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**GERMANY AND THE  
FUTURE OF THE EU:  
VISION, VOCATION, AND MISSION**  
Wolfgang Wessels

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Dr. Wolfgang Wessels is Jean Monnet Professor, Universität zu Köln/TEPSA.

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## I. REVISITING MAPS: HISTORICAL LANDMARKS FOR GERMANY

### 1. Early 2003 in Historical Perspective

After the decisions of the NATO Summit in Prague and the European Council in Copenhagen in 2002, it is useful to look at a historical map, which offers a fundamental, long-term perspective: with the accession of Germany's eastern neighbors to the EU, German politicians have successfully overcome two significant insecurities: the fear of being encircled—as they had been in the first half of the twentieth century—and of being a front state in the center of global conflict—as they had been in the post World War II constellation. The EU offers a stable set of institutions and a reliable framework for Germany to cooperate with its neighbors, and a way to anchor a growing part of its public policies to the well-established structures of “an ever closer union” (Art.1 TEU).

Of course, these steps do not signal the end of German history and its replacement by a federal Europe. There are new challenges on the agenda: the next steps for deepening the EU in 2003 and 2004 with the Convention on the Future of Europe (<http://european-convention.eu.int>) and the subsequent intergovernmental conference as well as the preparations for the next accessions, especially that of Turkey. These will be of major interest for the future of the Berlin Republic and will require German leadership in “an ever closer and ever wider union”—not least to prevent a deeper division between the “old” and the “new” Europe. However, poor economic performance and a decline in the importance of “soft power” has resulted in lagging German leadership.

### 2. From Bonn to Berlin: The Lasting European Heritage

The discussion on the finality of the European Union did not begin with the speech of Joschka Fischer at the Humboldt University in 2000;<sup>1</sup> it has deeper roots than the still diffuse debate the Convention on the future of Europe may suggest. Rather, the discussion should be seen as a new “boom” in a long history within the evolution of fundamental German views and doctrines.<sup>2</sup>

In fact, the debate on the finality of the EU is at least as old as the Federal Republic of Germany. (Western) European integration has always been more than an issue of limited economic cooperation and regulation. For the early Bonn Republic it was an instrument and a framework for membership in the group of western democracies and for stabilizing its own parliamentary system. The (re-)turn to a European and transatlantic community of shared values was a fundamental ingredient in the process of finding a new German identity. In the early days, western European unification was viewed as a substitute for nationhood. By providing a vision for becoming a normal state with an accepted role in the world, it served as a substitute “*patrie*” to the discredited interpretation of some of the major threads in German history. Long before “Europeanization” became an analytical concept,<sup>3</sup> the socialization into

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<sup>1</sup> Fischer, Joschka (2000), Speech of the Federal Minister of Foreign Affairs at a ceremony marking the fiftieth anniversary of Germany's accession to the Council of Europe. Berlin, 9 October 2000, [http://www.german-embassy.org.uk/speech\\_by\\_foreign\\_minister\\_jos.html](http://www.german-embassy.org.uk/speech_by_foreign_minister_jos.html) (9.4.2002); see also Joerges, Christian/Mény, Yves/Weiler, Joseph (2000), “What kind of constitution for what kind of polity? Responses to Joschka Fischer,” Florence.

<sup>2</sup> Loth, Wilfried (2002), „Entwürfe einer europäischen Verfassung. Eine historische Bilanz“, *Analysen zur Europäischen Politik*, Institut für Europäische Politik und ASKO Europa-Stiftung, Bonn.

<sup>3</sup> Olsen, Johan P. (2002), “The many Faces of Europeanization,” *ARENA Working Papers* WP 02/2; Cowles, Maria Green/Risse, Thomas (2001), “Transforming Europe: Conclusions,” in: Risse, Thomas/Cowles, Maria Green / Caporaso, James (Eds.): *Transforming Europe. Europeanization and Domestic Change*, Ithaca, London, pp. 217-237.

the West—also taking up and reinforcing better parts of German traditions—has fulfilled essential conceptual and psychological needs. Much of this diffuse but deeply held longing to be regarded as a “normal” and accepted member of the world community still has an ongoing impact, for which the term “permissive consensus”<sup>4</sup> is of rather limited value.<sup>5</sup>

Though critical remarks on concrete EU projects and policies remain common, it is still not considered politically correct in the German public sphere to be classified as “anti-European.” This aspect of European unification has a lasting effect: the EU is perceived and supported as a “community of values” (*Wertegemeinschaft*). Thus, the respective articles of the Union Treaty (Art. 6 and Art.49) are deeply rooted in the German *acquis* and serve as an important yardstick for subsequent candidate countries like Turkey.

This orientation towards the West was, of course, not without direct economic and political interests. It helped Germany regain its voice and influence and backed up the NATO shield with indirect, soft security measures. It was, however, also perceived as another means of keeping the “German question” open and defending the difficult position of (West) Berlin. In this general sense Germany was not unique. Such concrete objectives resemble the basic interests of many of the other founding, present, and future EU members.

Besides these fundamental interests, the evolving functions of what is now known as the EU provided Germany with a means to tackle problems for which it, like other EU members, was too small to take on by itself. On a broad range of crucial topics in everyday politics—be they trade, positions in international fora, environmental protection, emerging markets, peace-building and -making, or the battle against international crime—the EU was and is perceived as an “optimal problem solving area,”<sup>6</sup> or, at least, a better one than the national arena.

By deepening the scope of its state-like activities and enlarging the number of members, early hopes and (as some saw it then) utopian visions of the EU became reality, although they still lack a concrete constitutional form. The Monnet method of developing the European construction step by step without defining the final state of the European polity<sup>7</sup> was quite adequate for a country in search of its new identity and shape. Thus, both the European and the German processes showed a high degree of compatibility.<sup>8</sup>

This attitude also has survived the end of the bipolar system and reunification. Some claimed that the post-World War II identity of the Bonn Republic was just a superficial disguise for long-term behavioral patterns influenced by the long shadow of history. Following this perspective (raised particularly by American and British voices),<sup>9</sup> the end of

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<sup>4</sup> Inglehart, Ronald (1971), “Public Opinion and Regional Integration,” in: Lindberg, Leon N./Scheingold, Stuart A. (Eds.), *Regional Integration, Theory and Research*, Cambridge (Mass.), pp. 160-191.

<sup>5</sup> See Schneider, Heinrich (2002), „Eine neue deutsche Europapolitik? Rückschau – Auswertung – Zukunftsperspektiven“, in: Schneider, Heinrich/Jopp, Mathias/Schmalz, Uwe (Eds.), *Eine neue deutsche Europapolitik? Rahmenbedingungen – Problemfelder – Optionen*, Europa Union Verlag, Bonn, pp. 751-813, also Jopp, Mathias/Maurer, Andreas/Schneider, Heinrich (1998), *Europapolitische Grundverständnisse im Wandel. Analysen und Konsequenzen für die politische Bildung*, Bonn.

<sup>6</sup> Hrbek, Rudolf/Wessels, Wolfgang (1984), „Das EG – System als Problemlösungsebene und Handlungsrahmen“, in: Hrbek, Rudolf / Wessels, Wolfgang (Eds.), *EG-Mitgliedschaft: ein vitales Interesse der Bundesrepublik Deutschland?*, Bonn, pp. 501-542.

<sup>7</sup> Wessels, Wolfgang (2001a), *Jean Monnet – Mensch und Methode. Überschätzt und überholt?* ed. vom Institut für Höhere Studien (IHS), Political Science Series No. 74.

<sup>8</sup> Risse, Thomas/Cowles, Maria Green/Caporaso, James (2001): “Europeanization and Domestic change: Introduction”, in: Risse, Thomas/Cowles, Maria Green/Caporaso, James (Eds.): *Transforming Europe. Europeanization and Domestic Change*, Ithaca, London, pp. 1-20, pp. 6-12.

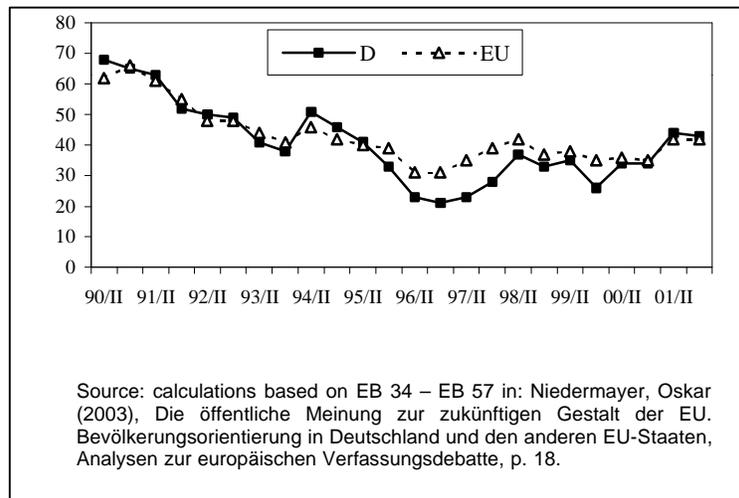
<sup>9</sup> Mearsheimer, John J. (1990), “Back to the Future. Instability in Europe after the Cold War,” in: *International Security* 15, 1, pp. 5 – 56, see also Bulmer, Simon/Paterson, William (1996), “Germany in the European Union: Gentle Giant or Emergent Leader?” in: *International Affairs*, 72 / 1, pp. 9-32.

the East-West confrontation on German soil meant a final postwar emancipation from the ties that had kept Germany down. The strong pressure to enlarge the EU eastward was and is also interpreted by some as another strategy for pursuing the old politics of *Mitteleuropa* by other means—a “Germanization” via “Unionization.” In the European and German debate, the old formulation of Thomas Mann was quoted again and again: whither a European Germany or a German Europe.<sup>10</sup>

Some of the rhetoric of politicians and civil servants claiming to defend budgetary and other short-term objectives appears to reinforce a more national outlook. The German government might thus become more “British” in pursuing its own narrow interests and more Gaullist in how it believes the European Union should be structured and behave in the international system.

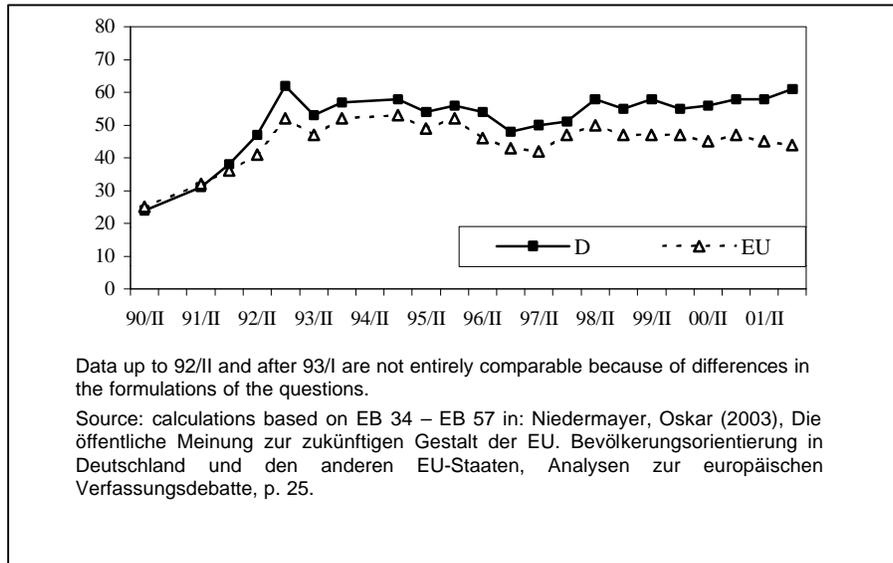
Compared to the general claims made by national politicians, public opinion polls from previous years show a rather different picture: although net support for membership has decreased, following more or less general patterns of the EU average (graph 1), public support for a stronger role for the EU and its institutions is surprisingly high. There is stable support for a common foreign (graph 2) and for a European defense and security policy (graph 3).

**Graph 1: Net-Support for EU – Membership (1990-2002)**

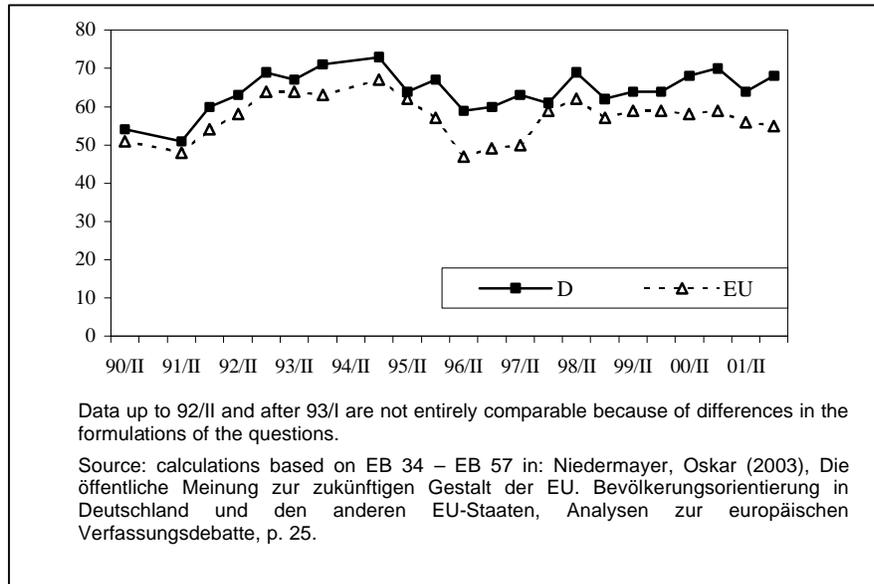


<sup>10</sup> Janning, Joseph (1996), „Deutschland und die Europäische Union: Integration und Erweiterung“, in: Kaiser, Karl/Krause, Joachim (Eds.), *Deutschlands neue Außenpolitik, Band 3: Interessen und Strategien*, München, pp. 31-54, p. 54.

**Graph 2: Net-Support of a Common Foreign Policy (1990-2002)**



**Graph 3: Net-Support of a European Defense and Security Policy (1990-2002)**



Concerning other public policy issues, Germans do not oppose decision-making on the EU level (table 1).

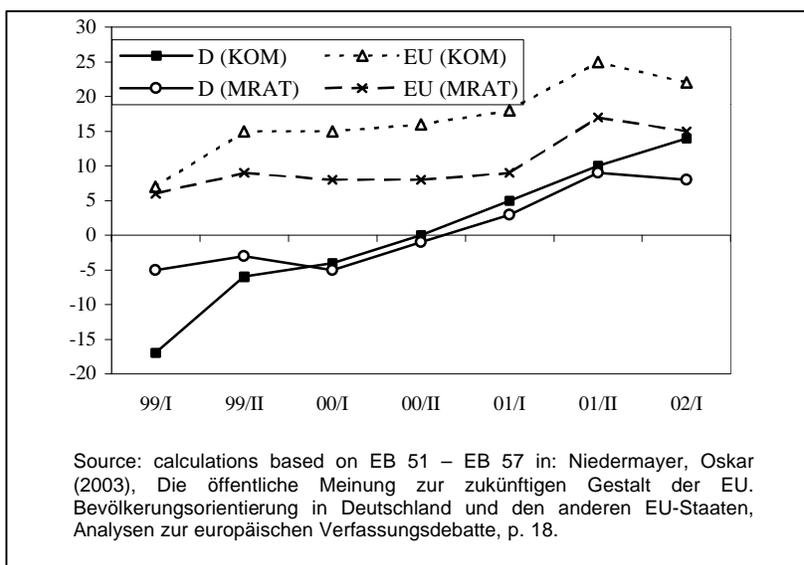
**Table 1: Support for EU-Level Decision-Making in Germany 2001**

	Germany			EU 15		Germany			EU 15
	West	East	total			West	East	Total	
Defence	58	52	57	51	Foreign Policy	75	71	74	71
Environment	70	65	69	64	Cultural Policy	44	33	42	44
Currency	71	65	70	65	Immigration	42	35	40	49
Humanitarian Aid	71	66	70	72	Political Asylum	44	37	43	51
Health and social welfare	39	28	37	37	Organized Crime	78	76	78	72
Media	37	27	35	38	Police	36	30	34	34
Poverty /social exclusion	69	65	68	67	Justice	36	30	35	38
Unemployment	54	54	54	53	Accepting refugees	50	39	48	53
Agriculture / Fishing	62	55	60	54	Juvenile Crime	49	43	47	45
Regional Aid	68	64	67	63	Urban Crime	43	37	42	40
Education	36	25	34	36	Drugs	74	74	74	71
Research	61	59	61	68	Exploitation of human beings	84	80	83	80
Information EU	77	73	76	74	Terrorism	86	83	85	85

Source: Eurobarometer 56 – Autumn 2001; The difference between “EU-Level Decision-making” and 100, is the percentage of “National Decision-making” and “don’t know.”

Given the general bashing the European Commission receives, it is even more surprising that the Commission is more highly rated than the EU Council (see graph 4).

**Graph 4: Net-Support: European Commission and Council of the EU (1999-2002)**



Of course, these data need to be seriously discussed in terms of their reliability and validity.

Another perspective might deepen our understanding of the issue. Attitudes toward the EU are observable on two levels:<sup>11</sup> one of increasing annoyance with its intrusion in daily life versus an enduring commitment and “love for Europe.” Thus, in a fundamental sense, the “political community”<sup>12</sup> can be regarded as a solid basis for the EU polity—i.e. “*L’Europe profonde*” as a major part of German identity—although empirical proof for that statement is less than reliable.

One pertinent question centers around generational changes: those Germans with war-time memories are being replaced by those socialized in the postwar period. Even if the present and future generations of political elites turn out to be more relaxed and less geared toward explicitly drawing lessons from the past, the shadow of history will remain in their memory. Furthermore, with the Europeanization<sup>13</sup> of political space,<sup>14</sup> politicians and citizens in general will share common experiences with the present generations of other European countries. The existing institutional structures, supported by a growing numbers of meetings, shape new and intensive forms of “*Erlebnismgemeinschaften*,” leading to a real political “community”<sup>15</sup> in the deepest sense of the word. More and more, these European actors are constructing a merged post-national identity.<sup>16</sup>

As a reaction to concerns raised both from inside and from outside the country, Germans have taken major steps to continue and even reinforce the link between German identity and the European finality. Monnet’s postwar strategy<sup>17</sup> led to a domestication of the “German Gulliver” by integrating it into a strong European framework. The Maastricht Treaty, and especially European Monetary Union, were launched because they were seen as the proper means to communitarize Germany’s most important power asset—the Deutschmark—and thus reduce the likelihood of Germany building a hegemonic position. The enlargement of the EU as well as NATO also has considerably reduced individual freedom of maneuver. In the 1990s we witnessed a high degree of pragmatic continuity of German activities and positions.<sup>18</sup>

Looking at the concert of powers in Europe, especially in relation to France, German reunification has, of course, fundamentally changed the European context. The Federal Republic is no longer as vulnerable as it had been as a divided frontier state. From a threatened *demandeur* with revisionist goals, it changed into a state satisfied with its territorial status quo and with no enemies in its immediate neighborhood.

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<sup>11</sup> Noelle-Neumann, Elizabeth/Petersen, Thomas (2001), „Die öffentliche Meinung“, in: Weidenfeld, Werner / Wessels, Wolfgang (Eds.), *Jahrbuch der Europäischen Integration 2000/2001*, Bonn, pp.303-308, pp. 307-308.

<sup>12</sup> Easton, David (1953), *The Political System*, New York, pp. 96f.

<sup>13</sup> See Olsen 2002. Wessels, Wolfgang/Maurer, Andreas/Mittag, Jürgen (2002): *Fifteen into One? The European Union and its Memberstates*, Manchester (forthcoming).

<sup>14</sup> Stone Sweet, Alec/Sandholtz, Wayne/Fligstein, Neil (2001), “The Institutionalization of European Space,” in: Stone Sweet, Alec/Sandholtz, Wayne/Fligstein, Neil (Eds.), *The Institutionalization of Europe*, Oxford, pp. 1-28; Kohler-Koch, Beate (2000), „Europäisierung: Plädoyer für eine Horizonsweiterung“, in: Knodt, Michèle / Kohler-Koch, Beate (Eds.), *Deutschland zwischen Europäisierung und Selbstbehauptung*, Frankfurt am Main, pp. 11-31.

<sup>15</sup> Deutsch, Karl W. (1954), *Political Community at the International Level*, New York; Easton, David (1965), *A Systems Analysis of Political Life*, New York.

<sup>16</sup> Habermas, Jürgen (2001), “Why Europe needs a constitution,” in: *New Left Review* 11, Sept / Oct.

<sup>17</sup> Wessels 2001a.

<sup>18</sup> Schneider 2002; Deubner, Christian (2002), „Rückkehr nationaler Interessen in die deutsche Europapolitik?“ in: Meimeth, Michael/Schild, Joachim (Eds.), *Die Zukunft von Nationalstaaten in der europäischen Integration: deutsche und französische Perspektiven*, Opladen, pp. 143-172.

The issue of what kind of equality and partnership with France could be established has moved into a new phase—as the quarrel over the voting rights in the Council at the Nice treaty negotiations has demonstrated.<sup>19</sup> The claim of being the most populous country with the largest economy and a disproportionately high net payment to the EU budget will clearly remain on the political agenda in and outside Germany; so far these assets have not turned into demands for a hegemonic role, but they have buttressed the argument for fair democratic representation and equal budgetary treatment. Furthermore, the French-German dispute in Nice led to tensions that resulted in a revived relationship, culminating in a joint paper presented to the convention,<sup>20</sup> which was rather progressive in its views on strengthening EU institutions.

In addition, relations with other countries have changed, but neither the UK, Spain nor Italy has come close to replacing the special Franco-German relationship. Indeed, this couple seems to stir the opposition of other European players, exemplified by the recent statement of eight current and future member states supporting the United States' stance on Iraq (against the French/German position).<sup>21</sup>

Let us now return to the post-1989 concerns. The long-term economic and social problems in the new *Länder* have further reduced the high-flying ambitions reflected in the period immediately following the fall of the Berlin wall.

Obviously, the change in 1998 to a government headed by a new postwar generation did not lead to an overall reappraisal and realignment. After some initial declarations of pursuing a more national interest-oriented foreign policy—including budgetary claims—Chancellor Schröder has continued to support long-standing German strategies, at least with regard to domestic and EU policy. Like other German politicians before him, he stressed the term national interest in speeches and then conferred with his colleagues in the European Council before making fundamental decisions concerning the deepening and widening of the Union. The recent decisions taken at Copenhagen also followed this long-established pattern.

All in all, there remains a specific and declared vision of and mission for German policy. Article 23 of the Basic Law, as passed in the early 1990s following reunification and the ratification of the Maastricht Treaty, reiterated the basic objectives. “With a view to establishing a united Europe, the Federal Republic of Germany shall participate in the development of the European Union, which is committed to democratic, rule of law, social, and federal principles as well as the principle of subsidiarity, and ensures the protection of basic rights comparable in substance to that afforded by this Basic Law” (Art 23 (1) of the Basic Law). The qualities attributed to the EU by the drafters of this passage provide evidence of the fundamental philosophy of good governance both for Germany and for the Union.

The new article of the Basic Law offers opportunities for the further evolution of the EU as it sets limits in terms of the direction in which this evolving system should move. As was the case with the ratification of the Maastricht Treaty, the German constitutional court may be asked to rule on the constitutionality of any new and additional steps in light of these fundamental norms and objectives.

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<sup>19</sup> Wessels, Wolfgang (1997), “An Ever Closer Fusion? A Dynamic Macropolitical View on Integration Processes,” in: *Journal of Common Market Studies* Vol.35, No.2, p. 267 – 299; Wessels, Wolfgang (2001c), “Nice results. The Millenium IGC in the EU’s evolution,” in: *Journal of Common Market Studies*, June 2001, Vol. 39, No. 2, pp. 197-219.

<sup>20</sup> Franco-German contribution to the institutional architecture of the European Union, Press Release No. 21/2003, <http://eng.bundesregierung.de/frameset/index.jsp>.

<sup>21</sup> Statement of the eight heads of government; “Europe and America must stand together,” January 30, 2003, <http://www.timesonline.co.uk/article/482-559907,00.html>.

The issue of European integration has not been turned into a dividing line in the German political debate. We cannot observe any lasting cleavages within or between political parties, although some authors have identified increasing European cleavages in the population at large.<sup>22</sup> Even the broad and intense opposition to the replacement of the highly esteemed Deutschmark by the Euro was not instrumentalized by the opposition parties—perhaps because they realized that the battle against a European symbol would be counterproductive.

With this background, it is understandable that German positions at the three intergovernmental conferences following reunification have taken up and even reinforced pro-Community positions in certain areas.<sup>23</sup>

More than before reunification, however, we witnessed new initiatives in the 1990s to push the EU ahead; some of them have been taken up with the French, e.g. sending a joint letter to the President of the European Council. Other initiatives, especially on concepts of a “core Europe”<sup>24</sup> or “a center of gravity,”<sup>25</sup> have been put forward only by the Germans. The Germans, like the French, believe that it is their joint “vocation” to launch initiatives for their vision of Europe, including the right to be *avant-garde*.

Altogether, we can observe a strong trend towards an identity that might be labeled a “post national democracy” based on the “mutual recognition of differences between strong and proud national structures.”<sup>26</sup> It is also in the vital interests of an enlightened German “*raison d’état*” to further promote the European construction.

## II. VISIONS, MISSIONS AND STRATEGIES FOR DEEPENING AND WIDENING

### 1. Options Ahead: A Survey

In the coming months, a major issue will be the stabilization of the rapidly expanding EU. The Copenhagen Decisions are neither the end of a laborious accession process, nor the difficult transition of the old EU system into a larger and more heterogeneous Europe. Much energy will have to be spent to establish a well functioning EU agreeable to all 25 member states. The new budgetary agreement, to be concluded in 2006, will be difficult for everyone and may turn out to be quite decisive. In addition, Germany itself needs to reestablish its standing as a leading power, especially in terms of its economic and welfare policies. German politicians of all major parties must demonstrate the will and the capability to pass major reforms.

Germany is a “sinner” in that it has violated the fiscal Growth and Stability Pact—its own child and creation. Just as at former milestones and critical junctures in the history of the European construction, Germany, like all other member states, is confronted again with options for pursuing the double objectives of shaping the size and the structure of their optimal political space (see graph 5).

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<sup>22</sup> Korte, Ruolf/Maurer, Andreas (2002), „Innenpolitische Grundlagen der deutschen Europapolitik. Konturen der Kontinuität und des Wandels.“ In: Schneider, Heinrich/Jopp, Mathias/Schmalz, Uwe (Eds.), *Eine neue deutsche Europapolitik? Rahmenbedingungen – Problemfelder – Optionen*, Bonn, pp. 195-230; Schild 2002,

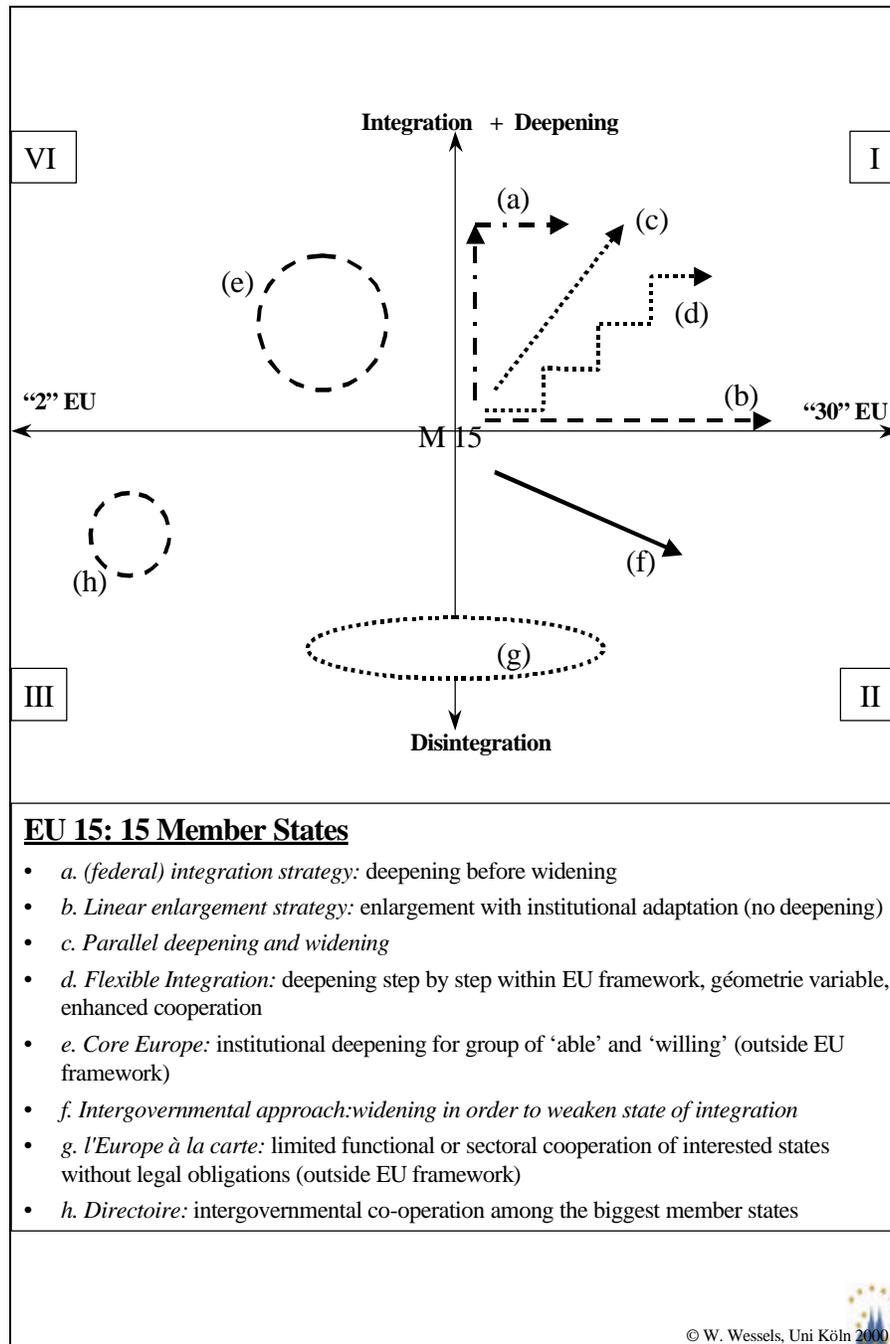
<sup>23</sup> See among others: Jopp, Mathias/Maurer, Andreas/Schmuck, Otto (Eds.), *Die Europäische Union nach Amsterdam. Ergebnisse der Regierungskonferenz*, Bonn 1998; Weidenfeld, Werner (Ed.) (1998), *Amsterdam in der Analyse*, Gütersloh.

<sup>24</sup> Schäuble/Lamers – Paper (1994), CDU / CSU – Fraktion des Deutschen Bundestages, *Überlegungen zur europäischen Politik*, Bonn, September 1<sup>st</sup>.

<sup>25</sup> Fischer 2000.

<sup>26</sup> See Habermas 2001.

**Graph 5: Options for Deepening and/or Widening**



Although the Copenhagen decision again has narrowed the scope of potential options, further strategic decisions are imminent.

The next point on the agenda is the drafting of a European constitution at the Convention on the future of the EU.<sup>27</sup> With the “rendez-vous clause” for Turkey in 2004, the issue of the geographical size of the EU remains high on the list of priorities. In both cases the question of

<sup>27</sup> Reh, Christina/Wessels, Wolfgang (2002), “Defying Convention. A Revolution in EU Treaty Reform?” in: *Collegium*, No.24, Summer 2002, pp. 17-42.

deepening first (see line *a* in graph 5), of widening first (see line *b* in graph 5), or a combination of both (see line *c* in graph 5) again is raised.

## 2. German Views on Europe: Variations of Federalism”?

Given its importance for finding one’s own identity, contributions to the debate on the European construction over the last half-century were quite numerous. *Leitbilder*<sup>28</sup> and world views<sup>29</sup> were discussed—at least in political and academic circles.

One major line of argument is based on a constitutional discourse about variations on some kind of federal state.<sup>30</sup> In the 1950s the term “United States of Europe” was quite common. The so-called founding fathers, like Adenauer and Hallstein,<sup>31</sup> used that term with a clear reference to the United States as a model. Also the founding father of the European construction—Jean Monnet<sup>32</sup>—created in the 1950s “the action committee for the United States of Europe.”

The strong and negative reactions to “intergovernmental” structures and procedures may perhaps be partly explained by a historical evaluation derived from a nineteenth century assessment of the loose German confederation before Bismarck’s unification.

On the other side, the term “federal” has positive connotations from being a constitutional alternative to the strong centralization efforts of the Third Reich. The early American notion of “checks and balances” was perceived as an obstruction to any totalitarian fallback. These world views derived from German traditions and were thus easily exported to the European level, their positive connotations taken for granted.

In this vein, Germany was proposing steps towards more integration—i.e. upwards from the horizontal line of graph 5. Intergovernmentalization (see line *f* graph 5) and especially ‘L’Europe à la carte’ (see area *g*) remain four letter words in the German vocabulary for shaping the EU’s finalité.

In the dispute about adequate constitutional terms, German positions also take up and support the latest French concept of a “federation of nation states” (fédération d’ états nations),<sup>33</sup> even though this French view of federalism may differ from the German version.<sup>34</sup> The definition and understanding of this key concept for the finalité is, however, rather diffuse and, therefore, open enough to incorporate conceptual threads in German thinking. Such a term might offer a constructive ambiguity that can be used to proceed together without agreeing completely on all major elements of the final architecture. The broad room for different interpretations makes decisions easier. This label can also be used for constructing a core Europe by reviving the founding fathers.

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<sup>28</sup> Schneider, Heinrich (1977), *Leitbilder der Europapolitik I, Der Weg zur Integration*, Bonn.

<sup>29</sup> Jachtenfuchs, Markus (2001), “The Governance Approach to European Integration,” in: *Journal of Common Market Studies*, Vol. 39, No. 2, pp. 245-264.

<sup>30</sup> Risse 2001; Schneider 2002; Jachtenfuchs, Markus (2002), „Deutschland, Frankreich und die Zukunft der Europäischen Union“, in: Meimeth, Michael /Schild, Joachim (Eds.), *Die Zukunft von Nationalstaaten in der europäischen Integration: deutsche und französische Perspektiven*, Opladen, pp. 279-294.

<sup>31</sup> Loth, Wilfried / Wallace, William / Wessels, Wolfgang (1998), Walter Hallstein, *The Forgotten European?*, London, pp. 2-3.

<sup>32</sup> Duchêne, Francois (1994), *Jean Monnet. The First Statesman of Interdependence*, New York / London.

<sup>33</sup> Delors, Jacques (2000), “Reuniting Europe: Our Historic Mission.” speech at the Wallenberg Conference at the Aspen Institute, November, 14th 1999, published in: *Agence Europe* No. 7625, 3./4. January 2000, pp. 3f. and *Agence Europe* No. 7626, January, 5th 2000, pp. 3f.; Jospin, Lionel (2001), Speech concerning the future of the European Union, May, 28<sup>th</sup> 2001, <http://www.eurplace.org/fresh/futuro%20unionie.htm> (10.04.2002); Quermonne, Jean-Louis (2000), „Die Europäische Union auf der Suche nach legitimen und effizienten Institutionen“, in: *integration 2/00*, pp. 81-88.

<sup>34</sup> Jospin 2001.

The list of objectives that Germany sees the Union addressing is a long one and highlights the fact that the scope of EU policies has already grown as large as the agenda of a state.<sup>35</sup>

Within the transatlantic debate, we should note the demands for an increased international role for the EU: “it is of vital interest to the European Union and its member countries, including companies as well as citizens, that Europe presents a unified and powerful front to the outside world ... and (the EU) must therefore reinforce Europe’s ability to stand up for itself within existing alliance systems.”<sup>36</sup> Based on a similar argument, the SPD urges that “CFSP should be more communitarised”<sup>37</sup> and that “the Commission should have jurisdiction over common foreign and security policies.”<sup>38</sup> Thus, the EU might act autonomously if NATO chooses not to be engaged.<sup>39</sup> NATO and, more concretely, the alliance with the United States is always underlined, but the argument is that the EU should develop its own apparatus and instruments. Beyond these statements aimed at a broad and general mission for the EU, no specifications are really offered. There is as of yet no real debate concerning the question of whether and how the Union should evolve towards a real defense identity based on an Article 5-like commitment among its members. The present EU treaty objectives of the “Petersberg tasks,” which are geared to out of area conflict settlement, apparently remain the major point of orientation. The new Franco-German proposal is also rather vague on this topic.

Although many elements of the finality debate in Germany are similar to those of other members, one element is especially discussed in German circles: the need for a catalogue of competences (*Kompetenzzuordnung*) to fix a set of general but operational principles that assign public tasks and instruments clearly to one particular level of public policy, i.e. either to the European or the national authority. The debate in academic and political circles about the adequacy of legal provisions that address this German concern is intense. There is no consensus on what a strict catalogue of competences with a clear delineation of minimal competences for the EU level would include; however, proposals are made and prepared to make a clearer distinction between different types of competences. A major point is and will be the creation of an institutional safeguard procedure, such as the creation of a committee composed of national parliamentarians for subsidiarity issues, or to offer those national parliaments an “early warning mechanism.”<sup>40</sup>

The long list of German questions and concerns indicates that a large group in Germany seems to support restricted areas of exclusive EU responsibility. Strangely inconsistent with the proclaimed general aims and motivations for the Union’s future, the contributions to this part of the finality debate seem aimed at creating a rather tight straightjacket for the EU as such. There is a defensive mood, especially at the national or, in the German case, also the sub-national (*Länder*) level.

Germans like to discuss options for institutional reforms. In the multi-faceted, cacophonous debate we cannot discern any clear position that would document one consistent German position. A very limited degree of analytical reflection often precedes the

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<sup>35</sup> Wessels 1997.

<sup>36</sup> CDU/CSU 2001, European Constitution Contract. CDU and CSU Proposal, Berlin, November 26 2001, [http://wwcdu.de/englisch/europapolitik\\_engl.pdf](http://wwcdu.de/englisch/europapolitik_engl.pdf), p.38.

<sup>37</sup> SPD 2001, SPD Party Congress, Nuremberg 19 to22 November 2001: Resolution Responsibility for Europe, Germany in Europe, <http://www.spd.de/servlet/PB/s/13ffdyb49dta85810o718xfov51m1nnre/menu/1011081/index.html>, p. 10.

<sup>38</sup> CDU/CSU 2001, p. 40.

<sup>39</sup> SPD 2001, p. 10.

<sup>40</sup> Franco-German contribution to the institutional architecture of the European Union, Press Release No. 21/2003, <http://eng.bundesregierung.de/frameset/index.jsp>.

presentation of proposals, and it is, therefore, no surprise that the remedies put forward are rather divergent, diffuse, and often inconsistent.

The Franco-German proposal of January 2003 establishes some major elements of the German position, but this up-graded compromise also contains a considerable amount of ambiguous formulations. The major points are:

- the European Council should receive a full time chair—a president—elected by its members with a qualified majority for two and a half or five years;
- the president of the Commission should be elected first by the European Parliament (and not by the Council) and then approved by the European Council with a qualified majority;
- qualified majority voting and respective co-decision of the EP is supposed to become the standard rule for decision-making; this rule applies to the CFSP but excludes resolutions on matters of military or defense policy. A suspended veto in the form of a “national interest clause,” however, is also envisaged for this policy area;
- the presidency of the Council of Ministers will be reformed;
- national parliaments will become part of an early warning mechanism to monitor subsidiarity.

The German debate about finality is clearly marked by a high degree of uncertainty as to whether and how a Union with 25 and 28 or more members will function. New as well as old members may be unable or unwilling to really pursue those common policies that are of fundamental interest to Germany. Even though Germany has one of the strongest voices supporting widening and deepening, the German debate about more flexible forms of integration, is, at the same time, very intense.<sup>41</sup> Throughout the 1990s, German positions again and again have called for “unorthodox thinking” to deal with an integration overstretch.<sup>42</sup> Fallback strategies are already envisaged if the Convention and the next IGC fails or the Union of 25-28 doesn’t function adequately.

Three basic options backed by different visions are on the agenda. One way to overcome internal obstacles is to establish flexible methods within the present EU Treaty or the future constitution (see line *d* in graph 5). Forms of opting in and out, of “géometrie variable,” and of multi-tier integration have been discussed over a long period of time—though not later than at the occasion of the first enlargement. Member states have experimented with several of these formulas over the last three decades.

Following a Franco-German initiative, the “masters of the treaty” ratified in the Amsterdam Treaty the procedure of “enhanced cooperation” through which a core of willing member states might use the EU institutions to advance more rapidly than others towards integration. The original provisions, however, were not the rules finally agreed upon, which led to an “inflexible flexibility.”<sup>43</sup> The Nice version has reduced some of the constraining pre-conditions. Even with these adapted provisions, however, Germany may not be confident enough to move forward.<sup>44</sup> The Franco-German proposal has reinforced this concept and extended its potential use to the European Security and Defense Policy.

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<sup>41</sup> See Deubner, Christian (1995), *Deutsche Europapolitik: Von Maastricht nach Kerneuropa?* Baden-Baden; Giering, Claus / Janning, Josef (2001), „Flexibilität als Katalysator der Finalität? Die Gestaltungskraft der ‚Verstärkten Zusammenarbeit‘ nach Nizza“, in: *integration* 2/01, pp. 146-155, Wessels, Wolfgang (2001b), “Widening and deepening,” in: *Internationale Politik, Transatlantic edition*, 2/01, pp. 5-11.

<sup>42</sup> Wessels 2001b.

<sup>43</sup> Wessels 2001b.

<sup>44</sup> See Giering/Janning 2001.

A second, rather more radical alternative is to establish forms of a “core Europe”<sup>45</sup> or a “center of gravity”<sup>46</sup> in which fewer members will create a new structure adaptable to only some members (see area *e* in graph 5). Only those who are willing and able would be invited to join the more progressive caucus that might, finally, develop into a federation of nation-states.

A third option is even more dramatic: only the bigger countries would get together in a *directoire*—a EU internal “security council” within a self-selecting club, working purely on an intergovernmental level (see area *h* in graph 5).

Although the German concepts certainly stress that the Franco-German tandem is an indispensable core for any of these more exclusive strategies, reaching a genuine understanding and consensus between Paris and Berlin will not be easy.

Even if these options figure less prominently on the Convention’s official agenda, these forms of flexibility are certainly high on the hidden agenda for all member states, especially Germany. Without making the issue highly visible, it remains a fallback position and, thus, a whip to encourage reluctant countries to pursue more ambitious plans.

For Germany, the dilemma it faces is quite dramatic. It might have to decide between three visions: that of a smaller federation, a smaller club of larger countries, or a looser, but wider, Union. The constitutional consequences of such a move towards a federation or club of some nation-states should be made clear. If the “core Europe” is implemented it will mean a serious political and legal break with the present treaty and perhaps of the evolving constitution. It would thus constitute a rupture with long-standing German traditions both of the Bonn and the Berlin Republic.

### 3. Further Accessions: The Case of Turkey and Beyond

For the German debate, the accession of democratic European countries is a major component of its EU doctrine. With the application of Turkey, a major dispute is in the making, inside Germany as well as inside the EU.

The supporters of Turkish membership stress the positive influence of this move on the internal evolution of this torn country. With the help of the EU, Turkey would evolve into a reliable democratic member and successful EU partner. Its Islamic background is not seen as a major stumbling block. The successful membership of a secularized Islamic country might even help to integrate Muslim citizens already living in the EU and, in addition, offer a model to other Islamic countries. The opinions of those who support Turkish accession are often based on overall security arguments that are strongly supported by the United States.

The opponents present two lines of reasoning. One stresses that Islamic culture is incompatible with Christian values, which—in this view—constitutes a fundamental cornerstone of the EU system (even though this value is nowhere mentioned in the present treaty—see especially Art. 6 TEU).

More specific are the voices stressing the enormous future weight and consequence of integrating a comparatively underdeveloped country that would soon have the largest population in Europe. Economic, social, and demographic problems would be difficult to tackle via EU institutions with a limited budget. In this view, Turkish weight in the EP and the Council will lead to unproductive disequilibria. In addition, arguments about the positive effects on Turkish economy and society are questioned. Is Turkey willing and able to be economically competitive and to implement the *acquis*, and, if not, will that further divide the

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<sup>45</sup> Schäuble/Lamers 1994.

<sup>46</sup> Fischer 2000.

country? More than ever before, the EU will face a trade-off between its security vocation and its integration function.

### III. CONCLUSIONS – 12 POINTS

1. Many early and current contributions to the debates on European finality in Germany, both in the Bonn and Berlin Republics, show a high degree of continuity in terms of basic visions and missions. They also demonstrate a strong German bias,<sup>47</sup> as many suggestions have been implicitly or explicitly borrowed from Germany's construction and experiences. This kind of constitutional export is no German specialty. Many French proposals<sup>48</sup> also take France's own experiences as models for EU provisions.<sup>49</sup>

2. The German debate is thus—as before—composed of ambiguous and as yet undefined positions set within an open and undecided discourse. Therefore, for educated guesses on the future, we will need to pursue a different methodological approach.

3. As a first scenario, we might extrapolate trends from the last fifty years. If we characterized the major characteristics of the EU's evolution as “fusion,”<sup>50</sup> we would expect that German positions will tend to be characterized by a prudent trial and error strategy. Beyond the present Convention, new generations of political leaders will have their turn in pursuing serious integration projects—though perhaps incrementally and inconsistently. The present convention and the following intergovernmental conference will thus probably not conclude the finality debate but will form another milestone on a path without a clear destination.

4. A qualitative jump into a classical federal constitution will not be of highest priority for German leaders in the years to come. Instead, concrete formulations for revising and amending the present treaty will be of major importance. Some of these formulations may be of great political significance in the area of security policies. Thus, I expect that German politicians will continue to pursue the Monnet strategy of the last half-century—constructing a European Union by limited but real steps to an undefined destiny. This open process might be preferable to a constitutional jump into a straightjacket that might be inadequate for the unknown challenges to come.<sup>51</sup>

5. In such a scenario there will be a strong, though unwanted tendency to increase the complexity of the EU system. In doing so, however, the “masters of the treaty” inadvertently will further agree to maintain the ambiguous mixture of national and European institutions, thus further augmenting the “benevolent diffusion of responsibilities.”<sup>52</sup> Germany, like other member states, will become more and more integrated into a highly institutionalized polity.<sup>53</sup> All claims for transparency and clear political accountability will be submerged in the framing of a multi-level constitution. Public opinion may become increasingly negative,

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<sup>47</sup> Risse 2001; Jachtenfuchs 2002.

<sup>48</sup> Jospin 2001; Chirac, Jacques (2002), Discours de Monsieur Jacques Chirac, Straßburg 06.02.2002, <http://www.2002pourlafrance.net/chirac.html?idArticle=320>.

<sup>49</sup> Schild 2002.

<sup>50</sup> Wessels 1997.

<sup>51</sup> See Wessels, Wolfgang (2002), „Deutsche Integration – bewährte Strategien für eine unsichere EU“, in: Jopp, Mathias / Schmalz, Uwe / Schneider, Heinrich, *Eine neue deutsche Europapolitik? Rahmenbedingungen – Problemfelder – Optionen*, Europa Union Verlag, Bonn, pp. 695-725, pp. 720-721.

<sup>52</sup> Scharpf, Fritz W. (1985), *The joint-decision trap: lessons from German Federalism and European integration*, Berlin.

<sup>53</sup> Wessels / Maurer / Mittag 2002.

although much will depend on the output effectiveness of the EU.<sup>54</sup> Thus, the current debate in the Convention will continue. We would expect that the next steps taken for constitutionalization will occur after 2004 and, perhaps, within the context of the budgetary deal of 2006.

6. Major disappointments about an inefficient, overstretched and blocked EU of 25 or even 28 member states again and again will revive projects for a “core Europe”<sup>55</sup> or even a *directoire*.<sup>56</sup> Since the provisions for “enhanced cooperation,” as formulated in the Amsterdam Treaty and modified in the Nice Treaty, will only constitute an “inflexible flexibility,” concepts for closer Franco-German projects will need to be discussed as potential fallback positions. With growing frustrations about a larger Union, temptations for some kind of a new start might be looming. In this case, the drive toward some kind of political leadership might stimulate Berlin to proceed with some sort of exclusive club with other larger or more smaller, but willing, countries.

7. The attractions of such an easy opt out as part of an exit strategy, and the direct and indirect costs of these options, must be examined. Given the overall direction of their orientation, Germans will be reluctant to create new cleavages in the center of Europe. Thus, at the end of a serious debate, strategies for a “core Europe” or even more a *directoire* may have limited appeal.

8. The next moves toward enlargement will also be characterized by ambiguities: weighting arguments for a larger accession and the disadvantages of an overstretched “quasi empire.” The result of this trade-off constellation is unclear, since a clear prognosis is difficult to make.

9. The trial and error process for designing the European finality will probably remain open and dynamic. One major factor for the directions being taken by Europeans are changes in the international system and their respective effects on Europe. The activities of the United States are likely to create further incentives and constraints for the soul-searching exercise—both in the EU in general and in Germany. Unilateral actions by the United States might push the Europeans closer together. Offering the larger European states some say in a *directoire* approach might reduce the search for a unified position. Also, an enlarged NATO might take up some EU functions in the foreign policy field.

10. The endogenous evolution of the EU will also affect transatlantic relations. Within a clear finality of a federal constitution, the German vision expects the EU to become a real partner in world affairs. However, if we extrapolate from the process of integration, the United States will continue to be confronted with a rather disorderly EU. More instruments and resources will be in the hands of some bodies in Brussels without a clear line of command and responsibility. Thus, the double-hatting of responsibilities between the Council and the Commission may lead to further confusion in Washington and elsewhere. There will be no easy way to deal with the EU and its partner countries. Moves towards an exclusive club might reduce, at first, some of the complexity of the Union’s structure, but Europe might turn out to be an even less coherent and reliable partner.

11. The influence of the German mission and vision within the EU will be subject to considerable decline. Given a substandard economic performance (placed formally on the agenda by the stability pact) and some more marginalized foreign policy positions, the good European reputation of the Federal Republic will decline. Not being the best pupil in the class

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<sup>54</sup> Scharpf, Fritz W. (1999), *Governing in Europe: effective and democratic?*, Oxford, New York.

<sup>55</sup> Schäuble/Lamers 1994; Deubner 1995.

<sup>56</sup> Janning, Joseph (1997), „Dynamik in der Zwangsjacke - Flexibilität in der Europäischen Union nach Amsterdam“, in: *integration* 4/97, pp. 285-292.

reduces the effectiveness of applying long-standing means to convince partners to follow the German way towards more widening and deepening of the EU system. The German capability to use soft power—although difficult to grasp and measure—and dangle budgetary carrots is considerably reduced.

12. Beyond immediate considerations, the soul searching exercise and its success and failures will not only affect the destiny of the Europeans, but in many ways will shape the international system.