

# The Exhaustion of the Primary Resource: Why the Community Method is Unfit to Integrate Europe Further

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**ABSTRACT** *In an attempt to resist the “resurgent” intergovernmentalism of the last few years, all Europeans in favour of an ever-closer Union and the rise of a political Europe have strenuously defended the “Community Method”. This paper argues that such a defence is short-sighted and that, because of its underlying principles and working mechanisms (diplomatic negotiations, opacity, compromise, etc.), the Community Method is no longer capable of carrying European integration forward, i.e. it is unable to create the conditions that can allow the EU to grow into a polity and a political community similar to those existing at nation-state level. Instead, the article contends that it would be only thanks to a process of politicisation, generating polarised policy preferences to the necessary degree, that a system of alternating power between (a European) government and opposition – a prerequisite to establish a genuine political Europe – could be brought into being.*

**KEY WORDS:** European integration, community method, inter-governmental politicisation, political Europe

## Introduction

Two models, the inter-governmental approach and the Community Method, have characterised Europe’s post-war process of integration and both have been essential to its success. There have been phases of mutual strengthening, when the two worked in tandem, and others when they competed for predominance as the primary mode of integration. In periods of great enthusiasm for the European project, and when the political and economic conditions were favourable, the Community Method proved its worth; at others the inter-governmental approach – less integrationist, more member state-based – turned out to be the only model capable of defusing crises and managing ‘Europe’, pending better times and more community-friendly conditions.

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Since the beginning of the European venture, these methods have adapted to the ever-growing scope of European action and to the various enlargements. At the same time, the very nature of the European project has changed profoundly: The rationale that has developed goes far beyond the need to create lasting conditions for peace. Commissioner Mandelson illustrated this when he argued that 'the European project was originally about war and peace. Now it's about jobs and growth, for most people' (2005). His words do not dispute the European project's greatest achievement in securing peace for over 50 years but they do show how its original ambitions and role are currently being re-shaped.

This paper will focus on the Community Method and seeks to demonstrate that today neither the intergovernmental nor the Community Method is capable of carrying European integration further and bringing in a truly supra-national political community. In recent years, rather than the birth of a new polity through integration and unification we have witnessed a resurgence of inter-governmentalism – in other words a strengthening of the philosophy and approach that seeks to confine 'Europe' to co-operation and collaboration.

In opposition to this 'resurgent inter-governmentalism', however, many convinced and committed Europeans have strenuously defended the Community Method as the best way of keeping alive the original dream: That of transforming Europe into a fully fledged European political community. In 2002, for instance, Belgium's Prime Minister Guy Verhofstadt declared: 'I am a passionate advocate of the Community Method. It is this method which constitutes the essential feature of our Union.' Other prominent political and academic figures have called for the Community Method to be extended: 'Permettons à la méthode communautaire de faire ses preuves dans le domaine politique' (Toulemon 2002, p. 223). This was also the viewpoint of the European Commission, which stated clearly in its White Paper on governance:

To deliver better policies, the Union must revitalise the Community Method...[a] renewed Community Method as the model for the future... Both the proposals in the White paper and the prospect of further enlargement lead in one direction: a reinvigoration of the Community Method... The Community Method has served the Union well for almost half a century. It can continue to do so, but it must be brought up to date. (Commission, 2001, pp. 29, 34)

In their endeavours to refute the arguments of the advocates of the inter-governmental method and those committed to downsizing Europe, those who still sincerely believe in an 'ever closer Union' have tended to look to the past and have therefore continued to rely on the Community Method. But that Method, as this paper will seek to show, is no longer fit to carry integration forward to the stage where 'Europe' coalesces into a true political community.

The Schuman Declaration launched the European project on 9 May 1950 and set out clearly the path forward. Since there was no shared understanding of how a fully fledged European federal state could be brought into being, it suggested that integration 'will not be made all at once, or according to a single plan. [Rather,] it will be built through concrete achievements which first create a *de facto* solidarity' – the first political enunciation of the Community Method.

A European federation continued to be the undisputed ultimate goal that the Community Method was meant incrementally to lead to. In this respect, the federalists and the incrementalists of the time did share the same long-term vision, but differed over the best approach to achieving it. The first few decades of European integration history, and in particular the establishment of the three European Communities (ECSC, EEC and Euratom) and the way they developed into the late 1980s, showed that the latter were right in advocating a gradualist strategy.

The Community Method was the primary source of European integration, its great success and the vital role it has played to date cannot be denied, but it now seems to be close to exhaustion. Over half a century later, the original approach has produced only a limited *approximation* to a European federal state, despite very substantial progress along the path of integration. That approach also now appears to have definitively lost its capacity to move European integration towards that goal, given the *structural* limitations of its own logic.

The central contention of this paper is that both the Community and the inter-governmental methods have exhausted their potential to take the EU project forward. It accordingly shares the view that a 'blinkered reliance on the Community Method will not take our thinking much further in terms of increasing substantive and procedural legitimacy of processes of decision-making within the EU' (Curtin, 2003, p. 64). It takes the view that Europe's present political and institutional arrangements are part of the problem rather than of the solution, and that the deadlock facing Europe cannot be overcome solely by minor cosmetic changes.

On the contrary, the paper suggests that a political community can only be established if the Union is politicised and thereby transformed into a supra-national community, based ultimately on the democratic principle of government and opposition. In short, it asserts that a new set of founding principles are required for tomorrow's Europe.

The first section introduces and outlines the Community Method, focusing in particular on its origins and working principles. The second section goes on to outline the way the Community Method has been diluted over time as alternative modes of integration have developed, giving rise to a plethora of one-off mechanisms that have complicated European integration, thus increasing – rather than reducing – the complexity of the European project.

The third section argues that the Community Method is no longer able to carry European integration forward. As such, it is a warning to all committed Europeans seeking to reverse the past. Even if they were to succeed in resurrecting the method, and even if the method were to be brought up to date and adapted to today's conditions, it would perform very poorly in terms of building a political Europe – even in an undeniably pro-integrationist environment.

The final section explores the possibility of an alternative paradigm for Europe's future, based on the principle of government and opposition that is familiar to all European political traditions and all European peoples. A short conclusion follows.

### **The Community Method: Origins and Developments**

Today's European Union is the result of successive re-workings of the original European Economic Community (EEC) established in the late 1950s, and especially

of the major incremental developments that took place in the early 1990s with the Treaty of Maastricht, which introduced the EU's three-pillar structure. To understand what this progressive, incremental European project looks like today, it is important to recall that the EEC itself was a response to the *impossibility* of creating a fully fledged European political community. This explains why the EEC was functional in nature, with limited scope and set within a highly specific institutional context. What was to become the 'Community Method' would comprise an independent, supra-national body (the Commission) that enjoyed a monopoly of legislative initiative, plus a body comprising the ministerial-level representatives of the Member States (the Council) with responsibility for amendments and final adoption.

The Community Method has remained largely unchanged over the last 50 years except for two major developments. The first is the greater role exercised by the European Parliament (EP), which has evolved from a consultative assembly into a fully fledged co-legislator alongside the Council. The second involves the expanding scope of majority voting within the Council, where individual member states can now be out-voted in many policy areas. Nonetheless, neither of these developments has altered the underlying logic or the basic principles of the Community Method.

What were – and indeed are – the logic and principles behind the Community Method? Its most obvious feature is certainly the lack of a single centre of power and leadership. According to Nugent, there is no identifiable source of authority in the EU and 'one of [its] key distinguishing characteristics... is [the] considerable *dispersal of political power* and its associated lack of direct accountability between the governing and the governed' (Nugent, 1995, pp. 603, emphasis in original). A feature of the EU is therefore an 'impossibility of mapping functions onto specific institutions' (Majone, 2002, p. 14). The major consequence, clearly, is that neither institutions nor organs can 'focus public attention and appear as the author of the policies' (Magnette, 2004, p. 77) and it is therefore 'unclear how the link between party politics and EU policy outputs operates' (Lord, 2002, p. 50). In other words, there is confusion – rather than a division – of powers: The decision-making process is segmented and decentralised, and it relies on compromise, negotiation and secrecy (i.e. insulation from public scrutiny) rather than on partisanship and open political confrontation.

Despite the establishment of a free European market, the wider history of European policy making has therefore been one of collusion rather than competition (cf. Shore, 2000, p. 219). The actors were 'dependent on each other in their actions because of the dispersal of key resources of authority (formal and informal), information, expertise and capacity to bestow legitimacy such that each of the principal actors has constantly to account for at least some of its actions to others within the space, as a precondition for action' (Scott, quoted in Harlow, 2002, p. 27). Instead of aiming to bring interests to coalesce within a single, clear, global vision for Europe, which an authority deriving its legitimacy directly could pursue at the supra-national level, 'the structure of Community policy-making was designed from the outset to disaggregate issues wherever possible, to disguise broader political issues, to push decisions down from ministerial confrontation to official *engrenage* within the hierarchy of committees' (Wallace, 1996, p. 449).

This feature of the EU system has allowed European integration to progress further over the last 50 years, but it has also sustained an EU institutional and political

structure that is very different from that on which member states and national polities are based. Consequently, despite the rise of the EP, the Union has not become a parliamentary democracy and, more generally, it does not work on the traditional alternation between government and opposition. In other words, although its powers have increased, the EP has failed to develop into a parliamentary institution based on clear cleavages and majorities on which the Commission, in its role as the European executive, could count to provide general, unconditional support for its policy priorities and take firm political action. Instead, the EP has very much remained a 'corporate' actor in the European institutional system. The words of Noël, former Commission Secretary-General, are particularly instructive in this respect:

Being based on dialogue, the Community bears little resemblance to the concept of government in the traditional sense of the word. The Community does not have a single head or a single leader. Decisions are collective and taken only after much confrontation of viewpoints. The Communities have in fact been transformed into a vast convention. (Noël, 1971, p. 424).

This means that 'Europe' has remained an elite project based on a sort of 'permissive consensus' and it has operated by stealth. Its success has been measured in terms of its capacity to deliver practical results and little attention has been paid to its democratic credentials or the issue of public acceptance. The legitimacy of integration has thus been based on output and delivery, and economic and social actors and public administrations, rather than citizens, have played the part of the beneficiaries and the stakeholders.

That is the backcloth against which the Community Method needs to be seen. Founded on the conviction that technocratic rule could yield more satisfactory results than political government, the European project owed much of its success in its early years to its capacity to 'brand the process as non-political' (Hansen & Williams, 1999, p. 240), to make 'informal politics' (Middlemas, 1995) and to 'depoliticise the political...[by] shif[ting] from power to problem and purpose' (Meyer, 1999, p. 636). In order to ensure its supranational independence, for instance, the Commission 's'est construite sur le refus d'une légitimité d'ordre politique' (Bracq, 2004, p. 442).

Combined with effective European policy making and progressive constitutiona-  
lisation (thanks to the proactive role of the European Court of Justice), at the European level this approach to European integration has produced a reversal of the relationship that normally exists between politics and law in the member states. At the national level *politics informs law*, whereas at the European level, *law seems to inform politics*. How can this be explained?

At an early stage in the integration process, European law was able to claim primacy over national law. Nonetheless, politics remained an essentially 'national competence'. The idea that European politics could genuinely assert its primacy over national politics did not take off, and this explains why the normal relationship between politics and law, where the former takes precedence, could not be reproduced at European level.

This lack of partisan politics – i.e. a structure based on the principles of government and opposition that could group interests within a number of competing

multinational overviews about the way the European polity should be run – has also transformed the process of supranational policy making, with the Commission at its heart, into a highly attractive honey-pot. European politics has led to a proliferation of lobbies.

Lobbies and pressure groups obviously exist at national level too, but with one major difference: The European policy process is far better insulated from direct public scrutiny and no proper mechanism has ever developed to allow interests to aggregate within single political programmes. The need to achieve compromises between stakeholders and pressure groups flitting around the Commission is rather similar to the negotiations that take place when brokers jet around from capital to capital.

The foundations of the European polity depended on a policy-making philosophy that has represented a real alternative to the traditional formula of parliamentary democracy. In a nutshell, what has happened is that the spill-over from the national to the European level has not generated a *political community* but rather a multiplicity of *policy communities*.

This policy specialisation, combined with a lack of clear demarcation of competences, thanks to the ever-expanding boundaries of European policy and the fragmentation of the policy-making process due to the ‘confusion’ of powers, is one of the features that has allowed the European integration process to develop as far as it has (Kassim, 2003, pp. 140–142). Unfortunately, however, those features have limited the advent of a genuine political community in Europe and have contributed to the current expectations – capability gap and its lack of legitimacy, as I will explain in greater detail in a later section.

#### **The Dilution of the Community Method and the Rise of Less Ambitious European Integration Models?**

Over time, the Community Method of the early years has evolved and adapted to changes in the European project in terms of policy reach and membership. This evolution, however, has not substantially altered the nature of the Community Method, which has essentially remained the main mode for European policy making. Although some remarkable innovations have taken place (the most relevant probably being the way the European Parliament’s role has evolved), the Community Method was most successful under Delors’ golden years, when qualified-majority voting necessary to complete the single market was extended enormously. In the early 1990s, Ludlow could write that the ‘Community Method has... now established itself so strongly that it is difficult to believe that efforts to halt, let alone reverse, the process of assimilation... will be very successful’ (Ludlow, 1991, p. 122).

History has a tendency, however, to belie fatalism. The Treaty of Maastricht represents a watershed: Despite the major achievements it brought, it also marked the start of a new phase – that is still under way – in which the Community Method is coming under long-term strain.<sup>1</sup>

Since the early 1990s, a combination of four main developments can be considered to have caused this strain: (1) The freezing of the spill-over effect through treaty consolidation; (2) the extension of European action to new nationally sensitive policy fields where the inter-governmental method has been retained; (3) the development

of competing, alternative modes of soft governance; and (4) the *de facto* erosion of the Commission's institutional role.

During the 1980s, as a result of the Commission's entrepreneurial spirit and the benevolent support of the Court of Justice, a number of policies were developed at European level through a process known as 'creeping competence'. This process was curtailed by Maastricht. Although the policy *acquis* was incorporated into the new Treaty, this consolidation actually led to a sort of reverse trend, or at least to a halt in the potential for further short or mid-term evolution. According to Gori:

Member States seem to have learnt the lesson of the pre-Maastricht period since, in consolidating Community competencies in the treaty, they have blocked a priori any kind of evolution which could follow from the extensive interpretation of vague concepts like education or vocational training... [this] conclusion... i.e. their involution, may be extended to cover all other new competencies introduced by the European Union Treaty, such as consumer policy, health, and culture. [Maastricht was the] symbol of Member States' reactions to Community action in a range of fields which are considered sensitive... from a long-term perspective, the functional method of integration purported by the Court has been unsuccessful since it has provoked a conservative reaction in the Member states. (2001, pp. 410-411)

The Maastricht Treaty thus contributed to the placing of constraints on the Community Method, and eventually to its erosion and the rise of alternative modes of European governance, partially favoured by the introduction of the pillar structure. Clearly, the establishment of the second and third pillars under Maastricht prepared the way for the creation of a European dimension in the sensitive fields of foreign policy and judicial co-operation, and this was deemed to represent an additional step in terms of integration.

From the perspective of the Community Method, however, the second and third pillars constituted a clear departure from the traditional mode of European policy making and set a *major precedent*: Their inclusion in the treaties meant in fact that things could be handled differently from the past. In Maastricht, therefore, in 'a radical departure from the Community Method, the Commission lost its traditional monopoly over policy initiation in the new pillars and member states acquired the right to make formal proposals for the first time' (Kassim & Menon, 2004a, p. 91).

From this perspective, Maastricht represented the first break with the tradition that held that integration could only be achieved through the Community Method. It also provided those avenues that needed to be further explored.

Following this first case, there was such a proliferation of policy-making processes and methods at the European level during the 1990s that the Commission was unable to stem the tide and curb the rise of several alternatives to the Community Method. It therefore tried to put the brakes on this process of dilution by identifying the Community Method as the best and only valid way to manage the Union properly. In 2001, the Commission issued a White Paper on European Governance, in which other forms of European policy management were explored 'just [as] temporary expedients; halfway houses en route to the ultimate goal of the universal adoption of the Community Method' (Metcalf, 2004, p. 84). Metcalf commented that the claim

was 'flying in the face of the evidence of diversity. The general trend in practice is strongly away from a single dominant model' (p. 84).

The radical outcome achieved at Maastricht had important consequences. In 2000, Wallace wrote that several variations existed on the theme of the Union's institutional setting and that the old idea that a 'single predominant Community Method of policy-making was emerging' (p. 28) had been replaced by a number of alternative instruments for European policy making and political coordination (cf. Caporaso & Wittenbrick, 2006). She went on to refer to the common currency, Justice and Home Affairs and Common Foreign Security Policy as cases of 'intensive transgovernmentalism', i.e. areas of sensitive public policy assigned by EU member states to 'collective regimes, but using an institutional format over which they retain considerable control', and suggested that this development could be indicative of an 'important systemic change [that] may be under way within the EU policy process' (p. 35).

Among the new policy processes, the open method of co-ordination (OMC) that was developed to implement the Lisbon strategy figured prominently in the list of competitors to the Community Method. In this respect, Wallace said that, 'this approach of coordination, strengthened by the contemporary fashion for "benchmarking", is being developed not as a transitional mechanism, but as a policy mode in its own right. . . . There are some grounds for expecting this to be a typical mode in future EU policy-making' (2000, p. 33).

Further developments involving the ever-wider use of new approaches and the current focus that the Barroso Commission gave to re-launching the Lisbon strategy in 2005 show that Wallace's expectations were right. The original Community Method has faced competition from alternative modes of governance that seem more in tune with the new European policy environment and the political situation at the beginning of the 21st century, and these are not being presented as 'just temporary expedients'.

These new modes represent a different (lower) level of ambition on the part of the Member states, rather than a first step towards communitarisation. They offer examples of the new ends that EU member states are expected to pursue, and are more suitable for inter-state and inter-governmental co-operation than supra-national integration.

Some 30 years before, Hallstein had already identified this problem and issued his warning that

[the] present discussion of the possibilities for some form of organized cooperation among the member states of the European Community in other political fields than those covered by our Rome Treaty is a further reminder that politics is the continuing theme of all these efforts. What precise shape such organized cooperation might take is as yet uncertain. However, no one envisages such cooperation as in any way a substitute for what is being achieved by the existing institutions of the European Community. *Cooperation should assist, not hinder, integration.* (1962, p. 63, emphasis added)

The idea this development implies is that, given the lack of a common aim for Europe, there is no clear way forward for the integration project since the



completion of the single market. The alternatives to the Community Method that have developed thus represent a response to the need for flexibility expressed by several actors (member states and Community institutions).

This flexibility implies a risk, however, of fragmentation that might even lead to European *disintegration*. Furthermore, it conflicts with the principles of institutional economy and transparency, i.e. it aggravates the opaqueness of European policy making, and militates against people's understanding of first, what is at stake, and second, which actors are playing the game, and third, what agendas are involved. As a result, it reduces the chances that any departure from the Community Method will lead to a more people-friendly political and institutional system in Europe.

The multiplicity of modes of governance may therefore lead to the dilution of the Community Method as well as strengthen the soft-governance approach to integration and impair the development of a political Europe based on government (and opposition). As Peterson points out: 'the European Union is following a pluralistic trajectory of integration rather than a state-building trajectory. Put another way, the EU is becoming more "polycentric": it features more and more diverse and independent, centres of power, development and control' (2003, p. 21).

At the same time, the Commission has undergone a *de facto* erosion of its powers and a reduction in its capacity to act and determine the pace of European integration. This trend also started in the early 1990s. First, Maastricht impacted on the traditional way the Community Method functioned by the much stronger role it gave the EP. Kassim and Menon underline, for instance, how 'co-decision has routinised direct contact between the Council and the Parliament – indeed, when a conciliation committee is convened, they negotiate face-to-face – and has diluted the Commission's influence in the legislative process where this procedure applies' (2004b, p. 12).

Secondly, the absence of a shared aim has also allowed another major, radical departure from the Community Method to occur, namely the rise of the European Council as the new, predominant power centre and actor in European policy making (Lassalle & Levrat, 2004). The European Council, established in the mid-1970s, was not originally part of the Community's 'institutional triangle' and its growth in importance has clearly upset the overall equilibrium that once existed – despite continuous adaptation – between the Commission, the Council and the EP. As a result, full legislative initiative no longer lies with the Commission.

The European Council is increasingly present in the European arena, and in contrast to its natural role of setting broad political guidelines for Europe's future, it now takes an interest in policy details and highly specific policy recommendations. There are more and more cases, for instance, where the European Council practically *instructs* the Commission to implement a decision, present a report or follow a specific policy line. As a consequence, not only has the Commission's role been reduced, but the original Community Method as a whole has been so impaired as to make it particularly bland in its current form.

The European Council's new role has also reversed some of the progress achieved thanks to the extension of the co-decision procedure. If European integration is seen as an attempt by the member states to create a framework for problem solving without needing to mobilise support and submit to parliamentary scrutiny (Bartolini, 2005), the new role that the European Council has been acquiring at the EU level can be regarded as a response to the growing power of the EP.

Rather than directly opposing the EP's growing importance, the European Council has simply transferred powers and prerogatives informally from the Council and the Commission to a higher level of executive decision making. As the EP began to acquire a capacity to influence agenda setting, the latter was 'de-localised'. The European Council, i.e. the body that brings together the EU heads of state and government, is behind this operation.

The new position the European Council has assumed as a lynchpin within the institutional system is probably evidence of the most serious setback yet suffered by the traditional Community Method. It is highly unlikely that the current trend to undermine it will be reversed in the near future. It is being continuously eroded in a process that started at Maastricht, while new modes of governance are arising to compete with it. There are, thus, few signs that the Community Method has any meaningful future or that it will be able to sustain the hopes of those who believe in an 'ever-closer Union'. As Craig has clearly pointed out, the Community Method has already virtually disappeared: 'The picture of Community decision-making captured in the aphorism "the Commission proposes, the Council disposes", may well have characterised policy-making in the early years of the Community. However, it no longer captures the more complex reality whereby Community legislation is made now' (Craig, 2000, p. 106).

In the next section, I will discuss why the Community Method is no longer fit to carry European integration further. I will not discuss its health or the dilution and erosion of the traditional mode of European policy making, which have already been briefly touched upon in this section. Rather, I will concentrate on examining why the principles and working practices of the Community Method are not capable of bringing about real political integration in Europe, even if it might be possible at some point to revive and strengthen it.

#### **Why the Community Method is No Longer Fit to Integrate Europe Further**

Hallstein, the Commission's first President, was particularly upbeat about the possibility of functional integration leading to the establishment of a European political community. In 1962, he wrote: 'In my view, the logic of economic integration not only leads on toward political unity by way of the fusion of interests; *it also involves political action in itself*' (emphasis added). Forty years on, we know that while the Community Method did create conditions that are favourable to the fusion of interests, it discouraged, by its very structure, any proper government-to-governed 'political action'.

Hallstein's view fully reflected the spirit of the time. Given the lack of support for the immediate establishment of a European federal state based on a single pan-European political community, the Schuman Declaration postulated an alternative, innovative path forward, with a view to achieving the same goal: Sectoral integration based on *de facto* (economic) solidarity. In the Community's early years, therefore, the belief was that the economic integration of major sectors would eventually produce spill-over in all policy areas, including politics. In Haas' words: European 'political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction

over the pre-existing national states. *The end result of a process of political integration is a new political community, superimposed over the pre-existing ones*' (1958, p. 16, emphasis added)

From this perspective, the rise of genuine trans-national parties, for instance, would follow almost naturally on the establishment of other European organisations. Those early expectations were disappointed by later developments that led to the rescue of the nation state (Milward, 1992) and the strengthening of national governments, along with the development of the European project, rather than the 'super-imposition' that Haas was thinking of and the Schuman Declaration was explicitly referring to. Back in the 1960s, Lindberg had voiced his scepticism at the rise of a political community based on functional premises and the automatism implied by neo-functional theory: 'it seems to me that it is logically and empirically possible that collective decision-making procedures involving a significant amount of political integration can be achieved *without moving toward a "political community"*' as defined by Haas' (1963, p. 5, emphasis added). Similar reservations were expressed more bluntly by Rosenstiel:

It is erroneous to believe in the possibility of a political revolution through the technical... To wait for functionaries to provide themselves with a government is to forget or disguise the principles of politics... is it possible to admit that the state is no more than an assemblage of jurisdictions? The vigour of a state lacking jurisdictions remains more formidable than an ensemble of jurisdictions in search of a state. (1963, pp. 134–135)

Supporters of functional spill-over also under-estimated the resistance that member states and governments would put up to avoid losing their prerogatives as a progressive drift took place towards European empowerment (cf. Mutimer, 1989). Neo-functionalists, including Monnet (1976, p. 393), correctly understood that establishing European institutions was the key to the forging of a European consciousness. What they failed to understand, however, was that not *all* institutions – not *all* institutional set-ups – would support a shift in people's loyalty and expectations to a new supra-national centre. For that to happen, people needed to acknowledge the new source of policy making and to feel they had the power to determine policies as they did in their own member states. That was not true when the European project was launched, and it is still not true nowadays: In fact the existence *today* of the Community Method is the very mark of that failure.

At European level, what we see is a situation that is very similar to that encountered in many transitional societies, i.e. 'the rapid expansion of bureaucracy [has] tend[ed] to inhibit the development of effective politics' (Riggs, 1967, p. 126). From the perspective of a single community, the EU can indeed be considered a 'transitional society' in search of a definitive constitutional setting and a stable political life. As an administrative machine, its expansion has undoubtedly been impressive, but to date it has been unable to generate the hierarchical relationship between bureaucracy and public authority that is typical of the nation state and widely acknowledged as a condition for democracy.

There are few who dispute that while Europe has achieved a considerable degree of integration in the economic and legal fields, this is not true of the social and

political spheres, as shown by the fact that no fully fledged European political community exists. The reason why the Community Method has been unable to sustain this process is that while the groups that were to *articulate* interests were allowed to grow and specialise, the 'Method' impaired the development of structures to *aggregate* interests (Wessels, 1997, p. 284), such as genuine European political parties that could voice, campaign for and implement alternative agendas and visions for Europe.

The Community Method is based on negotiations and compromise: It involves a technical approach to problem solving rather than an approach based on value-choices and competitive political agendas on which people can be asked to give their opinions at election time. Situations are approached from the viewpoint of economy and efficiency rather than principle and choice, and political problems are dealt with as legal and technical matters (Shore, 2000, p. 137). Camouflaging the politics in this way has been 'a means for the European administration to solve some of the contradictions of its institutional position' (Robert, 2004, p. 21) and has certainly worked well for a Europe in search of peace.

In the early years of integration, it was important to build mutual confidence and reach compromises: Solutions based on output were powerful tools in the hands of national diplomacies, which could in turn count on an enlightened bureaucracy to propose mutually beneficial solutions. Preserving peace is certainly vital, but the issue in today's Europe is jobs. Yet job creation – like so many other issues of primary importance to people – is a policy area that does not respond to multiple or even conflicting inputs and calls for one-off, coherent 'instructions' if it is to yield tangible results.

To sum up, 'Europe' is increasingly having to deal with policy sectors that are distributive and redistributive in nature and that are not susceptible to treatment by several political orientations at the same time. Some policies are implemented at national level on the basis of political programmes that have passed the test of elections in the normal way. Elections are the most legitimate way of allowing people to choose democratically what should be done for the benefit of the whole community in a set of policy areas that have implications for each other and require coherent political action.

Such democratic choices clearly imply decisions by majority vote. The same degree of legitimacy cannot be achieved through a caucus or compromise between political elites since they involve agendas that are mutually exclusive and demand direct accountability. But the EU is based on a system of governance comprising policy networks, various levels and different stakeholders, both private and public, who try to achieve consensus. Rather than a genuine multi-national community, this has produced an architecture based on a 'diffuse, anarchic and unaccountable system of power in which...[nobody] controls the direction of the EU and its machinery' (Shore, 2000, p. 215). As a result, the Community Method has generated a system in which 'competing national preferences contribute to the fluidity of the Union by championing action across a wide front of activities without the capacity to establish priorities or impose discipline' at supra-national level (Kassim, 2003, p. 152).

The Community interest is arrived at by a procedure rather than being based on any shared underlying ideology (Stevens, 2002, p. 9). In the early years of integration, in many policy areas public problem solving and the mobilisation of

support – which were then part of the same process at national level – were subsequently divided – into supra-national and national levels respectively. The shift from governance to government calls for a reversal in that original approach, whereby political and policy-making processes need to coincide more neatly at European level. In other words, problem solving and mobilisation need to be combined once again, but this time at supra-national level, so as to create a single pan-European political space. Peterson has argued that ‘member states have pooled *sovereignty*, or the supreme power to make laws, at the level of the Union, without pooling *accountability*, or effective power to control public activities, at the same level’ (1997, p. 561, emphasis in original).

From another, more elaborate perspective, Wallace has given an account of the same process that has gone hand in hand with European integration where the Community Method offers the best illustration:

In contemporary Western Europe political and policy-making processes do not coincide quite so neatly. The main locus of politics, political debate and argument, the formulation of programmatic alternatives, patterns of mobilization, affiliation and representation, and so forth remain concentrated within individual countries. In contrast, the provision of public policy is diffused between country and transnational levels of activity, in the EU case with very specific and extensive public policy powers attributed to EU institutions. But the normal channels of political accountability are not present, or at least in only an attenuated form. Thus, *there is a kind of disjunction between politics and public policy* (2000, p. 35, emphasis added).

Quite understandably, therefore, the Community Method cannot overcome this disjunction or allow for the pooling of accountability at the supra-national level. The European system’s lack of clear accountability, which stems from its ‘confusion’ of powers (a feature typical of the Community Method), would not be acceptable in a fully fledged political Europe based on a government/opposition dichotomy and on direct accountability by the governing to the governed. In the Community Method-based Union, all participants in the European policy process find it easy ‘to distance themselves from the outcome and to blame any undesired effects on the others’ (Neunreither, 1998, p. 437). Shared power therefore seems to have been translated into shared freedom from accountability. Furthermore, in the battle between the communitarians and the supporters of the inter-governmental approach, one important side-effect of the Community Method has been the progressive constitutionalisation of Europe, whose consequences for the prospects of political integration have been ambivalent.

No committed European nowadays disputes the fact that endowing Europe with a constitution would be another important step in the integration process and the development of a European polity. And yet this might give rise to a new fallacy that is very similar to that discussed above and which was put forward by neo-functionalists during the early days of European integration. A constitution does not necessarily imply support for the political process of integration. Bartolini has convincingly argued that there is a risk that constitutionalisation at European level could lead to de-politicisation, i.e. an unwillingness or lack of capacity ‘to see that

decisions are politically determined, and to interpret events and outcomes in political terms, that is in adversarial terms' (2003, p. 1). Bartolini recalls that 'constitutions say little or nothing about the actual content of what has to be done, where it is legitimate to do something..., [and that they are] goal independent' (p. 3). Constitutions are therefore silent about the substance of various policies, which is left to the domain of politics.

In the European Union, however, 'constitutionalising the Treaties has... meant to constitutionalise certain specific goals' (Bartolini, 2003, p. 3). Building mainly on the previous Treaties of Rome, Maastricht, Amsterdam and Nice, on the work of the Convention presided by Giscard d'Estaing and on other specific constitutional *acquis* of the EU, the Constitutional Treaty signed on 29 October 2004 includes a number of pre-defined objectives that narrow the political agenda and thus reduce the scope for political confrontation (cf. Fabius, 2004, pp. 21–22).

Constitutionalisation at EU level has thus helped to defend the Community Method in the face of attempts to re-nationalise policies at a time of resurgent inter-governmentalism. At the same time, however, it has also had – and certainly will have – an impact on the chances of achieving a supra-national political community based on party government (and opposition), for it is likely that it will limit the possibility to 'develop the European political system first' (Fusacchia & Tornese, 2003).

It is therefore crucial to cast aside the Community Method and allow a process of overall politicisation to develop. But current prospects for European integration are not particularly favourable, and any attack on the Community Method might be mis-interpreted and exploited to bolster the arguments of those who want to roll back present European achievements rather than move the old unification project further. In a speech given at the *Collegio europeo* in Parma in May 2004, then Commission President Romano Prodi made this point clear:

The premises for the development of the Union's political system... are there since... European integration is not, nor is it perceived any longer as a technical affair or an affair pertaining to the domain of foreign policy, but as a highly political and constitutional issue; [and since] today's Europe is setting itself explicit political goals and coming forward in response to the need for action in all those areas where people feel that action by individual member states is neither sufficiently strong nor effective. To do so, Europe will need to renew its method in the longer term. To develop the political system of the Union will mean going further than the Community Method... [that is] no longer fit for the purpose of... creating a European identity. Today, we defend the Community Method strenuously, particularly in the face of certain nationalist tendencies and approaches that are solely intergovernmental; all the same, at some point in the future, we will have to reconsider the Community Method as well. (2004, my translation)

#### **Principles for the Future Government of Europe: Re-assessing the Primacy of Politics**

In the previous sections I have considered how the Community Method has been eroded by the development of a number of alternative modes of governance that

represent looser forms of European co-operation. I have also looked at the reasons why I believe the Community Method is no longer capable of taking Europe further along the road to integration, even if this trend were to be reversed, i.e. I have discussed how the Community Method is incapable of helping to bring into being a genuine European polity whose main working principle is alternation between (party) government and opposition, the essence of modern democracy.

In this section, I outline some preliminary reflections on the need for Europe to move from governance to government and to reassess the primacy of politics versus diplomatic, legal (including constitutional) and economic and technocratic approaches to continental integration. The primacy I refer to concerns genuine European politics, i.e. politics conducted *in* and *for* the European arena, and not the political dimension that, say, heads of state and government bring to Europe when gathering within the European Council. The question is thus how can European politics *truly* develop at European level and a single trans-national community come into being – a community that meets in one agora to discuss competing political visions and programmes.

There are at least two inter-connected arguments why such a development is necessary if the European Union is to become a single, political community. First, a growing number of political issues relating to justice, the environment, public health, security, employment and welfare can no longer be dealt with effectively at national level. Within their national arenas, politicians are faced with problems that transcend traditional boundaries and the constraints of a hitherto unknown level of global inter-dependence. As a result, they increasingly encounter difficulties in delivering their electoral promises. Individual European states are small territories on the world map, particularly when compared with superpowers such as the USA or China. Single European states will be increasingly unable to cope with the challenges of globalisation and will be forced to follow the pace set and path mapped out by others. This first argument thus also implies that Europeans have common interests to be defended on the world stage and that they can only do this effectively by uniting within a community that can adopt non-consensual decisions (cf. Morgan, 2005).

The second argument is that today Europeans have 'similar expectations for the Union as they have for domestic politics and political institutions' (Commission, 2001, p. 32). This means that the demands they make of the European institutions are as high, direct and tangible as those they make of their own national institutions. An implicit consequence of this second argument is clearly that integration 'by stealth', which was an essential feature of the good old days of the Community Method, is now well and truly a thing of the past (cf. Hayward, 1996).

In conflict with its much vaunted flexibility or continuous adjustments in terms of procedures, principles and policies, a political Europe would therefore need a stable, simple institutional framework. The advocates of a multiple-speed Union and those in favour of a multiplicity of European modes of governance – and even the traditional advocates of the Community Method – should remember that such flexibility is not fully compatible with a political and parliamentary Europe based on principles similar to those on which national polities are founded. In Amato's words, for instance, 'parliament is structurally inconsistent with the logic of enhanced cooperation' (2005), as parliament works along political cleavages, while enhanced

co-operation – like other forms of co-operation – is based on inter-state and inter-governmental interaction.

Stability and simplicity are also essential if the European system is to be comprehensible to people and the gap between them and the political elite is to be narrowed. That gap is now recognised as deeply damaging to the integration process and a major limitation on its furtherance. According to Bermann, ‘it remains profoundly necessary that the public have some essential and non-technical understanding of the relations among sometimes contending, sometimes cooperative institutions’ (2004, p. 12) and an important element to achieve this is clearly hierarchy.

Bermann helps clarify this point: ‘Hierarchy is not fashionable, but some elements of hierarchy may be salutary in a polity in desperate search of a perceptible public identity’ (2004, p. 10). Stability, simplicity and hierarchy combine in the term ‘familiarity’. To avoid political fatigue and make it easier for people to understand what is at stake (and how) at European level, it is vital to transform the supranational political and institutional framework so it is as *familiar* as possible to people. Rather than via continuous constitutional experiments, this can be achieved by making Europe resemble its components more closely, i.e. assume the features that characterise political life in EU member states and reproduce them at supranational level whilst providing the necessary adaptations that would take due account of its multi-national and multi-level nature.

This does not mean that Europe needs to become a federal state. What is important is that Europe should be *politicised*, that is, an institutional framework should be created that allows alternative multinational parties to rise and compete on an EU-wide electoral market and form a government to implement the policy and political objectives that have won the support of Europe’s citizens.

Politicisation is fundamental if the process of issue–position differentiation among political actors is to take place (Bartolini, 2002, p. 95). And such differentiation is unavoidable in order to reconnect the two dimensions of problem-solving (i.e. policy making) and mobilisation of support (i.e. politics) that I mentioned before. In Habermas’ words: ‘broad political mobilisation will not happen at all if there is no polarisation of opinions’ (2001, p. 12). Politicisation would thus allow a crossroads of ideas – as opposed to the current marketplace of interests – to emerge at European level. As a result, European decision making would be transformed so as to offer the conditions for ‘those responsible for determining EU policy priorities...[to] receive a more direct mandate to do so’ (Grevi, 2003, p. 35).

A less refined version of politicisation would mean that Europe would follow the pattern ‘government *versus* opposition’, rather than ‘negotiation and compromise’. It would also mean that ‘government’ would become the village square where the common wealth was discussed, where people would listen, judge and finally choose how their polity should be run from among a number of alternatives and in line with their beliefs and values.

Politicisation is the only avenue whereby Europe can acquire the necessary visibility, accountability and legitimacy required to take decisions where there is no consensus. It also implies a shift in the main actors involved in the European political process from national governments to Europeans themselves.



Tsakatika (2005) has argued that the Community Method serves other purposes than pushing integration forward, i.e. it safeguards impartiality between states. Politicisation would thus be required to move from *impartiality between EU member states* to *impartiality between Europeans*, who would become the main stakeholders in the political process. If this does not occur, with the Community Method under attack, the alternative might lie somewhere in between policy re-nationalisation from member states, anti-systemic contestation and a general stalemate. It is thus important for a genuine European government to emerge or the situation will continue to be precarious and decisions will be forever subject to member states' moods. The time when an enlightened, influential Commission sufficed is over; besides, such an institution would in any case be unable to build a political Europe because it would lack legitimacy as well as power. Forty years ago, with George Washington in mind, Spinelli pointed out that 'influence is not government' (1966, p. 99). The Commission has developed much influence and has produced important results because the governments have allowed it to do so. Everything remains precarious, however, precisely because that influence is not yet actually government.

If by politics we mean the 'activity of creating and adapting power, that is, the activity capable of deciding objectives to be reached with the power to compel various portions of the community to obey what has been decided' (Spinelli, 1966, p. 134), then there is a need to move from influence to government, from governance to politics.

One argument constantly heard is that a political Europe calls for European political parties. That is certainly true, but it is unlikely to suffice: European political parties are a necessary but insufficient condition. If the European system is to become familiar to people across the Union, what is needed is a fully fledged *party system*, not just a number of parties. A party system is more than a group of 'political parties in search of a polity', as seems to be the case nowadays, with euro-parties mostly acting – in good will – as information agencies and EU-related event promoters, sponsored by EU public subsidies (cf. Fusacchia, 2006).

A party system is, in fact, a 'system of interactions based on competition'. Now, competition comes from the Latin word *compitere*, which literally means 'to ask together'. The word 'competition' therefore calls for actors who compete, actually compete for a prize, and the competition is based on the winner-takes-all scenario rather than on win-win outcomes. In the party system, access to government is the prize. Consequently, European political parties will not be able to change the way the European polity currently works unless they can also compete for leadership. This means they should be able to take over – as opposed to today's 'leaderless pluralism' (Page, 1992, p. 9) – to govern and to run Europe with the authority to implement a political programme and claim credit for this at the following general elections.

As Sartori explained in the mid-1970s, a party system implies predictability, familiarity and patterned interactions. All these features are necessary if Europe is to become political in a meaningful way.<sup>2</sup>

If the European system is to develop a genuine parliamentary government and opposition (as implied by the idea that a European leader should be able to implement a programme in both the regulatory and redistributive policy areas), another

development that is vital is the availability of financial resources not dependent on the will of the member states. This will only come about if Europe has its own 'tax and spend' capacity. Modern democracies are founded on the principle 'no taxation without representation' and it is hardly likely that a truly political, democratic European polity can be based on some inverted principle of 'representation without taxation' as is the case today (cf. Menéndez, 2000). Once again, the politicisation of Europe and the formation of (periodically elected) European governments is a *sine qua non* for legitimacy in raising and re-distributing such financial resources.

To sum up, the politicisation and advent of a European party system, together with the requisite financial resources to be made available to a European leadership who agree on a programme and have been democratically elected by EU citizens to run the European polity, are essential to achieving the old continent's political integration.

Such changes are unlikely to occur if the Community Method is resuscitated or the various alternatives of European soft governance are applied. Today Europe stands before a dilemma: The continent's integration calls for a qualitative leap forward, but the Community method has been systematically undermined. This has been done not with the aim of rendering it incapable of promoting radical change and working to establish a fully fledged political community, but rather on account of governments' determination to control everything – out of the member states' desire to show assertiveness and regain control over the future of the 'ever-closer Union'.

The deadlock is there for all to see: Although the ultimate goal is clear, all actors who are capable of playing a part in achieving it refuse to budge from their national positions (member states), are no longer capable of taking European political integration forward (European Commission) or are significantly under-developed (euro-parties).

### Conclusion

In this paper I have tried to show why the functional logic and principles on which the early European project was based would not be suitable for taking Europe's integration further – if 'further integration' means the development of a fully fledged supra-national political community based on (multi- and trans-national) party government and opposition. The Community Method, together with its major by-product, the constitutionalisation of specific policy areas and policy objectives, has successfully resisted the resurgence of looser forms of inter-governmental co-operation, but has been progressively diluted over time, and now seems to have exhausted its potential and capacity for resistance. There therefore appears to be little scope for the Community Method in the future, at least in terms of furthering the European political project.

Alternative modes of governance have been developed in new areas of EU intervention, which belong to policy fields of great interest, salience and important visibility to Europeans. In these new policy fields, issues are politicised as they are in national arenas and it is therefore unlikely that Europe will be able to pursue its objectives as it did in the past. This development has two consequences: First, what can be expected is that 'the old Brussels-initiated process of "Europe-building"

[i.e. the Community Method] [will] continue in those areas that have not yet been politicised' (Hobsbawm, 1997, p. 272), and which will become less relevant to Europeans in the future; second, the greater salience and sensitivity of many areas has provided member states and governments with the possibility of dropping the old Community Method and inventing new forms of member state-driven processes of European policy making. As a result, the reduced policy space and role occupied by the Community Method has not allowed for the development at the European level of the long-tested democratic institutions and political mechanisms that exist in national polities and with which people are already familiar.

The idea that Europe is a unique, *sui generis* construction has strengthened the belief that it might also be based on unique, *sui generis* forms of accountability, legitimacy and democracy. In this respect, particularly over the last decade and a half, Europe has become an arena for continuous institutional and political experimentation, constitutional engineering, *ad hoc* solutions and formulae, many of which are the end-products of negotiations among various actors more attentive to their relative net gains than to the quality of the joint production. This tendency, however, does not help the European system to evolve towards any simple form that is understandable to people, and which they can grasp immediately. Unlike the predictions of the Schuman Declaration, which more than half a century ago launched the European integration project, the Community Method has not resulted in a European federation or a genuine single, supra-national political community.

The stalemate facing Europe today – a crisis that has lasted for years – is thus of a different order compared to other difficult times in the past. It is not, in fact, an *historical stalemate* due to contingent reasons or regular cycles, but rather a *logical stalemate* that is due to the exhaustion of the possibilities inherent in the classical Community Method, the primary resource of European integration. And this stalemate can only be overcome if it is acknowledged that the shift from the Community Method to a political Europe is a *non sequitur*.

The political structuring and democratic experience traditionally experienced within the nation state have been considered obsolete and no longer suited to offering any lessons for the European project. People, however, remain anchored to the logic on which their polities are built. The consequence is that European policymakers have created 'high-tech' institutions for people living 'in the stone age', and today it is still not obvious that the gap can be more easily closed by adapting the latter to the former, rather than vice versa. This is why it is important for the process of *Europeanisation of domestic institutions* to be accompanied by an equally sustained process of *domestication of European institutions*, i.e. by a process of progressive *rapprochement* of the EU's political and institutional framework to what is typical of the nation state, albeit on a different scale and with the necessary adaptations. The Belgian Prime Minister Verhofstadt has expressed this idea by suggesting that inspiration be drawn from Montesquieu when 'playing the game' of EU constitution building (2002, p. 6).<sup>3</sup> In this way, constitution building would work *for* rather than *against* the rise of political Europe, and would assist the shift from the current 'constitutionalisation of governance' to the future 'politicisation of government'.

That is the background against which I have tried to make the case for the politicisation of the Union. Such politicisation starts from the idea that over the last 50 years Europe has been built on two competing models – inter-governmental

co-operation and the Community Method – neither of which possesses the capability or ‘know-how’ necessary to achieve the goal of establishing a fully fledged political community. The Community Method, in particular, cannot be adapted to respond to the goal of a political Europe because it is grounded on working practices and a logic at variance with the principles that a continent-wide political community needs. In this respect, Risse’s words are particularly telling: ‘Many politicians and business leaders in Europe believe that controversial debates on Europe, the EU, and European policies will endanger the European integration process and slow it down considerably... this belief is dangerous in democratic terms... Contestation and politicization is constitutive for a democratic polity including the European polity’ (2003, p. 40).

The power to take binding decisions by a multi-national majority (government) is what Europe needs, together with the option, within the system, of expressing dissatisfaction of the political outcome of such decisions and with the aim of setting an alternative agenda at the next election (opposition). This sort of development is necessary because the establishment of a political Europe cannot be achieved simply by increasing the number of stakeholders or measures to step up transparency and direct involvement. As Neunreither pointed out:

The government puts forward its contribution to constructing ‘reality’ by decisions; the minority provides alternative solutions and interpretations. This creates a major new dimension of politics as compared to the classic dichotomy between the rulers and those who are ruled... the introduction of opposition in the political system of modern pluralistic states has not just added another element of checks and balances, it has created a *new qualitative dimension to the system itself*. (1998, p. 436, emphasis in original)

On the subject of the origin of the American party system, Hofstadter pointed out that: ‘*The idea of a legitimate opposition* – recognized opposition, organized and free enough in its activities to be able to displace an existing government by peaceful means – *is an immensely sophisticated idea*, and it was not an idea that the Fathers found fully developed and ready to hand when they began their enterprise in republican constitutionalism in 1788’ (1970, p. 8, emphasis added).

At present there seems little hope in Europe’s finding new impetus. The Union has started taking continental constitutionalism seriously, but does not yet seem to consider politicisation a viable and necessary option. Like the USA at the end of the 18th century, we are still at the beginning of a long journey, and still seem to be making equally *unsophisticated* plans for our future. This lack of vision and farsightedness may prove to be profoundly detrimental to prospects for a political – and indeed democratic – Union. The risk is that the Union could turn out to be no more than a market, i.e. it could continue to be seen primarily in terms of production and consumption rather than in terms of identity.

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### Notes

- <sup>1</sup> The history of European integration is full of 'attacks' against the Community Method: two major examples are the 'empty chair crisis' of Charles de Gaulle in the 1960s and the policy of Margaret Thatcher towards the EEC in the 1980s. However, they always resulted in *historical*, time-intensive crises, linked to the *development* of the integration project. Since the early 1990s, however, a *structural*, time-defused crisis, linked to the *logic* of the European integration itself, has developed. Cf. *infra* in the main text.
- <sup>2</sup> I am indebted to Prof. Stefano Bartolini and Prof. Peter Mair for their useful insights on this point.
- <sup>3</sup> From the perspective of this paper, it is noteworthy that Prime Minister Verhofstadt expressed in one and the same speech both his faith in the Community Method (quoted in the Introduction to this paper) and the importance of Europe's drawing inspiration from Montesquieu.

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