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Paper Title: Institution Building Beyond the State: A Watsonian Framework of Analysis

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Integration Beyond the State: A Watsonian Framework of Analysis

The purpose of this paper is to introduce British scholar Adam Watson’s theory of international systems to European Union (EU) studies. Alongside Hedley Bull, Martin Wight, Raymond John Vincent and others, Watson is one of the most prominent figures in the English School of International Relations which has been receiving a growing amount of attention in recent theoretical debates in the discipline. When they started working more than four decades ago, the members of the English School sought to demonstrate that relations between states were marked by a societal pattern of shared rules, values and institutions which the then dominant power politics approach obscured in their view. They developed the concept of international society, their hallmark concept, to capture these patterns. Renewed interest in English School scholarship comes at a time when this societal dimension of interstate conduct Watson and his colleagues had highlighted is becoming the prevailing currency of international theory.

While the focus on the English School continues to expand in the broader scholarly community, only a few have taken notice of it in the EU field so far. English School scholarship and European integration research are fairly isolated from each other which is regrettable since the School is “admirably suited” to the task of analyzing the Union as Buzan (2001, p.485) says. At the moment, the EU is the most advanced international society that exists in the world, whose members share a very thick set of rules, values and institutions; and the bulk of the English School literature deals with the processes behind the formation as well as enlargement of such societies from a historical point of view. One of the goals of this contribution is to terminate the isolation between the English School and European studies, given that there is a remarkable degree of overlap between the two agendas.

My choice of Watson from within the English School for a consideration of the formation of the EU polity is no coincidence. Watson (1992) offers the most sophisticated and historically-informed treatment in the English School of the question of what keeps something like the EU together, and launches a full assault on the Westphalian orthodoxy in International Relations as he does so. His work, centered around a metaphorical pendulum, is thus not only particularly insightful for students of the EU but also quite interesting in itself. In what follows, I first recount Watson’s reasons for attacking the Westphalian theory and then introduce the concepts and assumptions Watson operates with in his own theorizing.

Watson identifies a number of necessary and favorable conditions for building a sustainable supranational system in the course of making his case against Westphalia. In the
second part of the paper, I carry out an empirical assessment of these necessary and favorable conditions for a lasting supranational system in the context of the EU. More specifically, I turn to a crucial moment in the history of European integration, the rejection of the Treaty Establishing a Constitution for Europe (CT henceforth) signed in 2004 by French and Dutch voters a year later, and undertake a Watsonian reading of the causes of rejection for each country. As I will show below, there is a strong correlation between Watson’s conditions and the concerns of French / Dutch voters who went to the polls in May and June 2005 respectively to defeat the CT. In view of this strong correlation, the pendulum metaphor seems to be a strong tool for understanding the dynamics of supranational systems. Moreover, Watson can also help us understand the post-CT legal process in the EU marked recently by the signing of the Treaty of Lisbon (2007). How has Lisbon been possible after the shock of the rejection of the CT? Watson proposes a possible way of looking at this again within the logic of the pendulum. It is perhaps early to discuss the Treaty of Lisbon in any conclusive way since it has not entered into force yet. All member states of the EU have to ratify it before it can take effect and the ratifications are ongoing at the time of writing. Still, it is possible to discuss the process which led up from the CT to Lisbon, and Watson can be helpful here. In the final section of the paper, I offer an overall assessment of what contribution Watson can make to EU studies.

I. Introducing Watson’s Conceptual Toolkit: the Pendulum of Systems from Independence to Empire

Watson (1992) developed the pendulum metaphor with a view to challenging the Westphalian theory of International Relations which is problematic from his perspective in two main respects: it is biased in favor of the system of states and it is inaccurate in its conceptualization of independence. A theory biased in favor of the states system “obscures many of the issues we need to examine” which arise when “a number of diverse communities of people, or political entities, are sufficiently involved with one another” (p.13). On this basis, Watson shifts the focus away from states to political communities in his own studies. Furthermore, the way we discuss statehood is so “hopelessly overcharged with rhetoric” according to Watson that it prevents us from realizing the potential benefits of alternative systems (p.13). Above all, alternatives to a system of (independent) states can address the predicament of individuals who are mistreated by their own states. The system of states has a problematic record in maintaining one very important moral objective – that of liberty for individuals. Yet we still hold a system that is persistently failing in moral terms to be a
superior form of political organization and simply discard other options (Watson 1997, p.xii, p.121). Like Wight before him, Watson believes that there is a need to question why we are “inclined to judge a system of states as a more desirable way of arranging the affairs of a great number of men than the alternatives” (Wight quoted in Watson 2007 [1989], p.18), and try to overcome the limitations this judgment imposes on our theories.

For Watson, the Westphalian theory of International Relations is not only biased in favor of the states system but also inaccurate when we consider its assumptions about independence. Watson contends that the Westphalian story of our discipline contains a myth of independence which is refuted by historical evidence of dependency among states. Hegemony repudiates the notion of independence for Watson (1992, p.15). If we go back and re-tell the story through dependent states, Watson claims, we are to find that much of IR has in fact been non-Westphalian. His own review of the history of the system of states indicates that real and total independence is a “crock of fairy gold at the end of the Westphalian rainbow” (Watson 2007, p.87), that is something that can never be found no matter how much one looks. Watson’s (1992) pendulum metaphor reflects these considerations and re-describes the system of states through the lack of independence.

Watson (1992) observes that whenever political communities have been sufficiently involved with one another in history, they have introduced a number of measures to regulate their mutual involvement. Whenever they have introduced such measures, they have also restricted each other’s independences. Almost no known political community has therefore entertained complete independence. Indeed, it is not possible to talk about “international” if political communities are treated in isolation from one another. The four points of independence, hegemony, dominion and empire in the pendulum indicate the degree to which the restrictions on the independence of political communities extend. Independence and empire, the two end points of the pendulum, refer to international systems with lowest and highest degrees of regulation respectively. External as well as internal affairs of the member communities in a system can be regulated in the pendulum. Watson divides the pendulum into two parts on this basis; independence and hegemony make up the independences part and dominion and empire make up the imperial part of the pendulum. At the independence end, member communities can arrange their external affairs such as alliances or treaty obligations on a voluntary basis while “some power or authority is able to ‘lay down the law’ about the operation of the system” at hegemony (p.15). After hegemony, the pendulum reaches its imperial part and the two points in this part contain varying degrees of supranational authority. At the empire end lies the “direct administration of different communities from an
imperial center” (p.16) which controls their external and internal affairs at the same time. Dominon establishes looser control over the subject communities than empire. At this point of the pendulum, “an imperial authority to some extent determines the internal government of other communities” but they nevertheless maintain a separate identity from that authority and manage some of their affairs themselves (p.15). In practice, the pendulum’s four points blur into each other. There are no sharp distinctions between any two adjacent points in the pendulum. Hegemony, for example, is not too distinct from dominion in many instances. Empire softens beyond an immediate zone of direct administration. Its influence is felt in “concentric circles” that shade into dominion and eventually into hegemony toward the fringes (p.125).

The necessary and favorable conditions for establishing a sustainable supranational system, which the second part of the paper will consider in connection with the results of the French and Dutch referenda on the CT, emerge from the details of the pendulum. Watson (1992) argues that political communities do not stay at one particular point of the pendulum indefinitely. Each constantly moves across the four-point spectrum of systems, like the swings of a pendulum, in response to various pressures for change. Still, there are two factors that can establish a specific point as a stable one. The first factor is the avoidance of the pendulum’s two end points of indepenence and empire. These two points represent insufficient and excessive regulation of the mutual involvement of political communities respectively, and they are both unsustainable. Watson points out that there is a “propensity to hegemony” (p.313) characterizing the indepenences part of the pendulum and a “propensity to autonomy” (p.124) characterizing the imperial part of the pendulum. If a system approaches either end, these two propensities move it toward the pendulum’s middle area of hegemony or dominion. The second factor is whether or not that particular point offers a suitable combination of legitimacy and material advantage for all the ruled and their rulers involved. A stable system needs to uphold the balance of material advantage for its members and be legitimate for them at the same time. As Watson summarizes it, a stable point in the pendulum for a given community is the one that entails “the optimum mix of legitimacy and advantage, modified by the pull on our pendulum away from the extremes [of independence and empire]” (p.131). We can therefore identify the legitimacy / material advantage mix and avoidance of empire as the two necessary conditions for a sustainable supranational system.

Likewise, there are two favorable conditions in the process of building a supranational system: the existence of a shared culture among the members of a political community is the first and the preservation of at least an image of independence for the members is the second.
A common culture plays a favorable role in supranational systems through the legitimacy aspect of the pendulum. In the context of the pendulum, legitimacy refers to the “the degree of independence and supranational authority (the position in the spectrum) and the rules and institutions which the members publicly recognize as binding” (Watson 1997, p.149). Put differently, it is an indication of whether a given community will be in the independences or the imperial part of the pendulum. The transition to the imperial part becomes smoother in uni-cultural systems because there are already stronger limits to independence in these than in multi-cultural systems. “Insofar as membership of the same culture conditions the behavior of political entities to one another”, Watson explains, “it transcends the freedom of action of those entities, and imposes significant though often uncodified limits on their independence” (Watson 1997, p.99). It is often possible indeed to find cases in history whereby a common culture integrates and the members of this culture behave as “parts of a whole. In such cases each sovereign and individual state has not achieved its civilization and its standard of living, and the needs and aspirations of its people, in isolation, but has only been able to do so within the wider society” (Watson 1982, p.16).

It is in these cultural wholes that supranationalism becomes more easily acceptable to the members (Watson 1992, pp.273-4). The chief contemporary example of this is the EU. Watson traces the origins of the EU to the 18th-century idea of a single “grande république” of Europe and he interprets its current shape as a “slightly enlarged grande république” standing at the dominion point of the pendulum (Watson 1997, p.37).

The second favorable condition for building a sustainable supranational system is to preserve at least an image of independence for the members even if the imperial part of the pendulum enjoys a high degree of legitimacy. This not only has to do with the “propensity to autonomy” characterizing the empire end of the pendulum (Watson 1992, p.124) but also with the dilemmas movement across the pendulum creates. Watson (1992) sets the initial terms of the pendulum in the form of an “inevitable tension between the desire for order and the desire for independence”. On the one hand, less independence can bring more order which in turn brings more “peace and prosperity”. More independence, on the other hand, can be desirable although this might come at the expense of economic and military security (p.14). Advancing in either direction in the pendulum therefore has a cost. It is better-off in material terms to be less independent and move to the imperial part of the pendulum, however, there also exists an emotional attachment to being independent. Hence, Watson is forced to conclude that the most stable point of the pendulum for a given community is the one which offers an optimum
mix of legitimacy (understood as the degree of independence vs. supranational authority) and material advantage – it is not possible to have it all at the same time.

There are also moral costs of the independences part of the pendulum in addition to the material ones. It is not just the degree of restrictions on the independence of political communities that increases toward the empire end of the pendulum. What also increases is the moral load of the pendulum. At the independence end, the only concern is the management of the mutual involvement of the communities in a common system. From hegemony onwards, a “diplomacy of justice”, a term Watson (2007, p.85) borrows from an incomplete manuscript by Vincent, can be conducted among the members. Under the diplomacy of justice, moral issues like human rights take the foreground in relations between the member communities. The pendulum operates with a heightened sense of moral responsibility for the rights and liberties of individuals once it reaches the hegemony threshold (Watson 2007, pp.82-90). Thus, moving closer to the independence point of the pendulum also entails moral costs. Nevertheless, the desire for independence, with all the material as well as moral costs it entails, can weigh heavier beyond a certain point especially if the community concerned is heterogeneous in its composition with many different nationalities and local traditions (Watson 1992, p.131).

It is under these circumstances that preserving the local symbols and institutions of independence turns into a favorable condition in the process of building a supranational system. More supranational authority can be introduced by making the fact of it less visible in an immediate sense. This is because there exists an “element of make-believe” in the imperial part of the pendulum whereby the system is legitimized by presenting it as less imperial than it actually is (Watson 1992, p.130). A case in point is the post-Westphalian core-periphery order that is currently in place. In today’s post-Westphalian order, the Western powers led by the United States conduct a justice-based diplomacy and routinely intervene in states in the developing world to promote moral causes. The principle of non-intervention in the domestic affairs of a state, a central principle of the Westphalian system, is practically abandoned. However, since the symbols and the discourses that represent the independence of the target states are untouched by the intervening states, the system is more acceptable than it would have otherwise been (Watson 2007).

A shift of focus away from states to political communities, a qualified notion of independence and the pendulum metaphor are the main tenets of Watsonian research. In the broader literature, Watson’s arguments have not generated too much interest perhaps because it is a challenge to the prevailing theories in the discipline which place an “obsessive
emphasis on the independence of states” (Buzan 1992, p.708). Not all who did take an interest in Watson’s research have found it useful. Donnelly (2006), for instance, suggests that Watson’s (1992) optimum mix of legitimacy plus advantage minus this or that formula amounts to “a metaphysical principle with pseudo-mathematical airs”, and has little use in understanding the social world. However, as Buzan and Little warn, it is wrong to interpret from the pendulum that “Watson subscribes to a mechanistic view of history, with states participating in endless and unchanging cycles of behavior” (Buzan and Little 2007, p.xii). Indeed, Watson does not intend to establish unchanging or mathematical principles of any kind.

Watson, who is primarily a historian, has been influenced by a particular tradition of history-writing associated with Arnold Toynbee in coming up with the pendulum metaphor. Toynbee believed that history could only be told in the form of grand narratives. Even if no two events in history are exactly the same, they are still comparable enough to be subsumed under such a narrative because human phenomena are “philosophically contemporary” (in Hall 2003, pp.394-5). Herbert Butterfield, Watson’s history professor at the University of Cambridge, was also attracted to this conception and believed that what is “philosophically contemporary” could be used to draw up “the ‘diagram of forces’ of the international system without asserting that such forces were a natural or perpetual force of international affairs” (quoted in Hall 2002, p.732). Watson’s “optimum mix” is also based on this “philosophically contemporary” assumption, and the pendulum is intended to “help us to make a guess as to what is today, what may be tomorrow, the optimum mix for us” (Watson 1992, p.324) more so than as a metaphysical principle. What does Watson seek to achieve in coming up with all of this? Perhaps, the best characterization of what Watson sets out to do is what Deibert (1997, p.182) calls “therapeutic re-description” or the task of “describing old things in new ways in the hope of reconstituting human experience and side-stepping the old vocabulary that was getting in the way”. Watson (1992) tries to re-describe independence in the hope of demonstrating that

“once you took out to looking at the structure and practice of past hegemonial and imperial systems, the worldwide one of the nineteenth and twentieth centuries ceased to seem so unique and so anarchical, and appeared as one of a set of historical systems; and indeed one with pronounced hegemonial characteristics, quite a way along the spectrum of possible patterns” (Watson 2001, p.468).

For Wæver, Watson’s concepts like dominion or empire should not be considered as deviations from a normal condition of sovereign statehood. From Wæver’s standpoint, the
pendulum and the concepts in it constitute a framework of analysis in their own right. He is particularly attracted to Watson’s discussion of imperial systems in his own analysis of the post-Cold War European system whereby the EU forms the center of an empire in Europe that radiates concentric circles of influence reaching eventually to Russia and Turkey (Wæver 1996a). This study is equally attracted to Watson’s concepts although its emphasis is on how the EU itself is maintained. My goal is to determine the relevance of the necessary and favorable conditions Watson identifies in the process of maintaining a supranational system. For this purpose, I undertake a Watsonian reading of the reasons why the citizens of France and the Netherlands voted down the CT. In the course of this reading, I ask whether the “no” votes in these countries were cast because the CT altered the optimum mix of legitimacy and material advantage in the EU in a way unacceptable to the French and the Dutch. I also ask if the legal process leading up from the CT to the Treaty of Lisbon is an attempt to introduce a similar amount of supranational authority only in less visible format. Can the Treaty of Lisbon simply be CT-style supranationalism in disguise, just another “make-believe” strategy to present the EU less imperial than it actually is?

II. Treaty Establishing a Constitution for Europe: Was it an Unacceptable Optimum Mix for the French and the Dutch?

On 29 May 2005, about fifty five per cent of the voters in France said “no” to the CT agreed a year earlier. An even higher percentage of voters, some sixty two per cent, similarly said “no” to it on 1 June 2005 in the Netherlands. In many circles, the rejection of the CT by the French and the Dutch was an extremely upsetting development. A very important step in the history of integration, a constitution for Europe, was rejected by the citizens of two of the founding members of the European community (Walker 2006). Indeed, this was nothing less than an “existential crisis” for the EU (de Boisgrollier 2005, p.55). Others emphasized that the EU has experienced comparable upsets in the past and has managed to recover in each case. After all, the EU has proven itself capable of coping with crises and its recovery skills would once again help in the post-CT period (Whitman 2005). This is what seems to have happened. The CT was defeated at the polls but the EU has somehow recovered. As discussed below, there is now a new treaty which re-arranges the functioning of the EU like the CT sought to. Nevertheless, the French / Dutch “no” was something of great magnitude for the EU. What did the CT bring and why was it voted down?

Many read the CT as a compromise between intergovernmentalism and supranationalism (Wessels 2005; Kim 2005). It can be interpreted in both ways and even the
name of the document reflects this; it is neither a constitution in the way supranationalists would want it to be nor a treaty in the way intergovernmentalists would want but a “constitutional treaty” (Wessels 2005, pp.14-5). In institutional terms, it strengthens the powers of the European Parliament, the European Commission, the European Court of Justice and creates a Union Minister of Foreign Affairs. The Union’s competences increase under the CT as well. A number of symbols like a flag, an anthem and a Union-wide holiday to be celebrated on 9 May are also introduced in the CT. Moreover, a Charter of Fundamental Rights in the EU is attached to the CT. If these can be read more on the supranational side of the compromise, there are also those which can be read more on the intergovernmentalist side. The CT strengthens the role of national parliaments in the EU and re-affirms the principles of subsidiarity and proportionality. The role of member states in determining the competences of the Union is emphasized in various places in the text which in addition recognizes a right to withdraw from the EU (Wessels 2005). Finally, the CT tries to balance the interests of small member states of the EU with larger ones (Moravcsik 2006).

In the end, the CT is a “carefully contrived compromise between the positions of the supranational ‘federalists’ and the ‘intergovernmentalists’ while at the same time acting as a bridge between the large and the smaller member states” (Evert and Keohane 2003, p.19). On the whole, however, it is possible to interpret the CT as a step forward in integration. Overall, the CT does not downgrade but actually reinforces the supranational dimension of the polity (Wessels 2005). In Watsonian terms, the CT represents a more powerful dominion or even a move in the direction of the empire end of the pendulum. For it to be acceptable, the CT needs to take the EU to a point that maintains an optimum mix of legitimacy and material advantage for its members, and don’t get too close to the empire end. Throughout history, an acceptable supranational system met all of these conditions (Watson 1992). What was wrong then for the French and the Dutch?

Of course, not all the voters in France or in the Netherlands were fully aware of the contents of the CT. Actually, this was the case across the EU. Most EU citizens who opposed the CT either did not know enough about it or misunderstood the meaning of what they knew (Special Eurobarometer 2005). More often than not, the “no” votes were cast out of concerns irrespective of the existence of a factual basis to justify them in the document. In fact, some French opposition was not even to the CT as such but a reaction against the political leaders of France. The referendum on the CT was used as an opportunity for the settling of domestic political scores. Apart from the domestic leadership, the French opposition was a reaction against what was perceived to be a “neo-liberal” Europe that the CT was building. In a deeper
sense, the French were also reacting to the European integration project itself (Brouard and Tiberj 2006 pp.261-2).

In May 2005, the French strongly reacted against a document which they believed was a threat to the so-called “social Europe”. Indeed, the French press identified “social Europe” as the most important missing element in the CT (Berezin 2006). In general, the French do not have a united opinion on European affairs. Furthermore, European issues have low electoral salience in France. However, the one exception to this is when Europe is seen to affect France’s social protection system. It unites otherwise divided groups and stands out as a very important issue of concern in the country (Evans 2007). For the French, the CT was eroding “social Europe” and introducing Anglo-Saxon liberalism in its place. These fears were successfully exploited by the “no” campaigners in France. In the period leading up to the referendum, the opposition campaign was able to link the Bolkestein Directive which opens services in the internal market to the free movement of persons to the much detested neo-liberalism of the CT. Voters were subsequently urged to say no to “Bolkestein’s Europe” (Brouard and Tiberj 2006, p.262). Meanwhile, France was invaded by posters of a “Polish plumber” who became an icon depicting how the French would lose their jobs to the nationals of new member countries in post-CT EU (Gilbert 2005; Schmidt 2007). Furthermore, the CT was presented as an instrument of “social dumping” which would transfer French jobs to the new member countries with cheaper labor costs. Indeed, loss of French jobs was the most frequently cited reason by the broad coalition of forces that opposed the CT (Stefanova 2006; Milner 2006).

Of course, issues other than “social Europe”, or the lack of it, figured in the opposition campaign. The question of Turkey’s membership to the EU was very much debated in France during the referendum campaign although this had a relatively low impact on the outcome. Only a small percentage of the voters in France, six per cent to be specific, said that they voted “no” specifically to prevent the membership of Turkey. Fear of loss of national sovereignty was the second most frequently cited reason by the “no” voters in France after the fear of loss of jobs. (Taggart 2006; Stefanova 2006). There were also those who said they rejected the CT in order to protect their French identity (Dehousse 2006). In a most important and immediate sense, however, the rejection of the CT was a “protectionist backlash” in France in the aftermath of the 2004 enlargement toward Central and Eastern Europe (Gilbert 2005, p.54). It was not necessarily a “no” to the EU, but to what the French perceived as a too liberal EU that the CT meant. “Another Europe” became a popular slogan in France at this time which was “l’Europe sociale” (Milner 2006, pp.258-9).
In a deeper sense, the rejection of the CT signals French opposition to the European project itself. The referendum result is just one symptom of this broader opposition. Since the beginning of the 2000s, the influence of Europe is becoming more and more visible in France. European rules are impacting daily life as well as institutions more strongly than before and it is becoming difficult to treat European and domestic politics separately in a way that was possible before. As a result, the French are increasingly interpreting Europe as a constraint rather than as an opportunity (Ivaldi 2006). Coupled with this negative shift in the French perception of Europe is the shift in France’s position within Europe. For a long time, the French political discourse legitimated Europe by emphasizing the country’s leadership role in the project together with Germany. Any sovereign rights “lost” to the Union could be made up for through France’s unique position in Europe. However, this discourse is getting less convincing in an enlarged Union in which the Franco-German partnership is no longer the only center of gravity. In today’s France, the politicians have not been able to develop a fresh discourse that will legitimate the EU to the French people. Essentially, the EU serves as a scapegoat for unpopular polices (Schmidt 2007; Grossman 2007). The “no” vote in May 2005 is the culmination of these more profound set of issues in France.

For the “no” voters in the Netherlands, institutional arrangements in the CT were a primary concern. The “double majority” procedure in the CT, a decision-making procedure which requires approval from fifty five per cent of member states representing sixty five per cent of the Union’s population, increased the voting powers of the big old member states of the EU. Although this was balanced by other arrangements in favor the smaller members, voters in the Netherlands were worried that their interests would be swallowed under the new arrangements. These fears came at a time when there was already anger in the Netherlands that France and Germany were able to disobey some of the monetary rules of the Stability and Growth Pact (1996) of the EU. Loss of sovereign rights and the inability to protect Dutch interests in post-CT EU appear to be the most significant reasons for the “no” result in the Netherlands. These worries were compounded by the possibility of the membership of Turkey which, with its population only second to Germany, would attain significant voting powers upon joining the EU. Workers from Turkey were a concern to the Dutch as well. If the Polish plumber symbolized the fear of job losses to the French, the Turkish worker symbolized the same to the Dutch during the referendum campaign. Even worse, a mass influx of Turkish workers into the EU was seen as a threat to the Western culture (Gilbert 2005; Aarts and van der Kolk 2006; Best 2005).
Actually, both before and after the referendum, the Dutch on the whole supported the EU. However, there was a general weariness toward the shape the EU has taken and the Netherlands’ role in it. Europe was proceeding too fast, taking in too many countries and the Netherlands was benefiting disproportionately from it. A survey published during the referendum campaign found that, for about two decades, the Dutch were the highest per capita contributors to the EU budget. This survey got significant press coverage and was widely debated across the Netherlands in the period before the referendum. Together with the perception that the euro made life more expensive, the Dutch felt that the EU was costing them too much but not benefiting them enough in return (Aarts and van der Kolk 2006; Best 2005). In June 2005, the Dutch voted down the CT since they believed the EU was unfair to them.

The CT was abandoned after the French and Dutch referenda in 2005. Since then, EU leaders have agreed a new deal in December 2007 for the purpose of reforming the EU, the Treaty of Lisbon, which is expected to enter into force provided that all member states ratify it. Five member states, including France, have already ratified Lisbon at the time of writing while 22 others are still to do so for it to take effect in January 2009 (European Union 2008a; European Union 2008b). The Treaty of Lisbon preserves many of the institutional and voting arrangements in the CT. It streamlines the working procedures of the EU and extends qualified majority voting to forty policy areas, most notably to the areas of freedom, security and justice, which were previously decided unanimously. Furthermore, it removes national vetoes in a number of policy areas. The Commission, while getting smaller, obtains new powers just like the European Court of Justice and the European Parliament. Although not attached to the document like it was to the CT, the Charter of Fundamental Rights gets a reference in Lisbon through which it becomes binding. It creates a new High Representative for the Union in Foreign Policy Affairs, however, preserves the intergovernmental decision-making procedures in defense, security and foreign policies. Like the CT, Lisbon introduces certain balancing acts between supranationalism and intergovernmentalism. National parliaments and member states can resort to several methods to halt EU legislation when they feel that it is adversely affecting their vital interests (Duff 2008; European Union 2008c; BBC News 2008).

Essentially, the Treaty of Lisbon keeps the main substance of the CT. It is more significant in terms of what it leaves out. Unlike the CT, Lisbon does not contain symbols reminiscent of a single European state such as a flag and an anthem. It also emphasizes the social dimension of Europe more than the CT. There are certain brakes to the free movement
of persons which were introduced on the initiative of the United Kingdom. Accordingly, member states will be able to block relevant EU legislation if they consider that the proposed piece legislation is putting too much pressure on their social security systems. On France’s initiative, free and undistorted competition ceases to be an objective of the EU internal market. However, this does not negatively affect the Commission’s competences in the area of competition policy (Euractiv 2007; Duff 2008; BBC News 2008).

France ratified the Treaty of Lisbon on 14 February 2008 in a parliamentary vote while the Netherlands will try to do the same although no date has been set for the vote as yet (European Union 2008b). After the ratification, the French foreign and European ministers declared in a joint statement that this shows how “France is still keen on preserving the European ambition of the founding fathers of the Treaty of Rome and that it is hoping to find itself in the leading role for Europe”\(^1\). Elsewhere in Europe, reaction to the treaty was mixed. For the strongly pro-EU, Lisbon was a major achievement in the integration of Europe. The Portugese president of the European Council regarded the Treaty as “a European victory”\(^2\). For the EU-skeptics, the Treaty was another step in the “slicing away [of] sovereignty, treaty by treaty” (Economist 2007).

A great deal of reaction against the Treaty of Lisbon focused on just how similar it was to the CT. Indeed, the former French president Valéry Giscard d’Estaing who chaired the European Convention that drafted the CT said: “The proposed institutional reforms, the only ones which mattered to the drafting convention, are all to be found in the Treaty of Lisbon”, adding that the text simply removed particular phrases in order “above all to head off any threat of referenda by avoiding any form of constitutional vocabulary”\(^3\). For many, the Treaty of Lisbon was a constitution under a different name only. A British columnist explained that this was no surprise because “the plan to create a European state never dies. As in a bad sequel movie we discover that the monster so comprehensively destroyed at the end of the film has miraculously regenerated itself”\(^4\). In Britain, the Treaty of Lisbon is very unpopular in general even though British leaders negotiated a number of opt-outs. Despite the

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\(^3\) EU treaty is a constitution, says Giscard d’Estaing by Ben Russell, 30 October 2007, The Independent newspaper available on http://www.independent.co.uk/news/europe/eu-treaty-is-a-constitution-says-giscard-destaing-395521.html.

referendum-avoiding vocabulary of the Treaty d’Estaing mentions, there exists significant public pressure in the UK for a referendum to be called. Ireland, which also negotiated opt-outs, has already committed itself to holding a referendum. The future of the Treaty of Lisbon, which cannot enter into force even if one member state fails to ratify it, remains to be seen.

How do all these developments in the EU compare to Watson’s (1992) pendulum? Is Watson able to correctly identify the necessary and more broadly the favorable conditions in the process of building a supranational system? In order to determine this, I first consider the necessary conditions, the need to maintain an optimum mix of material advantage and legitimacy (as the degree of independence vs. supranational authority) and avoid the empire point of the pendulum. Did the citizens of France and the Netherlands reject the CT because they believed it entailed an unacceptable optimum mix?

Material advantage largely refers to “peace and prosperity” in the context of the pendulum (Watson 1992, p.14). For both the French and the Dutch, “material advantage” in the EU, more in the sense of prosperity than peace, appears as a crucial condition. In the case of France, material advantage means “social Europe” while it takes the form of a cost / benefit analysis from the EU in the Dutch case. However defined, material advantage was a key consideration in the minds of those who voted “no” across France and the Netherlands. Material advantage conditioned to a great extent French and Dutch thinking on enlargement as well. Although the possible membership of Turkey raised identity and culture related concerns, the main fear from enlargement was that it would cause an influx of unqualified workers from the new member states of Central and Eastern Europe as well as from Turkey. In addition, it would cause an outflow of employment opportunities to these states. That the post-CT EU would leave France and the Netherlands at an economically disadvantaged position was quite a decisive factor in producing negative referenda outcomes.

Ideas about what the acceptable degree of supranational authority in the EU is, or the legitimacy of the EU in pendulum terms, also mattered for French and Dutch voters. Especially for the Dutch, the degree in the CT to which an imperial authority, the EU, would manage their internal affairs was difficult to digest. The population-based voting arrangements in the CT were a particular source of concern for the Dutch; they believed they would have little power to affect decision-making with their relatively small population. For them, the CT turned the EU into an empire in which the Netherlands would be almost directly administrated from an imperial center – Brussels. On the other hand, the French took less issue with the degree of supranational authority the CT would bring into the EU. Voting
arrangements in the CT worked in favor of France. Its voting powers allowed in the Treaty of Nice (2001) actually increased in the CT (de Boisgrollier 2005). Given that France’s ability to affect decision-making in the EU would grow, the French had less ground for concern that their internal affairs would be directly administered from an imperial center after the CT.

What is also worth emphasizing in connection with this point is France’s perception of itself as the leader Europe even after the CT upset. Statements from French ministers issued after the ratification of the Treaty of Lisbon continue to emphasize France’s leadership position in Europe. The degree of supranational authority acceptable to the French is higher than it is in some of the other member states. Actually, the French were disappointed that there was not enough degree of supranational authority in the CT regarding the Common Foreign and Security Policy of the EU. On this front, the CT failed to satisfy the French vision of a “Grande Europe”, a super power on the world scene, led by France (Grossman 2007, p.985). Furthermore, if the EU eventually reaches the empire end of the pendulum, this means that France has become the emperor. In this sense, France constitutes a special case with respect to the legitimacy aspect of the pendulum as well as when it comes to the need to avoid the pendulum’s empire end. Therefore, one way or the other, the French and the Dutch were dissatisfied with the degree of supranational authority in the CT. For the Dutch, it seemed to take the EU too close to the empire end of the pendulum. For the French, there was not enough of it in certain respects.

A historical pattern identified by Watson (1992), namely that an acceptable supranational system requires an optimum mix of legitimacy and material advantage, seems to have once again held in May and June 2005. The breakdown of the reasons for the “no” votes in France and the Netherlands shows that the CT presented these countries with an unacceptable mix. In the Netherlands, the EU that the CT was believed to be building was considered both illegitimate and disadvantageous in material terms. In France, the CT was violating acceptable material conditions and not delivering the type of legitimacy the French desired. A strong correspondence between the results of the French and Dutch referenda and the pendulum logic should be noted here. Watson’s pendulum framework for the analysis of international systems offers us a historically-informed explanation of what went wrong with the CT.

To take a broader look at the process of building Europe, the French and Dutch referenda also speak to how the optimum mix in the European community has been evolving since the initial years. In the immediate aftermath of the second World War, the optimum mix for the Europeans was different than what it is now. As Watson puts it, the genesis to
European integration was an “anarchophobe reaction against sovereign independences” (Watson 1997, p.35). Given how dangerous a Europe of too independent states proved to be, distancing the continent from the independences part of the pendulum enjoyed a high degree of legitimacy at the time. “Material advantage”, which refers to peace and prosperity, entailed first and foremost peace. If the pendulum is characterized by the two contradictory tendencies of “the desire for order” vs. “the desire for independence” (Watson 1992, p.14), the former weighed heavier in a war-torn Europe. The optimum mix of the immediate post-World War II years was peace and the hegemony point or even the imperial part of the pendulum.

The voting patterns of the French and the Dutch denote that this particular optimum mix is changing today. Currently, “material advantage” means prosperity more so than peace which the Europeans are most likely taking for granted. Furthermore, there are indications that independence is becoming more desirable than it was previously in Western Europe. According to Wæver, there is at present a “(neo-) nationalism” trend in Western European countries as the citizens try to re-assert control over the powers of their states which they been losing to the EU (Wæver 1996b, p.114). Likewise, Brown observes that EU decision-making has been undermining the role of the state and causing dislocation among the populace in the countries of Western Europe (Brown 1994). To translate these tendencies into pendulum terminology, we may note that the citizens of Western Europe are presenting a stronger “desire for independence” (Watson 1992, p.14) at the moment. Certainly, the reasons for the Dutch rejection of the CT incorporate such a desire. If the CT were ratified, the Dutch “no” voters feared, too little would be determined within the Netherlands itself and too much in Brussels.

We can point out to a similar desire for independence for the French as well. Even though the French are in general willing to accept more supranational authority than some of the other members of the EU, this might be changing, especially for the ruled if not the rulers in France. As noted above, the French are increasingly interpreting the EU as a constraint rather than as an opportunity as the impact of the EU becomes more tangible on a day-to-day basis. EU policies are having a heavier impact on what the French state can and cannot do. Since the 1980s, the EU has been liberalizing the French economy (Grossman 2007) and this is breaching a contract between the people and the state stipulating that Union policies would not disturb France’s social welfare system (Ivaldi 2006). French response to the CT was a warning to the French state to respect the terms of this contract. Any perceived breach in the future is likely to receive a similar response from the French people and lead them to seek more independence from the EU. These changing priorities of the French and the Dutch
demonstrate how the inherent tension in the process of building a supranational community as explicated in the pendulum, the need to balance two conflicting desires, (Watson 1992) have been operating in the European case.

Furthermore, the development of the European community offers us a chance to observe what Watson (2007, p.85) calls the ascendancy of a “diplomacy of justice” as a group of states advance from the independence to the empire of the pendulum. A justice-centered diplomacy focuses on moral issues such as human rights and a more expansive set of rights comes under consideration as the process intensifies. A similar trend can be observed in Europe. The founding treaties of the European community did not incorporate human rights principles in a significant way. For instance, the Treaty of Rome (1957) was more focused on economic integration. Subsequent treaties, however, have placed a stronger emphasis on moral principles (Thomas 2006). In many respects, the Charter of Fundamental Rights exemplifies this. Although it has limited legal effect, the Charter adds to the set of social rights in the EU (Hendrickx 2006). It shifts the bearer of a significant number of rights from EU citizens to non-citizens resident in the EU, including refugees and asylum seekers (Guild 2005). Moreover, the limited legal effect it has in theory can be overcome in practice with the case law of the European Court of Justice. So far, the Court has tended to interpret Union law in a supranationalist manner and the Charter will have a deeper impact on the policies of member states than originally anticipated if the Court continues to do so (Barry 2004; Hendrickx 2006). The Treaty of Lisbon is also significant in this respect as it enlarges the grounds for referring cases to the European Court of Justice (Duff 2008). As the EU member states continue to conduct a “diplomacy of justice”, additional rights and protection mechanisms can be placed on the agenda in the future.

Essentially, what makes a common culture a favorable condition in the process of building a supranational community is the ability of the members to agree moral principles more easily according to Watson. A common culture does not mean a uniform culture. It is a matrix under which the members share common convictions on fundamental issues like women’s rights or minority rights. Local practices may differ, however, a core set of assumptions about these issues go unquestioned. Under such circumstances, the development of supranational institutions does not pose a threat to any fundamental right that the individuals in the members of the community have been enjoying. As a result, the integration of a number of different systems can proceed less problematically than it would have been otherwise. The first and foremost contemporary example of this is the EU (Watson 1992, 1997). Watson may have a point here. It makes sense to think of the EU in these cultural
terms, and concur with Watson that a common culture in Europe is making integration easier. However, Watson’s arguments in connection with the facilitating role of a common culture in building a supranational system mostly emanate from Europe with a degree of romanticism toward it. Although his theory considers all common cultures, it assumes implicitly that there is something special about the European culture. Watson’s colleague Bull puts what differentiates the European culture from the rest in explicit terms when it comes to beyond-the-state integration. Bull links the idea of supranational integration to a liberal tradition of individualism that originated in Europe. Transcending the state is not a popular idea elsewhere where there is no tradition of individualism. The state actually enjoys a great degree of legitimacy in many parts of the world and transcending it is an unpopular thought (Bull 1979). Watson’s (1992) identification of a common culture as a favorable condition in trying to establish a supranational system therefore needs to be refined by taking into account Bull’s contribution. European culture, with its particular tradition of individualism, has been a favorable condition in the course of the integration project.

An additional favorable condition when undertaking such a project is to introduce supranational authority as invisibly as possible at times by preserving the symbols of member communities’ independence intact (Watson 2007). Indeed, the downgrading of the CT to the Treaty of Lisbon can be considered along these lines. As many maintain, Lisbon only slightly differs from the CT in terms of institutional arrangements and the degree of supranational authority it introduces into the EU. What it basically does is to delete the symbols in the CT which remind one of an EU state and mute the whole arrangement down. As Watson notes, there always exists a “make-believe” quality in the management of systems in the imperial part of the pendulum whereby the system is presented to be less supranational than it actually is (Watson 1992, p.130). From the CT to Lisbon, we can observe the working of this presentational element found in imperial systems. We might thus conclude, albeit tentatively, that Watson is able to shed light on the EU’s legal process that led up from the ill-fated CT to the Treaty of Lisbon which is still to be ratified by all EU members.

Watson’s (1992) pendulum metaphor is a strong tool for understanding the dynamics of supranational systems. Watson correctly identifies the necessary conditions, an optimum mix of legitimacy and advantage for all involved in the system and avoidance of empire, in the process of maintaining a supranational system. A breakdown of the reasons for the “no” votes in the French / Dutch referenda on the CT does confirm that the conditions Watson identifies are the conditions that matter the most. Furthermore, Watson contributes to our understanding of the favorable conditions in the process by drawing attention to the role of
culture and the mode in which supranational authority is introduced. In the concluding section, I discuss what the pendulum’s overall contribution to our understanding of supranational systems in general and the EU in particular can be.

Conclusions

Watson’s (1992) pendulum theory is attractive in a general sense as it tries to broaden our focus by shifting attention away from (independent) states to political communities. In recent years, there is more interest in the arguments Watson has been advancing for some time now about the treatment independent statehood receives in the literature. The first and foremost contribution of the pendulum to the literature specifically on integration beyond-the-state is its ability to put this phenomenon into historical perspective. With Watson’s approach to history, we can be aware that there have been other instances of integration beyond-the-state in the past which unleashed challenges comparable to the ones the EU encounters today. It connects the EU experience to our broader experience because the tradition of history-writing Watson is associated with reminds us that human phenomena are “philosophically contemporary”. In this way, Watson helps avoid a “sui generis mentality” that has been characterizing much of EU research but risks isolating the field if it continues to prevail (Diez and Whitman 2002, p.44). In fact, the EU is not too unique if we adopt Wight and Watson’s reading of European history. For Wight, European history could be read as a series of hegemonies with only intervening non-hegemonic periods in between (in Watson 2001, p.468). Watson supports Wight’s reading with his own research; he maintains that nowhere has the “propensity to hegemony” been as strong as in Europe. Restrictions on the independence of states have been the norm in the history of the European system except for brief periods (Watson 1992, p.313). From this standpoint, the EU ceases to be an unprecedented experiment and becomes one specific format in Europe’s long tradition of restricting the independence of its members.

The second contribution of the pendulum to the literature is the emphasis it places on several dimensions of the process of integration beyond-the-state of at the same time. Watson (1992) avoids the interests vs. ideas dichotomy that characterizes much of the discussion on this subject. Instead, the emphasis is on how these mix in optimal terms and how this mix changes in the course of integration. Moreover, he points out to certain historical patterns that moderate how far this process can go if it is to be acceptable. The third contribution that needs to be mentioned is the creative tension that marks the pendulum. Wæver notes that the English School as a whole is an “unsettling” theory underwritten by a creative tension in which several conflicting priorities need to be balanced against each other. As a result, the
School offers an “open-ended framework” for the study of international affairs which “never closes in on itself” (Wæver 1999). Wæver’s remarks describe Watson’s pendulum very well too. Using the pendulum analogy, we can deal with European integration as a dynamic and open process shaped by many different considerations and avoid thinking about it in pre-conceived categories. Studens of EU politics can therefore benefit greatly from engaging Watson more.
References


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