

*University of California, Berkeley*  
*Institute of European Studies, International and Area Studies*  
*Fall Semester 2008*

*Seminar: “Constitutional Politics in the European Union”*

*PEIS 150.2*

*MW: 4:00-5:30 – 206 Wheeler*

*Christine Landfried*

## **Course Outline and Readings**

Week I (August 27)

Introduction

Week II (September 3)

### **Constitutional Politics beyond the Nation State**

Paolo Carrozza, Constitutionalism’s Post-Modern Opening. In: Martin Loughlin and Neil Walker (eds.), *The Paradox of Constitutionalism. Constituent Power and Constitutional Form*, Oxford: Oxford University Press 2007, pp. 169-187.

Martin Loughlin and Neil Walker, Introduction. In: Martin Loughlin and Neil Walker (eds.), *The Paradox of Constitutionalism. Constituent Power and Constitutional Form*, Oxford: Oxford University Press 2007, pp.1-8.

James Tully, The Unfreedom of the Moderns in Comparison to Their Ideals of Constitutional Democracy. In: *The Modern Law Review* 65(2002), pp. 204-228.

Week III (September 8, 10)

### **Constitutional Politics in the European Union**

Jürgen Habermas, Why Europe needs a Constitution. In: *New Left Review* 11 (2001), pp.5-26.

Neil Walker, Post Constituent Constitutionalism? The Case of the European Union. In: Martin Loughlin and Neil Walker (eds.), *op.cit.*, pp. 247-267.

J.H.H.Weiler, A Constitution for Europe? Some Hard Choices. In: *Journal of Common Market Studies* 40(2002), pp. 563-580.

Week IV (September 15, 17)

### **From the Common Market to the Political System of the European Union**

Andrew Moravcsik, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*, Ithaca: Cornell University Press 1998.

Chapter 5: “Relaunching Integration: The Single European Act, 1984-1988”.

Week V (September 22, 24)

### **The Political Challenges of the European Union at the beginning of the 21<sup>st</sup> Century**

Simon Hix, *What’s Wrong with the European Union & How to Fix It*, Cambridge: Polity Press 2008.

Chapter 2: “Why the European Union is more necessary than ever” and

Chapters 3-5: “Policy gridlock”, “Lack of popular legitimacy”, “A democratic deficit”.

Week VI (September 29, October 1<sup>st</sup>)

### **The Constitutionalisation of the European Union**

Anne Peters, The Constitutionalisation of the European Union – Without the Constitutional Treaty. In: Sonja Puntischer Riekmann, Wolfgang Wessels (eds.), The Making of a European Constitution. Dynamics and Limits of the Convention Experience, Wiesbaden: Verlag für Sozialwissenschaften 2006, pp. 35-67.

Alec Stone Sweet, The Judicial Construction of Europe, Oxford: Oxford University Press 2004. Chapter 2: “Constructing a Supranational Constitution”.

Week VII (October 6, 8)

October 6:

Midterm Review

October 8:

Midterm Exam

Week VIII (October 13, 15)

### **The European Convention on the Future of Europe**

Peter Norman, The Accidental Constitution. The Story of the European Convention, Brussels: EuroComment 2003, Part II and Chapter 12 of Part IV.

Jo Shaw, Process, Responsibility and Inclusion in EU Constitutionalism. In: European Law Journal 9(2003), pp. 45-68.

Week IX (October 20, 22)

### **The Constitutional Discourse in the Convention**

Christine Landfried, Difference as a Potential of European Constitution Making. In: European Law Journal 12(2006), pp. 764-787.

Paul Magnette, Kalypso Nicolaidis, The European Convention: Bargaining in the shadow of rhetoric. In: West European Politics 27(2004), pp. 381-404.

Week X (October 27, 29)

### **The Constitutional Treaty of 29<sup>th</sup> October 2004**

Jean-Claude Piris, The Constitution for Europe. A Legal Analysis, Cambridge: Cambridge University Press 2006.

Chapter 4: “Changes in the institutions.”

Week XI (November 3, 5)

### **The Ratification Crisis**

Richard Bellamy, The European Constitution is Dead, Long Live European Constitutionalism. In: Constellations 13(2006), pp. 181-189.

Grainne de Burca, The European Constitution Project after the Referenda. In: Constellations 13(2006), pp. 205-217.

Flash Eurobarometer no. 171 and no. 172. On Internet:

[http://europa.eu.int/comm/public\\_opinion/flash/fl171\\_en.pdf](http://europa.eu.int/comm/public_opinion/flash/fl171_en.pdf) and

[http://europa.eu.int/comm/public\\_opinion/flash/fl172\\_en.pdf](http://europa.eu.int/comm/public_opinion/flash/fl172_en.pdf).

Neil Walker, A Constitutional Reckoning. In: Constellations 13 (2006), pp. 140-150.

Week XII (November 10, 12)

### **The Treaty of Lisbon of December 13, 2007**

European Parliament, Report on the Treaty of Lisbon, 21<sup>st</sup> January 2008.

A 6-0013/2008. On Internet:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2008-0013+0+DOC+XML+V0//DE>

Week XIII (November 17, 19)

**The Reform Treaty's Answer to Policy Gridlock: The Case of Foreign Policy (CFSP)**

Marisa Cremona, Coherence through Law: What difference will the Treaty of Lisbon make? In: Clara Portella and Kolja Raube (eds.), *Revisiting Coherence in EU Foreign Policy*. *hamburg review of social sciences* 3(2008), pp. 10-35.

Week XIV (November 24, 26)

**The Reform Treaty's Answer to the Democratic Deficit: The Case of National Parliaments**

Tapio Raunio, National legislatures in the EU Constitutional Treaty. In: John O'Brennan and Tapio Raunio, *National Parliaments within the Enlarged European Union*, London and New York: Routledge 2007, pp. 79-92.

Week XV (December 1, 3)

**Beyond Constitutional Politics in the European Union**

Ulrich Beck, Edgar Grande, Cosmopolitanism: Europe's Way Out of Crisis. In: *European Journal of Social Theory* 10(2007), pp. 67-85.

Simon Hix, *What's Wrong With the European Union & How to Fix It*, Cambridge: Polity Press 2008, Part II.

Week XVI (December 8, 10)

**From Constitutional Democracy to Democratic Constitutionalism**

December 8:

James Tully, *Strange Multiplicity. Constitutionalism in an Age of Diversity*, Cambridge: Cambridge University Press 6<sup>th</sup> ed. 2005.

December 10:

Review of our Seminar.

