



# [ *Does Europe Need a Constitution?* ]

DIETER GRIMM

## 17 **Through Constitution to Integration**

In the process of European integration the member states acquire the feeling of belonging to the common project and develop common identity which differentiates them from the outside world. In this sense, integration is a condition which allows for unity and enables the EU members to act together without undermining social pluralism – the interplay among the multitude of positions and interests.

JÜRGEN HABERMAS

## 40 **Does Europe Need a Constitution?**

Europe as a political union cannot exist in the minds of its citizens only in the shape of the Euro. The treaty of Maastricht did not even come close to the symbolic expression of a political founding act. But do European societies fulfill the conditions that are necessary for the federalization of the European Union?

J. H. H. WEILER

## 66 **Does Europe Need a Constitution? *Demos, Telos,* and Germany's Decision Regarding the Treaty of Maastricht**

One could give a “no” as short answer to this question. However, isn't it the case that the European Union already has its own constitutional order? Did not the European Court of Justice refer to the treaties as the European Communities' constitutional charter of rights? In the absence of European *demos* should the constitutional matrix of a nation state be imposed on the Union? Is there really a need for a new document of a constitutional nature?

# [ *The Constitutional Treaty – An Evaluation* ]

UDO DI FABIO

## 133 Myth and Reality

The notion of a constitution is multidimensional, and it is characterized by an unexpected depth and an almost mystical spell. Whoever utters the word “constitution” cannot be free of pretentiousness. It was a powerful tool ever since the American war of independence and the French revolution, but it is no longer as useful in the world of today.

RAFAŁ TRZASKOWSKI

## 141 An Exercise in Ambiguity – The Attempt to Evaluate the Institutional Provisions of the Constitutional Treaty

In the discussion on the constitutional treaty in Poland a simplified picture is often presented: any criticism of the treaty is perceived as a sign of Euroscepticism, whereas all the proponents of European integration are expected to be enthusiastically in favor of the treaty – without paying attention to its deficiencies. The analysts, however, are constantly confronted with ambiguity. The balanced assessment of the treaty, because of the open-ended nature of many of its provisions, should be neither unequivocally positive nor overtly negative.

PAWEŁ KAROLEWSKI

## 167 Constitutionalizing the European Union and its Eastern Expansion

Taking into consideration the classical functions of a constitution, the European constitution is not indispensable for the functioning of the EU, and it can do little to improve its effectiveness. However, the constitutionalizing method which was applied by the Convention provided Germany and France with an opportunity to radically change the balance of power within the EU.





## [ *France, Germany* ]

FABIEN TERPAN

### 198 French Pre-referendum Debate

It is generally acknowledged that Euroskepticism has deep roots in countries such as Great Britain and Denmark, but everyone expects the EU's founding member France to be openly pro-European. However, the situation is much more complex than stereotypes suggest.

JANIS A. EMMANOUILIS

### 210 The European Constitution – the German Perspective

For the first time the European Union has a constitution in the form of one document. The European integration is deepened yet again and the member states are bound with one another to a much greater degree than ever before. From the German point of view the document of a constitutional nature is absolutely indispensable.

# [ *European Convention, Democracy Deficit, Ratification* ]

PAUL MAGNETTE, KALYPSO NICOLAÏDIS

## 240 **The European Convention: Bargaining in the Shadow of Rhetoric**

In the beginning, the European Convention was portrayed as a watershed in the history of European integration. But it did not become the European version of the Philadelphia Convention even though its composition was wider, its procedures more transparent, and its principles more flexible than in case of any previous inter-governmental conference.

ANDREW MORAVCSIK

## 276 **Democracy Deficit – An Exaggerated Problem**

While preparing the draft constitutional treaty, the European Convention tried to address the problem of democracy deficit in the EU. This attempt failed because the deficit is largely a myth. The competences of the EU are very limited and they have little impact on important domestic affairs. The main problem in the eyes of most European citizens is that the EU does not effectively deal with the issues that concern them the most. On the other hand, the thesis about the deficit is exaggerated, democratic oversight in the EU is in reality as far-reaching as possible.

BRUNO DE WITTE

## 295 **The Process of Ratification and the Possibilities for Overcoming the Crisis from a Legal Perspective**

The constitution which was devised by the Convention and accepted by the intergovernmental conference with broad democratic mandate may be rejected in some of the member states. Its entry into force depends on the same inflexible regulations as those which applied to the treaties of Maastricht, Amsterdam and Nice. What are the possible ways of dealing with constitutional crisis in case of non-ratification? Can certain provisions of the treaty be implemented even if the ratification process fails?





## [ *Book Reviews* ]

KATARZYNA KLAUS

320 **The Accidental Constitution**

NORMAN, PETER, *The Accidental Constitution. The Story of the European Convention*. Eurocomment, Brussels 2003.

KRZYSZTOF ISZKOWSKI

324 **Democracy in Europe**

SIEDENTOP, LARRY, *Democracy in Europe*. The Penguin Press, 2000.

PIOTR DARDZIŃSKI

328 **Convention of Deliberation**

BACHMANN, KLAUS, *A Convention on the Future of Europe. Deliberate Democracy as a Method of Legitimizing Power in a Multidimensional Political System*, Wrocław 2004.

EMANUELLE MIKOSZ

334 **The Convention's Secret History**

LAMASSOURE, ALAIN, *Historie secrète de la Convention Européenne*, Paris 2004.

PAWEŁ MARCZEWSKI

337 **Europe – Christian, Pluralist, and Responsible?**

WEILER, J.H.H., *Christian Europe. Constitutional Imperialism or Multiculturalism*, Poznań 2003.

JERZY UKLAŃSKI

342 **Analyses of the Constitutional Treaty in Poland**

348 [ *The Contributors* ]