

## PP2 comments

The second question refers to the end of the article, where the author writes that he expects an ever closer union. However, nowadays there is a lot of scepticism about this movement. In earlier times the Community stagnated in integrating to a closer community too. If we see the 90s as an Europhilistic period, can it thus be argued that Euroscepticism and Europhilism are a cycle that interchange?

*It seems so – but it is not that hard to argue that if you have only two possibilities (pro x anti deeper EU integration)*

(..) he continuously refers to the European Community as a federal state or compares the practices within the Community with other federal states such as the USA or Canada. I wonder why in this case it is possible to call the European Community a federal state and whether this is the best way to describe the European Community.

*It is a system of multilevel governance which is somewhere between an international organization and a state, but slowly moving in the direction towards a state (I am not saying that it will ever get there). Btw. it depends a lot how you define the terms.*

(..) the increasing power of the community threatens this democratic legitimacy. Paradoxically, the EU has tried to solve this issue by forming individual rights – rights enforceable under European Law, indirectly taking sovereignty away from member states. Therefore, the question I would like to pose is whether giving up some sovereignty per definition harms democratic legitimacy? And if it does, if this supranationalist approach will in the end backfire and ironically lessen democratic legitimacy?

*Again, there are many versions of legitimacy and definitions of democracy – depends on which you choose.*

How does the balance between exit and voice impact legitimacy and governmental effectiveness?

*Unanimity (according to Weiler) increases legitimacy of the EU, but of course at the same time decreases its ability to adopt decisions. So if you are a fan of output legitimacy, then you do not like unanimity.*

How might Europe more clearly establish the role of the Community since the erosion of enumerated powers? Should there be a more comprehensive document akin to the American Bill of Rights?

*The Lisbon Treaty provides so far the most transparent division of powers among EU and states' levels. EU Charter of Fundamental Rights is definitely more comprehensive than US Bill.*

In his conclusion, Weiler asserts that the project of European integration will have failed “if Us becomes European (instead of German or French or British)” (2482). Is he right? Was the goal to eradicate the Us/Them dynamic altogether, or only to consolidate Europe as a unified political and economic block?

*I would leave this to EU history classes, but it seems that EU founding fathers had some grand design in their heads, but at the same time knowing that due the linguistic, historical and cultural differences, the task will be far more difficult than in the case of federal states.*

Weiler explains the doctrine of supremacy and its implementations on the jurisdiction of member states. What I find most striking is the fact that there is no real enforcement of Treaty norms and that Weiler proposes that member states have the possibility of a Selective Exit, i.e. simply ignoring their obligations within the Treaty. Why is the Community not able to implement 'real' enforcement sanctions against its members?

*Because the states have not given the EU the power to do so. But the infringement action seems to discipline states quite well.*

Weiler contrasts regionalism to integration. Although a certain degree of direct control is given up when integration takes place, I would not go so far to oppose it to regionalism because other factors have to be taken into account, too. Is this harsh juxtaposition legitimate?

*Again, depends on what you understand under the terms.*

Questions of Exit and Voice discussed in class.

Are there and if so what are the grounds of the social legitimacy of the Court of Justice?

*The same as for courts – dispute resolution, rule formation, protection of rights.*

Has the Court continued the constitutionalization after the Constitutional Treaty was unratified?

*Yes – it seems that the CJ steps in, when the political branch is fragmented and the integration process suffers.*