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# The European Constitutional Compromise and the neofunctionalist legacy

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**ABSTRACT** Neofunctionalism, a framework rather than a theory, has long played an important role in EU scholarship. Yet initial versions were overly comprehensive, incompletely specified and, as a result, non-falsifiable. Once concrete claims about the history of the EU are specified more precisely, they tend to be invalid: national preferences rarely result from unintended spillover, supranational entrepreneurs are rarely decisive – findings often disguised by poor theoretical specification and selection bias in EU scholarship. For the study of the EU today, the most important weakness of neofunctionalism is that its focus on 'ever closer union' obscures the emergence over the past decade of a stable constitutional equilibrium – a European Constitutional Compromise. This compromise is unlikely to be undermined by substantive, institutional, or ideological developments over the medium term – because current constitutional arrangements are substantively effective, institutionally protected, and democratically legitimate. The EU has reached constitutional maturity.

**KEY WORDS** Compromise; constitution; democratic; legitimate; stable.

Over the past half-century the European Union (EU) has evolved until its policies and institutions are of a scope and significance without parallel among international organizations. Within Europe, tariffs, quotas, and most customs barriers have been all but eliminated. In regulatory areas such as environmental policy, competition, agricultural and industrial standardization policy, the EU is a dominant regional and global force. Similarly the EU is a *bone fide* superpower in the area of global trade. The European Court of Justice (ECJ) has established the supremacy of EU law, the right of individuals to file suits, and constitutional review for consistency with the Treaty of Rome, which is binding through the near-uniform acceptance of its decisions by domestic courts. Taken as a whole, its policies make Europe a 'quiet superpower' with power that matches or exceeds that of the US in almost every area except the deployment of high-intensity military force.[2] The powers of the directly elected European Parliament (EP) have steadily increased over the past decade. The European Commission

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

Since the 1950s, this spectacular record of growth and achievement has led most analysts to treat the EU as an institution on an upward, if uneven, course for 'ever closer union.' For scholars, this sort of thinking is associated with neofunctionalist theory. The study of regional integration emerged in 1958, the very moment that the European Economic Community (EEC) was founded, with the publication of Ernst Haas's classic, *The Uniting of Europe.* Haas sought to develop a theory that explained why, once an initial commitment was made, forward momentum of integration was inevitable. In this he very explicitly sought to theorize the strategy being pursued at the time by Jean Monnet, often viewed as a 'founding father' or 'saint' of European integration.[3] Thus neofunctionalism remains a touchstone for scholarship and, albeit tacitly, for practical politics concerning the EU.

The neofunctionalist tendency to think of the EU as 'becoming' rather than 'being' remains at the heart of current debates on the future of the EU. Bitter battles between Europhiles and Euroskeptics grab headlines, seduce scholars and motivate politicians. Europhiles view the continued growth of the EU as desirable, even essential. Some go further, arguing that if integration ceases, the EU may collapse – colloquially known as the 'bicycle theory.' Euroskeptics, led by British and American conservatives, warn of the rise of a technocratic 'superstate' – a 'bureaucratic despotism' recalling the *ancien régime* in France and, in a few more extreme formulations, the Nazi dictatorship in Germany.[4] Their vehemence notwithstanding, battles between Europhiles and Euroskeptics disguise broad agreement that further centralization toward something akin to a federal state is the inevitable trajectory for Europe, whether European's want it or not, and that such a state-like governance system can legitimate itself only by becoming more democratic, that is, more accountable to direct popular majorities. It is on this basis that the recent draft constitution was negotiated, and it is on the basis of these same two claims, albeit a different evaluation of them, that Euroskeptics oppose its ratification. Most who speak of 'ever closer union' thus implicitly follow the footsteps of Haas and Monnet.[5]

In this paper I advance three claims. First, neofunctionalism is not a theory, in the modern sense, but a framework comprising a series of unrelated claims. Haas's bias toward 'ever closer union' meant that this framework was overambitious, one-sided and essentially unfalsifiable. It sought to explain long-term dynamic change without micro-foundational theories of static preferences, bargaining and institutional delegation – an effort that proved empirically and theoretically futile. For these reasons, it is generally not right or wrong to speak of neofunctionalism being true or false; it is simply meaningless.

Second, when specific elements of neofunctionalism are defined more precisely and tested more rigorously – something that occurred only within the past decade – they prove to be exceptional rather than central to an empirical

understanding of European integration. The various theoretical claims underlying neofunctionalism, except for its stress on economic interests, identify anomalies.

Third, today neofunctionalism directs us to pose less fruitful questions about European integration than was once the case. The EU's current constitutional *status quo* appears stable and normatively attractive. Beyond incremental changes in policy, it is difficult to imagine functional pressures, institutional pressures, or normative concerns upsetting the stability of the basic constitutional equilibrium in Europe today. There is thus a tension between the optimistic rhetoric of 'ever closer union' – itself in part a legacy of Haasian neofunctionalism – what we might call a 'European Constitutional Compromise' (or, if you are British, 'European Constitutional Settlement'). While a bias in favor of 'ever closer union' continues to suffuse EU scholarship, distorting our understanding of European integration, empirical analysis of the broader importance of the EU in European politics, global affairs, and democratic theory might do better to begin by acknowledging the existence of this political equilibrium. Today the central debate in the EU is not about how to continue on the road to further integration, but about precisely where to stop – a debate for which neofunctionalism is ill-equipped.

## NEOFUNCTIONALISM AND THE FALLACIES OF GRAND THEORIZING

We begin with Ernst Haas. A useful point of departure is his classic monograph, *The Uniting of Europe*, in which Haas sets forth a neofunctionalist explanation of the evolution of the European Coal and Steel Community (ECSC) and the founding of the EEC. Following Monnet, Haas denies that regional integration, once it gets started, is either an enterprise conducted by European idealists for its own sake, an instrument of Cold War geopolitics, or a pragmatic response to exogenous economic challenges. Integration, he argues instead, is the inevitable, if indirect and unintended, consequence of previous decisions to centralize regional governance – though this teleology was later heavily qualified. Under specific circumstances, he theorizes more generally, economic pressure groups and supranational officials (like Monnet) assure that regional integration continues onward toward what the Treaty of Rome was to call 'ever closer union.' The neofunctionalist claim is that the essence of integration lies in the fact that this is not the result of conscious choice. Colloquially, it is not really about what it seems to be about. Entrepreneurs only exploit economic issues to achieve a broader end. This conclusion rested on two interrelated claims.

*(1) Integration progresses when organized economic interests pressure governments to manage economic interdependence to their advantage by centralizing policies and institutions.* Haas distinguished neofunctionalism from what were perceived in the 1950s as polar alternatives in explaining world politics: 'realism' and 'idealism.' He thus rejected the view that European integration was primarily about

the realization of a European ideal (a view called at the time 'federalism').[6] '"Good Europeans" are not the main creators of the regional community,' he maintained; instead 'major interest groups as well as politicians determine their support of, or opposition to, new central institutions and policies on the basis of a calculation of advantage.'[7] Haas similarly swept aside the traditional 'realist' view that European integration was primarily about military balancing against the USSR, the USA, or Germany.[8] Instead, Haas sought to apply elite pluralist interest group theory to the management of a modern economy.[9] Elite groups most intensely concerned with an issue, Haas asserts, have the greatest impact on national decision-making, which is why a majority, in the strict sense, is not required to make policy. In an era of 'the end of ideology,' in which forces like nationalism are anachronisms, 'not cultural unity but economic advantage proved to be an acceptable shared goal among the Six.'[10] Most analysts, as we shall see, now accept this pluralist and rationalist account of the EU's social foundations – but Haas's second claim is more controversial.

*(2) Initial decisions to integrate economically create economic and political spillovers – unintended or unwanted consequences of earlier decisions – which are the major force propelling regional integration further forward.* Steps toward integration at any given time tend to generate unexpected pressures for further integration – a phenomenon Haas terms 'spillover.' Haas's decisive theoretical claim is that decisions in favour of integration cannot be explained as responses to exogenous shocks and trends (rising economic interdependence, heightened military threats, or trends in cultural socialization) *per se* but are instead *endogenous to prior integration.* In his words, 'The ECSC experience has spawned a theory of international integration by indirection, by trial and error, by miscalculation on the part of the actors desiring integration, by manipulation of elite social forces on the part of small groups of pragmatic administrators and politicians in the setting of a vague and permissive public opinion. "Functionalism" and "incrementalism" rather than "federalism" and "comprehensive planning" are the key terms.'[11] During the 1960s, Haas accounted for further EU developments by noting: 'The irony of [EEC developments in the 1960s] ... is that they had not all been planned or approved by governments in 1958.'[12] In sum, once initial decisions are taken, unintended feedback from those decisions becomes the primary force underlying integration.

Haas highlights two types of 'spillover.'[13] The first type, *functional spillover*, occurs when cooperation in certain sectors of the economy (or society) creates technocratic pressure for cooperation in adjoining sectors, thereby propelling integration forward. Haas elaborates his 'chief finding' that 'industrial sectors initially opposed to integration ... do change their attitudes and develop strong positive expectations if they feel that certain common problems can be more easily met by a federal authority.'[14] The second type, *political spillover,* occurs when ongoing cooperation in certain areas empowers supranational officials to act as informal political entrepreneurs in other areas. In order to manage complex technocratic issues more effectively, rational governments

must delegate discretion to experts, judges and bureaucrats, thereby creating powerful new supranational actors with an interest in cooperation.[15] To the extent that these types of spillover propel integration forward, Haas concludes, 'the vision of Jean Monnet has been clearly justified by events.'[16]

Though it may seem disarmingly simple, neofunctionalism was at the time an uncommonly ambitious intellectual enterprise for three reasons.

First, neofunctionalism is *dynamic*. It seeks to explain not just static decision-making under stable political conditions, but dynamic political transformation over time. Haas invokes spillover not primarily to explain why societal groups or supranational entrepreneurs come to support decisions taken by states, or why each stage of integration provides a stable platform for the next. (Each of those claims could be part of any rationalist account.) Instead spillover is meant to explain how the response of societal groups and supranational entrepreneurs to initial integrative steps trigger entirely new and unexpected steps toward regional integration. It is not a theory of equilibrium, but of change.[17]

Second, neofunctionalism is, at least in its initial formulation, *parsimonious and predictive*. This is related to its ambition to explain integration as an endogenous consequence of earlier decisions, rather than as a response to exogenous forces, trends and shocks.[18] Once the basic condition of a number of interdependent developed market democracies is fulfilled, further integration stems from a dynamic of spillover divorced from any particular political or economic circumstances. Once initial decisions are taken, Haas maintained, spillover is automatic rather than contingent on specific external stimuli.[19] This is why Haas so confidently advances deterministic predictions, without only a parsimonious input of data: 'The progression from a politically-inspired common market to an economic union and finally to a political union among states is automatic,' he wrote. 'The inherent logic of the functional process in a setting such as Western Europe can push no other way.'[20] Haas sought a predictive theory – even at the expense of developing a complex and contingent explanatory account of causal mechanisms.[21]

Third, perhaps most important yet perhaps most neglected, neofunctionalism is *a comprehensive synthesis rather than a single theory*. Haas's overarching aspiration is totalizing. He does not seek to explain a particular aspect or to analyze a particular cause of integration, but to provide a single framework for analyzing integration as a whole. He grasps that a comprehensive theoretical understanding of institutionalized cooperation among advanced industrial democracies requires a series of disparate theoretical claims: societal preferences (beyond the initial founding) reflect pressures from pluralist economic interests, cooperation creates uniform incentives for institutionalization, supranational officials play a powerful role in interstate bargaining, unintended socioeconomic consequences are cumulative and self-reinforcing, and so on. Haas views these elements as mutually supportive links in an integrated ideal-type of the process of regional integration among capitalist democracies. Today we would call each of these building blocks by new names: 'endogenous' theories of foreign economic (trade, monetary or regulatory) policy, interstate bargaining

theory (including theories of political entrepreneurship), theories of delegation to and compliance under international regimes, theories of historical institutionalist change that investigate the sources of institutional autonomy over time, and dynamic input-output theories that specify the conditions under which (or even just a controlled measurement of when) a trend in some economic activities impacts others. In the late 1950s, none of these theoretical building blocks existed, though over the next three decades, the more honest among the pioneers in each of these areas would credit Haas for providing pioneering inspiration.[22]

Haas's dynamic, predictive, totalizing ambition help make *The Uniting of Europe* a truly visionary work. Fifty years ago he glimpsed that there could be a distinctive political science of non-military international interdependence and governance, of which the process of European integration was the harbinger. Neofunctionalism was a dynamic, parsimonious theoretical synthesis to explain politics in this realm – a realm we now call 'international political economy' or 'global governance.' Haas also perceived that the essence of European integration lay in functional economic pressure, not federalist efforts to mobilize public opinion or realist efforts to mobilize the West against the Soviet Union. Yet the ambition of neofunctionalism was also a weakness, for it meant that Haas's formulation advanced ambitious claims before the concrete causal processes were theoretically understood. This rendered neofunctionalism a fragile research program, as we are about to see.

## The theoretical fragility of neofunctionalism

By the early 1970s it was evident even to its creators that neofunctionalism required fundamental revision. At one level – the one most commonly discussed – the failure of neofunctionalism was empirical.[23] European integration did not, as Haas had predicted, expand steadily but by stops and starts. President Charles de Gaulle launched a frontal attack on the EEC, and institutional deepening appeared to be at a standstill. Significant domestic conflict remained. Integration had focused not on areas of state intervention and planning, such as atomic energy and public transport, but on areas of market liberalization, such as tariff policy. It had not generated uniformly stronger centralized institutions but a curious hybrid still heavily dependent on unanimous consensus among governments – a trend Haas already glimpsed in 1958. Because these events seemed to disconfirm the simple conjecture of steady integration, they were universally viewed by Haas and others – incorrectly, in retrospect – as a 'refutation' or 'disconfirmation' of neofunctionalism. And governments did not always privilege regional over global multilateral cooperation. By the early 1970s, neofunctionalists introduced concepts like 'spillback', 'spill-around', 'building', 'retrench', 'muddle about', 'encapsulate' and 'stagnation' (alongside 'spillover') to designate possible outcomes.[24] These events seemed to disconfirm early, teleological variants of neofunctionalism.[25]

Yet the critical weaknesses of neofunctionalism were not empirical but theoretical. Scholars might, after all, have responded to apparent anomalies by further

specifying and refining neofunctionalist arguments to generate more rigorous, nuanced and accurate explanations of variation in regional integration. Yet this failed to occur, at least until the 1990s. Instead, once the simple and underspecified teleology toward integration was abandoned, neofunctionalism appeared to lack conceptual resources to construct a positive theoretical response. Instead, neofunctionalists invoked various exogenous factors *ad hoc* to explain anomalies in neofunctionalist predictions: anachronistic concerns of high-politics and nationalism, basic ideological antipathy toward transfers of sovereignty, pressures to widen the EEC or expand global institutions like the General Agreement on Tariffs and Trade (GATT) at the expense of regional deepening.[26] These *ad hoc* factors were invoked as impediments to integration, thereby implicitly assuming what neofunctionalists might have reasonably been expected to prove, namely that endogenous spillover from previous decisions is the primary force in favor of regional integration. The relationship of these exogenous factors to core endogenous (neofunctionalist) dynamics was left unspecified. A quarter century of theoretical stagnation ensued.

This theoretical stagnation occurred not so much because the initial conjectures drawn from neofunctionalism were shown to be incorrect, but because neofunctionalism did not really constitute a properly specified theory susceptible to incremental improvement. The basic reasons are closely related to neofunctionalism's ambition. Neofunctionalism sought to construct a comprehensive *synthesis* without a reliable set of theoretical *elements*, to analyze *dynamic* change without a reliable account of *static* decision-making, to analyze *endogenous* causes without a reliable account of *exogenous* causes and, above all, to *predict* without a reliable *explanation.* These weaknesses are related, and at their common core lies a failure to provide rigorous, microfoundationally grounded theories of national economic preference formation, interstate bargaining, and institutional delegation.

Neofunctionalism sought to construct a comprehensive *synthesis* without a reliable set of theoretical *elements.* Recall that neofunctionalism is a framework, not a theory. Its constituent theoretical building blocks – the claim that interests were economic, supranational entrepreneurs are influential, institutional delegation is open-ended, and so on – are not derived from common foundations. None implies the veracity of the others. Each is related to the others in a purely conjectural way. One could confirm the importance of pluralist producer interests, for example, without accepting hypotheses about the importance of supranational officials – as liberal intergovernmentalists would later do. In an influential critique, Donald Puchala invoked the metaphor of the blind men and the elephant: different theories explain different aspects of the (elephantine) integration process.[27] Neofunctionalism is only as valid as the individual theories that form the links in its chain of argument. And any test of the neofunctionalist framework as a whole against the track record of integration will be at best imprecise and at worst inherently inconclusive – particularly if, as we shall see is the case, the individual elements are underspecified. To refine and evaluate the neofunctionalist framework, it would have to be disaggregated.[28]

The difficulties were doubled insofar as neofunctionalism seeks to analyze *dynamic* change without a reliable account of *static* decision-making – to *predict* without *explaining*. The critical problem was that to derive dynamic prediction, static decisions must in turn be grounded in theories of political behavior that are general, actor-oriented and choice-theoretic. The fundamental weakness of neofunctionalism, Haas later admitted, lay in the lack of any general microfoundational theory for analyzing various types of political choice.[29] Without this essential building blocks, any prediction from the approach – notably Haas's claim that further integration would follow automatically from previous decisions – could only be an indeterminate conjecture rather than a precise prediction. Feedback, Haas conceded in his later self-criticism, '*may* transform the system' but need not do so. Once neofunctionalism dropped the optimistic notion that integration was automatically self-reinforcing and would smoothly evolve along a smooth teleology to federal union without triggering fundamental distributive or ideological conflicts, it could say 'little about *basic causes*' of national demands for integration or interstate agreements to achieve it – so two leading neofunctionalists concluded. This is why the taxonomy of alternative outcomes consistent with the underlying theory arose: 'spillover,' 'spillback,' 'spillaround,' and 'encapsulation.' By 2004 Haas and others were arguing that there really was no difference between neofunctionalism and 'liberal intergovernmentalist' theories, which stressed exogenous economic interests, interstate bargaining, and rational delegation – evidence of just how indeterminate neofunctionalism had become.[30]

Haas himself understood these weaknesses. In the early 1970s he proposed that 'the study of regional integration should be both included in and subordinated to the study of changing patterns of interdependence.'[31] Consistent with this auto-critique, Stanley Hoffmann, Robert Keohane, Joseph Nye, Henry Nau, and many others, eventually drew the conclusion that the European Community (EC) should be viewed as an 'international regime' (a term Haas coined) designed to manage interdependence.[32] Such general theories of interdependence highlighted the purposive choices of states and social actors rather than the unintended consequences of broad structural constraints.[33] For example, while neofunctionalists maintained that the pursuit of economic interest is the fundamental force underlying integration, they offered only a vague understanding of precisely what those interests are, how conflicts among them are resolved, by what means they are translated into policy, and when they require political integration.[34]

The lack of rigor and precision in addressing these issues was particularly troubling in Haas's case, because neofunctionalism aspired to trace dynamic endogenous effects (incremental feedback, unintended consequences, and the resulting change over time) without a baseline theory of exogenous constraints (state economic interests, political constraints, and delegation) through which dynamic change must take place.[35] Theories that ignore the need for focused general theories, and instead treat regional integration as a *sui generis* phenomenon, Haas argued in a self-critique over a decade after *The Uniting of Europe*,

breed theoretical insularity and are little more than 'pre-theories.'[36] Certainly none was theorized so as (even in the abstract) to support predictions or explanations of *variation* in outcomes.

By the mid-1970s, these criticisms had inspired a degree of consensus concerning the proper theoretical direction forward. Unintended consequences and feedback, the initial core of neofunctionalism, should take a secondary role to the concrete beliefs, preferences and strategies of political actors – the analysis of which required explicit theories of interest group politics, interstate bargaining, and international institutions.[37] 'All political action is purposively linked with individual and group perception of interest,' Haas wrote, thus greater attention should be focused on 'the type of demands that are made, the variety of concessions ... exchanged, and the degree of delegation of authority to new central institutions.'[38] Hoffmann, Keohane, and even, if to a lesser degree, Haas himself proposed studying the EC as an international regime constructed through a series of purposive decisions by governments with varying preferences and power. Hoffmann proposed a synthetic approach that examined first 'the domestic priorities and foreign policy goals of the member states, then ... the impact of the environment [and] finally the institutional interplay between the states and the Community.'[39] When EU studies was revived in the late 1980s, Keohane and Hoffmann proposed that institutional spillover through delegation to international officials required a prior intergovernmental bargain among member states, thereby refocusing our attention on the exogenous determinants of major decisions – a school that developed a variant of historical institutionalist theory known as 'regime theory.'[40]

Yet until the 1990s, this advice was not taken. Much scholarship on European integration over the past two decades remains blissfully uninformed by the self-criticism of neofunctionalists – and by advances in international relations theory over the past thirty years.[41] From 1958 through the late 1980s, neofunctionalism was the only game in town. A few British writings on 'federalism' and some diplomatic history stressing geopolitical threats aside, neofunctionalism was regional integration theory, and regional integration theory was neofunctionalism. The persistence of neofunctionalism as a leading theoretical approach for explaining the EU, while the rest of international relations moved on toward more rigorous explanations, contributed to the theoretical insularity of EU studies. One result has been a persistent bias toward predictions of future trajectory of 'ever closer union.' Another has been the multiplication of conjectures about integration, without the concurrent generation of many reliable empirical conclusions about the relative importance of different forces that have made the EC what it is today.[42] With neofunctionalism remaining underspecified, and few alternative frameworks at hand, a rule of thumb emerged in research on the EC: Whenever integration stagnated, scholars criticized neofunctionalism; whenever integration progressed, they rediscovered it.[43]

Neofunctionalism's flaws became clearer in the late 1980s and early 1990s when a coherent alternative was proposed by historian Alan Milward and similarly inclined political scientists.[44] Their view rests on the premise that major

steps toward regional integration result, as does global economic integration, from a three-step process: (a) national preferences develop in response to exogenous changes in the nature of issue-specific functional interdependence; (b) interstate negotiation proceeds on the basis of relative bargaining power; and (c) delegation to supranational institutions is designed to facilitate credible commitments. This view does not differ much from neofunctionalism in its broad assumption that states are (often) rational and instrumental, or in its assumption that modern states place a high value on interests linked to the provision of welfare and security for the citizens of an advanced industrial democracy. Yet liberal intergovernmentalism departs in assuming that the primary sources of economic integration are exogenous rather than endogenous, interstate bargaining reflects intentional state action on the basis of relative power rather than supranational entrepreneurship, and, unlike neofunctionalism, provides a clear theoretical starting point for explaining delegation to supranational institutions. This view, worked out in detail in the 1990s, is now often referred to as a 'liberal intergovernmentalist' (LI) account.[45]

The LI account rests on theories of political economy, bargaining and delegation that are now standard in international relations, and indeed political science, theory. In this view, the primary impetus for integration has been a series of exogenous functional challenges. These include intra-industry trade in the 1950s and 1960s, monetary fluctuations and capital mobility in the 1970s and 1980s, greater foreign direct investment and regulatory conflict in the 1980s, and the collapse of Communism in the 1990s. Governments negotiated agreements on this basis, with supranational officials playing an epiphenomenal role. And they delegated to international institutions in what was largely a rational and controlled way. This poses a serious empirical challenge to neofunctionalist claims – to which we now turn.

## The empirical fragility of neofunctionalism

We have seen that the theoretical essence of any 'grand theory' (multi-causal theoretical synthesis) lies in its elements, not in the synthesis itself. The central issue at stake between neofunctionalism and liberal intergovernmentalism is thus not which *framework* is correct, but the extent to which the *elements* of each are correct. Three questions are paramount: (1) To what extent do state preferences for integration reflect exogenous pressures (and intended policy consequences), or to what extent do they reflect unintended and unwanted consequences of past bargains? (2) To what extent are the negotiated deals among states a function of relative bargaining power or to what extent are they a function of the actions of supranational entrepreneurs? (3) To what extent do states delegate with the intention of creating credible commitments or to what extent are any subsequent constraints an unintended consequence of delegation? In each case, the subsequent empirical literature has strongly supported the LI account. Let us consider each question in turn.

*Are preferences exogenous or endogenous to integration?*

Most scholars of European integration now believe that Haas was correct that the primary motive forces behind integration have been pluralistic pressures from producer groups. To be sure, geopolitical ideology – specifically, the German concern to re-establish its security, unity and autonomy after World War II – has played an important role over a half century.[46] Yet, overall, the substantive range of cooperation in the EU has reflected, above all, functional pressure to manage the concrete, largely issue policy externalities resulting from socioeconomic interdependence as filtered through interest group politics.[47] Major steps forward in the development of European institutions have traditionally rested on 'grand projects' such as the customs union, common agricultural policy, single market, single currency, or Eastern enlargement. In each case, the pressure to manage substantive policies stemming from new forms of regional interdependence motivated governments to make new institutional commitments.

Yet the historiographical and social scientific consensus today is that the primary causes of integration have been more exogenous than endogenous (to previous integration). Consider, for example, the founding of the EEC in 1955–1958. In *The Uniting of Europe*, Haas's core empirical claim is that the EEC should be understood as a form of 'spillover' from the ECSC – a position he explicitly opposes to the view that exogenous shifts in national economic interests supported cooperation. Thus Haas stresses that cooperation moved forward in nuclear energy and transport plans, areas of sectoral integration closely linked to coal and steel, and thus favored by Monnet. Yet this is inconsistent with the historical record. Within a few years it became clear that nuclear and transport integration were going nowhere, whereas the common market – which Haas rightly views (as it was viewed at the time) as something of a repudiation of Monnet's sectoral approach – was succeeding.[48]

Throughout, Haas neglects the more plausible alternative hypothesis that integration reflected exogenous economic pressures derived from changes in technology and markets.[49] He does consider for one paragraph (five pages before the conclusion of his 527-page book) this alternative explanation, yet – despite the fact he concedes that positions at the Messina conference were precisely in keeping with underlying economic incentives – he dismisses such an 'intergovernmental' explanation in a single sentence, without presenting any evidence, in favour of an *ad hoc* social-psychological mechanism (namely that governments cooperated because they felt a greater sense of 'engagement').[50] Haas also overrides evidence that, he acknowledges, demonstrates that the institutional structure of the EEC was less centralized than that of the preceding ECSC – an apparent anomaly for neofunctionalist thinking. Instead of acknowledging the disconfirmation, he redefines 'supranational' to include any forward movement toward integration, even where it *reduces* central authority.[51]

This sort of testing is loose to the point of tautology: Continued integration confirms neofunctionalist theory, no matter what its form, rather than neofunc-

tionalist theory predicting a particular form of integration. Subsequent formulations of neofunctionalist theory grew even vaguer, seeking to incorporate any possible cause of forward movement in the EU. Consider, for example, Saeter's reformulation of neofunctionalism, later cited approvingly by Haas, that simply asserts (incorrectly) that no theory except neofunctionalism can explain change over time, so alternative theories need not be tested at all.[52] Today one sees the same form of argument with insufficiently theorized constructivist or neofunctionalist accounts, which often code any change in time in preferences as evidence confirming the theory.

The empirical evidence is far more supportive of Milward's and Moravcsik's claim that the EEC was founded in response to the epochal post-war shift in trade patterns from North–South commodity trade to North–North intra-industry trade – the bulk of which was complete well before EEC tariff reduction was complete. Whereas the EEC surely added to this level of North–North trade, it is not the underlying historical cause of the shift, nor is there any evidence that the increases in trade were unintended or undesired.[53] Overall, the evidence is overwhelming that European integration in this period deepened not because of economic spillover from prior integration, but on the basis of a convergence of interest, led in the initial period by enduring liberal interests in Germany and the Netherlands.[54] It is now widely accepted that governments perceived regional integration as an inevitable adaptation to economic tends – though some, including myself, have argued that certain institutional elements in the EU cannot fully be explained in this way.[55]

The more recent literature is littered with failed attempts to assert the importance of spillover – often within a 'historical institutionalist' or 'institutionalist' framework – as the central dynamic of European integration. Paul Pierson's theoretical work provided a useful micro-foundational account of this phenomenon, arguing that spillover was only likely to occur under rather specific circumstances, namely where policy consequences and future circumstances are uncertain, state preferences are unstable, or time horizons are short. Yet the historical record resists such an interpretation. Though the EC has moved toward greater trade liberalization and reestablished an element of monetary cooperation, the relative positions of governments have remained surprisingly stable over four decades. Germany and Britain favored industrial trade liberalization, while France is more skeptical. Since 1950, France has consistently advocated the creation of subsidized markets for surplus agricultural products, while Germany demands high prices, and Britain has opposed all agricultural cooperation. Views on regulatory harmonization have moved toward liberalization, but the configuration of national preferences continues to reflect per capita income and trading interests. Finally, the common assertion that various major decisions in EC history have had important unintended consequences due to changes in circumstances rests on a superficial reading of the historical record.[56]

Statesmen have been aware of long-term processes and when the EU has been socially and institutionally transformative, but more often than not this has been because statesmen deliberately designed it that way. Charles de Gaulle sought to

exploit integration to modernize French industry; the German and French governments consistently argued in favor of integration as a means to banish conflict among European nations; France sought to exploit the EC to avoid the creation of a free trade association (FTA); and Helmut Schmidt employed the European monetary system (EMS) to discourage currency devaluation by neighboring countries. Despite the odd counterexample – importantly in recent times the reversal of German macroeconomic policy after reunification – monetary preferences have also remained remarkably stable, evolving only slowly in response to changing structural conditions. Where the outcomes of policies are uncertain, policy-makers have sometimes taken an ideological view toward the future of integration, but one itself based on a long time horizon.

Closer examination reveals that the major consequences were known to the negotiating governments, but often suppressed in public statements. One example must suffice. In a very influential line of theorizing, Fritz Scharpf has made much of the claim that overproduction and high subsidies were an unintended consequence of the common agricultural policy (CAP), into which governments are now trapped.[57] In fact it is clear that statesmen knew this would occur but rejected expert recommendations because lower subsidies were politically unpalatable, particularly in Germany.[58] Most cases of 'unintended consequences' simply cannot withstand historical scrutiny.

*What factors shape interstate bargaining outcomes?*

In *The Uniting of Europe*, Haas sought to argue that supranational political entrepreneurs like Monnet have propelled the system forward in ways unexpected, unwanted or unachievable by the leaders of national governments – thereby demonstrating the decisive importance of 'political spillover.' Like his approach to explaining preferences, Haas never provided a compelling account of why supranational officials enjoy an advantage over national officials in the provision of information, expertise, legitimacy, legal competence, or skill. True, the Commission and other supranational bodies, and even earlier Jean Monnet himself, often pressed for further integration, and integration often progressed. Yet the conjecture that entrepreneurs were therefore decisive is unwarranted.[59] The observation that entrepreneurial involvement is found around decisions to move integration forward is equally consistent with supranational entrepreneurs whose activities are futile, reactive, or redundant. Instead we need theories of informal integration – something Haas declined to provide and which has only been theorized more fully in the last few years.

Though when neofunctionalism was revived in the late 1980s, this was the first aspect to be picked up – with an extensive literature on Delors – few have attempted to specify and test rigorous theories of informal entrepreneurship in the EU, or anywhere else in international life.[60] Yet more rigorous theories of informal entrepreneurship can offer important insights into world politics. All such theories rest on the assumption that the power of an entrepreneur stems from informational asymmetries that work in the entrepreneur's favor. We must assume that information is costly and difficult to obtain, that

the rationality of powerful state actors who can produce such information is severely bounded, and that supranational actors are privileged in the production of such information, such that a decisive asymmetry of information, legitimacy, or expertise results. The validity of this assumption is hardly obvious, given that nation-states are immediate stakeholders with a large incentive to manage negotiations intelligently, enormous financial and bureaucratic resources, considerable EU experience, and over the years political leaders of the caliber of Konrad Adenauer, François Mitterrand, and Tony Blair. The central theoretical task in the study of informal entrepreneurship is thus to specify the various conditions under which we might expect to observe such asymmetries in favor of supranational *vis-à-vis* state officials. Do supranational actors possess greater personal political skill? Greater legal or technical expertise? Greater legitimacy? A unique status as trusted mediators? A synoptic view of the whole unavailable to member state executives? Each of these lines of argument can be theorized. The empirical task is then to ascertain to what extent such informational asymmetries exist, under which theoretical circumstances they arise, and whether they are linked to major institutional innovations in European integration. Only then can we reject spurious correlations.

Empirical research conducted on this theoretical basis demonstrates that the existing neofunctionalist literature on the subject is quite misleading.[61] Most supposed examples belong to what Milward has satirically termed 'the hagiography of European saints.'[62] Consider, for example, Haas's own analysis of the period between the founding of the ECSC and the negotiation of the 1957 Treaty of Rome, which stresses the entrepreneurial role of convinced Europeans like Spaak and Monnet. Haas's account, we now know, is almost precisely the opposite of the historical record. Monnet himself, far from being a successful political entrepreneur, played a *counterproductive* role for most of this period. He stuck to the theory – also at the heart of Haas's neo-functionalism – that integration would stem from regulated and technolically sophisticated sectors of the economy like energy, nuclear and transport cooperation, rather than from market liberalization. He was thus so hostile to the customs union plan in 1955–56 that he begged Spaak, Beyen, and Konrad Adenauer persistently to kill it. Nor was Monnet to enjoy much success later. Even his best and most sympathetic biographer admits that he had little impact after 1950 – precisely the opposite prediction from that of Haas.[63] It is a mark of the tacit impact of neofunctionalist assumptions about the importance of entrepreneurship that neither the public discourse of the EU, nor scholarly studies of European integration, have taken note of these historical facts.

A broader analysis suggests that informal entrepreneurship by the Commission or Parliament has rarely been decisive.[64] Informational asymmetries are exceptional and only rarely have helped account for advances in European integration. Certain aspects of the single market initiative under Jacques Delors constitute nearly the only empirically verified case in which supranational entrepreneurship by the Commission or Parliament had a decisive impact on major interstate bargains beyond what member states themselves could and would

have achieved – and even this case is limited in scope. In nearly all other important cases, even the strongest evidence suggests a secondary or even counterproductive impact for the Commission, Parliament and other central entrepreneurs.

Despite its weakness in explaining the origins of state preferences and interstate bargaining outcomes, neofunctionalism retains a prominent role in theorizing about the EU.[65] One reason is that scholars tend to 'select on the dependent variable,' paying disproportionate attention to situations in which the evidence supports a neofunctional view.[66] One of these is in the study of the ECJ – a rare area in which neofunctional claims have consistently been validated empirically. Yet we should beware of generalizing to the EU as a whole, for two reasons. First, the ECJ, despite its importance, is hardly the only or most influential institution in shaping the trajectory of European integration. Second, the conditions under which European judges were able to wield unintended and important powers were quite singular. We learn from the ECJ literature that among the preconditions for such an evolution were the existence of autonomous domestic courts with an incentive to recognize the European law, an ECJ that favors further integration, the existence of many economically motivated litigants, and an ability to act without immediate response from the member states.[67]

Similar issues of selection bias weigh down the literature on the Commission, where disproportionate scholarly attention has been paid to a relatively small number of categories of policy-making in which the Commission has exploited unexpected autonomy to proactively promote integration within its 'everyday' legislative and regulatory functions. A handful of examples are constantly recycled: some environmental policy directives in the 1970s, telecommunications regulation under Article 90, some parliamentary actions in the mid-1990s, and gender equality. These are peripheral to the overall trend in EU policy-making, and often occurred under conditions predicted by LI theory. In many other cases, moreover, the Commission has failed in such efforts – an example being sustained Commission efforts to manipulate structural funding to force its priorities on member states (in Scotland and elsewhere). Obviously theories about endogenous causality, supranational entrepreneurship, and unintended spillovers offer important insights into European integration. Looking back over nearly a half-century, we can conclude that for those who study a subset of specific issues, neofunctionalist causal mechanisms may offer essential theoretical tools: yet such processes generally remain peripheral to the overall dynamics of European integration.

## BEYOND NEOFUNCTIONALISM: A EUROPEAN CONSTITUTIONAL COMPROMISE?

Perhaps the greatest weakness of neofunctionalism as a theory of regional integration concerns not its inability to explain the past, but its inability to illuminate the fundamental issues facing Europe today. Today the central issue of European integration is no longer the question of how to bring about 'ever

closer union' – as the 1950s-style technocratic slogan embedded in the Treaty of Rome put it. It is instead the question of how to fashion a constitutional order that assures 'unity in diversity' – the EU's more recent slogan. This issue can be restated in constitutional terms: How broad should the scope of EU activity, as opposed to nation-state activity, be?[68] And how is power and authority to be divided (or shared) among national and supranational levels, and among various supranational political institutions?[69] What is to be the relationship of these institutions to individual citizens, interest groups, and existing structures of political representation? These constitutional questions are of central normative and positive importance in the EU, underlying discussions of subsidiarity, constitutional structure, democratic legitimacy, and substantive policy.

Neofunctionalism offers a rather one-sided analysis of this problem, one that biases the result toward centralizing responses and thus renders itself less relevant to current concerns.[70] The assumption of neofunctionalism is that, unless atavistic nationalism and ethnocentrism intervene, the EU is destined to continue to integrate. Yet what is most striking about the last fifteen years of constitutional change in the EU is the conservative nature of the result. Voting weights and the structure of the Commission have been adjusted, the use of qualified majority voting and the prerogatives of the Parliament have been expanded at the expense of the Commission, and the EU has reinforced essentially intergovernmental cooperation (mostly outside the core 'first pillar' of EU institutions) in a number of areas, including immigration and foreign policy. Yet when all is said and done, the expansion in the EU's institutional prerogatives has been modest. Taken together, all the institutional changes aimed at deepening the EU undertaken since the Maastricht Treaty of 1992 have not had as much impact as the process of enlargement – and even the latter has not generated fundamental institutional change or a decisive expansion in the substantive scope of policy-making under the 'Community method.'

Perhaps, then, we are starting to glimpse what we might term a 'European Constitutional Compromise' (or, if one is British, a 'European Constitutional Settlement') – a stable endpoint of European integration in the medium term.[71] The EU appears indeed to have reached a plateau. It may expand geographically, reform institutionally, and deepen substantively, but all this will take place largely within existing contours of European constitutional structures.

Are current arrangements stable against both exogenous shocks and spillover? Is pressure for future progress, whether endogenous or exogenous, likely due to substantive, institutional or normative pressures? I argue below that new challenges to functional effectiveness, institutional stability, or normative legitimacy are unlikely to undermine the European Constitutional Compromise. Let us consider each dimension in turn, beginning with the substance of policy.

## The substantive dimension of the European Constitutional Compromise

Perhaps the most striking characteristic of the EU as a constitutional system is the limited substantive scope of its mandate. In 1988, Jacques Delors famously

predicted that in ten years '80 percent of economic, and perhaps social and fiscal policy-making' applicable in Europe would be of EU origin.[72] This prediction has become a fundamental 'factoid' in discussions of the EU – often cited as 80 percent of lawmaking *in all issues* in Europe *already* comes from Brussels.[73] Yet recent academic studies demonstrate that the actual percentage of EU-based legislation is probably between 10 and 20 percent of national rule-making.[74] Given the basic structure of the EU constitutional order, this is hardly surprising.

Consider first the substantive limitations on EU policy-making. While there are important areas of centralized governance (monetary policy, anti-trust policy, and restrictions on internal tariffs and quotas) or joint decision-making by EU member states within common institutions (external trade policy, industrial standards, agricultural policy, various economic regulatory matters, certain rules regarding establishment, investment and service provision, and perhaps also basic human rights), these are hardly exhaustive.[75] Many areas are essentially untouched by direct EU policy-making, including taxation, fiscal policy, social welfare, health care, pensions, education, defense, active cultural policy, and most law and order. Moreover, none among the latter policies appears a promising candidate for communitarization. The single market has been declared complete, though incremental expansion continues. In other areas – defense policy, immigration and asylum, law and order, fiscal policy, social policy, even indirect tax harmonization, should it come to pass – EU policy plays a subordinate role. EU policy in these areas tends to proceed by unanimity, with a subordinate role, if any, for the Commission, Parliament and Court. Again selection bias disguises the truth. The limited substantive scope of the EU is obscured by the existing scholarly literature on the EU, which focuses, understandably, on areas of intense EU activity. There is, for example, a considerable literature on the expansion of EU activity in areas like immigration, social policy, and defense. Yet this is in certain respects misleading. Even in areas where there is considerable progress, it is quite limited. By 'selecting on the dependent variable' in this way, EU policy-making literature creates the impression of unbounded expansion of policy-making – whereas in fact we observe only limited forays into new areas.

Consider immigration policy.[76] Cooperation in this area consists largely of 'soft' norms for national policies, coordinated activity *vis-à-vis* third countries, the exchange of data, codification of existing international obligations, and administrative coordination of parallel national policies (such as the granting of visas and passports). This takes place with reduced norms or oversight by the Commission, Parliament or Court, while national governments retain near total discretion in setting rules, deciding individual cases, imposing overall controls on immigration, designing programs to encourage or inhibit immigration, and nearly all other discretionary aspects of status once in EU member states. There appears, moreover, to be little evidence of policy externalities that might give rise to pressures for a wholesale centralized harmoniza-

tion of such decisions. Measured by the scope of meaningful policy discretion, EU immigration controls remain secondary to national ones.

Consider also social policy, which many consider to be the area of greatest promise in the EU. In recent years, EU social policy has inspired an enormous academic literature and considerable political attention, focusing primarily on the innovative 'open method of coordination' (OMC). EU member states are engaged in the OMC, which leads them to exchange information, benchmark policies, and evaluate results. Again, the academic literature is enthusiastic. Leading constitutional lawyers view this process as a striking formal innovation.[77] Leading policy analysts view it as a fundamental shift in the nature of regulation, if not modern state formation.[78] Leading political philosophers and social theorists view it as the central element in an emerging European identity.[79] Leading Socialists view it as the basis for balancing the 'neo-liberal' tendencies of the EU. Students of social policy view it as a promising road for future spillover and integration in a 'historical institutionalist' mode.[80]

Yet there is little evidence that any of this matters for policy outcomes.[81] Controlled empirical studies of the process of European social policy cooperation agree that its substantive results to date have been extremely modest, if present at all. There is some sketchy evidence that governments may have used the information exchange to help plan social reforms, but no solid evidence either of any impact on or policy learning with regard to substantive policy – though some studies point to the ways in which certain governments have improved their administrative procedures, perhaps in part as a result of OMC lessons.

More fundamentally for our concern here, little evidence suggests the existence, viewed from the perspective of the national governments, of underlying negative policy externalities that an EU social policy could plausibly mitigate. Studies of a potential 'race to the bottom' among European governments in social policy have produced little evidence that such problems are significant in the present or inevitable in the future.[82] As a constraint on social spending, almost all analysts agree that domestic demographic, fiscal and policy constraints weigh larger than regional interdependence or policy-making externalities. Moreover, given that the central issue facing European governments is how to consolidate and stabilize welfare systems, it is unclear that any European social policy – except a neo-liberal one – is justified. Finally, to the extent that there are policy externalities to social policy, there is no agreement on the distributional implications of such a policy. To take only the simplest aspect, how would a European social policy balance the claims of rich and poor countries? To be blunt, to what extent should European intervention in social policy aim to redistribute wealth toward a German worker and to what extent toward a Polish one?[83] This is why, although there is considerable discussion of social policy in Europe today, concrete progress and the range of realistic proposals are modest.

This is not to dismiss concerns about spillover entirely. Issues surely exist. Perhaps fiscal policy coordination among Euro countries, anti-terrorism

policy, and the General Services Directive would be useful places to seek unintended or unwanted spillovers of significant size. Some other issues, most notably certain aspects of defense or immigration, might generate pressures strong enough to motivate governments to expand the scope of integration. Yet even in these areas, no serious analyst sees a medium-term prospect of centralizing policy in Brussels, and the major reason for this is the lack of functional pressure.

## The institutional dimension of the European Constitutional Compromise

The absence of opportunities for substantive expansion in EU policy-making on a scale required to alter its constitutional order is further assured by the institutional dimension of the European Constitutional Compromise. Institutional constraints on EU policy today go far beyond the fact that wealthier member states, notably Germany, are less willing than in the past to provide modest side-payments to facilitate interstate bargains.[84] Constraints are embedded in the very essence of the EU's constitutional order, which impose exceedingly tight limits on policy innovation – thereby rendering change through either everyday policy-making or constitutional revision quite unlikely. The EU, to a first approximation, does not tax, spend, implement or coerce and, in many areas, does not even hold a legal monopoly on public authority. This limits the issues it can possibly subsume, absent a unanimously approved redesign of its structure far more fundamental than anything contemplated at the recent constitutional convention.[85] In sum, the EU is not simply unwilling to act in new areas that require coercive, fiscal or human resources; it is constitutionally unable to do so, even as a result of unintended consequences.

We begin with the most basic.[86] The EU has no police, no army, no significant intelligence capacity – and no realistic prospect of obtaining any of these. Even if the most ambitious plans currently on the table in European defense were fully realized, the EU would manage only 2 percent of European North Atlantic Treaty Organization (NATO) forces – and these forces could be employed only for a narrow range of peace-keeping ('Petersburg') tasks. Any deployment can take place only with the consent of each home country – a 'coalition of the willing' approach that makes current efforts to create joint European military forces as intergovernmental commitments as consistent with NATO as with the EU. Fiscal constraints will mean some rationalization of defense procurement, yet the EU does not envisage thereby gaining control over military spending. Similarly, although the EU helps to coordinate efforts to combat international crime, the structure of national police, criminal justice, and punishment systems remains essentially unchanged – save for some information sharing.

The ability to tax, spend, and redistribute wealth is the pre-eminent activity of the modern state. Yet the EU does little of it. EU taxation is capped at about 1.3 percent of the combined gross national product (GNP) of its members and

is substantially below that level now. It represents only about 2 percent of the public spending by European national and local governments (as compared to 70 percent of US public spending by the federal government). EU funds are transfers from national governments, not direct taxation; and their disbursement is directed to a small range of policies like the CAP, regional funds and development aid – leaving little room for discretionary spending by Brussels technocrats. (Efforts to develop such a capacity were cut back by member states.) Even in areas of EU fiscal activity, such as agriculture, most public funding remains national. France is the biggest CAP beneficiary, but national sources provide two-thirds of French farm spending – often enough to counteract EU influence where desired. None of this can change without the unanimous consent of the member states.

Of course, great power resides in the ability to oversee the implementation of detailed regulations, even if non-fiscal, but we must ask: Who implements most EU regulations? Not, in most cases, the Brussels bureaucracy. The EU's employees, who number less than 30,000 – of which 4,000–5,000 are real decision-makers – constitute a workforce no larger than that of a medium-sized European city. They number about *one-fortieth* of the non-military federal workforce in the US, a country noted for the small size of federal civilian employment. So the task of implementing EU regulations falls to national parliaments and officials. Thus, while it is hard for such governments to avoid compliance permanently, they can shade it to benefit this or that domestic group, and delay it for years.

The EU is thus condemned in perpetuity to be what one scholar terms a 'regulatory polity' – a system with instruments of regulation, but little fiscal discretion.[87] It is similarly condemned to delegate back to member states the implementation of its own regulations. Both aspects are critical because the most important issues that remain in the hands of national policy-makers – issues such as social welfare provision, health care, pensions, defense, education, and local infrastructural policy – all involve both discretionary taxation and fiscal capacity, as well as complex systems of bureaucratic monitoring and implementation.[88]

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

## The normative dimension of the European Constitutional Compromise

There are those who argue that spillover will emerge not simply for reasons of substantive policy or because of delegation to autonomous centralized insti-

tutions, as neofunctionalists argued, but because the success of the EU has now provoked a crisis of legitimacy. In this view – perhaps closer to the classical 'federalism' of Spinelli and others than to Haasian neofunctionalism – the EU must democratize or decay.

It is not hard to see why the EU appears democratically illegitimate. Only one branch of the EU is directly elected: the EP. The EP is weaker than national counterparts, and its elections are decentralized, apathetic affairs, in which a small number of voters act on the basis of national rather than EU concerns. The European Commission is widely perceived as a remote technocracy. The ECJ, with fifteen appointed judges, is unusually powerful by the domestic standards of most European countries. Most powerful among Brussels institutions, the Council of Ministers assembles national ministers, diplomats and officials, who often deliberate in secret. Right-wing critics believe the EU is infringing on personal liberty. Left-wing critics view the EU as a throwback to the fiscally weak, neo-liberal state of the nineteenth century, which legally constructed markets with a limited range of balancing social policies.

Legitimacy has two meanings with regard to the contemporary EU – one philosophical and one practical. Some use it to designate the extent to which the EU is consistent with basic democratic principles, others to refer to the level of support and trust for the EU among European publics. The conventional view is that the EU has a 'double' legitimacy crisis, and that crises in each of the two areas are related, because the weakness of public support follows from the lack of philosophically defensible democratic credentials. Critics of current EU institutions, both among Europhiles and Europhobes, argue that EU decision-making is both unstable and illegitimate because it is not based on direct democratic consent. For the past half-decade, this has been the most widespread public argument for fundamental constitutional reform of the EU. It was on the basis of such beliefs, more than anything else, that the recent constitutional convention was called.

Yet the criticism that the EU is democratically illegitimate rests on questionable foundations. As regards abstract democratic legitimacy, most critics reach negative conclusions by comparing the EU to ideal forms of deliberative democracy, rather than the real-world practices of the national democracies they replace. Abstract democratic legitimacy must be judged using reasonable and realistic criteria. No existing government lives up to abstract, utopian standards of imaginary republics. It is far more reasonable to adopt the following standard: is EU governance as democratic as the (presumptively legitimate) domestic decision-making procedures of its member states in dealing with similar issues? When we rephrase the question this way, the claim that the EU is democratically illegitimate is unsupported by the evidence. This conclusion holds, I argue, no matter what mainstream philosophical conception of democracy one starts from: libertarian, pluralist, or deliberative.[89]

*Libertarian democracy*

The *libertarian* conception of democracy, dating back to John Locke and others in early modern Europe, views it as a means to assure limited government by

checking the arbitrary and corrupting power of the state. For libertarians, the European Constitutional Compromise has created a Brussels 'superstate.' This is not just a figment of the tabloid imagination. Arbitrary rule by national and supranational technocrats –'bureaucratic despotism' in Brussels, as Oxford academic Larry Siedentop puts it in *Democracy in Europe* – is a widespread concern among free marketers and libertarian conservatives.[90]

Yet the European superstate is an illusion. The European Constitutional Compromise imposes exceedingly tight constraints on policy – combining elements of the consensus democracy of the Netherlands, the federalism of Canada, the checks and balances of the US, and the reduced fiscal capacity of Switzerland. We have already seen that the EU, broadly speaking, does not tax, spend, implement, coerce or, in most areas, monopolize public authority. It has no army, police, and intelligence capacity, and a miniscule tax base, discretion on spending, and administration. As for constitutional change in the EU, it requires unanimity, often with public ratification, in the member states – a standard higher than any modern democracy except perhaps Switzerland. Such a system is deeply resistant to any fundamental transformation to basically alter the 'regulatory' nature of the European state without broad consensus among a wide variety of actors. This is why the EU only influences between 10 and 20 percent of European policy-making. And it is unlikely to change.

Even more importantly, from the Lockean perspective, the EU's ability to act (even where it enjoys unquestioned legal competence) is constrained by exceptional checks and balances among multi-level institutions. The EU is not a system of parliamentary sovereignty but one of separation of powers, with political authority and discretion divided vertically amongst the Commission, Council, Parliament and Court, and horizontally amongst local, national and transnational levels. The Commission must propose (by majority), the Council of Ministers must decide (by supermajority), European parliamentarians must assent (by absolute majority) and, if the result is challenged, the European Court must approve. National parliaments or officials must then transpose directives into national law, and national bureaucracies must implement them. Overall, this makes everyday legislation as or more difficult to pass as constitutional revision would be in most advanced industrial democracies. Only the exceptional interdependence of European states, which creates important convergence of interest, makes legislation possible at all.

It is important not to go to the opposite extreme and argue that we need not worry about European integration because the EU is so weak. The EU is in fact quite strong in many areas, as in market regulation, monetary policy, trade negotiation, anti-trust and anti-subsidy policy, agricultural policy, industrial standardization and environment policy – in which regulatory activity in Brussels, Luxembourg or Frankfurt dominates European policy-making. Are these activities under legitimate democratic oversight? This query leads us to the next conception of democracy.

*Pluralist democracy*

Many criticize the European Constitutional Compromise from the perspective of a *pluralist* conception of democracy, which stresses the need for EU activities to be accountable to and representative of popular views. To them, the EU policy process, even if under broad constraints, seems unduly to favor national *bureaucrats* and *ministers* at the expense of *parliaments* and *publics.* In some matters, moreover, semi-autonomous supranational authorities, such as the ECJ, the European Central Bank (ECB), and the Commission's Directorate-General for Competition, wield considerable autonomy and discretion. Long chains of delegation dilute the impact of public pressure. Overall, the lack of direct democratic participation seems to imply that the EU is an insulated cartel of supranational and national technocrats bent on regulating citizens free from public scrutiny.

Yet the EU employs two robust mechanisms of democratic oversight: *direct* accountability via the EP and *indirect* accountability via elected national officials in the Council. Over the last two decades, the EP has been supplanting the Commission as the primary interlocutor *vis-à-vis* the Council in the EU legislative process. The EP now enjoys the right, late in the legislative process, to accept, reject or amend legislation in a manner difficult for the member states to reject. The EP is directly elected by proportional representation within nation-states, and often acts independently of ruling national parties. The EP, which tends to reach decisions by large majorities, is most active in precisely those areas where public preferences are strong, such as environmental policy, oversight of the Commission, and social policy.

Indirect accountability, exercised through the European Council, the Council of Ministers, and national implementation, plays an even more important role in assuring accountability. In the European Council, now consolidating its position as the EU's dominant institution, elected national leaders wield power directly – setting the agenda for the EU as a whole. In the Council of Ministers, which imposes the most important constraint on everyday EU legislation, permanent representatives, officials and ministers act under constant instruction from national executives, just as they would at home. In countries that have made it a priority, such as Denmark, national parliaments consider many EU policies before they are legislated. All countries are free to do the same and, as we have seen, member states enjoy considerable discretion as regards implementation of EU rules.

A corollary of accountability is openness. In contrast to the impression of a cadre of secretive Brussels gnomes, EU officials in fact work under transparency and public scrutiny more intense than that found in almost any of its member states. With twenty commissioners and their staffs, fifteen national delegations, over six hundred parliamentarians, hundreds of national ministers and thousands of national officials, *ex ante* parliamentary scrutiny in some countries and *ex post* parliamentary scrutiny in nearly all, and the ultimate need for domestic implementation, there can be no such thing as a monopoly of information in the EU. The EU legislative process works slowly and openly, with no equiv-

alent to ruling by executive decree or pushing legislation swiftly through a friendly parliament. Recent comparative research reveals that the EU's regulatory process is as transparent and open to pressure from interested parties as those of either the US or Switzerland.[91] The EU system may be unfamiliar to its citizens, but it is hardly closed. 'Sunshine' reveal documents, newspapers widely report deliberations, and the near total absence of discretionary spending or bureaucratic adjudication almost eliminates common incentives for corruption. Constant scrutiny from fifteen different governments similarly renders the EU less corrupt than almost any national government in Europe. Recent scandals, often cited to demonstrate the extent of EU corruption, are exceptions that prove the rule. When appointed a commissioner some years back, for example, Edith Cresson – a former French prime minister with a record of sleaze – was unceremoniously removed from office when she could not withstand the glare of Brussels' transnational political culture.[92]

Some pluralists might object that the EU relies too much on technocrats and judges in order to resolve essentially political questions involving the sensitive apportionment of cost, benefit and risk – as in the case of the central bank and constitutional court. Yet there is little that is distinctively 'European' about this pattern of delegation. Political commentators agree that the late twentieth century has been a period of the 'decline of parliaments' and the rise of courts, public administrations and the 'core executive.' Democratic accountability in such bodies is imposed not simply through indirect control through majoritarian institutions, but also through complex systems of indirect representation, selection of representatives, procedural norms, and precise balances among branches of government. The key point for understanding European integration is this: EU judges and technocrats enjoy the greatest autonomy in precisely those areas – central banking, constitutional adjudication, criminal and civil prosecution, technical administration and economic diplomacy – in which many advanced democracies, including EU states, also insulate themselves from direct political contestation.

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

who oppose the interests of majorities with diffuse, longer-term, less self-conscious concerns. Free trade is the most obvious example. Many of the same Europeans who criticize the democratic deficit also call for the US to retain 'fast track' authority to pass trade liberalization – nothing less than empowering the US executive to act with minimal legislative constraint. In such cases, the EU is *more* representative of public preferences precisely because it is *less* directly democratic. On this account only one major EU institution stands out as problematic: the ECB. The ECB enjoys more political independence than any national exemplar, even though the technical (optimal currency area) justification for the bank itself is weaker. This implies that some counterweight to the ECB might be justified.

The accountability of the EU is not simply theoretical; it is manifest in the absence of evidence that the EU imparts an illegitimate bias on European policy-making. Pluralists may quibble about this or that quality of EU institutions, yet to judge by the output, it is difficult to find places where the resulting bias is significant. The EU appears to act largely consistently with mobilized mass public opinion. Where such opinion is engaged, as on environmental issues, genetically modified organisms, foreign policy, and other issues, the EU appears responsive. The scope of its activities, save for a defense policy many Europeans favor but appear reluctant to fund, also conforms to their views.

Consider, for example, the social democratic claim that the unaccountability of the EU creates a strong neo-liberal bias. Here the concern is not that the EU is too strong, as libertarians fear, but that it is too weak. This social democratic critique – drawing on a tradition that dates back to Joseph Schumpeter and Karl Polanyi – begins by noting that most Europeans favor maintaining current levels of welfare spending, as demonstrated by the tendency of member states to spend increasing percentages of GNP on welfare as per capita income increases. This ideal cannot be realized today, it is alleged, because of the tendency of market competition to generate a 'race to the bottom' in regulatory protection between countries. Such fears of 'social dumping' underlie much anti-EU sentiment, especially in the social democratic polities of Scandinavia and northern Europe.

While this criticism is at least more plausible than the libertarian fear that the EU is a regulatory superstate squelching markets and growth, it is nonetheless exaggerated. Where the EU is active, there is little evidence of a regulatory race to the bottom. Instead it has tended to set standards for environmental and consumer protection at a high level. Even where the EU is not active, the best analyses of this question, such as that of German social scientist (and Social Democrat) Fritz Scharpf, conclude that there can be such a race to the bottom in only a few areas, that there is little evidence that it has yet occurred, and where it may have, the effects are limited. Overall, the level of welfare provision in Europe remains relatively stable. National welfare systems are no longer moving strongly in the direction of greater redistribution, but neither are they imploding. Perhaps most importantly for the social democratic critique,

the bulk of recent research suggests that the adverse impact of globalization on social spending in Europe (pensions, medical care and labor market policy) is not great. Far tighter constraints on social spending are imposed by domestic economic, demographic and fiscal trends: the shift to a postindustrial economy, lower productivity growth, declining demand for less skilled workers, and rising costs of health care and pensions. In sum, given the current preferences of European electorates, the EU and national governments, taken together, appear to provide an accountable and representative multi-level system of policy-making.

*Deliberative democracy*

This leads us to a final democratic ideal on the basis of which criticisms of the EU are advanced: *deliberative democracy.*[93] Even those who concede the existence of limited government and democratic accountability in the EU often criticize the European Constitutional Compromise for failing to promote the transnational political parties, identities and discourses that might help render European political participation more active, extensive and meaningful to the citizen. This view is related to widespread support among political philosophers for more 'deliberative' or 'strong' democracy in the belief that it will reconnect to the political process an apathetic and passive citizenry.

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

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

Why are they apathetic? The most plausible reason for such apathy is that the scope of EU regulatory activity tends to be inversely correlated with the importance of issues in the minds of European voters. Of the five most salient issues in European societies today – health care, education, law and order, pension and social security policy, and taxes – none is primarily an EU competence. Amongst the next ten issues in the minds of the public, only

a few (managing the economy, the environment, and the issue of 'Europe' itself) could be considered major EU concerns. In contrast, the affairs of the EU – trade liberalization, agriculture, removal of non-tariff barriers, technical regulation in environmental and other areas, foreign aid and foreign policy coordination – tend to be of low priority in most European polities. Monetary policy lies somewhere in the middle.

The central problem of deliberative democracy is thus to give voters sufficient incentive to care about EU politics and deliberate about it intelligently. In a world without salient issues, new institutional avenues for participation, such as referendums and constitutional conventions, do not necessarily encourage rich deliberation by an engaged population. Instead they can lead to unstable plebiscitary politics in which individuals have no incentive to reconcile their concrete interests with their political choices. This is the lesson of referendums on recent treaties. Consider the Irish referendum on the Nice Treaty, in which public opinion shifted by dozens of percentage points in response to offhand statements by the Commission president, driving citizens in one of the countries that benefits most per capita from EU membership to vote against an innocuous document. Ignorance was so great that the slogan 'If you don't know, vote no' carried the day. This is no way to inspire serious democratic deliberation – or a perception of legitimacy.

The recent episode of constitution-making can be seen as a grand political experiment to test whether democratization of the EU is required, or whether the European Constitutional Compromise is stable in the face of criticism. The explicit reason for holding a constitutional convention was precisely the hope that it would circumvent haggling and national vetoes and activate instead a broad public mandate. European federalists in the Spinelli tradition hoped finally to realize their dream of an active and engaged pan-European citizenry. Pragmatists hoped to combat rising apathy and cynicism towards the EU by radically simplifying the Treaty of Rome, more clearly delineating national and central prerogatives, and creating opportunities for democratic participation. Everyone gambled that an open, web-savvy twenty-first-century reenactment of Philadelphia in 1787 would engage citizens and politicians of all stripes, sparking an epochal public debate on the meaning and future of the EU.

It is increasingly clear that this democratic experiment was a failure, despite the utterly reasonable content of the resulting constitutional draft. The constitutional convention attracted little public interest, the result was modest, and the political costs now threaten to sink the entire project. Few Europeans were aware of the convention's existence, and only a handful could explain what happened there. When testimony from civil society was requested, professors showed up. When a conference of European youth was called, would-be Eurocrats attended. So the task of preparing a constitutional draft was left, as tasks so often are in EU affairs, to parliamentarians, diplomats and Brussels insiders. Two hundred *conventionnels* came, they deliberated and, sixteen months later, little had changed.[94] The resulting document is conservative: a constitutional compromise that consolidates a decade or two of creeping

change. European governments took few steps toward democratizing the EU, beyond a continued expansion of the powers of the EP. Those who mobilized were disproportionately extreme Euroskeptics with intense anti-European feelings, who exploited public ignorance to breed conspiratorial suspicion among largely apathetic but broadly pro-European publics. And now, despite the modesty of the constitutional treaty, politicians are being forced to pay back their borrowed public support with interest, as they guide the proposed document through national referendums.

To transform the EU into an active participatory democracy, it would be necessary to give Europeans a far greater stake in creating new political cleavages based on self-interest – as occurred historically in past episodes of democratization. Amongst the most plausible proposals of this kind is that by Philippe Schmitter of the European University Institute, who proposes that agricultural support and structural funds should be replaced with a guaranteed minimum income for the poorest third of EU citizens, a reform of welfare systems so as not to privilege the elderly, and a shift in power from national citizens to immigrants.[95] This is a coherent scheme for reinvigorating European democracy targeted at the groups most dissatisfied with European integration today – the poorer, less well-educated, female, and public sector populations. Yet Schmitter's proposals have a Swiftian quality about them. (No wonder he coyly calls them 'modest proposals.') Such schemes would surely succeed in 'democratizing' the EU, but only at the expense of its further existence. The impracticality of such schemes demonstrates the lack of a realistic alternative to current, indirect forms of democratic accountability. Proposals of this kind would achieve prominence – but only at the cost of the EU itself.

## CONCLUSION: THE EU'S CONSTITUTIONAL MATURITY

The multi-level governance system of the EU is the only distinctively new form of state organization to emerge and prosper since the rise of the democratic social welfare state at the turn of the twentieth century. Recent events suggest that it may now have reached, through a characteristically incremental process, a stable political equilibrium. This 'constitutional compromise' is unlikely to be upset by major functional challenges, autonomous institutional evolution, or demands for democratic accountability. There is, moreover, an undeniable normative attraction to a system that preserves national democratic politics for those issues most salient in the minds of citizens, but delegates to more indirect democratic forms those issues that are of less concern, or on which there is an administrative or legal consensus. Contrary to what Haas and Monnet believed, the EU does not (or no longer needs to) move forward to consolidate its current benefits. This is good news for those who admire the European project. When a constitutional system no longer needs to expand and deepen in order to assure its own continued existence, it is truly stable. It is a mark of constitutional maturity.

This conclusion takes us back, finally, to Ernst Haas. Neofunctionalism may be incorrect about the preeminence of endogenous economic change, political entrepreneurs, unintended consequences, and continuous movement toward centralization in the integration process. Yet at a deeper level it is valid, indeed visionary. In the 1950s Haas correctly perceived that the EU would not become a success by pursuing the federalist strategy of public debate, elections, and other techniques for building popular democratic legitimacy. Nor would it succeed by building up an army and taking strong positions on the military-political issues of the day, as realists have always recommended. Instead, as we now know, it established itself by helping to meet concrete functional challenges within the context of the power that national governments delegated to or pooled in it. In this Haas has been proven correct. Moreover, that strategy has not only been successful but has created more popular legitimacy and geopolitical influence than more direct federalist or realist strategies might have been expected to generate. In an era in which the federalist and realist temptations have resurged, both among scholars and politicians, we would do well, even when we criticize its precise claims, to embrace the modernizing spirit of Ernst Haas's *magnum opus.*

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## NOTES

1 Professor of Politics and Director, European Union Center, Princeton University. More information, and copies of work cited here, are available at www.princeton.-edu/∼amoravcs.
2 Andrew Moravcsik, 'Striking a new transatlantic bargain', *Foreign Affairs* 82 : 4 (July/August 2003): 74–89.
3 Haas is quite explicit. See, for example, the last sentence of his classic book: 'To this extent the vision of Jean Monnet has been justified by events.' Ernst Haas, *The Uniting of Europe* 3rd edition (Stanford: Stanford University Press, 2004), 527.
4 Larry Siedentop, *Democracy in Europe* (London: Penguin Press, 2000).
5 This conclusion could also be reached from other theoretical starting points. A 'liberal intergovernmentalist' might argue, for example, that exogenous shifts in functional demand arising from issue-specific interdependence will continue to press for integration. The difference is that neo-functionalists saw this as an inevitable and endogenous process. For further discussion see notes 17 and 18.
6 'European federalism, an explicit ideology heavily indebted to Proudhon and Sorel, proved a failure largely because its language proved so peripheral to the objectives of a great majority of active citizens.' Haas, *Uniting of Europe*, xxix.
7 Haas, *Uniting of Europe*, xxxiii.
8 'Military threats,' Haas believes, are insufficient to explain the phenomenon of regional integration. Haas, *Uniting of Europe*, xv.
9 Integration, Haas argued, was launched because it 'offered a multitude of different advantages to different groups' rather than 'identical aims on the part of all the participants.' Haas, *Uniting of Europe*, xii, xxxiii.

10 The essentially economic nature of such interest groups explains why integration is only likely to progress in a region with 'an industrialized economy deeply enmeshed in global trade and finance,' 'interest groups and parties,' and democratic institutions. Haas, *Uniting of Europe*, xxiv–xxxvi, also xiv, xix. The neofunctionalist view of underlying preferences is ambivalent in only one sense, namely that political entrepreneurs manipulate economic policy, at least early in the integration process, to achieve political ends such as 'peace' as well as 'welfare.' Haas, *Uniting of Europe*, xx.
11 Haas, *Uniting of Europe*, xii.
12 Haas, *Uniting of Europe*, xxi.
13 For a succinct overview, see Charles Pentland, *International Theory and European Integration* (New York: The Free Press, 1973). More up-to-date but less subtle and reliable on major theoretical schools is Ben Rosamond, *Theories of European Integration* (London: Palgrave Macmillan, 2000).
14 Haas, *Uniting of Europe*, xxxiii. Note that the essence of the claim is that new functional challenges arise as an unintended function of the solution of old problems.
15 This is the direction that Haas's later work on international organization would take. See Haas, *Uniting of Europe*, *xii–*lvi.
16 'Though not federal in nature, the consequences [of supranational institutions] are plainly federating in quality merely because it activates socio-economic processes in the pluralistic-industrial-democratic milieu in which it functions, but to which conventional international institutions have no access. And to this extent the vision of Jean Monnet has been clearly justified by events.' Haas, *Uniting of Europe*, 527.
17 It does not follow, however – as many of Haas's followers incorrectly claim – that theories based on exogenous changes in economic interdependence are incapable of explaining change, which is incorrect on its face. Martin Saeter perpetuates the canard that exogenous theories of preferences, interstate decision-making and delegation are 'predominantly static,' 'cannot explain the transformation of the system into a more integrated one,' and 'disregard the transfer of competences . . . following treaty obligations . . . i.e. the *acquis communautaire.* Explaining European integration during the 1990s clearly requires a broader approach.' Martin Saeter, *Comprehensive Neofunctionalism: Bridging Realism and Liberalism in the Study of European Integration* (Oslo: Norwegian Institute of International Affairs, n.d.). Elsewhere Saeter contradicts himself on this point. 'A supplementary hypothesis would be that the greater the external, or international, challenges are, the more pressing will be the need for deepening.' He then ends up taking refuge in indeterminacy: 'Of course no theory can possibly pretend to provide a basis for prediction about political choices of such a kind.' Saeter, *Comprehensive Neofunctionalism*, 90.
18 A point often missed in glosses on these theories is that the essential difference between neofunctionalist claims and those of more classically regime theoretical theories – often termed 'liberal intergovernmentalist' – is not that the former explain dynamic change and the latter are static. It is that neofunctionalism explains dynamic change (as opposed to moving to a new equilibrium) primarily through endogenous spillover, while LI explains it as a response to exogenous pressures or intended consequences of previous agreements. For a useful discussion see Ben Rosamond, *Theories of European Integration* (London: Palgrave MacMillan, 2000), 68–73. Oddly, Haas remarks in his introduction to the 2004 edition of *Uniting of Europe*, in which he argues that liberal intergovernmentalism 'conforms exactly to the main ideas of neo-functionalism.' Haas, *Uniting of Europe*, *xvii. This is obviously not the case, as shown by Haas's discussion immediately following, which leaves liberal intergovernmentalism behind and focuses on work by determined critics of LI. For a discussion of the use and abuse of the distinction,

see Donald Puchala, 'Institutionalism, Intergovernmentalism, and European Integration: A Review', *Journal of Common Market Studies* 37 : 2 (June 1999), 317–31.

19 Haas, *Uniting of Europe*, *xii–*lvi. In his book Haas seeks to explain the deepening of integration from 1950 to 1957, leading to the founding of the EEC. In later work he seeks to explain integration in the 1960s as a consequence of earlier decisions, rather than as a continuing response to external pressures.

20 Haas, *Uniting of Europe*, xxiii. 'Once established,' he argued in 1958, 'the central institution will affect political integration . . . if it is willing to follow policies giving rise to expectations and demands for more – or fewer – federal measures.' Haas, *Uniting of Europe*, xxxiii, also xii. Haas quite arbitrarily discusses integration as if exogenous factors can matter only as preconditions at the time integration is launched, not at any subsequent decision point.

21 There is no reason why an adequate explanatory theory need be predictive. A prediction about the future based on a claim 'If A then B' depends not only on knowing the causal relationship, but knowing the value of A. Often we can measure the value of A in the past, but not in the future. In this sense, most social scientific theories are more explanatory than predictive. Haas, perhaps consistent with his Monnetist ambitions, was the reverse; he was more interested in prediction than explanation. I am indebted to Philippe Schmitter for pressing me on this point.

22 Robert O. Keohane and Joseph S. Nye, 'International Interdependence and Integration', in Fred Greenstein and Nelson Polsby, *Handbook of Political Science* (Andover, MA: Addison-Wesley, 1975), 363–414.

23 Here I follow the analysis in *Choice for Europe*, Introduction, Chapters 1 and 7.

24 For a summary of a decade of work, seePhillippe Schmitter, 'A Revised Theory of European Integration', in Leon N, Lindberg and Stuart A. Scheingold, eds, *Regional Integration: Theory and Practice* (Cambridge, MA: Harvard University Press, 1971); Leon N. Lindberg and Stuart A. Scheingold, *Europe's Would-Be Polity: Patterns of Change in the European Community* (Englewood Cliffs, NJ: Prentice-Hall, 1970).

25 Ernst B. Haas, 'International Integration: The European and the Universal Process'. In *International Political Communities: An Anthology*, 93–130. New York: Doubleday, 1966; Haas, 'The Study of Regional Integration: Reflections on the Joy and Anguish of Pretheorizing', in Leon N. Lindberg and Stuart A. Scheingold, eds., *Regional Integration: Theory and Research* (Cambridge, MA: Harvard, 1971), 23ff; Haas, 'Turbulent Fields and the Theory of Regional Integration', *International Organization* 30, no. 2 (Spring 1976): 173–212.

26 Haas, *Uniting of Europe*, xxvi–xxviii. To be sure, neofunctionalists did analyze other efforts at regional integration – generally concluding that the potential for integration was slight. For a subtle treatment, see Joseph S. Nye, *Peace in Parts: Integration and Conflict in Regional Organization* (Boston: Little Brown, 1971).

27 Donald Puchala, 'Of Blind Men, Elephants, and International Integration', *Journal of Common Market Studies* 10 : 3 (March 1972), 267–85. Also Pentland, *International*, 189–94; Carole Webb, 'Theoretical Perspectives and Problems', in Helen Wallace, William Wallace and Carole Webb, eds., *Policy-Making in the European Community*, 2nd edition (Chichester: Wiley, 1983), 32ff.

28 Janne Haaland Matláry, 'Beyond Intergovernmentalism: The Quest for a Comprehensive Framework for the Study of Integration', *Cooperation and Conflict* 28 : 2 (1993): 181–208; Linda Cornett and James A. Caporaso, '"And It Still Moves!" State Interests and Social Forces in the European Community', in James N. Rosenau and Ernst-Otto Czempiel, eds., *Governance without Government: Order and Change in World Politics* (Cambridge: Cambridge University Press,

1992), 248; Michael O'Neill, *The Politics of European Integration: A Reader* (New York: Routledge, 1996), 5.

29 Haas, *The Uniting of Europe*, xii–xiv. The passive voice in the title *The Uniting of Europe* captures the spirit of the enterprise.

30 See note 18 above.

31 Haas, 'Study', 26; Haas, *The Obsolescence of Regional Integration Theory* (Berkeley: Center for International Studies, 1975), 86. On the links between interdependence, governance and learning, see Haas, *The Web of Interdependence: The United States and International Organizations* (Englewood Cliffs, NJ: Prentice-Hall, 1970).

32 Henry R. Nau, 'From Integration to Interdependence: Gains, Losses and Continuing Gaps', *International Organization* 33 : 1 (Autumn 1979), 119–47; Keohane and Nye, 'International Interdependence and Integration', 363–414; Stanley Hoffmann, 'Reflections on the Nation-State in Western Europe Today', *Journal of Common Market Studies* 21 : 1–2 (September–December 1982), 21–37.

33 James Caporaso and John T.S. Keeler, 'The European Community and Regional Integration Theory', in Carolyn Rhodes and Sonia Mazey, eds., *The State of the European Union: Building European Unity?* (Boulder: Lynne Rienner, 1995), 43; Likke Friis, 'Challenging a Theoretical Paradox: The Lacuna of Integration Theory' (Copenhagen: CORE Working Paper 2, 1995), 2.

34 This lies behind the criticisms of scholars like Milward and Ludlow that a 'social history' of integration is required. The neofunctionalists did stress the role of economic transactions. Ernst B. Haas and Philippe C. Schmitter, 'Economics and Differential Patterns of Political Integration: Projections about Unity in Latin America', *International Organization* 18 : 4 (Autumn 1964), 707, 709–10.

35 There is a tendency in neofunctionalist theory to argue that they do not have to engage in any rigorous theory testing against *any* alternative, since their theory *subsumes* those alternatives. Yet this sort of relabeling misses the point, which concerns mid-range theory. In order to explain why feedback is important, one needs to know what factors influence static decisions and how they do so – since it is these latter factors that feedback would need to alter. Thus, in order to analyze feedback, we require an explicit micro-foundational theory of how societal pressures, national bargaining power, and transaction-cost incentives are transformed into policy outcomes – a theory whose empirical validity we can test. Similarly, in order to show that the sources of long-term change were endogenous consequences to previous integration decisions, rather than responses to exogenous trends and shocks, one needs to theorize and evaluate (as an alternative baseline theory) the exogenous influences on basic elements of state behavior, such as preferences, bargaining power, and transaction-cost incentives to institutionalize policies.

36 Ernst B. Haas, 'The Study of Regional Integration: Reflections on the Anguish and Joy of Pre-Theorizing', in Lindberg and Scheingold, eds., *Regional Integration*; Ernst B. Haas, *The Obsolescence of Regional Integration Theory* (Berkely, CA: Institute of International Studies, 1975).

37 Lindberg and Scheingold, *Europe's Would-Be Polity*, 284; Joseph S. Nye, *Peace in Parts: Integration and Conflict in Regional Organization* (Boston: Little, Brown, 1971), 64–75; Philippe Schmitter, 'A Revised Theory of Regional Integration', in Lindberg and Scheingold, eds., *Regional Integration*, 232–64; Ernst B. Haas, 'Technocracy, Pluralism and the New Europe', in Stephen R. Graubard, ed., *A New Europe?* (Boston: Houghton Mifflin, 1964), 62–88. Neofunctionalism failed, Haas argued, to capture the real decisions facing governments, for example the choice – repeatedly critical in the evolution of the EC – whether to engage in regional or global cooperation.

38 Ernst B. Haas, *Beyond the Nation State: Functionalism and International Organization* (Stanford, 1964), 34–5, 81; Haas, 'Turbulent', 173.
39 Hoffmann, 'Reflections', 31, 33–4; Haas, *Beyond the Nation State*, 23, 30, 32–5, 77. Ultimately Haas moved in a different direction, seeking to reconceptualize 'learning' through a process of trial and error and the application of expert knowledge, though he conceded a greater role for learning occurred as actors assess whether integration 'enhances the original purposes of the actors.' Late in his career he flirted with constructivism as a means to pursue the research agenda further.
40 For the link, see Robert O. Keohane and Stanley Hoffmann, 'Institutional Change in Europe in the 1980s', in Keohane and Hoffmann, eds., *The New European Community: Decision-Making and Institutional Change* (Boulder: Westview Press, 1991), 1–39.
41 Rosamond, *Theories.*
42 Theoretical analyses of integration theory tend to mistake debate over theory for empirical ambiguity. Ben Rosamond, for example, points out that there are competing positions in integration theory, but makes little sustained effort to weigh them empirically, let alone offer a critical analysis of the empirical evidence. Diversity of opinion, it seems, is more important than empirical progress. Compare, Rosamond, *Theories of European Integration*, with superior treatments that seek to incorporate empirical data, such as John Peterson and Elizabeth Bomberg, *Decision-Making in the European Union* (London: Palgrave Macmillan, 1999).
43 Characteristic is Jeppe Tranholm-Mikkelsen, 'Neofunctionalism: Obstinate or Obsolete. A Reappraisal in the Light of the New Dynamism of the EC', *Millennium* 20 : 1 (Spring 1991); Wayne Sandholtz, *High-Tech Europe: The Politics of International Cooperation* (Berkeley: University of California Press, 1992); Paul Pierson, 'The Path to European Union: An Historical Institutionalist Account', *Comparative Political Studies* 29 : 2 (April 1996), 123–64.
44 See Alan S. Milward, *The European Rescue of the Nation-State* 2nd edition (London: Routledge, 2000); Moravcsik, *Choice for Europe.*
45 Moravcsik, *Choice for Europe*, Chapter 1, supersedes Andrew Moravcsik, 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach', *Journal of Common Market Studies* (30th Anniversary Edition) (December 1993).
46 Moravcsik, *Choice for Europe*, Chapter 7, finds that in eight of fifteen cases geopolitical concerns and federalist ideology played an important secondary role, and in three cases, all including Germany, agreement might have been impossible without them. He concludes also that certain elements of the EU, perhaps even including the agricultural policy and the quasi-constitutional structure, may have reflected geopolitical and ideological concerns.
47 This is not to say, of course, that all cooperation in the EU is economic. The essence of the LI position is *not* that economic issues dominate political ones. It is that: (1) states pursue national interests formulated as preferences across outcomes; (2) these national preferences reflect concrete issue-specific concerns more than general ideological concerns or linkages to other issues. This does not exclude, of course, that bargains would be reached across issues.
48 He did glimpse, however, that the founding of the EEC was in most respects a *repudiation* of the ECSC, which was viewed by European businessmen, notably in Germany, as unacceptably *dirigiste*, and by policy-makers as a noble failure. For the latest historiography, see Gunnar Skogmar, *The United States and the Nuclear Dimension of European Integration* (Basingstoke: Palgrave Macmillan, 2004).

49 Exogenous is used here in the social scientific, not geographical sense. I do not mean pressures from outside Europe, but pressures causally independent of prior integration.
50 Here is the passage in its entirety: 'One plausible explanation [for the success of cooperation among the Six and not in the OEEC] is that France, in ECSC, is face to face with four governments committed to common market thinking, while Italy is equally sympathetic in principle though sometimes desirous of arguing the case of her defensively-minded heavy industries. In OEEC, by contrast, the German and Benelux position enjoys no clear and consistent majority. But this fact alone does not suffice to explain the French refusal to use the veto power, and the good record of eventually complying with ECSC orders. It is suggested that the concept of "engagement," already introduced in connection with the Messina conference, provides a convincing explanation, combining institutional and ideological causes. The concept of "engagement" is developed as an adaptation from a similar principle in small-group psychology.' Haas, *Uniting of Europe*, 522. Haas provides no evidence that this shift is endogenous to past integration, nor any reason why exogenous interests cannot explain the French veto. For his prior evidence of the positions of national governments at Messina, consistent with the political economy approach, see also pp. 268–70.
51 Haas, *Uniting of Europe*, 512–27. This implies that *any* sort of interstate agreement demonstrates the 'supranational principle' at work.
52 See the discussion in notes 17 and 18 above.
53 See Jeffrey A. Frankel, Ernesto Stein, Shang-Jin Wei, *Regional Trading Blocs in the World Economic System* (Washington: Institute for International Economics, 1999).
54 Haas neglects the quiet but essential role of agriculture in the founding of the EEC. Concern about agriculture, and the notion that agricultural problems could be solved by finding neighboring export markets, were not created by the EEC. There is overwhelming evidence that French leaders would never have secured the votes to ratify the treaty without the votes of the agricultural bloc. François Duchêne, *Jean Monnet: First Statesman of Interdependence* (New York: Norton, 1995), 291. Craig Parsons (in an interesting and informed, if one-sided, analysis) seeks to defend the even more radically neofunctionalist thesis that French policy-makers did not think about agriculture in the context of Europe until induced to do so by EEC discussions in 1962 or 1963. See *A Certain Idea of Europe* (Ithaca: Cornell University Press, 2003). Empirically, this is an utterly unsustainable position, as the evidence above suggests. It gains credibility only because it conflates a state having a preference with an item being prominent on international agendas. Agriculture was not discussed in detail in the EU before the early 1960s, for tactical reasons, but it played an important role in French thinking throughout.
55 For a summary of evidence, see Milward, *Rescue*; Moravcsik, *Choice*, Chapter 7.
56 This case is argued in detail in Moravcsik, *The Choice for Europe*.
57 Fritz Scharpf, 'The Joint-Decision Trap: Lessons from German Federalism and European Integration', *Public Administration* 66 (Autumn 1988): 239–78. Fritz Scharpf, 'Europäische Demokratie und deutsche Föderalismus', *Staatswissenschaft und Staatspraxis* 3: 296–306.
58 See the discussion in Moravcsik, *Choice for Europe*, Chapters 2–3, 7 and Andrew Moravcsik, 'A New Statecraft? Supranational Entrepreneurship and Interstate Cooperation', *International Organization* 53(2) (Winter 1999): 267–306. This is not the result of short time horizons, as the lack of any subsequent effort to reverse these subsidies, as well as the similar behavior in this period of non-EU members like Switzerland, Austria, Japan, Ireland and most of Scandinavia illustrate.

59 Here I summarize the findings from Moravcsik, 'A New Statecraft?' which develops the theories presented here, and tests them using data in *The Choice for Europe*.

60 Wayne Sandholtz and John Zysman, '1992: Recasting the European Bargain', *World Politics* 42 (Winter 1989): 95–128; George Ross, *Jacques Delors and European Integration* (Oxford: Polity Press, 1995), who writes: 'the political lucidity of the Commission's proposals and the shrewdness with which they have been presented have been central variables in Europe's forward movement . . . In contrast to ordinary international organizations, the EC was set up to contain a supranational "motor" which would constantly press forward towards more integration – the Commission was not designed simply to be a "delegated agent" of EC member states' (pp. 3–4).

61 Most studies, even those that seek to establish neofunctionalist claims, concede that exogenously motivated state behavior explains most of the outcome. For an overview of more recent cases, see Andrew Moravcsik and Kalypso Nicolaïdis, 'Explaining the Treaty of Amsterdam: Interests, Influence, Institutions', *Journal of Common Market Studies* (March 1999); Finn Laursen, ed., *The Amsterdam Treaty: National Preference Formation, Interstate Bargaining, and Outcomes* (Odense: Odense University Press, 2002); Paul Magnette and Kalypso Nicolaïdis, 'The European Convention: Bargaining in the Shadow of Rhetoric', *West European Politics* 27(3) (May 2004): 381–404.

62 Milward, *Rescue of the Nation State*, Chapter 6.

63 Even his sympathetic (and best-documented) biographer, former Monnet collaborator François Duchêne, attributes to Monnet the idea of regional integration in 1949–50, but little in subsequent years. See his *First Statesman of Interdependence.* Haas also underestimates the independence of mind of Dutch diplomats, led by Willem Beyen, who were far more skeptical of sectoral integration than Haas's account suggests. See Haas, *Uniting of Europe*, 269–70. Cf. Moravcsik, *Choice*, 139–50.

64 Moravcsik, 'A New Statecraft?'.

65 Here I do not address neofunctionalism's presuppositions about institutional delegation, which imply: (1) centralization will occur across the board, and notably in areas of the most intense national regulation; (2) evidence that governments are overruled by central authorities is evidence for 'supranationalization' of politics. Neither is adequate. The first claim is not empirically accurate. Modern theories of international regimes assume that delegation to international institutions is a rational means of making credible commitments to further cooperation. This implies that centralization of authority is required primarily to manage the transaction costs. It would be interesting to test these claims against one another. The second claim is underspecified, since regime theory also predicts that governments will sometimes be outvoted or overruled. For further discussion of delegation see Moravcsik, *Choice for Europe*, pp. 67–77, 485–489.

66 Consider, for example, Simon Hix's uncommonly intelligent and sophisticated advanced introductory textbook on the EU, designed to reflect 'state of the art' theory and research. Hix devotes nearly dozens of pages to the Parliament, Court, and autonomous actions of the Commission, far less to the Commission in the legislative process and the Council of Ministers, and only a handful to the European Council and to national implementation. This strikes me as a distribution that perfectly reflects current scholarship on the EU, but also one inversely proportional to the respective importance of these institutions in shaping the overall trajectory of European integration. Simon Hix, *The Political System of the European Union* (New York: Palgrave, 1999). Cf. for a more balanced presentation, Mark

Pollack, *The Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU* (Oxford: Oxford University Press, 2003).

67 See Mark Pollack, *Engines of European Integration.* Anne-Marie Burley and Walter Mattli, 'Europe before the Court: A Political Theory of Legal Integration', *International Organization* 47: 1 (Winter 1993): 41–76. Karen J. Alter, *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe* (Oxford: Oxford University Press, 2001). For further empirical testing, see Alec Stone Sweet and Thomas Brunell, 'Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community', *American Political Science Review* 92(1) (March 1998): 63–81.

68 One would not want to make a rigid distinction here, as many forms of policy-making combine the two. Yet we can still usefully discuss how centralized European policy-making is.

69 Some – including reviewers of this article – find it surprising or objectionable that I compare the EU to a state rather than to an international organization. One hears this sort of dichotomy – often expressed as a spurious distinction between conceiving of EU politics as 'comparative politics' and 'international relations,' or conceiving the EU as a 'state' and the EU as an 'international organization.' But is this distinction helpful? In social science there are fundamental theories of political economy, non-coercive bargaining, and institutions. Properly specified and applied, they explain politics regardless of the level or sub-discipline; any restrictions follow only from the precise institutional setting. This sort of misunderstanding would be less important but for the fact that it dovetails with 'paradigmatic' formulations such as a tension between 'liberal intergovernmentalism' and 'multi-level governance.' In my view, these sorts of dichotomies are unwelcome legacies of the parochially EU-specific 'grand theoretical' language Haas and others introduced to the study of the EU (and carried on today in some textbook writing on the EU). In fact such claims are not mutually exclusive. Far from denying that the EU is a multi-level governance institution, 'liberal intergovernmentalism' (LI) dictates that it must be such an institution. Recall that LI models interstate negotiations to amend the EU's constitutional treaty basis as a three-stage process of national preference formation, interstate bargaining, and institutional delegation. In the third step, governments delegate to EU institutions as credible commitment mechanisms, within which further decisions are taken. This in turn implies that there is substantial uncertainty about precisely what decisions will be taken within the treaty arrangements, otherwise governments would simply negotiate the subsequent agreements *ex ante*. Such delegated institutions empower national governments to outvote their counterparts; social and bureaucratic actors to act as litigants, lobbyists or representatives; European citizens to vote for elected representatives; and supranational actors to render decisions. *All this is implied by LI itself.* If institutions were unimportant, then governments would not need to negotiate over the delegation to them set down in treaty-amending negotiations, and LI would not need to theorize how they do so. All this, moreover, is utterly consistent with the transaction-cost basis of the 'regime theory' developed by Robert Keohane and others, now a quarter-century old and the explicit basis of LI. To draw a contrast between 'liberal intergovernmentalist' and 'multi-level governance' frameworks as stark alternatives is, therefore, profoundly misleading. For a more nuanced approach, see Pollack, *Engines of European Integration.*

70 Martin Saeter's reformulation, for example, is cited approvingly by Haas. He sets up the central issue as follows: 'European integration is seemingly moving along a continuum, without any logical end stage, leading from the present, predominantly

confederal, type of system towards increasingly federal-type, supranational mechanisms and structures.' Saeter, *Comprehensive Neofunctionalism*, 90.

71 This is not to say, as Niall Ferguson, Martin Feldstein and others have speculated over the past decade, that the EU will decay or dissolve. See Niall Ferguson, 'The End of Europe' (address at the American Enterprise Institute).

72 'En 1988, Jacques Delors avait annoncé que "dans dix ans, 80% de la législation économique, peut-être même fiscale et sociale, applicable dans les Etats-membres seront d'origine communautaires"', Michel Barnier, 'Le grand secret de la présidentielle', *Libération* (12 February 2002): 15.

73 For example, see Simon Hix, 'A Union that is a System, not a State', *Financial Times* (9 May 1998), 10; 'The Omnipotence of Brussels', *Financial Times* (8 August 1995), 13; Martin Walker, 'Walker's World: The New Enfeebled EC', *United Press International* (5 August 2004); Briony Warden, 'The Floundering Fathers of Europe', *The Sun* (1 March 2002); Bernard J. Mulholland, 'Personally Speaking', *Global News Wire – Europe Intelligence Wire* (26 February 2002); Eric Zemmour, 'La fin d'une fiction franchise', *Le Figaro* (17 June 2004), 9; Thomas Ferenczi, 'Plus de la moitié de la législation française est d'origine européenne', *Le Monde* (14 June 2004). One leading government minister, who often uses the EU as an excuse for legislative proposals, has recently argued that 60 percent of domestic legislation originates with the EU. Barnier, 'Le grand secret', 15.

74 For example, Annette Töller, 'Dimensionen der Europäisierung – Das Beispiel des Deutschen Bundestages', (unpublished paper, Hamburg, 2003).

75 Giandomenico Majone, *Regulating Europe* (London: Routledge, 1996).

76 Virginie Guiraudon, 'Immigration and Justice' (Paper presented at conference on The European Union and the New Constitution – A Stable Political Equilibrium?, Princeton University, November 2004).

77 Gráinne de Búrca, 'The Constitutional Challenge of New Governance in the European Union', *European Law Review* 28 (2003): 814.

78 Charles Sabel and Jonathan Zeitlin, 'Active Welfare, Experimental Governance, Pragmatic Constitutionalism: The New Transformation of Europe' (May 2003, available at http://www2.law.columbia.edu/sabel/papers.htm).

79 Jürgen Habermas, 'Why Europe Needs a Constitution', *New Left Review* 11 (September–October 2001).

80 For a leading and very optimistic scenario, see Paul Pierson and Stefan Leibfried, eds., *European Social Policy* (Washington: Brookings Institution, 1995).

81 For a recent empirical assessment that, despite the strongest possible effort, finds little evidence of progress, see Jonathan Zeitlin and Philippe Pochet, with Lars Magnusson, eds., *The Open Method of Coordination in Action: The European Employment and Social Inclusion Strategies* (Brussels: PIE-Peter Lang, forthcoming).

82 Fritz Scharpf, *Governing in Europe: Effective and Legitimate?* (Oxford: Oxford University Press, 1999).

83 For a critique of Scharpf addressing this and other points, see Andrew Moravcsik and Andrea Sangiovanni, 'On Democracy and Public Interest in the European Union', in Wolfgang Streeck and Renate Mainz, eds., *Die Reformierbarkeit der Demokratie. Innovationen und Blockaden* (Frankfurt: Campus Verlag, 2002), 122–48.

84 Ferguson, 'The End of Europe'.

85 Scharpf, *Governing in Europe.*

86 For full citations see Moravcsik, 'In Defense of the Democratic Deficit: Reassessing Legitimacy in the European Union', *Journal of Common Market Studies* 40 : 4 (November 2002); 'Federalism in the European Union: Rhetoric and Reality', in Kalypso Nicolaïdis and Robert Howse, eds., *The Federal Vision: Legitimacy and Levels of Governance in the US and the EU* (Oxford: Oxford University Press, 2001).

87 Majone, *Regulating Europe*.
88 This does not imply, as Majone has argued and others have incorrectly attributed to me, that EU policies have no important redistributive consequences. Obviously they do.
89 Here again I follow the analysis in Moravcsik, 'In Defense of the Democratic Deficit', which provides full citations.
90 In a curiously anachronistic reading of EU history, Siedentop sees the EU as a scheme imposed by France – in the manner of Louis XIV and Napoleon – to propagate the French administrative state across the continent. Siedentop, *Democracy in Europe*.
91 Thomas Zweifel, 'Who is Without Sin Cast the First Stone: The EU's Democratic Deficit in Comparison', *Journal of European Public Policy* **9**(5) (2002): 812–40.
92 More recent Commission administrative slip-ups generally stem from the Commission's lack of staff, which requires many tasks to be outsourced to semi-private groups. They have triggered an immediate public and parliamentary response.
93 Again, this analysis follows Moravcsik, 'In Defense of the "Democratic Deficit"', and 'Is there a Democratic Deficit in Global Governance?', where full citations are provided.
94 See Peter Norman, *The Accidental Constitution* (Brussels: Eurocomment, 2004). Norman, it is fair to note, believes that the consequences of the convention were unintended and represent a sort of spillover. For a contrasting view, which makes the most positive case for spillover that is empirically sustainable, and nonetheless falls short, see Magnette and Nicolaïdis, 'The European Convention'.
95 Phillippe Schmitter, *How to Democratize the European Union . . . and Why Bother?* (Lanham, MD: Rowman and Littlefield, 2000).