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# EUSA REVIEW

### Justice and Home Affairs in the Aftermath of September 11: Opportunities and Challenges

Emek M. Uçarer

THE ROAD TO SHAPING COOPERATION in Justice and Home Affairs (JHA) matters, a policy domain that includes immigration and asylum issues as well as collaboration in judicial and police matters, has been a bumpy one. Even though JHA is arguably the most rapidly evolving policy field in the EU, progress in this new arena has been hampered by the sensitivity of the issues tackled in the dossier, lack of coherence and consensus, member states' reluctance to transfer policy-making authority to European institutions, and the awkward institutional structures and cumbersome intergovernmental decision-making processes created by Maastricht Treaty. The Amsterdam Treaty attempted to tackle the causes of the lackluster policy output by proclaiming the dawn of a European "Area of Freedom, Security, and Justice (AFSJ)." The JHA dossier was partially communitarized, bringing immigration, asylum, and judicial cooperation in civil matters into the First Pillar and establishing a timetable for the "normalization" of the decision-making practices. At the same time, however, Amsterdam left behind police and judicial cooperation in criminal matters in a revamped Third Pillar that was to operate intergovernmentally for the foreseeable future. Now divided between two pillars, JHA cooperation continued to press forward slowly, and received another push at the special JHA Tampere European Council in 1999.

While the blueprint adopted at Tampere certainly contributed to the proliferation of JHA initiatives since 1999, the attacks of September 11 have also invigorated efforts in the EU to jointly develop policies, in particular to enhance security internally and at the Union's external borders in order to combat terrorism. The attacks resulted in an unprecedented demonstration of political will to speed up work to address cross-border criminal matters collectively. As the European connections of some of the attackers were uncovered, members of the EU were confronted with their own vulnerabilities. In short order, and with the entrepreneurial efforts of JHA Commissioner António Vitorino, judicial and police cooperation in criminal matters—areas that were previously eclipsed by the Union's emphasis on developing policies to guard its external borders—rose to the top of the collective agenda. The events underscored the obvious: even though member states had traditionally not been particularly comfortable with aligning

their national legal systems or working very closely with each other's law enforcement units, such reticence and the resultant incomplete integration could produce significant internal security gaps in a frontier-free Europe. Immediately following the attacks, the EU and its member states quickly condemned terrorism and expressed their solidarity with the U.S. They then embarked on developing EU-wide and transatlantic mechanisms to combat terrorism as well as other serious trans-border crime. Politicians were keen to demonstrate that they were neither soft on terrorism nor slow in developing responses. So the EU swiftly adopted anti-terrorism measures that involved cooperation in criminal matters, most of which would surely have taken years to discuss and adopt were it not for the unusual sense of urgency.

The unexpected political terrain of post-9/11 JHA cooperation signaled a decisive opportunity for energizing the member states' individual and collective willingness to deepen integration in JHA matters. The initial progress made—significant by JHA standards—suggests that the member states were interested in capitalizing on this window of opportunity. Immediately after the attacks, member states were summoned to an extraordinary European Council on September 21. An October 19 meeting of the JHA Council followed with actual policy proposals. With the notable exception of upgrading airport security measures—which was a direct response to the attacks—most of the items on the agenda for these meetings were instruments that had long been under discussion. Member states now appeared committed to fast-tracking several initiatives that had barely been inching along earlier. Most notably, ministers agreed to promptly develop a common EU definition of terrorism, a common list of organizations suspected of terrorism, a common list of serious trans-border crimes, and a European search and arrest warrant to expedite the apprehension of suspects involved in such crimes. In order to boost cross-border police cooperation, the European Police Office (Europol) was given additional responsibilities through a new anti-terrorism unit responsible for cooperating closely with the intelligence agencies of member states and the U.S. (Council of the European Union, 2001a). The ministers also committed the Union to developing a common decision on the freezing of assets with links to suspected terrorists, and—linking the fight against terrorism squarely to better border controls—intensifying efforts to combat falsified and forged travel documents and visas. *(continued on p.3)*

## **EUSA Review**

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## **From the Chair**

### **Martin A. Schain**

THE ACTIVITIES AND ORGANIZATION OF the European Union Studies Association are now changing to reflect the evolving scholarly approaches to the study of Europe. Scholars, who until recently have focused their attention on comparative European politics, policy and society, have increasingly related their work to the process and implications of European union. This evolution is striking in scholarship on immigration (and incorporation), identity and security/defense, as well as political economy and the welfare state. In other words, the study of European union is being integrated into the study of Europe, and EUSA reflects this trend through its expanding membership, the development of member-led interest sections, and the organization of our growing biennial conference.

As an example of our growth, the EUSA Executive Committee has just approved the launching of what will be our sixth member-based interest section, "EU Public Opinion and Participation." Organized by Mark Franklin, Trinity College and 2001-2002 Guggenheim Fellow, Harvard University, this section will focus on the roles played by public opinion and electoral participation, and the effects of EU policies on such opinion and participation. Franklin, who has directed the European Elections Studies project since 1987, writes, "With interest in a supposed 'democratic deficit' in European Union governance continuing unabated after ten years, the role of Europe's citizens in the governing process of the European Union appears to be an enduring topic that will continue to attract scholarship and political concern ..." Like EUSA's other Interest Sections, the Public Opinion and Participation section will meet at EUSA's Conference in Nashville and will organize other activities. Franklin also hopes that this Section will offer an additional base for members of the former European Union Politics Group of the American Political Science Association (which he founded and led). Please go to our Web site for more information on the section's aims and activities and how to join it.

We are also pleased to announce both the Program Committee and the Call for Proposals (details in this issue on p.11) for our Eighth Biennial International Conference to be held March 27-29, 2003, in Nashville, Tennessee. Our 2003 Program Committee Chair is John Keeler, Professor of Political Science and French and Italian Studies at the University of Washington Seattle. John is a long-time EUSA member who was an organizer of our conference in Seattle in 1997. He is director of UW's Center for West European Studies, a U.S. National Resource Center, and UW's European Union Center. Keeler will lead a stellar and diverse Program Committee, the members of which are listed in full with the Call and on our Web site. Please note that since our conference will take place two months earlier than in past years, the proposal deadline and notification process will be earlier as well. We encourage proposals from all disciplines, from graduate students and non-traditional scholars, from all our EUSA Interest Sections, from National Resource Centers and EU Centers, and from government, law, business, and other practitioners. (*continued on p.22*)

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Among these initiatives, the European arrest warrant occupies a prominent position. It is designed to replace the protracted extradition procedures between EU member states with an automatic transfer of suspected persons from one EU country to another. The efforts to secure timely extradition of suspects have long been hamstrung by mistrust between the national authorities as demonstrated, for example, by the refusal of Belgian courts to extradite suspected Basque separatists to Spain. Initially, it was expected that the list of 32 Euro-crimes (among them terrorism, trafficking in human beings, corruption, racism, forgery, rape, hijacking, kidnapping, cyber-crime, money laundering, and fraud) to which the arrest warrant would apply was poised for unopposed adoption, with an implementation date of January 2003. However, as if to demonstrate the limits of post-9/11 consensus in JHA, its adoption encountered last minute problems when Italy—once a staunch supporter of the EU—obstructed the initiative at the JHA ministerial meeting on December 6-7. The ensuing five-day impasse was attributed to the Italian justice minister and the conservative and increasingly EU-skeptic Berlusconi government he represented and drew indignation from several member states as well as from Commissioner Vitorino, who protested that progress was being “held hostage to Council unanimity” (European Report, 2001). In the end, the Berlusconi government—amidst criticism that the Italian resistance to the arrest warrant was primarily motivated by concerns that Berlusconi himself could be charged with several of the Euro-crimes to which the warrant would apply—eventually backed down and the initiative was adopted on December 11 with an implementation date of 2004. The episode was understandably traumatic for those counting on an extended honeymoon period of consensus in post-9/11 JHA. Nonetheless, the adoption of the arrest warrant is an important step towards giving meaning to mutual recognition between the judiciaries of member states. EU members will now hand over suspects (including their own nationals) to foreign courts, even when the offence is not a crime under their own laws. As this is a significant departure from past practice, several member states including Portugal, Greece, Austria and Italy will need constitutional amendments.

The Council also adopted a Common Position to combat terrorism, which includes an EU definition of terrorism—including acts carried out against a country and an international organization—and proposed prison sentences for those who plan and carry out terrorist acts. The broadly cast definition of terrorist acts<sup>1</sup> drew immediate criticism from human rights activists who were concerned that the broad definition might impinge on freedom of speech and assembly. In order to facilitate legal cooperation in criminal cases, the JHA Council also finalized the decision to operationalize Eurojust (the judicial equivalent of Europol), to be seated in the Hague, and comprised of senior lawyers, magistrates, prosecutors, judges and other legal experts seconded from EU members to provide timely legal advice for cross-border investigations. Finally, shortly before Belgium handed the Presidency over to Spain, a CFSP common position published a list of terrorist persons,

groups, and organizations. The list—circulated to EU governments and adopted without debate—included mostly organizations of immediate concern to member states (Council of the European Union, 2001b).<sup>2</sup>

The EU was able to capitalize on the political opportunities afforded by the post-9/11 consensus and make significant policy progress on a sensitive dossier. Nonetheless, some significant challenges remain. The EU must now keep the window of opportunity open by maintaining the policy-making momentum, ensuring the implementation and enforcement of the policies adopted, developing new cooperative mechanisms, and doing all of this with due regard to respect for civil liberties. Maintaining momentum is likely to be difficult once the immediate pressures to produce policy subside. Rifts between members have already started to surface, which might slow down the pace of cooperation. Such rifts can spell stagnation in a decision-making environment that is still governed by unanimity. Unlike the dossiers communitarized by Amsterdam which might move towards Qualified Majority Voting (QMV) and (possibly) co-decision in 2004, JHA cooperation in criminal matters currently has no such prospects. There might now be a unique opportunity to negotiate the normalization of the residual Third Pillar and the extension of QMV to criminal matters. This, and the decision to move towards QMV in the communitarized parts of JHA will be a significant challenge for the EU. Some member states—those who argued for the complete communitarization of the Third Pillar in the first place—would like to see police cooperation moved into the Community system. Others argue that keeping police and judicial cooperation in criminal matters intergovernmental affords a level of flexibility to governments that have concerns about the pace and extent of the Europeanization of sensitive issues. Another linked challenge is improving the position of the Commission, the Parliament, and the Court in JHA. Otherwise, the marginalization of the European Parliament and the exclusion of the European Court of Justice from the decision-making process are likely to sustain criticism of the functioning of JHA cooperation in general and keep the debate on accountability and the democratic deficit alive.

In addition to the institutional difficulties that are likely to persist at least until 2004, future progress in developing policies to ensure internal security is likely to be conditioned by each member state's level of comfort with developing additional policies. Countries such as France, Spain, and the UK are very sensitive to issues of terrorism because of their first-hand experience and are at the forefront of urging EU-wide efforts. Others (such as the Scandinavian countries) find it hard to maintain popular support for far-reaching governmental and EU-wide policies that might be seen as circumscribing civil liberties. A multi-speed process is a tempting possible solution to the willingness differential between member states. This, of course, is nothing new. Amsterdam Treaty formalized opt-ins for the UK, Ireland, and Denmark in JHA matters, leaving the door open for speedier integration by some members while providing an opportunity for skeptics to set their own pace.

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Similar noises are now being made for the emergent policy proposals. For example, at the February 15 Council meeting at Santiago de Compostela, Spain, the UK, France, Belgium, Portugal and Luxembourg announced their intention to implement the European arrest warrant in early 2003, a year ahead of the previously negotiated date. But, even this flexible approach to forge forward with the “willing and ready” is not a sure thing: barely two weeks after pledging its resolve, the UK announced on February 28 that it was postponing the introduction of the legislative initiative that would have made the early implementation of the European arrest warrant possible. JHA cooperation to date has already produced a several-speed Europe replete with complex operational problems.

Moreover, developing policies is one thing, implementing and enforcing them is another. The success of the ambitious internal security blueprint hinges on the effective approximation of the judicial systems of the member states, and the creation of effective joint agencies for police and prosecutors. This requires overcoming entrenched reluctances at the national level, which is likely to occur at a significantly slower pace. The institutions that are charged with spearheading cross-border cooperation in criminal matters (Europol and Eurojust)—while groundbreaking prototypes—each have their own implementation and enforcement problems. Currently, Europol does not have enforcement powers if member states refuse to cooperate with its requests. Unlike national law enforcement units, it cannot arrest or detain people. And Eurojust is far from a European prosecutor’s office and appears to run the risk of being reduced to another information exchange outfit. Europol and Eurojust need to evolve into institutions endowed with real powers and capacities. Furthermore, to address fears of runaway European bureaucracies, clear lines of review and accountability need to be established for both institutions.

Regardless of the level of cooperation, JHA issues are likely to remain closely linked to security (Geddes, 2001). After the initial burst of activity in the criminal field, collective attention is likely to shift (back) to border control issues, with an emphasis on thwarting illegal migration seen as a potential breach of internal security. Since Maastricht, JHA ministers have spent considerable time hammering out common standards of entry into the Union. Now, several member states are arguing that—especially in the face of growing numbers of unauthorized entries—the EU needs to be even more careful about monitoring immigrants and asylum seekers and perhaps even develop a common European border guard to ensure the uniform implementation of joint policies (Commission of the European Communities, 2001). Previously proposed by Germany and Italy and floated by Prodi soon after the attacks, the proposal envisions cooperation possibilities ranging from exchange of equipment and best practice to the creation of full-fledged joint

border patrol units. Even if a common border guard does not materialize, however, the EU is likely to continue on its path of tightening border controls and scrutinizing access into its territory. These efforts also create pressures for nonmembers to monitor and adapt to the EU’s emerging regulatory environment and content in JHA. This is especially true for those countries lining up for membership who are expected to adopt the JHA *acquis* and contribute to the guarding of the EU’s (future) borders (Lavenex and Uçarer, forthcoming 2002).

Another significant challenge is developing policies that protect the security of those residing in its territory while ensuring that human rights and civil liberties—including those of suspects—are respected. This is a delicate line to walk. So far, the EU’s anti-terrorism efforts have largely been supported by the European populations. However, if the new measures are not complemented with procedural and substantive safeguards, the EU may see public support wane quickly. Civil liberties proponents raise legitimate concerns about inadequate parliamentary and judicial oversight of EU’s policy-making bodies. Institutional reform that would ensure transparency and accountability might help allay fears about a European Big Brother.

Last but not least is the challenge to maintain the promise of transatlantic cooperation in criminal investigations of major offenses. This process may run into practical difficulties previously masked by the urgency of the attacks. The Spanish presidency hopes to negotiate with the U.S. an agreement on judicial cooperation in criminal matters. However, extradition to the U.S. is likely to become a thorny issue. Member states, through the Council, can be expected to insist that an agreement reached with the U.S. must comply with the Union’s stance on the death penalty. At a minimum, the EU is likely to insist that death penalties that result from extradition not be carried out. The momentum towards developing joint efforts can also be hampered by differing views on how individuals extradited on suspicion of terrorist activities should be tried. As negotiations on the U.S.-EU extradition treaty proceed, the EU is likely to resist extraditing individuals who might be tried by military tribunals.

Navigating the sensitive waters of JHA cooperation has never been easy. But the EU has nonetheless made significant progress in an area that is at the heart of state sovereignty. Now, invigorated by the unfortunate events of September 11, the EU is presented with a unique opportunity to rethink its institutional mechanisms that have slowed down progress and hampered efforts to create the AFSJ. Whether the EU will rise to the challenges that come hand in hand with this occasion and maintain the momentum forged by September 11 remains to be seen.

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## Notes

1. Terrorist acts were defined as intentional acts which may "seriously damage a country or an international organization ... with the aim of (i) seriously intimidating a population, or (ii) unduly compelling a Government or an international organization to perform or abstain from performing any act, or (iii) seriously destabilizing or destroying the fundamental political, constitutional, economic, or social structures of a country or an international organization" (Council of the European Union, 2001b).
2. Included in the list are the Basque separatist group ETA, three Greek organizations, Palestinian Islamic Jihad, the violent wing of Hamas, several Irish groupings, and individuals with links to these groups. Perhaps as interesting is who is not included in the list. Notably absent on the list are groups such as the Irish Republican Army (which has recently de-commissioned some of its weapons), Lebanon's Hezbollah, and the PKK (Kurdish Worker's Party).

## EUSA Review Essay

### The "European Convention": Anatomy of the New Approach to Constitution-Making in the EU

Eric Philippart

THE EUROPEAN UNION IS PREPARING the fifth reform of its founding Treaties in less than twenty years. To prepare for that reform, a new method has been designed. In December 2000, the Heads of State or Government of the Union decided that the Intergovernmental Conference (IGC) scheduled for 2004 would be preceded by a two-step reflection phase aimed at deepening and widening the debate on the future of the European Union. One year later, the European Council of Laeken agreed that the second step—the "structured reflection" phase—would be conducted by an *ad hoc* structure made of a Convention flanked by a Forum. The Convention was officially launched on 28 February 2002.

The Laeken formula is truly unprecedented in the history of IGCs. It differs significantly from the "special representatives" approach, whereby high-ranking officials or junior ministers appointed by their respective governments, together with a member of the European Commission and a couple of MEPs, debate in the privacy of quasi-diplomatic settings. It differs even more from the "wise men" approach, whereby a limited number of technical experts and/or leading thinkers and/or statesmen acting in a personal capacity are invited to analyze problems and propose solutions. The approach used to draft the EU Charter of Fundamental Rights is on many points similar to the current strategy, but the Convention chaired by Roman Herzog was not mandated to prepare an IGC.

The limitations of well-established preparatory approaches are well documented, but what can we expect from the Convention? Is it likely to deliver clear recommendations, shape the IGC agenda and output, or even lead to the adoption of a Constitution for EU citizens? Success or failure will largely be determined by opportunities and constraints ensuing from the type of mandate, institutions and processes chosen. Those three dimensions are therefore reviewed in turn, emphasis being put on novel features.

The Laeken declaration invites the Convention "to consider the key issues arising for the Union's future development and try to identify the various possible responses," which is a fairly standard mandate in the run-up to any IGC. The Convention however was not given *carte blanche* insofar as it must do so "in the light" of no less than 56 substantive questions clustered under four main themes: division and definition of competence in the European Union; simplification of the Union's instruments; more democracy, transparency and efficiency in the European Union; and simplification and reorganization of the Treaties. The Declaration innovated more in terms of the number of institutional issues under review than in terms of the topics listed. Most of them have indeed been envisaged, with limited success, during

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the two previous IGCs. Looking at the selection of issues and the formulation of some questions, it also appears that there are clear biases aimed at shaping the Convention's proposals. It is, for instance, particularly clear for the set of questions concerning the role of the national parliaments. Postulating the existence of a problem, the Declaration only lists anti-supranational options, phrased in a rather maximalist way. This of course puts the proponents of other approaches in the uncomfortable position of having to pick the lesser of these "evils" or appear as uncompromising ultras.

One big and novel opening is of course the reference to the long-run possibility of adopting a "Constitution for European citizens." Since the 1950s, Europe has been built through a neo-functional approach based on gradual integration at sectoral level. For the first time ever, the word "Constitution" is mentioned in a document of the European Council. For the first time, all Member States were ready to recognize the legitimacy of such a question. So, all in all, the European Council has marked out in a detailed way the Convention's agenda. The mandate is encompassing, but formulated in an open way ("in the light" of what is only a set of questions). Beside giving the Convention the option to ignore or add questions, it also invites it to think big (Constitution-building) and "out of the box" (no taboos).

From an *institutional angle*, never before has the preparatory framework been so large or included so many components. The Convention has 105 members, as many alternates, plus 13 observers. It is flanked by a high-level Secretariat and a "Forum" of organizations representing civil society. Among participants to the Convention, no less than ten categories of different status—some speaking on behalf of their institution, others in a personal capacity—can be distinguished. The Convention is composed of European Council's appointees (the Chair, Valéry Giscard d'Estaing, and the two Vice-Chairs, Giuliano Amato and Jean-Luc Dehaene); representatives of the Heads of State or Government of the Member States as well as of the accession candidate countries; representatives of the European Commission; members of the European Parliament; as well as members of the national parliaments of the Member States and of the candidate countries. It is the first time that national parliamentarians are fully associated with the IGC preparation and that candidate Member States are directly involved. As for the observers, their group is made of representatives of the Economic and Social Committee, of the Committee of the Regions, and of the European Ombudsman, which is also unprecedented. Several key players made deliberate attempts to minimize those differences. For instance, in his introductory speech to the Convention, Giscard d'Estaing only referred to four components—governments, the European Parliament, national Parliaments and the Commission. This could be interpreted as a first expression of the melting-pot approach, aiming at fostering a "Convention spirit" by declaring the Member States / candidates cleavage irrelevant. It could also be seen as a way to simplify the management of the Convention by marginalizing the candidates.

The core of the system, i.e., the bureau of the Assembly or "Praesidium," is assuredly quite large, but less heterogeneous

than the Convention insofar as the candidate countries have no guaranteed representation at that level. The only option would have been for them to participate in the designation of the two national parliament representatives and have one of them chosen. It did not happen, much to the furore of the Polish in particular. In a conciliatory gesture, the Praesidium proposed that one member of the national parliaments of the candidate countries should be authorized to join it with observer status.

The Praesidium is dominated by EU institutions—a major novelty. Even if the executive grip over this organ remains strong, no national government is directly represented at that level. The Praesidium is overwhelmingly "European": 10 members out of 12 have indeed been designated by EU institutions or have a seat because they are the representatives of the Council Presidency. Two elements reinforce that European nature. Firstly, the countries holding the Council Presidency during the Convention have decided to be represented either by a former European Commissioner (Denmark) or by a member of the European Parliament (Spain and Greece). Secondly, the Convention secretariat, instead of being entirely provided by the General Secretariat of the Council, also includes staff detached from the Commission and the European Parliament. On the whole, the core of the system is therefore largely made of Brussels-based insiders. On the eve of the Convention's inaugural session, informal structures dedicated to information sharing and consensus-building had already been set up at their initiative. Prior to plenary sessions, the members of the two largest groups in the European Parliament organize meetings with the members of the national parliaments, the Commissioner and the Vice-chair who share their political orientation (i.e., the socialist PES with Antonio Vittorino and Amato; the center-right EPP-ED with Michel Barnier and Dehaene).

As for the *processes* defined by the Laeken Declaration, depending on how one values the virtues of centralization, they are potentially very loose or inclusive. Restricted to drawing conclusions from the public debate for the opening of the Convention's proceedings and liaising with the European Council, the exclusive prerogatives of the Chairman are rather limited. The triumvirate (the Vice-Chairs do not see themselves as subordinates of Giscard d'Estaing) at the helm of the Convention as such has none. It is indeed for the Praesidium to lend impetus to the deliberation process while the Convention is supposed to draw up the final document and bring the exercise to a close. The distribution of powers was only partially modified by the Rules of Procedure adopted by the Convention—more or rather some power was given to the Chair to organize the deliberation. Such drafting and decision-making arrangements are adequate if the exercise is mainly about identifying, clarifying and ranking options. If clear recommendations are expected, then such processes are very loose considering that no mechanism is provided to focus the mind of the participants and instill consensus.

By indicating that the final document "may comprise either different options, indicating the degree of support which they received, or recommendations if consensus is achieved," the Laeken declaration has put the emphasis on the "listing" approach. Ending up with a list of options cannot be considered as a failure.

When expectation is set at such level (in line with traditional standards of international diplomacy), not much pressure can be put on “recalcitrant” delegates. Quite early in the debate, a majority of the Praesidium declared that the Convention’s objective should be to draft “a Constitutional Treaty for Europe.”

The processes are also *a priori* very open, transparent and relatively compact. A selection of representatives from the civil society (via the Forum) and the European Council (via regular reports enabling the Heads of State or Government to give their views collectively) are going to be closely involved in the deliberation process. In theory, all documents are in the public domain, without restriction. In practice, the Praesidium will decide on this on a case-by-case basis. As for the duration and intensity of the process, the Convention should not last more than one year. Its plenary sessions should on average not exceed 2 half-days per month, with some gearing up from June onwards (approximately the frequency of the Council meetings). A bit less than 20 days does not seem much to draft a proposed Constitution (considering for instance the legislation the Council manages to produce in the same timeframe). The Praesidium on average will meet twice a month. Finally, if the ambition to finish the IGC under the Italian presidency—i.e., before the end of 2003—is to be met, there is no possibility for stretching the Convention’s timetable.

So, what could we expect from such a mix? The new approach certainly has the potential to deliver a coherent, compelling and even ambitious proposal, but much will depend on how actors will manage to take advantages of opportunities and overcome constraints written in the Laeken formula. Will they have the capacity to *take advantage* of a relatively open mandate and the long-term Constitutional ambition; the cumulated legitimacy of the Convention; the political weight and skills of the triumvirate; the dynamics of an “unionized” core; the close links with the European Council; and the short interval between the end of the Convention and the beginning of the IGC? Will they manage to *overcome* the heterogeneity of the Assembly, the looseness and openness of the processes with the ensuing risk of disruptive tactics, modest expectations, a tight timeframe, and a distracting electoral calendar in many Member States?

To maximize the chance of success, the Assembly should embrace the Praesidium’s ambition to produce a Constitutional Treaty for Europe, instead of a catalogue of options. The Praesidium should in particular exploit the mystique of the “founding fathers” for that purpose. Besides, the various components of the Convention should organize internally in order to aggregate interests at their level. The fact that more than 300 amendments to the proposal on the Rules of Procedures were tabled by members of the Convention and even by some of the observers (!) shows that distrust and defiance are not absent from the ranks of the participants. It points to the necessity of setting drafting rules and specifying who will draw the Convention to a close. Finally, a formal vote should in any case be avoided, *inter alia* because of the delicate balance between the various contingents.

For more information on the European Convention, including its composition, timetables of the meetings, documents and speeches, see: <http://european-convention.eu.int/>

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## EUSA List Serve

*EUSA members posted the following replies to Paul Mullen’s 4 March 2002 list serve query seeking philosophical critiques (feminist, critical, post-modern, etc.) of the EU or issues of EU governance:*

(1) You may wish to look at: Thomas Christiansen et al. (eds.), *The Social Construction of Europe*, Sage, 2001. Ben Rosamond, *Theories of European Integration*, Palgrave, 2000. Morten Kelstrup and Michael C. Williams (eds.), *International Relations Theory and European Integration*, Routledge, 2001. They all contain pieces written from constructivist, poststructuralist, feminist or critical perspectives, and will provide references for further reading. You may also wish to consult the readings in my “Teaching the EU” essay in the *ECISA Review* 12: 3, 1999, 6-9. -- from Dr. Thomas Diez, Poli. Sci. and Int’l Studies, University of Birmingham

(2) You might want to try the chapter “Identity and Difference: The European Union and Postmodernism” in *New Legal Dynamics of European Union*, edited by J. Shaw & G. More, Oxford University Press, 1995. -- from Dr. Robert Ladrech, Director, Keele European Research Centre, Keele University

(3) You may want to take a look at Jurgen Habermas’s “Citizenship and National Identity,” Appendix II to his *Between Facts and Norms*, MIT Press, 1996, and his “Does Europe Need a Constitution? Response to Dieter Grimm,” in his *The Inclusion of the Other*, MIT Press, 1998 -- from Prof. Kieran Donaghy, Co-Director, University of Illinois Urbana-Champaign EU Center

(4) Have you ever read Jurgen Habermas? These are two good examples: Jurgen Habermas, “Citizenship and National Identity: Some Reflections on the Future of Europe,” *Praxis International*, 12: 1, 1-19; Jurgen Habermas, “The European Nation-State: On the Past and Future of Sovereignty and Citizenship.” *Public Culture*, 10: 2, 397-416. -- from Alessandra Beasley, Graduate Student, University of Pittsburgh

(5) I also just saw in the library today a book by Peter van Han on European integration and the post-modern state/post-modernism (written in the last year or two) ... -- from Dr. Margit Williams, Government and International Affairs, University of South Florida

## Teaching the EU

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

### Combining Synchronous (EU Simulation) with Asynchronous Teaching (EU On-line)

Laurie A. Buonanno

THIS IS A REPORT OF MY experience teaching an on-line European Union (EU) course that was combined with a transatlantic, inter-institutional simulation (EuroSim). I hope that my observations, while impressionistic, will be useful to others considering using EU simulations in their courses.

EuroSim is an annual EU simulation sponsored by the Transatlantic Consortium for European Union Studies and Simulations (TACEUSS).<sup>1</sup> It provides a framework for the partial simulation of a major issue. Recent issues in the simulation have included treaty reform, asylum policy, food safety, and enlargement. EuroSim 2003 will simulate the Constitutional Convention that opened in March 2002 to prepare the ground for the next major treaty reform. Over two hundred students from universities in North America and Europe participate in the simulation. All students are assigned roles to play such as heads of government or Members of the European Parliament. Students prepare for the simulation at their own universities, with the help of faculty advisors and guidance provided through the EuroSim and Blackboard (Bb) Web sites.<sup>2</sup> The face-to-face simulations themselves are held over four days, each year's venue alternating between the U.S. and Europe. The 2002 simulation was held in Prague and the 2003 simulation will be held at the State University of New York (SUNY), Fredonia.

I first taught the EU on-line via the SUNY Learning Network (SLN), an asynchronous course delivery system, in spring semester 2001. *Network* because communication occurs over a computer network; *asynchronous*, "not at the same time." In an asynchronous network, conversations are posted, one item at a time, so that each person sees what all the previous participants have written. This differs from a "synchronous" environment, like video conferencing or on-line chat rooms, where all participants must be available at the same time.<sup>3</sup> My main goal here is not to document how one teaches the EU on-line, but to explain my (mixed) attraction to what for most college teachers is, at a minimum an unproven, and for some, a threat to traditional forms of pedagogy.<sup>4</sup>

I had grown weary of negotiating with a dozen students to find time outside of class to conduct our preparatory meetings for the EU simulation. When I first investigated the on-line option, my college did not own a site license for Blackboard; hence, a compromise—the hybrid course—was not available to me in summer 2000 when I made the commitment to teach the EU on-line.

In fact, I have a love/hate relationship with EuroSim: love, because simulation alumni tell us that it is one of the best experiences they have had in college and we faculty observe how it awakens and nurtures an internationalist and more Europeanist temper among American students,<sup>5</sup> even if these outcomes have proven nearly unquantifiable (this, an enduring source of frustration); hate, because of the claim on my time, which has to be counted in months rather than hours or weeks. EuroSim exit surveys show that the level of preparedness and intrinsic satisfaction were lower for students in which EuroSim was a required element of a credit-bearing course.<sup>6</sup> Fair enough: they felt pressure; students who participated in the simulation as a student activity rather than a requirement, did not. Such surveys influenced me to search further for alternatives to the traditional classroom-based course.

Perhaps most important from the perspective of accomplishing my goals for a three-credit hour, upper division course, was the way in which planning for EuroSim would infiltrate the course itself: students' persistent request that I teach to the EuroSim topic and the preparatory documents (drawn up by students at the institutions playing the Commission or Council) on which the simulation focuses (to me, it was akin to teaching to the test), and the chatter about logistics, especially in the years when EuroSim takes place at a European venue. And what about those students who are not participating in EuroSim? Should they be denied the opportunity to learn about the EU?<sup>7</sup> Conversely, should students who wish to participate in EuroSim, but could not or did not enroll in the course, be denied that opportunity? What about students who wish to participate in EuroSim a second or third time? The student constituencies had grown beyond my capacity to serve them, both in and outside the classroom.

Another concern arose when I became director of what was later to become TACEUSS. Students at non-affiliated colleges and universities contacted me, wishing to participate in EuroSim; the hitch was that they could not convince a member of faculty to assume the responsibility of advising a student delegation. While I was prepared to assign alter-egos from my institution's delegation, these students would not have access to the level of preparation available to students with an on-site faculty advisor. This could undermine the integrity of the simulation.

Also, since EuroSim is conducted annually, I must teach the EU with a greater regularity than other upper-division courses. If an on-line course were developed, faculty could use the basic template to share in its teaching by rotating the course among our institutions.<sup>8</sup> Finally, I hoped that the combination of a face-to-face component (EU Simulation) with on-line teaching could create a powerful pedagogy that would combine the best of both worlds; I attempted to find a compromise for, what at the time, I thought were valid criticisms of on-line teaching.

Teachers sometimes mistakenly assume that college support staff or even a professional Web design firm should design on-line courses, but on-line course design is inseparable from its teaching; consequently, the SLN requires extensive faculty training in course design.<sup>9</sup> Design expectations are identical for SUNY faculty at community or liberal arts colleges and the four



research centers; the difference is in the actual teaching of on-line courses, where faculty at research universities often delegate the management of on-line class discussion to teaching assistants.

For simulation preparations, I strongly recommend the system that was piloted for EuroSim 2002 and will be the basis for student and faculty preparation for EuroSim 2003. We used the Bb platform to house student discussions, post simulation documents and readings, registration forms, and pedagogical aids for faculty—in short, all the pre-simulation activities which have for some time been conducted by a chaotic patchwork of listserves, on-line chat groups, and Web pages. I advise, however, getting permission far in advance of the simulation for access to a college/university server on which to house the simulation site, as some site licenses limit usage to faculty and students affiliated with the particular institution. The corporate Bb site is impossibly oversubscribed, although for a fee sites can be housed on an alternative Bb server. The simulation organizers will need to enlist a team of faculty not only to develop the site, but to train others to navigate in the Bb platform. On this latter function, we prefer to enlist the assistance of an IT professional (or paid graduate student) who will coordinate faculty and student training.<sup>10</sup>

The existence of an integrated instructional technology such as Bb obviates the need to offer an on-line course to students at non-member TACEUSS institutions. If these students arrange to join a TACEUSS-member delegation, they can prepare adequately with the pre-simulation activities (discussions, readings, proposals, logistics) conducted via Bb. In order to rotate the EU course among our SUNY campuses, I work closely with colleagues at two sister campuses to institutionalize the sharing of the course template. They are familiar with the course, having had password access since its inception.

All SLN courses contain an electronic bulletin board for general postings and on-line office hours (with private folders for student/faculty interaction). Each topical module is opened gradually, about every two weeks. The EuroSim topic modules are designated “special topics.” I open these modules the first day of the course and they remain active throughout the semester. All students must post discussions and read the assignments in conjunction with the special topic(s) module(s), whether or not they attend the simulation. Since the TACEUSS Council chooses topics that are on the EU agenda, daily reading of the *Financial Times* convinces students that the topics are relevant to them all. Students who do not participate in EuroSim must write a research paper related to the special topic(s) of that semester’s EU course. EuroSim participants keep detailed journals, their content increasingly specialized as the semester progresses.

There are now a number of on-line journals on the design, implementation, and assessment of on-line courses; here I’ll simply cite two studies I found particularly useful in the design and implementation of the EU on-line course. Frederickson *et al.* (2000) and Swan *et al.* (2000) found that high levels of satisfaction with on-line courses were associated with: high perceived levels of interaction with the instructor; high levels of interaction with classmates; higher levels of activity and frequent and engaging participation; and student motivation. Hence,

***The EU course is taught in “modules”: time-discrete bundles of lectures, writing assignments, and class discussion areas. The module sequence is:***

***Course Documents (syllabi, evaluative measures, etc.)***

***European Supranationalism***

***Evolution of the EU***

***EU Institutions and Actors***

***The Policy Process***

***Pillar One***

***Pillars Two and Three***

***Future of the EU***

***EuroSim Topic Modules (food safety, enlargement and ESDP, Constitutional Convention, etc.)***

***Examinations***

***EuroSim***

***Research Paper***

student-led discussions (current events and group discussion of substantive questions I pose in each module’s “small group instructions”) and “talk with the professor” count a substantial 28 percent of the student’s grade, the norm for on-line courses that seek to comply with on-line best practices. I post grades and administer course evaluations via the Web sites.<sup>11</sup>

For my first two goals—time management and achieving some separation of the simulation from the course—flexibility has been the most powerful factor in my decision to continue offering the EU via the SLN. I have discovered, quite inductively, that I like to teach one of my courses when and where I wish, quite apart from the original need to achieve a balance between the EU course and simulation preparations. I did find that the on-line environment insulated those students not participating in the simulation from those in the classroom who must be constantly brought to the subject at hand. While some of the students who took the course over the summer expressed disappointment that there was no companion simulation, two of them joined the campus EuroSim Club that fall and went to Prague. If, however, neither flexibility nor separating the simulation from the course are primary goals, the hybrid course may be the better option.

There are unanticipated outcomes to report as well. On the negative side, I had not anticipated the mix of student fear, uncertainty, and panic; the latter is common among students who do not log on to Bb the required minimum of three times per week and, as a result, the evidence is there (in unread posts and lectures) of just how far one has fallen behind. No such written record confronts truant students in traditional courses. My patience is tried to its limit those first few weeks of the course; there is no short-cut to the time-consuming algorithm of guiding students through the SLN template and socializing them to on-line learning.<sup>12</sup>

But there have been positive results as well. Students who do stay the course are won over completely and, as a consequence, have gone on to take other courses via the SLN. Second, the

*(continued on next page)*

(Buonanno, continued from previous page)

possibilities for transatlantic dialogue via an on-line course are infinite.<sup>13</sup> Third, my initial thoughts that a simulation would provide that “face-to-face” I thought lacking in the on-line environment turned out, in the end, to be a reflection of my own ignorance of the ability of an on-line course to stand on its own.

In conclusion, while not all subjects are suitable for on-line teaching, a course on EU government and politics lends itself well to this emerging pedagogy, with or without a simulation component. Combining on-line and simulation pedagogies creates a continuous space for exploring a topical challenge facing the EU; this, in itself, is a powerful tool in preparing students for participation in simulations. While I cannot report that the combination of synchronous (simulation) and asynchronous (on-line) course delivery has proven to be either labor- or time-saving in preparing students to participate in an inter-institutional, transatlantic EU simulation, the marriage of the two pedagogical techniques has brought logistical flexibility, enough to have made an appreciable difference in my quest to better manage my teaching time. That quest, as all teachers at liberal arts colleges know, takes on Mephistophelean proportions as we struggle to balance the trinity of teaching, research, and service.

*Laurie A. Buonanno is associate professor of political science at the State University of New York, College at Fredonia, and co-director of the Transatlantic Consortium for European Union Studies and Simulations.*

#### Notes

1. TACEUSS, a consortium of European and North American colleges and universities, conducts the annual EuroSim and poster exposition and promotes faculty and student interests and activities in EU studies. The Executive Board of TACEUSS is transatlantic: I am a co-director (since July 1999) for North America; Neill Nugent (Manchester Metropolitan University), is co-director for Europe; Henry Steck (SUNY Cortland), is co-associate director for North America; and G. Michael Ambrosi (Trier University), is co-associate director for Europe. I can be contacted at e-mail Laurie.Buonanno@fredonia.edu.
2. See [www.eurosim.org](http://www.eurosim.org) and [www.blackboard.com](http://www.blackboard.com).
3. <http://SLN.suny.edu>
4. See Steck, Henry and Laurie Buonanno, 2001, “Combining Asynchronous Teaching with a Synchronous Experience in the TACEUSS Learning Community” [www.fredonia.edu/departments/polisci/eurosim/teaching.html](http://www.fredonia.edu/departments/polisci/eurosim/teaching.html)

5. Ibid.

6. Steck, Henry, Lanze, Laurie Buonanno, and Munroe Eagles, 1996. “Pedagogical Strategies and Assessment Results in Cross-National Simulations: Conclusions from a Two-Continent Model European Simulation” [www.fredonia.edu/departments/polisci/eurosim/teaching.html](http://www.fredonia.edu/departments/polisci/eurosim/teaching.html).

Offering credit for participation in EuroSim could have psychological costs. This became painfully clear to me when a student locked himself in his room after, as a “commissioner,” he was unsuccessful in convincing his team to keep his proposal intact. Faculty advisors have all seen students “break down and sob ... and become emotional in a way rarely seen in the classroom ... To describe EuroSim as active learning is grossly misleading: it can be raw and intense and utterly disconcerting” (Steck and Buonanno, 2001). The sense that their “performance” might somehow be graded may push some students over the edge.

7. The immediate solution seemed to be in offering an alternative assignment to students who did not wish to participate in EuroSim; as far as I could ascertain, this accomplished nothing less than the creation of a two-tiered system among students.

8. TACEUSS originated in a SUNY institution and counts several SUNY schools among its membership. There is no reason to think that private colleges/universities could not, if they wished, develop a similar cooperative arrangement.

9. Three day-long training sessions prior to teaching the EU on-line; day-long returning faculty sessions each semester.

10. Janet Mather (Manchester Metropolitan University) and Rebecca Jones (SUNY Brockport) coordinate this project for TACEUSS. Connie Pilato (Jamestown), TACEUSS IT Officer, is coordinating Bb training and registration.

11. I use “Survey Solutions for the Web” at [www.perseus.com](http://www.perseus.com). Administration of course evaluations, via the Web, ensures student anonymity and confidentiality. Students were so pleased with the Web-based grading program, *School Maestro* at [www.rredware.com](http://www.rredware.com), that I now use it for all my courses.

12. I am the only faculty member in the social sciences and humanities at my institution to have offered an on-line course. The enrollment of students from other SUNY campuses has helped immeasurably in socializing our campus students to on-line learning and I rely on them in quelling the panic in the early weeks.

13. Bringing in guest speakers has become a common practice in on-line courses; one can readily grasp the advantages for any course with international content.

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- All those appearing on the conference program must be current EUSA members.
- Participants are limited to two appearances on the conference program (two papers or one paper and one discussant role; chair roles do not count toward the appearance limit).
- We cannot honor individual scheduling requests; by submitting a proposal you agree to be available from 8:30 a.m. on Thursday, March 27th through 6:00 p.m. on Saturday, March 29th.

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## Book Reviews

**Karen J. Alter. Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe. Oxford: Oxford University Press, 2001, 258 pp.**

KAREN ALTER'S Establishing the Supremacy of European Law explains the process that created an effective legal system in the European Union (EU). Alter demonstrates that the legal system designed for the European Economic Community (EEC) by the *Treaty of Rome* was initially a typically weak international legal system, where few disputes made it to court and most settlements were arranged through diplomatic channels. She describes how the original system was intended primarily to control abuses of power by Community institutions and included only very modest provisions to promote compliance with EEC rules. Indeed, Alter points out that the earlier European Coal and Steel Community (ECSC) had much stronger mechanisms of enforcement than the EEC since noncompliance with ECSC rules and decisions by its High Authority could result in financial penalties and officially sanctioned retaliation. By contrast, the European Court of Justice (ECJ) could only "paint scarlet letters" in the event of noncompliance with EEC rules. Yet, the *Treaty of Rome* provided an institutional "loophole" that enabled the ECJ, in concert with national courts, to transform the European legal system into an effective rule of law. Alter argues that the key to this transformation is the preliminary ruling mechanism that allows domestic actors access to the ECJ through their national courts. Member states had established this mechanism merely to enable firms to challenge High Authority decisions in the ECSC, and in the EEC, they intended preliminary rulings to pertain only to the validity of Community laws. In a now familiar story, Alter explains how ECJ decisions on direct effect and supremacy enabled individuals to use preliminary rulings to enforce Community law against incompatible national laws.

Alter then departs from conventional accounts of legal integration by developing an institutionalist argument to explain why national courts accepted a role enforcing the supremacy of European laws over national laws. By tracing the early chilly reception of ECJ doctrines by legal scholars and national judges, Alter demonstrates that the cooperation of national legal communities was far from automatically forthcoming. She notes that one legal scholar called the ECJ decisions "wishful thinking." Meanwhile, a German judge likened a constitutional accommodation of European law supremacy to the broad interpretations of the Weimar constitution that undermined the rule of law in the Nazi era. Such examples, along with detailed empirical discussions throughout, indicate that the ECJ's jurisprudence has been hotly contested among national judiciaries. Alter's institutionalist account moves beyond existing legalist, neo-realist, and neo-functionalist debates on integration to explain how competition for influence within national judiciaries generated a dynamic that led national courts to apply European laws instead of conflicting national provisions.

The book focuses on a comparison of judicial competition within Germany and France. In the German case, *vertical* competition among higher and lower courts within specialized areas of law led to early acceptance of European law supremacy. Lower court judges sent references to the ECJ when they were interested in challenging the decisions of judges higher in their judicial hierarchy *and* when they expected the ECJ's solution to be preferable. Unable to stem this tide of references, higher court judges began to interact with the ECJ as well, in the hope that they could influence the evolution of ECJ decisions in order to promote legal solutions they favor and to protect the national legal system from unwelcome disruptions. Meanwhile, exceptionally open access to the German Federal Constitutional Court regularly drew this court into debates on the supremacy of European law. While the positions of this court have varied over time, its preoccupation to preserve its own authority has produced only a qualified acceptance of European law supremacy. The Federal Constitutional Court has made European law supremacy dependent upon its compatibility with the German constitution, a position which enables national constitutional judges to be the ultimate arbiters of disputes concerning the boundaries of European legal authority.

In the French case, Alter argues that *horizontal* competition among the three French supreme courts ultimately led all three court systems to accept a role enforcing the supremacy of European law. The early acceptance of European law supremacy by the Cour de Cassation provided a means for European law to influence the development of French law. Meanwhile, the Council of State and Constitutional Council came to realize that their refusal to engage the European legal system was not keeping unwelcome European law out of France, but instead it was merely excluding them from any chance to influence its development. Alter acknowledges that the timing of a more cooperative stance by the Council of State and Constitutional Council is also consistent with neo-realist accounts that associate national judicial positions with the orientation of national governments toward European integration. Since traditional accounts of judicial empowerment could explain the Cour de Cassation's early cooperation (as the French court with the least power and prestige and therefore the most to gain through the European legal system), it would be interesting to know if the competitive dynamic Alter argues is central to national judicial enforcement has played itself out more definitively in other original member states. Italy might be a particularly good candidate, given its closer institutional affinity with the German case.

Alter goes on to explain why member states accepted the supremacy of European law, failing to resist or reverse a transformation that limits their sovereignty. She argues that politicians' short time horizons and focus on material impact prevented them from mobilizing resistance to the ECJ's direct effect and supremacy doctrines when they were first articulated. Understanding politicians' incentive structure, the ECJ constructed legal doctrine while ensuring that early cases had little immediate financial or political impact. Once national judges began to enforce European law, the ECJ grew bolder and began to apply established legal principles to cases of greater

significance. By this point, national governments found it impossible to turn back the clock because flagrantly disobeying their own courts would look illegitimate and institutional barriers to changing existing EU bargains maintain the status quo. As long as any single member state prefers a strong European legal system, which Alter argues small states particularly prefer, it will be virtually impossible to change existing legal institutions.

Although the difficulties of treaty revision are clear, Alter's conclusion that the ECJ has decisive influence at the *implementation* phase of the policy process (p.203) is exaggerated. Judges participate only in the narrowest, case-by-case "implementation" of policy, while national administrations remain responsible for applying European rules to the universe of potentially affected individuals. This implementation role allows national governments to retain a substantial degree of authority over how European law applies in practice, a point which Alter appears to acknowledge earlier in the chapter when she observes that "it is usually easier for governments to find creative ways to lessen the impact of a contested decision than it is to forge ahead with fights in parliament over the national judiciary" (p.194).

In the concluding chapter, Alter explores what the EU experience reveals about the prospects for other international legal systems to become more effective. Because Alter considers the preliminary ruling mechanism to be *the* institutional feature that enabled the EU transformation, and she observes that this institutional characteristic is unique to the EU, the implication is that no other international legal system is likely to undergo any significant transformation. Furthermore, if we can expect national governments to resist the loss of sovereignty that accompanies such a transformation, Alter's argument instructs them in how to avoid this fate. The book represents a major contribution to our understanding of how interactions among courts have transformed the nature of sovereignty in the EU. As my undergraduates will attest, the book's legal and political arguments are accessible to non-experts, although many discussions assume familiarity with European integration.

Lisa Conant  
University of Denver

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**Kalypso Nicolaidis and Robert Howse (eds.) The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union. Oxford: Oxford University Press, 2001, 400 pp.**

IN THEIR INTRODUCTION, Nicolaidis and Howse invite readers to join them "on a quest for a for a 'federal vision,' a vision that may successfully address the present-day challenges to legitimacy in governance." Students of European integration and students of comparative federalism would do well to accept their invitation. Nicolaidis and Howse bring together a stellar group of scholars from a variety of disciplines, including specialists on both the U.S. and the EU. Not since Cappelletti, Seccombe and Weiler's landmark 1986 Integration through Law: Europe and the American Federal Experience has such a distinguished team

been assembled to apply the lens of comparative federalism to the U.S. and EU. Nicolaidis and Howse's volume is innovative in that it does not simply attempt to draw lessons for the EU from the U.S. experience, but seeks to discover what the two systems might learn from one another.

The volume focuses on relationships between levels of governance in the multi-level governance systems found in the U.S. and EU. In particular, the authors examine what allocations of competences, what modes of governance and what forms of identity may help maintain legitimacy in these systems of multi-level governance. Individual contributors examine a variety of issues, ranging from the historical trajectories of federalism in the two polities, to the legal principles and procedural mechanisms that govern relations between levels of government, to questions of identity in the context of multi-level systems.

The individual chapters in the volume are rich and thought provoking, and each of them is well worth reading. Elazar and Weiler set the stage by presenting their overarching visions of federalism in the U.S. and EU. In his chapter, Weiler emphasizes that though the EU lacks a *demos*, it benefits from a well-established norm of "constitutional tolerance" that promises to provide a strong basis for its emerging multi-level system. Donahue and Pollack offer an illuminating analysis of the long-term "rhythms" of federalism in the U.S. and EU. They examine the swings from periods of centralization to decentralization in the two polities and identify some of the driving forces behind these swings. Though they do not attempt to develop a clear set of hypotheses regarding such shifts, they nonetheless provide a broad historical overview of centralization and decentralization waves in the two polities and identify important lessons that emerge from the comparison.

In their essays, Kincaid and Moravcsik take on the disjuncture between rhetoric and reality in debates surrounding federalism in the U.S. and EU. Kincaid rightly challenges the widespread belief that there has been a major trend toward devolution in the U.S. Moravcsik makes two important contributions. First, he challenges the notion, suggested in different forms by both Euro-sceptics and Euro-enthusiasts, that the EU is in need of fundamental institutional reform. Instead, he suggests that the existing institutional structure may already represent the constitutional compromise that is "the logical endpoint for European integration" for the foreseeable future, and that is stable and sufficiently democratic. This optimism parallels Weiler's. Though Moravcsik comes at the issue from a far different perspective than Weiler, both conclude, in essence, that the EU isn't broken and therefore does not need fixing. Second, Moravcsik justly attacks the notion that the EU is developing a form of opaque, unaccountable bureaucratic despotism. Though he underestimates the scope and strength of the EU's powers in some issue areas, he is surely correct in arguing that the Brussels based Eurocracy is not on the road to establishing despotic rule over the Europe and that, in many respects, the EU operates in a more open and transparent manner than do most of its member state governments!

Bermann and Halberstam's chapters examine the legal and structural safeguards on federalism in the U.S. and EU. Bermann

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***Publishers should send two (2) review copies of books directly to Professor Smith.***

emphasizes that though the position of the Member States in the Council provides for a strong structural safeguard against federal overreach, the EU lacks other legal safeguards found in the U.S. such as the doctrines of sovereign immunity and the anti-commandeering principle. He advocates the further development of such “relational” legal safeguards in both polities. Such principles would not involve courts in second guessing political determinations regarding the allocation of competences, but would instead ask courts to police *the manner in which* levels of government interact with one another. Halberstam wisely builds on Supreme Court Justice Breyer’s call for comparative constitutional analysis and examines the role of commandeering—enlisting the apparatus of state governments for the purpose of implementing federal law—in the U.S., EU and Germany. He explains that the anti-commandeering principle emerged in the US in a context where the federal government’s sphere of influence is otherwise hard to constrain. By contrast, in the EU and Germany, where state governments are better positioned (in the Council and *Bundesrat*) to protect their interests and where the federal governments’ implementation capacities are weaker, commandeering is both less threatening and more necessary.

The book includes a set of insightful essays considering the relationship between identity and legitimacy in the context of multi-level systems. These contributions suggest that a sense of common identity, whether in some form of common civic identity (a focus of Choudry’s chapter) or a sense of membership in multiple communities (a focus of Lacorne’s chapter) is a necessary basis for the legitimacy of federal systems. Finally, in her concluding essay, Nicolaidis admirably links together the contributions, without trying to force on them a uniform federal vision.

For all of its strengths, Nicolaidis and Howse’s *The Federal Vision* has some blind spots. First, the focus of the volume is quite consciously normative rather than positive. Most contributors focus on identifying what allocations of competence, what patterns of intergovernmental relations, or what forms of identity could contribute to good, legitimate governance in the U.S. and EU. Together they present a vision of how governance ought to work, but do less in terms of telling readers how governance is likely to develop. Some contributors, including Pollack and Donahue, Moravcsik and Schmidt, do offer insightful positive analyses. However, on the whole the volume does little to explain why

particular allocations of competence, patterns of federal state relations or forms of identity emerged or are likely to emerge in the two federal systems. In fairness, this was not the aim of this book. However, future work applying the lens of comparative federalism to the study of the EU would do well to take on these positive questions more squarely.

Second, as a book focused on the U.S. and EU experiences, *The Federal Vision* necessarily pays less attention to the lessons that might be drawn from other federal systems. The authors make a significant contribution simply by examining the two cases, but future work on comparative federalism and the EU must bring in a wider set of comparative cases. Halberstam’s chapter, which systematically compares the German case with the U.S. and the EU, takes an important step in this direction. Another recent Oxford University Press book, David McKay’s *Designing Europe: Comparative Lessons from the Federal Experience* takes us further in this direction, but far more remains to be done.

European leaders and European citizens need a federal vision now, more than ever. As the Convention on the future of Europe sets out to draft a constitution for the EU, European leaders are casting about for models that will contribute to legitimate and stable governance in the EU for the years and decades to come. In this context, Nicolaidis and Howse’s book is particularly timely and should be read by all of those concerned with this ongoing debate.

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**Paulette Kurzer. *Markets and Moral Regulation: Cultural Change in the European Union.* Cambridge: Cambridge University Press, 2002, 240 pp.**

EUROPEANIZATION, UNDERSTOOD AS THE domestic impact of EU policies, has become one of the most exciting growth areas in EU research in recent years. Of the many different potential subjects of study, one of the most complicated is the moral realm, where EU policies cut deep into the political and social fabric of a country. Here, the challenge for the scholar is to lend insight not only into the interplay of economic interests and political institutions affecting countries’ responses to Europeanization but also of culture, values, and identity. Kurzer, in *Markets and Moral Regulation*, more than meets this challenge.

Kurzer sets out to explain how European integration has affected national cultures and social policies and to what extent this has produced convergence. Her cases are alcohol policy in Finland and Sweden, drug policy in the Netherlands, and abortion policy in Ireland. In each of these cases, country norms didn’t fit the European norm: Nordic countries and Ireland imposed greater limits on the individual’s freedom to choose—in terms of strict controls on alcohol and abortion respectively—and the Netherlands fewer limits—in terms of its tolerant drug policies. In each case, however, the EU’s intervention came not from any desire to legislate morality but rather in response to a clash of the country’s policies with EU rules. The Nordic

countries' alcohol policy violated economic rules regarding competition policy and the free movement of goods. Ireland's abortion policy violated rules involving the free movement of peoples. The Netherlands' drug policy was problematic within the context of the Schengen agreement, given that it clashed with other countries' drug laws.

Kurzer shows convincingly that the typical explanations of policy change do not adequately account for country responses. There was indeed a lack of "goodness of fit" between EU policies and national policies, pushing change. But policy change came in only two of the three issue areas, and where it did occur, it resulted as much from new internal dynamics as from external pressures. Moreover, change itself was not unidirectional, since while the EU pushed, national officials and interests pushed back, with the EU itself often accommodating national concerns, and moderating the policy in response. All four countries in fact gained significant concessions from the EU: the Netherlands with a paragraph in the Schengen agreement that cooperation would not lead to forced harmonization of national drug control strategies; Ireland with a separate protocol to the Maastricht Treaty guaranteeing against abrogation of its anti-abortion rule by the European Court of Justice; and Finland and Sweden with concessions from the Commission that protected state retail monopolies from outside competition. Theories of Europeanization that assume a top-down model of change, in other words, cannot fully account for what happened.

Equally importantly, international relations theories about the impact of new ideas and norms are also inadequate. Rather than a process of diffusion of norms from the outside in—through transnational networks of politicians or scientific experts, through elite learning or institutional mimesis—change in norms, where it occurred, was very much an internal process, coming from the bottom up. While national decision-makers generally resisted any change in the country's morality-based policies and institutions, whether from the Commission, from outside networks, or from domestic groups seeking to alter the status quo, those policies were in fact being challenged by the everyday practices of ordinary citizens. Sin tourism—whether be it by Irish women availing themselves of the 'English Solution' in their quest for abortions, Finnish and Swedish drinkers traveling to Estonia or Denmark respectively for cheap liquor, or non-Dutch recreational drug users flocking to the Netherlands for a legal high—was already undermining these countries' morality regimes.

The EU simply provided the opportunity for such "vices" to increase exponentially—mainly by the free movement of peoples—at the same time that it empowered domestic groups promoting reform. Finnish and Swedish proponents of a more liberal alcohol regime, Irish proponents of a more liberal abortion policy, and Dutch proponents of a more restrictive drug policy were all able to use the EU as legitimation for their positions in national policy debates on reform. But despite the opening presented by the EU, policy change was not easy. This is because, even in cases where policies have become outdated and values have shifted, reform is extremely difficult, given reinforcing state structures supported by entrenched domestic interests, economic as well as political and social. The process of Europeanization

with regard to values has in consequence been one of gradual adaptation, with the immediate effect of the EU quite modest and the convergence in styles of thought and action ever so slight.

This is not just a book about Europeanization, however. It is also about the construction of national culture and values. In each of the case studies, we are treated to fascinating analyses of the processes of value creation and diffusion, with all that this entails not only in terms of the power of ideas and discourse but also in terms of the powers of interests and the path-dependency of institutions. For Finland and Sweden, we discover that restrictions on individual freedom "for the good of society" has its source in national stereotypes that presented excessive drinking as the product of citizens' attempts to overcome "communication anxiety." For Ireland, we find that the lack of separation of church and state in this highly Catholic society, in which strict adherence to Catholicism has served as a source of internal identification and external differentiation, has historically entailed general acceptance of the subordination of individual autonomy to Catholic doctrine in matters of family, education, and health. Finally, for the Netherlands, we see that the high level of tolerance of the Dutch stems from deep-seated and long-standing convictions that moral decisions in areas of so-called "victimless crimes" are a private affair. What happens when these values are challenged is at the core of this book.

*Markets and Moral Regulation*, in sum, is a *tour de force*. It makes a major theoretical contribution to the literature through its analysis of the mechanisms of change in values under conditions of European integration. It makes a major empirical contribution through the exploration of value-related policy change in four less well-known European countries. It is also impressive in its use of the secondary literature in the languages of all of these countries, and in its historical reach. In short, it is a "must read" for all those concerned with the processes of Europeanization.

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Gerald Schneider and Mark Aspinwall (eds.) ***The Rules of Integration: Institutional Approaches to the Study of Europe***. UK: Manchester University Press, 2001, 217 pp.  
Alec Stone Sweet, Wayne Sandholtz, and Neil Fligstein (eds.) ***The Institutionalization of Europe***. Oxford: Oxford University Press, 2001, 273 pp.

ALTHOUGH POLITICAL SCIENCE'S STAMPEDE back to Weber commenced in the 1970s, when the state as a conceptual variable was brought back in, it was not until the early 1980s that institutions also came in from the cold (March and Olsen, 1984 and 1989). The subsequent scattering of institutionalist studies was usefully corralled by Hall and Taylor (1996), as the trend continued unabated under the rubric of "new institutionalism." All the while, in light of their considerable agglomeration of rules, norms, procedures, policies, and laws, international organizations—and the European Union in particular—have proved an apposite area for institutionalists to ply their trade.

Concerning this research program, two recently published volumes in the area of EU studies provide an opportunity for evaluating the new institutionalist state of the art. Alec Stone Sweet, Wayne Sandholtz, and Neil Fligstein have served up the second installment of the project which first gave birth to the 1998 Sandholtz and Stone Sweet volume, comprising one of the more sophisticated reformulations of neofunctionalist theorizing to date. Gerald Schneider and Mark Aspinwall have published an impressive volume aimed squarely at assessing not only the efficacy of the three primary institutionalist variants, but also the overall institutionalist research program.

These two volumes complement each other well, together leaving few institutionalist stones unturned. Although they both expressly examine the European integration phenomenon from a new institutionalist perspective, the volumes differ in a number of specific yet still complementary ways. Whereas Stone Sweet *et al.* employ a single theoretical approach throughout, the Schneider & Aspinwall volume is more eclectic, gathering contributions from all three strands of institutionalist theorizing. Because of this, the Stone Sweet volume would *prima facie* appear to cohere somewhat better than its more heterogeneous counterpart.

Schneider and Aspinwall, however, take advantage of their format not only to assess the overall debate, but also to engage in a bit of debate themselves. Whereas they and their contributors pit different theories, approaches, and methods against each other, Sandholtz et al. stick largely to a single game plan, viz. advancing their specific approach. Herein lies a classic tradeoff, for the organization of their volume allows them to proffer a cohesive project seemingly adhering to the standard format of empirical chapters that evaluate hypotheses generated by an initial theory chapter. Whereas the Schneider and Aspinwall volume may lack the natural coherence of such a format, theirs has the advantage of allowing them to step back from the trees to examine the woods.

In numerous ways, the Stone Sweet volume is an impressive collection of essays which collectively emphasize the sheer enormity of the EU policies and procedures that have proliferated over the past four and a half decades, a phenomenon the authors denote by the term “institutionalization.” In describing this process, illuminating its operation in specific policy spheres, and covering a considerable swath of time, the volume’s contributors both map new empirical ground and challenge conventional perspectives about ground previously traversed.

The authors’ framing chapter is a *tour de force*, parsing the concept of institutions—i.e., behavior governing rules—in a memorably comprehensive and thorough manner. This essay not only reviews the literature and situates this volume in it, but it further delineates institutions, plumbs their dimensions, reviews their theoretical underpinnings, discusses theories of institutional change, and sets out the requisite steps that any analyst of this process must take in explaining their origins and mutations. It sets a high bar for the ensuing essays in this collection.

Several of these stand out. In an examination of how the EU’s organizational actors manage to circumvent the formal institutional barriers to effective policy-making, Adrienne Heritier impresses with her illumination not only of the new informal rules these actors create, but also the device of “covert”

rule creation via the actors’ strategic subterfuge. Kathleen McNamara deploys sociological institutionalist theory to show how the proximate cause for the rules governing the ECB connect via norms reproduced over time to two ultimate causes: the EU’s prior institutional configuration and the preferences of former central bank governors. And whereas Michael Smith adroitly shows how post-Maastricht problems in the area of EU external relations generated demand for new second pillar institutions, Rachel Cichowski explains à la Mattli and Slaughter how the Court created new rules in the course of transforming the original Article 119 and its equal pay provision—purely via seemingly quotidian litigation.

Their strengths notwithstanding, these and other essays suffer from several deficiencies that are primarily set in motion by the authors’ framing chapter and echoed in the concluding essay. I will focus on three in particular. First, despite a format apparently designed for empirical chapters to test hypotheses generated by the theory chapter, Stone Sweet *et al.* tend to downgrade the theoretical element of their enterprise. Unlike their previous volume, which offers a fairly rigorous causal argument with testable hypotheses, its successor does not measure up.

Even though the theoretical approach of the second volume comes right out of the first, the authors do not so much as explain the “institutionalization” process as they describe it, albeit in a compelling manner. Whereas the first line of argument in the previous volume sets out a plausible theory of the demand for supranational rules—although the authors apparently have yet to acknowledge their intellectual debt to Walter Mattli’s work as they have with Ernst Haas’—they import the more dubious second line of argument to act as the theoretical crux for the follow-up volume. In doing so, however, the authors recoil from sound social science theorizing, preferring instead to “focus on” institutionalization—the creation of behavior constraining rules—rather than explain it. As such, their argument has to be ferreted out of a dense thicket of institutionalist discussion.

Moreover, without some sort of theoretical test, the claims cannot be evaluated. In order to distinguish their argument from the intergovernmentalist arguments they enthusiastically reject in the conclusion, the authors need to furnish something that demonstrates that the outcomes they observe cannot be explained by their nemesis. In particular, by not paying close attention to the actor sources of many of the new rules, this volume fails to recognize that amending treaties, Council common positions, and comitology committee decisions are often the sources of new rules. As such, a rigorous test should comprise two basic hurdles: 1) do the new rules have sources other than the Council and the Member States? 2) does the content of the new rules do anything other than reinforce the status quo?

This leads to the second point. Throughout, the contributors consistently presume that any newly created rules *ipso facto* must be integrative in nature, i.e., either altering the organizational actors’ policy-making powers in favor of the Commission, Parliament, or Court, or leading to a policy outcome not preferred by Member States. In fact, a vast number of EU rules are devoid of integrative content, instead reinforcing the status quo. For example, many of the informal rules created by first generation



## Spotlight on Greece in the USA

*Many EUSA members focus on EU member states. This feature highlights an individual EU member state's official and major presences in the USA:*

### Important Web sites

- Primary diplomatic Web site:

[www.greekembassy.org](http://www.greekembassy.org)

- The U.S. Embassy in Athens hosts Web pages at [www.usembassy.gr/](http://www.usembassy.gr/) and has a consular office in Thessaloniki, on-line at

[virtuals.compulink.gr/us-consulate/](http://virtuals.compulink.gr/us-consulate/)

- "Greece Now" at [www.greece.gr](http://www.greece.gr) is an English language site with useful country profile, maps, news of current events, politics, business, and more.

Missions Embassy of Greece, 2221 Massachusetts Ave. NW, Washington, DC 20008; tel. 202.939.5800. Eight consulates in Atlanta, Boston, Chicago, Houston, Los Angeles, New Orleans, New York, San Francisco.

The American Hellenic Institute aims to strengthen U.S. relations with Greece and Cyprus. They organize legislative and business conferences and sponsor the Foundation for Hellenic Studies (see below). Contact the AHI at 220 Sixteenth Street NW, Washington, DC 20036, or on the Internet at [www.aheworld.com](http://www.aheworld.com).

Hellenic Public Radio (91.5 FM in New York City) non-commercial radio with programs in Greek and English on national / international news from Greece and Cyprus, and programs on politics, science, social issues, religion, health, finance, the arts, and more.

### Selected scholarly resources

- The Modern Greek Studies Association is on-line at [www.humanities.uci.edu/classics/MGSA/](http://www.humanities.uci.edu/classics/MGSA/) or may be contacted at P. O. Box 1826, New Haven, CT 06508. They publish the *Journal of Modern Greek Studies* and also sponsor the occasional *Modern Greek Society: A Social Science Newsletter*, which may be contacted at P. O. Box 9411, Providence, RI 02940.
- The Foundation for Hellenic Studies aims to support qualified individuals, institutions, programs and projects in the U.S. that study Greece and/or Cyprus: [www.hri.org/FHS/](http://www.hri.org/FHS/) The foundation is a project of the American Hellenic Institute (see above).
- The Mediterranean Studies Association promotes study of the region and publishes a journal, *Mediterranean Studies* [www.mediterraneanstudies.org](http://www.mediterraneanstudies.org)
- *South European Society and Politics*, journal from Frank Cass Publishers [www.frankcass.com/jnl/](http://www.frankcass.com/jnl/)

interinstitutional agreements merely filled in the gaps of the cumulative Treaty, e.g., setting out precisely when the three-month period for the Parliament to accept/reject/amend the Council's common position began and ended. These and similar rules may have allowed the policy-making process to function more smoothly, but they did not contribute to further integration.

Third, the argument postulated by Stone Sweet *et al.* is problematic. To begin with, the proposition that existing rules motivate supranational actors not only to exploit them but also to create new rules of their own accord—and expand their organizational capacity in the process—clearly amounts to a tautology: institutions → institutions. While it is accurate that organizational actors other than the Council do indeed exploit the opportunities of status quo rule constellations, they do not do so in a vacuum; instead, they compete and bargain with a Council that vigorously defends its prerogatives (only the Court is able to act largely without encountering the most powerful EU actor, as noted by Cichowski). The primary problem with this neofunctionalist argument is that it fails to theorize the quotidian strategic interaction of the primary EU actors and demonstrate how the Commission and particularly the Parliament are able occasionally to pressure the Council to accede to their preferences. In sum, while Stone Sweet *et al.* commendably theorize the demand for new institutions, they largely fail to explain why and when those institutions will be supplied.

Whereas the Schneider and Aspinwall volume is not a unified theoretical project, through tight editing and the all too rare format of following each stand-alone chapter with a short commentary piece, I find the authors successfully meet their objectives. Their tri-partite aim is to assess the state of the new institutionalist debate, gather chapter studies from all three new institutionalist variants, and point the way forward for the research program, *inter alia* by suggesting how the different strands can be tied together—ontological differences notwithstanding.

Several of the chapters impress, particularly the sociological institutionalist study by Liesbet Hooghe, the empirically rich critique by Susanne Schmidt, and the Checkel chapter (although his is really a continuation of the authors' framing chapter, providing a constructivist foil to their rationalist predilections). Unfortunately, although formal theoretical work has been far too underutilized in EU studies, the two chapters which employ econometrics and spatial modeling suffer from microfoundational problems, underspecification, and biased assumptions. In the concluding chapter the authors get somewhat off track, segueing from research program stock-taking to a review of recent philosophy of science vicissitudes that turns into a thinly veiled defense of rational choice institutionalism. This being said, their discussion is quite useful and largely right on target.

Both the Stone Sweet, Sandholtz, and Fligstein and the Schneider and Aspinwall volumes cover a great deal of important theoretical and empirical aspects of European integration, each taking the crucial step for any successful theory of this multi-decade phenomenon, *viz.*, endogenizing institutions. As such, both amount to important and welcome additions to the field.

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## EU-Related Web Sites

*Editor's note: The following list of EU-related Web sites is, due to space limits, not comprehensive. The EUSA is not responsible for the content or availability of any Web site noted below. The annotations and their organization below are Copyright © 2002 European Union Studies Association. All Web addresses are preceded by http:// (omitted here for brevity).*

### Library sources

#### **www.eblida.org**

The European Bureau of Library, Information and Documentation Associations is an NGO, non-commercial association of national library, information, documentation and archive associations and institutions in Europe. It focuses on copyright, culture, telematics, Central and Eastern Europe, information society related matters, and information technology. Site contains detailed current news on EU library and information society issues.

#### **www.library.pitt.edu/subjects/area/westeuropean/wwwes**

The West European Studies Virtual Library is an excellent World Wide Web resource from the University of Pittsburgh on West Europe (primarily post-1945) and the EU in general.

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

The History of Europe as a Supranational Region, compiled by the European Studies Bibliographer at Brigham Young University, lists and links to every key historical document in European integration beginning with the 1957 Treaty of Rome. Superb source for modern historians of Europe.

#### **www.lib.berkeley.edu/GSSI/eu.html**

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

#### **europa.eu.int/eclas**

Register to become a user of the European Commission Libraries Catalogue (also known as ECLAS).

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

The European Union: A Bibliography is a very thorough compilation of EU resources organized and regularly updated by EUSA member Osvaldo Croci (Memorial University of Newfoundland, Canada).

### Official European Union sources

#### **europa.eu.int**

Europa is the official server of the European Union and offers a wealth of information on the EU's institutions, goals and policies, documents, news, and treaty texts. Maintained in the eleven official EU languages, Europa is the most complete and the primary Internet resource on the EU. It hosts current information on the Commission, all other EU institutions, press releases, an overview of the EU, current issues facing the EU, and more. Easy to navigate, it contains numerous searchable databases.

#### **ue.eu.int**

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

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

Eur-Lex is the EU's "portal to EU law." It aims to provide a complete electronic archive of legal and juridical texts from all the institutions, and contains the complete L and C series of the Official Journal, background information on EU legislation in force, links to key documents such as white papers, and more.

#### **www.europarl.eu.int**

The complete, official site of the European Parliament, with full details of the elected members of the current and immediate past Parliaments and their committees. Full details of Parliamentary sessions, hearings, conferences, documents issued, and more.

#### **www.curia.eu.int**

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

#### **www.echr.coe.int**

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

#### **www.ecb.int**

The European Central Bank's Web site (in the 11 official EU languages) is the definitive site on the European System of Central Banks, the monetary policy and framework of the Eurosystem, texts of the relevant legal documents, and more.

#### **europa.eu.int/comm/dg10/epo**

The Eurobarometer site includes downloadable reports (in PDF format) with qualitative and quantitative data as recent as the current month, gathered with a variety of instruments, from EU member states and the candidate countries.

#### **www.eurunion.org**

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

### U.S. Government sources

#### **www.useu.be**

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

#### **www.state.gov/www/regions/eur/eureconindex.html**

The U.S. Department of State has a Web presence (archived) focusing specifically on U.S.-EU diplomatic relations.

#### **www.sce.doc.gov**

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

#### **www.tabd.com**

The TransAtlantic Business Dialogue Web site fully documents this government-business initiative to lower trade and investment barriers across the Atlantic.

#### **www.tacd.org**

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

### EU external relations sources

#### **www.ue-acp.org**

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

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

**Secretariat of the African, Caribbean, and Pacific States**

Resources on the Lomé Convention, renegotiations, and other related topics. The first site includes an on-line discussion forum and database of historical documents on the EU-ACP Forum; the second site, in English and French, provides documents on the meetings and summits, texts of treaties and agreements, etc.

**[www.ul.ie/eac](http://www.ul.ie/eac)**

The University of Limerick's Euro-Asia Centre investigates Asian and European business, sociocultural, and technical relations, and the trade/competition problems facing Europe and Asia.

**[www.abhaber.net/english\\_nt.htm](http://www.abhaber.net/english_nt.htm)**

Ab Haber is devoted to EU-Turkey relations, particularly news and current developments, in both Turkish and English.

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

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

**[www.canada-europe.org](http://www.canada-europe.org)**

Site (in French and English) of the Canada Europe Round Table for Business, a forum on major trade and investment matters among Canadian and European business and government leaders.

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

Recal is a policy-oriented network of research centres in the EU and Latin America who further bi-regional relations through joint study and reflection and the program "Latin America 2020."

**EU skeptics sources**

**[www.euroseptic.com](http://www.euroseptic.com)**

In English (and French in parts), this site focuses primarily, but not exclusively, on the campaign for an independent Britain.

**[www.euro-sceptic.org](http://www.euro-sceptic.org)**

"Dedicated to critical debate on Europe," this site is primarily a portal, providing links to articles, speeches, and other Euroskeptical organizations and Web sites. Sponsors Euro-sceptic Web Ring.

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

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

**On-line publications**

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

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

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

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

**[polyglot.lss.wisc.edu/eur/papers/papers.htm](http://polyglot.lss.wisc.edu/eur/papers/papers.htm)**

The European Studies Program at the University of Wisconsin Madison has a European Studies Working Papers Online series.

**[www.theepc.be/challenge/top.asp?SEC=challenge](http://www.theepc.be/challenge/top.asp?SEC=challenge)**

Challenge Europe is an on-line journal, subtitled, "Shaping the Debate," and published on their Web site by the European Policy Centre, a Brussels-based think tank.

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

The European Journal of International Law site provides a fully searchable database of all book reviews published to date, a forum for discussion, and the table of contents as well as a full text version of the lead article in each recent issue.

**Other EU sources**

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

The European Union Studies Association (EUSA) is the primary academic and professional association, worldwide, devoted solely to study of the EU and the European integration process. EUSA's Web site describes in detail its programs and activities, including those of its member-based interest sections. The site also features the main articles from the *EUSA Review*, beginning with 1999.

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

An interactive communication network for academics working in the field of European integration studies, the European Community Studies Association is organized and funded by the Commission's DG for Education and Culture. Its Web site has databases on "Who's Who in European Integration Studies," "Euristote" (research notes), and the Jean Monnet Project.

**[www.fedtrust.co.uk](http://www.fedtrust.co.uk)**

The Federal Trust for Education and Research is a British think tank and charity focusing on "good governance," and provides a forum to explore issues of governance at national, continental and global levels. The Federal Trust helped establish the Trans-European Policy Studies Association (see below).

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

The Trans-European Policy Studies Association (TEPSA) promotes international research on European integration and discussion on public policies and political options for Europe. TEPSA is an association of 20+ think tanks in all EU member states and several of the candidate countries.

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

The site of the European Trade Study Group is a forum of research economists for academic exchange on international trade. Includes downloadable working papers and current trade news.

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

The Centre for European Policy Studies is an independent, international think tank of business, government, interest group and academic members, based in Brussels.

**[www.sosig.ac.uk/eurostudies](http://www.sosig.ac.uk/eurostudies)**

Part of the Social Science Information Gateway, EuroStudies is an expanded index of Europe-related Web sites. Fully searchable, it includes site descriptions, contact information, etc.

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

The Transatlantic Information Exchange Service (also known as TIES or TIESWeb) aims to strengthen the transatlantic partnership by promoting dialogue between individuals on a people-to-people level, for the purpose of deepening the processes that support a liberal, democratic society.

**[www.euractiv.com](http://www.euractiv.com)**

Euractiv is a Belgium-based information source focused on "EU news, policy positions, and EU actors," including European politics, broadly defined, with current news (daily updates) and information on the EU, governments, parliaments, parties, elections, industry and labor unions, IOs, NGOs, and more.

## Fellowships and Awards

The **Academy of European Law Trier** is celebrating its tenth anniversary in 2002 by awarding a prize for an essay on a topic related to European law, European integration, or legal education. The award will be presented every five years in the form of an open competition. Past or present ERA staff not eligible. The topic for 2002 is "Requirements for the Emerging European Constitution." The award carries a prize of 7.500 € and the winning essay will be published in *ERA Forum*, the Academy's legal quarterly. Essays should be in English, French, or German, should not exceed 30 pages (A4), and should include a 1-page summary of the paper in English. Entries will be judged by members of the Academy's Board of Trustees. For more information contact Ruth Whiteley via e-mail <rwhiteley@era.int> or by tel. at 49.651.937.3711. *Deadline: July 15, 2002.*

The **Fulbright Scholar Program** is now offering lecture/research awards in approximately 140 countries for academic year 2003-2004. Awards are available for college and university faculty and administrators, business and government professionals, journalists, lawyers, independent scholars, and others. Awards range from two months to an academic year or longer. Most lecturing assignments (80% of the awards) are in English. There are over 40 awards in West and East European countries, including a lectureship in U.S.-EU Relations and a European Union Affairs Research Program. For full details visit <www.cies.org> or e-mail <apprequest@cies.iie.org>. For Fulbright Distinguished Chair awards in Europe, Canada, and Russia, the deadline is *May 1, 2002*; for lecturing/research grants, the deadline is *August 1, 2002*; for the German Studies Seminar and spring/summer seminars in Germany and elsewhere, the deadline is *November 1, 2002.*

The **TransCoop Program** of the Alexander von Humboldt Foundation supports research collaboration between German, U.S., and/or Canadian scholars in the humanities, social sciences, law, and economics. Scholars from universities and research institutions in Canada, Germany, and the U.S. may apply for funding for up to three years. The Foundation puts priority on new research collaborations. The Program may award up to 45.000 € for each collaboration, and the funds may be used for short-term research stays at the partner's institute for up to three months each year, travel expenses, conference organization (up to 20% of the total), material and equipment, printing costs, and staff costs for research assistants working on the project (up to 20% of the total). The Foundation expects that the home institutions will continue to pay the salaries of the scholars and their assistants. The funds may not be applied to overhead costs, and funds must be matched by funds from U.S. and/or Canadian sources. Download applications from <www.humboldt-foundation.de> or contact the Foundation's U.S. Liaison Office at e-mail <avh@bellatlantic.net> or by telephone to 202.783.1907. *Deadline: October 31, 2002.*

## Conferences

*April 25-27, 2002*, "New Visions of the European City: Paris-New York," New York City. New York Consortium for European Studies. First of 3 in a conference series on the European city. See <www.nyu.edu/gsas/dept/europe/events/conf/conf.html>.

*May 10-11, 2002*, "Representation and Identity in an Integrated Europe," Ottawa, Canada. Centre for European Studies and Centre for Representation and Elections, Carleton University. For details visit <www.carleton.ca/eurus/events.html>.

*May 17-18, 2002*, "Transforming the Democratic Balance among State, Market and Society: Comparative Perspectives on France and the Developed Democracies," Cambridge, Mass. Minda de Gunzburg Center for European Studies, Harvard University. See <www.fas.harvard.edu/~ces/events/french\_conf.html>.

*July 3-4, 2002*, "The European Union in International Affairs," Canberra, Australia. National Europe Centre, Australian National University. See <www.anu.edu.au/NEC/registration.html>.

*July 8-11, 2002*, Transatlantic Studies Conference, The University of Dundee, Scotland. The Transatlantic Studies Association. See <www.dundee.ac.uk/~awparker/transatlantic.html>.

*July 12-13, 2002*, "The European Parliament at Fifty," University of Wales, Aberystwyth, Wales. Organized by the Jean Monnet Centre at Wales and the European Parliament Research Group. See <www.aber.ac.uk/~inpwwww/eust/events.html>.

*July 22-27, 2002*, "European Culture in a Changing World," 8th International Conference, International Society for the Study of European Ideas, Aberystwyth, Wales. For further information, visit <www.aber.ac.uk/tfts/issei2002/>.

*September 2-4, 2002*, "The Future of Europe," Belfast, UK. UACES 32nd Annual Conference and 7th Research Conference. For more details visit <www.uaces.org>.

*September 19-21, 2002*, "EU Enlargement in a Changing World," Ljubljana, Slovenia. European Association of Development Research and Training Institutes 10th General Conference. For more information visit <www.eadi.org>.

*September 20-21, 2002*, "First International Workshop for Young Scholars of European Legal Studies," Aix-en-Provence, France. Organized by the European Law Journal and the CERIC, Université d'Aix-Marseille III. Contact <f.g.snyder@lse.ac.uk>.

*September 26-28, 2002*, "The Politics of European Integration: Academic *Acquis* and Future Challenges," Bordeaux, France. European Consortium of Political Research. See <www.essex.ac.uk/ecpr/standinggroups/bordeaux/bordeauxhome.htm>.

## Publications

### Recent EU-Related Books and Working Papers

- Allen, Christopher S. (2001, paper) *Transformation of the German Political Party System: Institutional Crisis or Democratic Renewal?* New York, NY: Berghahn Books.
- Arestis, Philip, Andrew Brown, and Malcolm Sawyer (eds.) (2001) *The Euro: Evolution and Prospects*. Northampton, MA: Edward Elgar Publishing.
- Batory, Agnes (2001) "Hungarian Party Identities and the Question of European Integration," Working Paper, 49. Sussex, UK: Sussex European Institute.
- Caciagli, Mario and Alan S. Zuckerman (eds.) (2001) *Emerging Themes and Institutional Responses*. (Italian Politics, 16). New York, NY: Berghahn Books.
- Dickinson, David G. and Andrew W. Mullineux (eds.) (2002) *Financial and Monetary Integration in the New Europe: Convergence Between the EU and Central and Eastern Europe*. Northampton, MA: Edward Elgar Publishing.
- Hanley, David (2001) *Party, Society, Government: Republican Democracy in France*. New York, NY: Berghahn Books.
- Henderson, Karen (2001) "Euro-scepticism or Europhobia: Opposition Attitudes to the EU in the Slovak Republic," Working Paper, 50. Sussex, UK: Sussex European Institute.
- Hunter, Robert E. (2002) *The European Security and Defense Policy: NATO's Companion or Competitor?* Santa Monica, CA: RAND.
- Jones, Robert A. (2001) *The Politics and Economics of the European Union: An Introductory Text (2nd Ed.)* Northampton, MA: Edward Elgar Publishing.
- Lankowski, Carl (ed.) (2001, paper) *Germany's Difficult Passage to Modernity: Breakdown, Breakup, Breakthrough*. New York, NY: Berghahn Books.
- Laursen, Finn (ed.) (2002) *The Amsterdam Treaty: National Preference Formation, Interstate Bargaining and Outcome*. Odense, Denmark: Odense University Press.
- Mattox, Gale A. and Arthur R. Rachwald (eds.) (2001) *Enlarging NATO: The National Debates*. Boulder, CO: Lynne Rienner.
- O'Neill, William G. (2002) *Kosovo: An Unfinished Peace* (International Peace Academy Occasional Paper). Boulder, CO: Lynne Rienner Publishers.
- Preston, Peter W. and Julie Gilson (eds.) (2002) *The European Union and East Asia: Interregional Linkages in a Changing Global System*. Northampton, MA: Edward Elgar Publ.
- van Tongeren, Paul, Hans van de Veen, and Juliette Verhoeven (eds.) (2002) *Searching for Peace in Europe and Eurasia: An Overview of Conflict Prevention and Peacebuilding Activities*. Boulder, CO: Lynne Rienner Publishers.
- Wallace, Helen (ed.) (2001) *Interlocking Dimensions of European Integration (One Europe or Several? Series)*. Basingstoke, UK: Palgrave Publishers.
- Youngs, Richard (2002) *The European Union and the Promotion of Democracy: Europe's Mediterranean and Asian Policies*. Oxford, UK: Oxford University Press.

## EUSA Prizes

THE EUSA'S 1997-1999 EXECUTIVE COMMITTEE established prizes to be awarded at each EUSA Biennial International Conference. The prizes both recognize and encourage excellence in scholarship in the field of European Union studies. Each prize carries a small cash award, funded by EUSA's Grants and Scholarships Fund, and will be presented to the recipients at the EUSA Conference banquet. The prize selection committees are comprised of EUSA Executive Committee members and established EU scholars. We now seek nominations for the following:

**EUSA Prize for Best Conference Paper**

The EUSA Prize for Best Conference Paper will be awarded in 2003 to an outstanding paper presented at the 2001 Biennial Conference in Madison. All those who presented an original paper at the Conference and who deposited copies of their paper with the EUSA at the time of the Conference are eligible. The prize carries a cash award of \$100. Past recipients of this award have been EUSA members Karen Alter and David M. Green.

To apply for the prize, please mail three paper copies of the version of the paper that you presented at the 2001 ECSA Conference, to the EUSA Administrative Office (contact coordinates given below). NB: Papers may not be submitted by e-mail, facsimile, or on diskette, or delivered to the office in person. Deadline for *receipt* of nominated papers for the EUSA Prize for Best 2001 Conference Paper is September 16, 2002.

### EUSA Prize for Best Dissertation

The EUSA Prize for Best Dissertation in EU studies will be awarded in 2003 to a dissertation on any aspect of European integration submitted in completion of the Ph.D. at a U.S. university between September 1, 2000 and August 31, 2002. The student must have defended and deposited the dissertation and graduated during this period, and the dissertation must include a signed, dated dissertation committee approval page, and the dissertation nomination must be submitted by the department chair. Only one dissertation per department at an institution may be nominated for this prize. The prize carries a cash award of \$250. Past recipients of this prize have been EUSA members Marc Smyrl and Joseph Jupille.

Department chairs should mail one paper copy of the dissertation with a cover letter from the department chair to the EUSA Administrative Office (contact coordinates given below). Dissertations may not be submitted by e-mail, facsimile, or on diskette, or delivered to the office in person. Deadline for *receipt* of nominations for the next EUSA Prize for Best Dissertation is September 16, 2002.

### Send Best Conference Paper and Best Dissertation Prize nominations to:

European Union Studies Association  
415 Bellefield Hall  
University of Pittsburgh  
Pittsburgh, PA 15260 USA

Please contact us with questions via e-mail at [eusa@pitt.edu](mailto:eusa@pitt.edu) or by telephone at 412.648.7635.

## EUSA News and Notes

**EUSA's Eighth Biennial International Conference** (March 27-29, 2003) is well under way. The Program Committee has been convened; our Call for Proposals appears in this issue on p.11 and is posted on our Web site in PDF format. Please circulate the call widely and plan to attend our Nashville gathering, hosted locally by Vanderbilt University. Our conference hotel is the new **Hilton Suites Nashville Downtown**. More details about our Conference and about Nashville as a destination are posted on our Web site at [www.eustudies.org](http://www.eustudies.org). Key deadlines to note: for receipt of conference proposals at the EUSA office, **Tuesday, October 15, 2002**; to get the early registration rate and to appear in the final printed program, **Monday, February 10, 2003**.

Don't forget to list the **European Union Studies Association** and our Web address on your course syllabi as an important EU resource for your students. For those of you whose syllabi are posted on your institution's Web sites, please include a hyperlink to us. The full URL is <http://www.eustudies.org>. Please feel free to download our logo image from our home page as well.

Did you know that **your home institution** may cover your membership in the European Union Studies Association? Some academic departments, law firms, think tanks and other organizations have budgets for **professional memberships** for their employees. Please contact the EUSA Office in Pittsburgh if you need to know our federal ID number for this purpose.

The **EUSA Review** follows an annual calendar of announcements and listings organized in four topic areas: Winter (December 15): EU-Related Academic Programs (degree or certificate-granting, worldwide); Spring (March 15): EU-Related Web Sites (preference given to primary sources such as databases, electronic publications, and bibliographies); Summer (June 15): EU-Related Organizations (academic and professional associations, research centers, and institutes with significant EU aspects in their missions); and Fall (September 15): EUSA Members' Research Notes (EUSA members' current EU-related research projects, with particular attention to funded projects). We list EU-related conferences and calls, fellowships and scholarships, and publications (books, journals, working papers) in every issue of the **Review**. Please send your brief announcements either by e-mail to [eusa@pitt.edu](mailto:eusa@pitt.edu) or by regular mail to EUSA, 415 Bellefield Hall, University of Pittsburgh, Pittsburgh, PA 15260 USA. We reserve the right to edit for length, and we cannot guarantee inclusion in the listings, though we will do our best. We regret that we cannot accept unsolicited e-mail attachments.

## From the Chair

(continued from p.2) Thanks to generous EUSA members' gifts, we will again be able to offer modest conference travel grants to encourage students to participate in the program. Please watch our Web site and e-mail List Serve for further details.

In our conference years, we offer prizes for excellence in the field. These prizes were established by the 1997-1999 Executive Committee and first awarded in 1999. In 2003 we will once again offer prizes for the best dissertation in EU studies at a U.S. institution, the best paper presented at our 2001 Conference in Madison, Wisconsin, and our lifetime contribution to the field of EU studies award. Information about the nomination process is included in this issue on p.21 and is posted on our Web site. We take pride in recognizing and honoring those whose work has been exemplary and who have made important contributions to advancing knowledge and inquiry about the European integration process.

During this year of the EU Constitutional Convention, our efforts to coordinate and develop the field of European integration studies in the United States, and our ability to link these efforts with those of our European colleagues, are more important than ever. We are actively pursuing bringing EU studies centers in the United States and Europe into our network of Sustaining Members (see [www.eustudies.org/sustaining.html](http://www.eustudies.org/sustaining.html)). EU centers or European studies centers at Dublin, Georgetown, New York, Pittsburgh, North Carolina, and Vanderbilt have already become part of our institutional network and we look forward to collaborating with them as the field grows. Finally, this growing and dynamic organization is a reflection of the dynamism of the scholars and institutions that comprise its membership. We are actively seeking new members among young scholars and practitioners who are working on issues of European integration, including those in the candidate countries, and we hope that our established members will help us find their interested colleagues and students. If you will provide the names and addresses, we will send the letters. Just drop a note in the mail to EUSA, 415 Bellefield Hall, University of Pittsburgh, Pittsburgh, PA 15260 USA, or send an e-mail to [eusa@pitt.edu](mailto:eusa@pitt.edu).

MARTIN A. SCHAIN  
New York University

Congratulations to **Chad Damro**, Ph.D. candidate in political science at the University of Pittsburgh and an EUSA member since 1997, who has been awarded a 2002-2003 **Jean Monnet Fellowship** in the BP Transatlantic Programme at the European University Institute, Florence. His research is on "Transatlantic Competition Relations: A Comparative Analysis of Mergers, Monopolies, and Cartels." Damro held an EU Fulbright Dissertation Fellowship in Brussels in 2000-2001.

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

**The State of the European Union (5):  
Risks, Reform, Resistance, and Revival**

Oxford University Press

Edited by Maria Green Cowles, American University, and Michael Smith, Loughborough University, this fifth and latest volume in the EUSA series, launched in 1991, features nineteen chapters by EUSA members Stefani Bär, Elizabeth Bomberg, Miriam Campanella, Alexander Carius, J. Bryan Collester, Lykke Friis, David Michael Green, Sieglinde Gstöhl, Martin Holland, Erik Jones, Sophie Meunier, Paul Fabian Mullen, Anna Murphy, Kalypso Nicolaidis, John Peterson, Mark Pollack, Roger Scully, Ulrich Sedelmeier, Jo Shaw, Mitchell Smith, Amy Verdun, Ingmar von Homeyer, Helen Wallace, and Antje Wiener, and an introduction by Maria Green Cowles and Michael Smith. Sections cover enlargement, policy-making, monetary union, institutions and identity, and conceptualizing the European Union.

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