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EUSA REVIEW

EUSA Review Forum

Law and European Integration: Socio-Legal Perspectives

EUROPEAN UNION LEGAL INTEGRATION has been the subject of a rich, interdisciplinary literature. Studies on the powers of the European Court of Justice (ECJ) and the dynamics of preliminary rulings, on the constitutionalization of the Treaties, and the reach of EU law into national legal systems, abound. Scholars have theorized that the ECJ and EU law have been a driving force of integration, perhaps the driving force in times of eurosclerosis as suggested by Cassis de Dijon and other famous rulings. It is all the more surprising then that we know little about the professions that partake in the process, the judges, jurists and lawyers that are implicated. We now have many studies on the Commission or the Parliament and on Brussels interest groups. EU policy studies tend to focus on actors within these institutions, only mentioning in passing the relevant jurisprudence in their area. Legal expertise is often seen as key in pushing policy agendas yet it is taken for granted rather than analysed. Yet, if EU law is so important in the history of European integration, a promising research agenda would be to take EU legal studies and EU lawyers as an object of study. How has the EU changed the teaching of law in member states' universities? What is its reach in the various sub-disciplines of the field? Is a European doctrine emerging? What is the trajectory of those that specialize in EU law? What is the ECJ judges' vision of the role of the law? These are among the questions that a sociology of EU law could answer. As EUSA brings together many disciplines including legal scholars and other social sciences, this issue should be of interest to most of us. To help develop a sociology of EU law, this forum brings together two legal scholars that reflect on the ways that the community of EU lawyers conceives EU law. The lively debate between Harm Schepel and Damian Chalmers suggests that there is a plurality of position in the legal field as to the role of EU law and its relationship to European society, politics and economics.

-Virginie Guiraudon, EUSA Forum Editor

Law, Lawyers, and Legal Integration

Harm Schepel

LAW HAS BEEN A POWERFUL INTEGRATING FORCE in Europe. Indeed, very few students of European integration would deny the paramount role law has played in the partial transformation of the Community into a supranational polity of sorts. Legal scholars know this to be true, but rarely make explicit why it should be so. Lawyers 'do' law, they do not particularly care to stand back from it. Social scientists have no such qualms, and have taken to the task with gusto. Usually, they see the role of law as the representation of something else, of some other deeper integrationist force. Maybe it is an instrument of capitalist expansion, the expression of a hegemonic neoliberal ideology. Maybe it is a reflection of social life spilling over national borders. Maybe it serves as a mask for political preferences, a source of technocratic spillover. Probably it is a combination of some of these things. I, for one, suspect it is a combination of all of these things. And yet, I would be very surprised indeed if the legal scholars, officials, lawyers and judges involved in the construction of the Community legal order would consider their work to have been a mask for anything. The legal community 'does' law.

Perhaps law should be taken a little more seriously in the social sciences. Perhaps we should not be looking so much what lies *behind* law and a little more at what lies within the realm of legal thought. Perhaps the legal community distinguishes itself not so much by its shared commitment to something else, but by its shared commitment to law itself. Or rather, it distinguishes itself by a shared commitment to a certain conception of law, and a certain conception of the role lawyers play in society. My claim about the import of these shared understandings is not, to my mind at least, shocking or even controversial. Lawyers implicated in matters of Europe form an elite, a fairly closely knit group of people moving in a field of institutions and practices which have a natural tendency to exalt their craft and so maintain the power of law as an autonomous force in European integration. Their collective understanding of their art and of themselves informs in meaningful ways the extent to which the field succeeds in upholding its autonomy. This is hardly a conspiracy theory—just an assumption about people taking their professions seriously and having their worldviews determined in part by

(continued on p.3)

EUSA Review

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From the Chair

George Ross

PLANS FOR OUR 2005 INTERNATIONAL CONFERENCE (March 31-April 2, 2005) are now moving along. By the time you read this, our call for proposals deadline will have passed and the conference program committee will be about to meet, under the leadership of Mark Pollack of Temple University. The program committee faces the difficult tasks of choosing from among many paper and panel proposals, combining paper proposals together into coherent panels, and putting together a program schedule where topics and presentations flow without overlap. In all, we will have eighty-plus panels over three days, but even this number of panels will be insufficient to accommodate all of the fine proposals that we receive. The EUSA office will send out responses to your proposals in December, and complete conference registration forms and hotel and logistical information will be posted on our Web site shortly.

One of our most important activities is the upcoming biennial election of executive committee members of the organization (ballots will be mailed to current EUSA members in February 2005). For this election, three seats on the board will be open for four-year terms that run 2005-2009. Any current EUSA member who has not already served eight years total on the committee is eligible to run for a seat on the executive committee, which meets once a year and sets policies and programs for the organization. The full call for nominations appears in this issue on page 21. I encourage any EUSA member who is interested in serving the organization to nominate him/herself or another member. The deadline for nominations is December 31, 2005.

Finally we are happy to announce the winner of the first Ernst Haas Memorial Fund Fellowship. The committee was unanimous in its choice of Kristine Mitchell of Princeton University, to support her research in the area of European trade unionism and employment policy. The membership of EUSA congratulates Kristine and looks forward to her future contributions to the field of European Union Studies.

GEORGE ROSS
Brandeis University

the way their professional lives are shaped and structured.

I will try to identify and sketch some elements of these shared understandings underlying European Community law. I hasten to add that it really is not more than a rough sketch. It overlooks important distinctions, generalises beyond what is reasonable, undoubtedly distorts ideas and even lumps together contradictory assumptions. Overall, however, I do think it gives a fair idea of certain aspects of dominant legal thought in matters European.

“Emancipatory Functionalism”

The principle of direct effect, one of the twin pillars under the constitutionalisation of the Treaty, has famously been described- by the late Federico Mancini, one of the most influential ECJ judges in the history of the institution- as a way of taking law out of the hands of bureaucrats and politicians and giving it ‘back’ to the people. It is a stunning assertion of the power of European law liberating civil society from the shackles of parliamentary democracies. It is also at odds with what most people would consider to be signified by ‘the rule of law.’ Made as a rather transparent warning to the politicians of Europe not to curtail the powers of the Court of Justice, it was accompanied by an effort to locate hostility towards Europe and its law in the self-preserving interests of the political and bureaucratic elites of the Member States. As such, it was merely a spectacularly unsubstantiated claim to the loyalties of Europe’s citizenry. Yet I am sure there was more to it than mere self-interested posturing: Mancini- and hundreds of lawyers with him- truly believed it. The idea is ‘emancipatory functionalism.’ The Community is placed at the end of an evolution in ‘the history of law’, call it ‘modernisation’, towards ever bigger units of organised social life: from the family to the clan to the region to the State to the Community. As social life expands, so does its legal institutional framework. The rise of the nation-state was but a stage in this evolution. The identification of law with the nation-state, or even the idea that law is properly promulgated only by political institutions, is an unfortunate bump on the road of legal evolution. Law belongs to civil society, and civil society finds in European law the framework for its cross-border dynamism. The question is how we get from the notion of law ‘belonging’ to civil society to the reality of law belonging to a class of lawyers and legal experts.

Law-as-culture, Law-as-science

At the risk of simplifying, one can distinguish two extreme positions on the nature of law. One would see law as essentially tied to a particular society and a particular culture. Law, here, grows organically from a society’s evolving norms and traditions. Two consequences flow from this immediately: first, differences across different legal systems are not just tolerable, they are inevitable. Second, imported or imposed law which doesn’t reflect a particular society’s culture will at

best be dysfunctional and more likely will lead to all sorts of legitimacy problems. The other would see law as an artefact, a tool which can be sharpened by lawyers and legal experts, that can be improved and made more efficient by technical means. The ‘best’ solution is equally viable and desirable in different societies; indeed, law, in this conception, can be transferred from one place to another without much trouble. Almost no one, I suspect, would actually take either position- most legal scholars would introduce distinctions and differentiations and ultimately take some middle position. As a heuristic device, they may serve some purpose.

In European legal thought, law-as-culture collapses into law-as-science. There are two different mechanisms to make this happen. In the first, European legal culture is *defined* by law-as-science. The idea here is that one of the underlying structural similarities between different societies in the Union is a cluster of cultural practices associated with ‘the rule of law’: the authority of general abstract rules, administered by legal experts under exclusion of laypeople, the systematisation of law by legal science. Abstraction, legalism, *amor intellectualis*: these are not mere features of a particular legal system in a particular stage of history, they are constitutive of the very identity of Europe. The common assertion that the Community is a ‘Community based on the rule of law’ should be, at least in part, understood in this way, and not just as describing a stage in, or even the culmination of, a process of constitutionalisation. If this is what you think about law, there are several implications for what you think about European integration. First, law is a source of integration, not merely an instrument of integration. Second, the ‘legalisation’ of Europe is not about unelected technocrats transforming Europe into something more and more remote from the wishes and needs of the people of Europe, quite on the contrary: the ‘legalisation of Europe’ is about constructing a mode of governance that is more closely attuned to the culture of European civil society than national politics can ever aspire to be. If this is what you think about law and you are a learned jurist, there are several implications about your own role in Europe. Like the 19th century German jurist Savigny, you picture yourself uncovering and unveiling the *Volksgeist*, “the spirit of the people.” Like a modern day Savigny, your faith is in your profession and your craft, not in the legislature.

The second mechanism is evolutionary: as society evolves inevitably to liberal capitalism, law evolves inevitably to law-as-science. In Weberian terms, capitalism presupposes rational social action which in turn presupposes a calculable legal system and administration bound to rational rules of law. Formal legal rationality substitutes substantive legal rationality. With the legal system thus in place, crafted and administered by a highly specialised legal profession, law detaches itself from its socio-cultural grounding and becomes perfectly exportable. I suspect that this mode of thinking lies behind

much talk of how European law is 'rationalising' market regulation; I am quite sure that this mode of thinking informs much of the pressure put over the past decade on the newly acceded Member States to suspend with cumbersome procedures to legislate the *acquis* into their legal systems and just import the lot, wholesale and verbatim, from Community law. If there is one thing that the Copenhagen criteria have accomplished, it is the accumulation of air miles for a whole army of Community lawyers travelling all over the new Member States teaching the craft and trade of building a liberal market democracy. The implications of this mode of thinking for European law are relatively straightforward: as if by magic, the conditions for legal harmonisation are congruent with the conditions for economic development. What's more, one empowers the other. For the legal profession, the Weberian logic generates a dynamic where increased formal rationality leads to a very peculiar distinct body of knowledge which leads to increased specialisation and power for an elite of jurists.

Conclusion

As if by stealth, European law has largely transformed the nature of European integration. An ECJ judge once famously said that its judges entertained a certain idea of Europe. This has largely been interpreted as a sure sign that European law has been constructed in function of a political strategy, a set of ideological preferences or commercial interests widely shared on the bench, in academia, in law firms, and in the Rue de la Loi. I think that there is a certain idea of Europe inherent in a certain idea of law. This is not a mere detour. Law structures discourse validates some lines of argument and discards others, and limits world views. This *certain idée du droit* deserves a little more attention from social scientists.

Law transcends borders by its very 'lawness.' It is an autonomous force of integration, not the mere reflection of political imperative or economic necessity. With many a variation, and based on many different strands of thought and ideology, my guess is that most people in the field of Community law would subscribe to at least this much. It is a powerful idea widely held by a powerful group which has enjoyed an epistemic monopoly over many aspects of European integration for decades. It is an idea that has underpinned the cohesiveness and autonomy of the field.

As the Union is expanding in all ways imaginable, the field of Community law is being reconfigured. No longer the province of a relatively small group of specialised experts, the field is growing in sheer numbers and diversifying significantly as criminal lawyers, private lawyers, constitutional lawyers and then some are being drawn in. Whether the autonomy of the field will be maintained will depend in large part on the strength of the common loyalty and commitment of the expanding field to the idea of law. Yet, as the debate on

a code of European contract law exemplifies, we still have decades of legal formalism and detachment from social life ahead of us.

Harm Schepel

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EU Law and the Failure of the 'European' Social Scientific Imagination Damian Chalmers

IS IT POSSIBLE TO REVISIT DEBATES which have never been had? Harm Schepel's penetrating piece would suggest that, paradoxically, it is. His piece is a reconstruction of a well-worn and heated debate in socio-legal studies between 'law and society' and 'law in society' approaches to the study of law. The former looks at the impacts of law on its subjects. Society is presented as the external environment on which law intervenes asymmetrically and unpredictably. It is the task of the socio-legal scholar to discover, after the events, the effects of these interventions. 'Law in society' approaches consistent with developments in sociology that are dismissive of reified, romantic ideas of the 'social' look at the epistemology of the law, its vision of society: what image does it draw of human relations; what ideologies, justified true-beliefs does it draw on; how do the internal, formal structures of the law reconstruct these; how do legal visions of society compete with other collective visions, notably those provided by statistics.

With some notable exceptions, of which Harm Schepel is one, this debate is absent from EU studies. To be sure, there are some 'law in context' approaches, but these tend to see EU law as the hand maiden of the policy-making process. Debate centres on how it constructs or alters national government preferences; how it provides windows for non-governmental and supranational actors to intervene in law-making; how it allows court and legal professionals into policy-making. These are all valuable and interesting debates, but law's power derives from its capacity to link the world of the political with the worlds of economy, society, family. There is contestation for law-making powers precisely, because it allows government both the power to exercise influence over these worlds and the power to generate conditions which enable new types of relations to develop within these worlds. There has been very little socio-legal work, however, on EU law's impact on family relations; its transformation of working patterns; or the creation of new forms of natural environment. To be sure, this is difficult because of the scale and diversity of the Union, but the lack of work is disappointing, nonetheless. More so, because, for the Union, other central

instruments of rule of the nation-state over the individual – force, money, education, welfare – are not available: making integration through law all the more central to EU government.

In this regard, Harm Schepel suggests that one of things that EU lawyers identify EU law as doing is ‘emancipatory functionalism’. They argue EU law generates new entitlements for individuals through doctrines such as direct effect, which these can invoke before courts. For myself, I think they elide the hidebound ideologies of legal professionals who go before courts - and who therefore, inevitably, say EU law is all about them and the rights they litigate - with the wider praxis. For EU law generates very few individual rights. If one looks at the European Court of Justice, for example, 22 EC Treaty provisions, 7 Directives and 3 Regulations accounted for 50% of its case law between 1998 and 2003. The position is no different with national courts. In the period up until the end of 1998, just 5 Directives accounted for 73% of all the instances of Directives being invoked in reported cases before British cases.¹ Of course, it may be possible that EU law generates a series of individual entitlements that are never litigated or only appear in unreported cases, but until some evidence, I, for one, will remain sceptical. If the 70,000 + pages of EU law do not generate many individual rights, then what do they do? Even a brief perusal of the *Official Journal* suggests an alternate narrative. They codify, extend and discipline administrative power. Every area of life governed by EU law is replete with the creation of new regulatory agencies, new regulatory standards and new responsibilities on private undertakings to report on and police public goods. In short, EU law’s mission is not emancipatory functionalism, but ‘utilitarian managerialism’. Its central exponents are not lawyers, but administrators. Its central teloi are not individual liberal values, which provide only an ephemeral sheen over its bulk, but the depersonalised public goods of the welfare and regulatory State, with all its corollary dangers of perverse side-effects, excessive intrusion in local life and cultural alienation.

The other claim is a ‘law in society’ claim. The argument is that the professionalisation of EU law and its ties to the ideals of liberal capitalism have resulted in its no longer being able to be viewed as ‘law as culture’. It cannot be seen as the organic product of any society linked to its evolving norms and traditions. For me, the interesting thing about EU law is that, unlike national laws, it has never made any serious claim to do this. The central ties of repressive conformity identified by Durkheim and his successors are that national law creates the central symbols for a society’s collective self-identification – nationality law, immigration law, criminal law, religious law. Yet, these are not claimed, in any significant way, by EU law. Indeed, at Maastricht and Edinburgh, it was clear that these matters should not be touched by EU law and that EU law would not transgress onto matters of national citizenship. To be sure, in recent times, asylum and immigration law have

begun to be harmonised. But, even here, when one looks at the central symbols - acquisition and loss of nationality, long-term residence, expulsion – there is either very “lite” regulation or, in the case of the long term residence rights directive, an EC instrument that does little more than shadow pre-existing national practices.

That said, one of law’s fates is that it cannot be ‘a-cultural’: it cannot escape creating notions of community. The problem with EU law is that because ‘law as science’ renders ‘law as culture’ opaque in its epistemologies, the communities that it creates have an unattractive edge. Its central bias is the protection of the institutions and communities of the European market society. The market society here is not some abstract supply and demand curve or set of liberal rights to trade and own property, but rather a set of EU and national institutions, which include governance regimes, contract and property rights, supporting welfare and policing institutions. One acquires rights in EU law only when one either actively contributes to or does not disrupt the working of these. In this, of course it has an ethnocentric tinge. Non EU nationals, in particular, do not have the same rights as EU nationals. EU law only exposes its fangs in the most sinister way, however, where non-EU nationals threaten the institutions of the market society. EU law allows the detention, impoverishment and stripping away of family rights of asylum seekers or illegal migrants precisely because of the threat these pose to welfare institutions and labour markets and because asylum is the bracket of the poor and dispossessed. If in the United States it is increasingly dangerous for foreigners to be perceived as politically threatening, economic threat is fast becoming the mantra of European legal repression. One can identify EU law as ‘law as culture’, if one wants, but the cultures it constructs are not cosy pre-political communities, but rather market hybrids whose pervasiveness requires extensive internal responsibilities, policing and protection.

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NOTES

¹ For more on the incidence of EU law see Chalmers, ‘The Satisfaction of Constitutional Rhetoric by the European Judiciary’ located at http://www.jeanmonnetprogram.org/conference_JMC_Princeton/NYU_Princeton_Chalmers.rtf.

Essay

Guide to Research Materials for EU Studies on the Web *Phil Wilkin*

Introduction

AS THE EUROPEAN COMMUNITY/EUROPEAN UNION (EC/EU) has grown dramatically in both size and importance in the last 15 years, the amount of research materials published on the organization has increased accordingly. Access to these materials for researchers is vital, and for some of these materials, relatively simple. For example, in the last decade the EC/EU has deposited literally thousands of EU documents full text on its flagship website Europa <http://europa.eu.int/index.htm>. Also, two major categories of commercially produced materials - books and journal articles - are regularly indexed and cataloged, and are hence relatively easy to locate via standard searching methods and databases in most large libraries. If one can't locate them in their local academic library, they can usually find them via InterLibrary Loan.

But there is another important type of literature on the EC/EU which has been historically difficult to locate and obtain, namely, privately or independently-produced materials, e.g., conference papers, working/policy/discussion papers, small monographs, etc. Regarding these materials, this essay describes the nature of the problem, potential solutions, and the current state of affairs in providing access to them.

The Problem

Traditionally, these materials were produced in paper format by hundreds of individual institutions, usually for local consumption. Since the mid-1990s, institutions have been placing these materials on their websites. How much material are we talking about? an educated guess would be at least 7-8000 individual titles. In a somewhat superficial search, this author has compiled a list of over 100 such institutions which have posted such materials on their websites. Because these items, whether in paper or electronic format, rarely became part of the commercial "book trade", they were usually not obtained by libraries and hence not cataloged and indexed, and therefore have been difficult to locate and collect. Of course, some of those materials have been posted on websites and hence are far easier to locate and utilize than ones in paper format, but so far the Web has not been a panacea.

In attempting to find research materials on the Web, there are two primary problems for users: access and permanence. As to access, the problem is the inability to easily locate these items on an uncataloged and unindexed Web (search en-

gines like "Google" allow very comprehensive Web searching, but cannot produce the narrow list of hits the patron wants). As to permanence, there is no "archival" aspect to most of these materials - if the Website housing them disappears, likely so will they. The result of all this is that there are literally thousands of valuable research materials on the topic of the EC/EU which are not easy to locate and obtain access to because they have not been collected by libraries and are difficult to locate by Web searching; many of those most easy to access - those posted on websites - are potentially transient because they will disappear if the website does.

Potential Solutions

Any acceptable solution to the problems regarding the titles described above would have to include at least two elements: simple, relatively centralized electronic access to the materials, as well as permanence. During the last decade an administrative and technological framework which promises solutions to these problems has developed. The primary elements of this framework are:

- as noted above, numerous organizations have been posting large amounts of research materials on the Web.
- recent developments in Web publishing and software, which allow sophisticated searching not only within relational databases (like the search engines which replaced card catalogs in libraries) but also on the Web. For example, the Open Archive Initiative (OAI) <<http://www.openarchives.org/>> develops and promotes standards for interoperability to facilitate the efficient dissemination of content stored in widely dispersed electronic repositories. In other words, these standards make it relatively simple for a search engine on one database to locate and view certain designated materials on other distant databases. For example, the OAI has designed a shared code for metadata tags (e.g., "date," "author," "title," "journal," etc.). The full-text documents described by these tags may be in different formats and locations, but if they use the same metadata tags they become "interoperable." Their metadata can be "harvested" and all the documents can then be jointly searched and retrieved as if they were all in one global collection, accessible to everyone. Using the OAI standards, Eprint.org (<http://www.eprint.org>) has designed software which facilitates the Web searching and metadata harvesting. The process of designing these interoperable platforms and software is in flux, but there are several systems which currently work fairly well. This cross-archive searching is based on cooperation; database administrators must agree to make their databases OAI-compliant and to insert metadata into their databases before harvesting can

occur. This is an area of increasingly greater emphasis and activity - people see the potential for virtually unlimited, universal, free access to research materials - so the standards and software can only become more harmonized and productive in the near future.

Current State of Affairs

There are three separate projects currently underway which hold the promise of providing access to much of this vast quantity of data: "Internet Resources", administered by the European Commission Libraries Catalogue (ECLAS); the "European Research Papers Archive (ERPA)", administered by Dr. Michael Nentwich, <http://eiop.or.at/mn/>; the Archive of European Integration (AEI), administered by this author.

Internet Resources. The library is attempting to "catalog" the universe of publications on the EC/EU available on the Web. Its website <http://europa.eu.int/eclas/> (click on link Internet Resources) provides links to such documents and titles (some links are to full text materials and some are to bibliographic information only). A search for "Internet resources" currently obtains over 19,600 titles, both EU official documents and privately produced materials. While this list is extremely valuable, it does nothing to ensure the permanence of the titles linked to.

ERPA. Begun in 1998, the pioneering ERPA website <http://eiop.or.at/erpa> provides a common access point for the online working paper series of nine participating institutions (representing eight different countries) in the field of European integration research. These papers reside on the websites of the nine institutions; access is provided via search capabilities on the ERPA website. The ERPA website currently provides access to almost 800 papers.

AEI. The AEI <http://aei.pitt.edu>, begun in early 2003, is an online repository and archive, initially designed to complement the ERPA network by collecting materials on the Web which are not accessible through the ERPA network. And while little is truly permanent, the AEI is designed as a permanent archive. The AEI website states that items to be uploaded "must be of potential use to researchers and scholars, whether they be academics or students". In fact, the vast majority of titles on the AEI are papers produced by members of academic or research institutions. Currently the AEI contains well over 600 titles in this category. So far, the AEI has uploaded mostly materials already online on other websites. While this process will continue, the AEI will soon begin a long-term attempt to collect and upload as many copies of EC/EU materials in paper format only as possible, including the entire back run of European Community Studies Association/European Union Studies Association papers.

In conclusion, utilizing OAE-compliant software described above, the AEI administrators will soon construct a website with searching functions which will allow simultaneous ac-

cess and searching of all titles in both the AEI and the ERPA. This partnership will constitute the core of a central, direct access point to EU studies research materials on the Web, freely available to anyone.

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Archive of European Integration <http://aei.pitt.edu>

THE UNIVERSITY LIBRARY SYSTEM, University of Pittsburgh, Archive of European Integration (AEI), a major online repository for non-commercial, non-governmental full text publications (short monographs, working or policy papers, conference papers, etc.) dealing with some aspect of European integration, whether they are already on the Web or not. The AEI co-sponsors are the European Union Studies Association and the Center for West European Studies/European Union Center, University of Pittsburgh.

As discussed above, the AEI is partnering with the European Research Papers Archive (ERPA) and the European Integration online Papers (EIoP), and seeks to acquire other appropriate papers which do not reside on the ERPA. It will be possible to access and search simultaneously the AEI, the ERPA, and the EIoP. Together, the ERPA and the AEI will constitute the most comprehensive, accessible single interface to materials on European integration either already available on the Internet or in another format that can be converted to be deposited on the AEI.

Anyone can access and download materials on the AEI. The search engine allows searching by author, title, keyword, year, etc. Not only are titles free to all for reading and downloading for personal use, the AEI is an archive for the permanent retention of articles submitted (authors can have titles removed upon request).

If either individuals or institutions know of additional materials - either in electronic or paper format, and no matter how old - which would be appropriate for the AEI, please feel free to contact Phil Wilkin at pwilkin@pitt.edu. The AEI editors invite all with appropriate papers to submit them to the AEI. The AEI editors will be happy to help any individual or organization seeking assistance with the process of contributing materials to the AEI. If you wish to deposit papers in a series, you *must* contact the AEI editor before beginning deposit of papers. With questions about the AEI, e-mail aei@library.pitt.edu.

Teaching the EU

Hit the Road: Teaching European Union Politics Through Short-Term Study Abroad

Edward G. DeClair

AS A ZEALOUS ADVOCATE OF EXPERIENTIAL LEARNING, I am convinced that students learn better by doing, by seeing, and by experiencing. My many years of teaching European politics through participation in a multi-university simulation of the European Union have persuaded me that most students will benefit immeasurably by participating in a well crafted and implemented experiential learning endeavor. They learn better because they are more engaged, often more prepared, and more enthusiastic when we as teachers “test” their knowledge in alternative ways that expand the boundaries of the traditional classroom. I have also witnessed heightened student learning as I have traveled with students to such countries as Argentina, Costa Rica, Spain, and Italy on short-term study abroad programs.

In the summer of 2004, I taught, for the first time, a European Union seminar while traveling to four different EU member states. It was an amazing experience for me, my colleague who was also teaching in the program, and for the seventeen students that signed on for this odyssey. Study abroad programming creates opportunities to expand one’s personal horizons, to introduce oneself to new and different ideas, and to expose one’s senses to the sights and sounds of the world. Simply put, an international study/travel experience is often a life-changing event. International travel provides a multiplicity of benefits - it can and does change lives, and when coupled with a first-rate, high-caliber academic experience, the study abroad experience becomes even more powerful. Its impact is indelible.

Students consistently report that their study abroad experience was the single most significant event of their undergraduate education, and this was clearly confirmed in student evaluations of our own EU travel seminar. Study abroad promotes positive changes in students - changes that are rarely, if ever, observable within the boundaries of the traditional classroom environment. They return from their travels more mature and self-confident, better able to adapt to changing environments and circumstances, and better equipped to deal with complex situations and scenarios. Study abroad is truly learning by doing in the most fundamental sense. It represents the epitome of experiential learning. Study abroad has rapidly become an essential element in a top tier 21st century education, and with the current geo-political realities, it is necessary for successful competition in the global marketplace.

On May 18, 2004 seventeen Lynchburg College students and two professors departed for a twenty-two day journey

that would take them to four different European Union member states. This international travel/study abroad experience entitled, *The Politics and Economics of the European Union*, involved a joint six credit hour experience sponsored by the departments of international relations and economics. The two professors, one a political scientist and the other an economist, agreed to teach two separate courses that would complement each other in subject matter, teaching methods, and course structure. It was without a doubt one of the most enjoyable and productive teaching experiences the two professors have ever had in over 50 years of combined teaching experience.

Prior to our departure, we agreed to teach a weeklong on-campus seminar. We each taught for three hours per day and also agreed to assign the students outside readings and other group based assignments as homework. During those five days the students normally had nine to ten hours of class and homework time per day. We also organized two social events for the students during that week. The workload for teachers and students alike was very heavy during that intensive pre-departure week, but the large investment paid off handsomely once we began to travel together as a group. The students were thoroughly introduced to the subjects that we wanted to cover, and they departed for Europe with a strong working knowledge of EU institutions and policies. Those thirty hours of classroom time also produced additional “spill-over” benefits: 1) students bonded as a group; 2) they learned how to work within the group dynamic because of the joint projects and presentations; and 3) they were completely aware of our behavioral expectations prior to departure. This final element is an extremely important consideration when taking American undergraduates overseas

It is not easy traveling with undergraduates; this is work not a vacation. Simply put, it requires one to have an adaptive and forgiving personality. At times, the professor needs to be Mother Teresa and at others only Attila the Hun will do. Flexibility is the operative word when traveling abroad with a large group of college-age students. International travel is often replete with rocks and even a few boulders in the road that may make the voyage a bit bumpy, but if the participating faculty members are able to adapt to the needs of the students the experience can indeed be life altering for all parties. Recent trends in study abroad programming underscore the fact that short-term programming – usually from two to six weeks – is rapidly becoming one of the most popular ways for students to engage in international travel opportunities. Faculty led short term programs enable more students to participate in such opportunities while at the same time creating significant faculty development opportunities for the instructors involved.

Pre-planning is critical to the success of the study abroad experience. Special attention to course development, student recruitment, and the planning of the itinerary facilitates the overall learning experience and helps the process move

more smoothly. Our trip was planned so that site visits and “briefings” were linked directly to course content. As we outlined the itinerary, we were also mindful of the need for “free days” so that students and professors alike could have some time to enjoy the trip outside of the group dynamic. In addition, we also scheduled activities that were purely cultural and/or fun so that the students would benefit fully from their time abroad.

The European Union flavor of the trip was central to the course’s identity. We began our European sojourn in Brussels, arguably the heart of the EU’s core institutions. While in Brussels, we attended private briefings at the European Commission and the European Parliament. It is important to work directly with the visitors’ services office of these institutions so that students are briefed at the appropriate level by the appropriate authorities. Briefings can be targeted to the knowledge level of the individuals requesting the briefing and in each case we requested a briefing that was more substantive than the normal “tourist” look/see visit. We also received an outstanding briefing at the Brussels based Federation of Enterprises in Belgium that focused on the impact of the recent enlargement and how the EURO has changed the nature of European business. The combination of the political and the economic juxtaposed with the public and the private as embodied by the briefings was a powerful opportunity to examine the intersection between governmental and private voices. Because the students were well prepared prior to departure they were able to engage the speakers with astute questions and comments.

Our second stop, Strasbourg, provided the opportunity to visit the European Parliament and the Council of Europe. We arrived at the parliament building during an off session week, and the students immediately reflected upon the fact that such a large facility could remain dormant for nearly three weeks a month. Their experiences that day helped them understand more fully the criticisms leveled at this institution. Such site visits need to be organized and arranged well in advance of the actual visit. In fact, two to four months is not unreasonable when trying to plan a trip of such scope and breadth.

On the third leg of the trip we stayed in Bregenz, Austria. Lynchburg College has a formal affiliation with Fachhochschule-Vorarlberg in Dornbirn, Austria, only a short train ride from Bregenz. Here we were able to utilize the classroom facilities of our sister institution, and the students were able to “debrief” and digest what they had learned and discovered up to that point on the trip. In addition, it gave the students an opportunity to interact with Austrian university students and experience college life in a small Austrian city albeit for only a short time. Our partners at the Fachhochschule were able to arrange two very important factory visits during our time in Austria that complemented the political briefings that the students had already attended in Strasbourg and Brussels. Again the combination of the

political and the economic demonstrated to the students the synergy that exists between the two disciplines.

Our final stop in Prague was an important step in our eastward travels because of the country’s post-communist, new EU member state status. In Prague, we again had the opportunity to visit a major manufacturing plant, and the students were able to observe first-hand the differences in working conditions between new and old EU member states. While in Prague, we also met with a human rights activist who has devoted years advocating for the Roma. Students were intrigued by her presentation and were very interested in whether or not EU membership was having an impact on such human rights issues in the Czech Republic. The trip ended on a high note as the students had free time in Prague to absorb the atmosphere of this wonderful city and of course to finish any last minute shopping.

The Lynchburg College EU Seminar was a resounding success (as per student evaluations of the experience) because we were faithful to our core philosophy about such study abroad experiences. Central to Lynchburg College’s philosophy concerning study abroad teaching is that the instructors should be primarily concerned with teaching and not be forced to become amateur travel agents. As an institution, we made a decision a few years ago to always work with third-party study abroad providers. This decision was based on a number of important considerations: 1) we leave the travel logistics and arrangements to the professionals; 2) working with educational travel specialists enables our participating faculty to concentrate on the subject at hand without being overwhelmed by the myriad details inherent in international travel; 3) such arrangement appease the business office because the companies we work with provide an additional shield of liability coverage, medical insurance, and emergency evacuation coverage; and 4) provides us access to economies of scale that we would be unable to achieve if we worked independently. Over the years, Lynchburg College has used a wide variety of third-party study abroad providers. Such companies often have specific expertise in certain geographic locations, but nearly all of the major third-party customized providers are able to service programs that are bound for Europe.

Careful planning while working in tandem with study abroad professionals provided our students with a truly outstanding experiential learning opportunity. In those twenty-two days, the students clearly learned more about EU politics and policies than they ever could have in a traditional classroom setting. My advice: Hit the Road and facilitate student learning by organizing a study travel seminar.

Edward G. DeClair, Ph.D. is Associate Professor of Political Science and Assistant Dean for International Programs at Lynchburg College.

Book Reviews

Gallya Lahav. *Immigration and Politics in the New Europe: Reinventing Borders*. Cambridge, UK: Cambridge University Press, 2004, 316 pp.

IN THE EARLY 1990s, IMMIGRATION EXPLODED onto the European political scene. Anti-immigrant violence, the rise of extreme Right parties, and sensational headlines about illegal immigrants and “bogus” asylum seekers catapulted the issue to the top of the agenda. Given this political controversy, few observers would have predicted that national governments would willingly turn over control of immigration policy to the European Union (EU). Being a “high politics” issue with intense political salience, immigration did not seem to fit in Brussels’ portfolio. And yet in 2003, delegates to the Convention on the Future of Europe agreed to grant the EU competence over immigration policy. The resulting draft constitution made immigration an issue subject to the “community method”, meaning that (conditional on ratification) the Commission will have sole right of initiative, the Parliament will have co-decision rights, the Court of Justice will have full jurisdiction, and the Council will use qualified majority voting. This step removes the last vestiges of intergovernmentalism from many fields of immigration policy (though the EU still lacks competence to act in some crucial areas, such as citizenship policy).

Gallya Lahav’s *Immigration and Politics in the New Europe* promises to be a seminal work of scholarship on this remarkable development, and on its political context. For those wondering how it was possible for the world’s first international immigration regime to be constructed, Lahav thoroughly sketches out the causal factors explaining this unlikely project. Though the book does not contain a discussion of the draft constitution’s “supranationalization” of immigration (which might be a good thing, given the uncertainty over the constitution’s future), it does offer a comprehensive explanation for the limited supranationalization that had occurred as of the Nice Treaty (which left some aspects of intergovernmentalism in place).

Lahav’s research questions are threefold. First, what would motivate states to cooperate on immigration? Second, on what basis would cooperation be organized (intergovernmental or supranational)? And third, would resulting policies be liberal or restrictive towards the rights, freedoms and privileges of immigrants?

The book’s primary strength is the breadth and richness of its empirical evidence. Though Lahav does not propose specific hypotheses at the outset, important findings emerge as the reader follows the book’s detailed probing into a range of fascinating data and secondary sources. Lahav examines

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Publishers should send two review copies of books directly to Dr. Kelemen.

more than ten years of Eurobarometer surveys, including the 1996 survey of elite opinion. The book also contains analysis of Lahav’s original surveys and interviews of members of the European Parliament (MEPs). The surveys provide systematic, comparable data, and the interviews offer rich, illuminating, and at times entertaining perspectives on the topic. Given that the European Parliament will likely gain co-decision rights over EU immigration policymaking, this window into the EP’s views on immigration is a valuable contribution to the literature, and provides a useful testing ground for examining the extent of elite-public attitudinal congruence.

In contrast with those who see elite opinion as more pro-immigrant than public opinion, Lahav finds a wide range of convergence among the two groups, though MEPs do rank immigration higher on the political agenda than publics do and are much more favorable than publics towards expanding immigrant rights. And in contrast with those who see public opinion towards immigration as ignorant or uninformed, Lahav gives evidence to contradict this portrait. Thus, to explain the first research question – why states cooperate on immigration – the book posits public opinion as the main explanatory factor. From Lahav’s evidence, we see that publics and elites are both evenly split over who should control immigration policy (national vs. EU). Both groups seem to recognize the potential benefits of EU control, but also worry about the potential dangers to national culture and identity. Momentum towards cooperation seems to be influenced by integration in other policy areas, with public opinion growing more favorable over time.

Regarding the question of supranationalism versus intergovernmentalism, Lahav uncovers important reasons why intergovernmentalism has persisted. States have been tenacious in preserving their authority in this sector, and have acted on their perceived national interests. Given the wide range of national differences regarding preferences on immigrants and immigration policy cooperation, states have proceeded cautiously, using EU institutions to build a restrictive, lowest-common-denominator policy. But as public opinion coalesces into consensus, Lahav finds that further moves

towards supranationalism are possible, though we should not expect the resulting EU policies to be any less restrictive towards immigrant rights than the intergovernmental status quo. As far as attitudes towards immigrants themselves, the analysis reveals several important causal factors, based more on symbolic and sociotropic public evaluations than personal self-interest. In countries with more immigrants, the issue has become politicized, and partisan/ideological differences gain explanatory power. Among MEPs and publics alike, those who are on the Right are more anti-immigrant than those on the Left. Preferences on European integration also inform opinions towards immigrants, in that MEPs and publics who are more favorable towards the EU are also more favorable towards immigrants. Overall, we see little overt racism or xenophobia in public opinion, but we also see a fairly restrictionist sentiment.

Despite the fact that opinion towards immigration is more informed than many have assumed, Lahav identifies some contradictory attitudes among publics and elites alike, though these may be resolved as policy becomes more supranationalized and coherent. Some of these self-contradictory opinions are quite startling. 70 percent of the public want common EU rules on immigration, but only 50 percent think that immigration policy should be “dictated” by the EU. And among MEPs, 90 percent agreed that there should be a common immigration policy, but a majority also said that authority should lie with national governments! Further, MEPs tended to argue in the interviews that political ideology is irrelevant in structuring immigration preferences. And yet Lahav’s analysis of the MEP survey reveals that ideology is a significant predictor of their preferences.

Although the book is neutral regarding theories of European integration, one key finding seems to confirm neofunctionalism. Lahav finds that public opinion on immigration policy becomes pro-cooperation *after* institutional steps towards cooperation (though this finding seems to shed doubt on Lahav’s argument that public opinion can *explain* cooperation). But this conclusion is tempered by the finding of a strong link between Euro-skepticism and anti-immigrant opinions, as well as the finding that worries over loss of national identity and culture remain important political forces in the new Europe.

Lahav’s theoretical contribution regarding the literature on immigration politics and public opinion is massive. Scholars can find numerous and important leads for new research in the book, and can continue to link Lahav’s findings to developments in European integration. As the importance of the European Parliament grows, Lahav’s data become increasingly illuminating, and as immigration policy becomes more supranational, the book’s predictions can be usefully tested in the new context. Will opinions regarding EU control over immigration policy become more coherent? Will elite and public opinion continue to converge? And as newer EU members

become countries of immigration, will opinions in these countries become more polarized, and will party politics begin to play a greater role? Scholars who wish to investigate these and other aspects of the complex relationship between migration, politics and the EU will be well-served by taking Lahav’s study as a starting point.

Adam Luedtke
University of Washington

Andrea Biondi, Piet Eeckhout, and James Flynn, eds. The Law of State Aid in the European Union. Oxford: Oxford University Press, 2004, 400 pp.

THE BEAUTY OF EC LAW AND POLICY governing State Aids lies in the multiple tensions that are at stake. Article 88 EC directs the Commission to review aid in *co-operation* with the Member States. A glance at the heap of litigation that is pursued in connection with the application of the state aid rules suggests that not a lot of co-operation occurs. The problem is that large sums of money are at stake, and that almost every decision will produce dissatisfaction apt to spill over into litigation. In this sense the supervision of state aid, one of the most sensitive and important tasks allocated to the Commission under the Treaty, also pushes it into a no-win situation, at least when measured according to popular (national) press coverage. Aid is approved – cue disgruntled competitors. Aid is denied – to the dismay of the awarding public authority and the would-be recipient. Aid is granted without notification – both the Commission at EU level and private litigants acting before national courts are ready to pounce.

The pattern may also feasibly involve disagreement *within* a State where, for example, a regional authority pays out aid of which the central authorities disapprove. Yet in some circumstances, as a result of the structure of the EC Treaty’s State-centric system of judicial supervision, it may be the central authorities that are called on to defend the decision to grant aid. Underpinning all of this is the appreciation that because it has for so long been assumed that one of the very functions of the State is to support ‘its’ industry, the abrupt recognition that EC law intervenes to prevent such activities where (broadly summarised) their effects are harmful when calculated on a European scale represents one of the system’s most high-profile intrusions into the expression of national political and economic preferences.

This book provides a set of legal perspectives on the issues at stake. It comprises 19 essays, and most provide serious and vigorous engagement with the questions of law and policy at stake. Nine contributions deal with ‘General Issues’; five more cover ‘Selected Areas’, including taxation (Quigley), the airline sector (Adamantopoulos), and state guarantees (Friend); four more cover ‘Remedies and Enforcement’, and then the final paper, presented as an ‘Epi-

logue', allows Justice Silber to offer brief reflections on the experience of a member of the English judiciary in dealing with state aid cases.

A logical progression invites the reader to consider, first, what is an 'aid' (Plender, Ahlborn & Berg, Ross, Biondi & Eeckhout, Bacon). The Treaty characteristically chooses to provide no exhaustive definition. The Court takes the broad effects-based approach that is its general preference in other areas of EC trade law, and, in a manner closely comparable to that visible in the law governing free movement, it has lately got itself into a terrible mess in trying to fix the outer limits of the intrusion of EC law into national regulatory autonomy.

Then, if the matter is shown to fall within the scope of the Treaty rules, what issues determine the Commission's assessment of whether the aid is compatible with the common market? (Rehbinder) Here too the Treaty is light in clear rules. Much has depended on Commission practice, elevated over time into 'soft law' instruments and latterly exemption regulations dealing with particular forms of aid such as that granted for training and employment, within a current policy commitment undertaken by the Member States to reduce levels of aid and to prefer horizontal aid over sector-specific aid. An issue of particular interest here is how State aid policy can be coherently administered in combination with other objectives set out in the Treaty such as pursuit of environmental protection (Faccena) and respect for diverse cultures (the financing of public broadcasting is covered by Coppieters).

Discussion of how to classify compensation paid by public authorities to an entity performing a public service (is it not aid at all or is it aid that is potentially justified?) pervades this part of the book, which is inevitably written in the shadow of the key decision finally handed down by the Court in July 2003 in Case C-280/00 *Altmark*, which helpfully sets out in paragraphs 88-95 a 'blueprint' for awarding authorities. The Chapters contributed by Plender, Ahlborn & Berg, Rizza (which is devoted to precisely this issue), Ross, Biondi & Eeckhout, and Coppieters all supply rich discussion of what is at stake and at the last gasp the editors were able to slip in a brief discussion of *Altmark* itself as a 'Stop Press', at pp.xxv-xvi of the book, where the judgment is aptly described as 'legislative in nature'.

Then, if things go awry, what is the scope for judicial review, and what remedies are available? As already mentioned, litigation is a frequent feature of State aid practice, and the incentives remain sufficiently great despite the Community judicature's general unwillingness to set aside the assessment of complex economic data made by the Commission (Leo Flynn, James Flynn). Lever contributes a particularly vigorous attack on the way the current system requires Member States to re-claim aid which is ruled incompatible with the Treaty – demolishing any incentive to avoid the im-

proper payment in the first place, and placing recipients, who are in any event allowed only limited access to the Commission's investigation, in a disturbingly uncertain position. He advocates greater access for the recipient to the Commission's investigative procedure and adjustments that would involve repayment to the *Community*, not to the Member State, and then the possibility of compensation being made available out of the Community pot to disadvantaged competitors of the recipient. Fascinating, and rather convincing – though, as Lever concedes, a reform of no obvious political interest to Member State executives.

The striking position taken by the Court that improper failure to notify aid to the Commission means that it must be treated as unlawful aid by a national court even if the Commission subsequently concludes that it is aid that is compatible with the common market has opened up a new front against recalcitrant awarding authorities (Ross, James Flynn, Bacon). On this point the law governing State aid offers an intriguing case study illustrating the general phenomenon of the EC legal order as a source of individual rights capable of vindication before national courts, which in turn greatly assist the Commission's general anxiety to maximise effective policing of the Treaty rules.

The book also includes a paper on Poland (Fornalczyk), the WTO (Rubini) and the EEA (Sánchez Rydelski), and it comes warmly recommended by your reviewer.

Stephen Weatherill
Somerville College, Oxford

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- Spring:** [EU-Related Web Sites](#);
- Summer:** [EU-Related Organizations](#) (academic and professional associations or independent research centers with significant EU aspects in their missions);
- Fall:** [EUSA Members' Research Notes](#) (EUSA members' current EU-related research projects, with particular attention to funded projects).

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Spotlight on Belgium

This feature highlights an individual EU member state's major presences in the USA and beyond.

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- www.trabel.com/ - Belgium Travel Network
- statbel.fgov.be/ - Statistics on Belgium
- www.belgium.fgov.be/ - Federal Public Services of Belgium
- www.politicalresources.net/belgium.htm – Belgium Political Parties
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The State of the European Union, 6: Law, Politics, and Society

Co-edited by EUSA members **Tanja A. Börzel**, University of Heidelberg,
and **Rachel A. Cichowski**, University of Washington

426 pages, 234 mm x 156 mm, September 2003
Hardback 0-19-925737-X, paperback 0-19-925740-X

THIS IS THE SIXTH AND latest addition to our book series, *State of the European Union* (launched in 1991 with Lynne Rienner Publishers). The contributors to this volume take the dynamic interaction between law, politics and society as a starting point to think critically about key recent events in the European Union, while bringing to the forefront why these developments matter for ordinary citizens. Contents and authors:

Section I: EU Law and Politics: The State of the Discipline

1. Rachel A. Cichowski and Tanja A. Börzel: Law, Politics, and Society in Europe
2. Alec Stone Sweet: European Integration and the Legal System
3. Gráinne de Búrca: The European Court of Justice and the Evolution of EU Law

Section II: Structures of Governance

4. Fritz W. Scharpf: Legitimate Diversity: The New Challenge of European Integration
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8. Kenneth A. Armstrong: Tackling Social Exclusion Through OMC: Reshaping the Boundaries of European Governance

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9. Tanja A. Börzel: Guarding the Treaty: The Compliance Strategies of the European Commission
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12. Kate R. McNamara: Towards a Federal Europe? The Euro and Institutional Change in Historical Perspective
13. Elena A. Iankova and Peter J. Katzenstein: European Enlargement and Institutional Hypocrisy
14. Terri Givens and Adam Luedtke: EU Immigration Policy: From Intergovernmentalism to Reluctant Harmonization

Section VI: Researching and Teaching the EU

15. Stacy A. Nyikos and Mark A. Pollack: Researching the European Union: Qualitative and Quantitative Approaches
16. Michael Baun and Phil Wilkin: Web Teaching the European Union: Online Sources and Online Courses

Section VII: References

Section VIII: List of Contributors

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EU Member Research Notes

Editor's note: the following is a list of currently funded EU-related research projects of EUSA members. The next compilation will appear in the Fall 2005 EUSA Review.

Hans E. Andersson, Department of Political Science, Göteborg University, is currently carrying out a three-year long project on the development of a supranational immigration regime in the EU, mainly financed through the Swedish Research Council

Clive Archer, Director of the Manchester European Research Institute, Manchester Metropolitan University, England, is running a transnational network on the Northern Dimension of the EU, with support from the Jean Monnet Project of the European Commission, until the end of 2005. For further information, please see: <http://www.mmu.ac.uk/northerndimension>.

Kenneth Armstrong, School of Law, Queen Mary University of London, is convening a series of seminars on "Implementing the Lisbon Strategy through 'Open Methods'." The seminar series is funded by the UK Economic and Social Research Council and runs for two years. The seminars are being held at Queen Mary, LSE, University of Birmingham, Cambridge University, and Edinburgh University. For further details see the website at www.laws.qmul.ac.uk/lisbon or e-mail: lisbon@qmul.ac.uk.

Iain Begg, European Institute LSE, **Nicolas Jabko**, Sciences Po, and **Waltraud Schelkle** European Institute London School of Economics, have been funded within the EU Framework 6 Integrated Project "New Modes of Governance" (coordinator: Dr Martin Rhodes, European University Institute), to conduct research on "New Approaches to Economic Governance in the EU." The project will explore the profound regime change that EMU entails for economic management, both as regards the configuration of actors and the re-weighting of policy instruments.

Alice-Catherine Carls, University of Tennessee at Martin, has been funded by the University of Tennessee at Martin's Office of Research, Grants, and Contracts, to conduct research on the "Genesis of the European Union, 1919-1945."

Vivian Curran, School of Law, University of Pittsburgh, has received funding from the University of Pittsburgh School of Law to study European legal integration by analyzing the legal methodology of the European Court of Human Rights in a

case that originated in a common law member state, and comparing it with the manner in which the ECHR decision was presented to the legal community of a civil law member state.

Helen Drake, Department of Politics, International Relations and European Studies, Loughborough University, has received a British Academy Small Research Grant to work on a project entitled "Contemporary France in the 2000s: questions of national image and identity."

Antje Ellermann, Department of Political Science and Social Policy, Brandeis University, has received funding from the John Holmes Fund of the Canadian Department of Foreign Affairs and International Trade, to conduct research on the topic of the Canadian-U.S. cooperation on immigration control in the light of recent EU policy developments.

Erik O. Eriksen, at ARENA, Centre for European Studies at the University of Oslo, Norway, is coordinating the Citizenship and Democratic Legitimacy in the European Union (CIDEL) project, financed by the European Commission Fifth Framework Programme for Research Key Action 'Improving the Socio-economic Knowledge Base.' CIDEL is a 3-year (2003-2005) joint research project between ten partners in six European countries. CIDEL involves about 20 researchers within political theory, law, political science, media research and sociology. Other researchers at ARENA include **John Erik Fossum**, **Helene Sjørusen**, **Agustín José Menéndez**, **Brit Helle Aarskog** and **Anne Elizabeth Stie**. More information on the project and the network can be found at: www.arena.uio.no/cidel.

The European Union Center of the University System of Georgia, editors **Michael Baun**, **Michael Smith** and **Katja Weber** have received funding from the European Commission to conduct two workshops during the 2004-05 academic year to complete a volume, tentatively entitled "The Governance of Wider Europe: The EU's New Neighborhood Policy."

Sergio Fabbrini, Department of Sociology and Social Research, University of Trento, has been funded by the Italian Ministry for Instruction, University and Research, to conduct research on "Governance as Learning: Transforming forms of governance in the European Union." The aim of the research project is to examine the ways in which the process of change has had an effect at both the member state and EU levels. It takes a broad view of institutional change as a process of learning, i.e. an adjustment of actors' preferences (cognitions and values) based on experience, new information, mutual observation and interaction. The goal

is that of exploring the extent to which change is taking place and to assess if it means a fundamental break with the modern forms and processes of governing.

Wyn Grant, University of Warwick, has received funding from the Biological and Biological Sciences Research Council and Economic and Social Research Council, to carry out a research project on the topic of bio-pesticides and their regulation.

Andrea Ribeiro Hoffman, Catholic University of Rio de Janeiro, is working on a project entitled “Regional Integration in Europe and South America in Comparative Perspective” funded by CAPES (Brazilian Ministry of Education).

Karl Magnus Johansson, Department of Political Science, Södertörn University College, has been funded by the Foundation for Baltic and East European Studies (Östersjöstiftelsen), to conduct a study on “Adaptation or Transformation? Europeanization in the Baltic Countries” (together with Dr Ann-Cathrine Jungar). The research focus is on “Baltic elites in transnational networks,” most notably party elites and external influences on party organization.

Andrew Jordan, manager of the UK ESRC Programme on Environmental Decision Making (2001-6) based at the Center for Economic and Social Research on the Global Environment (CSERGE) at the University of East Anglia, has been awarded a Philip Leverhulme prize fellowship (2004-6) by the UK Leverhulme Trust to study the functioning of environmental governance across different geographical scales and regions in an enlarging ‘Europe’.

Christoph Knill, University of Konstanz, has been granted funding by the European Union Fifth Framework Programme to conduct research on ENVIPOLCON (Environmental Policy Convergence in Europe).

Adam Luedtke, University of Washington, has received funding from the German Marshall Fund to conduct a research project entitled “One Market, 25 States, 15 Million Outsiders: Free Movement of Labor, Immigration Politics, and European Integration” which looks at the politics surrounding the harmonization of immigration policy in the EU. The project tests theories of European integration and immigration politics, assessing the interaction of EU-level immigration policy with national preferences and supranational institutions and analyzes national immigration preference formation in France, Belgium and the UK, and also EU-level immigration politics.

Christine Mahoney, PhD candidate, Penn State University is conducting research on advocacy in the European Union

will be supported by a 2004-2005 Fulbright Fellowship to the European Union. Affiliated at the VUB (Free University of Brussels) she will be conducting interviews with lobbyists active across EU policy areas and EU institutions.

Gary Marks, Department of Political Science, University of North Carolina – Chapel Hill, has been funded by the Chair in Multi-level Governance at the Free University of Amsterdam and co-funded by the European Union Center and the Center for European Studies at the University of North Carolina, Chapel Hill, to conduct research on “Cross-validation of data on the positioning of national political parties” and “Euroskepticism” with conferences at the Free University of Amsterdam and the University of North Carolina at Chapel Hill.

The National Centre for Research on Europe – New Zealand, is currently undertaking a comparative research project “Public, Elite and Media Perceptions of the EU in Asia Pacific Region” to identify and measure public awareness and knowledge of the European Union within four countries of the Asia-Pacific region – Australia, New Zealand, South Korea, and Thailand. The scope of the research addresses perspectives of the *EU and dialogue between peoples and cultures* funding priority of the Directorate-General for Education and Culture, Jean Monnet Programme. The project is supported by grant agreement with the EU Commission for the period 2004/05. The project is co-sponsored by four EU studies associations in the region – EUSANZ, EUSA-Thai, CESAA, and EUSA-Korea – all of whom are members of the world ECSA body. The NCRE would welcome new partners in this comparative research. For further details contact: martin.Holland@canterbury.ac.nz

George Pagoulatos, Department of International and European Economic Studies, Athens University of Economics and Business (AUEB), has received funding from the European Commission to conduct research on two projects: i) “The Network of Excellence on Efficient and Democratic Governance in a Multi-level Europe (Connecting Excellence on European Governance -CONNEX),” 6th Framework Programme, Priority 7. Field of research: Civil society and interest representation in the EU; and ii) “Domestic Structures and European Integration: A multi-stage two-level analysis of Constitution building in the European Union (DOSEI). Topic of research: Domestic structures and European Constitution building: is there a role for socioeconomic factors.

Mark Rhinard and **Bernard Steunenberg** - a four year research program on the transposition of EU directives is

currently underway in The Netherlands. Researchers and graduate students at Leiden University, Utrecht University, and the Free University of Amsterdam share a research grant from The Netherlands Organization for Scientific Research (NWO) to undertake the program. The group has compiled a new data set on the transposition of almost all EU directives in the areas of social policy, transport, utilities, and food law in order to provide more accurate information on delays and inaccuracies in the transposition of EU directives in five countries: the UK, Netherlands, Spain, Germany and Greece. Theory plays a driving role in the research. To explain diversity in the speed and content of transposition in the EU, the program is employing the “new institutionalisms” associated with rational choice and sociology, and seeks to test competitively the proposition of both approaches. For more information, contact Bernard Steunenberg or Mark Rhinard at Leiden University, or visit the program website at www.transposition.leidenuniv.nl

Reetta Toivanen, Department for Social Anthropology, Humboldt University in Berlin, together with **Claudia Mahler**, Human Rights Center, University of Potsdam, and **Anja Mihr**, Political Science, University of Magdeburg, are conducting a project during 2003-2006, entitled “Teaching Human Rights in Europe: Purposes, Realization and Consequences,” financed by the Volkswagenstiftung Foundation: <http://www.humanrightsresearch.de>.

Milada Anna Vachudova, University of North Carolina at Chapel Hill, is working on a new project entitled “Democratization and the Prospect of EU Membership in the Balkans” which explores the role of ethnic nationalism and ethnic conflict in the changing character of domestic political competition in several states of the Western Balkans. The project explores how the parade of external actors on the ground in the aftermath of ethnic cleansing increased or reduced the salience of ethnic nationalism in domestic politics, and the impact of the EU’s ongoing enlargement process on internal political actors, especially political parties. This project has been funded by the Fulbright-Hays Faculty Research Abroad program, the National Council for Eurasian and East European Research and the Center for European Studies at UNC Chapel Hill.

Jane K. Winn, Professor & Director of the Shidler Center for Law, Commerce & Technology University of Washington School of Law, has been awarded funding from the Center, and an EU Center of Seattle Faculty Research Grant, to conduct research on two projects: 1) “Is standards policy the industrial policy of the 21st century?” addressing whether the EU repeat the standards policy successes it enjoyed with GSM (Global System for Mobile Communications) and New

Approach standards for products in information economy markets, and 2) “Electronic Signatures: Quo Vadis?” which examines one of the biggest impediments to the growth of electronic commerce: the lack of a reliable, ubiquitous system for verifying online identities.

Wolfgang Wessels, Department for Political Science and European Affairs, University of Cologne, has been awarded funding by the 6th Framework Programme of the European Union, to conduct research on New Modes of Governance. The aim of this Integrated Project is to produce a deeper conceptual, empirical and normative understanding of all aspects of governance within, and beyond, Europe, giving special attention to the emergence, execution, evaluation and evolution of new and innovative modes of governance. More information about the Integrated Project can be found at: <http://www.politik.uni-koeln.de/wessels/DE/PROJEKTE/NEWGOV/Newgov-outline.htm>.

Martina Weinberger, has received funding from the Austrian Academy of Sciences, to conduct research on “EU and US Immigration Law in a Comparative Perspective with Special Reference to Cooperation Initiatives after 9/11,” and is working with project advisors Hubert Isak, Institute of European Law and Vivian Curran, University of Pittsburgh School of Law. The project aims to achieve two equally important goals: to offer an overview and comparison of the Immigration Law in the European Union and the United States, separately discussed in the areas of Asylum, Visa and Immigration Law; and to describe and analyze the amendments in Immigration Law after the terror attacks from September 11, 2001.

EUSA Interest Sections

The European Union Studies Association now has seven active interest sections based on members’ areas of special interest in European integration: EU Law; EU Political Economy; Teaching the EU; EU Latin America Caribbean; EU Economics; EU Public Opinion and Participation; and EU as Global Actor. Each section has its own Web pages (with syllabi banks, textbook lists, and more) and e-mail distribution list, and all will hold business meetings at the EUSA Conference in Austin (March-April 2005). For more information, please visit www.eustudies.org/EUSAsections.html.

place ad here

Publications

- Christiansen, Thomas and Tonra, Ben (eds.) (2004) *Rethinking European Union Foreign Policy*. Manchester, UK: Manchester University Press.
- Christou, George (2004) *The European Union and Enlargement: The Case of Cyprus (2nd ed.)*. Basingstoke, UK Palgrave Macmillan.
- Cowles, Maria Green and Dinan, Desmond (eds.) (2004) *Developments in the European Union 2*. Basingstoke, UK Palgrave Macmillan.
- Devuyst, Youri (2004) *EU Decision Making after the Treaty Establishing a Constitution for Europe*. Policy Paper No. 9. Pittsburgh, PA: University of Pittsburgh European Union Center and Center for West European Studies.
- Dimitrova, Antoaneta L. (2004) *Driven to Change: The European Union's Enlargement Viewed from the East*. Basingstoke, UK Palgrave Macmillan.
- Dobson, Lynn and Follesdal, Andreas (eds.) (2004) *Political Theory and the European Constitution*. Routledge/ECPR Studies in European Political Science. New York, NY: Routledge.
- Domagala, Arkadiusz (2004) *Humanitarian Intervention: The Utopia of Just War? The NATO Intervention in Kosovo and the Restraints of Humanitarian Intervention*. SEI Working Paper 76. Sussex, UK: Sussex European Institute.
- Elvert, Jurgen and Kaiser, Wolfram (eds.) (2004) *European Union Enlargement: A Comparative History*. Oxford, UK: Routledge.
- Eusepi, Giuseppe and Schneider, Friedrich (eds.) (2004) *Changing Institutions In The European Union: A Public Choice Perspective*. Northampton, MA: Edward Elgar.
- Henderson, Karen (ed.) (2004) *The Area of Freedom, Security and Justice in the Enlarges Europe*. Basingstoke, UK Palgrave Macmillan.
- Ireland, Patrick (2004) *Becoming Europe: Immigration, Integration, and the Welfare State*. Pittsburgh, PA: University of Pittsburgh Press.
- Jordon, Andrew and Liefferink, Duncan (eds.) (2004) *Environmental Policy in Europe: The Europeanization of National Environmental Policy*. Oxford, UK: Routledge.
- Jupille, Joseph (2004) *Procedural Politics: Issues, Influence, and Institutional Choice in the European Union*. Cambridge, UK: Cambridge University Press.
- Kassim, Hussein and Stevens, Handley (eds.) (2004) *Air Transpost and the European Union: Europeanisation and its Limits*. Basingstoke, UK Palgrave Macmillan.
- Keller, Ursula and Rakusa, Ilma (eds.) (2004) *Writing Europe: What is European About the Literatures of Europe? Essays from 33 European Countries*. New York, NY: Central European University Press.
- Padoa-Schioppa, Tommaso (2004) *Europe, A Civil Power: Lessons from the EU Experience*. London, UK: The Federal Trust.

DID YOU KNOW THAT you may order back issues of the *EUSA Review* for classroom use at an educator's discount? For instructors who want their students to read a particular essay or set of essays, while acquainting them with the broader field of EU studies, it is possible to order small quantities (up to 50 per order) of selected back issues of the *EUSA Review* (while supplies last). We charge a token (\$1 each) to help defray our printing and production costs plus a contribution toward the postage cost (\$3 in the USA, \$10 outside the USA). We will provide an invoice with our federal tax ID number. To place such an order, send a letter or email with full institutional signature, indicating the desired issue and quantity of the *Review* along with the name of the instructor, course, and department in which it will be used. To inquire about availability, contact the EUSA office at eusar@pitt.edu.

Calls for Papers

The Journal for Contemporary European Research is a new journal devoted to promoting debate in the field of European Studies. It aims to promote research and analysis by publishing articles, research comments and book reviews. The JCER will include papers from all areas of European Studies, including politics, law, economics and sociology. The focus group for contributors will be young scholars, students in the advanced stage of their PhD's, post-doctoral researchers, and the wider academic and practitioner community. **The deadline for paper submission is December, 31 2004** for the first issue in May 2005. Submissions may be full-length articles between 6000-8000 words or comments between 2000-5000 words.

“Shifting Boundaries of Sovereignty: Governance and Legitimacy in the European Union and Australia,” organized by the National Europe Centre at the Australian National University, March 22-23, 200, Canberra, Australia. This international conference examines the shifting boundaries of sovereignty, with special emphasis on governance and legitimacy in the European Union and Australia. Adopting a multidisciplinary perspective, its themes will illuminate the changing definitions of legitimacy, governance and regulation. The aim is to explore changing theoretical models and new legal and constitutional orders emerging from the recent enlargement of the European Union. Supranational agreements, however, are by no means exclusive to the European Union and this conference will also examine other cooperative arrangements traversing the public and private sectors, particularly as they impact on Australia and the Pacific region. The conference seeks to stimulate a dialogue across academic disciplines and national borders. It will be of interest to political scientists, economists, historians, cultural critics, legal scholars, policy makers, journalists and diplomats. For more information contact Ben Wellings at ben.wellings@anu.edu.au or Daniel Wincott d.wincott@bham.ac.uk. **Deadline: December 10, 2004.**

“The EU: Past and Future Enlargements,” UACES 35th Annual Conference and 10th Research Conference, Zagreb, Croatia, September 5-7, 2005. The Faculty of Law at the University of Zagreb will host the conference. There will be a mixture of plenary and research sessions. For information contact admin@uaces.org or visit www.uaces.org/zagreb.htm. **Deadline: February 18, 2005.**

Fellowships and Awards

The **International Dissertation Field Research Fellowship (IDRF)** program of the Social Science Research Council supports full-time graduate students who are enrolled in doctoral programs in the US. Fifty fellowships of up to \$20,000 will be awarded with funds provided by the Andrew W. Mellon Foundation. The program is open to full-time graduate students in the humanities and social sciences, regardless of citizenship. The program invites proposals for field research on all areas or regions of the world, as well as for research that is comparative, cross-regional and cross-cultural. Proposals that require no substantial research outside the United States are not eligible. Proposals may cover all periods in history, but must address topics that have relevance to contemporary issues and debates. Applicants must complete all Ph.D. requirements except fieldwork and dissertation by the time the fellowship begins or by December 2005, whichever comes first. Standard fellowships will provide support for nine to twelve months in the field, plus travel expenses. In some cases, the candidate may propose fewer than nine months of overseas fieldwork, but no award will be given for fewer than six months. The fellowship must be held for a single continuous period within the eighteen months between July 2005 and December 2006. The application **deadline is November 1, 2004 on-line and November 8, 2004** by mail.

The **Berlin Program for Advanced German and European Studies** invites applications from U.S. and Canadian nationals who are full-time graduate students in the humanities and social sciences for doctoral or post-doctoral field research in Berlin. Applicants must have completed all coursework toward the PhD and must have achieved ABD status by the time the proposed research stay begins. The Berlin Program for Advanced German and European Studies was initiated by and established in 1986 at the Freie Universität Berlin and promotes a new generation of young North American scholars with specialized knowledge of modern and contemporary German and European affairs. The Program supports scholars in the social and political sciences, economics, modern and contemporary historians as well as Germanists interested in similar questions. Fellowships are awarded for doctoral dissertation research as well as postdoctoral research leading to completion of a monograph. See <http://userpage.fu-berlin.de/~bprogram/aboutb/aboutb.htm>. **Deadline: December 1, 2004.**

Conferences

November 4-5, 2004: "Reflections of an Irish EU Council Presidency." Dublin, Ireland. Organized by UACES. See www.uaces.org.

November 5 2004: "Does the Size of Member States Matter in the EU?" Manchester, United Kingdom. Organized by UACES. See www.uaces.org.

November 12, 2004: "The EU Constitutional Treaty: A Critical Assessment." Colchester, United Kingdom. Organized by the Jean Monnet European Centre of Excellence and the European Law Centre, University of Essex. For information jme@essex.ac.uk.

November 19, 2004: "Making the Constitution Work." Maastricht, Belgium. Organized by the European Institute of Public Administration in cooperation with the European Studies Programme of Maastricht University and the Standing Group on the European Union of the European Consortium of Political Research. See www.eipa.nl.

November 19-20, 2004: "Spin, Image and the Media: Political Communication in France and Britain." Oxford, United Kingdom. Organized by the Maison Française d'Oxford. For details visit www.mfo.ac.uk.

November 22-23, 2004: "Keep Ahead With European Information." Maastricht, Belgium. Sponsored by the European Institute of Public Administration. For more information contact Ms Joyce Groneschild, EIPA, j.groneschild@eipa-nl.com, or visit www.eipa.nl.

December 2-4, 2004: "Crossing Borders: Histories, Theories and Identities." Pontypridd, United Kingdom. Organized by the Centre for Border Studies at the University of Glamorgan, the Centre for Comparative European History, Free University of Berlin and Humboldt University of Berlin. See www.centreforborderstudies.co.uk.

December 6-7, 2004: "Do We Need a Whole New Entente Cordiale?" Oxford, United Kingdom. Organised by the European Studies Centre, St Antony's College, Oxford and CERI-Sciences Po, Paris. For details please visit www.mfo.ac.uk.

December 8-10, 2004: "Réformes financières et performances économiques dans le contexte des intégrations régionales." Tunis, Tunisia. Organized by Centre d'Etudes en Macroéconomie et Finance Internationale. See www.unice.fr/CEMAFI.

December 20-22, 2004: "BISA Conference 2004." Coventry, United Kingdom. The British International Studies Association. See www.bisa.ac.uk.

March 31–April 2, 2005: "2005 Ninth Biennial International EUSA Conference." Austin, TX, USA. For details visit www.eustudies.org.

Call for Nominations EUSA Executive Committee

Nominations for the 2005 European Union Studies Association (EUSA) Executive Committee election are now being accepted. The seven members of the Executive Committee meet once a year, determine Association policies, and oversee programs; three seats are open for the 2005 election, to be elected to four-year terms.

Nominations (including self-nominations) must include:

- (1) a letter of interest;
- (2) current curriculum vita (short version preferred);
- (3) one brief biographical paragraph not to exceed 100 words (for use with the ballot); and,
- (4) a short narrative describing any past/current service to EUSA.

Executive Committee members must be current members of EUSA who have not already served eight years total on the Committee. The EUSA welcomes all qualified candidates, including those from outside the academy. It is hoped that the final slate will be characterized by a balance among senior and junior level candidates, and among minority and women candidates, as well as a cross-representation of academic disciplines, colleges and universities, and geographic locations.

All nomination materials should be sent by regular mail to Joseph Figliuolo, Executive Director, European Union Studies Association, 415 Bellefield Hall, University of Pittsburgh, Pittsburgh, PA 15260 USA. Deadline for receipt of materials is December 31, 2004. A slate of candidates will appear in the Winter 2005 *EUSA Review* and a ballot will be mailed to all current EUSA members at that time. Election results will be announced in May 2005 and the three new Executive Committee members will take office on May 31, 2005.

EUSA News & Notes

Planning for **EUSA's Ninth Biennial International Conference** (March 31-April 2, 2005) is under way and the Program Committee has been convened. A key deadline to note: to get the early registration rate and to appear in the final printed program, **Monday, February 7, 2005**.

Please plan to attend our Austin, Texas gathering. Our conference hotel is the Hyatt Regency Austin on Town Lake. Austin is the Texas state capital, and the state legislature will be in session—and open to the public for observation—during the dates of our conference. Free guided tours are available of the stunning capitol building, built in 1888 of pink granite. Across the street is the Texas Governor's Mansion (free guided tours also available), home to Texas' "first family" since 1856. Austin's oldest building is the French Legation, constructed in 1841 for the French *charge d'affaires* to the Republic of Texas, and now a small museum on lovely grounds. Austin has many historical linkages to Europe, especially to Germany, as the German Free School and the Scholz Garten (Texas' oldest *biergarten* and Austin's oldest restaurant) attest.

Austin's population is approximately 1.25 million people, and Austin is 235 miles from the Mexican border. The city is home to the University of Texas main campus, one of the largest state universities in the United States—thus Austin's reputation as a young city. Nicknamed "live music capitol of the world," Austin has over 100 live music venues and is home to the well-known "Austin City Limits" concert studio. More details about our Conference and about Austin as a destination are posted on our Web site at www.eustudies.org.

EUSA Book Prize

The 2003-05 Executive Committee of the European Union Studies Association is pleased to announce the launch of the **EUSA Book Prize**, to be awarded at each biennial EUSA conference, for a book in English on any aspect of EU studies and published in the two years prior to the EUSA Conference. This prize carries a cash award of \$US 300 to the author(s). For the 2005 EUSA Book Prize, to be awarded in Austin, Texas, books published in 2003 and 2004 will be eligible. Authors or publishers should submit one (hard) copy of the nominated book with a letter of transmittal to EUSA Book Prize, European Union Studies Association, 415 Bellefield Hall, University of Pittsburgh, Pittsburgh, PA 15260 USA. Deadline for receipt of nominated books in the EUSA office is **January 15, 2005**.

Send Book Prize nominations to:

European Union Studies Association
415 Bellefield Hall
University of Pittsburgh
Pittsburgh, PA 15260 USA

Are you moving? Please drop an e-mail to the EUSA office at eusa@pitt.edu in advance to let us know your new address. We regret that we are not able to replace membership materials that you have missed when you have not provided us with your new address, nor can we replace membership materials that were not delivered when you gave us an incomplete or inaccurate address.

Things members can do to help promote EUSA:

- have EUSA and its Web site (www.eustudies.org) listed as a resource on their EU-related course syllabi
- recommend EUSA membership to their students/colleagues as the key source for the latest ideas and scholarship on European integration, EU affairs, and transatlantic relations
- list EUSA's biennial international conference on calendars of upcoming events and help circulate EUSA's call for proposals
- encourage their students to submit paper/poster proposals for the EUSA conference
- vote in (and run for) our biennial executive committee election (the next election takes place in Spring 2005)
- renew their memberships!

Thanks for supporting EUSA in these ways.

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- (1) a letter of interest;
- (2) current curriculum vita (short version preferred);
- (3) one brief biographical paragraph not to exceed 100 words (for use with the ballot); and,
- (4) a short narrative describing any past/current service to EUSA.

Nomination materials should be sent to:
European Union Studies Association
415 Bellefield Hall
University of Pittsburgh,
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Deadline for receipt of materials is December 31, 2004.

EUSA Lifetime Membership

What is it?

It is a one-time dues payment to EUSA of US\$ 1500.

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The Lifetime Membership includes all regular membership benefits for life. Among those benefits currently are subscription to the quarterly *EUSA Review*, receipt of occasional EUSA monographs, discounted registration rates at the EUSA International Conference, subscription to our e-mail List Serve, and the opportunity to join EUSA interest sections.

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Inside the Fall 2004 *EUSA Review*:

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Founded in 1988 (and formerly called the European Community Studies Association), the European Union Studies Association is a non-profit academic and professional organization devoted to the exchange of information and ideas on the European Union.

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