



History of European Integration Research Society

**“The making and unmaking of the European Union:
Fifty-five years of crabwalk?”**

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Papers

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Introduction

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Initiated in the summer of 2004 by a group of young researchers, the History of European Integration Research Society (HEIRS) aims to facilitate communication and the exchange of information among historians and social scientists researching the European integration process. In particular, it was intended to overcome the isolation of doctoral research. HEIRS has now developed into an active and lively network, with researchers meeting to exchange ideas at annual conferences and through other formats. At the first HEIRS conference, in November 2004, researchers gathered to discuss the broad state of the field of European integration history. The second conference was held a year later at the University of Portsmouth and featured a more specific goal, namely to explore interdisciplinary and/or methodological issues relating to the study of European integration. Under the heading “The making and unmaking of the European Union: Fifty-five years of crabwalk?”, research students and postdoctoral researchers from all over Europe and from diverse disciplinary backgrounds assembled to present their research. The conference thus provided a forum for historians and social scientists of European integration to discuss the expectations, problems and challenges involved in adopting a cross-disciplinary or interdisciplinary approach. This booklet presents a collection of those papers given at the conference, their authors having modified the papers both in the light of the conference experience itself and with the subsequent opportunity of extending their papers further for publication. A further five papers were given at the conference, by Professor François Pernot and Dr Georges Saunier, Professor A. Nuri Yurdusev, Anne Bruch and Rafiki Soilihi, and although these were much valued contributions to the conference they were not included here.

When preparing the conference, we invited our distinguished guest speakers to question the disciplinary boundaries of their own research areas and to reflect on the merits of cross-disciplinary and interdisciplinary research. Eckart Conze, Wolfram Kaiser, Piers Ludlow, Berthold Rittberger and Alex Warleigh accepted our invitation and have each offered their own perspective on these questions. Instead of summarising their statements individually, we have absorbed them into what could be the framework for a new interdisciplinary and shared research agenda. *First*, historians and social scientists are encouraged to discuss and to utilize the findings of each others' disciplines. In engaging with the other social sciences, historians have the opportunity to consider integrating the writings of social scientists to better conceptualize and theorize political events, especially recent events, as well as to understand the role of individual and collective actors in policy making. Social scientists, on the other hand, could learn from historians how to integrate a diachronic dimension into their work and how to use original sources in a contingent manner. *Second*, the area of EU studies provides an institutional framework for this knowledge transfer across disciplinary boundaries. *Third*, while acknowledging the merits of cross- and interdisciplinary approaches, we have at the same time to be aware of the pitfalls and limits of such approaches. To give an example, the divergent uses of ‘theory’ and different conventions of framing and communicating research results have to be addressed in interdisciplinary projects. *Fourth*, historians wishing to overcome the confines of European integration historiography, which has to date focussed primarily on bilateral relations (between individual member states and the EU level) and on governmental sources, will gain significant advantages in so far as they embark on multilateral and multi-archival research projects. Moreover, historians could explore in greater detail the impact of supranational and transnational actors on the integration process. *Fifth*, historians are encouraged to be more inventive and break with the “30-year itch”, i.e. to trot out hasty publications following the standardized disclosure of governmental records after a period of 30

years. The natural haste associated with the 30-year rule might be balanced by directing to “old” sources entirely new research questions informed by developing social sciences concepts.

All of the papers included in this booklet speak to one or more points of the framework for a new interdisciplinary and shared research agenda. The booklet comprises three thematic sections: European identities, European policies and European actors. In the first section on European identities, Muriel Rambour approaches the concept of a European identity from a political science perspective in looking critically at the Eurobarometer surveys and the possibilities and limits of such opinion polls for researching European identity. She then argues in favour of combining historical and social scientific approaches when analysing European identity. By using the concept of dialogical identity construction, Sophie Huber examines whether a European nationalism directed against the USA as the new ‘Other’ can be detected in the speeches of European actors in the 1960s. Cristina Blanco Sío-López looks at the role of identity construction in promoting eastward enlargement by using the concept of ‘rhetorical action’.

The papers investigating European policies both deal with competition policy, one of the most prominent of the European Union’s economic policies. Further, both adopt a cross- or interdisciplinary approach to their study. Laurent Warlouzet applies different theories and concepts of European integration, all derived from political science, to his historical research on the origins of European competition policy. Adopting a historical institutionalist approach to study the role of the European Courts of Justice in shaping competition policy, Nathalie Aubry evaluates the significance of changing structural contexts in policy making.

In the section on European actors, Sebastian Lang-Jensen analyses both the historiography and the political science literature on the European Parliament, the political parties and the MEPs. He pleads for re-writing the history of the European Parliament which would have to emphasize more the role of party groups and the MEPs as actors in the European integration process. By analysing the press coverage of the European summits of The Hague (1969) and Paris (1974), Jan-Henrik Meyer studies the constitution of a European public sphere at the time of these two events. In the paper of Kerstin Poehls, the focus shifts from a European public sphere to European elite formation. She examines the formation of a ‘homo Europaeus’ at the Collège d’Europe.

We would like to thank all conference participants for their contributions to the discussion and all authors for their stimulating papers. We would like to thank the Centre for European and International Studies Research (CEISR), University of Portsmouth, and especially Tony Chafer, the Director of CEISR, for his continuing support and encouragement. We would also like to express our gratitude to the Centre of International Studies, University of Cambridge. Last, we are very grateful to Eckart Conze (Marburg), Piers Ludlow (LSE, London), Berthold Rittberger (Kaiserslautern/Nuffield College, Oxford) and Alex Warleigh (Limerick) for taking part in our Colloquium and presenting inspiring papers.

Merger Control and the European Courts : A historical institutionalist account

Nathalie Aubry¹

Reflecting on historical institutionalism, this paper will present the role of the European Court of Justice/Court of First Instance (thereafter ECJ/CFI) in the development of a European merger control system. Three main phases are identified here mirroring the different roles of the European Courts in merger regulation.

Despite a rather weak start (Alter, 1996, Thelen & Steinmo, 1992, Wincott, 1995), the European Courts of Justice were soon to expand their authority beyond Article 164 (EEC)² and become acknowledged motors of integration (Burley & Mattli, 1993, Alter & Meunier-Aitsahalia, 1994, Dehousse, 1998, Barani, 2005). This paper does not intend to review classic cases such as *Van Gend en Loos*³, *Costa*⁴ or *Cassis de Dijon*⁵. Rather its purpose is to complement the existing literature on judicial political integration *via* the study of a specific regulation – namely the European Merger Control Regulation (thereafter the ‘EMCR’) – and recent case-law (the *Airtours*⁶ case for instance). Some scholars have highlighted the role of the judicial European institutions in this regulation (Bulmer, 1994, Gerber, 2004). Although the interaction between law and politics has long been debated (see Amstrong, 1998), little work has attempted to systematically trace the imprints of the Courts in the development of a regulation. Yet, while studying the design of the EMCR, one quickly realises the importance of the institutions – substantively and procedurally.

This paper will present the key role of the ECJ/CFI in competition policy based on the identification of three phases regarding their involvement in merger control. The first phase, between the Treaty of Rome and 1989, was without a European-wide merger control system. During the second and third phases a merger control system has been put in place. The starting point of the third phase in 2002 has been established following three cases – namely *Airtours*, *Schneider*⁷, *Tetra*⁸ – and their subsequent political impact. It also reflects the dichotomy between day-to-day policy-making and grand bargains applied to a particular policy. This distinction is difficult to reconcile as proved by the differing theories of European integration. It is worth noting that the EMCR has also been amended in 1998. Compared to the change in the substantive test applied by the Commission in 2004, the amendment, in hindsight, has not been of major importance, notably from a legal point of view.

We shall argue that the formal and informal institutional context, from the Treaty of Rome – and even the Treaty of Paris – has plausibly allowed for such a judicial involvement in merger control. Although this paper springs originally from a political scientist work, it presents

¹ PhD student at the Robert Gordon University, Aberdeen, U.K. and UACES scholar. The author thanks the participants of the 2nd HEIRS conference for their comments on an earlier draft.

² The task of the ECJ should ensure that ‘in interpretation and application of the Treaty [of Rome] the law is observed.

³ Case 26/62 *Van Gend en Loos* [1963], ECR 1. In 1963 the ECJ held that the European Community constitutes a new specific legal order of international law (or: a new specific international-legal order), for the benefit of which Member States limited a part of their sovereign rights, and the subjects of which comprise not only Member States and community institutions but also their nationals.

⁴ Case 6/64, *Costa v. ENEL* [1964], ECR 585. The ECJ ruled that if national and EC laws conflict, then EC law must prevail – the principle of ‘supremacy’.

⁵ Case 120/78 *Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein* [1979] ECR 649. As a result of the ECJ’s ruling, the principle of mutual recognition of national standards became a prominent component in the free market of the European Union.

⁶ T-342/99, *Airtours v Commission* [2002]

⁷ Case T-310/01 *Schneider Electric v. Commission*.

⁸ Case T-5/02 *Tetra Laval v Commission*.

historical aspects of interest as far as European integration is concerned. It reflects the importance of both the historical – and political – context in which institutions interact, and the potential role and impact of the Court in the development of merger control.

1. The Courts and a three-phase Merger Control Regulation

Neofunctionalism certainly highlighted the prominence of supranational institutions in European integration. In the case of the ECJ, even some intergovernmentalist proponents see it as an ‘anomaly’ (Moravcsik, 1993 p.513). As early as in the *Van Gend en Loos* case has the Court insisted upon the implementation of a dynamic legal order in the Community:

‘The Community constitutes a new legal order ... for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subject of which comprise not only Member States’.

As Pierson (1996) indicates, ‘in the process of European integration, the ECJ has taken an active, even forcing stance, gradually building a remarkable base of authority and effectively ‘constitutionlizing’ the emerging European polity’ (p. 133). The harmonisation of Community law, notably in competition policy where Member States views differed significantly, has given the European Courts a more prominent role in competition matters¹⁰ and the establishment of a comprehensive European competitive structure.

Until 1990 the legal base for legal action have been the Rome Treaty provisions regarding competition policy – namely Articles 85 & 86 (EEC) (now Articles 81 & 82). It was the Court’s responsibility to interpret and apply the Treaties, and in the intention of promoting uniformity in Community law (see Dehousse, 1998). Alter (1996) further indicates that ‘Member States cannot ‘interpret’ their way out of compliance with European Community law (...). Even the threat of bringing a case to the ECJ can be enough to influence national governments to (...) give way to the authority of European law’. The *Philip Morris*¹¹ case typifies the authority enjoyed by the European Courts in the agreement on the EMCR. Indeed Peter Sutherland, aware of the power of the European legal system, did not hesitate to reinforce the view taken by the Courts vis-à-vis Article 81 (ex- Article 85 EEC) and its application to mergers and persuaded Member States to return to the negotiating table with a new draft of the regulation first proposed by the Commission in 1973¹².

Historical institutionalism provides plausible explanations for the different role undertaken by the Court. Indeed, in competition matters, as far as institutions are concerned, the centre of gravity lies within the bureaucratic and judicial institutions of the EU rather than the political and representative institutions. As analysts and advocates of the regulatory state might expect, the roles of the EP, Council of Ministers, and European Council are therefore relatively limited. The Commission is known to have divergent power resources according to the policy area concerned, and in competition policy matters it has considerable power. In this policy area appeal to the ECJ is thus the principal means of accountability. In addition to these setting

⁹ The constitutionalisation of the treaty system is defined by Stone Sweet and Brunell (1998) as ‘the process by which the EC treaties have evolved from a set of legal arrangements binding upon sovereign states into a vertically integrated legal regime conferring judicially enforceable rights and obligations on all legal persons and entities, public and private, within EC territory’ (p.65).

¹⁰ Competition policy can be traced to the original Harvard School against Chicago School of thought regarding economic rationale for regulation provisions.

¹¹Case 142 and 156/84, *B.A.T. and R.J.Reynolds v. Commission*, [1987] E.C.R. 4487.

¹² 1973 OJ C-92/1-7, 31 October 1973, presentation of first draft proposal to Council of Ministers on 20 July 1973. Merger control failed to materialise as a prominent issue of the European political agenda and three further proposals at merger legislation, in 1982, 1984 and 1986, respectively, all failed to find favour with the Council.

specific policies, in his supervisory work, the ECJ benefits from institutional provisions that can explain its autonomy and actions: the simple majority decisions and the secrecy surrounding those decisions (protecting the judges from any national or popular pressures) (see Pierson, 1996), the common professional background, legal culture and sense of mission (see Van Waarden & Drahos, 2002), and more importantly the requirement for unanimity voting in order to change the constitutionalisation of the Treaties. Therefore formal organisational features and informal rules are taken as defining features of the ECJ in this study.

This is not to say that other actors, notably the Member States or the Commission, did not play a role in the development of the Regulation. On the contrary, the absence of merger control provisions in the Treaty of Rome – when such provisions were included in the European Coal and Steel Community (thereafter the ECSC) treaty – clearly reflects the presence of other interests at that particular time. Moreover intergovernmentalists are certainly right to focus on Member States in the grand bargains – as far as the ECMR is concerned, the delayed initial Regulation and its subsequent amendments. Furthermore the Commission capitalised on judicial decisions, formatting a political response in the form of drafts submitted to the Council of Ministers based on the Courts' cases and decisions. The Court provided the Commission with 'windows of opportunity' in which the Court indicated its willingness to support particular lines of development of competition law doctrine – an 'indirect' influence on policy decisions (Dehousse, 1998).

This paper offers an explanation regarding the role of the European Courts in the European merger control system. It therefore focuses on the range of options – temporal and substantive – given to the Council of Ministers. To use Wincott's terms (1995) the ECJ is a 'purposeful opportunist' that has objectives, and uses tactics and strategies according to the pattern of constraints and opportunities which make up its environment.

2. A community without merger control? (from the Treaty of Paris to the Regulation)

Interestingly, no merger control provisions were included in the founding Treaty of Rome, whilst a system of merger control was provided for in the ECSC Treaty (1951)¹³, and this despite a resolute attachment to the idea of free competition (see Article 3). The explanation lies in the character of the EEC and ECSC Treaties. There were radically different documents: whereas the Treaty of Paris is a *traité-loi* which spells out much of the regulatory content, the later EEC Treaty is a *traité-cadre*, setting out a framework of action – characterised by the vagueness of its terms – and necessitating much secondary legislation (or ECJ jurisprudence) to apply the broad principles. Therefore, the ECJ could legally play a significant role in facilitating the development of supranational merger control outside the coal and steel sectors, under the auspices of the EEC Treaty (Bulmer 1994, p. 426). Indeed the functional interpretation of law, applied to the field of competition matters, transpires here. Accordingly the ECJ bases its decision on the wording of the Community Treaties – not so far from the neofunctionalist mechanism of functional spillover.

Indeed both Articles 85 and 86 (EEC) (now Articles 81 and 82) seek to achieve the same objective, namely the maintenance of effective competition within the common market as prescribed in Articles 2 and 3 of the EEC Treaty. Together they lay down a merger control structure, though a weak one – as shown by European case-law. During the 1960s, the Commission made little use of the available provisions contained in the then Article 86 (EEC), although it started in the mid-60s to make statements about how it might use them. In 1966, the

¹³ Despite subsequent constitutional change such as the SEA and the TEU, and the fusion of the institutions of the three Communities in 1967, merger control in the coal and steel sectors is based on separate treaty provisions from merger control for other economic sectors.

Commission published a Memorandum on Concentration as a result of a study by an academic group. It considered the option of controlling concentrations at Community level through the use of Articles 85 (EEC) and 86 (EEC) together with their implementing Regulation 17 of 1962 and if so how (Brittan 1991).

At that time the Commission considered Article 85 (EEC) unsuitable as a means of control as the result of a merger was the creation of a single new organic unit. A view that was to be overturned later with the *Philip Morris* case. The 1966 memorandum did not, however, exclude the application of Article 86 (EEC), under certain circumstances, to mergers. The Commission had regarded Article 86 (EEC) as capable of infringement where one undertaking, already enjoying a dominant position in the Community or a substantial part of it, acquired a competitor, even if the ability to make the acquisition was not attributable to, or dependent upon, that existing dominance.

From an institutional perspective, the very lack of merger control in the Treaty of Rome, whereas some provisions were included in the Treaty of Paris, can explain the willingness of the Court to fill in the gap. Moreover, from a sociological point of view, the pro-integrationist agenda set by the ECJ, notably in an era of euro-sclerosis – as seen with other landmark cases – is part of the explanation. In its *Continental Can* decision¹⁴, the ECJ clearly takes a functional interpretation of the Treaty, reasserting the legal force of Art 3(f) in view of the ‘achievement of the community’s task’ and ‘the aims of the common market’. The Court argued that it had ‘to go back to the spirit, general scheme and wording of Art. 86 EEC, as well as to the system and objectives of the Treaty’. This is to be considered in a wider context, and as a path-dependent outlook on the Court’s decisions.

Following *Continental Can* and recognising the limitations of Article 86 (EEC) in the context of mergers and acquisitions the Commission was soon to draft its first proposal of a merger control regulation in 1973¹⁵. The relationship between the *Continental Can* decision and the scope and content of the first draft of the merger regulation issued few months after the decision of the ECJ (at the request of Member States¹⁶) was, however, more psychological than substantive. Indeed although the ECJ agreed upon the use of Article 86 (EEC) in merger regulatory matters, the case was actually dismissed on the premise that the Commission had not defined satisfactorily the relevant market (Bulmer 1994, p. 429). Furthermore in a context of euro-sclerosis, when politicians were blocking attempts to create a common market, supranationalism was actively rejected.

¹⁴ *Europemballage Corporation and Continental Can Co. Inc. v EC Commission* (Case 6/72), OJ C68, ECR 215, 21.09.73.

¹⁵ 1973 OJ C92/1-7, 31 October 1973, presentation of first draft proposal to Council of Ministers on 20 July 1973.

¹⁶ Point 7 of the final Declaration of the EEC summit of October 1972 said that: [...] necessary to seek to establish a single industrial base for the Community as a whole. This involves the formulation of measures that ensure that mergers affecting firms established in the Community are in harmony with the economic and social aims of the Community and the maintenance of fair competition as much within the Common Market as in external markets in conformity with the rules laid down by the Treaty’, Final declaration of the Conference of the Heads of State or of Governments of the Member States of the enlarged Communities, point 7.

3. The European Merger Control Regulation (from 1990 to 2002)

The role of the Courts is procedural in nature. Although some cases have been brought to the Court, no major follow-up – in the sense of ‘grand bargains’- can actually be identified. At this point the distinction between day-to-day policy-making and grand bargains is key, as well as the ECJ’s dependence upon the external environment. Indeed without firms or Member States going to Court against the Commission, the ECJ remains in the background. Therefore the autonomy of the Court is undisputable, as far as the judicial process is concerned, but not as far as the broad institutional context is concerned.

The use of soft law at the Commission level, most notable in the case of competition policy (see Van Waarden & Drahos 2002), echoes the importance placed on judicial decisions. So what is ‘soft law’? Soft laws are ‘rules of conduct which, in principle have no legally binding force but which nevertheless may have practical effects’ (Snyder 1993, in Cini 2001) This broad definition includes both an international and EU understanding of soft law. The latter envisages not only international agreements but also texts issued by the European institutions. In the case of merger regulation, the concept takes different forms such as codes of conduct, notices, declarations, guidance notes/guidelines, and circulars. Some of the concepts highlighted in the Court’s decision are usual incorporated in those notices, or remain informally enforceable as the concept of collective dominance.

Judges do not simply or only respond to demands generated by social exchange. Rather they adapt the abstract legal rules governing exchange in any given community to the concrete exigencies of those individuals engaged in the exchange (see Stone Sweet & Brunell 1998). The Court has had to define some legal notions for, primarily, the sake of Community law, and so doing according to community principles. Principles such as ‘collective dominance’ – obscure in the original regulation – were clearly defined by the Courts. In *Kali und Salz* the Court clearly stated the importance of collective dominance. Indeed to begin with the concept of collective dominance is not explicitly covered by the EMCR. The Regulation’s applicability to the creation or strengthening of a dominant position enjoyed collectively by two or more firms was established in its Nestlé/Perrier decision¹⁷. The ECJ confirmed the Commission’s decision in the *Kali und Salz* judgement stating that the purpose of the Regulation of undistorted competition within the Common Market would be endangered if ‘dominant position’ was only referring to single dominance. Thus the concept of collective dominance is brought under the Merger Regulation by a teleological interpretation, and a definition cannot be found in the EMCR. The recent *Airtours* decision has further clarified the concept of collective dominance, setting criteria under which collective dominance is reached. As a Brussels-based lawyer announced: ‘if you ask someone in Brussels what is collective dominance, they will repeat the criteria set in *Airtours*, if you ask them about defence rights, they will go back to *Schneider*, and if you ask about , they will refer to *Tetra*’.

Some notices, based on case-law, further enhanced the merger procedural process. Some authors have talked about constitutionalisation of the Treaty – henceforth giving a key role for the ECJ to play in European integration. Path-dependency is an interesting concept at this stage (Amstrong 1998). Accordingly integration is limited and facilitated. Past decisions have an effect of future developments. It echoes a ‘politics under law’ perception of the role of European Courts. Indeed the European legal community awaits a guideline on conglomerate mergers, that the Commission is said to be delaying, in order to take into account the recent Court’s decision on GE/Honeywell.

¹⁷ M. 190 Nestlé/Perrier [1992] OJ C53

Unlike the intergovernmentalist literature, this paper acknowledges the importance of the day-to-day running of European merger control affairs. The ECJ is playing a key, yet not obvious, role in the development of merger control regulation. Yet according to the continental legal theory of Western Europe, the task of the Courts is to apply the law to specific cases, not to make law. For instance, Article 5 of the French Civil Code prohibits courts from making general pronouncements about the law. In practice, as previously exemplified, every application includes interpretation – a ‘creative exercise’ (Dehousse 1998), which means that the rule is somehow refined or supplemented. These supplements form additional rules which – though theoretically only binding the parties in conflict – in practice have a general force of law, since the judiciary will not overrule itself unless there are cogent reasons. The range of law-making by the Courts depends on the legislation involved: the more general the legislation, the more room the courts have for making supplementary rules through interpretation.

Informal rules, as well as formal rules, are important in historical institutionalism. The involvement of the Court, although indirect at this point, is of importance for the different stakeholders. Notices in merger control regulation are as important as the regulation itself, in order to understand what is expected from a firm submitting the initial form CO to the Commission to subsequent proceedings. They clearly state what the Commission is looking for and how it is likely to interpret a specific merger case.

4. The new reform package – going back to basics or reaching maturity?

Against a backdrop of quasi-perfect case management, the Commission has seen some of its high profile decisions overturned by the CFI in 2002. Although the Commission initiated a review of the Regulation as far back as the summer 2000, heightened media attention meant that the situation became serious enough for DG Comp to engage in a broader revamp of the EMCR¹⁸. Indeed in December 2001, the European Commission launched a full review of the EMCR and issued a consultative Green Paper. The latter also looked at a number of jurisdictional, substantive and procedural issues.

Following the eight high-profile prohibitions under Commissioner Monti’s tenure as Competition Commissioner and high-profile withdrawals such as *Skandinaviska Enskilda Bank/FöreningsSparbanken* and *EMI/Time Warner*, public criticism ran high. Serious concerns were raised as regards the role of the MTF - the investigator, prosecutor, judge and jury of any transaction. In addition the *Airtours/First Choice* decision left undeniably a gap in the EMCR coverage. The Commission's Green Paper did set out the view that existing checks and balances were sufficient. Yet there was an overwhelming view that the existing system needed to be reformed (Heim 2003), particularly in light of the forthcoming eastern enlargement.

Mario Monti stated¹⁹ that the unprecedented criticism that the Commission faced after CFI decisions, in cases such as *Airtours*, *Schneider* and *Tetra Laval*, overturning, on appeal, the prohibition decisions of the Commission, enhanced the need to strengthen the proposed reforms. In the *Schneider/Legrand* merger case the Court held that the Commission was to blame on the grounds of ‘several obvious errors, omissions and contradictions’ in its economic reasoning. The business community has pointed out the fact that the Commission’s lawyers were at the heart of its decision-making process, and has long pushed for inclusion of

¹⁸ The 2000 EMCR review primarily focused on the criteria for determining which body – the Commission or national authorities – should scrutinise proposed transactions.

¹⁹ Monti, M; 'Merger Control in the EU: A radical reform', European Commission/IBA Conference on EU Merger Control, Brussels, Nov 7 2002, p.2, <http://europa.eu.int/rapid/start/cgi/guesten.ksh?action.gettxt=gt&doc=Speech/02/5450RAPID&lg=EN&display=>

economics *rigueur*²⁰ – consequently resorting to question Commission decisions *via* legal actions.

The ECSC drafters were concerned with the role of supranational institutions, and the Court was intended to supervise the latter, rather than be given authority to declare whether member states had violated Treaty provisions. The *Airtours case* is therefore interesting in this context. Compared with earlier landmark cases in European jurisprudence the European Court clearly endorses its supervision role of supranational institutions. The drafting of the original Treaty provided clear basis for this role, and the context of merger control regulation – and the central role of the Commission – called for the ECJ to return to its basic goals.

The historical context is of importance here. Following the Maastricht and Amsterdam Treaties, the role of the European Court of Justice has been curtailed (Weiler, 1993). Excluded from two of the three pillars, Member States have clearly been concerned with the growing importance of the Court's influence, and supranational institutions. Moreover, simultaneously, the Commission was increasingly criticised for its almighty strength in competition matters, notably the Merger Task Force²¹. The *Airtours case*, and subsequent cases, is remembered for the criticism aimed at the functioning of the Commission.

Indeed the Commission in its decision undermined the credibility of the concept of collective dominance and induced legal uncertainty by adopting an approach markedly different from its approach in previous cases. As Korah²² stated, rather than clarifying the notion of collective dominance, the *Airtours/First Choice* 'muddied the water', the assessment is a 'forced fit' of, terms of collective dominance. The CFI found that the Commission had not yet proved to the required legal standard that the merger could lead to a collectively dominant position. The CFI's decision outlined three necessary conditions for a position of collective dominance or tacit collusion to be reached and sustained, namely transparency, retaliatory mechanisms and, competitors and customers. Not only did the CFI clearly defined principles, but more importantly the Court criticised the Commission – some papers referred to the 'forensic demolition' of the Commission²³, a 'wake-up-call'. Indeed the CFI indicated that the Commission's analysis was 'vitiating by a series of errors of assessment'

In addition to the aforementioned revamp of the actual Regulation, the CFI has also permitted to implement effective judicial control. As some competition lobbyists argued, judicial lobbying is, following the 2002 cases, a credible corporate strategy. Some lawyers have perceived it as a 'healthy step' for democracy²⁴. Moreover the pending cases – MyTravel (*Airtours*) and Schneider both brought cases for indemnities – will enhance credibility and render the Commission financially accountable. The visibility of the Court in merger matters is such that the legal community has announced the maturity of the European merger regulation – and paving the way for an increasing numbers of merger cases going to Court. As Hall and Taylor (1996) explains 'the more an institution contributes to the resolution of collective action dilemmas or the more gains from the exchange it makes possible, the more robust it will be'(p.940).

This also highlights a highly dependent relationship does exist between the parties and the Court. Contrary to the Commission, the Court lacks the formal power of initiative, and

²⁰ The Commission subsequently announced its intention to appoint a chief economist for the competition directorate and dissolve the Merger Task Force as a separate unit (Vickers, 2004).

²¹ See Comment négociant les shérifs de Bruxelles. *L'Expansion*. 20 March 2002. The MTF is referred as the 'ayatollahs of competition'.

²² Korah, V. (2001), *Cases and Materials on EC Competition Law*, 2nd Ed., Hart Publishing

²³ See Lexecon Ltd, *Competition memo*, June 2002.

²⁴ Interviews led in Summer 2005 by the author.

therefore it would be wrong to think that this European institution can fully control the integration process. As Wincott indicates the ECJ is dependent upon the ‘accidents of litigation’ which do not necessarily provide the Court with the opportunity to create ‘a consistent body of law’ (1995,p.586). A company – affected by a Commission’s decision regarding a merger proposition, either a prohibition or a authorisation, can only overturn a decision by taking the – financial – risk to go to Court. Airtours was given a chance of 1 out 3 to win the case, and consequently advised not to file a case. And without an actor taking action, the Court could not have become the powerful actor it is in merger regulation.

Conclusion

Historical institutionalism is concerned, among other things, to demonstrate the dependence of institutions upon the way in which institutional choices made early in the development of a policy area delimit policy choices thereafter. In addition it is concerned with the historical context in which institutions interact. This is particularly important to understand the different impact of cases. Why the *Continental Can* failed to introduce a merger control regulation system? Why more cases are brought to the Court in merger matters?

Throughout the development of the EMCR the Courts have played an important role – affecting different stages of policy-making. The three phases identified here present the facets of the judicial institutions. Although this paper focuses on the changing role of the ECJ, one would wrongly assumed that the stability of the Court is questioned. This paper highlights the changing context in which the ECJ has to decide²⁵. Moreover it is also dependent upon the Commission and ultimately to the Council of Ministers to institutionalise – in the form of regulation in the case of merger control – the decisions of the Court. The institution is taken as part of a causal chain that accommodates a role for other factors (Hall & Taylor, 1996). The role played by the European Courts has to be understood, and can be explained, through a changing environment, and also specific formal and informal rules governing the European institutions in competition matters.

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²⁵ See Weiler (1993) for a discussion of a ‘prospective’ view of the role of the ECJ in the post-Maastricht context.

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**Rhetorical convergence:
The motivations and effects of German support to Eastward Enlargement in the
definition
of a European Identity and Citizenship: 1990-2004**

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*“But the human being is agitated in all directions,
dreams of freedoms, competes with the wind,
till one day the burn is erased, turning to be stone
in nobody’s way”²⁶*

Introduction

Germany has clearly been the leading advocate of Eastward Enlargement among EU member states from the nineties till nowadays. Hence, it could then be the most precise filter to study the promotion of a very specific delimitation of the European identity borders through Enlargement policies. This would allow us to go beyond *Ost-Politik* and a “catching-up burden” that limits the new member states contribution to the basic EU template.

Not just in trade but in assistance for building new democratic, legal and educational institutions, Germany was in the front line and this has awoken the criticism to the sometimes denominated “hesitant hegemony”. It has also lead to discussions on historical memory, which could, however, be regarded as an active deterrent to forge a return to such hegemony.

With the term rhetorical convergence, I would like to allude to two different implications.

First of all, it recalls the use of political messages and discourses on Eastward Enlargement on behalf of the different German administrations. They were proposed to support the whole Enlargement project according to changing interests as the main way to conciliate German and EU motivations at the different stages of the Enlargement project itself. In other words, the different German motivations to support Enlargement have been successively filtered through the assimilation with the EU main communication strategy discourses on Enlargement (especially, the “Return to Europe” slogan) in order to achieve, as well, the level of the monopoly of institutional discourse and thus appear as an unavoidable action to the public.

Secondly, this term refers to the Europeaness-Otherness debate around the Central and Eastern European countries (CEECs), which is a discourse that seems to remain in latent life through the history of European integration. Whenever there is a high degree of coincidence between EC/EU objectives and those of the CEECs, the discourse on their Europeaness gains in strength and presence. This would be a case of rhetorical convergence, which also contributed to make Enlargement desirable and assimilable. Nonetheless, whenever the objectives of the EC/EU diverge from those of the CEECs, the discourse on their Otherness becomes the key one, outlining the insolvable gap between those which appear to be two parallel universes.

²⁶ Cernuda, L. (1931) “Unos cuerpos son como las flores”. *Los placeres prohibidos*. Madrid: Alianza

To sum up, this paper aims to shed light on the influence that Germany, the most supportive EU member state towards Eastward Enlargement policies from the nineties onwards, had on the changing definition of a European identity. To do that, I will combine historical research with discourse analysis and the study of rhetorical action. Such approach will be helpful to determine to what extent a convergence in political rhetoric reflects, and reveals, wider underlying changes of direction in the expectations aroused by the process of European integration.

1.1 Theoretical considerations and academic debates

Rhetoric has originally been defined by Aristotle as “the ability to see, in any given case, the available means of persuasion”. This definition can be complemented with the one outlined by Bryant, that is, “adjusting ideas to people and people to ideas”. This perspective helps us, thus, to understand that ideas like the need of an Eastward enlargement are adjusted to changing contexts with different priorities, where the discourse is calculated to influence an audience towards some end. Some of these priorities were, after the fall of the Berlin wall, the need to politically reconcile the two sides of a formerly divided continent. Nowadays, and very important in the case of Germany, they relate to the impressive opportunities for trade and enterprises, which, in turn, are being very efficiently upheld by the mentioned “reunification of Europe” or “return to Europe” slogan.

Schimmelfennig has contributed to develop the concept of “rhetorical action”²⁷, which he defines as the strategic use of norm-based arguments- to link the enlargement decision based on norms and identity of the community with the preferences of member states encouraged by material self-interests. Schimmelfennig maintains, on the other hand, that since the opponents of enlargement are restrained by their commitment to the constructive ideas, norms and values of the community and they care about not damaging their reputation and credibility as community members, they find themselves “entrapped”. And it is so as a result of promoters’ instrumental and strategic use of identity and norm-based arguments.

Rhetorical action and being rhetorically entrapped do not change the enlargement preference of the opponents, but prevent them from resisting enlargement. In this case, the founding myth of European integration asserted in the preamble to the Treaty Establishing the European Community becomes fundamental. This myth alludes to the idea that member states “are determined to lay the foundations of an ever closer union among the peoples of Europe and are called upon the other peoples of Europe who share their ideal to join in their efforts”²⁸.

It could be claimed that Schimmelfennig’s arguments on “rhetorical action” and the strategic use of norms are contradictory. The promoters of enlargement could damage the legitimacy and the collective identity of the European international community by using the normative arguments strategically. “Rhetorical action” and being “rhetorically entrapped” do not change the preferences of opposing member states and give chances to candidate countries for manipulating the very vague concept of European identity, which could be problematic in the post-enlargement period. Moreover, giving a green light to enlargement because of being “rhetorically entrapped” instead of complying with the norms of EU enlargement as a consequence of the socialisation in the process could decrease the standards of legitimacy in the EU and harm the EU liberal community identity²⁹.

²⁷ Schimmelfennig, F. (2001) “The Community Trap: Liberal Norms, Rhetorical Action and the Eastern Enlargement of the European Union“. *International Organization*, 55 (1), pp.66-68; 72-76

²⁸ See Schimmelfennig, F. (2001) *op. cit.*

²⁹ For critiques to Schimmelfennig’s “rhetorical entrapment approach” see Johnston, A. I. (2001) “Treating International Institutions as Social Environments”. *International Studies Quarterly*. 45.

In a later study, based on statistical event history analysis, Schimmelfennig³⁰ argues that candidate countries' compliance with the identity, values and norms of the liberal community proves to be systematically more important in explaining enlargement than material hypothesis based on cost/benefit analysis.

The conclusion of his study, which says "EU enlargement is not *sui generis* but appears to follow the same logic of as the enlargement of other Western organisations"³¹ has again been contested by Johnston³². This scholar states that if the EU is a *sui generis* polity and different to any other existing international organisation, one might expect that the dynamics of its enlargement would be different to those of NATO and the Council of Europe. As both NATO and the Council of Europe are intergovernmental organisations with a focus on limited policy areas (e.g. military defence, democratisation and human rights), the cost/benefit calculations of EU enlargement would not be easy to compare with the ones of these two organisations.

1.2 The German Dimension of EU Enlargement

Once the subject matter is explained, I would like to focus on the topic of the influence of German reunification in the EU-CEECs relationship since 1989, which had one of its most important channels in the new rhetoric created by the German government and especially by Kohl himself.

This facilitated the diffusion of a new discourse that linked the narrative and evaluative dimensions of historical memory with prescriptive imperatives. In Kohl's words "German unity and European unity represent two sides of the same coin"³³. He sustained such idea because the integration process -he argued- had not only secured the necessary Western support for reunification, but also helped to bring about the collapse of the Soviet bloc. In this sense, the reunification process itself had created a momentum for deeper economic integration. On the other hand, the collapse of the Soviet bloc also created policy challenges in the East that could be only addressed through common European efforts.

Therefore, from 1990 onwards, Kohl backed the gradual widening of the integration process to include the states of central and Eastern Europe, without forgetting his priority in the deepening developments. As he asserted in 1992, "we will really only be able to bring East and West Europe together if we deepen the existing community and make it into an anchor for stability for all of Europe in the future"³⁴.

Therefore, we could argue that German reunification acted as a catalyser for the constant promotion and support of the Eastward Enlargement of the EU through the nineties. And this movement originated, at the same time, the analysis of a new historiographical question.

³⁰ Schimmelfennig, F. (2002) "Liberal Community and Enlargement: An Event-History Analysis". *Journal of European Public Policy*. 9(4).

³¹ Schimmelfennig, F. (2002) "Liberal Community and Enlargement: An Event-History Analysis". *Journal of European Public Policy*. 9(4), p. 623.

³² Johnston, A. I. (2001) "Treating International Institutions as Social Environments". *International Studies Quarterly*. 45.

³³ This phrase recurs frequently in Kohl's rhetoric. For representative examples, see his Bundestag speech after the Maastricht Summit, 13th Dec. 1991, series 12, p. 5797 and his address of 2nd February 1993, that appears in the *Bulletin, Presse und Informationsamt der Bundesregierung* of 5th February 1993, p. 90.

³⁴ Kohl's address 3rd of April 1992 that appeared in the *Bulletin, Presse und Informationsamt der Bundesregierung* of the 8th of April 1992, p. 354.

This new question is centred on the impulse that German reunification offered to defend the idea of the reunification of the whole continent once the Cold War was over, which was strongly upheld by Thomas Banchoff³⁵ in the mid-nineties.

German support to the Commission's proposal since the Copenhagen criteria has strengthened the perception of a common goal between the German Chancellery and the Commission. Also, in the famous Schäuble-Lamers paper of 1994, it was argued that "if Europe were to drift apart, Germany would once again find itself caught in the middle between East and West, a position which throughout its history has made it difficult for Germany to give a clear orientation to its internal order and to establish a stable and lasting balance in its external relations"³⁶.

Just as Kohl has said, "we must not forget...that the Europe of the 12 is after all only a part of Europe. We shall have to do more for Central and Eastern Europe or waste a historic opportunity. United Germany is assisting these countries. We make a substantial contribution in order to assist them in achieving a stable democracy and social market economy"³⁷. Regarding one of the main ideas of the Schäuble-Lamers paper of 1994, that is, the theory of the need for a "core Europe", Lamers has also sustained that "if a smaller group of countries presses ahead with particularly intensive and far-reaching economic and political integration, this group or core has a centripetal or magnetic effect on the other countries"³⁸. Perhaps this was also in Kohl's mind when he asserted that he did not want "the convoy's speed dictated by the slowest vessel"³⁹. Nonetheless, he later appeared to backtrack claiming that what he envisaged was "transitional periods and temporary exceptions without seeking to break up the convoy"⁴⁰.

German support to the Commission's proposal since 1993 has strengthened the perception of a common goal between the German Chancellery and the Commission. The main frictions were circumscribed to the selection of candidates once the screening process was completed. The question of derogations and transition periods in areas of critical concern to Germany- such as structural funds, CAP, freedom of movement of labor, co-operation on cross-border criminality and so on- had also a major influence on the changing rhythms of definition of Europeaness.

Since 1998 the SPD-Green Party coalition stressed continuity in EU and foreign policy. Eventually, the overall effect of this political change has been to replace long-term strategies with a shorter term focus on technical issues to make tactical gains in Enlargement materialisation.

The importance that the German government attached to the issue of Enlargement could be seen in its incessant promotion of Günther Verheugen to become the Commissioner with responsibility for Enlargement, something achieved during the German presidency in 1999. Nowadays we can observe Germany within the same supportive role but with the addition of a

³⁵ See for instance Banchoff, T. (April 1997) "German Policy Towards the European Union: The Effects of Historical Memory", *German Politics*, Vol. 6, No. 1.

³⁶ Schäuble-Lamers Paper, 1994, available in *Überlegungen zur europäischen Politik*. CDU-CSU Fraktion des Deutschen Bundestages. 1/9/1994, p. 7.

³⁷ Kohl Speech 1991, available in *The International Bertelsmann Forum: The New European Strategies for Differentiated Integration*. Gütersloh, 1997.

³⁸ Lamers in the Schäuble-Lamers Paper, 1994, available in *Überlegungen zur europäischen Politik*. CDU-CSU Fraktion des Deutschen Bundestages. 1/9/1994, p. 10.

³⁹ Interview with Kohl in the *Daily Telegraph* 8/9/94.

⁴⁰ *Ibid.*

“conditional positivism”⁴¹ that pervades the discussion of issues like labour market and migration restrictions and education in an enlarged Europe.

Optimistic pragmatism seems to have substituted the former idealistic rhetoric in Enlargement policy-making and, at the same time, the German government promotion of a European identity and citizenship is acquiring new nuances and implications.

Some of the most important new considerations are based on the Fischer’s proposal of the creation of a European Federation, preceded by the formation of a main “centre of gravity”, “core Europe”⁴² or *avant-garde* that would be the driving force for the completion of political integration brought together by Enlargement, which would mean the culmination of the process of European integration. Such considerations are bound to have a very interesting echo and reply in the Newly Admitted Countries, which are now in the position to articulate a message that will emphasise their own views and contributions to the process of Europeanisation and democratic transformation in the whole continent.

I would also like to refer the German campaign for Enlargement elaborated by the Bundespresseamt (Federal Press Office) between 2000 and 2004, whose slogan was “Meeting Neighbours and Structuring Europe” (Nachbarn treffen und Europa gestalten) or “Europe: A good Choice” (Europa: Eine gute Wahl).

One of the most important events of this campaign was the Europafest in Zittau, which is called the triangle town, since it is in Germany on one side but is next the Polish and Czech border on the other two sides. This whole campaign, from 2000 to 2004 evidences how the message, its organisation and its expression must be timed so as to respond to the demands of particular audiences and situations. Messages, in this case, were elaborated by marketing companies, but emitted and thrown to the citizenship by governmental authorities through the media.

This shows, once again, the pre-eminence of the rhetor credibility when emitting the message and the increase of attention and debate, not always attachment, to those authorities who hold the monopoly of institutional discourse.

In this kind of campaigns it is also very noticeable the presence of an “implied audience”, which is fictive because it is created by the text and exists only inside the symbolic world of the text. That is maybe why this and other campaigns on Enlargement just reassert the inexorable implementation of an already discussed and agreed policy presented as new. They also make the whole argument become a deeper part of daily reality, making it easier to assimilate and naturalise. However, this calling upon an implied audience does not move any more towards sudden realisations or new and immediate association activities to support the idea.

Absences and silenced hardships are also a common feature of this kind of rhetoric, along with metaphors, like Zittau, paradigmatic example of the denied benefits of neighbourhood, now possible through enlargement.

Iconicity is another important element which is not just an aesthetic device but also serves for instrumental functions, since it subtly reveals and reinforces ideological structures. The example of the Europafest in Zittau as a symbolic culminating momentum is also associated to the quasi-mythical time of the vision in which past and present are reconciled and

⁴¹ Collins, S.D. (2002) *German Policy-Making and Eastern Enlargement during the Kohl Era. Managing the Agenda?* Manchester: Manchester University Press, p. 177.

⁴² Inspired in the previously quoted document, that is, the Schäuble-Lamers Paper, 1994. Available in *Überlegungen zur europäischen Politik*. CDU-CSU Fraktion des Deutschen Bundestages. 1/9/1994.

there is no longer a tension between promise and reality or between struggle and deliverance. And the whole machinery works better when the text is deemed to present a rhetorical persona, an implied audience, a contextual understanding and an absence through a culminating temporality, metaphors and iconicity.

1.3 The Europeaness-Otherness Debate on the CEECs

Turning now to the analysis of the influence of those ideas on the creation of a European identity through citizenship focusing in the case of the CEECs, I would like to refer to the so-called Europeaness-Otherness debate regarding Eastward Enlargement.

Whenever we study of the impact of the end of the Cold War on the relationship between the EU -which has been increasingly assimilated to a synonym of Western Europe- and the CEECs, we can observe this paradoxical resurrection of two opposed ways of understanding the particular nature of Eastern Europe, both by the EU and by these countries themselves.

On the one hand, we witnessed the claim for the *Europeaness*⁴³ of the CEECs, exemplified in the so-called “Return to Europe” slogan. This slogan was first used by these countries and then by the EU communication strategy to promote the enlargement project. It defends that they were always part of Europe, that without them the EU would not be fully European and that, through Enlargement, they are returning to their real matrix after the *unnatural* parenthesis of communism⁴⁴.

On the other hand, the opposed tendency is represented by the stress on the *Otherness* of the CEECs. The approach to their otherness can focus on criticising the oblivion of Western Europe for the Other Europe⁴⁵ or on pointing out that their political culture, values and mentality differ too much from what some scholars⁴⁶ consider core European values, which make them inassimilable to Western European standards. In any case, the emphasis in their otherness tries to recreate a practical and theoretical abyss between the two Europes, making explicit that the centuries-old division is still present despite aesthetic arrangements.

The study of the Otherness of the CEECs since the nineties has focused on the perceptions of threat awoken by the real or potential confrontation with Russia, which led towards the consideration to establish a territorial glacis between Russia and the Eastern border of the EU through the Eastward enlargement of the EU.

Conclusion

Eastward Enlargement itself does not guarantee that the historical and geographical reconciliation of Europe will be achieved. It is possible that the future of the EU will have an inner circle of mighty member states that will make the most important decisions without paying much attention to their own citizens and the other smaller and less powerful member states. This is a potential danger that European Citizenship could resolve, as it could bind the Europeans with a common interest and could take power from the strong nation states and their political elites and shift it to the European Citizens.

This could be a positive reverse for the “Fortress Europe”, as well as Sedelmaier’s revealing valorisation of the CEECs role in the building of the principles of a European Citizenship. Sedelmaier maintained that “EU’s Enlargement policy practice itself is a case of EU identity formation that has a causal impact on European foreign policy. Eastward

⁴³ For a very complete study of the concept of Europeaness, see Schlesinger, P. (1992) “Europeaness: A New Cultural Battlefield?” *Innovation*. 5/1.

⁴⁴ See Pérez Sánchez, G; Martín de la Guardia, R. (2002) *Estudios sobre la Europa Oriental*. Valencia: Universitat de Valencia, p. 286.

⁴⁵ Traditional misconsideration of the CEECs. For a wider explanation of the term “The Other Europe”, refer to Landau, A. and Whitman, R. (1997) *Rethinking the European Union. Institutions, Interests and Identities*. Basingstoke: MacMillan.

⁴⁶ Hassner, P. (July 1990) “Europe beyond partition and unity: Disintegration or reconstruction?”. *International Affairs*, 66/3, p. 469.

Enlargement has contributed to the formation of an EU collective identity as a promoter and protector of human rights, fundamental freedoms and democracy⁴⁷.

Hence by spelling out the criteria for membership, equivalent to those stated in the Copenhagen criteria, the EU explicitly articulated the fundamental characteristics that it ascribed to itself, configuring common identity borders for all member states: old, new and prospective ones.

The emphasis on democracy and human rights tells something about the self-image or identity that the EU attributes to itself. Once this particular justification is given, it provides a reference point that attests to the significance of these principles for goals that the EU pursues and creates expectations for future conduct, even if the precise manifestations of these principles are to be gradually and commonly articulated. This concept can be complemented with the “plurality of belonging of the polity”⁴⁸ mentioned by Fossum.

In any case, what I would like to show is the change of discourse towards the Europeanness-Otherness debate with regards to the CEECs. With the end of the bipolar division of Europe in the 1990s the discourse on the Europeanness of the CEECs was omnipresent in the CEECs themselves, due to their declared interest to join Western supranational institutions like NATO or the EU, doing so through the “Return to Europe” slogan.

On the other hand, the discourse on the Otherness of the CEECs was relatively strong in EU old member states, at least before Eastward Enlargement was to become an imminent reality. Since Enlargement took place in May 2004 the debate on the Otherness of the CEECs has lost almost any presence⁴⁹.

Nonetheless, now is the turn of Turkey as the focal point of the Otherness discourse. And it is so because the most important steps are to come, as it happened with the CEECs in the time when the UE and CEECs interests have not already found Enlargement as the common objective and meeting point even through different motivations.

Last but not least, we could argue that if the European East-West divide is to remain at least in latent life, we might as well turn to the positive potentialities of a common European Citizenship to overcome bitter identity borders. Maybe the reactivation of a debate on its role offers an unrivalled opportunity to stand and transform the former Other in the bearer of a constantly enriching diversity.

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Europe and the American Other: Towards a European patriotism*?
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The process of European integration indeed resembles a crabwalk, clumsy and irregular, nevertheless obstinate. The constant battle of ideas - about how best to guarantee peace after a bloody civil war, how to ensure economic prosperity, what role to give to nation-states in an era of continents and empires - has led to acute crises, abrupt stops, surprising dead-ends, and unexpected accelerations. Among all possible *Irrwege* or *Abwege*, one was always looming, namely nationalism. State nationalism, which was believed after World War II to have led Europe down a disaster-prone path, was to be checked by European supranational construction. Hannah Arendt, writing in *The Commonweal* in 1954 (1954, pp. 551-554), nevertheless questioned the Europeans' capacity to resist the nationalist temptation. Her question read like a warning-signal: would the Europeans, who were so careful to check state nationalism, get lured into a pan-European nationalism? Would they invent a new fatal 'ism'?

The future of Europe was of general interest to Arendt who published several pieces on the subject in the postwar years (Scott Vecchiarelli 2004). Joining the efforts of other leading intellectuals of the time, such as Raymond Aron, Arendt inquired into the relations between the new Europe and America. In the *Commonweal*, Arendt focused on the anti-Americanism which, she argued, was perceptible in various European states. She concluded that there had been a clear shift in perceptions of America held by Europeans: from a New World full of promises, America had turned into a wealthy and suspect superpower. "If it is true that each nationalism [...] begins with a real or fabricated common enemy, then the current image of America in Europe may well become the beginning of a new pan-European nationalism" (Arendt 1954 p. 554), she stressed. The relationship with the USA was a crucial one for the new Europe, and historians have given it considerable attention. Its political, economic, and military aspects have been studied in detail. At the heart of most studies lie questions about the genuine character of US interest in and support for European integration. The question of whether or not the USA became Europe's newest Other and Enemy has never been tackled as such. The figure of General De Gaulle and the scope of his resentment of America's lasting influence in Europe are usually interpreted as French reactions to the US's peculiar attitude towards Europe, as an expression of French grandeur, or as an archaic nationalist pride. What if one were to adopt Arendt's line of questioning and undertake to inquire into whether those strong opinions can be considered expressions of a European nationalism against America?

It appears useful here to resort to concepts elaborated in the literature on nationalism and in constructivist accounts of international relations to shed a new light on Europe in the 1960s. Building on the idea of a discursive construction of identities, historians can embark on original interpretations of transatlantic relations in the 1960s. Drawing on the concept of dialogical identity construction, I will attempt to review European reactions to US politics in the 1960s. Dialogism, first conceptualized by Mikhael M. Bakhtin, a Russian linguist, has recently been integrated into international relations theory (Harle 1994, Neumann 1999, Guillaume 2002). Such an approach focuses on the study of speeches: their interweaving is studied, as well as the image of the Other that they construct. That Other may appear as concrete or unconcretized. In both cases, dialogism integrates the notion of 'transgression' which considers the Other as necessary for making the Self whole. Iver B. Neumann stresses that dialogism considers the dialogue as an ever-lasting one, not aiming at synthesis. Translated into a theoretical proposition, dialogism poses that the identity of the author of an utterance is accessible through the analysis of that utterance, the context, and the answer given to other identities. The identity of the new Europe may therefore be deduced from its politicians and intellectuals' discourses on the transatlantic relationship. My hypothesis is that the Gaullists were the most radical advocates of a European identity opposed to the United States and even went as far as labeling their own endeavor European nationalism. However, their opponents, too, engaged in European identity building with the USA as the referent Other.

The paper first explores the most radical positions on transatlantic relations, which appear to be the Gaullists'. It later reviews the discourses of those political actors welcoming

strong Atlantic ties. The study starts in 1962, when American President John F. Kennedy introduced the concept of an Atlantic partnership, therefore urging his European counterparts to take a stand. It finishes in 1965, when both the USA and the Six had to concentrate on internal affairs following hardships in Vietnam for the USA and the “empty chair” crisis for the Europeans.

I - Towards a European nationalism?

On July 4, 1962, John F. Kennedy announced that the United States were ready for a Declaration of Interdependence with Western Europe. According to him, the United States needed to join forces with the new Europe that was drastically reshaping the geopolitics of the Old Continent. “We see in such a Europe a partner with whom we can deal on a basis of full equality in all the great and burdensome tasks of building and defending a community of free nations” (Kennedy 1962). The concept of the Atlantic partnership was born. It was an ambiguous concept though, and it did not help clarify roles in the North Atlantic area. It seemed to refer only to economic issues, leaving aside military and more specifically nuclear cooperation, that was already underway within the North Atlantic Treaty Organization NATO (Kaspi 1977). For French President Charles de Gaulle, who was bent upon creating an independent Europe, Kennedy’s partnership concealed American leadership. As an echo to Kennedy’s bid, he vetoed Great Britain’s entry into the European Economic Community (hereafter EEC) during a press conference on January 14, 1963. The veto crystallized de Gaulle’s resentment of American leadership in the North Atlantic area. If it welcomed Great Britain, de Gaulle maintained, and then Britain’s close economic partners of the European Free Trade Area, Europe “would appear as a colossal Atlantic community under American dependence and direction” (De Gaulle 1963).

Louis Terrenoire, a French member of the European Parliament (henceforth MEP), elaborated de Gaulle’s idea for his European colleagues during the plenary in Strasbourg on February 5, 1963: “We have, regarding Europe’s relations with the US, a specific perspective on European independence, or shall I say a specific perspective on Europe’s personality, which is obviously not shared by all of us. [...] [In an Atlantic ensemble] Europe would lose, to start with, its own essence” (1963 pp. 64-65). What exactly was he talking about? De Gaulle had also hinted at the specific character of continental Europe, underlining that the six member states of the EEC “[were] joined in solidarity, especially and primarily, from the point of view of their consciousness of defining together an important part of the sources of our civilization” (De Gaulle 1963). Such a formulation is very close to the one adopted by Alexander Kojève in his *Esquisse d’une doctrine de la politique française* in 1945, a text which he revised in the early 1960s (Auffret 1990, Howse 2004). Alexander Kojève, a philosopher of Russian origin, drafted after World War II a memorandum of advice to de Gaulle (French President for a short time after the war) in which he outlined the necessity for France to take the lead in creating a Latin Empire, comprising Western Europe’s Latin countries, namely Italy and Spain, but also extending to the southern shore of the Mediterranean, to Morocco, Algeria and Tunisia. The kinship of language, civilization, in a nutshell a “general affinity” among those nations would enable France and the Latin Empire to enjoy a sphere of independence between the Anglo-Saxon Empire in the West and the Soviet Empire in the East. Although the exact nature of Kojève’s relations with de Gaulle remain unclear – Kojève is portrayed as a secretive, but very influential character in France’s high administration from 1945 until 1968 (Warlouzet 2005) - one may assume that the philosopher had an impact on the Gaullist vision of a European Europe independent from the United States. For those of his colleagues who interpreted such a stand as an expression of French nationalism and hegemonic projects, Terrenoire made clear in February 1963 that “[French Gaullists] are not, as some accuse us, driven by nationalism, but by something new which is being born recently, something fragile, [...] that swept over this Assembly disregarding our disagreements. This still fragile ‘something’, I call it European

patriotism!” (1963 p. 65) Terrenoire subtly transferred the love and devotion of one’s country to one’s continent, namely Europe. Such a move could not but gather the support of most pro-European parliamentarians.

Terrenoire’s colleague at the EP, Jean de Lipkowski, built on that idea during the plenary on October 20, 1964. He declared to the Assembly that “a Europe engaged in a relationship amongst equals with the USA should not fear asserting its personality and the originality of its diplomacy. [...] Why should there not be in between the [American and the Russian ones] a European nationalism, to be sure, not as narrow as national nationalisms, but a nationalism that would enable Europe to be proud of what it was and will be in the future?” (de Lipkowski 1964) Six months later, he renewed his appeal: “We have to define Europe’s vocation, the meaning of its destiny. [...] Our ambition, and our interest, leads us to transform ourselves into a European nation. However, there can’t be a nation without a calling, and that’s precisely what we are missing. A calling goes with a personality and we are reluctant to assert it. Asserting one’s personality toward whom, one may ask? I said “toward” whom and not “against” whom. Well, toward our Anglo-Saxon allies to start with. [...] Why should we assert an original European personality, distinct from the United States’? [...] Europe’s establishment is not possible without unfastening some strong ties. [...] We already have to display a willingness to be European to be able to exist. By the way, our greatest difficulty nowadays lies in the fact that Europe has to maintain its willingness to exist even before its completion” (de Lipkowski 1965) Such a *plaidoyer* in favor of the defense of a European nation may appear rather paradoxical for a French Gaullist. Bent upon preserving the prerogatives of existing nation-states whenever the institutional organization of the Common Market was discussed, Gaullist parliamentarians seemed willing to do away with their principles when the international position of Europe was at stake. To my knowledge, such change of heart was, however, only expressed within the European Parliament. This leads us to argue that the Gaullists’ appeal to a European nationalism was due more to the audience than to a real nationalist vision of Europe: speaking about a European nation to an assembly with a majority of pro-Atlantic parliamentarians may have been intended to win over the most pro-European of them. Paul Berthoin, member of the liberal group at the EP, did not speak about a European nationalism, but his intervention further constructed the image of an independent Europe all the same. Europe, he maintained, should become “a power advocating peace and friendly relations among peoples; a power free from any imperialist agenda that we all reject; a clear-sighted, reasoned power, in symbiosis with the Atlantic pact, integrated in the pact without dissolving its personality [...]” (Berthoin 1965) Fernand Dehousse alone, member of the socialist group, expressed strong concern at the use of the term ‘nationalism’ and at de Lipkowski’s pride in defending it: “After listening to Mr. de Lipkowski, one really gets the impression that the only problem for us is the United States. Neither the USSR, nor China has been mentioned. Mr. de Lipkowski spoke about a European nationalism, which concerns me even more. Why can’t we, dear colleagues, leave behind the concepts of nations and states at a time when we are constructing Europe? Maurras and Barres in France, Hegel and Heine in Germany have done enough harm and we shouldn’t wish for epigones at the European level. Does nationalism have to be the basis of Europe?” (Dehousse 1965 p. 163)

Dehousse’s apprehension sounds like a distant echo of the fear Hannah Arendt formulated a decade before. Focusing on the most radical discourses may be misleading, all the more so since most of them have been uttered within a rather closed and hardly spoken-of arena, namely the European Parliament. Since the issue of transatlantic relations pushed almost all European leaders to take a stand, let us turn to less anti-American and pro-American actors of the European scene and see whether they, too, constructed an American Enemy for Europe.

II – The American Other: an indisputable referent for the new Europe

Even before Kennedy made his speech in Philadelphia, Walter Hallstein, President of the European Commission, referred to the American President’s partnership proposal during a

speech at Georgetown University in April 1962. He welcomed the opportunity offered by the United States, underlining that the EEC's economic successes had changed relations with the USA: "Europe is not a US ward (*'pupille'* in French) any more, but an ally in an economic competition [...] that is why President Kennedy talked about a partnership. Europe should soon be up to such a partnership among equals. Such a partnership rests on common moral values, similar political institutions and the same willingness to work for peace." (Hallstein 1962 p. 12) His whole speech presented Europe as a Western political initiative and European integration as a contribution to the West and the Free World. Historians consider him an Atlanticist, together with Jean Monnet and Paul-Henri Spaak. One should, however, note that Hallstein rejected the idea of creating an Atlantic Community: "the USA will not join the EEC nor will the EEC join the US, no new organizations are needed, the partners just have to act together to preserve their common interest." Hallstein's clarification about the Atlantic Community is due to American officials' recurrent use of the notion and to the existence of a transatlantic movement promoting the union of both sides of the Atlantic Ocean. The Atlantic Union Movement had been launched in 1938 in the United States by *New York Times* journalist Clarence K. Streit (Szent Miklosy 1964). Streit's core idea was the creation of a democratic and federal world government which would build on a smaller Atlantic nucleus. After World War II, less idealistic members of the movement envisioned an Atlantic Community united by a common civilization and facing a common enemy. Federal institutions were to help organize the cooperation of all states on either side of the Atlantic, and NATO was seen by many members of the Movement as a first promising step towards a Community. Although less developed in Europe, the Atlantic Union Movement was said to attract personalities such as Jean Monnet, Paul-Henri Spaak and Konrad Adenauer. The Movement reached a high point between the Atlantic Congress of London in 1959 and the Atlantic Convention in Paris in January 1962. Hallstein was obviously not part of the group of Atlantic idealists who imagined a federal union across the ocean: according to him, Europe had a distinct past and future, an "inextinguishable vitality", which spoke for a future in partnership with the USA, not in dependence. In his opinion, "community" referred to the existence of supranational institutions embodying special ties among states and peoples. The European Community possessed such institutions, which made it unique in the international system. An Atlantic Community would never in a foreseeable future dispose of such institutions, it was therefore better to speak about an Atlantic partnership (Richardson 1963).

Caught in between Kennedy and de Gaulle, Hallstein sharpened his view during a debate in the EP on February 5, 1963, right after de Gaulle's press conference: "Seen from the outside, Europe is open to the world and ready for enlargement. In the Atlantic area, it wants to replace the system linking a senior partner with (some) junior ones by a system of partnership between, first, comparable, and later, equal elements, Europe and America. For the Commission's President a reorganized Europe would not be a 'third force', but without restriction a part of the free world. "This can be Europe's best contribution in today's specific international conditions." (Hallstein 1963 p. 31) Following up on Hallstein's point, Josef Luns, President of the Council of Ministers, underlined that the debate and crisis faced by Europe after de Gaulle's decision to stop negotiating with Great Britain exposed a fundamental problem, "the problem of the nature of our community and the question of whether it should be open or closed, free or aligned." (Luns 1963 p. 34) MEP Pieter Alphons Blaisse, from the Netherlands and member of the Christian Democrat group, added: "We want the United States of Europe. [...] A united Europe [...] has to be an open community, closely linked to the free Atlantic world. [...] Christian Democrats do not want some third force, an independent continental power, a power the political tendency of which would be neutralism. [...] What we would like is to be part of an Atlantic Confederation built on two equally powerful pillars, namely Europe and America." (Blaisse 1963 p. 36)

Jean Monnet, who could rely on a strong network of pro-Europeans in both the Eisenhower and Kennedy administrations (Winand 1993) and who was in favor of strong ties between the United States of America and the future United States of Europe, reminded his

audience in early 1963 that “the relation between America and united Europe is a relation of partners, between two distinct but equally powerful entities” (Monnet 1963). Guido Colonna di Paliano, member of the European Commission, displayed his Atlantic sympathies in December 1964 in Oslo. He reminded the audience that “the main dilemma [is] whether the Atlantic partnership should be a permanent association or whether it is best to keep the free world divided in several autonomous parts. In the latter case, Europe would be one of them”. He further reminded that the OECD’s achievements had nurtured high expectations in the free world, although “it soon appeared that nation states were not prepared to engage in a permanent association”. “When the Treaty of Paris creating the European Community of Coal and Steel was signed”, he said, “nobody expected that the efforts toward European integration would one day enter into conflict with the efforts toward a greater Atlantic solidarity. [...] There is no acceptable alternative to an Atlantic Europe, to a Europe open to all members of NATO, capable of becoming a partner of the USA on an equal footing, conscious and proud of its *own distinct personality*, but willing to stay bound to our North American friends.” (Emphasis added- Colonna di Paliano 1964)

Opposed to the vision of a European nationalism promoted by Gaullist members of the European Parliament, the plan of an Atlantic federal union seemed to attract few European political actors. Even the most Atlantic-minded personalities, like Monnet and Di Paliano, insisted on Europe’s distinct personality within the West. The image of the USA constructed by those pro-Atlantic actors was that of a benevolent power, willing to build a partnership on an equal footing with the new Europe. The image of Europe that emerges *a contrario* is that of a new independent entity, subject and not object of international relations. Unlike in previous centuries, Europe’s Other after World War II was not only the East, Russia and its successor the Soviet empire, but the USA, which acted as a reference for the United States of Europe to come.

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Europeanization as a Historical Process? A historiography of the European Parliament

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Introduction

The political parties as actors and the European Parliament (EP) as an institution are rarely seen topics within the research of European integration history. The historically limited authority of the institution appears to be an obvious explanation.⁵⁰ In many general works on the EC/EU, the EP is described in one single chapter, followed by the *real* story of the integration process. This tendency however, tends to rule out the political parties as actors in the process. The political sciences offer background reading about the political parties and European integration in general, and about the party-groups in the EP in particular. Researchers in the field has, at least during the past 5-10 years, contributed numerous studies on party behaviour related to the European institutions. Between these two fields, there appears to be a research gap.

This paper is a short description of the research on the EP as it appears in some main works on the history of European integration. A short overview of the research on the EP and its actors within the political sciences will follow. This does not represent the total research in the field but points out the main topics. Finally, the paper suggests some fields of research where it seems obvious to mix the traditions of the two disciplines. This is exemplified by the term "Europeanization".

A historiography of the EP

During the very early phase of European integration, Konrad Adenauer was asked how one prevented a political assembly from obtaining any influence. He answered: "Give the gentlemen a high wage and send them on some long journeys".⁵¹ The most interesting part of the story is not so much the answer, but rather why anyone would ask such a question in the first place. Regardless of the answer to that question it is common and understandable that the notion of a political weak EP is often the outset for historical research on European integration. Following this, one could expect the role of the EP to increase in the history books as time went by, as the EP achieved greater influence and history was rewritten. This does not seem to be the case. The role of the Parliament in historical research is not solely a question of when the story is written but more a question of the themes in the research. Michael Shanks and John Lambert spend more pages on the role of the Parliament in their book *Britain and the new Europe* from 1962 than Alan Milward does in *The European Rescue of the Nation State* from 1992. Even though the chapter on the subject in Shanks/Lambert's book is entitled "The phantom Parliament" they do consider the influence of the EP to be much greater "than might be expected from its largely consultative role".⁵² Furthermore, Shanks/Lambert recognize a certain degree of political debate within the institution despite the fact that there was no division between government and opposition, as in the national parliaments. The description of the political debates in the EP figures only rarely in the same chapter as the description of the EP.

⁵⁰ To make it easier for the reader, the term "Parliament" is generally used throughout the paper although the official name was the Common Assembly.

⁵¹ Poul Smidt (ed.)(1999): Et rigtigt parlament? ["A real Parliament?"], p.12.

⁵² Michael Shanks & John Lambert (1962): *Britain and the new Europe – The Future of the Common Market*, p. 49.

The most 'optimistic' descriptions of the EP as seen in terms of the development of influence and authority, appear in the studies regarding the establishment of the Assembly of the ECSC as built upon ideas of or leftovers from supranationalism. Derek Urwin,⁵³ Martin Westlake⁵⁴ and not least Paula Scalingi⁵⁵ share this outset. Urwin considers the establishment of the Common Assembly to be the "ultimate political objective of integration" although he also writes that this did not materialize. Despite Urwin's faith in the political visions of the integration process he does not pay much attention to the Assembly or the political groups in the early phase of the integration process. Neither does Jean Monnet in his *Memoirs* for that matter.

As mentioned, Scalingi and Westlake share the scientific view that the EP is a leftover from a federalist project that managed to achieve greater influence over the years. Westlake's historical description of the EP begins where the idea of "exclusive supranationalism" is lost. When the council was introduced as a counterweight to the High Authority, the negotiations concentrated on the relative powers of these two authorities. The early discussions of the EP did not concern the powers of the institution, but the number of seats assigned to each Member State. Furthermore, to underline the intergovernmental regime, it was imagined that the members would sit according to nationality as in the Council of Europe. In June 1953, six months after the birth of the Assembly, the members decided to sit according to political affiliation rather than nationality.⁵⁶ Around the same time the three party groups, the Socialist, the Christian Democrat and the Liberal group were founded. Westlake does not, however, emphasize this any further. Instead he, and most other researchers, describe the EP as a unified actor, struggling for greater influence through time: A rather disappointing struggle according to Westlake. Even though the European idea was "relaunched" in Messina in 1955, the institutional outcome of the Treaty of Rome in 1957 was an example of "great disappointment" to the Assembly. Still, new provisions with far-reaching consequences were introduced by the treaty:

- An article that provided direct elections to the Parliamentary Assembly.
- An extension of the Assembly's right to censure the Commission
- Significant, if weak budgetary powers. A "twin arm" of the budgetary authority.
- Introduction of new procedures – the consultation procedure – which gave the Assembly a formal right to parliamentary involvement in the legislative process of the Communities. (The Council was not obliged to follow the advice).
- The right to establish its own rules of procedure.

This basic configuration remained almost completely unchanged until the Single European Act (SEA, 1986) and more or less unchanged until Maastricht (1992).⁵⁷

During the "empty chair" crisis in 1965 the powers of the EP were at the heart of the controversy. The Commission had presented a complex package of proposals for financing the Common Agricultural Policy (CAP). This implied that the Community should have its own resources by which the Commission and the EP would greatly enhance their powers, at the expense of the Council. Walter Hallstein regarded the Parliament as a true democratic instrument and thus direct elections to the parliament as a necessity.⁵⁸ The outcome of the crisis was a disaster for the Parliament. In October 1970 it was decided that the Parliament

⁵³ Derek Urwin (1995): *The Community of Europe*.

⁵⁴ Martin Westlake (1994): *A modern guide to the European Parliament*.

⁵⁵ Paula Scalingi (1980): *The European Parliament – The Three-Decade Search for a United Europe*.

⁵⁶ Westlake (1994) op.cit., pp. 9-12.

⁵⁷ Westlake (1994) op.cit., pp. 13-16.

⁵⁸ Westlake (1994) op.cit., pp. 20-21.

should be able to fix its own budget and to have some authority over its administrative expenditure. This equalled 4% of the Community budget, and was brought to light on January 1st 1975.

Direct elections

At a summit in Paris 9-10th December 1974 the member states issued a communiqué in which it was stated that direct elections should be held at any time in or after 1978. A compromise regarding the number of seats was reached in July 1976. The elections were held in June 1979 and represented the end of the “Three Decade Search for a United Europe” to Paula Scalingi. This was the subtitle of her book from 1980. In general, Scalingi describes the history of the EP from 1950-79 as one long process from a federalist vision in the early 1950s (with no results) to a gradually more federally organised Community in 1979: A process that was driven by negotiation upon negotiation between state leaders, and little by little moved towards a united Europe. Westlake points out three important consequences of the direct elections, all of which are relevant to this paper’s subject:

- Independence of the MEPs from national parliaments.
- Political independence: European parliamentarians represent the European peoples. The EP now had its own legitimacy, based on its accountability and representatives.
- Independence from the Commission.

Westlake continues his step-by-step description of the EP’s *petits pas* towards greater influence. For this purpose he operates with two general levels. One is the power given to the EP via treaties or as concessions from the other institutions. The other is the ability of the EP to take advantage of these steps. According to Westlake, these two levels were often out of balance. He describes the similar patterns between the Inter Governmental Conferences (ICG) that lead up to the SEA and Maastricht: In both cases the increasing competences of the EP came from the general extension of the Community’s powers. The EP did not agree with the powers it had been given, and yet the institution *had* been given greater influence. Not least via the new legislative procedures, the cooperation procedure and the co-decision procedure. The following sums up his general view:

“The Parliament was born hungry and frustrated and has developed into a habitual struggler. Where it has powers, it tries to exploit them as fully as possible and is always urging that these powers be extended. Where it has no powers, it is forever trying to exploit precedent, ambiguity and custom, applying a sort of creative accountancy to its rules of procedure and the treaties themselves.”⁵⁹

Earlier it was claimed that the most ‘optimistic’ descriptions of the EP appeared in the research that regarded the idea of supranationalism as one of the driving forces of the history of the Community. So, if we reverse this statement, researchers that do not emphasize supranationalism to be significant in the integration process should not consider to role of the EP as significant. To show this, we have two examples. The first is Alan Milward (1992/2000) who mentions the EP three times in *The European Rescue of the Nation-State*. The first time is during his description of the Treaties of Rome, where he deals with supranational vs. the national level as solely related to the relationship between the Commission and the Council.⁶⁰

⁵⁹ Westlake (1994) op.cit., p. 28.

⁶⁰ Alan Milward (1992/2000): *The European Rescue of the Nation State*, pp. 216-217.

In the final chapter *Envoi* he mentions the institution again, explaining why he does not give the Parliament any further attention:

“The history of national parliaments suggests that important popular demands will only focus on the European Parliament if the power of raising taxation is shifted to the Union level; ‘No taxation without representation’ appears as the one political slogan to keep its validity for more than two centuries. Until then it is within the nation that political parties have to fulfil their task of organizing a democratic consensus”.⁶¹

According to one of the most recent contributions to the history of European integration – John Gillingham’s *European Integration 1950-2003 - Superstate or New Market economy?* – the creation of ECSC meant the creation of a “powerless assembly and a rubberstamp court”. Although the institutions did introduce new means of cooperation as well as imply transfer of sovereignty, supranationalism in practice, Gillingham believed, was “a paper tiger”.⁶² This outset does not leave much room for the EP in the rest of his book.

The EP or the MEPs?

One thing these very different works have in common is that the EP is treated as a homogenous actor among other actors. As mentioned this seems to be a very general phenomena in the history of European integration. A small variation from this tendency appears in Desmond Dinan’s *Ever closer Union* where he states the history of the European Parliament is a history “of relentless attempts by MEPs to increase their institution’s power”. Using the so-called “democratic deficit” as a weapon, the MEPs – still treated as an actor though – have sought “to readdress the institutional balance between the three major institutions”.⁶³ Dinan also deals with the party-groups of the EP in the same chapter as he describes the history and the development of the EP. This may seem obvious but it is not a very common way of describing it. In general, the research on party-groups of the EP belongs to the political scientists.

The EP and political science

Until a few years before the direct elections in 1979 the number of specific studies of the EP was limited. Not surprisingly, this changed during the decade’s last years, following the new status of the party-groups and the MEPs. Within political science, research on the composition, the emerging party system and the powers of the EP experienced a boom.⁶⁴ Juliet Lodge contributed with several studies, in which she emphasized the attempts of the MEPs to increase their role in the EC decision-making process. Although this reminds one of Desmond Dinan’s outset, she narrows the perspective down from the “MEPs” to “*the MEP*”. One of the driving forces in her analysis is the need of the single MEP to make the public who elected him/her aware of his/her existence. The MEPs have an interest in showing that their work is important and that they perform a “representative function”. This represents the key to the dynamic of the increasing power of the EP.⁶⁵

⁶¹ Milward (1992/2000) op.cit., p. 435.

⁶² John Gillingham (2003): *European Integration 1950-2003 – Superstate or New Market Economy?* p. 22, 33.

⁶³ Desmond Dinan (1994): *Ever closer union*, p. 257.

⁶⁴ See Juliet Lodge (1983): “The European Parliament” in Lodge (ed.) *The European Community – Bibliographical excursions*, pp. 57-75, for an overview of the research during those years.

⁶⁵ Juliet Lodge (1983): “The European Parliament” in Lodge (ed.): *Institutions and policies of the European Community*, pp. 27-42.

As opposed to Juliet Lodge, who described the developments from a theoretical point of view, the Danish researcher Carsten Lehmann Sorensen based his 1984 analysis on interviews. In the book *The Babel-tower of Europe* he sums up the answers from a big survey among the MEPs. From this he draws the image of “Mr. MEP”, a person who is in favour of greater influence to the parliament, or at least in favour of a change of balance between the institutions. An important feature in Sorensen’s research which is in accordance with Lodge, is the role, power and influence of the single MEP. He considers the EP to be more of an *assembly* rather than a *parliament*, although a number of mechanisms (limited budget power, debates, questions etc.) do raise the Parliament a bit above the status of a “normal” international assembly.⁶⁶

As the EP gained influence, the importance of the party-groups of the EP grew. This was followed by an increase in the research of these party-groups, especially during the 1990s.⁶⁷ A common subject to these studies was the political behaviour of the MEPs, whether it was dominated by ideology or national preferences. Another popular subject is of course the comparative study of each election since 1979.⁶⁸

In addition, during the last couple of years, a number of political scientists have studied aspects of European integration among *national* parties. Peter Mair claims that European integration in itself has not resulted in new cleavages on the national political level.⁶⁹ On the other hand Marks/Ray/Wilson claim to have proved that the attitude of national political parties towards the EU is determined by ideological rather than national considerations. Furthermore they use this conclusion to argue against the dominating theories of integration (Waltz (1979), Moravcsik (1993)) according to which the attitude is determined by national considerations.⁷⁰

Within the historical discipline a few works exist on this subject as well. They are, however, spread widely in geography as well as over time. Richard Griffiths and Kevin Featherstone both deal with the Socialist parties in Western Europe and European integration. Griffiths concentrates on the 1950’s while Featherstone covers many decades, from 1930’s to 1980’s. Both deal with the party on the national level. Next to this Michael Gehler and Wolfram Kaiser studies the transnational party-cooperation of the Christian Democrats through 1945-65.⁷¹

So what happened to the EP? Well, we have seen examples of the EP in historical research as an institution striving for greater influence, considered as one actor. We have seen examples from the political scientists where the behaviour of Mr. MEP is studied, where Mr. MEP is the

⁶⁶ Carsten Lehmann Sorensen (1984): *Europas Babelst rn* [“The Babel-tower of Europe”].

⁶⁷ E.g. John Gaffney (1996): *Political Parties and the European Union*; Simon Hix & Christopher Lord (1997): *Political Parties in the European Union*; David Bell & Christopher Lord (1998): *Transnational Parties in the European Union*; S. Hix: “Dimensions and alignments in European Union politics: Cognitive constraints and partisan responses” in *European Journal of Political Research* 35(1), 1999, pp.69-106; S. Hix: “Parliamentary Behavior with Two Principles: Preferences, Parties and Voting in the European Parliament” in *American Journal of Political Science* 46(3), 2002, pp. 688-698.

⁶⁸ E.g. Karlheinz Reif (ed.): *European Elections 1979/81 and 1984 – Conclusions and perspectives from empirical research*.

⁶⁹ Peter Mair: “The Limited Impact of Europe on National Party Systems” in *West European Politics* 23 (4) 2000, pp.27-51.

⁷⁰ Gary Marks, Carole Wilson & Leonard Ray: ”National Parties and European Integration” in *American Journal of Political Science*, 46(3), 2002, pp.585-594; Lisbeth Hooghe, G. Marks & C. Wilson: “Does left/right structure party positions on European integration?” in *Comparative Political Studies* 35(8), 2002, pp. 965-989.

⁷¹ Kevin Featherstone (1988): *Socialist Parties and European Integration*; Richard Griffiths (1993): *Socialist Parties and the Question of Europe in the 1950’s*; Michael Gehler & Wolfram Kaiser (2004): *Transnationale Partikooperationen der Europ ischen Christdemokraten. Dokumente 1945-1965*.

actor and the Parliament is the backdrop. We have been presented with research on national political parties that more or less respond to changes on Community-level. Ideologically based opinions on European Integration still rule here though. But we have not seen the national or the European party presented as an actor in the integration process. We have seen too little about the relationship between the national party, the European party-group and the European Parliament especially when it comes to changes over time.

Europeanization – an example for cross-disciplinary research

The national political party as an underrated actor in the integration process is the starting point for Robert Ladrech's attempt to line out an analytical framework for the study of the Europeanization of political parties.⁷² Although his methodological suggestions are directed towards political science some aspects could certainly be useful in historical research. Broadly speaking, Europeanization is defined as changes on the national level in politics and policies directly caused by European integration. Mostly, studies of Europeanization have dealt with changes in administrations and organisations. Ladrech however links the concept directly with party-activity, and suggests studying changes on five levels in order to study the phenomena in this context:

- Programmatic change
- Organizational change
- Patterns of party competition
- Party-government relations
- Relations beyond the national party-system

If it can be shown that some of these changes have appeared solely as a result of European integration, one can state that a certain degree of Europeanization has occurred, according to Ladrech's model.

As mentioned earlier, the increasing power of the EP has extended the influence of the European party-groups since they are the key actor on this institutional level. To which degree this also increases the role of the national political parties depends on the relations between the national and the European party-groups. Furthermore, since the political parties on the national level represent the link between the population and a political system, i.e. the EU, it is obvious to deal with these when studying visions and attitudes towards the EU. From this it seems relevant to mix the historical studies of the EP and the transnational party-groups with the research on voting patterns and preferences within the political sciences, not least if one wants to explain a development over time, and whether this development could be studied as Europeanization.

An interesting case study is provided by the Danish left wing and European integration from 1973 and onwards. In 1973, when Denmark joined the EEC, a great minority of the Social Democratic party (SD) along with all the Socialists (SF) were strongly opposed to Danish EC-membership. This resistance was very much based on national, rather than ideological issues. The opposite was the case for the French (PS), and not least the Italian Socialist parties (PSI) who considered the EC as a forum where the interests of the European working class could be advanced. One could expect certain difficulties when the left-wing groups in the EP were to agree on common statements. Nowadays it seems almost opposite.

⁷² Robert Ladrech (2002): "Europeanization and political parties – Towards a Framework for Analysis" in *Party Politics* 8(4), pp. 389-403.

Both the Danish SD and SF are widely pro-Europe, whereas it seems that the PS has some difficulties in reaching common viewpoints on the issue.⁷³ So how does one explain this? The relevant actors are the Socialist parties on the national level, the Socialist party-groups in the EP, with the EP in itself as an important institutional background. One relevant field of research would be the relationship and similarities between the national party and the European party-group. The changes on the Danish left could be studied by using Ladrech's analytical framework, which would help clarify whether or not it is possible to talk about a Europeanization of the attitudes towards European integration. Also, it would be obvious to study the development and the increasing formalization of the EP party-groups as a kind of Europeanization in practice and over time. Hence, the questionmark in the title of this paper. Finally, one could take advantage of the numerous studies on MEP-behaviour today to supplement the conclusions on ideology vs. nationality. All in all, it would involve a mix of historical research as well as theories from the political sciences to fully explain this development.

⁷³ See Markus Wagner (2005): *Euroscepticism in the French Socialist Party: Opposition with a Soft Voice?* Conference paper, UACES Student forum, Oxford 7-8 April 2005.

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A European Public Sphere at the summits of The Hague (1969) and Paris (1974)? Common issues and frames in British, French and German newspapers

Jan-Henrik Meyer

1. Introduction

Research on the European public sphere focuses on the period after the Maastricht Treaty (signed in 1992). Only very few researchers have studied change throughout time, but even then they only go back to the early 1980s.⁷⁴ From the consistently low level of coverage on EC politics in German newspapers since the 1950s, Jürgen Gerhards has concluded that there is no evidence of an emergent European public sphere.⁷⁵

In the history of European integration, the period between the Luxembourg compromise (1966) and the Single European Act (signed in 1986) has long been perceived as the "dark ages".⁷⁶ More recently, this interpretation has been subject to revision. The time between 1969 and 1984 now rather appeared as the era of "Europe's second generation".⁷⁷ Particularly the summits between The Hague in 1969 and the creation of the European Council in 1974 were perceived as pace-setters for new initiatives.⁷⁸

On the backdrop of this revision, Gerhards' claim about the absence of a European public sphere might be less convincing. If there was a veritable era of "Europe's second generation", propelled by intergovernmental initiatives, this should have been reflected in the public sphere. Events and moments of crises could have temporarily created attention and debate about Europe.⁷⁹ The summits of The Hague 1969 – consigning de Gaulle's veto against British EC membership to history – and the summit of 1974 – when regular European Councils were created – could be seen as such focal points that could have temporarily created a European public sphere.

2. History and Theory

2.1 History: The summits of The Hague 1969 and Paris 1974 as major European events

The summit of the Hague marks the end of the deadlock in European integration after the Luxembourg compromise. Proposing three themes for the conference, the French President Georges Pompidou had taken the initiative for a European relaunch: *Enlargement* implied that de Gaulle's veto against British membership was finally overcome. *Completion* – namely introducing the Community's own resources – was the President's hardly concealed precondition for British accession. Thereby the continued financing of the Common Agricultural Policy (CAP), of which France was the main beneficiary, was to be ensured. *Deepening* referred to plans for economic and monetary as well as political union. The heads of state and government agreed on the first two points, but remained vague on the issue of deepening.⁸⁰

The summit of Paris 1974 brought the period of irregular summits to a close. With the European Council the summits were transformed into a new – albeit intergovernmental – European institution, meeting three times a year. Further institutional issues were taken up: Direct elections to the European Parliament were to be held. Belgian Premier Leo Tindemans was invited to prepare a report on the perspectives of European Union, the Tindemans report

⁷⁴ Peters, et al. 2005.

⁷⁵ Gerhards 2000.

⁷⁶ Keohane and Hoffmann 1991: 8.

⁷⁷ Knipping and Schönwald 2004.

⁷⁸ Bitsch 2003, 2004: 175-182, 197-200, Mittag and Wessels 2004.

⁷⁹ Risse 2003, Schulz-Forberg 2005.

⁸⁰ Brunn 2002: 179-183, Communiqué of the meeting of Heads of State or Government of the Member States at The Hague on 1 and 2 December 1969 1970.

(1975). In order to soothe British demands for renegotiation of their terms of accession, after they had become members in 1973, regional funds were introduced to help impoverished regions.⁸¹

Although at both events key decisions were taken, The Hague features much more prominently in the history books. Moreover, the great amount of public attention of The Hague has been stressed,⁸² e.g. the big federalist demonstrations. Therefore, it may be expected that the European public sphere at the summit of The Hague was "stronger" than five years later at the summit in Paris. However, what is the European public sphere, and how do we assess its "strength"?

2.2. Theory: What is the European Public Sphere? How can we study it?

Broadly following Klaus Eder,⁸³ the public sphere in a *political* sense⁸⁴ can be defined as an open space – between state and society – for debate about political and social institutions. Without a common language and common media in Europe, let alone a proper state and a European society, it appeared self-evident that a public sphere on the European level could not exist.⁸⁵ This view has recently been challenged by a wave of theoretical and empirical research.⁸⁶

Thomas Risse⁸⁷ has highlighted that a European public sphere is not a fixed permanent social structure or institution, but a social construction. In their "social and discursive practices" Europeans create a European public sphere in which European issues are debated together, in a similar way, across borders.

A discursively constructed European public sphere does neither require a common language nor common European media. Rather, it can be found analytically through a comparison of national media's European reporting.⁸⁸ The by now almost standard formula of what defines a European public sphere has been devised by Klaus Eder and Cathleen Kantner⁸⁹ on the basis of Habermas' writings:⁹⁰ "the same issues at the same time" are being discussed "using the same criteria of relevance".⁹¹ These common traits give evidence of a shared debate throughout Europe. They are thought to be due to exchanges and mutual observation across borders.⁹²

For the research in this paper, this definition can be broken down into three indicators:

"The same issues at the same time" means that *agendas* are simultaneous in different countries. In the case of the summits, which are relevant to all the countries participating, parallel agendas are highly expectable. Therefore, it is necessary to analyse the coverage in a more sophisticated manner, using two different indicators:

1. Are the same issues at the same time attributed the same *salience*? For this I analyse the three most important front page news headlines on a day by day basis. Do the editors in all the countries agree on what is most important?
2. Are the same *topics* commented upon in the papers? This shows whether the same issues were chosen for debate, indicating a parallel debate.

The "same criteria of relevance" are not to be confused with a shared opinion about Europe, let alone a pro-European attitude. A European public sphere does not require a common

⁸¹ Bitsch 2004: 197-200, Butler and Kitzinger 1976, Communiqué of the meeting of heads of Government of the Community, Paris, 10th December 1974 1974.

⁸² Dinan 2004: 129, Harst 2003: 5.

⁸³ Eder 2003: 85.

⁸⁴ My point of departure is a *political* public sphere, linked to the European institutions. Historians tend to define the concept more broadly. See e.g.: Kaelble 2002, Meyer 2004, Requate and Schulze-Wessel 2002.

⁸⁵ Gerhards 1993, Grimm 1995, Kielmannsegg 2003, Schlesinger 1995.

⁸⁶ Kantner 2004, forthcoming 2006, Steeg 2002, 2004, 2005, Trenz 2004.

⁸⁷ Risse 2003: 2.

⁸⁸ Steeg 2002.

⁸⁹ Eder and Kantner 2000: 315.

⁹⁰ Habermas 1995: 306.

⁹¹ translation by Risse 2003: 6.

⁹² Various authors have examined these transnational exchanges, e.g. Steeg 2005: 27-30, Wimmel 2004.

"European perspective" that has often been equalled to a strong European identity. As any other public sphere the European one is an arena of controversy. It just as well includes speakers who are highly critical of European integration and challenge its legitimacy.⁹³

The "same criteria of relevance" describe something more fundamental than opinions. They reflect that problems are understood in a similar way, so that debate about them is possible and meaningful. Hence, the "same criteria of relevance" have generally been operationalised as the same *framing* of the issues discussed. Frames are used by journalists to structure their text to tell a meaningful story. Aspects are selected and salience is attributed to them, so as to define a problem in a particular way. The frame indicates what the story is about: E.g. is it about morals, about conflict, about economic gain or loss?⁹⁴

Frames structure meaning in the debate. Thus, if they are shared, this gives evidence of a common debate. Therefore a third indicator refers to the framing:

3. Are the same frames applied in the commentary about the EC?

These questions I put to newspaper sources from the three biggest and politically most influential EC countries. Britain is included already in 1969 because its accession was the crucial issue at the time. Thus, my sources are limited to an excerpt of the possible European public sphere. National broadsheet newspapers' reporting and commentary⁹⁵ on EC integration in the two weeks around the summits have been collected.⁹⁶ Two papers per country were included in an attempt to reflect the political spectrum. Whereas *Le Monde*, *The Guardian*, *Süddeutsche Zeitung* generally tend to be more liberal-social democratic in outlook, *Le Figaro*, *The Daily Telegraph* and *Frankfurter Allgemeine* represent the more conservative views.⁹⁷

3. The European public sphere at the summits of The Hague and Paris

3.1. Same salience? The summit in the front page headlines

When taking the three most prominent front page headlines as an indicator for the most salient topic of the day (table 1), we find that the summit of Paris with 33 headlines during the twelve-day period of study did not receive much less attention than the summit of The Hague with 36.

Table 1 Number of front page headlines on EC in the two weeks around the summit - per paper

Summit / Paper	The Guardian	The Daily Telegraph	Süddeutsche Zeitung	Frankfurter Allgemeine	Le Monde	Le Figaro	Total
The Hague	4	4	5	6	11	6	36
Paris	5	3	8	7	5	5	33

The difference between the papers is also not vast. In the two weeks around the summit, the papers contain between four and six front page headlines on EC issues in 1969. With eleven headlines *Le Monde* breaks the pattern. Considering national averages, the summit is a substantially more important topic in the French papers than in the other ones. In 1974, the summit is covered with between three headlines (in *The Daily Telegraph*) and eight (in *Süddeutsche Zeitung*). Here, the German papers attribute slightly more attention – with on average 7.5 headings vis-à-vis four in the British and five in the French papers.

When looking at the individual days, in both of the two-week period around the summits, the occurrence of EC front page headlines follows a similar pattern. In the week before the summit, the preparatory meeting of the Council of Foreign Ministers makes it to the front page in 1969 in the French papers and in *Frankfurter Allgemeine*. In 1974, the preparatory Council is top news across all countries (*Guardian*, *Süddeutsche*, *Frankfurter*, *Le Monde*). Moreover, in

⁹³ Kantner 2004: 155, Steeg 2005: 26. Also Meyer forthcoming 2006a.

⁹⁴ Entman 1993: 52.

⁹⁵ I.e. leaders, columns, opinion and analysis-pieces.

⁹⁶ Time periods: Mo. 24/11- Sat. 6/12/1969; Mo. 2/12- Sat. 14/12/1974.

⁹⁷ Albert 2004: 143, 146f., Kevin 2003: 51, Lüter 2004: 181.

1974, British Prime Minister Wilson's visit to Paris in preparation of the summit appears on the front page across all countries (in Guardian, Süddeutsche, Le Figaro).

Table 2 Synchronicity of front page headlines: by papers and countries

European topic covered simultaneously across...	The Hague 1969	The Hague 1969	Paris 1974	Paris 1974
	papers	countries	papers	countries
<i>Monday</i>	1	1	3	2
<i>Tuesday</i>	1	1	4	3
<i>Wednesday</i>	1	1	3	3
<i>Thursday</i>	3	2		
<i>Friday</i>			1	1
<i>Saturday</i>	2	1	1	1
<i>Monday</i>	6	3	5	3
<i>Tuesday</i>	6	3	5	3
<i>Wednesday</i>	6	3	6	3
<i>Thursday</i>	5	3	4	2
<i>Friday</i>	1	1		
<i>Saturday</i>	1	1		

As can be seen from table 2, the summits, taking place on Monday and Tuesday in the second week, are covered for three to four consecutive days across all countries and papers.

The prominence of The Hague is only slightly higher: For three days in all the papers the summit appears on the front page, on the fourth day, only The Daily Telegraph is missing. For two of these days, for Le Monde it is by far the most important event: Two respectively three headlines per day are devoted to the summit.

The summit of Paris is covered in the front page headlines for three days across all countries, however, by all papers only on Wednesday, i.e. after the summit. On Monday, the Telegraph is missing; on Tuesday Frankfurter. On Thursday, the British papers do not consider it front page news any more. In 1974, the German papers attribute high salience to the summit results, as they are debated in the German Parliament. Both papers run two front page EC stories on Thursday.

In sum, there is a similar number of front page headlines across the papers. Moreover, they appear at the same time. Hence, the attribution of salience across papers at both summits is rather similar. The summit of the Hague is only slightly more prominent by this standard.

When taking a closer look at the contents of the headlines, the picture becomes more complex. The thematic focus as well as the opinions voiced are at times overlapping, at times divergent between nations.

In 1969, when Britain was not yet a member, the British papers' headlines focus on enlargement. The French papers, however, emphasise the relaunch and the completion of the EC. The German papers take a middle ground, for them the relaunch is a central goal, but enlargement is equally important. The summit results presented in different papers almost appear to be from two different conferences: While the British and German papers celebrate enlargement as the main result, the French papers – and Süddeutsche – praise the "strengthening" intended by Pompidou. The summit also seems to be a battle of pre-eminence between Brandt and Pompidou: The Daily Telegraph and the German papers quote Brandt, while Frankfurter Allgemeine and the French papers quote Pompidou – Le Figaro even declares him the "star" ("*vedette*") of the negotiations. At the same time, civil society activities, namely the federalist demonstrations in the streets of The Hague, are headline news across borders in Süddeutsche and Le Figaro.

In 1974, the papers' focus is less divided along national lines. The expectations for the summit voiced in Frankfurter Allgemeine' and the French papers' headlines are low. Le Figaro and The Guardian at least point to Wilson's willingness to cooperate. Similar to 1969, the German and the British papers are preoccupied with British membership, namely renegotiation. This issue is of central concern to the new Labour government, having promised a referendum

on the outcome of renegotiation.⁹⁸ The French papers and *Süddeutsche* more politely highlight regional policy as the major result, which is effectively renegotiation by another name. The institutional issues are headline news across all countries, but they are less prominent than in the history books: Only *Le Figaro* points to the introduction of the European Council, Tindemans is mentioned in *The Daily Telegraph* and *Süddeutsche Zeitung*. More drastically than the competition between Brandt and Pompidou in 1969, in 1974 the headlines pick up the row between Wilson and Giscard. The papers take national sides.: In *Le Figaro* the British prime minister appears as the aggressor, in *The Daily Telegraph* it is Giscard dealing blows, while *Frankfurter Allgemeine* remains neutral.

What we find in terms of thematic focus and opinions does not challenge the idea of a common public sphere, in which the different parties also hold different opinions, particularly when in conflict such as at the summits. In 1969 the difference between the French – and *Süddeutsche's* – focus on strengthening and the British-German focus on enlargement, is more drastic than in 1974. Then, the central issue is just called by two different names – renegotiation or regional policy.⁹⁹ The headlines may suggest different interpretations and opinions, but essentially the most salient issues are the same – in 1974 more clearly so than in 1969.

Going beyond the front page headlines, to what extent are the same issues commented upon?

3.2. Same topics? Main issues in the commentary

Three main types of articles can be distinguished, which reflect the different topics chosen for debate.¹⁰⁰

The first type of comments deals with the *summit negotiations*, presenting the issues at stake, the governments' positions, the leaders' personalities, and comments on the results. The second type focuses on a single *policy*, debating its advantages and drawbacks etc. This type can be subdivided according to the respective policies.

The third type raises more fundamental issues beyond the current event. The *grand debate on Europe* is most frequently found in the French papers. These comments contain normatively loaded reflections on the value and the prospects of the European integration project. A fourth type of comments only appears in 1974. Commentators across Europe observe a specific *national* debate on Europe, namely the *British renegotiation debate* that their British colleagues contribute to and analyse. They share the view that the conflict about this issue in Britain is the decisive factor for the British government's bargaining position.

Table 3 Number of comments on the different topics in 1969

Topics 1969	The Guardian		The Daily Telegraph		Süddeutsche Zeitung		Frankfurter Allgemeine		Le Monde		Le Figaro	
summit negotiations	8	50%	4	36%	7	70%	7	54%	9	47%	7	50%
<i>enlargement</i>	5	31%	5	45%	1	10%						
<i>agriculture</i>	3	19%	1	9%	2	20%	5	38%			1	7%
<i>nuclear / industrial policy</i>									4	21%		
<i>foreign policy / political union</i>			1	9%							1	7%
<i>monetary policy</i>									2	11%	1	7%
<i>competition</i>											2	14%
<i>education</i>									1	5%		
debate on Europe							1	8%	3	16%	2	14%

⁹⁸ Butler and Kitzinger 1976.

⁹⁹ The framing however is different, see chapter 3.3 below.

¹⁰⁰ On the methodology of qualitative classification and analysis, cf.: Mayring 2003.

Total: 83	16		11		10		13		19		14	
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As can be seen from table 3 above, in 1969 most of the comments in all the papers analyse the *summit negotiations*. Among the *policies*, for the British papers enlargement is central. Enlargement is the most frequently discussed policy in The Daily Telegraph, second to the summit negotiations in The Guardian. Enlargement is also picked up for comment by Süddeutsche. Agriculture is commented upon in all papers except Le Monde.¹⁰¹

Of the remaining policies, only foreign policy/political union can be found across two countries, in Daily Telegraph and Le Figaro. Only the French papers also commented upon monetary policy. The more general *debate on Europe* is taking place mainly in the French papers. Only one contribution appeared in Frankfurter Allgemeine.

Table 4 Number of comments on the different topics on 1974

Topics 1974	The Guardian		The Daily Telegraph		Süddeutsche Zeitung		Frankfurter Allgemeine		Le Monde		Le Figaro	
<i>summit negotiations</i>	4	57%	4	33%	7	70%	4	44%	3	17%	6	43%
<i>British renegotiation debate</i>	3	43%	6	50%	1	10%	1	11%	1	6%	2	14%
<i>agriculture</i>			1	8%	2	20%						
<i>nuclear / energy / industrial policy</i>			1	8%					4	23%	2	14%
<i>foreign policy / political union</i>							2	22%	1	6%	1	7%
<i>monetary policy</i>											1	7%
<i>enlargement</i>							1	11%				
<i>economic policy</i>							1	11%			1	7%
<i>debate on Europe</i>									9	50%	1	7%
Total: 70	7		12		10		9		18		14	

In 1974, the distribution of topics is similar. The summit negotiations are the issue most frequently commented upon in all papers, with two exceptions. In The Daily Telegraph, the renegotiation debate is more important, accounting for half of its commentary. Le Monde indulges in the more fundamental debate about Europe with half of its opinion pieces, this time only joined by a single piece in Le Figaro.

Interestingly enough, the British renegotiation debate is the second issue discussed in all papers. Like in 1969, only very few topics are perceived worth commenting across countries: agriculture in Daily Telegraph and Süddeutsche; energy policy in the Telegraph and the French papers, and foreign policy in Frankfurter and the French papers.

When comparing the summits, we find a similar picture: The central issues at stake are commented upon across all countries: In 1969 it is the *summit negotiations* and to some extent also agriculture and enlargement. These topics are which are partially hidden in the comments on the summit negotiations. In 1974, both the summit negotiations and the renegotiation debate were discussed in all papers.

Comparing the total amount of commentary, we find that the number of 70 comments in 1974 is not much lower than the 83 pieces in 1969. This is mainly due to the lower interest of The Guardian and Frankfurter, while the numbers in the other papers were almost identical. Thus in terms of the amount of commentary, the Paris summit is not much more prominent than the summit of The Hague.

¹⁰¹ Agriculture and enlargement are central issues in the articles on the summit negotiations, too. This classification scheme, while doing justice to the types of articles in terms of their central issue, partially conceals the references to the policies.

3.3. Same framing in the commentary?

Two methods of frame analyses have been applied in European public sphere research.¹⁰² The deductive approach searches for predefined frames that are known to be common in the news, such as "identity", "values" and "interest".¹⁰³ The inductive approach – which will be applied here – is more open to the specific sources, from which the frames are abstracted.¹⁰⁴

In the debate on the summit negotiations two frames can be distinguished, which evaluate the summit in two different ways. Essentially they tell two different stories about the summit.¹⁰⁵ The "European progress" frame interprets the summit as a meeting of European statesmen whose job it is to work towards the important goal of European unity, to overcome differences, avoid deadlock, find solutions, and produce "progress". Europe, rather than the nation state is the key point of reference.

The "intergovernmental struggle" frame, conversely, stresses the element of intergovernmental bargaining, of conflict¹⁰⁶ between national actors. National politicians are shown to fight for what they perceive as their national interest. Even if the commentators do not necessarily call for national identification, the frame suggests that national actors and national interest are the dominant point of reference.

These frames are not mutually exclusive. The element of battle may well be stressed in a text which expects of the leaders to work towards European integration.

Do we find the same frames across the papers? How do the summits differ in that respect?

Table 5 1969: Distribution of frames in comments on summit negotiations in comments/total and per cent

1969 Frames	The Guardian		The Daily Telegraph		Süddeutsche Zeitung		Frankfurter Allgemeine		Le Monde		Le Figaro	
<i>European progress</i>	6/8	75%	4/4	100%	7/7	100%	7/7	100%	9/9	100%	5/6	83%
<i>intergovernmental struggle</i>	5/8	62,5%	2/4	50%			2/7	29%	6/9	67%	3/6	50%
<i>both</i>	3/8	37,5%	2/4	50%			2/7	29%	6/9	67%	2/6	33%

Table 6 1974: Distribution of frames in comments on summit negotiations in comments/total and per cent

1974 Frames	The Guardian		The Daily Telegraph		Süddeutsche Zeitung		Frankfurter Allgemeine		Le Monde		Le Figaro	
<i>European progress</i>	1/3	33%	3/3	100%	4/6	66%	4/4	100%	3/3	100%	5/6	83%
<i>intergovernmental struggle</i>	3/3	100%	1/3	33%	2/6	33%	1/4	25%			3/6	50%
<i>both</i>	1/3	33%	1/3	33%	1/6	17%	1/4	25%			2/6	33%

At both summits, "European progress" is the dominant frame, shaping the vast majority of comments. In 1969, this holds true for all papers. In 1974, The Guardian is the exception, framing just one out of three comments this way, while all of the pieces are framed with the "intergovernmental struggle frame". In Süddeutsche Zeitung in 1969 and in Le Monde in 1974, "European progress" is in fact the only frame present, which further highlights its pre-eminence in the interpretation of the summits.

Apart from the latter two cases, in all papers we also find the "intergovernmental struggle" frame. In 1969, it shapes the interpretation of at least half of the comments in the British and the French papers. In 1974, it is present in all of The Guardian's comments and in half of Le Figaro's. Only in the German papers it is consistently of lesser importance.

¹⁰² Semetko and Valkenburg 2000: 94f.

¹⁰³ This approach is used by Kantner forthcoming 2006: 20.

¹⁰⁴ Marianne van de Steeg develops frames specific to the Haider debate: Steeg 2005: 45.

¹⁰⁵ This reflects concepts what forms the foundation of Europe's legitimacy, cf. Lord and Magnette 2004, Meyer forthcoming 2006b.

¹⁰⁶ Cf. the "strategy frame" developed by Cappella and Jamieson 1996.

There is very little difference in the distribution of these interpretations between 1969 and 1974. Only in *The Guardian* and in *Süddeutsche Zeitung* increase their emphasis on "intergovernmental struggle" in 1974 while *Le Monde* drops this frame.

In sum: Across national borders the summit negotiations are interpreted along the lines of the same two frames. The negotiations are dominantly judged by their contribution to the progress of the European project, and to a lesser extent as intergovernmental struggle of nation states. This may be understood as a further indication of a common European public sphere.

4. Conclusions: The European public sphere at the summits in 1969 and 1974 – same salience, same topics, same frames

The summits at The Hague and Paris were moments of a common European public sphere across France, Britain and West Germany, judging by the three indicators we applied. These events surely are exceptional at the time in the amount of coverage dedicated to the EC. They clearly were focal points of attention towards Europe. Still, we can safely refute the claim that there is no evidence of a European public sphere at all.

1. That at both summits in all papers there was a similar amount of front page headlines indicates that a *similar amount of salience* was attributed to the summit. Moreover, these front page headlines appeared at the same dates. However, what is highlighted as the key summit results in the headlines differs mainly between France and Britain, with the German papers being in between, often closer to Britain. This reflects different opinions, which in a situation of intergovernmental bargaining are nationally aligned. Still, such differences in opinions cannot be seen as an obstacle to a European public sphere, which is a sphere of controversy.

2. In the commentary the *same main topics* are debated across the three countries. In 1974 this is more evident than in 1969 as there are two common issues debated in all papers. That the British renegotiation debate is observed and discussed across all countries gives evidence of mutual observation, transfers and a more integrated debate.¹⁰⁷

3. The *similarity in framing* is great. Comments on the European summits are mainly framed with a view towards "European progress", however, often also as "intergovernmental struggle" for national interest.

Although in purely numerical terms - judging by the number of headlines and the number of comments - we find that the summit of The Hague was somewhat more important than the summit of Paris, the "strength" of the respective European public sphere was almost identical on the basis of the indicators above.

In 1974 we even find evidence of more intense mutual observation and transfers with respect to the British renegotiation debate. In order to study the actual integration within the European public sphere, further research on such transnational exchanges is necessary.

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¹⁰⁷ In fact, with his speech at the Labour party conference in 1974, German Chancellor Schmidt attempts to intervene in the British public sphere. See e.g. *Süddeutsche Zeitung*, Dec. 2, 1974, p. 1 Schmidt erzielt großen Erfolg bei Labour.

References:

Institutionalising a concept of Europe: the Collège d'Europe

Kerstin Poehls

Recently, social groups which move and act in supranational, transnational or global circles have for good reason come under the scrutiny of anthropology and the social sciences.¹⁰⁸ The increasingly common practice of *multi-sited ethnography* allows for this development. However, many of those researching elites continue to persist with nation-based concepts. According to widely held opinion, western political and functionary elites continue to be created largely within the institutional, social and cultural entity of the nation state (Wasner 2004, Hartmann 2004). Elite studies that might be called the 'classic' ones (among the load of literature on this topic) established the national framework as the hegemonic one: C. Wright Mills (1956) analyzes U.S. *Power Elite* and argues – in criticizing Mosca, Pareto and Michels – that closer attention ought to be paid on the interwoven elite milieus in (Western) society. Abner Cohen (1981) explores the “Dramaturgy of Power” in a modern African society and showed for this context how an elites need for social particularism is maintained. For French society, Pierre Bourdieu (1996 [1984]) investigates the “field of power” and reveals the implicit rules of habitus as well as explicit criteria and procedures, which constitute the (self)selection of an elite. Hartmann (2003) proposes a rather comparative perspective on national and transnational elites, but concludes in the end that elites are reproduced by nationally shaped social structures

At the same time, there is talk in media and academic discourse of developing global elites which “exist independently of individual societies” and “breach national self-containment” (Wasner 2004:223). Reading this statement, one could be of the impression that two strictly separate groups are being considered here, two groups which never come into contact with each other as they move in their different real and imaginary circles. Similarly, the long-running debate in Germany about brain drain – by this people mean the emigration of qualified young scientists, to the USA above all – exemplifies that people continue to think about elites and knowledge milieus within the framework of national categories.

The College of Europe is a place where the processes of creating national and supranational intellectual milieus are interwoven with each other. Someone who wants to study there must pass several steps in a national selection process in order to become part of a national delegation. The ambition of the College of Europe's administration is educating young people to become Europe's leading thinkers – for this reason, reference to a European elite is not merely the value-free description of the alumni network which permeates the EU field of power in Brussels. Today, it should be understood primarily in a strategic manner, because the number of self-styled European elite academies has grown significantly since the 1990s. All of them claim to breach national barriers and educate the next generation for the “integration machinery” (Münch 2003:52) in Brussels.

The students at the College of Europe are caught between a number of poles. For one, most of them feel they belong to one or more nations due to their own biographies or backgrounds. For another, they support the EU as a supranational, cultural-political project and wish it to be their future workplace environment. As individuals, they have to state their positions and make it clear whether and how they act as conduits between these two spheres in their everyday interactions and in their biographies. This is often cloaked in an imagined dichotomy between national affiliation versus Europeanness: In a speech to College students, the President of Portugal described himself as “more Portuguese *because* I am European” – in her role as European, a student contrastingly saw herself precisely as “*less* Danish” (Field notes of 29 April 2004 and 16 June 2004). At the same time, in their everyday life the students at the

¹⁰⁸ I would like to thank the organizers of and contributors to the 2nd annual HEIRS conference (4 and 5 November 2005, Portsmouth) for stimulating discussions.

College of Europe show how closely these only seemingly separable categories are interwoven. The College creates the institutional framework for the personal and professional exploration of the question of what it can and should actually mean to be a European. Since 1949, it has endeavoured to send its students from roughly 40 countries back out into the world as “responsible Europeans” (Bekemans/Mahncke/Picht 1999). This dialectic *making* (comp. Thompson 1963) does not, of course, begin on the first day of studies – the social (self) selection begins much earlier; it is here continued with the exploration of the ideal *Homo Europeaus*. Roberto, a Maltese *ancien* of the College of Europe who has since his time there entered a permanent position in the European Commission, puts it like this:

I think that you have to start Bruges a long time before doing it... the College is a strong filter mechanism, and afterwards the effect is multiplied, because then you're part of a family... mmmh, this is somehow too strong of a word – at least it's a network of friends. [...] I headed for Brussels before going to Bruges – and this is what I meant when saying that Bruges already starts before you finally go there... [...] After three months in Bruges I thought that I had never met so many ‘big personalities’... and ‘big’ here is meant in a positive as well as negative way... they are ‘confident’, ‘outgoing’, ‘determined’, ‘ambitious’, ... you know all these words... But Bruges does not create these people, it all starts before. People who study at the College are not mediocre students before and start to become high-flyers once they are in Bruges! Of course, there is still something you earn at the College. When I came out I could call myself an *expert*. Another thing I learned in Bruges – and not before, because then I was somehow step back... I learned to go and contact people, and to tell them: ‘Here I am, I have these and these qualifications!’ That's how things go. I mean, there are people studying at the College who start looking for a job from the very beginning – well, of course, this is what it is all about.... (Field notes of 7 October 2004)

The question of what it actually means to be “European” is at constant presence in the everyday lives of the students. The complete answer is provided neither by ceremonial inauguration speeches nor seminar discussions – what determines membership of a professional European intellectual milieu is the habitus, which is expressed in everyday practices, and which is further shaped by the traditions, rituals and routines at the College of Europe.

More recent governmentality studies provide insights into understanding the actors and their actions within the structure of the College of Europe (Foucault 2004, Bröckling 2001). In the term governmentality, Foucault combined government and the intellectual standpoint of individuals, mentality, to thereby arrive at a new understanding of ruling. In our context, what is interesting about this are the considerations which Foucault and authors who further elaborated his ideas have proposed with regard to the so-called “techniques of the self”. They assume that it is not merely external *coercion* which makes individuals follow a certain form of governance, but that *voluntary submission* plays a significant role in it. When those individuals whose ideas and actions we are trying to understand here surrender freedoms, they must see a subjective reason for it – put another way, there is a rationality, a cultural logic upon which they base their decisions for or against something. Simultaneously, they enforce the categories they build their decisions on. The students at the College of Europe have consciously opted to apply for education and life in a boarding school. For this period of time, they surrender the control of a large part of their daily lives and their private spheres. Their behaviour makes sense to them, it appears logical and rational within the norms and structures relevant to them and which are explicitly and implicitly given by the College of Europe, by Europeanising labour markets and by the political project of European integration itself: They are aiming to become part of a professionalized European “knowledge milieu” (comp. Matthiesen/Bürkner 2004:77) and regime.

Trying to be(come) European

In his opening speech, the rector of the College of Europe speaks of a hard year which will bring with it extreme personal as well as intellectual experiences for all students. He alludes to love-life problems, arguments and the mental pressure exerted by the desktop lamps which remain lit in neighbouring rooms until late at night. Right now, he (still) has the laughs on his side (comp. rector's opening speech, field notes of 15 September 2004). The actors I talked to frequently comment on their experiences using terms such as "social experiment" or life in a "golden cage" – and it is telling that a rumour went around in the first few weeks of the 2004/2005 academic year that a psychologist was studying the effects of group pressure on the students. The rumour meant me.

Stress situations and conflicts are seen by the protagonists – the students as well as the staff and teachers – as fundamental and also, up to a certain point, expressly desired elements of everyday life at the College of Europe. They are considered a source of social and symbolic capital, as the Colleges Director of Communication and Language Service clearly points out:

I also think about the notion of life-long learning... what we provide here is intercultural learning – and be it only to accept that there are no warm meals at 7 p.m. in Belgium. The Spanish [students] tend to complain about that, but this is what the College is also about: intercultural learning! (Field notes of 12 October 2004)

The administration of the College of Europe sees a positive side-effect of the academic curriculum in conflicts which arise in this developing intellectual milieu – this is borne out by the statement of the head of the communications department. Even if the students know as early as the application stage that studying at the College of Europe will be an "intense experience" due to living together with others, in talks they describe their everyday lives as a "social experiment" with a "hidden agenda", an experiment in an international setting in which their stress resistance is to be tested and challenged. While the students I spoke with often saw this as a burden, a graduate summed up his experience with the words "C'est comme une antechambre". Xavier, who took a job at the Commission a few weeks before our talk, explained to me that in this "antechamber to power", students develop a good feeling for how to behave properly in extremely competitive situations and negotiations:

Knowing how people act and react under pressure, how they vent their aggression and moods against each other – that gives you a great sense of security here in Brussels...you learn how to read situations. (Field notes of 19 February 2004)

An automatic, confident handling of how to typify and attribute arises from the debates which students hold as part of negotiation "games" about guidelines for emissions limits, fish quotas in the Mediterranean or about the food in the canteen. Frequently resorting to national stereotypes is part of this, something which is not unusual in the corridors of the Commission in Brussels (comp. McDonald 1997). In lectures and seminars, students – as experts in the making – learn how to mock the irrational course of decision-making in Brussels and the absurdities of the EU's bureaucracy, and they learn how to discuss more "rational" proposals for a "better" EU of the future. But first and foremost, the students negotiate their status in the "European microcosm" via the representation of their selves. In the era of ERASMUS, when students' biographies are becoming increasingly international, whoever possesses multiple national affiliations also has at their disposal an additional status symbol, and can display "transnational capital". This is displayed in a talk at the breakfast table at the very beginning of the academic year. The day before, a large introductory event had taken place in which all participants in the law programme held a short presentation about themselves and about their motivation. The lists

of countries in which the students had already lived became ever longer, as did the list of languages they could speak. The sense of tension of those who had yet to make their little speeches hung in the depleted air. The following morning, Antonia from Germany and Bob, a British student, shared their experiences of the introductory event:

A: I was in Vienna as an exchange student [...].

B: Oh, that's very far: coming from Munich and going to Vienna as an exchange student... (laughter).

A: Yes, I am really confused about these people who come from so many places. Yesterday I met this girl: Her mother is half-Brazilian, half-Columbian, and her father is from Egypt...and she studied in Georgetown. I am from Bavaria, and I studied in Munich....

B: There seem to be really few people from Britain who are really British... When you ask them they say they live in London, but their father is from Iran.... So they're not really British!

This dialogue made it clear that, in the minds of Antonia and Bob, there is most definitely a status gap with regard to various countries of origin or birth. At the College of Europe, some "biographical building blocks" bring a greater symbolic or social advantages and others less. There are certain codes in which your own biographical experience is to be presented in order to make it effective as symbolic or transnational capital and be seen as a European. Whoever has grown up as the son of a diplomat or the daughter of a Commission employee often has an advantage in knowledge and in habitus. Social inequalities and power gaps result from the unequal distribution of symbolic capital (Bourdieu 1996 [1984]).

In the introductory event, which was the inspiration for the breakfast-table talk I have quoted, the growing tension was, incidentally, diffused by the laughter which resulted when one student presented himself as follows: his name was John, he was half-English and half-British, and he had come to the College of Europe because he had heard of its good reputation and its good contacts to future employers. People did not laugh just because of his "binational" origins, but because he had distanced himself from a subtle ideal: John presented neither a cosmopolitan biography nor did he announce that he hoped to be enriched by the "multicultural experience in the European microcosm". Instead, he completely changed the register and actively presented his career-oriented pragmatism for all to see. The laughter was on his side: it enabled everyone to laugh about the codes of their self-representation and the "functional rationalism" of the institution of the College of Europe.

These few examples make it clear what, academic education aside, the point of studying at the College of Europe is for the students, as professional knowledge alone by no means continues to guarantee the graduates from the College of Europe a smooth start to their working lives. The institution of the College of Europe more enables existing transnational and social capital to be increased, to test the exchange value of this capital and compare it with the demands and usages in the Brussels power centre, where professionalized Europeaness is demanded.

So how has the College of Europe now become the institution as it is known today in the EU academic milieu? In the following section, I will describe the development and role of the College of Europe in the process of EU integration *from the viewpoint of today's actors*. From its founding right up to today, the College has seen itself as a "European microcosm" which is to contribute to the progress towards European unification (comp. College of Europe's statutes, art. 4). What concepts of Europe can be read into the institutional structure of the College of Europe, into its integration with the hegemonial discourse on EU integration in general and with the centre of EU power in Brussels in particular? How do today's actors in "nostalgia without memory" (Appadurai 1996:30) look back on the founding years of the College of

Europe? What connections do they establish between the process of EU integration and the College of Europe? In what structures does the College today see itself? The answers to these questions are hidden in, among other places, the structures and organisational development of the College of Europe; they grow and become institutionalised there.

The foundation of the Collège d'Europe in 1949 – motives and myths

On 22 September 1949, twenty-two students came to the College of Europe in Bruges in order to take part in a three-week *préparatoire*, a course that represented a kind of dress rehearsal for their first regular year at university a year later. Ideas about founding a visionary European education institution fell on fruitful soil after the end of WWII. Notions about a “European university” were exchanged and documented at talks held at the Hague Congress in 1948 and in a report by the cultural section of the European movement. According to the intentions of the founders, the College of Europe was to embody these ideas and political visions then and in the future.

Similar to accounts of the founding years of the European Community, the “founding fathers” assume an important role in the narratives about the initial years of the College of Europe. In the jubilee year of 1999, the official anniversary publication dedicated a whole page to the question of the true founder of the College – co-founder Karel Verleye gave the diplomatic answer that success has many fathers. There was no talk of mothers – as with the foundation of the European communities, the story of the College of Europe is cloaked in a narrative by men about men (comp. i.e. an interview with co-founder Karel Verleye: Bekemans/Mahncke/Picht 1999). The majority of today’s students are female, but the faculty is composed primarily of men. This also corresponds to the gender division in the upper echelons of the Commission. In the past few years, female students have been finding their voice and have demanded more female lecturers and guest speakers – they quite simply lack figures they can identify with, who have broken through the glass ceiling and who provide examples of women with successful career paths within the EU’s institutions (Field notes of 26 May 2004).

The parallels between the College of Europe and European integration after 1945 are unavoidable and by no means end with a glance at the founding years and the people involved. And there is much to suggest that the foundation myth of the College is almost as old as the institution itself (see i.e. Louf 1954). At the College and beyond, a mode of narrative has established itself about how the development of institutions is discussed. This mode maintains that the College of Europe has so far experienced three phases of institutional change – basically the periods from its foundation until the early 1970 under Rector Brugmans (I), followed by Lukaszewski until 1990 (II), and a phase of frequently changing rectors (III) – and is currently in a fourth, the character of which allegedly cannot yet be ascertained fully. One of those I talked to did admit that the inner logic of the development became clear only with hindsight and that there was no master plan for all decisions regarding the curriculum or the profile of the College, but for this particular individual, each development gave rise to the next. Up until today, people associated with the College continue to refer to the vision of a small Europe, one lived out every day by European “pioneers” and which the founders of the College saw before them. The claim is that as long as this spirit holds sway, the College of Europe will be successful regardless of its number of students – this *esprit de Bruges* is part of the College’s self-representation just as much as the description of *mafia de Bruges* for the graduates’ network has entered the official self-perception.

From a “European awareness” to a European career

During the first phase of its existence, so the story goes, the College of Europe bore the hallmark of the founders’ ideals. A leading professor claims that the propagation of a “European spirit” was at the centre and had “creating active Europeans” (Field notes of 7 February 2004) as its aim. For many students in the first few years, studying at Bruges meant the first encounter with young people from other countries with which their own had been at war not long before. This narrative is so firmly established that a large number of today’s applicants refer to it when describing their motivation, and they say they want to “experience Europe on an everyday basis” in the College’s “multicultural atmosphere” just as the first students did (Comp. applications for the 2003/2004 year (173L)). In the early years, the curriculum concentrated on a kind of *studium generale* with historical, philosophical and cultural themes. Since then, the College of Europe has seen itself as a place in which people “think Europe”. It is claimed that the *esprit de Bruges*, something frequently and eagerly evoked today, arose at that time in open and critical explorations of visions for a united Europe.

With the change from Henrik Brugmans to Jerzy Lukaszewski as head of the College in 1972, the atmosphere at Bruges also changed. Before this, the number of students had gradually grown from about thirty to just about sixty; the co-founder Salvador de Madariaga had taken the English college as a model with an ideal atmosphere allowing for close exchanges between the teachers and the taught. With the changes he undertook, Lukaszewski contributed to the widespread perception of the College of Europe as a “Euro-ENA” – aiming to be for the European Communities what *Ecole nationale d’administration* was and is for reproduction of administrative and political elites in France. The number of students rose; the orientation of the course contents was defined more precisely. From now on, the aim was to educate experts in well-defined professional fields, and parallel courses in politics, management, economics and law were instituted correspondingly. These *dominantes* exist until today and are now departments. Interestingly, architecture courses were offered in the mid-Seventies, but these were then taken from the syllabus after a few years, though graduates were intended to contribute in the future to the construction of the “house of Europe” with their technical knowledge also further on. A director claims that since this time, “the College has been the best prerequisite for getting into the Commission – but not an absolute guarantee” (Field notes of 7 February 2004). The number of students increased significantly, and teaching became proportionately “more French”, i.e. more frontal and less oriented towards lively discussions (Field notes of 19 February 2004).

During this phase of expansion – the number of students rose from an annual figure of about 60 to 200 between 1972 and 1990 – the College was the trailblazer in Europe as an institution to which young people with a first degree turned. Since the start of the Bologna process at the latest, the interchangeability of educational certificates and therefore of knowledge has been under debate (Cooper 2004). However, certificates from certain institutions had previously promised symbolic capital, which could often be turned into economic capital with ease. One could also assign the College the role as a trailblazer with regard to its role as a quasi-ticket to the EU’s centre of power and to the European Commission, even if a majority of students receives some kind of scholarship. Although economic calculations of this kind did not form the foundation of the creation and development of the College of Europe, the demand for professional European knowledge and habitus was recognised and satisfied there earlier than elsewhere. The economic exchange value and brand character of a Bruges degree is still, today, the incentive for many students to apply to the College:

When I was applying, it was important to me that the College of Europe had such a good reputation. I was already 28 then...like most German law graduates...and I thought

carefully about how I should invest my time. I'd never have gone to Cottbus or someplace like that even if, by chance, a good course was on offer there! (Field notes of 6 February 2004)

The tension between an “English” and “French” model exists then as now at the College of Europe. “English”, as used by the students, is a method of teaching that comes from English colleges and which is oriented more towards the intensive exchange of ideas, while “French” has at its centre the communication of reproducible factual knowledge in the style of a French *grande école*. This tension is today embodied by the *flying staff*, guest lecturers who travel to Bruges for their courses and bring with them styles of teaching influenced by their national academic traditions and academic cultures. To a degree, the students experience this confrontation with wildly different expectations as too demanding – but the European motto of “unity in variety” comes in handy here (for a critical perspective on EU symbols, see i.e. Shore 2000). Even though the question repeatedly arises elsewhere about what the actual logic of this motto’s contents is, its political statement applies in the case College of Europe: the College directors want to consciously practice Europe as a patchwork, and the students can acquire social capital when dealing with the varying demands expected of “good students”. Here, *EUropean* is the person who does not question the ultimately unavoidable randomness behind the various evaluation standards, but the person who – even if with mockery – arranges themselves with it.

Keep pace or set the pace? The Collège d’Europe in a changing European setting

For a long time, the College of Europe was to the EU what *grandes écoles* are to the elite in France and what certain colleges and universities are to England’s upper class. From the point of view of those I spoke to, the College entered a new phase with the beginning of the 1990s. For one, masters courses covering the EU and Europe were created at numerous other universities; the College has been competing with them for applicants since then. For another, the future EU expansion eastwards assumed definite features. In this changing political landscape and an increasingly complex “education market”, the College is busy maintaining its position and at the same time clarifying its profile. The College directorship changed several times in the 1990s; some of the rectors are graduates from earlier years. With a second campus, the College of Europe is also present in the former Eastern Bloc and now new EU member states. The complex relationship between the two colleges of Bruges and Natolin, situated in the outskirts of Warsaw, remains tense. While the campus and residences in Bruges, which comes close to the prototype of a medieval European town, are scattered throughout the old town, the students at Natolin live in a landscaped park based on English examples. In the Warsaw suburb of Natolin, the new EU member states form a central topic. Even though knowledge about the historical contexts and political structures in Central and Eastern Europe is necessary, students from there have to fight against their status as outsiders compared to those studying in Bruges (comp. Elias/Scotson 1965). Bruges is the “established place”: bigger, older and above all closer to the EU’s centre of power. The College administration is therefore attempting to even out this status gap according to the formula of “one college, two campuses” (field notes of 25 February 2004). Some Natolin graduates react to the real or imaginary dismissive attitude towards their campus by not naming where they studied in applications. That would never enter the mind of someone who had been “in Bruges”. Having been “in Bruges” has become a figure of speech in Brussels slang: The town and College are taken as one even if contact between the students and town’s inhabitants only occurs on rare occasions in everyday life (Field notes of 23 April 2004).

One of the directing professors describes the students of the last few years as ones who have arrived in *Europe réelle*. He believes that for them, the EU is a fact of life as a political project

as well as an everyday structure, almost quasi “natural”. He has the impression that their interest is directed more and more to the role of the EU as a global actor. This shift in focus is ultimately a reaction to the international political situation after 11 September 2001: for example, courses about Europe and Islam have been added to the syllabus. In this way, the College of Europe reacts to the political and social debates – it simultaneously secures its participation in the hegemonic EU discourse, which its students, among others, are ultimately meant to influence.

Talking about “real Europe” also includes the Brussels job market. Competition for the *concours*, the classic career beginnings within the European Commission, and which continue to be allocated proportionate to each nation’s size, has become tougher – at the latest when the decision was made for EU expansion on 1 May 2004. While Maltese and Czech students with the right qualifications subsequently had good chances to be included in the book of successful candidates and obtain a permanent position via a part-time job, for applicants from the old member states, the chances of entering the Brussels system directly became significantly lower (Field notes of 7 October 2004).

The inception and development of the College of Europe influence everyday academic life to this day: the European microcosm of the early years continues to be evoked as something unique, even though 95% of the students I accompanied and interviewed have taken part in the ERASMUS programme and the initial “uniqueness” of intercultural encounters is definitely no longer present (Comp. applications for the 2003/2004 year). In addition, the aim of being a place where the elite is formed, something which has been claimed since the 1970s, continues to play an important role – even if the applicants increasingly compare courses on offer in Sussex, London, Parma or elsewhere to see if they correspond better to their expectations and the amount of money they are willing to pay. The Bologna process, criticised as an “uneasy *mélange* of pan-European political idealism and cold economic logic” (Mills 2004:22) under neoliberal auspices, contributes to the perception of academic qualifications as commodities and educational institutions as brands. In this barter system, the history of the College of Europe also has a symbolic value. The students expect that the promises contained in the official narrative of the College of Europe will be fulfilled for them – that with their symbolic capital, they, like the graduates in the early years, will become part of a professional European knowledge milieu and market.

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When socio-history goes along with political science
The need of a shared view to explore the prospects of a European identity

Dr. Muriel Rambour

Defining the backgrounds of a potential European identity is an appropriate matter to deal with interdisciplinary problems in social sciences. Looking back at fifty-five years of European integration shows that the question is not easy to tackle. Moreover, it really seems to go along the path of a crabwalk. Many scholars from various disciplines have tried to explore the basis of a European identity, some of them searching for common elements since ancient times. Historians, sociologists, psychologists, philosophers and political scientists, have wondered how to determine references shared throughout Europe and how these values could sustain a sense of common belonging to the EU. The multicultural dimension of the European construct invites to think of new forms of interaction between states, nations, and individual as well as collective identities. Such a topic implies to adopt an analytical perspective that would establish a close link between history and political science.

One cannot consider the hypothesis of a European identity without taking into account the national frameworks representing the more familiar schemes according to which specific identifications are possible. For example, political scientists can well ground their analyses on interpretations of Eurobarometer surveys, in which citizens of member states define themselves as European and/or national, sometimes expressing a feeling of pride in being so. This kind of data shows there is no systematic contradiction between different identification sources, either national or European ones. But in order to completely understand the significance of such opinion polls, and even if contextual topics can also have an impact on the results, it seems necessary to bear in mind the influence of national histories and memories on attitudes towards the EU.

Studying the themes of European identity and of its combinations with national or subnational bases of identification then leads us to reconsider the contribution of socio-historical approaches. Socio-history is helpful to circumscribe the delineation of nations, set up through ages and struggles, to perceive the emotional attachment to a peculiar history. Once the patterns of such specific identifications are determined, it is possible to deem how deep the national consciousness is rooted, with variations from one country to another. And these national differences give distinct scopes to European feelings to express themselves, with more or less intensity. It will then be necessary to come back to basic definitions of “nations” and “identities” in order to measure the impact of historical considerations on national attachment. This conceptual background helps to understand the evolutions induced by the prospect of a European political integration, which supposes to combine diverse social references, histories and cultures in a way that could give sense to a European identity.

Defining nations, inventing traditions and creating identities

Ernest Gellner once noted how thorny it is to define a nation without considering the specific context in which it appears (Gellner, 1989:17-19). Many works (Deutsch, 1953; Deutsch, Foltz, 1963; Eisenstadt, Rokkan, 1973) have analysed the nation-building process, taking into account territorial (unification, secession movements, centralization), economic (industrialization, commercial development, urbanization) and cultural factors to explain the gradual convergence between the nation and the state. The existence of nations is indeed the product of a long historical maturation, often made of violent confrontations (Tilly, 1975; Hobsbawm, 1990). The use of force, whether to face an outside threat or to extend power, contributes to set up the territorial dimension of a state. Conflicts also consolidate nations as political units in wakening

a kind of self-consciousness, so that “the history of the structuring of human societies can be fruitfully analysed in terms of the interaction between geographical spaces and membership spaces” (Flora, Kuhnle, Urwin, 1999: 10). The nation constitutes the emotional basis of the state, which can be considered as the institutional form of the national group.

National identities tend to be built in opposition to traditions and values carried by other nations. They are the results of a cultural homogenization process, characterized by the “creation” of a common language which reinforces the sense of a national identity, while acting as an “educational tool” to ensure the transmission of cultural knowledge and habits (Thiesse, 1999). The “invention of tradition” (Hobsbawm, Ranger, 2000) conditions the reality of each nation: it designs explicit or tacit practices and rules of behaviour to structure some aspects of social life around invariable elements, instilling a factitious feeling of continuity with the past. National identities, emotionally loaded, rely on specific traditions, founding myths, religious beliefs, a common language, mainly built and transmitted by school systems (Weber, 1983; Gellner, 1989).

The state then becomes the main actor in the socialization process of its population, as it holds the monopoly of a legitimate culture. Nationals share this imagery and are ready to defend a deeply internalized perception of their nation (Bloom, 1990: 79). Benedict Anderson (1983) wrote that a nation is mostly an “imagined” political community: even if its members will probably never all meet, that does not prevent them from fostering a feeling of brotherhood. Hugh Seton-Watson also pointed that “a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one” (1977: 5). In a civic stance, the nation is a “mediator” between the society and the state, as well as the key element in the legitimation of a political system: it integrates the inner populations in a community of citizens, unifies the social fabric under the aegis of the state, and gives to the world the image of a coherent construction (Schnapper, 1994: 28-29).

Despite these complex evolutions, the existence of nations sometimes seems obvious, as if national identifications were preceding the history that made them appear. In fact, national identities are always “located” because they depend on the cultural context in which they were shaped. They develop in a frequently violent history, made of specific cultures and traditions, with deep feelings sustaining the national project. But identification sources are not only national, neither is the nation the sole framework of reference. If it is to follow a political line, EU integration also needs the support of national citizens and the main purpose is then to define the components of this “new” identity.

A half-century of European integration: what about the identity of the process?

Given the diversity of national cultures, on what features could a common identity, binding Europeans together, rest? Each identity presents two components (Bruter, 2003). According to the cultural aspect, people identify themselves to a delimited community sharing the same ethnic references, values, history and a mass culture. The consequence is that “all identities are based on some kind of exclusion, as the identity of the self can be defined only by reference to a non-self” (Delanty, 2000: 115). The civic identity is related to the political and institutional dimensions of the human group. In both cases, the prospect of a European identity raises the question of the elements that could support a sense of cultural and political commonality, making Europeans feel they are closer to one another in comparison to non-Europeans (Fossum, 2003).

For the tenants of a “primordialist” definition of identities, only national spheres are able to diffuse a sense of cohesion around a common ancestry, shared memories and hopes for the future. That is why supranational constructs, such as the EU, will always fail “to attract the

passions and loyalties commanded by nations” (Smith, 1998: 195). According to Anthony Smith, a European identity can only look “vacuous and nondescript”, rather “pale and shifting beside the entrenched cultures and heritages that make up its rich mosaic” (1995: 131). It appears to be a “memoryless scientific culture”, only supported by changing political will and economic interests (Smith, 1992: 74). For British sociologist Gerard Delanty (1998), Europe is neither a politico-cultural community nor a real society as it will never rest on the homogeneity existing at the nation-state level.

Referring again to Anthony Smith, Europeans can at most be considered as members of a “family of cultures” (1992: 70), living on a “unique cultural area” (1991: 174). This intellectual stance incites to search for a more precise characterization of this cultural mosaic. Many scholars (Papcke, 1992; Garcia, 1993; Shore, Black, 1994; Zetterholm, 1994; Wintle, 1996) have tried to gather, among different national cultures, traditions and beliefs, the possible components of a heritage shared by Europeans. The building of a European identity would then not simply be the summation of national histories (Fulbrook, 1993) but would rely on a proper common culture reflecting the unity of the continent. These main features could be found in the Judeo-Christian civilization, in the humanist principles inherited from the Renaissance and the Age of Enlightenment (Bryant, 1991; Wintle, 1996: 13-24). The process of secularization, capitalistic developments, the search for economic prosperity and well-being, are also common trends in Europe, compared to areas such as the United States, Japan or Australia (Therborn, 1995; Crouch, 1999). Even if there is not yet “one” European society, a global pattern, leading to a “social compromise”, can be brought out in the post-war period: political, economic and social institutions get a central role to manage inner changes and make nations coexist without seeking to annihilate one another.

Even if there are converging social and political models throughout Europe, the coherence of a hypothetical “community of Europeans”, sharing a common culture, is not obvious because of the multiplicity of ancient, well-rooted, cultural traditions. Designing the basis of a common European culture is not an easy task and would probably lead to a somehow fierce competition between national references (Schmidtke, 1998). Creating identities is a long-term project and it now seems premature to conclude this internal diversity would definitely prevent the emergence of a cultural European background. However, the main purpose of EU integration is to build a community of nations, respecting each specificity, rather than setting up an encompassing “nation” at a supranational level (Haller, 1994). And instead of being focused on the cultural aspect, it is interesting to investigate the second component of identities, i.e. the civic dimension and the attitudes towards political systems.

Trying to quantify feelings through Eurobarometer surveys

Among other items, Eurobarometer surveys evaluate since the mid-1970s the general support to EU integration and the degree of confidence citizens have in this process. Such opinion polls, while raising methodological questions, allow to analyse the possible combinations of national identities with the European prospects. According to Charles Tilly (2003), identities represent “social arrangements”. What does this statement mean concerning identifications at the EU level? Is there a competition between European and national identities? Are they always compatible or contradictory?

1. Methodological comments

At first sight Eurobarometers seem to be a useful tool to study citizens’ attitudes towards the EU. However, data analyses should be preceded by some preliminary methodological notices.

Translating questionnaires in twenty-five languages is at first a technical issue that has to be considered to reflect the different meanings of a same notion in distinct countries. But the main difficulties come from the questions themselves, which are controversial at two principal levels.

The formulation of questions related to European identity and its perceptions has often changed since the first polls (Duchesne, Frogner, 1995: 195-209). From 1975 to 1979, Europeans were invited to specify the geographical unit they preferably belong to: either their town/region/country at a local level or Europe/the world in a more cosmopolitan manner. From 1982 to 1992, people had to assess if they “often”, “sometimes” or “never” feel citizens of Europe as well as citizens of their own country. The “Moreno question” – from the name of the Spanish political scientist who inspired it – now invites respondents to project themselves in a near future and to state if they see themselves as “national only”, “national and European”, “European and national” or “European only”.

If questions have changed, their formulation is still problematic to grasp public opinions toward EU integration. This is especially the case with the Moreno question, which serves as the main indicator to measure European identity. It introduces two major biases. Inviting people to say how they see themselves in the “near future” first poses a serious problem as it confuses scientific analysis with imagination and prediction. Moreover, the way a question is formulated is of utmost importance because it has direct implications on the validity of conclusions drawn from comments of available data. The Moreno question does not allow to precisely evaluate the degree of correlation between European and national identities, the way citizens mix a diversified range of references, either personal or collective. Its subjective dimension is also ambiguous. “Feeling European and/or national” may have different meanings and intensity for individuals. That is why responses should be analysed in relation to the specific, national and temporal, contexts in which they were given.

Some scholars (Henry, 2001; Bruter, 2003) have suggested new patterns to appreciate the impact of symbols, exposure to bad/good news, on the evolutions of the cultural and civic parts of European identity. But as there are no other surveys of similar extent, and even if questions do not always seem appropriate, Eurobarometers still represent an empirical basis to explore interactions between national and European identities. Quantifying feelings and other subjective statements is a complicated matter. The methodological concerns mentioned in this section can then help to interpret data cautiously, keeping in mind that opinions constantly fluctuate.

2. The changing combinations of identities

The main notion highlighted by Eurobarometer surveys is the dynamic process of “identification”. It refers to the evolving recombination of interacting identity components (Rambour, 2005: 274-279), relative to either personal, subnational, national or European groups of belonging. Identities are not immutable but permanently reformulated under the effects of their reciprocal influence. References to different “nested” territories such as towns, regions, nations and Europe are generally positively correlated, without antagonism (Tajfel, 1974; Lawler, 1992; Marks, 1999; Duchesne, Frogner, 2002), confirming the existence of multilevel identifications from local spheres to EU. Recent studies (Citrine, Sides, 2004; Bruter, 2005) also underline the fact that people are able to simultaneously identify themselves with their nation and Europe which leads to the emergence of a “mass European identity”.

Keeping in mind previous remarks, two main characteristics about identity projections can be drawn from the Moreno question. The first one is that national and European identifications are generally cumulative: the more a citizen identifies with his nation, the more he feels European.

A sense of closeness to the EU could then develop through national supports of identification which allow a kind of propensity to identify with broader collective groups (Duchesne, Frogner, 2002). But if there is no systematic opposition between national and European identities, feeling “national” does not imply to feel “European” with the same intensity in every country: the diversity of national attitudes towards EU integration is the second notable characteristic.

Young people, with high levels of education, used to cross borders, are likely to identify with the EU, except in countries such as the United Kingdom. A comparative poll, carried out among British and Italian students in the 1990s, indeed brought out a negative correlation between European and national identities in the British case, but a positive one in the Italian context (Cinnirella, 1997). At a macrosociological level, it is also possible to note differences according to the respective nationality of respondents. Comparing the British and Spanish situations points out that each country has a specific perception of EU integration, in line with its own history.

Eurobarometer 52 (European Commission, 2000), conducted at the end of 1999, shows that 63% of Spaniards (more than the 52% EU average) see themselves as European (either “European only”, “European and national” or “national and European”). In the UK, this percentage amounts to 30%, as 67% of respondents exclusively identify with their British nationality (the average is of 45% in EU 15). One year later, Eurobarometer 54 (European Commission, 2001) confirms this tendency. Spaniards still think of themselves as mainly European, at a level of 76% (16 points more than the EU average). National identification prevails for 62% of British citizens; in this country, only 33% of respondents see themselves as European. To a certain extent, these data would justify to qualify Britons as “reluctant Europeans”, whose national feeling predominates over the European commitment. The “splendid isolation”, the imperial past, a history built against the continent through numerous battles, are socio-historical elements fostering a deeply rooted consciousness of a national peculiarity (Lord, 1992; Pilkington, 1995; Holmes, 1996). These historical and cultural backgrounds influence the British distant attitude towards EU integration, explaining the ambiguous position of a country “with but not of Europe”, often considered as an “awkward partner” (George, 1990). Spaniards have a different perception of EU membership. They conceive it as a synonym of socio-economic modernization and especially as a proof of democratization after the Franco dictatorship (Malveille, 2002). Here the historical background is important to understand the reason of the relatively high level of complementarity between Spanish and European identities, as if joining the EU helped Spaniards to become better citizens.

Eurobarometers also comprise trend questions about national pride, an indicator that can interestingly be compared to European identification. Analyses proved that asserting one’s national pride implies no antagonism or hostility towards other nations or EU integration. Being very proud of one’s country would even foster identification with the EU. But in some specific situations, tensions appear between both levels, so that being proud of one’s nation prevents from feeling European as well (Duchesne, Frogner, 1995, 2002). In 1994, 1997, and from 1999 to 2003, European issues were at the core of public debates, with the Maastricht treaty ratification process, European elections, introduction of the single currency and discussions about the European constitutional treaty (Laursen, Vanhoonacker, 1994; Bankowski, Christodoulidis, 1998; Shaw, 2003). Data show that when the EU becomes something else than a nebulous entity and stands at the forefront of public attention, relationship between national pride and identification with Europe changes, turning from a positive correlation to antagonism.

Since autumn 2000, Eurobarometers also try to evaluate if, and how much, citizens also feel proud to be European. Recent studies crossing questions on national pride and European pride demonstrate that both are generally compatible. According to Eurobarometer 54 (the first one to ask this question), 62% of respondents were proud to be European, in a lower proportion than national pride which amounted to 83%. It is rather a matter of preference, of hierarchy between both forms of pride, than a binary and exclusive choice (Duchesne, 2004). But there are still important national differences.

In 2000, the percentage of European pride was the highest in Spain, combined with a strong feeling of national pride: 77% of Spaniards were fairly or very proud to be European and 88% to be Spanish. In the UK, there was no such positive correlation between both items: compared to other EU countries, the level of European pride was the lowest, at 45%. If 42% of respondents stated they were not very proud or not proud at all to be European, 91% felt fairly proud or very proud of their nation (on motives for British national pride, see Duchesne, Heath, 2005). In this case, the low proportion of European pride seems to be “compensated” by a stronger national pride. But this example cannot stand for a general rule.

In the same survey, only 51% of Germans expressed a European sense of pride. Even if the proportion of respondents stating they were not very proud or not proud at all to be European was lower (38%) than in the UK, such results are quite surprising for a traditionally “Europhile” country. It is also interesting to note that, contrary to the British situation, the relatively low level of European pride in Germany was not “compensated” by a higher degree of national pride: 68% of Germans felt fairly or very proud of their nationality, i.e. the lowest percentage in all the EU. Among other factors such as the reunification and the inclusion in survey samples of rather Eurosceptic eastern *Länder*, this attitude certainly reflects a kind of reluctance to use the concept of “pride”, which refers to a sensitive past (Rambour, 2005: 268-271).

The Spanish, German and British examples show that historical backgrounds confirm or contradict the generally positive correlation between national and European prides. Moreover, political loyalties can be challenged by contextual effects, when debates on Europe activate potential conflicts between allegiances and intensify citizens’ attachment to their own nation. In these moments, support to EU is mostly determined by the way national interests are affected by the integration process. These occurrences reveal the dual aspect of identifications, generally compatible but also competing if political logics and choices are at stake (Duchesne, 2004; Carey, 2002; Rambour, 2005: 261-273). When debates on EU prospects calm down, existing identities, mainly national ones, play the role of a “springboard”, rather than a “gravedigger”, for EU identity (Duchesne, Frogner, 1995: 194). This inclusive dimension of identities could serve to legitimize EU through the complementarity with national backgrounds.

Concluding remarks

National identification does not hamper the development of a European feeling. After a half-century of EU integration, relationships between both elements are changing and could be compared to a crabwalk. Most of the time, and in the majority of member states, they are cumulative and fostering each other, but they may be opposed in politicized contexts. Interpreting these combinations entails to consider a system of multiple components, where identity layers are not simply superposing but are constantly interacting. The process is complex and takes place in the long term, as national identities were shaped through conflicts and long periods of socialization that still influence citizens’ perceptions of the EU project.

Quantifying a subjective dimension is always difficult. Data should then be cautiously interpreted as aggregating figures and drawing general conclusions would not allow to pay attention to national factors such as long history, culture, political conjuncture, that explain the specific attitudes towards the EU while being anchored in minds. As national and European identification sources are not antagonistic, it may be by replacing these pieces of history in a broader scope, so as to bring out common features, that a European identity could be more easily outlined and emotionally invested by citizens (Rambour, 2005: 292-294).

Various ways to conceive European identity, its definition and the kind of correlation that can be drawn from its confrontation with national supports of identification, invite us to adopt an interdisciplinary point of view. Instead of opposing history, sociology and political science, it would be more fruitful to complete each analysis with approaches from other disciplines. Methods, focuses and designs may be different, but reading political science through the prism of history, and vice versa, helps to interpret present political configurations in the light of lessons from the past. If this perspective can be applied to a national level (Déloye, 2003), it also proves useful in the European context. Exploring the prospects of a European identity leads to speak of a real “need” to share views. Not to be normative, but to highlight the point that political scientists, whether they use theoretical concepts or quantitative data to evaluate the consistency and interactions of identification sources, also have to learn from sociology and history to get an accurate understanding of their topic.

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At the Core of European power: the Origins of Competition Policy (1957-1964)

Laurent Warlouzet¹⁰⁹

It is well known that the European Union has extensive power over its Member States in areas such as External Trade or Internal Market, but the domain in which the EU may exercise power in the most extensive and autonomous way is Competition Policy. It has been barely studied from a historical point of view¹¹⁰ and has only recently entered field of political sciences (Cini, 1998). Due to this policy, the European Commission has enjoyed very wide power and responsibility, more so than any of the Member States has ever had before the EEC (European Economic Community) was founded in 1957.

The 1957-1964 period, from the Treaty of Rome to the implementation of the Competition Policy, is crucial in understanding how this power came about. Three elements are necessary in understanding this issue: a brief historical background; studying the construction of the Competition Policy from both the Member States' and the Commission's point of view; and transcending the classic dichotomy to grasp the full complexity of the European decision-making process.

This paper, based on business and governmental archives from France and the European Union¹¹¹, uses several political science concepts to deepen the understanding of the historical development of the European power¹¹².

Historical Background

One of the most influential legal expressions of competition policy is the Sherman Act passed by the United States Congress in 1890. The Act was meant to eliminate the most harmful trusts and thus to fight against Big Business, which was considered a potential threat against individual liberties.

In March 1957, when the Treaty of Rome was signed, the competition policy was barely known in Western Europe. Only two countries among the Six, France and Netherlands, had a sort of competition policy, very far from the US model, and Germany passed its law only in July 1957. Since the EEC's intention was to create a common market and to eliminate custom duties, a European competition policy seemed essential in the fight against non-tariff barriers. Without it, the fear was that national companies could close their national market from foreign competitors.

In the Treaty of Rome, several articles dealt with competition policy. The first to be discussed historically was Article 85 of the Treaty, an article that prohibits agreements that restrict competition, with some exceptions (agreements that may encourage competition because they promote technical progress or improve distribution). When mergers, abuse of dominant positions, and state aids became part of the European Competition Policy in the 1980s, the Treaty of Rome was not clear on what the European Competition Policy was supposed to be and who was to be in charge of its implementation.

In 1957, France thought that the European Commission should only be given limited powers in this new field, which was seen as minor. However, in 1962, the German Commissioner for

¹⁰⁹ Doctoral Researcher (ATER) at the University of Paris-Sorbonne (Paris IV) Dissertation's topic: "Industrial Motives in France EEC Policy, 1957-1968"

¹¹⁰ The most important historical studies deal mainly with the inter-war period. Eg.: Barjot (1994).

¹¹¹ French governmental archives (Foreign Affairs Ministry [AMAEF], National Archives [AN]), French business archives (CNPF : Conseil National du Patronat Français [ACNPF]), European Union archives [AEU] in Florence.

¹¹² This article is a new reflection, using political science concepts, of a topic already studied from a purely historical point of view in Warlouzet (2006). More historical facts and archival references can be found in this article. The author wishes to thank the conference's participants for their questions and Professor Alex Warleigh for his helpful comments.

Competition, Hans von der Groeben successfully pushed through a regulation that implemented Article 85. Regulation 17/62¹¹³, as it was named, gave large powers to the Commission that could, on its own, prohibit or authorize an agreement. As a result, the Commission ended up with far more power than France had expected.

This still very famous regulation was the basis for the European Competition Policy up to 2003, when it was replaced with Regulation 1/2003¹¹⁴. However, the powers given to that young European Commission may have been too large, too soon. The Brussels Authority was not able to implement Regulation 17/62 early on, because of an excessive amount of red tape. The very first decision in application of Regulation 17/62, that banned an agreement between companies, was taken only in 1964 and confirmed by the Court of Justice in 1966, four years after the regulation was voted¹¹⁵. Only in the 1980s would the Commission be able to use the full range of its theoretical powers given by Regulation 17/62 and become the fully-fledged competition authority that it is today.

Two important questions arise from this summary: why did the Six nation states accept giving the Commission so much power on business issues with Regulation 17/62; why did the Commission fail to fully implement this Regulation in its early years. Different perspectives of study are necessary to answer these questions.

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I/ The Member States perspective

The Member States perspective is currently associated with the intergovernmental theory. According to this theory, European integration is driven by nation states who try to put their national interest forward. The emphasis is on great diplomatic negotiations and especially, in the 1960s, on Franco-German negotiations.

In 1957, France wanted a moderate competition policy, based on its national model. The French Ministry of Economics worked in close cooperation with French companies in order to define which agreements were best for the French economy. France found agreements useful in strengthening weak French companies against the threat of increased competition from foreign firms. Moreover, setting international agreements was an efficient tool in integrating foreign markets by allowing its national firms to sell their products abroad.

From France's point of view, the European Competition Policy had to focus solely on prohibiting only the most protectionist agreements and tolerating most of the others. The Commission was to have limited powers: its role should simply be to coordinate the general framework of the different national competition policies in order to make them compatible. As Article 59 of the 1953 French law was very similar to Article 85 of the Treaty of Rome, Paris thought that its model would be applied at the European level. Last but not least, France's President, General de Gaulle, was very hostile against delegating large amounts of power to the European Commission. France also steered a very interventionist economic policy and did not want to be limited by European rules.

In contrast, Germany wanted a strong European Competition Policy shaped on its national model. The July 1957 German national competition law, influenced by the ordo-liberal school (represented by its Minister of Economics, Ludwig Erhard), gave large powers to an

¹¹³ Regulation n°17/62 on 6 January 1962.

¹¹⁴ Regulation n° 1/2003 on 16 December 2002. This regulation replaces Regulation 17/62 and came into force on May 1st, 2004.

¹¹⁵ « Grundig-Consten » Case. Commission, 23 September 1964. CJCE, 13 July 1966, Grundig and Consten vs. Commission. Joint cases 56 & 58/64.

independent authority, the *Bundeskartellamt*, to steer a tough competition policy (Gerber, 1998, pp. 273-6; Marburg, 1964, p. 91). Every agreement was forbidden in theory. On a European scale, Germany feared that protectionist countries, such as France and Italy, could close their national market to foreign firms. Without strong European rules, these protectionist countries could undermine the decrease in customs duties through restrictive agreements among their national companies.

However, in 1962, France voted for Regulation 17/62 for two reasons. Firstly, France was isolated among the Six. Belgium, originally on France's side, shifted positions after a general election. The new government, elected in 1961, supported a more ambitious competition policy and joined the German line¹¹⁶. Secondly, an intergovernmental "package deal" was agreed upon between France and Germany. French archives show that Paris had swapped a German conciliation on the Common Agricultural Policy (CAP), with an agreement on that German-based competition policy¹¹⁷. This package deal occurred during the broader debate on the first step of the implementation of the Common Market. The regulation on the implementation of the Article 85 was accepted on January 6th, 1962, shortly before the end of the second agricultural « marathon » on January 14th, and led to the creation of the CAP. Indeed, Ann-Christina Knudsen observes that Germany was the most reluctant state (Knudsen, 2001, p.268 and pp.421-22), and Piers Ludlow underlines the fact that France was ready to make sacrifices in order to secure an agreement on the CAP in December 1961 (Ludlow, 2005, pp.347-372, p.353). The compromises on competition policy appeared to be one of the more convincing arguments for Germany.

The intergovernmental theory can explain why France accepted the German point of view, but not why both countries gave such a central role to the European Commission. Therefore a Commission-based analysis is necessary to deal with those questions.

II/ The European Commission's perspective

One of the assumptions of a Commission-based analysis is that the Commission has a leading role in European integration because of its technical skills and its central role in the European institutional system. Using Commission-based analysis to understand the origin of the European Competition Policy, we can see how the European Commission's role was central to the success of Regulation 17/62. Two factors could explain this success.

First of all, the impact of the spill over effect is clear. Since it is impossible to shape a solid customs union without rules on restrictive agreements, the best way to implement these rules is to rely on an independent common authority that gives unity of rules and avoids differences in national policies. The Commission might also have benefited from the success of its internal liberalization process as the first acceleration occurred on May 1960, the 12th (Gerbet, 1999, p.214).

Secondly, the institutional effect is essential. The European Commission was a leading actor in the complex European decision-making process. The Brussels authority was able to impose its goals with a step-by-step approach. Commissioner Hans von der Groeben used two technical but decisive proceedings:

-1) Frequent meetings with civil servants, both first- and second-rank, were useful in showing that most of the Member States, and France in particular, did not have a very strong and united position on technical questions. At the end of the decision-making process when a new regulation came to Council for a vote, the European Commission could claim that the Member States' civil servants were in agreement with its framework, because they had often been consulted. It was, therefore, difficult for the Member States to oppose the Commission's proposals without contradicting themselves.

¹¹⁶ AN, 1979.079, 265, note SGCI, 27 November 1961.

¹¹⁷ AMAEF, RPUE 1143, note of François-Xavier Ortoli, SGCI, 17 November 1961 & Telex of the REP, 19 December 1961.

-2) The European Commission benefited from the support of other European institutions: the European Parliamentary Assembly and the Economic and Social Committee. Though only advisory institutions, they had a decisive political influence (von der Groeben 1985, p.121), and they increased political pressure on France.

The Commission-based analysis explains why the Commission succeeded in gaining large powers from Regulation 17/62, but not why the Commission failed in implementing that Regulation. Failure was neither in the Member States' nor in the Commission's interest. Moreover, the French position is difficult to understand from a purely rational point of view, as the 17/62 Regulation had given very large powers to the Commission in theory. It is necessary to consider a third possibility and transcend the "Member State vs. Commission" dichotomy.

III Transcending the "Member State vs. Commission" dichotomy

Two assumptions need to be addressed to account for the gaps in the two previous theories: the limits in terms of institutional functioning and in terms of actors' behaviour (Risse-Kappen, 1996, pp.56-57). The first stems from a conventional conception of the EEC as a direct fight between the supranational dynamic, embodied by the Commission, and the nation-state interests. This could be replaced by the concept of governance. Individual actors limit emphasizes the limits of the rationality and the materiality of the debates, especially when cultural embedment creates misunderstandings.

A/ The complexity of the EEC governance

Since the Single European Act (1986), the distinction between International relations and domestic policies has been blurred due to the development of more and more domestic European policies. Therefore the notion of "governance" has been widely used in order to understand a European system that relies more on numerous networks of institutional and non-state actors, than on the principle of hierarchy and of a strict separation of powers (Jachtenfuchs, 2001, p.249). Governance could also be useful in understanding the Competition Policy in the 1960s, as it is one of the few fields where national and European policies are completely merged. Barely any genuine and strong national competition policies existed before. According to governance specialists, this concept is especially useful in understanding the "implementation stage" of technical policies for several reasons: the Commission's and nation-states' powers are blurred; "in-between institutions" such as committees play a significant role; and the societal and sub-national actors are integrated in the implementation process (Marks, Hooghe and Blank, 1996, pp.366-67). With the exception of sub-national actors, every other feature could be applied to several cases in the 1960s. For example, the CAP was defined by an interaction of Member States, the European Commission and non-state actors such as the COPA ("Comité des organisations professionnelles agricoles de la CEE") (Noël, 2002). To implement the CAP, a fourth actor, the sectoral management committee involving European civil servants and national representatives, was invented (Knudsen, 2001, p.272; Bourrinet, 1964, p.221).

In the case of the origins of the Competition policy, the concept of "governance" is useful in understanding why the Commission failed in implementing Regulation 17/62. The regulation was based on a simple process: the companies had to send a copy of their current and future agreements to seek and eventually to obtain an authorization from the Commission. This system gave a lot of power to the central authority. It also enabled the Commission to collect data from its Member States. However, the Commission received too many notifications and was not able to decide which agreements to approve of, nor why. The Commission was drowned by thousands of notifications. Up to 31 March 1964, the Commission had received about 37.000 cases (McLachlan and Swann, 1967, p.141). It took several years for the Member States and the companies to have the first clear guidelines on the European Competition Policy.

Regarding governance, an explanation for this failure could be the lack of consultation of the DG IV (Directorate General 4), the Commission's service in charge of Competition Policy¹¹⁸. It is important to keep in mind that the European Commission was only a small administration with very few members of staff. It relied on both the respective national administrations and business organizations in order to receive information on national competition policies, and the relative importance of business agreements. But DG IV had decided to shape its own notification system so as to acquire complete independence. The Regulation 17/62 created a Consultative Committee, which gathered national and European civil servants, but it was convened only 3 times in 1962 and never in 1963¹¹⁹. This was severely criticized among the French civil servants. They had hoped for a close collaboration with the Commission and the other national administrations in defining the guidelines of a European Competition Policy doctrine, but DG IV preferred to act alone, first by self-confidence, then by uncertainty.

The collaboration of the European business association (UNICE: Union des industries de la Communauté européenne) was also important to DG IV. From a general point of view, the influence of the business actors should not be diminished. Some of them had been developing global European integration projects for a long time (Bussière and Dumoulin, 1994). Their direct influence has sometimes been identified: in 1958-1959, the role of the British business association in the promotion of the EFTA project (Kaiser, 1996, pp.89-90). More specifically, competition policy was a major problem, as companies wanted to preserve their autonomy in their relations with their counterparts. It was one of the most important topics discussed at the UNICE¹²⁰. From the Commission's point of view, the collaboration with the UNICE would have been important in the implementation of this complex regulation, and could have helped dampen apprehension. Had the European Commission wanted to receive clear notifications, without errors that rendered them useless, a minimum of cooperation with business officials would have been necessary.

However, DG IV did not pay a lot of attention to the European business association's remarks and the UNICE was not proactive, either. Its members were divided and hesitated between pursuing a national or a European course of action¹²¹.

The collaboration between the Commission and the business association was limited by both organisation's incapacity to consider their relation as fruitful. This attitude stems from the 1950s habits: after 1945, the nation states played a central role in the definition of the post-war economic order. It was therefore difficult, from the national business association's point of view, to consider the European level as the most relevant for their lobbying¹²². In return, from the Commission's point of view, the European business association (UNICE) was only a secondary actor, as its role in the Treaty of Rome negotiations was non-existent¹²³.

However, both actors began to adopt a more cooperative approach at the end of the debate on the future Regulation 17/62. The UNICE observed the failure of its national strategy and developed a more direct action on a European level against the Commission's project¹²⁴. After the vote of the Regulation 17/62, the UNICE tried to encourage the Commission to adopt a soft line on the implementation of the Regulation 17/62. For the Commission, the problem was that no line could be defined because of the "mass" problem. In order to solve this problem, the Commission began to consult the UNICE more directly¹²⁵. Then, in order to facilitate the compliance, the Commission consulted them before writing a practical guide whose aim was to

¹¹⁸ For a study of the DG IV that stresses both its German influence and its authoritarianism, see: Cini, 1996.

¹¹⁹ AN, 1979.0791, 266.

¹²⁰ ACNPF, 72 AS 1388, meeting of the UNICE competition rules commission, 15 April 1958, and meeting of the general secretaries of the national delegations of the UNICE, 7 November 1958.

¹²¹ ACNPF, 72 AS 1503, meeting of the UNICE Competition commission, June 3rd, 1959.

¹²² Ex. of the French (CNPF): ACNPF, 72 AS 1389, note, Lartisien to Georges Villiers, 27 October 1960.

¹²³ ACNPF, 72 AS 803, General meeting of November 7th, 1956.

¹²⁴ AN, 1979.079, 265, note SGCI, 27 November 1961.

¹²⁵ AN, 1979.0791, 263, XIIth experts conference of July 5-6th, 1962.

explain the notification proceedings to the companies¹²⁶. Some «soft law» guidelines were necessary to ensure the enforcement of the regulation. But it was too late: the Regulation had not been clear enough from the start, and, by 1962, DG IV had received thousands of vague or even unnecessary notifications.

It is a curious paradox that the Commission ended up adopting "nation state" behaviour. The collaboration with the UNICE was not sought as a first step. The failure of the implementation of the Regulation 17/62 led to the necessity of more interactions between the European business association, and the European Commission, in relation with national civil servants. New decision-making processes and actors' networks had to be invented to enforce the European law. This lack of governance could hint at why the Commission failed. Its main goal had been to conclude an intergovernmental negotiation via an agreement on a regulation without bothering about its effective enforcement. The European Commission benefited from the complexity of the European decision-making process, but it also suffered from it.

B/ The cultural embedment

Individual actors are not always rational and driven by material concerns. Recent European integration Theories have stressed the role of cultural factors such as the social, national or intellectual backgrounds (Rosamond, 2002, pp.171-4). Taking their differences into account is useful for understanding why the French line of a soft competition policy was not followed by the Commission.

There were deep misunderstandings between the French and the German conception of competition policy. The French global economic model was based on a choice of growth over limiting inflation (Dumez and Jeunemaître, 1989). An incentive budgetary policy granted industrial growth and social welfare. The external competitiveness was obtained by regular devaluations. The inflation that resulted from this macro-economic policy was fought by a severe price policy, whose action was based on direct and restricting state tools such as setting prices. Therefore, the French competition policy was only a secondary tool for the "Direction des Prix" from the Ministry of Economics. It was based on the collaboration between the State and the business for the organization of the industrial structures. This attitude was ancient and was reinforced after 1945. After the Rueff Plan (December 1958), France began to liberalize its economy but price policy remained a major tool in the fight against inflation, even when the French currency was strong, from 1959 to 1968.

In contrast, from a German point of view, competition policy was purely based on the market mechanisms. Its goal was to allow these mechanisms to work on their own without any obstacles. The German conception was derived from the "Freiburg School," that influenced Ludwig Erhard (Bilger, 1964, p.211; Gerber, 1998, pp. 258-60). competition policy was a way to build a new world, based on the rule of law, which guarantees liberty. Therefore, the State was to have only a limited but decisive role of enforcing the law in order to fight against every threat to liberty, either from the State or from business. That is why an independent Authority more neutral than the State had to be erected to enforce severe competition law (Gerber, 1998, p.239). In Germany, the Bundeskartellamt, was an independent authority, which benefited from great amounts of power, and had an intense activity even in the late 1950s (Franck, 1967). This rule of law and the separation of powers was intended to implement an "order-based policy" (*Ordnungspolitik*). The German conception is based on a political objective and juridical tool, while the French conception is more economic and administrative. Finally, its conception and targets were different from the French policy (Houssiaux, 1962, p.481). competition policy was only a secondary field for French civil servants. In their minds, competition policy was mainly associated with the "decartelization" of Germany; when France wanted to weaken the German economic potential. In 1950, during the ECSC (European Coal and Steel Community)

¹²⁶ Practical guide, 1 September 1962. ACNPF, 72 AS 1544, competition commission of the UNICE meeting, 10 July 1962. In the meantime, for political reasons, France was hostile to direct contacts between the DG IV and the UNICE: AN, 1979.0791, 263, XIIIth experts conference of July 5-6th, 1962.

negotiations, France advocated a strong European Competition Policy in order to fight against the reconstruction of the former coal and steel giant companies (Kipping, 2002). The Treaty of Paris, signed in 1951, had given extensive powers to the High Authority in Luxembourg to fight against the cartels, but its policy had been very weak (Poidevin and Spierenburg, 1993, p.865). As a result, France paid little attention to the emergence of an EEC Competition Policy. During the Treaty negotiations, in 1956-57, France followed its national model and insisted on the inclusion of price policy tools in the competition policy field¹²⁷. The main tools against German industrial power were either quotas, or a different type of European integration. For example, François Valéry, a diplomat who led the French delegation at the OEEC, feared the competition from German industrial firms inside the EEC. Its solution was not to promote a strong European Anti-trust Authority, but to create a greater Europe than the Common Market, including Great Britain and most of the OEEC members (Warlouzet, 2005, p.159). He had a geopolitical vision: the German industrial potential was balanced by the British one. Therefore he preferred a larger and more liberal Europe than the “core Europe” (Kaiser, 2001) of the ECSC and the EEC. This cultural opposition had three consequences in the debate of the implementation of Article 85, from 1957 to 1962. First of all, French actors, both civil servants and French business delegates at the UNICE, barely knew the German conception and thought this approach was only workable for the huge US market. They underestimated the importance of the Commission’s projects. Secondly, French civil servants were convinced of the strength of their model, which may have been the basis of the European policy. Thirdly, the debate could not have been envisaged from the delegation of powers perspective. French competition policy powers were not transferable, as they rely respectively on an extensive administration to control the prices and on a close relationship with national business networks. So, at the beginning, the debate on the Article 85 was not seen as a problem of delegation of powers, neither by the French civil servants nor by the French business representatives¹²⁸.

Finally, this cultural opposition could also be useful in explaining the difficulties of the Commission after 1962. They illustrate the lack of a real “policy-network” because no previous patterns of implementation, even at a national level, had existed in the case of an “ordoliberal” competition policy. A French “policy-network”, involving national civil servants, companies and courts existed but it was for a completely different type of competition policy. Outside France, most of the member-states were not better prepared for an “ordoliberal” competition policy. Implementing such a new policy required a period of cultural education for all the actors involved. The new 1/2003 Regulation, that replaces the 17/62, relies on a more decentralized network to implement the European Competition Policy. Currently, both business and national actors have integrated the norms of a tough Competition Policy.

Conclusion

Political Science offers a great diversity of theories and concepts to the historians who wish to understand the deep complexity of the EU decision-making process. The origins of Competition Policy, from 1958 to 1964, is a convenient area to use these approaches because it is a very technical policy, with very large delegations of power (in theory) and an important involvement of business actors.

In the 1960s, as the Competition Policy, in its ordoliberal acceptance, was a new policy, it was difficult to speak of a genuine “delegation of power”. This deals more with the birth of a new power. Even if the 17/62 was not fully implemented in the 1960s, it has been the basis of the powerful European Competition Policy of the 1980s.

To understand why the Six Nation States accepted to give the Commission so much power on business issues with Regulation 17/62, this paper argues that it is necessary to combine the

¹²⁷ AEU, Florence, CM3, 236, debate of September 7th, 1956.

¹²⁸ ACNPF, 72 AS 1389, speech of Robert Fabre, CNPF expert, 31 October 1958. AN, 1979.0791, 264, note 2 December 1960: in a meeting of the Six Member States, France still did not understand why the Commission should have extensive powers.

intergovernmental theory, Commission-based analysis, and a more cultural approach. The gap between German ambition and the French economic model of the 1960s must be taken into account. The strength of the Commission, its central and isolated position in the 17/62 system, was also a weakness. A problem of compliance occurred because of the lack of “governance” and the impossibility to shape an embryo of “policy-network”. In contrast with the CAP, no minimal consensus existed upon which a compliance organization could have been developed. It has been argued that it is insufficient to interpret the EEC in the 1960s in terms of conflicting views of Member States or the opposition of Member States to the Commission. Instead, the analysis would benefit from European integration models that include both state and non-state actors as well as national and European actors that interact in various degrees of dependence.

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