessarily restricting the output to news and current affairs.

## 7. Conclusions

In summary, the way most of the media, both public service and commercial, currently relate to Europe lags behind the economic and political reality. Their coverage of issues and events in Europe is characterised by a domestic/foreign dichotomy that prevents serious cross-border debate and makes it difficult to apply the lessons learnt in one country more widely throughout the continent. In particular, few public service broadcasters recognise that their democratic responsibility stretches beyond national borders. Although their international operations profess to contribute to an international public good, an equivalent European public good has not yet appeared on their list of objectives.

To establish Europe as a priority concern, both journalism schools and individual media organisations must take the initiative. They should demonstrate how good journalism practice can use the experiences of other European countries in the reporting of domestic issues. This is of particular importance as Europe prepares for Eastern enlargement, which can only be successful if it is supported by a two-way flow of information between new and existing member states.

Finally, the EU should be as concerned about cross-border communications as it is about the projection of EU institutions. A citizens' Europe can only be brought about if Europeans of different nationalities know much more about each other than they do now, because only this will make them realise that the challenges



they face must be tackled jointly. Ignorance about each other is the natural state of Europeans; a realistic vision of Europe relies on informed citizens. The EU should therefore act increasingly as a catalyst in this field, whether through sponsoring exchange schemes for European journalists, through supporting European departments in journalism schools or through bringing together public service broadcasters in order to launch new pan-European broadcasting initiatives.

# Le Paradoxe du Sociologue - *In Memoriam* Pierre Bourdieu

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**Robert Picht<sup>1</sup>**

## *Condensé*

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Décédé au mois de janvier 2002, le sociologue Pierre Bourdieu est considéré comme l'un des grands intellectuels français. Malgré ou à cause de ses 'provocations', Pierre Bourdieu restera vivant dans la mémoire collective: il demeure sans conteste l'un des sociologues les plus influents de notre temps. En présentant ses oeuvres principales et certains éléments marquants de sa vie, l'article s'applique à retracer les interrogations, la logique et l'impact de ce grand sociologue et à établir un bilan critique de son parcours intellectuel et politique.

## *1. Mandarin académique et intellectuel engagé*

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Mort, Pierre Bourdieu faisait en janvier 2002 l'unanimité d'un deuil quasi-national. Vivant, ce contestataire toujours contesté avait polarisé l'opinion publique française. Internationalement reconnu comme l'un des sociologues les plus influents de notre temps, il est l'un des ces maîtres à penser français qui incitent à penser autrement – donc à s'écarter de la routine anglo-saxonne. C'est ainsi que sa renommée est devenue particulièrement forte dans les *Colleges* américains. Pour de nombreux chercheurs dans le monde entier ses constructions conceptuelles font référence.

Professeur au Collège de France, il était l'incarnation du grand mandarin académique – pouvoir social qu'il avait toujours critiqué avec véhémence mais

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dont il tirait les ficelles avec virtuosité pour soutenir ses fidèles et pour écarter les critiques. Militant de gauche, il jouait le rôle de l'intellectuel engagé pour les causes qu'il considérait être celles du peuple: contre l'exclusion sociale, contre la globalisation, contre le libéralisme, contre les médias et surtout contre les réformistes qu'il fustigeait comme "gauche bourgeoise". "Ne pas voter Jospin", ainsi était l'une des dernières consignes qu'il avait donnée à ses fidèles.

Malgré ou à cause de ses provocations, Pierre Bourdieu a été intégré immédiatement après sa mort dans ce panthéon bien français des grands intellectuels que l'un d'eux, Michel Foucault, avait caractérisé ainsi: "Les intellectuels français ont toujours rêvé de faire la synthèse entre le sage grec, le prophète juif et le législateur romain. Le miracle est qu'ils y soient parfois parvenus. Mais cette synthèse n'est évidemment plus possible depuis l'éclatement de la pensée et du monde".<sup>2</sup> Bourdieu était lui-même bien conscient de cette tentation. "Tout sociologue doit combattre en lui-même le prophète social que son public lui demande d'incarner".<sup>3</sup> Ce qui ne l'empêchait pas d'y succomber, surtout dans son action militante.

Au-delà de ces constellations nationales, particulièrement intéressantes dans une phase de crise profonde du système politique et de la société française, le parcours de Pierre Bourdieu est symptomatique pour le développement de la sociologie au vingtième siècle dans sa pertinence comme dans ses aberrations. Essayons donc d'en retracer les principales étapes.

## 2. L'initiation ethnologique: l'Algérie

Jeune normalien, Bourdieu est détaché à enseigner à l'université d'Alger (1958-60) en pleine guerre d'Algérie. Il y découvre la confrontation entre la société française qui, avec violence, tente d'imposer et de défendre l'Algérie française par l'assimilation des Algériens, et les sociétés traditionnelles des populations arabophones et berbères partiellement en révolte. Ce *clash of civilisations* n'est pas seulement policier et militaire, il est aussi économique entre un système de capitalisme étatiste et des modes de vie précapitalistes. Bourdieu se met à étudier des thèmes comme "Déracinement: la crise de l'agriculture traditionnelle en Algérie". Il y découvre l'impact des évolutions économiques sur la vie sociale et notamment sur la famille. Sa recherche politique et socio-économique prend

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2 *Nouvel Observateur*, 31 Janvier – 6 Février 2002, p. 22.

3 *Ibid.*, p. 35.

donc une forte dimension culturelle et interculturelle. Dans ses analyses de la société kabyle, Bourdieu met à l'épreuve toutes les subtilités de l'anthropologie culturelle structuraliste, telle qu'elle avait été développée par Claude Lévi-Strauss, sur des thèmes comme "Le sens de l'honneur", "La maison ou le monde renversé", "La parenté comme représentation et comme volonté".

Cette recherche confirme que les comportements des individus sont beaucoup plus déterminés par les logiques profondes de leur culture qu'ils en sont conscients. Dans l'approche de l'anthropologie culturelle - que Freud lui-même avait commencé à développer - la psychanalyse individualisée devient socio-analyse. Bourdieu dégage de l'étude de la société kabyle des particularités culturelles qui dépassent de loin les simples conditions économiques. Il en dégage un système analytique et théorique qu'il présente en 1972 comme *Esquisse d'une théorie de la pratique*. Entre temps, il aura retourné son regard sur la société française dont il essaiera de regarder les mécanismes profonds avec la même lucidité fonctionnaliste. Toutefois, par tempérament et par engagement politique, Bourdieu aura toujours du mal à garder sa distance d'observateur. "Observateur observé" comme il disait, il faisait lui-même intensément partie du jeu qu'il tentait d'analyser.

### 3. Théorie et enquête empirique: le métier du sociologue

Loin d'être naïf, Bourdieu s'est toujours intéressé à l'épistémologie et à la philosophie dans ses formes les plus sophistiquées. Son premier précepte à ses élèves était qu'il fallait construire l'objet de leurs études c'est-à-dire établir et vérifier la pertinence de la constellation des thèmes, des interrogations et des méthodes appliquées dans un processus de recherche continuellement réflexif. Contre la naïveté d'une application mécanique des méthodes empiriques, il oppose l'analyse continue de la "logique de l'erreur", de la remise en question de tout système d'habitudes intellectuelles en soumettant "les opérations de la pratique à la polémique de la raison épistémologique".<sup>4</sup> Pour Bourdieu, ceci implique une "psychanalyse de l'esprit scientifique par une analyse des conditions sociales dans lesquelles sont produits les oeuvres sociologiques".<sup>5</sup> Pendant toute sa vie il a mené une réflexion philosophique qui aboutissait aux *Méditations pascaliennes. Eléments pour une philosophie négative* (1997).

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4 Pierre Bourdieu et al., *Le métier du sociologue* (Paris: Mouton-Bordas, 1968), p. 9.

5 *Ibid.*

Concrètement, il s'agissait de développer des instruments analytiques et empiriques qui permettent d'établir des liens solides et vérifiables entre des domaines apparemment éloignés comme les données économiques des structures de classes sociales, d'une part, et les modes à penser et des comportements d'autre part, entre des données statistiques dures et des éléments *soft* qui paraissent se soustraire à toute mesure quantifiable. En élargissant le champ de l'investigation aux manifestations culturelles il fallait donc établir un système de corrélations entre la socio-analyse quantifiable, l'analyse des comportements et des modes à penser par une combinaison sophistiquée de questionnaires se prêtant à l'analyse quantitative et d'*interviews* aptes à saisir d'une manière qualitative des interactions plus nuancées. Il fallait trouver des instruments conceptuels pour définir la logique des interdépendances entre structures sociales et comportements culturels et les ensembles socio-culturels qui les déterminent. Bourdieu applique donc au domaine sociologique ses concepts-clé comme *habitus*, emprunté à l'histoire de l'art d'Erwin Panofsky, et *champ*, provenant de la physique pour désigner des interactions énergétiques complexes.

#### 4. Systèmes d'éducation et inégalités sociales: la reproduction

Depuis le début des années soixante, Bourdieu et son équipe avaient aiguisé leurs armes en soumettant des étudiants de différentes disciplines et de divers établissements d'enseignement supérieur à des sociographies de plus en plus poussées vers, d'une part, l'exploration de leurs origines sociales et de leur parcours scolaire et, d'autre part, de leurs habitudes culturelles. Le système d'éducation français et ses rapports avec une hiérarchie sociale fortement structurée par un système élitiste de Grandes Ecoles et de diplômés est particulièrement lisible pour une analyse des processus de sélection sociale par le succès scolaire qui conduit les uns vers des positions de responsabilité et de prestige social et les autres vers des positions économiquement et socialement inférieures.

Or, en France, l'on constate, comme dans les autres pays où des études analogues ont été réalisées, que malgré tous les efforts pour améliorer l'égalité des chances, la même répartition fondamentale des classes sociales et des métiers continue à se reproduire d'une génération à l'autre. Ceci vaut malgré la gratuité des études et malgré des systèmes de bourses censés compenser les inégalités financières qui ont permis une forte "démocratisation", c'est-à-dire l'expansion du système d'éducation par l'accès massif d'étudiants des classes dites

populaires. Certes, il y avait toujours des exceptions comme Pierre Bourdieu lui-même, fils de paysans monté à l'École Normale Supérieure, sommité du système des Grandes Ecoles. Dans sa théorie des déterminations sociales, dont il détectera les injustices avec une véritable obsession jusque dans leurs derniers repères fonctionnels, il explique ce type de succès de manière darwiniste par la sur-sélection: seuls les plus forts arrivent à surmonter les barrières culturelles qui sont en fait des barrières sociales.

Décrite pour la France dans *Les héritiers. Les étudiants et la culture* (1964), livre qui allait devenir un des détonateurs de Mai '68, l'analyse historique et comparative des systèmes d'éducation devient théorie générale dans *La reproduction* (1970). Elle généralise le troisième concept-clé de cette sociologie: le *capital culturel*, l'ensemble des connaissances, des goûts, des références culturelles, des comportements et des manières de penser et de parler acquis au cours de la socialisation dans le cadre familial. L'école et l'université et, plus encore, les Grandes Ecoles d'où proviennent les élites françaises, exigent et récompensent l'*habitus* des classes dirigeantes. La fonction du système d'enseignement n'est donc pas seulement d'enseigner et de faciliter ainsi la promotion sociale, mais également de maintenir et de reproduire d'une génération à l'autre la structure et les intérêts des classes dominantes. Même les pays communistes n'avaient pas échappé à cette logique.

## 5. Tout est social: socio-analyse des champs culturels

Dans ses études ethnologiques comme dans l'analyse comparative des systèmes d'éducation, Bourdieu avait constaté un vaste réseau de corrélations multiples faisant dépendre les pratiques culturelles de l'appartenance à des groupes sociaux déterminés par leur position de classe. Les pratiques culturelles sont ainsi le produit et l'expression de constellations institutionnelles et d'interactions à la fois pratiques et symboliques entre une multitude d'acteurs qui se comportent selon la logique du système social dans des champs socio-culturels particuliers, comme par exemple l'université.

Avec une véritable obsession, Bourdieu cherchait surtout à dévoiler l'enchaînement des facteurs sociaux d'inégalité et d'injustice écartant les mal positionnés, privés de capital culturel, du sérail des bien lotis. C'est cette insistance répétitive qui faisait dire à l'un de ses critiques, Alain Minc, "Bourdieu dit toujours la même chose". Réplique de celui-ci: "C'est comme d'accuser un physicien de ne faire que de la physique".<sup>6</sup>

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6 *Sud-Ouest*, 25-27 Janvier 2002, p. 4.

Même si l'on considère que les hiérarchies sociales françaises et leurs interdépendances avec un système d'éducation hautement élitiste constituent un cas particulier et quelque peu exotique – similaire plutôt à la Chine des mandarins qu'à d'autres pays européens – et si l'on estime que l'évolution récente des sociétés européennes a ébranlé plusieurs de leurs traditions notamment culturelles, les analyses de Pierre Bourdieu gardent une pertinence théorique et empirique considérable – un peu comme celles de Freud malgré le fait que les structures familiales et le mode de vie de la société bourgeoise de Vienne avant la première guerre mondiale appartiennent à un passé lointain.

Dans son étude progressive des champs socio-culturels, Pierre Bourdieu a développé une méthode de description à la fois rigoureusement systématique et très fine dans l'observation de détails révélateurs d'une grande variété de phénomènes culturels comme la mode, le sport, la décoration des appartements, mais aussi des modes d'appréciation ainsi que de la consommation du cinéma, de la littérature et de la peinture. Dans son livre internationalement le plus connu *La distinction. Critique sociale du jugement* (1979), il pousse l'analyse sociale du goût et des modes de vie jusqu'aux corrélations entre position sociale, goûts culturels et opinions politiques donnant ainsi des profils très élaborés du *habitus* de certains groupes sociaux et de leurs interactions symboliques. Il s'intéressa particulièrement aux conditions de production et de la réception des oeuvres littéraires *Les règles de l'art. Genèse et structure du champ littéraire* (1992) et consacra toute une année de ses cours au Collège de France à Edouard Manet.

Avec la même méthode, Bourdieu analysait le monde et le pouvoir des élites françaises dans *La noblesse d'Etat. Grandes écoles et esprit de corps* (1989). Son attention continue et méfiante portait sur le monde académique et ses façons d'agir dans des oeuvres comme *Ce que parler veut dire. L'économie des échanges linguistiques* (1982) et *Homo academicus* (1992). Il y dénonce les démarcations des disciplines, des corporations et de leurs normes éducatives et culturelles comme un jeu continu pour le maintien du pouvoir.

## 6. Les dégâts de l'exclusion sociale: la misère du monde

Les hiérarchies sociales que Bourdieu avait analysées se situent dans le champ relativement ordonné et protégé de la société française traditionnelle avec ses inégalités éclatantes, mais aussi ses structures et ses règlements qui attribuaient

à chacun une place identifiable. Toutefois, depuis les années soixante-dix, la France et l'Europe sont confrontées à des phénomènes nouveaux de désagrégation sociale qui se manifestent surtout dans certains quartiers des villes, dans la situation des immigrés, le chômage des jeunes et une anomie croissante que les instruments de la politique sociale et de la politique de la ville n'arrivent plus à maîtriser. Malgré toutes les mesures de protection sociale et d'intervention policière et médicale, le nombre des sans domicile fixe et des mendiants augmente. Visiblement, les Etats européens, si fiers de leur solidarité sociale, ont perdu le contrôle d'une partie de leur population.

Devant ce phénomène, l'analyse traditionnelle des classes sociales s'avère insuffisante. Pour comprendre, par exemple, le champ d'interactions dans les quartiers dits difficiles d'une ville il faut essayer de décrire les parcours des individus et des groupes qui sont arrivés à y co-exister d'une manière tendue et parfois explosive. Avec grande modestie et un style différent de ses autres ouvrages, Pierre Bourdieu et Alain Accardo ont organisé une enquête par *interviews* qui donne la parole aux pauvres. Publiée dans le livre *La misère du monde* (1993), elle a eu un retentissement qui a contribué à transformer la perception de l'exclusion sociale et de ses conséquences.

Cette expérience est aussi l'une des motivations pour le militantisme politique de Bourdieu dans ses dernières années, qui l'a conduit d'une manière parfois peu nuancée dans les rangs des critiques de la "pensée unique" du libéralisme, de la globalisation et des médias. Le grand mandarin se donnait l'*habitus* du combattant.

## 7. Déterminisme et liberté: du bon usage de la sociologie

Bourdieu avait consacré sa dernière leçon au Collège de France à une socio-analyse de son propre parcours. Son dernier manuscrit est un petit ouvrage auto-biographique "Esquisse de socio-analyse".<sup>7</sup> Il y décrit de manière concrète son expérience d'internat, où le fils de paysans portait la blouse grise soutenue par une ficelle des internes pendant que les élèves de ville arrivaient dans leurs habits bourgeois. Il y attribue "un rôle déterminant dans la formation de mes dispositions; notamment en m'inclinant à une vision réaliste (flaubertienne) et combative des relations sociales qui, déjà présente dès l'éducation de mon enfance, contraste avec la vision irénique, moralisante et neutralisée qu'encourage, il me semble, l'expérience protégée des existences bourgeoises".<sup>8</sup>

7 *Le Nouvel Observateur*, 31 Janvier – 6 Février 2002, p. 30 et suiv.

8 *Ibid.*



La triple distanciation avec le monde de ses parents qui arrivent de moins en moins à le comprendre, le monde des enfants bourgeois et le monde des professeurs "qui, notamment les femmes, proposent un univers de découvertes intellectuelles et de relations humaines que l'on peut dire enchantées"<sup>9</sup> crée les traumatismes profonds qui donneront à Pierre Bourdieu pendant toute sa vie l'énergie et la curiosité inépuisables à comprendre et à surmonter ses humiliations initiales. Si quelqu'un a vécu l'extrême impact des déterminismes socio-culturels, la lutte acharnée pour surmonter les obstacles afin d'arriver au sommet de la hiérarchie sociale et l'obsession combative née de cette interaction entre déterminismes et volontarisme individuel, c'est Pierre Bourdieu lui-même.

Dans son œuvre, il insiste surtout sur le rôle des déterminismes et des mécanismes socioculturels qu'il avait découverts et parle peu de la marge de manœuvre dont disposent les individus. Il en était tout à fait conscient. Dans son débat avec les étudiants de Bordeaux il déclare en 2001: "Bien sûr, il arrive que l'individu fasse des choix et j'ai eu tendance à minimiser la part des intentions conscientes. Mais je suis allé chercher dans la tradition anglo-saxonne [...] l'idée qu'au principe de nos actions, il y a des <dispositions>, c'est-à-dire des façons permanentes de percevoir, d'apprécier et d'agir inscrites dans le corps et qui fonctionnent sans passer par la conscience".<sup>10</sup>

Pratiquée avec la distanciation réflexive nécessaire, la sociologie peut, tout en dégageant tous les facteurs qui ont pu influencer des dispositions individuelles en tant que dispositions sociales et culturelles, contribuer à dégager des espaces de liberté. Bourdieu le savait bien: "La sociologie est là pour nous assister dans les expériences ordinaires de la vie. Il faut la dédramatiser. Pour ma part je ne l'ai vue comme une façon de continuer la politique par d'autres moyens. Elle permet de maîtriser sa propre expérience socialement déterminée: car, pour négocier avec ses déterminismes, il faut bien les connaître. La sociologie n'est pas une morale. En revanche, elle peut remplir la fonction qu'on assigne généralement à la psychanalyse".<sup>11</sup>

Continuons donc à lire Bourdieu avec l'esprit critique et réflexif dont il se réclamait lui-même.

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9 Ibid.

10 *Sud-Ouest*, 25-27 Janvier 2002.

11 Ibid.

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# Euro-Medievalism: Modern Europe and the Medieval Past

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**Michael E. Hoenicke Moore<sup>1</sup>**

## *Abstract*

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Medieval history is something of a battleground for those scholars seeking to look at the past to reinforce their contemporary perspectives on European integration. Indeed, Dr Hoenicke Moore shows that recent historical interpretations downplaying the importance of national boundaries, under the heading of 'Euro-medievalism', are simply the latest in a long line of perspectives on Europe's medieval past. However, were the factors that unified the continent in medieval times sufficiently binding to talk of Europe as a 'historical entity'? Does the development of a 'common European present' imply an eventual shift towards a 'single European history'? The author tackles these questions with particular reference to French works published to coincide with the 1,500<sup>th</sup> anniversary of the baptism of King Clovis in 496.

## *1. Introduction*

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The title of this article, *Euro-Medievalism*, refers to a recent trend in the study of the Middle Ages that seems to reflect the cultural aspirations of today's unified Europe. In Euro-medievalism, national history is downplayed, in favour of cross-European topics and themes. Continuities between the medieval world and ancient Rome are highlighted, in order to stress the common inheritance of the kingdoms of Europe, and by extension, of modern European

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institutions.<sup>2</sup> At the same time, other thinkers and historians continue to focus on the importance of national histories. In debates that arise over the significance of European unification, scholars often try to strengthen their arguments by reference to the medieval past. Thus modern debates are sometimes acted out in medieval clothing. In what follows, I will examine how a complex present-day reality in Europe is reflected in, and supported by, views of the medieval past.

## 2. *History and Identity*

It is natural for us to think of Europe as a cultural entity: but what is European, and what are the origins of Europe? Such questions of identity often lead to reflections on the medieval past. The memory of Charlemagne, the so-called 'Father of Europe,' is often invoked in discussions of European political and cultural unity - the empire that he built seems like the perfect antecedent for the European Union. Charlemagne held sway over an enormous territory from Spain to Switzerland, and from Belgium to Italy. But it is far from clear that the emperor or his contemporaries conceived of Europe as a political or cultural entity. Meanwhile his legacy for modern-day Europe is ambiguous: on the one hand he promoted high culture and scholarship, but on the other hand he carried out a continuous series of military campaigns along every frontier, and ordered forced conversions, ethnic cleansing and mass deportations.<sup>3</sup> According to the medievalist Friedrich Prinz, however, the age of Charlemagne was a phase in the 'Europeanization of Europe'.<sup>4</sup> Meanwhile, older nationalist perspectives on the medieval past, such as Treitschke's history of the Teutonic Knights, no longer seem 'European' at all.<sup>5</sup> Treitschke, a fervent nationalist, studied the medieval past in order to demonstrate the antiquity of Germany's 'special path' (*Sonderweg*). The development of a common European present, based on the common themes of a European history, is now described in exclusively positive and communitarian terms (not, for example, as the result of centuries of bitter conflict). The divisive nationalist past is said to be an out-dated phase that has been overcome.

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2 The medievalist Werner views the history of the nobility as forming part of the history of 'nos institutions': Karl Ferdinand Werner, *Naissance de la noblesse. L'essor des élites politiques en Europe* (Paris : Fayard, 1998), p.113.

3 See the discussion in the recent *Der Spiegel* series on the historical background and future prospects of European Union, by the medievalist Johannes Fried, 'Karl, der grosse Europäer?', *Der Spiegel*, 3, 2002, pp. 132-141.

4 Friedrich Prinz, *Von Konstantin zu Karl dem Grossen. Entfaltung und Wandel Europas* (Düsseldorf: Artemis & Winkler, 2000).

5 Heinrich von Treitschke, *Origins of Prussianism (The Teutonic Knights)*, trans. Eden and Cedar Paul (London: G. Allen & Unwin Ltd, 1942).

The recent successes of right-wing candidates and parties in Europe - the *Lijst Fortuyn* in the Netherlands, or Le Pen's *Front national* in France - are thus usually viewed by scholars as rear-guard assertions of national identity in defiance of the progressive trend towards European integration. According to the radical right, the nation should form a close-knit cultural and racial community, a vision of a revived or purified nation that has been called a 'Gemeinschaft utopia'.<sup>6</sup> Such scholarly terms attempt to reduce a complex set of phenomena to a single dichotomy (reactionary nationalism vs. European integration), although it is not so easy to discern a single historical direction for Europe. Europe has been swept by a complex set of cross-currents for some time. In the 1990s, just when European unification and integration seemed to be the leading edge of history in Europe, ethnic fracture and violence emerged in the Serbian attacks on Bosnia and Kosovo, while successful bids for regional autonomy and devolution were made in Spain, France and the United Kingdom. The contrast has bewildered scholars, but it is clear that national and regional loyalties exist side by side with the trend towards European unification, each laying claim to the past, and each serving as sources of political and cultural identity.

For theorists and historians, these apparent contradictions have led to a dualistic field of reflection: in one direction lies the topic and tendency of Europeanisation, the larger context of globalisation, and the expected weakening of the nation-state.<sup>7</sup> At the extreme, some argue that all traditional geographic and cultural configurations are destined to lose ground, as we enter a world-wide virtual society, a 'horizon of networked, a-historical space of flows'.<sup>8</sup> In the opposite direction, there is evidence of the continued potency of nations, regions and localities - a horizon of historical places and lives lived within hearing of the local church bell. From this vantage point, the nation can also appear as a *Gemeinschaft*, a close-knit community of affective ties, as opposed to the more abstract and distant *Gesellschaft* of the European Union.<sup>9</sup> The nation or region is by no means the monopoly of right-wing fanatics. Local regions, as

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6 Marc Swyngedouw and Gilles Ivaldi, 'The Extreme Right Utopia in Belgium and France: The Ideology of the Flemish Vlaams Blok and the French Front National', in: *West European Politics*, 24, 2001, pp. 1-22, this quote, p.7.

7 Michael Geyer and Charles Bright, 'World History in a Global Age', in: *American Historical Review*, 100, 1995, pp. 1034-1060, see pp.1056-1057.

8 Manuel Castells, *The Information Age: Economy, Society, and Culture*, 3 vols. (Oxford: Blackwell, 1996-1998), Vol. 1, p. 428.

9 'Het gaat hier om wat antropologen face to face gemeenschappen noemen': Anton Schuurman, 'Globalisering en geschiedenis', in: *Tijdschrift voor Sociale Geschiedenis*, 27, 2001, pp. 385-410, see p. 395. The terminology of Ferdinand Tönnies, contrasting *Gemeinschaften* and *Gesellschaften*, frequently recurs in discussions of this problem.

much as Europe as a whole, serve as sources of identity. It is clear that Europeans, while remaining firmly attached to their local town or region, also like to feel connected (and networked) to Europe as a whole, and thence to the world at large.

The historical past, especially the medieval past, has proven to be a flexible source of meaning for the modern world. The Middle Ages thus frequently provide the basis for modern reflections, and even to serve as a model for our own changing world. As one school of thought would have it, post-Westphalian, post-international Europe can even be seen as a 'new Middle Ages'.<sup>10</sup> The modern uses that are made of the Middle Ages tend to change the way the medieval period is understood and studied, even by specialists. Scholars are not immune to questions of meaning and identity that are raised by current political changes in Europe. The impetus of European integration has caused a shift in focus from the region and nation to the greater political and cultural space of Europe.

As my earlier reference to Treitschke was meant to emphasise, more than any other field of historical research, the medieval period has served as a battlefield for cultural, social and political doctrines. That has been true from its inception as a period of history and as a field of scholarly study. In what follows, I will first say something about why medieval history has always been linked to modern history. I will go on to illuminate this point by a glance at the sesquimillennial anniversary in France of the baptism of King Clovis in 496, which produced a vast outpouring of books and articles in 1996. The event was quite similar to the quincentenary of Columbus' voyage to the New World, as commemorated in the US in 1992, with scholars, journalists and publishers all vying to hit the mark.<sup>11</sup> In the French case, however, something serious and pressing seemed to be at stake - how to define France as European, and yet still French - a question that was laid at the doorstep of the Middle Ages. This raises the theme of memory and the role of the historian. In conclusion, I will return to the theme of Euro-medievalism and offer some theoretical considerations.

### 3. *Medieval Battlefield*

Given that the medieval period has always served as a laboratory for working out contemporary ideals, it is by no means surprising that scholars should attempt

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10 Jörg Friedrichs, 'The Meaning of New Medievalism', in: *European Journal of International Relations*, 7, 2001, pp. 475-502.

11 Some popular works were quite excellent: Anthony Grafton, *New Worlds, Ancient Texts: The Power of Tradition and the Shock of Discovery* (Cambridge: Harvard University Press, 1992).

to provide the European Union with a historical backdrop, and to ground it in the medieval past. Humanism, which first conceived of the medieval as a distinctive era, was an attempt to revive classical antiquity and to overcome the intervening 'dark ages'.<sup>12</sup> A revolutionary tone was manifest in the way that humanistic scholars, such as Lorenzo Valla, pushed the medieval past to one side, after examining its documents using new methods of philology. Medieval documentary support of the modern church, such as the *Donation of Constantine*, proved to be fabrications. For the Reformation, likewise, the Middle Ages was a time when Christianity was covered over by an encrustation of superstition and arbitrary doctrine. Serious study of the period really began in a radical Protestant critique of the medieval (and thereby the modern) church - the rise of the papacy, the cult of the saints and other medieval 'impostures'.

A very different vein of humanistic research, promoted by the royal houses of Europe, sought to find in the medieval past the origins of the modern secular state. Trithemius, court scholar and abbot of monasteries in Sponnheim and Hirsgau, wrote a book on the origins of the Franks for his patron, Maximilian I. The treatise offered a panorama of the antiquity of Maximilian's family and the historical basis of its vast claims. To bring this off, Trithemius produced a pastiche of German antiquities and Trojan heroes, claiming to derive his information from sources he sometimes invented.<sup>13</sup> In this trend, continuity with the Middle Ages was highlighted as a guarantee of authenticity for monarchs. In the seventeenth century, Catholic historians such as Jean Mabillon and Baronius sought to establish the authenticity of Catholic traditions and institutions by means of critical study of the Middle Ages, emphasising the legitimacy and value of tradition. Still, philologists such as Josef Scaliger continued to despise the corrupt Latin and barbarism of medieval authors.<sup>14</sup>

For the Enlightenment, of course, the medieval past embodied everything they loved to hate: superstition, blind faith, and irrational power. Gibbon remarked that 'the Franks, or French, are the only people of Europe, who can deduce a perpetual succession from the conquerors of the Western empire. But their conquest of Gaul was followed by ten centuries of anarchy, and ignorance'.<sup>15</sup>

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12 Bibliography in Ronald G. Witt, 'The Humanistic Movement', in: Thomas Brady et al. (eds.), *Handbook of European History, 1400-1600*, 2 vols. (Leiden: E.J. Brill, 1995), Vol. 1, pp. 93-125.

13 Johannes Trithemius, *De Origine gentis Francorum compendium*, in: Martin Joseph Kuelbs and Robert P. Sonkowsky (eds.), *An Abridged History of the Franks* (Dudweiler: AQ-Verlag, 1987) pp. 31-37. 'Hunibald' and 'Wasthold' are the invention of Trithemius.

14 Anthony Grafton and Josef Scaliger, *A Study in the History of Classical Scholarship*, Oxford-Warburg Studies, 2 vols. (Oxford: Clarendon Press, 1983-1993).

15 Edward Gibbon, *The Decline and Fall of the Roman Empire*, ed. David Womersley, 3 vols. (London, Allen Lane / The Penguin Press, 1994), Vol. 2, p. 471.



Absolutist monarchy still located its legitimacy and rights to territory in the medieval past, but its ideals of governance in the 'good emperors' of Rome, such as Hadrian and Marcus Aurelius. During the eighteenth century, enlightened adherents of rationality and rational law could be found across Europe, a cosmopolitan elite with shared concepts and political ideals.<sup>16</sup> For this reason many scholars point to the Enlightenment as the temporal and conceptual homeland of European identity.<sup>17</sup> Nevertheless, the ideology of royalty, in the same century, could not do without its continuities of blood and inheritance. Because of these medieval claims, the French revolutionaries could brand the monarchy and the Church as an *ancien régime*, a barbarous past, a hold-over of the Middle Ages that they were rejecting. As Furet has remarked: 'In doing so they were defining not so much what they had suppressed, but more what they wanted to create - a complete break with the past, which was to be cast into the shadows of barbarism'.<sup>18</sup> The subsequent destruction of the monastery of Cluny, and other such symbols of the past, was an attack on the medieval world and its patrimony in the modern world.

The nineteenth century saw a romantic revival of interest in the medieval past. Pre-Raphaelite painters developed an enchanting world of alluring women and handsome knights and architects began a Gothic Revival, as did novelists like Sir Walter Scott. The nation-state wished to highlight its continuity with the Middle Ages as arising out of the history of peoples, and historians eagerly provided the materials. This type of history-writing was based on distinctive, incompatible identities distinguishing the nations of Europe. Thus, Herder felt he could see the world of medieval skalds and Vikings come to life as he watched Baltic sailors at work in heavy weather.<sup>19</sup> Michelet wrote the history of the French People along these lines, a project most beautifully expressed in his account of Joan of Arc. This trend reached a Wagnerian crescendo by the end of the century and in the years leading up to World War I. After the two world wars, while sharply nationalistic history was discredited, the history of Europe continued (and continues) to be conceived in national terms. This can be confirmed by a glance at the faculties of most European university history departments.

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16 Jörn Rüsen, 'Cultural Currency. The Nature of Historical Consciousness in Europe', in: Sharon Macdonald (ed.), *Approaches to European Historical Consciousness. Reflections and Provocations*, Eustory Series - Shaping European History, 1 (Hamburg: Körber Institute, 2000), pp. 75-85.

17 Robert Darnton, 'A Euro State of Mind', in: *The New York Review of Books*, 28 February 2002, pp. 30-32.

18 François Furet, *Revolutionary France 1770-1880*, trans. Antonia Neville (London: Blackwell, 1992), p. 3.

19 Isaiah Berlin, *Vico and Herder: Two Studies in the History of Ideas* (New York: Vintage Press 1977), p. 171.

The study of the Middle Ages has served as a bellwether of greater social and political concerns, because of its ambiguous stature as a time of origins. As the philosopher Hans-Georg Gadamer once remarked, to say that you know the origin of something is to make a greater claim: that you know what it is.<sup>20</sup> Recent debates over the study of the Middle Ages have come to revolve around how the past was and is remembered, as embodied in Nora's monumental *Realms of Memory*. Historians often now recognize their own activity as an act of memory.<sup>21</sup> In such a perspective, the importance and relevance of historical concepts to the formulation of political doctrine and modern identity is brought to the fore. Others have shown that the medieval world had its own vision or memory of the past, and that these are central to understanding earlier cultures: this is to view *memory as culture*, and *culture as memory* - in other words, the researcher is embedded in traditions extending to the object of research.<sup>22</sup> In Germany this is the historical topic of *Gedächtnis*.<sup>23</sup> In France, the topic of *mémoire* has led to a number of historical projects attempting to assess the past as a remembered inheritance or *patrimoine*.<sup>24</sup> The focus on memory implies that historical writing is only one among many repositories and acts of memory, such as monuments, films, and other popular representations. Meanwhile, others would argue that this focus on 'places of memory' puts the historian on the same level as a *cicerone* - a guide to the sentimental recesses of national and regional memory.<sup>25</sup> This issue was clearly on the minds of French historians as the year 1996 approached.

#### 4. Commemoration of Clovis

I first became aware of this phenomenon when I met a French historian one day in 1996. Upon learning that I was a historian of the Merovingian and Carolingian period, he replied, with icy disdain, 'then you must be very conservative'. As

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20 Hans-Georg Gadamer, *The Beginning of Philosophy* (New York: Continuum, 1998), p.13.

21 Krzysztof Pomian, 'Franks and Gauls', in: Pierre Nora (ed.), *Realms of Memory: Rethinking the French Past*, trans. Arthur Goldhammer (New York: Columbia University Press, 1996), Vol.1, pp.28-76.

22 Carlo Ginzburg, 'Shared Memories, Private Recollections', in: *History and Memory*, 9, 1997, pp. 353-363.

23 Peter Reichel, *Politik mit der Erinnerung: Gedächtnisorte im Streit um die Nationalsozialistische Vergangenheit* (Munich: Hanser, 1995); more generally, Jan Assmann, *Das kulturelle Gedächtnis. Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (Munich: C.H. Beck, 1997); Otto Gerhard Oexle (ed.), *Memoria als Kultur*, Veröffentlichungen des Max Planck Instituts für Geschichte, 121 (Göttingen: Vandenhoeck & Ruprecht, 1995).

24 Cf. the historical series by the French publisher Cerf: *Patrimoines*, and a series by the American publisher Eerdmans's, *Ressourcements*.

25 Pierre Birnbaum, *The Idea of France*, trans. M. B. De Bevoise (New York: Hill and Wang, 2001), p. 5.

I soon came to realise, the commemoration of the baptism of Clovis had awakened a debate about the nature of France and its medieval origins, taking centre stage in a series of crises and urgent reflections on French identity after the unification of Europe. Every French schoolchild knows that Clovis was the first catholic king of France. If the king's baptism can be seen as the origins of something, just what is that thing? Good old Gaullist France, the Republic, the France of the European Union? Or was it more profoundly the origin of Europe itself?

I have examined a number of the many books that appeared on this topic, selecting only from those that actually appeared in 1996.<sup>26</sup> I have also read the massive two-volume proceedings of a commemorative conference, held in Reims in 1996, but published the following year.<sup>27</sup> The covers of these books, especially the popular ones, are quite revealing, with their garish and cartoon-like portrayals of a very barbarian-looking Clovis with his long hair, moustaches and axe: 'Barbare sylvestre et hirsute' as one author lovingly calls him.<sup>28</sup> Indeed, the Merovingian kings displayed their royal status by wearing their hair long, and this is unfailingly portrayed on the covers.<sup>29</sup> As any reader of the ancient epic *Gilgamesh* knows, the history of civilization can be told as a story of how we lost our shaggy hair. The emphasis on origins led authors and publishers to focus on Clovis' long hair and his axe, because these are the rustic and heroic origins of modern French identity. As a method of defining and understanding identity, the search for origins attempts to identify an essence. Perhaps the most striking cover of all is the cover of Coûteaux's book, which has no such portrait, but instead the tricolor emerging from the map of France.

The books that appeared can be divided, roughly, into three camps. First there are the ordinary works of historical erudition, such as those by Rouche, that

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26 Laurent Theis, *Clovis de l'histoire au mythe* (Tournai: Éditions complexe, 1996); Michèle Laforest, *Clovis. Un roi de légende* (Paris: Albin Michel, 1996); Paul-Marie Coûteaux, *Clovis, une histoire de France. Cinq leçons de politique française* (Paris: JC Lattès, 1996); Ivan Gobry, *Clovis le Grand* (Paris: Regnier, 1996); Pierre Chaunu and Eric Mensjon-Rigau, *Baptême de Clovis, baptême de la France. De la religion d'État à la laïcité d'État* (Paris: Éditions Balland, 1996); Renée Mussot-Goulard, *Le Baptême qui a fait la France. De Blandine à Clois* (Paris: Perrin, 1996); Philippe Delorme and Luc de Goustine, *Clovis 496-1996. Enquête sur le XVème centenaire* (Paris: Regnier, 1996); Dominique Jamet, *Clovis ou le baptême de l'ère* (Paris: Éditions Ramsay, 1996); Francis Dallais, *Clovis ou le combat de gloire* (Paris: PSR Éditions, 1996); Michel Rouche, *Clovis* (Paris: Fayard, 1996).

27 *Clovis. Histoire et mémoire*, dir. by Michel Rouche, 2 vols. (Paris: Presses de l'Université de Paris-Sorbonne, 1997).

28 Coûteaux, *op.cit.*, p.16.

29 Averil Cameron, 'How did the Merovingian Kings Wear their Hair?', in: *Revue Belge de philologie et histoire*, 43, 1965, pp. 1203-1216.

medieval historians will read and cite in the course of their own research. Historians of the Merovingian era were faced with the unusual and alluring prospect of a wider audience, however, and inflected their books to enter the national debate. The second type of book was the nationalist and sentimental treatment of Clovis as the origin of a sacred identity - Catholic France and everything that it evokes in terms of nostalgia. The third type of book makes the baptism of Clovis revolve entirely around contemporary issues, producing, in a way very surprising to a medievalist, a republican and universal King Clovis.

First, the nostalgic treatment: Dominique Jamet completely loses control in proclaiming the baptism of Clovis as the birth of something great and eternal: la France. What is France?

'C'est le sang de Bouvines [...] c'est la gloire de Marignan [...] c'est Waterloo à nuit tombée, c'est la Louvre, Versailles, la Sainte Chapelle, le Pont du Gard, la tour Eiffel, c'est Verdun sous les bombes [...]'<sup>30</sup>

In some quarters, commemoration of the baptism was an opportunity to recall France to its 'true identity', rooted in monuments, battlefields and (apparently) tourist brochures.

Michèle Laforest's work, less bombastic but no less nostalgic, is simply a heroic or hagiographical treatment of the man, loyal, brave and true, as he carefully and providentially avoided the errors of heresy and became truly Catholic thanks to his wife.<sup>31</sup> The book avoids Clovis' amazing capacity for anger, treachery and brutality. Clovis one day explained to his troops that if any man were to disobey his orders, he would bury his axe in that man's head. He was not above burning down the occasional church. This sort of thing falls out of an account that only wants to lead a heroic, conquering, and now pious King Clovis to the baptismal font. The book breathes an air of intense identification with this history, and by extension, we have to assume that there is some genuine identity between the France of today and the France of 496. Ivan Gobry shows the same love for these rustic, warlike, and eventually pious origins of a great nation. The heroism of Clovis and the Franks is clearly our own heroism - if we are French.<sup>32</sup>

496? Oh, yes, it should be mentioned that almost no historians now accept this traditional date as being accurate. There was a certain irony in observing the

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30 Jamet, *op. cit.*, p.201.

31 Laforest, *op.cit.*, pp.113-138.

32 Gobry, *op. cit.*, pp. 9-62.

traditional year, and as far as I can tell, this was the only irony in evidence during the year 1996. There can have been few debates involving so many French intellectuals that were waged with such a total lack of irony on every side.

Let me now turn to what is perhaps the most important and interesting of these books: the work by Paul-Marie Coûteaux. Coûteaux is not a historian, but a politician who has served in the *cabinets* of Michel Jobert, Saint Robert, Jean-Pierre Chevènement, and who was also an attaché of Boutros-Boutros Ghali. In this treatment of Clovis, the Frankish king becomes the progenitor of everything noble and forward-looking in France. In short, everything truly European.

As for the date, to insist on the correct date would only be a case of historical fetishism, says Coûteaux, for here we are only concerned with meaning.<sup>33</sup> French history, from the Middle Ages onward, is a unified, but 'tumultuous passage' culminating in the single market, in a single currency and diplomacy, and which will one day give rise to a single citizenship for Europe.<sup>34</sup> Clovis may be seen as the origin of all this. With the baptism of Clovis, we see the birth of legitimate power in France.<sup>35</sup> In order to gain legitimacy in the eyes of his Catholic Christian subjects, Clovis had to convert to their faith. Coûteaux argues that modern-day France has inherited this lawful power, and therefore the baptism of Clovis may also be seen as the dawn of French sovereignty.<sup>36</sup>

The king's body, commencing with the newly baptised Clovis, represented the unity of power and legitimacy in one person. In the Renaissance, the kingdom became a state, thus extending the power incarnate in the king to the state apparatus, and 'preparing the apotheosis of the Republic' in which the body of power was expanded still further, to the people. Moving from the king's body to the social body, with the Republic we finally arrive at the 'national body'.<sup>37</sup>

Clovis was anointed as a religious figure, a type of Christ. This established the boundaries of state power, which ends at the borders of the sacred. According to Coûteaux, '[t]his is also the perimeter of the private, which guarantees the

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33 Coûteaux, *op. cit.*, p. 23.

34 Coûteaux, *op. cit.*, p. 25.

35 I have examined the significance of Clovis in the history of Frankish kingship in: Michael E. Hoenicke Moore, *A Sacred Kingdom: Royal and Episcopal Power among the Franks, 450-850* (forthcoming).

36 Coûteaux, *op. cit.*, p. 48

37 Coûteaux, *op. cit.*, pp. 52-53. In making this argument, Coûteaux draws upon the famous work of Ernst Kantorowicz, *The King's Two Bodies* (Princeton: Princeton University Press, 1957).

liberty of the person, and the Rights of Man'.<sup>38</sup> The connection between the long-ago baptism of a medieval king, and the restraining effect of spiritual values over political might, means that 'we must remain faithful to Reims'.<sup>39</sup> The romantic tone is compelling, although the progress of the Rights of Man in France and elsewhere was anything but inevitable. Many dictatorial regimes, especially in eastern Europe, 'documented' the Rights of Man in their constitutions, but with no intention of defending them. The essentially political rights of the Declaration of 1789 were formulated with an awareness of the then recent American Declaration of Independence, while the effective history of the Rights of Man was maintained by particular acts of courage and faith that gave them genuine force, as during Zola's defence of Dreyfus.<sup>40</sup>

Clovis strove to unify Gaul (with his axe!) and thus an eternal French sovereignty was born, specifically in opposition to regionalism and tribalism. The kingdom was multi-ethnic. From this distant origin, Coûteaux suggests, came the impetus to build ever-broader, more inclusive polities, culminating in the Maastricht Treaty and a unified Europe.<sup>41</sup> Civilisation arose in France by harnessing power to the directives of the spiritual, and by striving toward universal principles. This spiritual power is now embodied in her intellectuals. France can never cease to be a people with a mission, and to serve as a beacon to the world.<sup>42</sup> One must admit that this argument is exhilarating, although the connection between the Rights of Man and King Clovis seems extremely slender.

## 5. Euro-Medievalism

As I mentioned at the outset, current trends in the history of the early Middle Ages have downplayed the nation, thinking of this as an intentional community and in part, a function of memory.<sup>43</sup> This has opened the way to many new insights into European history. From a different direction, European think-tanks such as the *Körber Institute* in Hamburg have set themselves the task of sketching out what a 'European Historical Consciousness' might look like. Is

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38 Coûteaux, *op. cit.*, pp. 62-66.

39 Coûteaux, *op. cit.*, p. 65.

40 Jean-Denis Bredin, 'La France et les droits de l'homme: du culte au mépris, deux siècles de passions et ruptures', in : *Revue des sciences morales et politiques*, 2, 2001, pp. 19-45.

41 Coûteaux, *op. cit.*, p. 159.

42 Coûteaux, *op. cit.*, p. 200.

43 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983). For medievalists this gave rise to the concept of ethnogenesis: Herwig Wolfram, *The Roman Empire and its Germanic Peoples* (Berkeley: University of California Press, 1997).

there such a thing? What would it consist of?<sup>44</sup> Here the emphasis is on cultural policy and secondary education, which is being promoted at the highest level by the EU, for example in the ERASMUS project. It is perhaps rightly contended that without a common European sense of history, the overlay of legal and political structures now in place and getting more intensive by the day, will not have the kind of support that national structures traditionally received from national historical consciousness.

The problem reflected in these cultural debates in France and elsewhere in Europe, is whether it is still possible to assert a meaningful national (or local) identity in the context of European unification. Meanwhile, lurking behind the rise of a European space are the 'affectless' zones of a globalised world, where only the movement of capital confers meaning. According to the sociologist Zygmunt Bauman, the elites of a newly globalised world move and act freely throughout this rarified atmosphere, liberated from the constraints of geography and culture, while the local and the territorial have become the restrictive, claustrophobic domiciles of second-class citizens.<sup>45</sup> It is no surprise that these changes affect our views of the past, or that problems of identity give rise to new approaches to the medieval world.

There are many reasons why historians of the Middle Ages should give up their old focus on national boundaries. Medieval Europe was unified by its shared use of Latin, by shared social forms such as serfdom and lordship, Europe-wide institutions such as the Catholic Church; and Europe-wide disasters such as anti-Semitic pogroms, the Black Death, and the 100 Years War. But is this enough to speak of a truly 'European' Middle Ages?<sup>46</sup> In other words, was Europe really a historical entity? What standpoint must one adopt to view it in this way? This genuinely becomes a question about modern identities. Michael Borgolte has recently addressed this question<sup>47</sup>, comparing the problem to earlier attempts to erect a universal history by Wolfgang Mommsen and others, as a reaction against nationalist history.<sup>48</sup> During the 1990s the possibility of a universal history became the central theme of a controversy in the journal *Le*

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44 Sharon Macdonald and Katja Fausser, 'Towards "European Historical Consciousness": An Introduction', in: Macdonald (ed.), *op.cit.*, pp. 9-30.

45 Zygmunt Bauman, *Le coût humain de la mondialisation*, trans. Alexandre Abensour (Paris: Hachette Littératures, 1999), pp. 40-41.

46 Charles-Olivier Carbonell et al., *Une histoire européenne de l'Europe. Mythes et fondements, Des origines au XV<sup>e</sup> siècle* (Toulouse : Privat, 1999), pp. 11-26.

47 Michael Borgolte, 'Vor dem Ende der Nationalgeschichten? Chancen und Hindernisse für eine Geschichte Europas im Mittelalter', in: *Historische Zeitschrift*, 272, 2001, pp. 561-596.

48 Wolfgang Mommsen, 'Universalgeschichte', in: Waldemar Besson (ed.), *Geschichte. Das Fischer Lexikon* (Frankfurt am Main: Fischer, 1961).

*Débat*. The problem was evoked by the brief trend toward *post-histoire*, developed earlier by the Hegelian scholar Alexandre Kojève, but popularised by Francis Fukuyama.<sup>49</sup> If we are heading towards a single 'world civilisation', would this not equally imply a 'single world history'? But where is the standpoint from which we would write it? Will universal history be an extension of European history and civilisation, and (according to one way of thinking) thereby an extension of French history and its universalism? Does it arise out of a spiritual and legal patrimony bequeathed by medieval France?<sup>50</sup> We would then face the prospect that the 'woody and hirsute' King Clovis might indeed have something to do with the appearance of a universal civilisation. Our efforts to understand and describe the past always have a political and ethical dimension, and affect how we imagine the world we are building today.

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49 Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992); see the discussion in Mark Lilla, *The Reckless Mind: Intellectuals in Politics* (New York: New York Review of Books, 2001), pp. 113-156.

50 Cardinal Lustiger, archbishop of Paris, distanced himself from the figure of Clovis, arguing that the idea of a 'Christian nation' was not a truly Christian concept: Birnbaum, *op.cit.*, pp. 210-211.





## Book Reviews

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**Amie Krepel**, *The European Parliament and Supranational Party System*, Cambridge: Cambridge University Press, 2002, £40.00 hb.

L'étude d'Amie Krepel est centrée sur l'institution communautaire qui, au sein du triangle institutionnel communautaire, a connu depuis sa création la plus grande évolution: le Parlement européen. C'est précisément cette évolution qu'Amie Krepel analyse pour tenter de l'expliquer. L'institution parlementaire européenne a été dotée progressivement d'un rôle rehaussé au sein du système institutionnel communautaire: sans une nécessaire adaptation de son organisation politique interne, le Parlement européen n'aurait pu ni absorber ces nouvelles compétences, ni soutenir cette évolution institutionnelle. C'est sur ce constat que l'auteur fonde sa démarche: elle cherche à évaluer les effets de ces facteurs exogènes d'évolution de l'institution sur son développement interne, en particulier sur son organisation politique.

Pour analyser le processus d'évolution qu'a connu le Parlement européen, Amie Krepel choisit une méthode et deux instruments théoriques principaux. La méthode repose sur une tentative de lier les changements externes qui affectent le Parlement européen à ses réformes internes. Il s'agit d'évaluer dans quelle mesure les premiers ont influencé les secondes. Amie Krepel choisit d'utiliser deux modèles de l'évolution institutionnelle: le modèle environnemental ou modèle macro, lequel estime que les réformes internes d'une institution sont liées à des changements exogènes significatifs du rôle politique de l'institution et le modèle micro, lequel considère que les acteurs politiques tentent d'organiser l'institution de manière à atteindre au mieux les objectifs qu'ils s'y sont fixés. Ces outils théoriques, qu'Amie Krepel n'hésite pas à combiner pour

mieux tenir compte de la spécificité institutionnelle à laquelle elle les applique, sont confrontés à l'histoire politique du Parlement européen.

Amie Krepel divise l'évolution politique du Parlement européen en quatre périodes: les premières années (1958-1969), la deuxième période (1970-1978) qui correspond à l'acquisition par le Parlement européen de premiers pouvoirs budgétaires et à une première évolution de la culture politique de l'institution en raison du premier élargissement, la troisième période (1979-1986) après le passage à l'élection du Parlement européen au suffrage universel direct, marquée également par la préparation de l'Acte unique européen, et la quatrième période (1987-1999) au cours de laquelle les pouvoirs du Parlement européen ont été largement accrus au travers des Traités de Maastricht et d'Amsterdam.

Une fois la méthode et les outils théoriques posés et les grandes phases d'évolution politique qui ont marqué le développement interne du Parlement européen rappelées, l'auteur analyse empiriquement quatre objets qui fondent l'organisation politique interne de l'institution parlementaire: son règlement intérieur et la succession de propositions de révision qu'il a connus, la formation des coalitions parlementaires étudiée au travers les votes des résolutions du Parlement européen, le rôle de l'idéologie politique dans les votes relevant des procédures de coopération et de co-décision et, enfin, l'évolution interne des groupes politiques (en particulier les deux plus grands groupes politiques). Les conclusions d'Amie Krepel varient sensiblement selon les objets étudiés, mais il semble qu'en définitive seule la combinaison des deux outils théoriques choisis permette de rendre compte de la dynamique institutionnelle qui caractérise l'évolution politique interne du Parlement européen. Cette combinaison se matérialise souvent dans une succession. Ainsi, par exemple, le règlement intérieur a, dans un premier temps, pu être un objet de consensus permettant au Parlement européen d'accroître ses pouvoirs au sein du système institutionnel communautaire (et les modifications du règlement intérieur ont suivi les nouvelles attributions de compétences au Parlement européen, modèle macro). Néanmoins, dans un deuxième temps, lorsque le Parlement européen a obtenu progressivement de nouveaux pouvoirs, le règlement intérieur est devenu un objet permettant d'accroître l'influence de ceux qui ont la capacité institutionnelle de modifier le règlement intérieur, en l'occurrence les groupes politiques d'abord, les seuls plus grands groupes politiques ensuite.

Les quatre objets ainsi étudiés permettent de saisir les dynamiques internes du Parlement européen. C'est le grand mérite de l'étude d'Amie Krepel, qui n'est

pas une description du fonctionnement du Parlement européen mais plutôt une tentative d'expliquer l'évolution politique interne de l'institution. Ce faisant, le lecteur redécouvre un Parlement européen sujet aux grandes évolutions de l'Union européenne, mais aussi au comportement des acteurs politiques qui le composent. Les quatre objets étudiés empiriquement constituent de toute évidence le cœur de l'ouvrage. Les quatre chapitres qu'Amie Krepel y consacre constituent quatre études uniques de l'influence grandissante des groupes politiques au sein du Parlement européen. Amie Krepel souligne par les études empiriques qu'elle a entreprises, et dont elle souligne parfois avec justesse les limites (ainsi, elles se fondent par définition sur les seuls votes par appel nominal pour l'étude de la formation des coalitions et du rôle de l'idéologie), les évolutions d'un système partisan supranational qui s'est progressivement mis en place au sein d'un Parlement européen lui-même sujet d'une évolution politique considérable.

Amie Krepel indique avec raison que ce système partisan supranational est le résultat combiné de facteurs exogènes d'évolution du Parlement européen et de décisions propres des acteurs politiques du Parlement européen. Il s'agit donc d'un système en évolution constante, encore appelé à poursuivre cette évolution. L'auteur termine d'ailleurs l'étude qu'elle consacre à l'organisation interne des groupes politiques en mettant en avant la place grandissante des délégations nationales en leur sein, désormais capables de concurrencer les structures dirigeantes mêmes des groupes. Non seulement, les analyses d'Amie Krepel au sujet des délégations nationales sont frappantes de justesse et remettent en cause, avec raison, l'idée commune que les plus grands groupes politiques sont des forces politiques dominantes ne souffrant aucune concurrence dans le Parlement européen de la co-décision, mais elles démontrent combien le cadre politique communautaire reste complexe car en constante évolution et ne souffrant la comparaison avec des objets politiques plus conventionnels qu'avec précaution.

Précaution qu'Amie Krepel s'est imposée pour développer des modèles théoriques appliqués habituellement à d'autres sphères politiques et qui permet de donner lieu à une analyse utile pour la compréhension d'une institution originale et sans cesse renouvelée.

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**Robin Pedler (ed.),** *European Union Lobbying - Changes in the Arena*, Basingstoke: Palgrave, 2002, 352 pp., £45.00 hb.

This is a solid reference book, one of the few I have come across on lobbying at the European level and one which will be often referred to. Any lobbyist, academic, journalist, researcher, politician, NGO or industry representative will find within it a wide range of interesting and useful 'real life' lobbying cases. This is not an academic piece, but is and will become an authoritative read for all practitioners.

The book is divided up into three sections. In the first, Robin Pedler sets the context and objectives and highlights, briefly, some of the changes in the lobbying arena such as, for example, the growing importance of civil society, the key role of implementation and the value of case studies. As to the practice of public affairs, Pedler writes that '[p]ublic affairs may be defined as the management skill that internalizes the effects of the environment in which an organization operates and externalizes actions to influence that environment'(p. 4).

The last section is an attempt at bringing together some of the lessons learnt through a comparative analysis of the case studies which form the bulk of the book. Fourteen lobbying campaigns, taken from a diverse group of lobbying practitioners (professional lobbyists, trade associations and industry representatives, NGOs) as well as academics, are presented in an even format.

Although the book is entitled *European Union Lobbying*, Pedler gathers cases that look beyond the 15 Member States. Several cases examine the EU's relationship with the US, Slovenia and Japan and even analyse how non-Europeans, in particular Japanese organisations, view and operate in the European arena.

The cases in themselves are real and revealing, albeit sometimes long-winded. They demonstrate clearly where they scored successes and where they failed, providing the reader with an objective account. In the final analysis, Pedler states that 'the most successful lobbyists are those who: "appreciated the limits of what the lobbying process can achieve"' (p. 310). Indeed, many of the cases demonstrate just that.

The case studies are particularly well selected for their different approaches, topicality, subject matter and geographical scope. There are two cases on E-Europe; three dealing with the thorny issue of environmental protection; two

relating to applicant countries; four looking at the global and regional context; two dealing with single market issues; and the last two examine the new phenomenon of corporate social responsibility (CSR). The studies are, overall, good at explaining the context but it would have been particularly interesting to have more information on the precise lobbying actions undertaken during the respective campaigns. Indeed, the cases could have provided plenty of data to pull together a compendium of practical lobbying tools / actions which proved to be effective.

'In this book', Pedler writes, 'the reader may draw his or her own conclusions from the cases, while the final chapter will synthesize their findings and propose paradigms for application' (p. 5). Unfortunately, the editor merely identifies many interesting trends but does not analyse them in any great depth. It is this very analysis which should have been developed more and which I believe ought to have been the main focus of the book.

The book does however touch upon some fascinating trends such as the use of comitology, agenda-setting at the earliest possible stages, the growing role of NGOs and their alliances with industry, the possible diminishing role of trade associations in comparison to the single-issue ad hoc coalitions, and the growing importance of CSR. Pedler rightly states that 'the domain of the Public Affairs manager covers not only lobbying and government affairs, but also and increasingly corporate social responsibility' (p. 9). The latter deserves more analysis as it is becoming an increasingly key issue globally.

Pedler has managed to gather a rich and diverse group of case studies. As a lobbyist myself, the cases confirm many of my own beliefs and experiences and more than anything else convince me that 'as new business develops [e.g., E-Europe], Public Affairs is at the cutting-edge of creating the environment in which it can flourish and grow' (p.7).

As for the future, the book provides a good insight into what is in store, the cases showing that the successful lobbyists of the future will be those who operate at the interface of the ever-faster-moving global economy and the still slow-moving processes of the EU.

## **Russell Patten**

*Promotion Altiero Spinelli*

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**Roy H. Ginsberg**, *The European Union in International Politics – Baptism by Fire*, Oxford: Rowman and Littlefield, 2001, 305 pp., £20.95 pb.

The European Union's (EU) Common Foreign and Security Policy (CFSP) is something of a curious creature. Frequently suffering from comparisons with both the EU's external trade policy and national foreign policies, the CFSP has variously been teased for being nothing more than a 'paper tiger' or even a 'myth'. Indeed, the popular jibe is that while the EU is certainly an economic superpower, it remains a political dwarf. Yet as Roy Ginsberg argues in this new study, perhaps that all depends on your standpoint.

Beginning his analysis with an examination of perspectives of CFSP and the problems encountered in its study, Ginsberg argues that if we start out by evaluating European foreign policy (EFP) by the standards with which we would judge national foreign policies, or indeed by the lofty objectives set out at Maastricht, then the CFSP will invariably be found wanting. The EU is not, after all, a state but rather 'remains a thoroughly unorthodox and often uneven international player' (p.11). Instead, Ginsberg suggests that we move away from our traditional conceptions of policy 'successes' or 'failures' and rather turn 'EFP inside out by evaluating EFP activity from the perspective of outsiders [...] [which] avoids judgement calls and makes more concrete what we know of the EU's effects internationally' (p.5). Ginsberg's analysis thus centres not on the internal process of EU foreign policy formulation, nor on simply its outputs, but rather on its outcomes, which is to say those outputs that have what he describes as an 'external political *impact*'.

A particularly perceptive and comprehensive literature review in chapter 3, usefully examining the application of theories such as 'multi-level diplomacy', 'constructivism' and 'Europeanisation' to the study of European foreign policy, precedes definitions of the measures, categories and instruments of external political impact. Accepting that more traditional concepts in the study of EFP such as Allen and Smith's 'presence' and Sjöstedt's 'actorness' are useful, Ginsberg argues however that since they focus simply on the capability or capacity of the EU to exert influence on non-members, they thereby reinforce the need to 'evaluate the outcomes of the external relations system' (p.46). Ginsberg's analysis is therefore specifically focussed on externalities and does not seek to shed light on the internal processes of how EU foreign policy is actually made.

Listing potential external policy instruments and techniques, such as the offering of tariff preferences or development aid or the imposition of air embargos or diplomatic sanctions, Ginsberg argues that '[t]he EU has (cognitive) political impact for what it "is", and [...] (empirical) political impact for what it "does"' (p.52). He then goes on to lay down his criteria for assessing where and when the EU had anything from nil to marginal, considerable or significant political impact on the conflict in the former Yugoslavia between 1991 and 1995; on Israel, the Palestinians and the Middle East Peace Process; and the United States.

Of course, as Ginsberg himself acknowledges, assessing the EU's external political impact, and most especially its cognitive impact, can be problematic and in certain cases rather subjective. And while he may acknowledge the subjectivity of his choice of case studies (which are admittedly well chosen) he does not seem to address the fact that his choice of specific examples within these case studies is also inherently subjective. This in turn invariably affects the definitiveness of his conclusions.

Despite this, what is clear is that as Ginsberg proves, the EU is capable of being far more than a mere political dwarf. The case studies examined demonstrate that EU foreign policy actions *can* have an impact and *can* make a difference. Whatever the rights and wrongs of the EU's diplomatic recognition of Slovenia and Croatia in 1992 for example, the fact that it 'shifted the focus of the conflict from a civil war to an interstate one [...] contributed to Belgrade's deep distrust of the EC [...] [and] aroused the national aspirations of Bosnia-Herzegovina, whose Muslims called for independence' (p.79). EU external policy therefore clearly had a significant political impact. Numerous other examples reinforce this view and Ginsberg concludes from his case studies that the EU had considerable political impact in a plurality of instances (46%), nil and marginal political impact in 25% of instances and significant political impact in 29% of instances (p.279).

The book's findings 'support the thesis that the EU is a complex, partially constructed, *sui generis*, and evolving international actor that has political impact – across a range of degrees – on non-members' foreign policy interests and on many issues of international politics' (p.274). As Ginsberg points out, from the evidence presented it is hard to deny that 'the EU has external political impact for what it is (it is present in the calculations of many non-members for what the EU broadly represents and what the EU can do for their interests) and for what it does (EFP actions can have tangible effects)' (p. 274).



Ginsberg's book is a well-written, thoroughly researched and admittedly original analysis of the EU's impact on international politics and a valuable addition to the existing literature, moving our analysis away from the study of EU actor capacity to that of actor impact. However, while we can conclude that the EU does have an external impact, the question of what capacities and capabilities are needed to strengthen this impact goes unanswered. This, more than anything, is the current challenge for the CFSP.

**Christopher Reynolds**

*Promotion Aristotle*

Teaching Assistant,

Department of European Political and Administrative Studies,

College of Europe, Bruges.

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## Death of Rector P.W.C. Akkermans

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On Monday 17 June 2002, it was with great sadness that the College of Europe announced the death of its sixth Rector, Piet Akkermans.

Professor Akkermans was born in 1942 and had been Dean of the Faculty of Law, and later Rector of the Erasmus University in the Netherlands before joining the College of Europe in July 2001. His academic interests related mainly to the fields of human rights, constitutional law and educational law, and in addition to his role at the College, Professor Akkermans was a member of the board of editors of the *European Review of Public Law*, as well as Secretary General of the International Association of Constitutional Law and a member of the Advisory Council on Education in the Netherlands.

His funeral took place in Bruges on Monday 24<sup>th</sup> June 2002.



# News from the College of Europe

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## New Staff

The College of Europe is pleased to welcome the following Professors joining the teaching staff for the forthcoming academic year (2002 – 2003):

### *Department of European Political and Administrative Studies*

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- **Thomas CHRISTIANSEN**  
Jean Monnet Lecturer in European Studies  
University of Wales, Aberystwyth
- **Stefaan DE RYNCK**  
Spokesman for Institutional Reform  
European Commission, Brussels
- **Gerda FALKNER**  
Senior Researcher  
Max Planck Institute for the Study of Society, Cologne, Germany
- **Simon HIX**  
Reader in EU Politics and Policy  
London School of Economics and Political Science, UK

## *Département des Etudes Juridiques Européennes*

- **Dominik HANF**  
Senior Researcher, Institut d'Etudes Juridiques Européennes  
Université de Liège, Belgium
- **Rostane MEDHI**  
Professeur, Centre d'Etudes et de Recherches Internationales et  
Communautaires  
Aix-en-Provence, France
- **Ludwig KRÄMER**  
Head of Unit, DG Environment  
European Commission, Brussels

## *Department of European General and Interdisciplinary Studies*

- **Clare COFFEY**  
Research Fellow  
Institute for European Environmental Policy, London
- **Roger de WECK**  
Éditorialiste  
Berlin, Germany and Zurich, Switzerland
- **Wilfried HINSCH**  
Professor für Praktische Philosophie  
Universität des Saarlandes, Saarbrücken, Germany
- **Guy HAARSCHER**  
Président du Centre de Philosophie du Droit  
Université Libre de Bruxelles, Belgique
- **Elemer HANKISS**  
Senior Fellow and Research Director  
Institute of Political Science, Budapest, Hungary

- **Pierre-Yves MONETTE**  
Federal Ombudsman of Belgium  
Brussels, Belgium
- **Anna TRIANDAFYLLIDOU**  
Research Fellow, Robert Schuman Centre for Advanced Studies  
European University Institute, San Domenico di Fiesole, Italy
- **Francois VANDAMME**  
Conseiller Général, Service des Relations Internationales  
Ministère Fédéral de l'Emploi et du Travail, Bruxelles, Belgique
- **David WILKINSON**  
Senior Fellow  
Institute for European Environmental Policy, London

*Several new teaching assistants will also be joining the College:*

- **Rodrigo BALLESTER-ESQUIVIAS**  
Promotion Simon Stévin  
Département des Etudes Juridiques Européennes
- **Tristan BAUME**  
Promotion Simon Stévin  
Département des Etudes Juridiques Européennes
- **Jean-Pierre CASEY**  
Promotion Simon Stévin  
Department of European Economic Studies
- **Miguel Angel MEDINA ABELLÁN**  
Promotion Simon Stévin  
Department of European General and Interdisciplinary Studies
- **Pierpaolo SETTEMBRI**  
Promotion Simon Stévin  
Department of European Political and Administrative Studies

### Conferences

- ***The Enlarged EU - a Force For Innovation***  
With the European Federation of Pharmaceutical Industries Associations (EFPIA)  
26 June 2002
- ***Economic Coordination in EMU***  
An Expert Conference, organised by the Department of European Economic Studies  
28 - 29 June 2002  
<http://www.coleurop.be/seminars/ConferenceProgrammeEcon.pdf>
- ***Islam in Europe***  
In cooperation with Consociatio Institutorum Culturalium Europaeorum Inter Belgas (CICEB), Brussels  
Goethe-Institut, Brussels  
19 - 20 September 2002
- ***The Impact of International Humanitarian Law on Current Security Policy Trends***  
In co-operation with the International Committee of the Red Cross (ICRC)  
Behind Closed Doors  
25 - 26 October 2002
- ***Comment Transmettre la Culture Européenne***  
In cooperation with Consociatio Institutorum Culturalium Europaeorum Inter Belgas (CICEB), Brussels  
19 - 20 November 2002

## Seminars

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- ***Competition and Regulation in Public Services in the EU***  
In cooperation with the Universita Barcelona  
23 - 29 June 2002
- ***7th Summer Academy of European Business Law***  
In cooperation with the European Association of Lawyers and  
the Madariaga Foundation  
30 June - 3 July 2002
- ***9th Annual Intensive Seminar on the European Union***  
30 June - 20 July 2002  
<http://www.coleurop.be/seminars/0106-1906.pdf>
- ***Sankt-Gallen University Master Programme of European and International Business Law***  
In co-operation with the Universität St. Gallen - Hochschule für  
Wirtschafts-, Rechts- und Sozialwissenschaften (HSG), Switzerland  
7 - 13 July 2002  
<http://www.weiterbildung.unisg.ch>
- ***EU Seminar for South Eastern Europe (EUSSEE)***  
In co-operation with the American University in Bulgaria, Blagoevgrad  
8 - 17 July 2002  
<http://www.aubg.bg/dbtext/text.php?i=286>
- ***Concurrence et la Régulation dans les Infrastructures - Perspectives pour la Région Méditerranéenne***  
14 - 20 July 2002  
<http://www.coleurop.be/pdf/programmePPMI.pdf>
- ***Dubrovnik Diplomatic Summer School***  
In cooperation with the Diplomatic Academy of the Ministry of  
Foreign Affairs of Croatia  
27 August - 15 September 2002  
[http://www.mvp.hr/ceidtn/010815\\_ddss.html](http://www.mvp.hr/ceidtn/010815_ddss.html)







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