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## Editorial

*Dear friends and colleagues of the Kolleg-Forschergruppe,*

welcome to the second edition of our newsletter! As you will notice from the information inside, the Kolleg-Forschergruppe is now up and running. In fact, we are expecting the second group of postdoctoral fellows and senior guest fellows this coming fall.

This newspaper is published during an exciting time for those doing research on the European Union. In early June, we witnessed the elections to the European Parliament with an all-time low turnout. What does that mean for Europe's transformative powers? Do EU issues have very low salience among the voters, as Andrew Moravcsik from Princeton University argued during a recent visit to the Kolleg-Forschergruppe? Or does it mean on the contrary that voters did not know why they should vote in light of the fact that most political parties did not care to inform voters about the issues at stake? Eva Heidbreder addresses these questions in her article "The Genie is out of the bottle ... but who cares about ghosts?" on page 8.

In late June then, the German Constitutional Court issued its ruling on the Lisbon Treaty declaring it in accordance to the German Grundgesetz, but also giving the German parliament a kick in the butt for its failure to effectively control EU legislation so far. You find a comment by Tanja Börzel on the Court's ruling inside this newsletter.

In addition, this newsletter contains further information on the activities of our senior guest fellows. At the end of his four-months-visit we enjoyed a stimulating panel discussion with Fritz W. Scharpf on the European Court of Justice. Then Jeffrey Checkel spent some intensive days at the Kolleg-Forschergruppe, please find a report on a lecture he held for students within our lecture series. Last but not least we are very happy to welcome Juan Díez Medrano who will stay with us until December.

Our postdoctoral fellows are not less active – you find reports on the workshops organized by Silke Adam and Arolda Elbasani. Mentioning this the Kolleg-Forschergruppe is happy to announce its International Conference on the "Transformative Power of Europe" in December this year. Please feel invited to contribute, you find the Call for Papers within this newsletter.

Best regards  
Research Directors

Tanja A. Börzel

Thomas Risse



Prof. Tanja A. Börzel & Prof. Thomas Risse

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Call for Papers

## *Kolleg-Forscherguppe* Invites Contributions to International Conference on the “Transformative Power of Europe”, Berlin, December 10-11, 2009

In December 2009, the *Kolleg-Forscherguppe* organizes an international conference on “The Transformative Power of Europe: The European Union and the Diffusion of Ideas.” The conference will have four major themes around which the panels will be organized:

1. Theorizing Diffusion: Processes and Mechanisms
2. The Europeanization of Identities and Public Spheres
3. Compliance, Conditionality, and Beyond
4. Comparative Regionalism and the EU’s External Relations

For this academic conference, we invite papers from various disciplinary perspectives to each of these themes. Papers should explicitly address diffusion and transfer processes “from the outside in”, that is, the EU and its member states as recipients of policies and ideas, and/or “from the inside out,” that is, the EU and its member states as agents of diffusion. Please find more detailed information on the four major themes related to the KFG research clusters on *our website*. Please send your paper proposal with a one-page abstract by August 30, 2009, to [transform-europe@fu-berlin.de](mailto:transform-europe@fu-berlin.de). Invited paper givers will be notified in early September. The *Kolleg-Forscherguppe* will take care of their travel costs as well as accommodation in Berlin during the conference.

## Prof. Dr. Juan Díez Medrano joins the KFG



Prof. Dr. Juan Díez Medrano

We are pleased to announce that Prof. Dr. Juan Díez Medrano joined the *Kolleg-Forscherguppe* in the beginning of June. Juan Díez Medrano is a Professor of Sociology at the Universidad de Barcelona and Coordinator of the Research Program „Institutions and Networks in a Globalized World“ at IBEI (Instituto Barcelona de Relaciones Internacionales).

He earned his PhD at the University of Michigan (1989) and was formerly employed by the University of California, San Diego (1989-2003) and the International University Bremen (2003-2004). In winter of 2006 he held the Luigi Einaudi Chair in European and International Studies at Cornell University. He is the author of *Divided Nations* (Cornell University Press, 1995), *Framing Europe* (Princeton University Press, 2003), and articles published in *American Sociological Review*, *Social Forces*, *Theory and Society*, *Ethnic and Racial Studies*, and *Comparative European Politics* among others. He has also presented numerous papers at conferences organized by the American Sociological Association, International Sociological Association, Council for European Studies (USA), European Union Studies Association, and Society for the Advancement of Socio-Economic. Juan Díez Medrano is currently working on a comparative study among Western trade unions in the United States, Great Britain, France, Austria, and Germany, that focuses on their contrasting reactions to free trade agreements with less developed countries. At the same time, he is initiating a research program focused on the societal consequences of European integration. In particular, he is interested in the emergence of new social groups that one could call „European“.

Prof. Medrano will stay at the KFG until the end of July and again from October to December 2009.

## Mandated Democracy?

*by Prof. Dr. Tanja Anita Börzel*

Finally – the German Constitutional Court has decided. While the Federal Government celebrates the ruling as a success for the Lisbon Treaty, some consider it to be a constitutional and political sensation. However, when the smoke has settled, it becomes clear that more than anything else the ruling is more of the same, restating the position, which the Constitutional Court had taken in its decision on the Maastricht Treaty. Already in 1993, the Court had criticized the extent to which the EU interferes in the domestic affairs of Germany without having sufficient (democratic) legitimacy to do so. This time, the eight judges simply went one step further linking their critique of the EU's democratic deficit and its ever growing competencies to specific requirements for the stronger involvement of the national parliament in EU affairs. More specifically, the Court wants the parliament to approve any changes of the Lisbon Treaty that are not subject to the usual ratification procedure, such as the use of the flexibility clause (Art. 352 EUT) or the possibility to switch from unanimity to majority voting (Art. 48 VII of the Lisbon Treaty). The necessary changes to the “Act Extending and Strengthening the Rights of the Bundestag and the Bundesrat in European Union Matters” (Mitwirkungsgesetz) will be enacted before the federal elections in September this year. But it remains to be seen to what extent the Bundestag will actually flex its new muscle. So far, the German Parliament has made only timid use of its participatory powers in EU affairs.

A kick in the butt by the Constitutional Court might not be sufficient to foster a more active engagement of German parliamentarians in EU affairs. The control functions, which the Constitutional Court attributed to itself, have more important implications. The competence to review EU secondary law for its compatibility with what the Court considers to the “inviolable core” of the identity of the German Constitution (Verfassungsidentität) is not new and could help address the concerns voiced by Fritz Scharpf in his recent critique of the European Court of Justice (see below). The Court's intention to examine whether EU always acts within the limits of its powers conferred by the member states, however, can indeed be considered a constitutional sensation. This is a direct challenge of the European Court of Justice's authority as the highest arbiter of European Law. What would the Federal Constitutional Court say if the Constitutional Court of the federal (free) state of Bavaria claimed the right to decide whether laws adopted by the Bundestag fell within the realm of Federal competencies? It remains to be seen whether the European Court of Justice – or the Federal Government and the German Parliament for that matter – are willing to tolerate such an arrogation of power (Kompetenzanmaßung) of the Federal Constitutional Court. In any event, we now have legal pluralism in Germany in the sense that two courts claim to be the final arbiter with regard to European law.

## Panel Discussion

## The Controversial Role of the European Court of Justice

On Thursday, April 30 2009, the *Kolleg-Forscherguppe* organized a panel discussion on the European Court of Justice (ECJ) and its role in European integration. The event, which was at the same time a farewell for Prof. Dr. Fritz W. Scharpf, Senior Visiting Researcher at the *Kolleg-Forscherguppe* from January to April 2009, was very well attended. The discussion between Political Scientists, legal scholars and practitioners was controversial as to be expected. The invited guests were: Prof. Dr. Fritz W. Scharpf (Direktor Emeritus Max-Planck-Institut), Prof. Dr. Stephan Wernicke (European Commission; 2000-2006 Member of the German Cabinet of judges at the European Court of Justice), Johannes Möller (Representative of the Federal Republic of Germany at the European Courts, Federal Ministry of Economics and Technology). Prof. Dr. Tanja A. Börzel (Chair of the Center for European Integration, Research Director at the *Kolleg-Forscherguppe*, FU Berlin) led the discussion.

Critics often question the influence of the European judges on competencies and legal orders of the member states. Does the ECJ exceed its competencies when it acts as a “motor of European integration” and hence influences the member states’ decision-making processes, for example in the field of domestic social policies? Does this restrain the problem-solving capabilities of the national legislatures to an unacceptable degree? On the other hand, is the activating jurisdiction of the ECJ not a main factor of success of European integration? These are some of the questions that the

participants debated in regard to the role the ECJ should play and the powers it should have.

As an introduction, Scharpf articulated his critique concerning the competencies of the ECJ, notably the tendency towards an overemphasis of the Single European Market, which dramatically weakens the different national welfare systems. He pointed out that the ECJ decides almost completely independently from any legislative control – neither national nor European. Moreover, the ECJ interprets existing law in a much more liberal way than previously anticipated by the EU member states. According to Scharpf, the judges of the ECJ prioritize the Four Freedoms of the Single European Market (free movement of goods, capital, services and persons) at the expense of national unionist or state measures, which seek to protect individual social rights and in consequence constrain the Four Freedoms. The supranational application of intergovernmental treaties like the Treaties of Rome is a striking structural problem according to Scharpf, and one that can only be countered through a concerted political effort of the member states.

Wernicke and Möller challenged Scharpf’s arguments and advocated a less critical point of view on the ECJ. Wernicke and Möller’s arguments referred less to the structural influences of the ECJ, rather than to concrete conditions that hinder the ECJ in being a strong instrument of integration. According to them,

the consensual decision making process and the linguistic creation and interpretation of rulings complicate the effectiveness of the ECJ above all else. Furthermore, Wernicke and Möller described the ECJ as an organ executing the will of the member states rather than as an independent and active shaper of European integration.

The discussion was fruitful and controversial and led to highly interesting insights – especially as it provided a space for practitioners and scholars alike to come together and exchange their points of view on the role of the ECJ.

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Lecture

## The Transformative Power of Europe? The Question of European Identity

What is Europe going to look like in 2025? Will mass loyalties have shifted from the national to the supranational level and Europe be a place with its own sense of belonging and community? Or is the future of European identity anything but settled, and its evolution endangered by the variety of forces and claims made on the national level? Jeffrey T. Checkel, specialist in the field of European identity, tends towards the latter perspective. “The attempts to create a European identity by stealth have not been successful,” he argues. On the contrary, European elites, in their attempt to design a union centered on Brussels, have largely ignored Europe’s ambivalence, refracted through its multiple, nested identities.

Jeffrey T. Checkel, who stayed in the *Kolleg-Forschergruppe* (KFG) as a Guest Fellow in May 2009, is one of the leading constructivist

thinkers in the field of European identities and socialization. Originally, Checkel’s focal point of research was the analysis of Soviet behaviour during the last years of the Cold War. He was among the first to recognize the significance of Gorbachev’s “new thinking” in foreign policy. Thus, not surprisingly, he assigns a leading role to ideas in his understanding of politics – an emphasis, which also shapes his analysis of the European Union. Jeffrey T. Checkel, who is Professor of International Studies at the Simon Fraser University in Vancouver, Canada, spent the last years at the University of Oslo, Norway, where he conducted research on Europeanization, collective identities and public discourses. During his time in Berlin, Checkel did not only discuss his research findings with the scholars of the KFG, but also with a wider audience of EU scholars and students by giving one of.

*The Transformative Power of Europe? The Question of European Identity*

the presentations of the KFG Lecture Series

Checkel started his lecture with an empirical observation that might, at first sight, seem surprising: even though economic integration in the European Union has advanced faster and further than predicted, the European sense of ‘who we are’ is fragmenting. But why are hopes for a single European identity fading? Over decades, Checkel argues, Europe’s elites at-tempted to create a union by stealth; they designed and completed the single market, the euro, the Schengen passport-free zone, and, most recently, crafted an extraordinary successful policy of enlargement. This engineering view of European identity, enforced by Brussels-based elites, however, has ignored the larger public and thus, produced a political backlash that has increased over time. Cosmopolitan Europeanists, xenophobic nationalists, anti-globalization Euro-skeptics, and a wider, often indifferent public – they are all politically involved in the construction of European identity. Therefore Checkel argued that if the purpose is to understand fully the dynamics of European identity construction, research should not restrict itself to the analysis of European identity as a political construction project, but as an open-ended social process, taking into account the lived experiences of millions of Europeans.

What are possible mechanisms by which the European Union might diffuse identity successfully? During his time at the University of Oslo, Jeffrey T. Checkel concentrated mainly on processes of socialization – meaning the adaptation of actors into

the norms and rules of a political community, the endpoint of which is internalization.

Having conducted empirical research on socialization over years, Checkel comes up with an interesting finding: Socialization is abundantly present in Europe, but it is national dynamics that predominate. During the last decade, this trend has not dampened, but on the contrary, intensified: the debates over the European constitution, the controversies awakened by the process of enlargement, and the resurgence of religion have created a deeply politicized environment, evoking national rather than European feelings of ‘we-ness’.

In order to grasp these recent developments, Checkel pleads for a theoretical rethinking in the field of European studies. Instead of concentrating merely on the European Union, scholars should accept that identity dynamics in Europe are not unique and thus, de-center research and analysis off the EU. Furthermore, Checkel argues for a new theoretical pluralism, moving beyond the traditional understanding of European identity as a top-down process, including disciplines other than Political Science, which might be better equipped to grasp the horizontal elements of European identity.

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## The Genie is out of the bottle ... but who cares about ghosts?

*by Dr. Eva Heidbreder, KFG Junior Postdoc*

The elections to the European Parliament have naturally been a major focus for the KFG, and not just as an interesting case study. Expert interviews on “why vote” and “how well do parties campaign,” and expert support of politicians in their “appeal to the electorate” all point to one unmistakable message: The Genie is out of the bottle; the EU affects everybody’s life, every day.

Still, no matter how much reason the EU offers for contestation, it does not provoke strong emotions. In the words of Vivien Schmidt, the EU makes policies without politics, while at the state level the opposite is increasingly true. As research linked to the “identity and public sphere” KFG cluster repeatedly shows, it is too short sighted to solely blame the media for not communicating what matters. Instead, the detachment between society and the EU is real and not merely a result of poor mediation. But why? Many valid answers that scrutinise the political realm underline the shortcomings of parties, politicians and institutions. But what about mainstream academic EU research? Do we score any better in systematically detecting the politics behind EU policies?

There is some reason for doubt that we do, which is worrisome because it is of a theoretical rather than empirical nature. When asked in the run-up to an election, we maintain univocally that, of course, empirically the EU matters.

However, the most prominent concepts applied to the EU omit many of the key concerns of our disciplines. Where is power in our approach to politics? Where are people’s lives in our sociological viewpoints? Where is the dispute over right and wrong in our legal analyses? To illustrate this point, we can look at Renate Mayntz’s well-placed critique of the power-blindness of governance or the distant outcries by Schattschneider and Lowi against pluralism, which cast a long shadow over the legitimising value of deliberation and new modes of governance. Without a doubt these approaches have considerably advanced our understanding of the EU. Yet, they fail to fully capture the Genie’s effects. Rather, they keep depicting her as a ghost. Simply, research on the EU needs to account more for the fact that policies matter. Ergo, the underlying patterns of conflict matter and deserve to move to the foreground of our theoretical takes on the EU. This holds true regardless the institutional shape or changing modes of interaction upon which the EU relies. Therefore, we need to build on the insights of the past decades to reintroduce the old themes without falling back on a state-centred perspective.

Once called, as Johan Wolfgang von Goethe warned, ghosts are hard to get rid of and are ready to cause destructive effects in doing nothing but what we initially asked them to do.

*The Genie The Genie is out of the bottle ... but who cares about ghosts?*

It is high time for politicians to pursue politics at the level of governance to which policies have moved and, in the same vein, for social scientists to scrutinise the tangible matters of conflict and contestation that are at stake. There is no way that the Genie will move back into the bottle. To understand and guide her doings, she needs to be taken seriously because we should not act as ghostbusters and honestly, who cares about ghosts anyways?

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Workshop

## EU Enlargement and Institutional Reforms in Southeast Europe

How does EU enlargement play out in the various domestic contexts of the Balkans? What are the challenges of enlargement in intact states and in cases of limited statehood? In order to explore these questions, Arolda Elbasani, post-doc fellow at the *Kolleg-Forscherguppe*, organized a workshop on EU Enlargement and Institutional Reforms in Southeast Europe. The workshop was split in two parts: researchers participating in the first part, which took place in February 2009, explored the emerging agenda of Europeanization in Southeast Europe. The second workshop, which was held in July 2009, was based on the results of February but focused more explicitly on the challenge of Europeanization across different categories: cases of intact and limited statehood,



Dr. Arolda Elbasani

problematic areas of institutional change, as well as state capacities and regional cooperation. The workshop was divided into different panels: the first panel opened the debate, outlining the development of EU policy, mechanisms of impact, and the range of domestic challenges the EU faces in the region. In the second panel, the role of the European Union in two cases of limited statehood was addressed: Bosnia and Kosovo. Panel three delved into cases of intact statehood, covering the states Albania, Macedonia and Yugoslavia. The last two panels focused on two issue-areas that are deemed particularly important in the region – state capacities and regional cooperation.

For further information on the programme and the papers please consult the *KFG website* or contact *Dr. Arolda Elbasani*.

Workshop

## Strategies and Effects of Party Campaigns in the context of the 2009 European Parliament Elections

Between the 1st and 3rd of April 2009 16 scholars from 11 European countries (Austria, Bulgaria, Czech Republic, Germany, Hungary, Netherlands, Poland, Portugal, Spain, Sweden, UK) met in Berlin to discuss our common project on the “Strategies and effects of party campaigns in the context of the 2009 European Parliament elections” headed by Silke Adam (FU Berlin) and Michaela Maier (University Koblenz-Landau). In this project, we study first of all under which conditions national parties mobilize on matters of EU integration (regarding issues, actors and conflicts) and when their campaigns remain confined to the national realm.



Dr. Silke Adam Secondly, we show how parties – if they mobilize on EU integration – shape patterns of domestic contestation by framing Europe on a socio-economic or on a cultural dimension. Thirdly, we ask, how these identified differences in parties’ campaigns affects citizens’ EU knowledge, EU attitudes and mobilization. If we were to find signs that EU integration becomes (at least from time to time) a publicly visible, contested and politicized issue, we could then expect substantial changes to EU democracy, to national and EU party systems and to EU governance. The workshop in Berlin was crucial for the success of our project. At this workshop we prepared and discussed how to analyse the contents of the campaign material, posters and TV spots, in all countries and how to conduct the experiments on the effects of selected spots and posters on citizens’ attitudes. We trained our cooperation partners in using the already developed short codebook and questionnaire, we discussed the further development of a detailed coding scheme and finally worked on practical questions of data collection efforts in 11 countries. Thanks to the Kollegforschergruppe we were able to bring together all our cooperation partners. Without such a personal face-to-face meeting a common application of our research instruments in all 11 countries would not have been possible! The very good results of our reliability tests even show the success of this meeting statistically.