

Taking Stock of Integration Theory

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Introduction

This volume sought to achieve two goals. First, it was compiled to assess the state of the art in European integration theorizing. To that end, we brought together a group of scholars who are able to present and reflect upon the core theoretical contributions that have been developed since the early stages of analysing European integration and governance. The second goal of the book was the generation of a critical discussion about the object and process of theorizing European integration as such. To that end, the choice of contributions reflects the variation in disciplinary context, historical stage of theorizing, and the comparative dimension of approaches. This analytical dimension of the book is sustained by the 'best' and 'test' case scenarios, which have been included in each chapter to test the robustness of each approach.

This concluding chapter brings the past-present-future theme running through the book as well as through each contribution, to a close. In the remaining sections we offer *first* a historical overview over the type and focus of each theoretical approach to European integration developed by the contributors ('past'); *second*, we develop a comparative assessment of the respective strengths and weaknesses of each approach according to the definitions of 'theorizing' and 'integration' developed in the introductory chapter ('present'); and *third*, we elaborate on the emergent and most challenging issues that stand to be addressed by forthcoming adaptations and scrutinizations of European integration theories ('future').

We argue that the different theoretical perspectives developed in the ten contributions to this volume demonstrate an emerging robustness of European integration theories. The variation in approaching the respective 'test case' of European enlargement reveals the need for both rigorously prescriptive and normative approaches to European integration. As the social constructivist, the critical legal approach, the gender perspectives, and the discursive approaches presented in chapters 8–11 demonstrate in particular, core constitutional issues that determine the quality of emergent transnational political orders (March and Olsen 1998; Olsen 2002) such as values and norms, identity, and equality have been receiving relatively less analytical attention

than approaches that seek to explain institutional and regulatory processes. Yet, the two-tiered development of massive enlargement and constitutional revision which the process of European integration has come to face in post-Cold War times require a more robust theoretical and analytical understanding of the interplay between process and substance. While a decade ago the constitutional topic 'spelt political death', mostly for evoking the 'f-word', i.e. a federalist quality of the *Europolity*, current activities resemble a 'political and intellectual stampede to embrace the idea of a constitution for Europe' (Weiler 2002: 563). The 'constitution is no longer a taboo' in integration discourse (Pernice 2001: 3–4) and the constitutionalization of the Treaties has become an accepted policy objective.¹ It is an expression of the constitutional turn in the *Europolity*. That is, supranational—European—integration has evolved from the pre-integration time of cooperation under anarchy and a long period of cooperation towards integration towards a new shared goal of constitution-building.

With this constitutional turn, the process of constitutionalizing the *Europolity*² enters into a qualitatively different phase. After supranational institution-building until the 1980s and the Europeanization of domestic institutions until the late 1990s, currently a process of 'late politicization' evolves (Wiener 2003: 136–8). Indeed, we argue that the constitutional turn that reflects both the historical process as well as the extensive scholarly literature since the 1990s, remains to a large extent undertheorized. The outcome and durability of this new quality of international cooperation therefore remains to be assessed.³ The pressure of constitution-building raises the stakes of transnational politics—it may well turn into the make or break of the project of European integration. The following sections will first offer a comparative assessment of the different approaches to European integration presented in this volume ('Comparative perspective') and then map core issues and relevant research questions which European integration theories stand to elaborate more extensively in the future ('Outlook: towards the politicization of European integration').

Comparative perspective

In the introduction, we suggested a comparison of the theoretical approaches to the analysis of European integration included in this volume along two dimensions, their purpose or function, and the specific area of integration they study. We also argued that the different approaches together would form a mosaic providing a multi-faceted and never complete picture of European integration and governance. To demonstrate this, we asked contributors to present a case that they thought 'their' approach is addressing particularly well ('best case'), as well as to apply 'their' approach to the 'test case' of enlargement. Our expectation was that contributors would select different aspects of European integration and governance as their 'best case', which they would analyse for different purposes. Furthermore, we expected that they would approach the analysis of EU enlargement from different angles, depending on the main purpose of 'their'

approach, and focusing consequently on different aspects or areas of enlargement. If this was the case, the various approaches would neither be directly comparable or testable against each other, nor would they be incompatible. Instead, they could be seen as each shedding a different light on European integration and governance, and therefore adding another stone to the mosaic of integration theory.

Overall, the chapters in this volume have met our expectations, as the overview provided by Table 12.1 demonstrates. With a few exceptions, their 'best cases' differ widely, and where they overlap, such as in liberal intergovernmentalism's and neofunctionalism's attempt to explain outcomes of integration, they focus on different aspects of the integration process, which are not mutually exclusive, even though their relative importance can be tested empirically. Similarly, the ten approaches selected have very different things to say about enlargement, focusing on the explanation of enlargement, an analysis of the demands of enlargement on EU institutions, or a critical assessment of the effects of enlargement on the societies within the new member states—or admitting that they have little to contribute to this discussion, making such approaches appropriate for the analysis of deepening integration, but not of widening the territorial scope of membership.

Taking this 'test case' as an example, the emerging mosaic of enlargement is one that focuses first on the decision of the European Union to enlarge (Pollack, Risse, Wæver), proposing that norms and previous commitments were decisive in this respect. Generally, the decision to apply for EU membership by the candidate countries is seen as less problematic—the puzzle in the case of the EU is that rationalist explanations are ultimately not convincing. However, this does not mean that the membership candidacies are uncontested, or that there were no important bargaining processes between the EU and its current member states and the candidate countries, explaining the outcome of which is at the core of the liberal intergovernmentalist agenda (Schimmelfennig). Given the focus on explanation in their 'best cases' (see Table 12.1), surprisingly many contributors were concerned with the effect of enlargement. They predict, perhaps less surprisingly, that European governance and further integration will become more complicated: spill-over may be hindered (Schmitter); increased heterogeneity may lead to 'increasing regulatory competition and informality' (Jachtenfuchs and Kohler-Koch) the *acquis communautaire* will become further differentiated (Haltern); inexperienced civil servants may make decision-making more difficult, while reform of governance will be less likely due to the increased number of member states (Peterson); and path-dependency may dictate continued variation and therefore increased administrative complexity, while Europeanization may decrease this problem but only in the long run (Pollack). Given these complications, a federalist is, from a normative point of view, alarmed, and insists that the *acquis* cannot be jeopardized (Burgess). Finally, discourse analysis and gender studies add critical voices as to the terms on which enlargement proceeds (Wæver) and the effect it has on the women in the societies of the new member states (Hoskyns).

It should be obvious that such an account is incomplete in a double sense. First, it is a reflection of the most pressing questions that have been raised for European

Table 12.1 Comparative perspective

Chapter	Author	Approach	'best case'	'test case' (enlargement)
2	Burgess	Federalism	Normative: constitutional evolution	Normative: maintaining <i>acquis communautaire</i>
3	Schmitter	Neofunctionalism	Explaining integration outcomes (in cycles)	Predicting effects of enlargement on spill-over
4	Schimmelfennig	Intergovernmentalism	Explaining the consolidation of the Single Market	Explaining outcomes of bargaining in membership negotiations
5	Jachtenfuchs and Kohler-Koch	System Governance	Describing, explaining, assessing interplay of governance and polity	Predicting effects of increased heterogeneity on governance
6	Peterson	Network Governance	Explaining policy outcomes in CAP	Predicting effects of enlargement on policy networks
7	Pollack	Neo-institutionalism	Explaining executive, judicial and legislative politics	Explaining decision to enlarge, outcome of negotiations, and effect
8	Risse	Social Constructivism	Understanding the construction of European/national identity	Explaining the EU's decision to enlarge
9	Halter	Integration through Law	Critical assessment of European citizenship laws	Critical assessment of effects of European law and the nature of the EU
10	Wæver	Discursive Approaches	Explaining/critically assessing policies towards integration	Critically assessing enlargement discourse; explaining decision to enlarge
11	Hoskyns	Gender Perspectives	Describing the role of gender in the <i>acquis</i> ; critically assessing the EU's legitimacy	Critically assessing the effect of enlargement on women in new member states

integration theory so far, but there will surely be others. It seems, for instance, quite likely that once the new member states have joined, competing explanations of the outcome of the negotiation processes can be put forward and assessed, and more specific questions about both domestic and EU Institutional effects of enlargement may be asked. Secondly, both the angle provided on enlargement by each author, as well as the selected 'best case' and how to approach it, do not necessarily cover all the work done from within one particular approach. Gender perspectives are presented in this volume, for instance, with a focus on the early days of gender analysis in the context of European integration. Thus, the phase of 'generating material' (Hoskyns) remains very often at a more descriptive level, e.g. stressing the observation of the widening scope of gender equality law within the EU, and the effects of integration on women more generally (see, e.g. Hoskyns 1996).⁴ With this caveat in mind, Table 12.2 represents an attempt to approximate what might be most appropriately described as a 'mosaic of European integration theory' by filling in the boxes of Table 1.1 (see chapter 1). As a note of caution, this table is not intended to represent such a mosaic in itself, nor do we intend to offer a definitive answer to the question of how theoretical approaches relate to each other. According to the hermeneutic approach taken by the editors of this volume, we do, however, suggest that a debate about where one would preferably place each approach contributes to a better understanding both from the perspective of the editors and that of the readers.

Table 12.2 The functions and areas of (integration) theory

	POLITY	POLICY	POLITICS
EXPLANATORY/ UNDERSTANDING	Neofunctionalism; Intergovernmentalism; Integration through Law	Policy Network Analysis; Discourse Analysis	Neoinstitutionalism; Social Constructivism
ANALYTICAL/ DESCRIPTIVE		Gender Perspectives	
CRITICAL/ NORMATIVE	Federalism; (Critical) Integration through Law	Discourse Analysis	Gender Perspectives

Three features of the above table immediately catch the eye and need to be addressed. The first and probably least problematic one is that both Integration through Law and Discourse Analysis appear twice, whereas the Governance Approach does not appear at all. The reason for the former appearing twice is that in both chapters, there is a clear differentiation between different strands that result in more radically different variations than in the case of, for example, neo-institutionalism. Within the Integration through Law chapter, we find the development from law as an explanatory factor of further integration towards law as a normative or critical reflection on current

developments of the Europolity (as well as specific policies). Among the discursive approaches, there is a similar split between those trying to explain member states' policies towards integration and those problematizing the assumptions on which integration policies are based, although in practice both enterprises often go hand in hand. Governance approaches, in contrast, are not mentioned at all in the table. This omission is due to the fact that in their chapter, Jachtenfuchs and Kohler-Koch make a self-conscious attempt to bridge the different purposes as well as the different areas of theory, and therefore develop governance as a grand theory within which all other approaches can find their place. In a sense, this constitutes an alternative path of seeing the relationships between theoretical approaches to the one put forward by the editors. While Jachtenfuchs and Kohler-Koch propose a catch-all theory of overarching character, we argue that it is preferable to see integration theory as a mosaic in which different perspectives come together in their own right. Ultimately, the problem with the grand theory route, as we see it, is that it has to impose particular ontological and epistemological assumptions on the analytical possibilities included within the framework of the theory. Those closer to a narrow scientific understanding of theory may see this as a good thing, but it does not conform with the spirit of theoretical diversity, and doing justice to the purposes and areas of theory as set out in chapter 1.

The second and perhaps most obvious characteristic of Table 12.2 is—except for gender perspectives—the absence of entries in the 'analytical/descriptive' row. In chapter 1, we proposed that it was one of the functions of theory to provide new conceptualizations of particular social and political phenomena, and that this was particularly important in relation to the EU as a new kind of polity. We further argued that European integration theory evolved in phases, starting, after a period of normative pretheorizing, with an explanatory phase, which was then followed by an analytical phase as the EU was taken more seriously as a polity of its own right in the 1980s, and then by a renewed interest in normative questions, and, following the epistemological debates in the wider social sciences, in problematizing European integration and governance and particular policies.

A revised model of the three phases of theorizing would locate the approaches within the historical context of integration. From a hermeneutic standpoint, it is interesting to observe how these phases reflect distinct theoretical *foci* in relation to the relevance and place of institutions in theory and practice. Thus European integration theory develops gradually including the three phases of integration (explaining integration as supranational institution-building, Part I of this book), Europeanization (analyzing governance, Part II of this book), and politicization (constructing the polity, Part III of this book). Table 12.3 summarizes the three phases and their respective focus on institution-building.

As this book's contributions demonstrate, the first two phases are well developed sets of theoretical approaches. The third phase has just begun to shed light on substantial constitutional questions such as the legal status of the EU, the constitutional status of the Charter of Rights, the role of the church, and the application of Qualified Majority Voting in high politics such as Common Foreign and Security Policy.⁵ These issues lead

Table 12.3 Three phases of theorizing European integration

Phase	Type	Place	Dynamic	Institutions
	<i>Normative pretheorizing</i>	World politics		Hard
1960–1985	<i>Integration (more/less)</i>	Supranational level	<i>bottom-up</i>	Hard
1985–	<i>Europeanization (more/less)</i>	Domestic, regional level in member and candidate countries	<i>top-down</i>	Hard
1993–	<i>Politicization (more/less)</i>	Euro-polity	<i>trickle-across, bottom-up, top-down</i>	Hard/soft

beyond the erstwhile considerably radical challenges of political relations beyond nation state boundaries, presented by the practice of pooling sovereignty as well as by the legal principles of supremacy and direct effect—and their potentially unintended consequences that have sunk in with social scientists only gradually (Craig and de Búrca 1998; see also Haltern in this volume).

A closer look at the governance approach, the policy network approach, and neo-institutionalism in Part II—Analysing European Governance demonstrates that they do take integration and the EU as a new kind of polity as a given, and therefore shift the emphasis from explaining or advocating integration to questions about how governance within this new polity works. Yet, it also emerges from these chapters that none of these approaches is content with the provision of new conceptualizations of governance alone, although this was an important contribution to the debate. Instead, they strive to explain specific phenomena within this system of governance, such as particular policies or particular aspects of its politics. While they are, in this sense, analysing governance rather than explaining integration as such, they are moving beyond the analysis of governance in the sense of a purpose of theory as set out in chapter 1.

As Table 12.2 highlights, the predominant purpose of theoretical approaches within European integration theory is to explain or understand either the process of integration and its outcomes, or particular aspects of European integration and governance. Even an approach such as discourse analysis, the roots of which can be traced to post-structuralism, is used at least by some in European integration theory to understand member states' policies towards integration, and although its usage of the term explanation is different from the usage, say, in liberal intergovernmentalism, the purpose is sufficiently similar to the latter's—indeed, Wæver (1998: 103–4) in his own work sets out explicitly to bridge the gap between critique and explanation. This heavy bias towards explanation may be seen as one symptom of the tendency to make claims beyond the

scope of one's theory, which we have identified as problematic in our introduction. Be this as it may, the emphasis on the explanation of particular integration policies and outcomes in terms of polity has until recently led to a relative neglect of addressing the issue of politicization, both in the form of attempts to analyse the increasing politicization of integration and governance among societies, and in the form of contributing to a critical debate about the desired shape of the EU.

Outlook: towards the politicization of European integration

How do integration theories fare fifty years on? What is the state of the discipline which has now developed an impressive corpus of texts, produced a stable research context based on international learned associations, and has, last not least, generated a widely acknowledged teaching profile? The discipline now encompasses a broad spectrum of theoretical approaches ranging from the period of normative preintegration theorizing that emerged largely from US-American IR theory (see, most prominently, Mitrany's as well as Deutsch's work) via grand theory debates (Hoffmann; Haas; Schmitter; Deutsch; Lindberg and Scheingold) to a more refined set of approaches in the early twenty-first century. This volume presents a selection of its core approaches. The overview of the past, present, and future of theorizing about European integration suggests that as an increasingly independent subfield in the social sciences, integration theory has come full circle *and* been able to move towards the proverbial higher plane. The following elaborates on this observation.

Given that in the early days of integration theory normative issues of integration were discussed within the framework of international relations theory, bringing in interest-oriented and institutional approaches to world politics, it appears that in the light of today's clearly discernable and distinguished, albeit interdisciplinary European studies discipline, theoretical approaches to integration have moved on. More specifically, the normative dimension of European integration is back on the table. However, the focus has changed. While in the 1950s the theoretical emphasis on explaining regional integration and supranational institution-building was put on the necessity and probability of enduring institutions in the international system of sovereign states with a view to constructing a civilised Kantian world community, today's normative approach is focused on the issue of democratic legitimacy (or the lack of it) under conditions of supranational constitutional integration. This shift from the former normative perspective on world politics that built on the idealist Grotian tradition in IR, to conditions of democratic governance in regionally integrated political orders, is embedded in a broad change in IR theories regarding the acceptance of institutions in world politics. Thus, institutional approaches developed both inside and outside European integration theories have contributed to a widely accepted role of—hard—institutions such as international organizations, treaties, conventions, and

written agreements in world politics (March and Olsen 1989, 1998; Hall and Taylor 1996; Ruggie 1998; Onuf 2002). In particular, the various neo-institutionalisms have been able to sustain the role of institutions in world politics as enhancing cooperation among states, monitoring policy implementation, facilitating information, and safeguarding norms (Keohane 1988; Garrett 1992; Goldstein and Keohane 1993; Pollack 1996; see also Pollack and Risse in this volume).

With its explicit focus on finality, community, and a constitutionalized polity, the dual process of enlargement and constitution-building presents a challenge to the majority of integration theories that study interests and institutions. The limit of such an exclusive focus compared with approaches that allow for a broader perspective on polity formation, governance, and constitutional principles is thus brought to the fore. This challenge is well presented by the choice of 'best' and 'test cases' by the contributors of this volume, and the fact that far more contributors chose to focus on the effects of enlargement than on its explanation, while explanation dominated in the selection of 'best cases'. Surely, interests and institutions play a key role in explaining enlargement. The pressure for institutional change which has been created by the massive enlargement process launched in Copenhagen 1993, affects member states and candidate countries as well as the Europolity itself. Problematizing both institutional change and adaptation, on the one hand, as well as the interest in enlargement, on the other, can therefore be characterized as organic research objectives. Logically, they build on a long-standing tradition of explaining institution-building on the supranational level as well as institutional adaptation, or, Europeanization in the respective domestic member state contexts. Yet, different from previous enlargement rounds, this time constitutional reform has developed a much stronger momentum than previous Treaty revisions at intergovernmental conferences (Christiansen and Jørgensen 1999; Moravcsik and Nicolaïdes 1999; Falkner and Nentwich 2000; Wiener and Neunreither 2000; de Búrca and Scott 2002; Beaumont, Lyons, and Walker 2002; Bogdandy 2003; Weiler and Wind 2003).

Constitutional politics has therefore turned into a core political issue in the EU. More specifically, in distinction from states that cooperate under anarchy in world politics, on the one hand, and EU member states that have been cooperating towards integration, on the other (Wiener 2002), the current EU member states and, albeit to a limited extent, candidate countries have been cooperating towards a shared constitutional agreement. The constitutional turn has generated a new importance of constitutional norms, principles, and routinized practices. These so-called soft institutions have been addressed by a large and growing literature on constructivism in IR, that studied the influence of world views, principled beliefs, routinized practices, and norms to the fore (Kratochwil and Ruggie 1986; Koslowski and Kratochwil 1994; Ruggie 1998; Risse-Kappen 1996; Sikkink 1993; Katzenstein 1993, 1996). In European integration studies, the constructivist focus on soft institutions has offered a new interdisciplinary perspective on European integration as a process that involves the constitutionalization of shared European norms, principles, and procedures including both law and the social sciences.

In sum, the constitutional turn in the 1990s raises deeper questions about the constitutive role of *social practices* and (*social*) *legitimacy* in supranational politics more generally. The EU is not a state yet evolves around and works on the basis of core constitutional norms, principles, and procedures akin to the central constitutional reference frame of national states such as the rule of law, fundamental and citizenship rights, and the principle of democracy (Art. 6, TEU) and some thus endorse the concept of European constitutional law.⁶ These fundamental—constitutional—principles have evolved over time in interrelation with the fundamental constitutional principles and practices of the respective EU member states.⁷ Their substance carries meaning created through a process from which candidate countries are by definition excluded. The routinized practices, procedures, and norms that have been constitutive for the constitutionalization of these fundamental principles therefore remain a foreign discourse with little meaning for candidate countries that were excluded from their constitution.⁸ Politically speaking, different understandings generate issues of conflict. As a research theme, conflictive developments that are brought to the fore by the double process of enlargement and constitutional revision, raise different types of research questions, pending on the perspective, goal, and context from which the issue is assessed. Thus, for example, from a prescriptive analytical standpoint certain institutional conditions are necessary (types of constitution; political order; types of democracy; etc.). In turn, a normative analytical standpoint would focus on the question of whether it is possible, and if so, how to establish particular constitutional principles to keep such a diverse polity with its different understandings together.

Conclusion

This volume's contributions have demonstrated that theorizing European integration involves at least *three main factors*. They include the choice of the *research object* (polity: supranational institution-building; policy: specific EU policies or member states' policies towards integration; politics: quality of integration), the analytical *research purpose* (explanatory/understanding; descriptive/analytical; normative/critical), and the *context* in which the research project has been designed (historical and disciplinary perspectives). The choice of research object and purpose does matter. It generates a distinct theoretical focus and impact which is highlighted by the book's organizational pattern presenting at least three core theoretical perspectives in three different phases of European integration. These phases are distinguished according to the respective analytical focus on explaining integration (Part I), analysing governance (Part II), and constructing the Europolity (Part III). In order to substantiate the main message of each approach, the contributors have been asked to choose a 'best case' scenario (quality of governance; market consolidation; labour market policy; human rights policy; committee governance; agricultural policy; constitutional policy and so forth) and then, in addition, apply their respective analytical perspective to the 'test case' scenario of enlargement.

The combination of best and test case scenarios in all contributions demonstrates nicely how research object and goal are subject to the choice of the individual researcher, yet, never under conditions of his or her own choosing. The clearly opposing views in each part sustain the point, including first, federalist, intergovernmentalist and neofunctionalist views on how European integration is best explained; second institutionalist, network, and system-oriented approaches to analysing governance; and, third, social constructivist, gender-oriented and discursive perspectives on European integration. All offer telling cases for this understanding of context sensitive 'theorizing'.

While theoretical approaches do indeed raise general questions that are shared by a range of different approaches, for example the questions of how to explain institution-building above the state, how to account for governance as a process that develops across national boundaries, and how to assess the emergence of a socio-political system critically, their respective ways of addressing these questions are not necessarily *competitive*. They are first and foremost *complementary* in style.

These observations, above all, invite the student of European integration not to think in closed boxes and traditions, but creatively about theorizing European integration and governance, and not to dismiss other approaches all too easily. They also ask those engaged in this process of theorizing to perhaps be more humble than has been the case in the past, and to be aware of the scope of the approach proposed and its place in the overall mosaic of *European Integration Theory*. Finally, they propose to take a closer look at the issues involved in the linked processes of constitutionalization and politicization (see Table 12.3).

The mosaic of integration theory will never be finished. In order to keep providing fresh and relevant perspectives, however, it will have to be pushed forward by creativity, self-reflexivity, and the study of fundamental issues underlying the core debates of past, present, and future.

Notes

1. See, for example, European Parliament, Committee of Institutional Affairs (2000), Report on the Constitutionalisation of the Treaties, Final A5-0289/2000, PE 286.949.

2. As Dieter Grimm notes '[W]hen a constitution for Europe is talked about today, what is meant is a basic legal order for the polity of the sort that arose at the end of the eighteenth century in the wake of two successful revolutions in America and in France...' (Grimm 1995: 284). For the discussion of the term see an overview with Schepel 2000, and an extensive discussion with Craig 2001.

3. However, the European constitutional debate is characterized by the absence of a shared constitutionalist approach. As Armin von Bogdandy notes '[T]he divergence in approach and even the lack in systematic approaches to European Union law render an assessment of key approaches, main directions, and plausible decisions in the constitutional debate, an enormously complex exercise' (Bogdandy 2000: 209). Indeed, to some it appears 'astonishing that so many scholars and politicians speak about the future constitution of Europe' (Zuleeg 2001: 1).

4. But see, for example, more analytical gender analysis by Elman 1996; Pollack and Hafner-Burton 2000; Liebert 1999; 2002; Locher 2002; Wobbe 2003; and Marx Ferree (forthcoming).

5. See the draft text of the Treaty that is to establish a 'Constitution' of the EU, and which was adopted by members of the *Convention on the Future of Europe*, Brussels, 13 June 2003. For the text see: Draft Convention Volume I including Part I and Part II (CONV 797/1/03) and Volume II including Parts III, IV, and V (CONV 805/03).

6. The existence of European constitutional law is usually derived from the constitutionalization of the Treaties going back to the process of 'integration through law', see also chapter 9

in this volume; for a few contributions to the burgeoning literature on the subject, see e.g. Pernice 1999; Bogdandy 1999; Weiler 1999; Craig 2000; Walker 2002; Beaumont, Lynn and Walker 2002; Bogdandy 2003; Stone Sweet 2002.

7. This interrelation between European and member state constitutional norms, values, and understandings is well encapsulated by the concept of 'multi-level constitutionalism' developed by Ingolf Pernice; see for details, Pernice 1999: 707–9.

8. In the legal literature the term 'constitutionalization' is applied with reference to the growing body of legal rules and procedures included in constitutional documents (Craig 2001; Schepel 2000).