

Introduction

Il faut imaginer Sisyphe heureux.
(One must imagine Sisyphus happy.)

—Albert Camus, *Le Mythe de Sisyphe*

THIS BOOK STUDIES a Sisyphean effort: the reform of the European Union (EU). Every three to four years, the EU has tried to assess and reform its institutions from the mid-1980s to the beginning of the twenty-first century, but with little success. In the meantime, reform became even more necessary due to enlargements that integrated twelve countries from Eastern and Southern Europe and brought the total number of EU countries to twenty-seven. Europe's political leaders launched a major reform attempt in 2001, and, after many backlashes and crises that led observers and students of the EU to the conclusion that such efforts had failed, the reform of the EU and its institutions was achieved eight years later at the end of 2009. Sisyphus had finally pushed his rock to the top of the mountain.

Given the global importance of the EU, these are significant events not only for scholars of the European Union but also for people who want to understand the contemporary world. So, describing accurately what happened is a worthwhile enterprise. But beyond describing the current events, we deal with an unstudied theoretical puzzle: institutional change. There is little theory and even less evidence on institutional change, and many analysts have adopted the concept of “punctuated equilibrium” from evolutionary biology according to which stasis (lack of change) prevails most of the time, and when change occurs it is rapid. What occurred in the EU, however, was neither rapid change nor a punctuated equilibrium. Instead, it was a process through which stasis was followed by painstakingly slow change. The reason for the slow rate of change was the opposition to far-reaching institutional reform from a minority of political leaders. As expected, enlargement of the EU in both 2004 and 2007 increased the group of political leaders opposed to reform. The puzzle we are facing is why an enlarged EU of twenty-seven member states succeeded while a smaller EU of fifteen member states had failed many times before. Ultimately, we argue that reform was achieved by a lengthy and complex trial and error process. This book shows how political leaders pushing for reform were capable of con-

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trolling this process. Reforms in the EU and elsewhere are not simply a question of aggregating preferences through a predefined procedure. Instead, the procedure itself has to be chosen. The chapters herein explain the choices of procedure as well as the dynamics that unfolded at each stage of the reform process.

To readers interested in the EU, the book will give answers to a set of important empirical puzzles. Why was the newly established European Constitutional Convention able to produce the most far-reaching proposal for reform in twenty years *despite* its unprecedented heterogeneous composition? What allowed political leaders to shape EU institutions during this stretched-out period of nearly ten years, during which national elections caused almost all political leaders who had initiated the project to be out of office when the treaty finally came into force? Why did leaders announce referendums to ratify the constitutional document *even though* parliamentary ratification was a historically successful option and political majorities inside those parliaments were practically guaranteed this time around? How did they find compromise solutions over time, particularly after several backlashes of failed summits, negative referendums on ratification and periods of “reflection,” which suggested the end of the reform process? And, finally, why did Irish voters first reject but then accept the final treaty *despite* only minor modifications to the document itself? The seven chapters of this volume provide new insights to the puzzles of the reform process, thereby bringing the answer for a common overarching research question: How was the reform of the EU realized?

To scholars of institutions, our book provides new angles to the study of institutional change, one of the most fundamental political phenomena. How can we understand a lengthy revision process that is characterized by complex bargaining in (partly newly created) political bodies *and* the ensuing simplification of this complexity in the question posed to voters to approve or reject the constitutional document? How can we examine a process that includes several stages and involves a large number of actors from different levels of analysis? In this book we will try to convince those readers who do not genuinely share an interest in the EU as an institution that it constitutes an ideal laboratory in which to study institutional change. It is one of the very few political systems in the world that has seen an unprecedented expansion in size and wherein institutional reform has remained a top political priority in recent times. Studying the EU also allows for a controlled cross-country comparison because the same document for institutional change was presented to voters and members of parliament in all member states. This property of the process is ideal for a comparative institutional analysis on how domestic institutions of EU member states affect institutional reform.

To readers interested in evaluating the empirical implications of theoretical models, this book will present rich insights into the testing of theoretical arguments on reform making and institutional change. In particular, we use data on the preferences of actors at both international and domestic levels. Formal institutional analysis has progressed enormously in recent years and has helped scholars to construct valid arguments on the functioning of inter- and intrainstitutional interaction. The complex institutional framework of the EU has become a prime example for formal scholars studying the power distribution resulting from agenda setting (e.g., Steunenberg 1994; Crombez 1996a, 1996b; Franchino 2005), weighted voting (e.g., König and Bräuninger 1996; Felsenthal and Machover 2000), and bicameral checks and balances (e.g., Tsebelis 1994; König 2007, 2008; Hoyland and Hagemann 2010; Rasmussen 2011). However, when it comes to institutional change, the concept of punctuated equilibrium is perhaps the most common perspective. Yet this concept tells us little about the choice of the procedural rules and even less about the strategic action that unfolds once the process has been initiated. The chapters of this book empirically identify and parse out specific causal linkages among the many factors governing reform making and institutional change. We show how it is possible to identify the major dimensions of political contestation for institutional change and to integrate various types of actors involved in the process into this common space. This approach enables us to test our theoretical arguments on the strategic announcement of referendums; the principal relationships among negotiating agents, political leaders, and their voters; and the agenda-setting function of various presidencies.

For scholars interested more in the history of European integration this book thoroughly studies the most recent events related to treaty revision. What makes European treaty revisions during the first decade of this century so different from previous ones? Previous treaty revisions were negotiated at the intergovernmental bargaining table with concessions to those countries, which imposed higher ratification constraints (Hug and König 2002). Intergovernmentalists and supranationalists agree that these bargaining outcomes effectively promoted European integration. We would like to point out to our readers that the institutional structure of the EU installed by the Treaty of Nice in 2001 was bound to cause three adverse consequences: paralyzing the EU in the event of enlargements (König and Bräuninger 2004), increasing the democratic deficit (Rittberger 2005), and empowering executive and judicial actors at the expense of the legislature (Tsebelis 2002). Thus, the decisions taken at the beginning of the decade were about to produce exactly the *opposite* of what political leaders had intended to do—namely, to reform the system of the EU to make its functioning more efficient in the event of enlargement, to decrease the democratic

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deficit, and to empower legislative actors in the EU. Therefore, this period has been a crucial time for Europe marked by the puzzling phenomena described earlier.

Institutional reform is complex and involves different kinds of actors during the negotiation and ratification stages. In this book we therefore make a deliberate choice to include the five most relevant institutional actors involved in the process in our analysis. The negotiating forum that was formally in charge of revising the treaties was the so-called intergovernmental conference. Intergovernmental conferences are temporary political bodies of member-state governments charged with revising the treaties. These intergovernmental conferences often last several months, during which governments negotiate under a rule of consensus changes to the institutional framework. The first group of actors participating in the intergovernmental conferences are the chief executives of the EU's member states. We refer to them in this book as "political leaders." Prime ministers and presidents are the most senior representatives of their countries, and we will demonstrate that they were involved at all crucial points during reform processes. While political leaders make the ultimate decisions about treaty reform on behalf of their country, they do not participate themselves in the lengthy negotiations during intergovernmental conferences. Instead, they charge ministers, junior ministers, or senior civil servants with the task of preparing treaty reform and finding compromise solutions. These agents of governments thus make up the second group of actors studied in this book. We refer to them as "governmental agents." In addition to the intergovernmental conference, we also study its preparatory body, the Constitutional Convention known as the European Convention on the Future of Europe. Under a Convention Presidency installed by heads of state and government, this novel body brought together politicians representing the most important political component groups of the European Union: governments, national parliaments, the European Parliament, and the European Commission. We refer to this third group of actors as "Convention delegates." In addition to the three actor groups involved in the negotiation of institutional reform, we include two additional groups responsible for ratification. The fourth actor group consists of "national parliaments" in their role as ratification agents. In case of a referendum during the ratification of treaty revision, the fifth group, the "voters," become the relevant actors. To sum up, we consider treaty negotiators in the form of political leaders, governmental negotiators, and Convention delegates, and ratification actors in the form of domestic political parties in parliaments and voters.

We would like to begin by recounting the most important events since the unsatisfying outcome of the intergovernmental conference in 2000 that

led to the Treaty of Nice. Soon after concluding the negotiations and before the coming into force of the treaty, political leaders reacted by creating a new political body, the European Convention on the Future of Europe, that would deal with institutional reform issues that previous intergovernmental conferences had failed to resolve. This Convention delivered a surprisingly coherent and progressive proposal for a European Constitution. Subsequently, this proposal was subject to consensus approval by political leaders in the intergovernmental conference. Initially, the intergovernmental conference failed to reach a common accord under the Italian Presidency. It took several months before a compromise solution could be achieved with the help of governmental agents. Having reached an agreement, the ratification of the Constitutional Treaty became the top political priority. Even though the ratification process had successfully started with large approving majorities in some national parliaments and in a referendum in Spain, the negative Dutch and French referendums appeared to end all hopes for reforming the EU. Reform-skeptical political leaders immediately stopped ratification, while the proponents continued with ratification by national parliaments and a referendum in Luxembourg. Reform reached an impasse and led to a “period of reflection” over how to proceed. This period came to an end when the German EU Presidency successfully brokered a deal between the skeptical and proponent groups in 2007, a deal that received unanimous approval from all leaders. An important part of this deal was to ratify the treaty in parliament wherever possible, but Irish voters—whose assent was mandatory—rejected the compromise. The Irish government asked its voters again—something the government had already done before with the Treaty of Nice—and voters changed their minds to accept a slightly modified version of the reform. After the Czech Constitutional Court cleared the last possible obstacles, the treaty reforming the EU—the Treaty of Lisbon—finally came into force in December 2009.

In this book we will start by discussing the effects of the old EU institutions on the democratic deficit, legislative policy making and on the empowering of executive and judicial actors and argue that the urgency to reform them was well justified. We will walk readers through the events during the initial European Convention; we will analyze the reasons for failure of the ensuing intergovernmental conference under the Italian Presidency in December 2003 and the adoption of the compromise in October 2004. We will investigate the ratification process and we will look at the postreferendum intergovernmental conference under the German Presidency that reintroduced a similar reform proposal and eliminated all optional popular votes in the Treaty of Lisbon. Finally, we will see how what was judged several times as impossible, not only by the press but by many

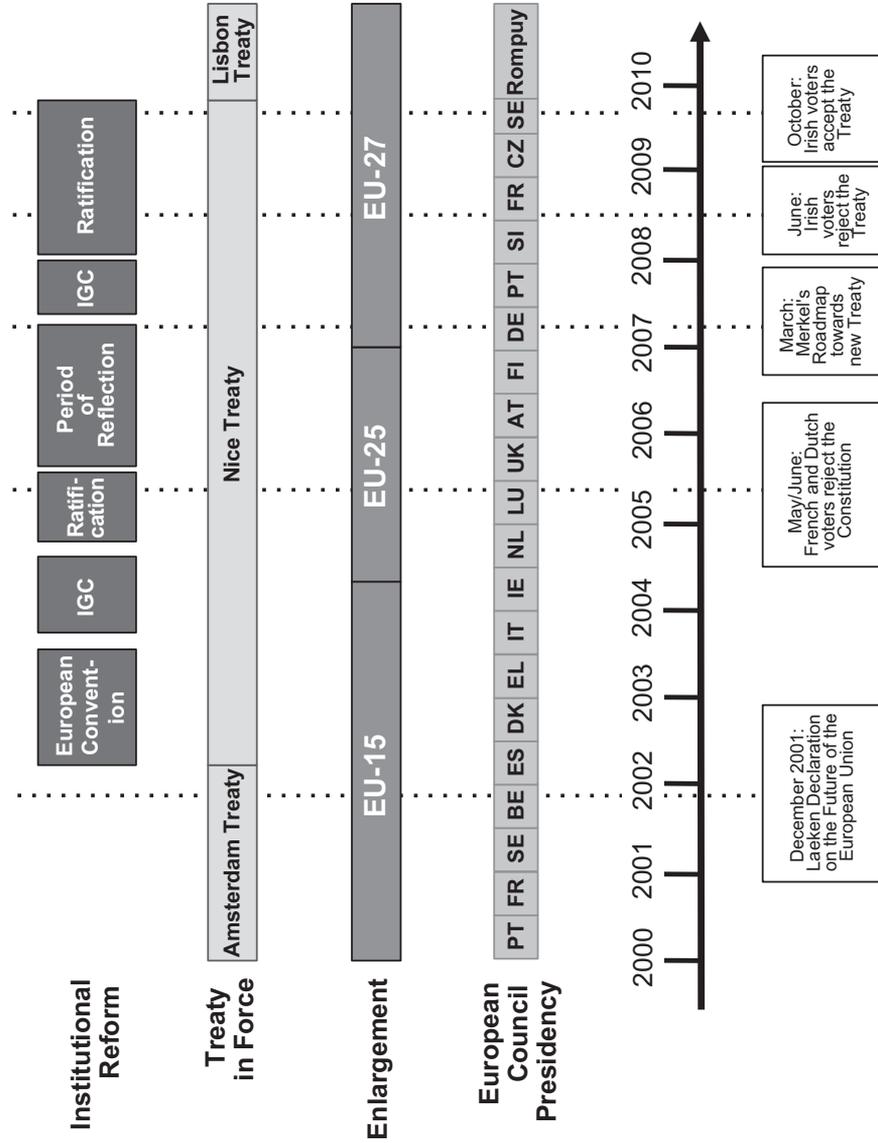


Figure I.1. The reform process in the EU, 2000–2010.

analysts, did at the end materialize. Figure I.1 will refresh the reader's memory of the many events covered by this book.

ON THE IMPOSSIBILITY OF REFORM

The word *impossibility* in this section's title refers to the repetition of events with low probability of success. Just like the probability of having an ace when you throw a die is 1 in 6 but having two aces when you throw two dice is 1 in 36, three is 1 in 216, and getting ten aces out ten dice is practically impossible (with a probability of 1 in 60,466,178), the political leaders of the EU had to overcome several hurdles, each with the odds seriously against institutional reform. We will recount here the major obstacles.

Obstacle 1: The European Convention. The first major hurdle was the newly created European Convention. When calling for the Convention on the Future of Europe, few political leaders would have expected that this institution would actually succeed in the elaboration of a new institutional structure for the EU. In fact, this pessimism is probably the reason why all of them could agree to invoke the Convention. However, within less than two years, the President of this Convention presented a single constitutional draft proposing a far-reaching institutional overhaul of the EU. The Convention consisted of over two hundred delegates from national governments and parliaments; it even included representatives from the candidate countries. As such, it was much more heterogeneous than any previous intergovernmental conference, which consisted only of governmental negotiators. Due to this unprecedented composition, the Convention could have easily failed to produce anything, much like the many unsuccessful intergovernmental conferences before it. This likelihood of failure was even higher because many new member states with different interests joined the EU during this process and had a decisive say in the outcome. Looking at the history of the EU institutions, we see that despite successive enlargements and the attempts to modify these institutions in intergovernmental conferences that succeeded each other in four- to five-year intervals, EU institutions remained more or less the same. Throughout the Union's history, decisions in the Council—the legislative and executive body of the EU representing member state governments—required support of more than 70 percent of votes to reach the qualified majority threshold, with member states being granted voting weights roughly proportional to their population size. Furthermore, each member state delegated at least one Commissioner to the EU's supranational executive. The 70 percent qualified-majority threshold was never undercut, no matter how many countries

participated in the Union and no matter what weight each one of them had. It was not until the European Convention presented its draft for a European Constitution that the break with this weighted-voting principle was initiated by proposing a simple double-majority rule, doing away with the weighted-voting scheme. The subsequent intergovernmental conference agreed on a compromise rule of 55 percent of member states representing at least 65 percent of the EU's population to pass legislation in the Council. Regarding the composition of the Commission, the Convention proposed to reduce the number of Commissioners to two-thirds of the number of member states (including both its President and the EU minister for foreign affairs), chosen on the basis of equal rotation. As a result, the Commission today not only has the exclusive right to propose legislation but is also an increasingly important legislative actor in tertiary legislation, where it has discretionary power (Franchino 2004). In the wake of the negative first Irish referendum over the Treaty of Lisbon, political leaders backed down and fell behind the status quo by reintroducing the one-Commissioner-per-member-state principle.

Obstacle 2: The Intergovernmental Conference and Ratification. The reform proposal in the form of the constitution agreed upon by the European Convention was a major and quite unexpected achievement, which applied consensus instead of unanimity rule (König and Slapin 2006). The subsequent intergovernmental conference initially failed, and agreement could not be reached until half a year later. In June 2004, one month after the accession of ten countries, political leaders settled on a compromise, making minor adjustments to the Convention proposal. Ratification of this Constitutional Treaty posed more problems, in particular via the announcement of an unprecedented number of referendums. Whereas Spanish voters approved it, Dutch and French voters rejected the proposal, leading the Union to another impasse. Many observers from both in- and outside academia reacted with a pessimistic ex post justification of these events, declaring the institutional design of the EU to be in equilibrium; Andrew Moravcsik notes “the failure of Constitutional reform is, paradoxically, evidence of the success and stability of the existing European constitutional settlement” (2006, 219; see also Franklin 2006; Rabkin 2006). By contrast, the authors of this book noted the exact opposite: that we had not seen the last word, and that the reform of EU institutions would have to be adopted (König, Finke, and Daimer 2006; Tsebelis 2008).

Obstacle 3: The Treaty of Lisbon and Irish Voters. Instead of abandoning the reform process, political leaders essentially reintroduced the Constitutional Treaty in the form of what later became known as the Treaty of Lisbon. They eliminated some symbolic provisions (like a flag and an anthem) in

order to avoid almost all of the announced popular votes. All countries except for Ireland and the Czech Republic then approved this treaty. Even from an ex post perspective, the strategy to reintroduce almost the initial proposal appears to be a bold and impossible maneuver. We will argue, however, that it seems to be a perfectly rational, though risky, approach given the political leaders' preferences and public opinion in the member states. Finally, it took a second referendum for Ireland to agree and a decision of the Czech Constitutional Court to overcome the concerns of the Czech President.

These three obstacles show that the incremental reform process of the EU followed one of many paths along a very complicated trail, with impasses looming at every step along the way. Although we already had stated our empirical insight into the final outcome when the reform process appeared doomed to fail, we do not claim that it would have been possible to predict the complete path and the exact outcome. But we do claim that we can systematically explain each decision and its consequences. Ultimately, we argue that as long as the majority of Europe's political leaders can agree on reform they will find strategies to realize it—even if confronted with given obstacles (such as the consensus requirement) or self-inflicted ones (such as ratification by referendum). This also holds true when a large number of new members with different historical, political, and economic backgrounds enter the EU. In our view, this is an important conclusion for the future, which contradicts the common wisdom that reform in an enlarged EU is possible only at the lowest common denominator. It also contradicts those who claim the need for common norms to overcome the diverse interests of political leaders. Instead of coming to this conclusion by applying complex theories, our explanation is based on data on political leaders' interests, uses simple strategic models, and tests their explanatory power with those data. Our efforts cover the specific positions of all political leaders on reform and integrate the domestic hurdles into a common space of contestation.

In the end, political leaders achieved the result they had hoped for at the very beginning. The costs, however, were not negligible. While voters may have thought that their negative referendums on ratification would derail or stop the process of reform, political leaders continued with a project deemed too important to fail. The critical observer may challenge the democratic legitimacy of this entire process. This critique may seem justified because the most inclusive group involved in treaty revision in the history of the EU (by virtue of the Convention) and the most democratic form of ratification (referendum, which turned out to be negative) could not actually prevent political leaders from going forward with the project. As a result, European citizens had to accept a lengthy reform process, multiple referendums, and ambiguous political accountability.

The remainder of this introduction provides detailed background information on the reform agenda. We will then summarize our approach to explain institutional reforms and, finally, present an overview of the chapters that follow.

BACKGROUND

Observers who reacted with resignation to the many backlashes had apparently forgotten the motivation underlying the reform project in the first place. Since the mid-1990s the political system of the EU has been criticized from three angles. From a normative perspective, there has been ongoing debate about the democratic deficit of the EU and whether it could be remedied by institutional reform—in particular, by increasing the power of the European Parliament (Follesdal and Hix 2006; Rittberger 2005). Proponents of the democratic deficit thesis criticize that European institutions cannot be held accountable for their policies (Crombez 2003; König 2007; Hix 2008). Furthermore, economists argue that the current division of jurisdictions between the EU and the member states violates the principle of fiscal equivalence, meaning that it creates policy externalities that should be internalized (e.g., Collignon 2003; Alesina, Angeloni, and Schuknecht 2005). Accordingly, agricultural, regional, and structural policies, among others, should be renationalized, whereas certain aspects of environmental, fiscal, and tax policies should be “Europeanized.” Finally, from a constitutional politics perspective, enlargement led to increasing heterogeneity of policy preferences among member states and more contentious conflicts, resulting in a higher likelihood of gridlock and standstill. Without fundamental reforms, the EU’s capacity to act was deemed to have reached a critically low level (Sapir et al. 2003; Zimmer, Schneider, and Dobbins 2004; König and Bräuninger 2004).

The 1990s saw several attempts to reform the legal and institutional framework of the EU. When evaluating the final compromise struck at the intergovernmental conference leading to the Treaty of Amsterdam, most political leaders acknowledged shortcomings with respect to the institutional design of the Union. Therefore, these leaders attached a protocol on institutions to the Treaty of Amsterdam demanding that “[a]t least one year before the membership of the European Union exceeds twenty . . . a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions” be carried out. The protocol itself envisaged a two-stage reform. The first stage should prepare the EU’s institutional setup for enlargement. In particular, this stage should deal with unresolved institutional issues known as the “Amsterdam leftovers” (Yataganas 2001b, 5; Laursen 2006, 5). The second stage should enhance democratic legiti-

macy and strengthen the instruments for external policy, security and quality of life as stressed during the Cardiff summit (Cardiff European Council 1998). As a result, political leaders organized yet another intergovernmental conference, which held its concluding meeting in Nice in December 2000.

By the time the intergovernmental conference in Nice concluded its final press conference, political leaders seemed to know that they had failed once again to agree on the reforms necessary for a more efficient, effective, and democratic EU. British Prime Minister Tony Blair summarized the pessimistic appraisal: “As far as Europe is concerned we cannot do business like this in the future” (“Blair Hails Nice Success,” 2000). One year later, political leaders suggested a comprehensive revision of the Treaty of Nice at their European Council meeting in Laeken. They agreed that the previous two intergovernmental conferences failed to provide the necessary institutional reforms. Therefore they suggested a novel method for preparing the next intergovernmental conference and created the Convention on the Future of Europe. The plan was to overcome the impasses of past attempts at reform by broadening the social and political discussion and by involving representatives of national parliaments, the European Parliament, elder statesmen, and academics. The Laeken Declaration on the Future of the European Union formulates three challenges: the simplification of the Union’s instruments; the improvement of the division and definition of competencies (i.e., jurisdictions); and the enhancement of democracy, transparency and efficiency (European Council 2001). Officially, the Convention’s mandate was to agree on reform proposals before the next intergovernmental conference, scheduled to start in fall 2003. However, the mandate did not specify whether the final documents should be a more or less loose collection of individual proposals or a concrete and coherent draft proposal for a new treaty. The Convention started its deliberations in February 2002 and this is the period of study in which our book begins.

OUR APPROACH: EXPLAINING REFORM

The empirical studies in this book draw on unique data sets that enable us to answer questions about the behavior of political leaders, governmental agents, Convention delegates, national parliaments, and voters in relation to institutional reform alternatives. For example, we use data from the research project Domestic Structures and European Integration (DOSEI) that was collected as early as in 2000 by systematically identifying the potential conflict space of the upcoming negotiations via an analysis of governmental documents as well as expert interviews (see König and Hug 2006). For our analysis of the major underlying conflicts we decided to consider every issue that was contested by at least two actors during the Convention delib-

erations. These issues were extracted from Convention documents by the proposed amendments, which helped us to identify the set of contested alternatives. This procedure produced a set of sixty-five reform issues. More than eighty expert interviews were conducted to collect information on the reform preferences of political leaders as well as powerful domestic stakeholders. Figure I.2 depicts the estimates of political leaders' reform positions on a single latent conflict dimension using this DOSEI data set. In addition, the figure locates the Treaty of Nice, the Convention proposal, the final version of the Constitutional Treaty, and the Treaty of Lisbon relative to leaders' reform positions.

The story told by these estimates contradicts the predominant interpretations of European treaty reforms. Instead, they point toward the importance of the stepwise nature of the process. For a long time, scholars were tempted to promote the following understanding of the dynamics governing the process of European integration (Christiansen, Jorgensen, and Wiener 2001; Risse 2009): political leaders had continuously reduced their policy differences and increasingly understood the wishes and desires of their counterparts from other countries. It is unquestionable that political actors can reduce their differences and learn about their neighbors in the course of negotiations and decision making, but it is more demanding to show whether these actors behave sincerely or strategically. In a similar vein, neofunctionalist scholars claim that political leaders reacted to an acute danger of standstill and highly inefficient decision making caused by Eastern enlargement (Hooghe and Marks 2006; DeVuyst 2003). If this is true it should be reflected in political leaders' reform positions. However, figure I.2 lends little support to this line of reasoning. On the contrary, the explanation for successful reform is anything but straightforward. On the one hand, a majority of political leaders, including all leaders of larger member states, preferred a significant reform of the Treaty of Nice. This reflects the outspoken disappointment with the deal struck in 2000. But on the other hand we find a minority of political leaders who considered the Treaty of Nice an almost ideal set of rules. This minority includes the leaders from Ireland and Denmark, who had successfully negotiated opt-outs in earlier rounds of treaty revisions. Moreover, enlargement caused a significant increase in the group of reform skeptical countries (Poland, Hungary, Estonia, Latvia, and the Czech Republic).

Institutional scholars have scrutinized the strategic nature of treaty reform in the form of two-level games and found evidence for the paradox of weakness at intergovernmental conferences. Countries with higher domestic-ratification constraints received more concessions if their ratification actors were located close to the status quo (Hug and König 2002; Slapin 2006). In particular, the previously failed attempts of institutional reform belied the predominant intergovernmentalist story (e.g., Moravcsik

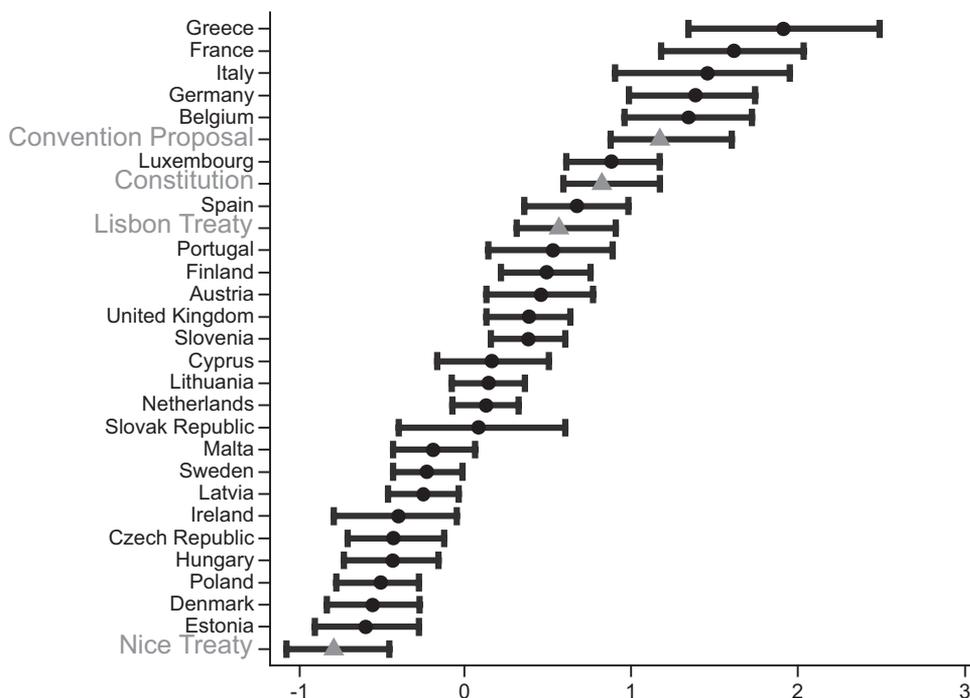


Figure I.2. The reform positions of 25 political leaders, the Treaties of Nice and Lisbon, and the Convention proposal.

Note: This figure displays the first dimension of a two-dimensional item response analysis using the DOSEI data set. For details please refer to chapter 4.

1993, 1998, 2004, 2006; Moravcsik and Nicolaïdis 1999; Magnette and Nicolaïdis 2004; Laursen 2002, 2005, 2006), according to which only the largest member states are relevant for our understanding of European treaty reforms (Slapin 2008, 2011; Finke 2010). On the contrary, small states preferring the status quo turn out to be just as powerful as the big players, if constrained by a status quo-prone domestic audience (Hug and König 2002). Within the context of the Convention bargains, Thomas König and Jonathan Slapin (2006) identify the existence of a “consensus threshold effect” on an issue-by-issue basis. According to this effect, issues can get included in the document if they are supported by a sufficiently large qualified majority of delegates during the negotiations. Slapin (2008, 2011) also found this threshold for previous intergovernmental bargains. In the context of the lengthy reform procedure examined here, the institutional perspective on intergovernmental conference bargaining alone, however, cannot explain why the political leaders of Denmark, Poland, and Hungary

agreed to sign the entire package in form of the Treaty of Lisbon. Considering the prevailing unanimity rule, the decisive question is how the majority of reform friendly states managed to sell a treaty as progressive as the Treaty of Lisbon to a smaller group of potential obstructers.

The key to our understanding of the successful revision of the Treaty of Nice lies in the modification of the rules of the treaty revision game. The conventional method for European treaty revisions, the intergovernmental conference, proceeded in three steps. *First*, a working group of governmental agents proposed an agenda of feasible reforms. *Second*, the member state presiding at the time over the European Council solved most issues via bilateral shuttle diplomacy ahead of the concluding summit of an intergovernmental conference. *Third*, political leaders dealt with the remaining—often hotly—contested issues during a marathon of weekend negotiations with little sleep and even-less-surprising outcomes. These reform attempts ended with a compromise dictated by the least common denominator (Finke 2010, chap. 4). Unsettled and unresolved issues were postponed until the next round of treaty revision.

The Contentious Issues

The most prominent unresolved issues were the composition of the Commission and the Council voting rules, both relating to the core institutional framework of the European Union. Consequently, political leaders searched for new ways to realize institutional reforms. The delegation of these important decisions to the Convention appeared acceptable to everybody because the outcome was highly uncertain. Figure I.2 illustrates that the Convention has indeed been a powerful agenda setter: it proposed a significant shift away from the Treaty of Nice. In fact, figure I.2 gives the impression that the Convention proposal became the reference point for subsequent intergovernmental bargaining. Whereas the Convention proposed significant institutional change, political leaders were haggling over incremental modifications of a few, but important, aspects.

Table I.1 summarizes the most important issues that were at stake throughout the reform process. We identify two major dimensions of conflict. The first dimension deals with the *jurisdictions of the European Union*. On this dimension, the controversial issues included, among others, the common foreign and security policy, the creation of the post of a European foreign minister, the level of judicial cooperation, and the incorporation of the Charter of Fundamental Rights of the European Union into the treaties. Conflict on the second dimension was about the *institutional rules*. The list includes the most hard-fought reform on Council voting rules, the visible introduction of an elected European Council President, the general application of majority voting in the Council, and the level of participation of the

TABLE I.1.
Dimensions of contestation and significant reforms proposed by the European Convention, modified in the Constitutional Treaty, and adopted in the Treaty of Lisbon.

Convention Proposal	Constitutional Treaty	Lisbon Treaty
Dimension 1: The Jurisdictions of the European Union		
Enhanced Cooperation: minimum number of participants reduced to 8; no unilateral veto power except for common foreign and security policy and defense; possibility for permanent structured cooperation in defense.	Enhanced Cooperation: - -	Enhanced Cooperation: - -
Single External Affairs Post: merging the Council's high representative for common foreign and security policy and the Commissioner for external affairs supported by the European External Action Service.	Single External Affairs Post: - -	Single External Affairs Post: - -
Enhanced Judicial Cooperation: including common European border patrols; the stepwise development of Eurojust; mutual recognition in areas of civil and criminal law; possible introduction of a public prosecutor.	Enhanced Judicial Cooperation: no European public prosecutor for any other legal areas except the penal code.	Enhanced Judicial Cooperation: possibility for individual countries to opt out of enhanced judicial cooperation.
Charter of Fundamental Rights: incorporated into the treaty framework and legally binding.	Charter of Fundamental Rights: adds the possibility for opting out.	Charter of Fundamental Rights: moved to an annex and new protocol to ensure that the charter does not undermine the sovereignty of national courts.
Other Policy Areas: - -	Other Policy Areas: - -	Other Policy Areas: annexed international treaty guarantees national sovereignty with regard to the right to life, family and education, taxation, security and defense.
Dimension 2: The Institutional Rules of the European Union		
Voting Threshold in the Council: a double majority threshold defined	Voting Threshold in the Council: double-	Voting Threshold in the Council: delays

TABLE I.1 *continued*

Convention Proposal	Constitutional Treaty	Lisbon Treaty
Dimension 2: (continued)		
as 50% of member states and 60% of population instead of triple qualified majority threshold (50% member states; 62% population; 73% weighted votes).	majority voting (55% of member states; 65% of population).	introduction of the reform.
Application of Majority Voting: majority voting will be the general rule (i.e., the default unless specified otherwise) except for the areas of taxation and social, foreign, security, and defense policy.	Application of Majority Voting: includes transition clause for structural and cohesion policies.	Application of Majority Voting: - -
Empowerment of European Parliament: veto power of the EP becomes standard procedure (codecision now called “ordinary legislative procedure”); elects rather than approves Commission president.		Empowerment of European Parliament: includes only approval of Commission by the EP.
Permanent European Council President: elected for 2.5 years instead of semiannual rotation of the Council Presidency	Permanent European Council President: - -	Permanent European Council President: - -
Commission’s Right of Initiative: extended to certain areas of justice and home affairs.	Commission’s Right of Initiative: - -	Commission’s Right of Initiative: - -
Citizens’ Initiative: requires one million supporters.	Citizens’ Initiative: - -	Citizens’ Initiative: - -
Scrutiny Power for National Parliament: official scrutiny period of eight weeks during which one-third of national parliaments can require the Commission to review and possibly withdraw the proposal.	Scrutiny Power for National Parliament: prolongs the scrutiny period from six to eight weeks.	Scrutiny Power for National Parliament: grants veto rights to a simple majority of national parliaments.
Size of Commission: reduction of the number of Commissioners to two-thirds of the number of member states.	Size of Commission: - -	Size of Commission: grants a Commissioner to each member state.

European Parliament in legislative decision making. What was achieved in the end is a compromise that preserves the most significant institutional reforms. This is illustrated in the second part of table I.1, which depicts the most prominent differences among the reforms proposed by the Convention (June 2003), the reforms agreed upon among political leaders in the Constitutional Treaty (June 2004), and the adopted Lisbon Treaty (June 2008). For example, the Convention proposed enhanced cooperation in judicial cooperation. While this proposal survived the first round of intergovernmental bargaining, the leaders from integration-skeptic states such as the United Kingdom and Denmark obtained opt-outs in the Lisbon Treaty. Similarly, the Convention proposed to incorporate the Charter of Fundamental Rights as a legally binding part of the European Constitution. In June 2004, political leaders agreed to allow for opt-outs. The Lisbon Treaty incorporates the Charter in an annex and contains a protocol ensuring the supremacy of national courts. Similar examples can be found with respect to institutional reforms. The Convention's progressive proposal of a double-majority voting rule in the Council and of a reduced size for the Commission provoked the open protest of political leaders from smaller countries. Political leaders conceded to these concerns and agreed to raise the voting threshold at the subsequent intergovernmental conference. During the negotiations over the Lisbon Treaty they decided to preserve the previous composition of the Commission—that is, one Commissioner per member state. Overall, the Convention had proposed surprisingly radical reforms. The subsequent process of negotiations and ratifications caused only partial and incremental retreat to the status quo.

An Integrated View of Stepwise Reform

We argue that analyzing this lengthy and complex reform process requires the adoption of an innovative theoretical and empirical approach. The institutional reforms deemed necessary to increase decision-making efficiency implied a significant redistribution of power among member states (e.g., Council voting rules, composition of the Commission). The unsatisfactory outcome of the Nice intergovernmental conferences illustrates that leaders were dealing with a difficult-to-solve, zero-sum conflict. Add to this the fact that the negotiations began among fifteen member states, but in the end involved twenty-seven member states, each carrying its own bundle of domestic constraints such as a coalition government or a Euroskeptic public. These constraints became most visible when political leaders from eleven member states announced ratification via referendum. To complicate matters, the entire process lasted more than eight years, implying a discontinuity in political leadership as well as a considerable variation with respect to public opinion. Finally, there was a procedural innovation: for the first time,

an intergovernmental conference was prepared by a Convention staffed with delegates from national governments and parliaments.

The reform process under investigation is unique in terms of its long duration. In comparison to the growing body of literature studying selected decisions during the reform process, our book considers *all* stages from a strategic perspective. This allows us to explicitly analyze the effects across a series of decisions (depicted in figure I.1), such as the implications of the Convention method (stage 1), which set the agenda for the following intergovernmental conference negotiations (stage 2). We also draw the attention to the institutional setup at each stage. For example, the Convention consisted of parliamentary and governmental delegates—a composition that attempted to anticipate the preferences of the crucial decision makers of the following stages, including the ratification of the intergovernmental conference outcome in the member states (stage 3). Our approach enables us to study the agenda-setting capacity of the Convention vis-à-vis the subsequent intergovernmental conference, and we can assess to what extent the Convention reflected the constraints arising from the ratification stage. At each of these stages actors could take some procedural rules for granted, whereas other rules were uncertain at the time. Our approach takes this uncertainty into account. Still, within these boundaries, we find actors' behavior strategic at each stage: The Convention delegates considered the reaction of the subsequent intergovernmental conference—including the impact of their decision on the domestic preferences formation stage (stage 1). Political leaders and their delegates at the intergovernmental bargaining table carefully considered the ratification process (stage 2). Domestic ratification actors—campaigners, voters and members of parliament—considered the possible consequences of their behavior for future European reforms and domestic-level politics (stage 3).

The reader will learn that the presence of a strong agenda setter in the Convention was responsible for producing an ambitious constitutional draft that served as a focal point in all subsequent negotiations. The intergovernmental conference then partly revised the proposal of the Convention, sometimes with reference to the hurdles of the subsequent ratification process. During the negotiations, governmental delegates experienced several setbacks, most prominently during the failed summit in December 2003 in Rome. At this summit, political leaders from large and small countries could not agree on any reform of the Council's voting threshold. For some observers "the erratic presidency of Silvio Berlusconi was one reason why the Brussels summit failed" ("Turbulence for Berlusconi" 2003; *compare, however*, Crum 2006, 2007). Instead, our empirical analysis of intergovernmental conference negotiations shows that political leaders were unable to reach consensus. While several political leaders announced referendums for receiving concessions, it remains at least questionable whether

their strategic positions were always credible and in the interest of their domestic principals, who finally had to ratify the intergovernmental conference outcome. Deliberately or not, earlier decisions influenced the outcome of the subsequent stages, just as previous outcomes such as the Convention proposal influenced subsequent decisions.

Reform through Delegation

In contrast to previous attempts of treaty reform, political leaders did rely heavily on delegation. Delegation broadens the set of relevant actors and decreases the predictability at each decision stage, two features that make it acceptable to conflicting parties. After the failure of the intergovernmental conference in December 2003 leaders delegated the negotiations over amendments to the Convention proposal to governmental agents, and many delegated the ratification choice to their voters when calling for referendums. Governmental agents brought their own interests to the bargaining table, and voters' perspectives on treaty reforms could certainly differ from that of their governments. Therefore delegation was a far riskier strategy compared to the old rules for intergovernmental treaty revisions through which governmental agents only initially prepared the summit meetings; now they were responsible for finding a compromise solution after summit failures.

Why, then, did political leaders decide to delegate? After the failure of the Nice summit they had hoped in 2001 that a Convention would set the stage for a more progressive round of intergovernmental bargaining. At the time the number of reform skeptics was limited to the Irish and Danish leaders (see figure I.1). In the end the empirical analysis reveals that the Convention Presidency turned out far more powerful than expected. After the summit failure in December 2003, it was decided that the stalemate should be resolved by governmental agents. The reform skeptics expected that their delegates would stick to their mandate and pressure their opponents into altering the progressive Convention proposal. Yet our empirical analysis reveals that agents anticipated the ratification stage, particularly if their political leaders had called for a referendum. This anticipation caused them to be unable to find a compromise acceptable to both governments and ratifying actors. As a result, their negotiations turned out to be stalled and they maintained all major reforms proposed by the Convention. Acknowledging the plurality of influential actors at the domestic and European levels, we assess these principal-agent relations. Voters and parliaments granted a mandate to their political leaders, who then appointed official governmental agents to prepare a deal at the European level. If both public opinion and appointed agents shared a common perspective on the reform, political leaders would find it increasingly difficult to monitor their agents and might in turn incur significant agency losses when their prefer-

ences diverged significantly from both their principals (voters) and their agents (Convention and governmental delegates).

The decade-long reform process meant that many political leaders involved at the onset were gone by the time the process finally came to an end (see table I.2). If the reader were to think of an analogy it would be that of a Gothic church taking centuries to be completed; by the time of completion, the plans of the original architects might not be all that relevant. Only two member states have been represented by the same political leader throughout the period of the reform process—namely, Anders Fogh Rasmussen (Denmark), and Jean Claude Juncker (Luxembourg), both representing center-right parties. Both Irish Prime Minister Bertie Ahern and British Prime Minister Tony Blair could have outlasted our observation period but opted to step down, being replaced by candidates from within their parties. Most member states experienced no such continuity with respect to either their political leaders or strongest political party. Because political parties usually differ in their position on European integration the variation in the composition of governments has made it increasingly difficult for all participating actors to anticipate the window for reforms. Fortunately, neither of the newly enthroned reform-skeptical political leaders revoked a commitment of the predecessor. The most prominent potential revocation is perhaps the threat (or promise) from the British Conservative Party to revoke the ratification of the Lisbon Treaty by scheduling an additional referendum. Yet the successful second referendum in Ireland forestalled these plans. On the other hand, newly enthroned reform-friendly political leaders such as Polish Prime Minister Donald Tusk (2007) or those of the liberal Estonian government (2005) found it easy to join the support coalition and speed up the ratification process.

A similar picture emerges with respect to the principals of last resort—the voters. At least twice a year the Eurobarometer survey asks European citizens whether or not their “country’s membership in the European Union is a good thing.” Figure I.3 summarizes the proportion of positive responses for each of the twenty-seven member states by depicting the lowest and highest percentage of positive responses observed between 2002 and 2008. We find significant volatility in responses in some countries. Public opinion on European integration is relatively stable in Denmark, Ireland, Finland, Portugal, France, and the United Kingdom. By contrast, it is highly volatile in Cyprus, the Czech Republic, Estonia, Hungary, Greece, Italy, Latvia, Poland, Romania, and the Slovak Republic. This observation indicates that Eastern enlargement caused a significant increase in the overall volatility in public opinion during our period of observation. Only in a minority of member states does the median voters’ response regarding European integration remain consistently positive (Belgium, Denmark, Ireland, Spain, Luxembourg, Netherlands) or negative (Austria, Romania, Latvia, United

TABLE I.2.
National governments during the reform process (2001–8)

Country	Number of Elections	Governments
Austria	3	Schüssel; Gusenbauer; Faymann
Belgium	2	Verhofstadt I–III
Bulgary	3	Sakskoburggotski; Stanischew; Borissow
Cyprus	2	Clerides; Papadopoulos I + II; Christofias
Czech Republic	2	Špidla; Gross; Paroubek; Topolánek
Denmark	3	A.F. Rasmussen I–III
Estonia	2	Parts; Ansip
Finland	2	Jäätteenmäki; Vanhanen I + II
France	2	Chirac I + II; Sarkozy
Germany	2	Schröder I + II; Merkel I
Greece	3	Simitis; Karamanlis I + II
Hungary	2	Medgyessy; Gyurcsány I + II
Ireland	2	Ahern I–III; Cowen
Italy	3	Berlusconi I; Prodi; Berlusconi II
Latvia	2	Gomanis; Dombrovskis; Repše; Kalvītis I + II;
Lithuania	2	Brazauskas I + II; Kirkilas; Kubilius
Luxembourg	2	Juncker I – III
Malta	2	Adami; Conzi I + II
Netherlands	2	Kok; Balkenende I–II
Poland	3	Miller; Belka; Marcinkiewicz; Kaczyński; Tusk
Portugal	2	Barroso; Lopes; Socrates
Romania	3	Năstase; Tăriceanu; Boc
Slovak Republic	2	Dzurinda I + II; Fico
Slovenia	2	Drnovšek; Rop; Janša; Pahor
Spain	2	Aznar; Zapatero I + II
Sweden	2	Persson I–II; Reinfeldt
United Kingdom	2	Blair I–III; Brown

Kingdom). This volatility has made it more difficult for the actors to anticipate a window for reforms.

Estimating Preferences for Reform

The reform of institutions is an empirically understudied phenomenon. We know relatively little about politicians' institutional preferences because in-

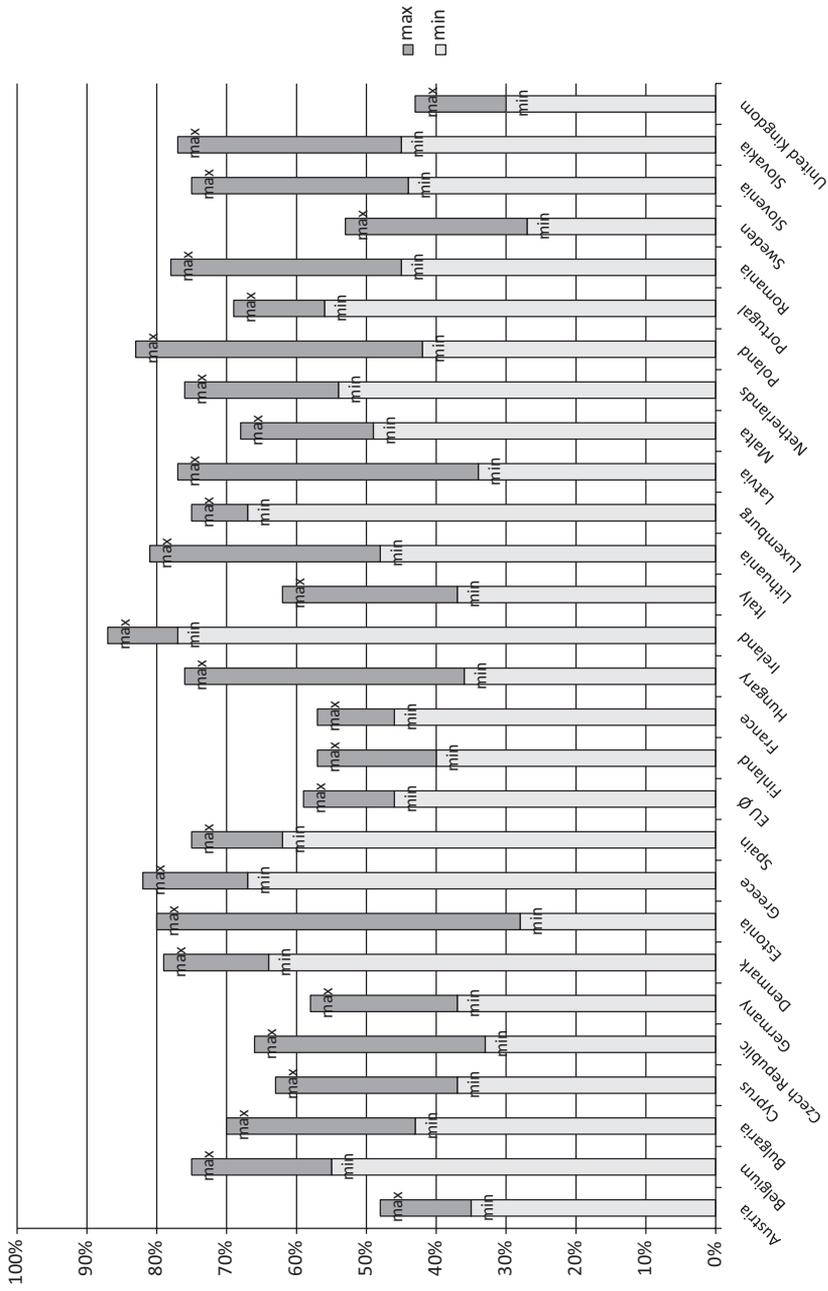


Figure I.3. Minimum and maximum support for EU membership, 2002–8.
 Source: All standard Eurobarometers, 2002–8. Question: “Is [respondent’s country’s] membership in the European Union a [good] [bad] thing?” The bars show the minimum and maximum percentage of respondents answering that membership is a “good” thing between 2002 and 2008.

stitutions are often political innovations and the reasons for their choice have rarely been studied at the time of their adoption. By contrast, the present book is built on unique data collected prior to or at the time of the negotiations. Some readers may not care about yet another book of contemporary history in which everything is generated as a justification of the final result. To them we point out that when others were discussing “The Europe that Died” (*Economist* 2005) or “Irish Voters Sign Death Warrant for EU’s Lisbon Treaty” (Sharrock and Charter 2008), the authors of this book generated data and insisted that we had not heard the last word and that substantive reform of the EU institutions would eventually be adopted (König 2006; König, Finke, and Daimer 2006; Tsebelis 2008). Compared to many impressionistic accounts, which were made at each critical juncture of this process, our conclusions were drawn from an already existing rich dataset on actors’ positions. These data grant a unique level of protection against any ex post facto fallacy.

Therefore, our book addresses a major obstacle to studying institutional choice: the measurement of preferences over institutions. We consider member states as collective rather than unitary actors, each constrained by different numbers and different types of domestic actors. For each of the various types of actors our measures either use revealed preferences of delegates during the negotiations or measure preferences based on information gathered at the time of the negotiations. We rely on data generated by expert surveys, voter surveys, and amendment cosponsorships. Even without the theoretical analysis, the empirical foundation of this book would provide a unique historical description of the reform process that eventually led to the Lisbon Treaty.

With these data we do not want to confront the reader with a holy grail containing the single truth about the making of the Lisbon Treaty. On the contrary, we empirically illuminate decisive steps of the reform process from different angles—and sometimes we do not agree in every detail or every assessment. For example, in chapter 1 the argument is made that Angela Merkel reintroduced the Constitutional Treaty because this text was a focal point, since it was the only one that had already been accepted. In chapter 7 the argument is made that Merkel could have proposed a different text, but she did not select this option for domestic reasons. Whether she should be credited with the solution of an impossibility sequence, or blamed for adding more risk of the project being rejected, we are talking about a successful operation with a very low a priori probability of success, which is why the leading German daily *Süddeutsche Zeitung* assessed German chancellor Angela Merkel as having “Mut zum Risiko” (courage to take risks; Winter 2007).

Yet these different angles are neither contradictory nor do they jolt the commonalities of our approach. In contrast to the vast majority of other

studies, we consider the complete set of relevant actors, ranging from the political leaders of twenty-seven governments to their governmental agents, Convention delegates, national parliaments, and electorates. We analyze the different institutional structures, detailed accounts of the Convention, and the negotiation and ratification processes with the most advanced data and methods available in political science: spatial modeling and game theory; preference identification through interviews, documents, and surveys; and studies of voting behavior in referendums.

THE PLAN OF THE BOOK

In chapter 1 George Tsebelis focuses on the institutional dimension of conflict. The chapter explains the differences among the institutions adopted in the Treaty of Nice, the rules proposed by the European Convention, and the final compromise in the Treaty of Lisbon. Within the overall context of the book this chapter serves four purposes: it refreshes the readers' knowledge of the EU's core institutions, illustrates the effect of different institutional designs with a view to decision making efficiency and democratic legitimacy, it helps us to understand the observable variation in actors' institutional reform preferences (as summarized in figure I.1), and focuses on two major points of institutional confrontation—Valéry Giscard d'Estaing's refusal to discuss the institutions adopted in the Treaty of Nice on the floor of the Convention and Angela Merkel's refusal in Brussels to consider any modifications to the existing institutional blueprint.

The next two chapters examine the European Convention in order to explain how the impossibility of creating new European institutions was overcome by skillful agenda setting. In chapter 2 Sven-Oliver Proksch explains how Convention President Giscard became the multidimensional median voter among the members of the Convention, thus helping him to maximize his powers as agenda setter. To estimate preferences of Convention delegates as well as the Presidency, this chapter uses the cosponsorship of amendments during the negotiations. These amendment documents constitute the only set of documents that allow us to jointly estimate the location of the Convention Presidency and delegates. Among other points, the reader will see that Giscard used his central position to interpret the suggestions of other members until they were adopted by consensus of the Convention (a "consensus" that he was defining, but nonetheless not an empty word, since the constitution was at the end adopted by a body that could have rejected it as a whole).

In chapter 3 George Tsebelis and Sven-Oliver Proksch focus on the institutional rules that Giscard used to lead the European Convention to a logically coherent outcome. The chapter discusses how he eliminated voting

and compressed deliberation of the most important and controversial issues like the institutions of the EU toward the end of the process when time constraints were crucial. Among other institutional stratagems, Giscard refused to even consider the discussion of the status quo (institutions of the Treaty of Nice) on the floor of the Convention. For example, in one of his interventions to the Convention on 15 May 2003, Giscard argued, “Your amendments must respond to these questions of Laeken and it is a matter of fact that the group of amendments which insists on retention of the current system obviously does not respond to the Laeken questions” (Valéry Giscard d’Estaing, 15 May 2003, in European Convention 2003d). Just as Giscard managed to dominate the process in the Convention, a coalition of reform-oriented political leaders managed to gain control over the subsequent reform process.

The following four chapters analyze the bargaining and ratification stage that followed the agenda setting by the Convention. Specifically, the chapters analyze the choice of the ratification instrument, the importance of delegating the mandate to governmental agents, and, finally, the strategy of the Council Presidency in working out a deal leading to the Lisbon Treaty. In chapter 4 Thomas König and Daniel Finke explore and compare the positions of political leaders, their delegates, and principals. Starting with the Convention, they consider all types of actors who were involved in the reform process. They identify those actors relevant for an explanation of the reform outcome, and measure their positions with respect to all reform issues. A major challenge for König and Finke’s analysis is the identification of a common space of contestation in which they integrate the different types of actors. This is essential for comparing their location and testing theories, which are based on the distances of their positions. Their results reveal that two dimensions characterize the multi-issue space of this treaty revision, a more contested dimension on institutional reform and a less conflictual dimension on transferring policy jurisdictions. The authors find considerable variation among the positions of the political leaders in this space, ranging from a status quo–biased Irish position to very reform-friendly Greek and Belgian positions. Compared to the positions of political leaders, the configuration of the positions of Convention delegates provides a less contested picture, which supported the drafting of a more ambitious reform proposal. They show that over time this conflict increased, particularly on the institutional reform dimension where the positions of the governmental negotiators from Germany and the United Kingdom demarcate this development, while the Irish position remains located closest to the status quo. This is also visible from the country-specific positions of the voters, which generally preferred a less majoritarian setting for the EU’s institutional framework. The empirical analysis also points to the uncertainty contained in measures of actors’ preferences which is crucial to our

understanding of how repeated attempts could ultimately lead to successful reforms.

In chapter 5 Thomas König and Daniel Finke analyze the unprecedented number of referendum announcements for the ratification process following the proposal of the European Convention. The fact that the composition of the European Convention enhanced the transparency and legitimacy of the reform process raises yet another puzzling question: why did so many political leaders announce referendums on a constitutional proposal that had been adopted by their governmental and parliamentary delegates? The strategic perspective claims that political leaders are willing to bargain treaties, but neither do they always represent the positions of their countries nor act in the greater interest of Europe. Instead, political leaders also pursue personal political interests in trying to increase their public support and reelection chances in their domestic arena. König and Finke's investigation into the announcements of ratification instruments deploys this strategic perspective, according to which political leaders sacrificed more safely assured parliamentary support in order to escape from domestic criticism—in particular when opposition parties were pivotal for ratification. This suggests that high parliamentary-ratification hurdles provoked the strategic announcement of referendums and endangered the revision of the unpopular Treaty of Nice. This was particularly true when political leaders with lower interest in the revision were risking an impasse for the sake of their domestic popularity: the less integration friendly the parliamentary pivot, the higher the likelihood for announcing a referendum, particularly when there was disagreement within a governmental coalition. This effect is contingent upon the size of the gains that political leaders expected to obtain from the revision of the Treaty of Nice.

In chapter 6 Thomas König and Daniel Finke study the transformation of the Convention's proposal on the Treaty Establishing a Constitution for Europe to the Lisbon Treaty in the aftermath of the two negative referendums from a principal-agent perspective. Principal-agent relationships are well known and researched in the theoretical literature, but little evidence exists for the representation of the interests of political leaders and their voters by governmental agents in intergovernmental conferences. The vast majority of studies that investigate intergovernmental negotiations assumes away these delegation problems between principals and agents by conceiving member states as unitary actors. The results of this chapter provide evidence that the common view of unitary member states, in which principals and agents share interests in the revision of treaties, can only partially—if not wrongly—explain the Treaty of Lisbon. The principal-agent analysis reveals that the political leaders delegated power to negotiating agents who worked out compromise solutions by partially revising the initial interests of their first order principals, the political leaders. Governmental agents

from smaller countries were able to focus the negotiations on a few central reform issues, such as the number of Commissioners and the voting rules of the Council, and they also successfully influenced the final outcome of these issues. A major reason for their success was their credibility, which they could increase by pointing to integration-skeptic voters—particularly in countries that had announced a referendum. Hence, governmental agents increased their bargaining efficiency by referring to voters as their second-order principals.

In chapter 7 Thomas König and Daniel Finke analyze the role of the German Presidency and the reaction by the Irish government and voters to the negative Irish referendum. In January 2007, the German Presidency set out to end the reform paralysis of the reflection period and convinced political leaders to adopt revisions that were eventually put into the Treaty of Lisbon in December of the same year. However, Irish voters rejected ratification by a margin of 53 to 47 percent, with a voter turnout of 53 percent in June 2008. In view of this outcome, the empirical analysis refers to the two-dimensional space and discusses the strategic options of the German Presidency. One option was the proposed French solution of a so-called mini-treaty to be negotiated among all political leaders, while a second option was to grant modest concessions to the remaining ratification countries. The chapter shows that the median voters in countries with pending ratification welcomed the concessions of the Treaty of Lisbon, while the Irish government still preferred the status quo and consequently abstained from campaigning in favor of the treaty in the first referendum. For the second referendum, the support of the Irish government was won by additional concessions in the fields of abortion, taxation, and military neutrality and the amended Treaty of Lisbon was supported by 67 percent of the Irish voters at a voter turnout of 59 percent on 2 October 2009.

So this is why we wrote this book: to show, how over the many long years since the Treaty of Nice, and through many ups and downs, a succession of different representatives of EU elites did not let the process of European integration deteriorate but kept trying to achieve their reform goals—and finally succeeded.