

THE BROOKINGS INSTITUTION

COMPOUND DEMOCRACIES: THE GROWING SIMILARITIES
BETWEEN THE U.S. AND EUROPE

Washington, D.C.

Tuesday, April 29, 2008

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P R O C E E D I N G S

MS. BINDI: Now, if you have a seat, we can start. We may start. Okay, good afternoon, ladies and gentlemen. Thank you for joining us in the discussion.

My name is Federiga Bindi. I'm a visiting fellow here at Brookings, and it is my pleasure to introduce two of the people I admire most for their work, and, in many cases, I wish it was mine, but that's another story, and which are Sergio Fabbrini and Eleanor Zeff's.

Sergio, who'll actually present and discuss his book with us today, *Compound Democracies*, is a professor of political science and international relations in Trento, but an unlikely man in Italy has a wide international location and wide experience, internationally and namely in the U.S. He has been teaching at the University of California at Berkeley for a long time. I think you're still visiting often, and he has been specializing in Cambridge when nobody needs anyone I think specializing aboard.

As I understand, this book is a result of 15 years of work, and is a book which I strongly advise you to read and to read with your (inaudible) and your time because there's a lot of information to process and lots of interesting things to think about.

Eleanor Zeff is an associate professor at Drake University.

You want to present to us?

She's a professor, and she works a lot on Italy (inaudible) Trento relations. She volunteered, and I -- she agreed actually to discuss Sergio's work, which is an important work to be done. You studied and got your PhD at the new school, right?

MS. ZEFF: Yes.

MS. BINDI: And you're teaching at Drake?

MS. ZEFF: Drake, yes.

MS. BINDI: Now, I will take no further time and I would move first to Sergio for an introduction, then to Eleanor for a discussion, and then we would open the floor for a general discussion.

MR. FABBRINI: Thanks very much to Federiga and to the colleagues here at Brookings for giving me the opportunity to present the book and to discuss with you my interpretation of the established democracies of the two Atlantic shores.

Let me start with a general presentation of my general argument.

The book is this one, anyway. The book is on the democratic transformation of Europe and America, and the argument is

the following: Those transformations are bringing America and Europe closer, and this argument, I understand, might be a [controversial] argument in the moment in which there is a very strong debate and probably also a very strong divide between Europe and America may be raised on foreign policy, on economic policy, and in a moment in which anti-Americanism is quite high in Europe, but also as sort of anti-Europeanism is also [prevalent] towards Europe is present in America, as well, especially in the governmental elite.

So, to argue that America and Europe are convergent in a similar institutional direction might be -- I'd say it might be a kind of (inaudible) approach, but it's not, it's the outcome of many years of research and my analysis and exercise of historical institutionalists, and my work is basically on the institutional structure and the functional logic of Europe and the United States, and, in that regard, I have good news, but also bad news.

The good news is that the two shores of the Atlantic are going to be more similar so they can probably better understand each other, as never happened in the past. As you know, in the past, it was this idea of American exceptionalism and European differences, but the bad news is also that these convergences, they're convergencing around a

given institutional model, which makes the comprehension of the policymaking process much more difficult.

So, I called this model -- because there are no other walls(?) -- I called this model compound democracy model. Of course, I'm climbing on the shoulder of genius Madison, and who was the first one who tried to understand how to create a republic of republics, and I think that this model can be developed, and but this model is a peculiar -- let's say personality, analytical term, which makes very different this kind of model from the other two established model that we have in established democracy, namely the dismissed model, the majoritarian model or the comparative model, as they prefer, and the concerns are one.

In my view, it is possible to free the European Union from the (inaudible) exceptionalist physis. I mean, Europe, if you go to Brussels, there is a long legion of people saying we are different, and being in this country for many years, any time I came to Washington, there were a legion of people saying we are different, and this is a question of the exceptionalism of the two experiments probably can be overcome if we look at the institutional structure of these two systems.

They are based on a different kind of cleavages than the traditional cleavages than we have in other democratic system. The cleavage, interstate cleavage rather than economic cleavage like there

was (inaudible) model or ethnic, linguistic cleavage as we have in consensual model. It is based -- these cleavage has created a more separation of power system, so, Europe is more than a federal system.

European Union is more than a federal system, and, so, there are federal elements. It is like the same that America, United States is more than a federal system. United States was traditionally misunderstood by Europeans because Europeans couldn't understand federalism. But a strong difficultly understanding separation of power at the vertical level, at the level of the governmental system, and both are systems without a government, but with governmental institution. There is not a government per se as such as we have in the E.U. member states. There is no centralism of power as we have in London and Rome or in Paris, but the government is the outcome of an interaction between separated institutions.

And this new animal, new for the Europeans, is not so new if the Europeans enlarge their own competitive perspective, if they look to their transatlantic comparison rather than to compare all this, the E.U. with the other European member states.

So, basically, this kind of animal, this compound democracy is the outcome of a specific feature. Both the European Union and the United States are peace pacts, are [agreements] among sovereign states

in order to avoid war. And for the European case was no more, we had two city wars in our continent, we export our city war around the world, so, there was they need to go behind the classical balance of power, interstate system of the past.

In the American case, the peace pact was an attempt to anticipate a plausible outcome of war. It was the attempt to avoid the 15 independent states that could create a system very similar to the system already functioning in Europe as a classical interstate system. And, moreover, in the debating in Philadelphia, Madison in particular was clearly aware of the possibility also to create sub-regional coalition to southern state and northern state open to the inference of that period war power, like, of course, France and Britain and Spain.

So, the compound democracy is an attempt to go behind unilateral domination empire, and we are very expert as European of empire, of the attempt of one European country to dominate unilateral the other European country. Napoleon and Hitler are two of them, example of that, but there were other minor attempt to move in the direction to create an integration of Europe through the domination of one power, but also to go behind anarchy and balance of power tend to produce anarchy.

So, in a way, we can say that compound democracy are an attempt to domesticate the international relation of states located in a

specific area. So, for doing that, they cannot base themselves on balance of power, interstate relation, but, also, they are a coalition, they are aggregation of independent states, so, they cannot create a domestic structure as a European nation state created in the past. So, they have to combine interstate relation with super state feature.

So, they go behind the Westphalian balance in power, they are post-Westphalian politics, and I tend to stress that, but this is mainly an American audience, so, this is very clear for you that America started as a post-Westphalian system, where Europeans tend to see the historical -- let's say developed organized states on the basis of what the United States is today, so, they think the U.S. is the utmost example of a Westphalian state, where, indeed, the United States has inaugurated a very different road from the European road, which was the fragmentation of sovereignty, not the centralization of sovereignty, and in America, the idea was to fragment sovereignty, to dilute power, to create a system in which no institution could claim to have the utmost power for taking decision. In a way, Europe is moving in this direction, is an attempt to go behind Westphalia.

So, but both the U.S. historically and the European Union, as the example of this post-Westphalian attempt, have to accommodate a structure or condition, namely the asymmetry between the state, which

decided to aggregate. You need to create a situation in which the smaller state need to be reorganized and protected, vis-à-vis the larger state. Otherwise, they have no reason to stay onboard.

So, the debate between Rhode Island and Massachusetts is not so different in my view analytically from the debate between Luxembourg and Germany, that you need to create a decision-making system in which it's possible to reorganize the 400,000 inhabitants of Luxembourg and the more than 80 million inhabitants of Germany without relying on the classical democratic solution, which is the majoritarian solution.

So, both systems are anti-majoritarian intrinsic way, institutional way. Such asymmetry precludes fusional power, which is more than European national state witness and cross in their own history, and this is why European citizens do not understand their own European Union. They are continually talking about a democratic deficit because, for them, the only way to organize political life is to have a parliament, able to centralize decision-making, to give confidence to an executive representing the majority of the parliament.

So, at that point, you don't have difficulty then because you are sure with accountable, responsible for the decision taken. Both the European Union but also the United States are system without

government. They are executive legislature judiciary, but there is not a government cabinet in the European sense, and that is the condition for us staying together because the decision is very difficult endeavor. It is better not to take decision, use the same measure, than to take bad decision. There's a system for not taking bad decision, not for taking decision.

So, this fragmentation of the decision-making process tend to create coherent outcome and short-term solution and change of direction. It is not clear who's responsible in this system, it is not clear who you have to call for accountability in this system.

So, that guarantee, the compound democracies, but to also create trouble in understanding the behavior, the policy behavior of these systems, so, this is the bad news, that, for the first time in Europe, we were able to avoid, I think probably for the time being, the possibility of an internal war, but it is very difficult to expect from Europe a coherent policy direction, but, also, this is the question that Europeans had traditionally with the United States, that is was always difficult to understand who is in charge of the United States.

The famous Kissinger joke, what is the phone number of Europe? Europeans always said about United States, who is in charge in this country? Because there is the president, but there are two chambers

of Congress, powerful senators, powerful chairmen or chairwomen of the congressional committee, and there is very important power-play by the court, so, it is difficult for a European classical fusion of power system guy to understand or take decisions here.

So, that would create problem for the transatlantic relation, so, that is the argument. So, the two systems are moving, are converging in a common institution of direction, but the decision-making process within these two system makes the dialogue between the two systems much more complicated. It would be a system -- a dialogue based on coherent policy, short-term solution, misunderstanding, because it is the logic of the two systems not to give clear guideline to the decision-making process.

Okay, so, this is my argument, and I just spent some moment for clarifying the two side and the process in which help me to argue that they are moving in a common direction.

I'll start from Europe. When I say Europe, sorry, I'll say European Union. European Union is the most advanced experiment of building a supernational system. Where supernational is in the case of Europe, it means the combination of community, Brussels feature, and intergovernmental. That is the solution. There is no way for separating these two sides. The debate between the inter-government and neo-

functions was, in my view, a very ideological (inaudible) debate, but [ultimately] the success of the European Union is in the fact that the two sides, the intergovernmental and the communitarian elements, are continuously combined in such an effective solution. This process developed so much that we can say with a certain, let's say, authority that in Europe there are no longer national states.

The European national states are today European Union member states. That you can no longer talk of national state in terms of the capacity of a given political community to control both the external sovereignty so to exclude outside authorities and the capacity to control the internal sovereignty, namely to centralize internal decision-making process. That the European state are continuously affected, more roughly two-third of the legislation of the European national state is affected by decision-taking in Brussels, and, so, in certain countries like Britain, there is still beneath a party (inaudible) sovereignty no longer, in no way, the parliament is sovereign in Europe.

Also, in those three countries which are not members of European Union, like Norway, Sweden, and Iceland, even those countries, in order to adapt to the common market, they have to abide by the rule establishing Brussels, so, they are subject to decision-taking in Brussels without being subject of the decision that Brussels are taken.

So, what we have in Europe is a radical, dramatic transformation of national sovereignty, but that process of redefinition of national sovereignty is silent, is a voluntary process, this is the reason why so silent, and what we have is a pooling, is a growing pooling area of sovereignty of the super national level.

But, of course, in the supernational level, you have the states, the member states, so, it's not a supernational level separated from the member states. So, it's an intermingling which creates a condition for transferring to the super national level more and more policy decision.

So, Brussels is the re-capital of Europe, and it's important for America to understand that we are no longer the interlocutor of their own position, is no longer Paris or Berlin or Rome, but is Brussels. And, in this system, the traditional connection between territory, authority, and social interest, we are no longer there. There are no longer coincident. You have system of (inaudible) separation of power. You have the member state, the region in many case, and you have the Brussels. In Brussels, you have a division, a separation, more exactly, between the council minister, the European parliament, the commission, and European Court of Justice.

So, it is a system very normal for Europeans, while accustomary to think that, yes, we voted last Sunday, now we have a government that has been -- was thrown in charge and then the political process can move on. There is no government to vote in Brussels; there are many governors, many elected officials, but there is not something that we can call a collected college of body as the government.

So, the construction of a compound (inaudible) is made possible because there were no serious challenges to this endeavor. And Europe could think in reconstructing itself through the market, and then, from the market, enlarging step by step arriving to the point in which we discuss the common defense because we were basically the security consumer; there was somebody else taking care of our security, and basically was NATO or the United States, or, more precisely, American taxpayer.

So, Europe, for their own (inaudible) was able to create the condition of these compound (inaudible) because it was highly introverted political system, it was dedicated to create a welfare system to protected French agricultural activities and so forth and so forth, but that was an essential step in order to institutionalize this system.

So, Europe is not only a commercial republic. I use all these Madisonian words, as you know. As being living in the United States for a

long period of time, you can appreciate why Madison was so important and I'm so sorry I didn't -- if you're European understand how Madison is one of the best political scientists that we have.

So, Europe is not only commercial republic, is not only a good authority system, is a political system with specific feature, is a system without a state, something that the European never witness, because, for Europe, to talk about politics means to talk about state and because, again, the American experience which can help us to understand it's possible to talk about politics without talking about state, the federal state, the federal state arriving this country one century probably after the birth of the nation. And there is no longer a bottleneck kind of democracy. There is the fusion of decision which in some way makes extremely difficult to arrive to a clear, coherent, and permanent position.

So, what we have in Europe is a system that we cannot define in status terms. It's a system where there is no state. Nevertheless, you take authoritative decision by political authority elected directly on by the voter operating within a system of separation of power and operating within the control, a very complex but very efficient judicial system, and that is why I call that compound democracy, going out from the discussion if it's a state or not a state, if it's a market or not a market.

It just is a democratic system if we adopt a different perception or a different view or a different criteria of the democratic system.

Okay, let's go briefly to the American case. The (inaudible) has been designed as a compound democracy since the beginning through the period, in that period, the world was more compound republic whether than democracy. There was a suspicion, as you know much better than I know, on the concept of democracy, and, so, they prefer to talking to person in Philadelphia of republic. And in order to keep together these independent and very generously oriented independent state, it was created a system which was anti-anarchical, the power was fermented, diffused, and unilateral decision-making were, in some way, neutralized, and there was an attempt to avoid one group of states, not only one group of cities, but one group of states could (inaudible) the other group of states.

So, in many way, I think it could be useful -- at least it has been useful for me -- to understand that in Philadelphia, there was not only the debate between liberal and Republican, but, also, there was important control of the unionist paradigm. The idea that the tyranny majority was not only a tyranny of a majority of voters or a majority of citizen, but it was also the danger of a tyranny of the majority of states. And, in that sense, the United States was an open-end and has continued

to be an open-end process because, in this kind of system, it is difficult to find a moment in which one decision is accepted by all, and the U.S. started from a form of constitution, but it continues the process of constitutionalization.

In a sense, you can say that Europe, the European Union is in a continuous process of constitutionalization without a formal constitution, but, also, in the case of the U.S., this weakness -- because the American system is weak, is institutionally weak, and this weakness of the American system was protected by some other power.

For a long period of its own history, the U.S. was a security consumer. There was the British Navy, which helped the United States to enlarge its own market, to become a continental (inaudible) and to think to its own internal business. The U.S. after (inaudible) decided only to have its (inaudible) inference in this part of the world, but (inaudible) the world affair which here where basically the affair of the European super power of the European powers.

So, also, the U.S., the chance to institutionalize this very weak system in which the decision-making is very difficult, accountability is unclear, thanks to this external, let's say, divulgence of external responsibility, and this is why many European use Madison to say when they can visit this country in 19th Century. This is a commercial republic,

so, they think only about money, they think only about market, they think only about exchange. They did not realize that is what's possible to create a democracy without the support of a state.

So, this system was radically challenged at the end of 19th Century, and, of course, in the 20th Century by two important process. One is the internal domestic transformation. You add your enlargement and your enlargement creates many travel, and many of the (inaudible) crises, even the Civil War crises was an effect of the enlargement, but, of course, the most important challenge comes from your external exposure, when you become a global power with a second World War and after the second World War.

And, again, Charles Tilly, the lecture on our war creates state might be useful for America because, at that point, the United States needed to find the solution to this external power and internal compoundments.

So, internally, you divide power, you made difficult decision-making process, externally, you need to centralize power, and that challenge was the challenge of the generation between the two World War and basic degeneration after the second World War.

For those of you who want to read the book, my answer to this challenge, the American answer to that challenge was the invention of

the American president was the creation of a second pillar, the creation of a new decision-making regime and foreign policy different from the decision-making regime, and that was institutionalized in domestic politics, and that help United States to deal with the new challenges without altering the internal compoundments.

However, the two regime are not easily compatible because one regime is the classical (inaudible) regime in which you want centralization, secrecy, control of the military force, and the other regime is opinionist, is lobby interest groups, the media, political parties. And the two regime found a very difficult equilibrium for all along the period of the post Cold War era, and in that equilibrium, important or crucial was the equilibrium between the two institution. The president and the Congress. But as soon as the two institutions were not longer able to keep under control the other, especially the Congress keep under control the president, you face a very serious question that the European national state faced during the first World War, namely the federal, the executive tend to behave outside of constitutional guideline.

So, but, nevertheless, important feature of the American constitutional structure have to keep this equilibrium. One of them, of course, is the fact that the president cannot stay in power more than two mandate, and, of course, it is the elector or separation of power, that

different elector legitimacy of the member of the Congress, vis-à-vis, the member, vis-à-vis, the president, which foster continuous rivalry between the president and his own men and women, meaning the men and women of his own party within the Congress, and that in some way help America to face this challenge. There is nothing of this kind in the European Union case.

So, I run to my conclusion, of course, the U.S. and the E.U. have many important differences, and they present different stages of institutionalization of their own compoundments. It is obvious that they cannot be considered as two clear example of what they call degenerative or compound democracy.

Nevertheless, we, as analysts, we have to look behind idiosyncratic facts and look to the logic. What is the logic of this system, and both of them are based on subsystem, endowed with their own basis of authority. There is no such logic in the European National State or European member state. There are no subsystem; there is only one system organized around the parliament and that is the center of authority. There is no such diffusion of authority and difference subsystem, and, of course, this institutionalization of a double representation in the parliament and the Senate, the voters and the state is another challenge for European because you democratize territory, you

give vote to the territory, and not only as the European tradition wants to individual.

So, there are many similarities along with not a few difference, and, but, overall, the logic is quite similar.

So, in that sense, I think this could be useful for European to -- they can understand better United States if they know better themselves. And this is a very (inaudible) consideration, so, you go in United States for understanding better France, I think today you go to United States for better understanding of Brussels, and if you understand better European Union, you can also keep under control the traditional anti-Americanism there is, especially among European political elites.

But the fact that this two system are moving in a convergent direction, that regardless of the pressure coming from the global rule of United States, United States was able to keep and to preserve its own compoundness. That is good news accompanied by some bad news, that in this system, it's very difficult to have coherent and longstanding decision.

And that is a situation that need to be faced by political elite, foreign policy official on the two sides. That America changes it's own foreign policy with the midterm election and probably will change with the new presidential election, that it is difficult to say what is the position, what

is the national interest of the United States, and there is not something that, analytically, you can say there is a national interest, and national interest of United States to boycott Cuba or not to boycott Cuba. Is there a national interest in the United States to support Israel or criticize Israel when Israel doesn't want to sit on the table with a Palestinian?

The decision taken are the effect of the political process organized around multiplicity of access or points of interest and openness that in this system, there is nothing that you can define as nationalist. You can have in the traditional national European states, and which you say what is the French national interest? Is to have a role in the military. Something like that in compound democracy, in my view, is absolutely impossible. The view of America of the war might change significantly; not radically, might change significantly after the election of the first Tuesday after the first Monday of the next November.

So, in this situation, it's difficult to have this coherence of policies. If that is true for United States, it is, of course, true, also, for Brussels. Nevertheless, we are to be allied and we are to create a stable alliance because the war, it is not safer if Europe and the United States are stable and loyal friends. How to create this alliance within these complex, institutional nation?

Thanks.

MS. BINDI: Thank you, Sergio.

I have a couple of question myself, but I first pass the floor to Eleanor for her comments.

MS. ZEFF: Well, first of all, I wanted to thanks Prof. Sergio Fabbrini and Federiga Bindi for giving me the opportunity of, first of all, reading this very interesting book, and, second, coming here to speak to you today.

As I look out at you, I notice this is very much like classrooms. Nobody wants to sit in the front. We now have a solution for that at Drake, and that is they only have enough chairs for the number of students that are in the class, so, somebody is always in the front nowadays.

But, anyway, thank you very much and I'm very happy to be able to talk about this book. Thanks to Prof. Fabbrini, we now have a new model or lens to use to more adequately theorize about the European Union, and I can't emphasize enough how important this is.

Grounding his book with a very thorough study of the governing structures and the historical development of democracy in the U.S., in the modern European nation states and in the E.U., so, we have

three sort of models that are juxtaposed, and with careful and logical organization of his material, Prof. Fabbrini has provided the term “compound democracy” from the *Federalist Papers*, as where it first appeared. Again, as he said, “compound republics” at that first point. And he proposes to update this idea and use it as a theoretical framework within which to compare the United States and the European Union much more systematically.

I’m going to discuss this book from the point of view of a comparative politics lens because that’s what my specialty is, and I focus a little more on the E.U. side than I do on the U.S. side in my discussion. That’s not to say that -- his discussion of the United States politics was very interesting, and I did have some interesting discussions with my colleagues at Drake on the American side, so, that was kind of fun effort, as well.

So, I want to discuss -- I won’t discuss everything, obviously. This is a very dense book, but I’m going to make a few remarks, as I said, focused on the E.U., and from the comparative politics perspective. I want to leave some time for discussion of this very interesting idea of compound democracies.

I would say, again, to start out, and as Prof. Fabbrini points out, Europeans don’t understand European politics very well. When you

talk to Americans about European Union politics, eyes glaze over and people get mixed up. They think the Euro -- only countries that are in the European Union have the Euro, and, so, there's a lot of misunderstanding.

So, to have a framework, and I emphasize this again, where we can discuss the European Union in comparison with the United States, I think it's going to help an awful lot for Americans, especially, to understand exactly what's going on, so, I would say bravo for giving readers a more consistent and theoretical way to discuss the European Union, and for too long, the European Union or the E.U. has been thought of as something unique and different, and practitioners and specialists really had a hard time to analyze it and think about its characteristics because they haven't had anything to compare it with. That's not that they haven't tried because they have tried, but I haven't seen anything that's quite as systematic as this compound democracy idea.

Most frequently, researchers refer to the E.U. as an international organization. And, for example, the course I teach on European integration at Drake is in the international relations catalog. My other courses are all comparative politics. So, that's just a little example of that. But the E.U. is really not like other international organizations which links states together for particular purposes, peace, human rights, et

cetera, but which don't really require that their members have to give up the national sovereignty to the governing bodies.

Decisions in international organizations are taken in intergovernmental manner, and Excuse me if I speak in Euro-speak. I was giving my daughter this speech. She doesn't understand European politics. She said, you know. Some of the words, some European Union specialists do get a little bit carried away, I think, with some of the terms.

But intergovernmental manner, that means these individual states are making the main decisions, and they have to have lots of compromise and negotiations between these states. There's nothing that's necessarily governing them. So, most international organizations are intergovernmental; that is they make their decisions on the basis of negotiations. And these -- also decisions aren't necessarily binding on the individual member states.

The European Union has added several super national features to this and this whole picture, and, therefore, it has a very specific institutional and community structures set up which has evolved to regulate interaction among the member states. This is very different from any other international organization. The member states have also given up some of their sovereign powers to these E.U. institutions, especially economic powers over the market, in order to join into the E.U. Thus, the

E.U. is clearly more than and different from other international organizations. So, a comparison with the E.U. and international organizations just doesn't work very well, it doesn't give us an insight into what is the E.U. and how it operates.

So, if the E.U. is not an international organization, what is it? The E.U. has begun to take on characteristics much more like individual nation states, as I said, but it's still different from these models, as well. It does not have parliamentary government, as Prof. Fabbri mentioned, where people are elected directly to form the government. They do have a European parliament where we have direct elections, but it doesn't form a government in the old sense of the term. There's no clear individual leader able to take decisions and be accountable for his or her government actions.

Although, as I said, there's a directly-elected E.U. parliament, the governing structures for the E.U. do come solely from this body as they do in the European nation state model, which is presented in the book, as well. So, it's been hard to compare the E.U. to other European democracies.

Here's another big problem. Even though it's members, the members of the European Union, 27 member states, consist of democratic countries that have had or still have parliamentary governments of one

sort or another, clear governments, clear decision-making apparatus, and the traditional condemnation state picture that we have, democratic.

As Prof. Fabbrini states, and I quote here, "The E.U. has acquired the features of an institutionally pluralist regime at odds with the unified and vertically-organized institutional regimes of its member states." Thus, it's been difficult, very difficult to compare the E.U. to its individual component member states, so, we can't compare to an international organization, we can't compare it to the member states. And, thus, to theorize or understand how it works because we really don't have adequate models or we haven't had adequate models.

Now, in this book, Prof. Fabbrini remarks that we should consider the -- considering the European Union as a unique entity doesn't really help us to understand, and this is the other way. If we can't compare it to international organizations, if we can't compare it to (interruption) nations, then we compare it to -- we say that it's exceptional.

Now, we have also said that the United States is exceptional because the United States, a democratic model, is also quite different, certainly from this traditional Europe national model. But that hasn't helped us with the United States Government either, so, calling something unique has led -- we've come up with a number of interesting studies on policy is made in the European Union and some things like that. There's a

lot of work going on on policymaking, but that's because there's no comparative theoretical model.

“So, studying the E.U. from my standpoint as a comparatist has been challenging because there has been no comparative framework. Thinking of a state as exceptional is kind of a deadened, obstructing systematic comparison with other democratic states and leaving us with studies” -- and I'm quoting Prof. Fabbrini here -- about its institutions and its policies, but with no theoretical opinions.”

As Prof. Fabbrini so aptly points out, comprehension requires comparison, and comparison is only possible if analytical criteria are available to integrate those specificities into common typological families.

Throughout the book, Prof. Fabbrini compares the U.S. both early American and current U.S. policies, which differed and evolved, U.S. Government to modern European nation states and to the new E.U. model of government.

The U.S. and European modern models of democracy have been the major models that we've used to describe democratic government for many years. Even those these two models are quite different, researchers have tried to compare them on the basis of past histories, democratic trades, levels of economic development, and their

federal or centralized institutions, so, there's been ways that we have used to compare; we certainly have tried.

Prof. Fabbrini describes how the arrival of the European Union on the scene made even these political and theoretical explanations and comparisons more complicated. Because the E.U. was not institutionalized politically like other international organizations or like the 27 member states, it needed new theories to explain it.

Now, it makes sense on many levels to compare the United States and the E.U. to each other, rather than the U.S. or the E.U. to the individual democratic states, but this comparison still isn't exactly new; other people have tried it in various ways. It's been tried several times.

The U.S. is, after all -- but it still makes sense to compare it to the E.U. because it is, after all the only democracy of its size, structural size, political features, such as federalism, separation of legislature and executive institutional powers. We see the same thing in the E.U. structure. So, these are things that are quite comparable to the E.U., the E.U. size, and, also, its structural organization, so, it makes sense try and compare them, and, as I said, before this model, other people have tried in different ways to make this comparison.

Earlier, E.U. scholars and practitioners have even referred to the E.U. as a United States of Europe in trying to make this comparison,

again. Still, there's been little systematic, theoretical grounding for this comparison until Prof. Fabbrini developed the idea of comparing the two entities as compound democracies. We have had, also, multi-level governmental theories, which compare the federal system of the United States with the sort of semi-federal, and you can't say the word federal in the European Union because the U.K. doesn't like it very well. So, although people (inaudible) it, but, anyway, multilevel is the term for federal sort of in Europe. So, people have tried to compare it on those levels, as well.

Using compound democracy as a theoretical construct for comparing the E.U. to the U.S. opens avenues for further discussion about the E.U.. This framework establishes a basis for comparing the E.U. to other political and democratic entities and opens the door for more conversation, even though I'm going to point out a few problems. Prof. Fabbrini has also noted a few of those, but it opens the door for more conversation in a much more structured and much better grounded way.

Without such a basis for comparison, it's often been hard to conceptualize the E.U. theoretically. Now, it should be much easier to understand what it is, what it does, and what goals it will attempt.

I'll give a little explanation about these compound democracies are just to follow-up on what we've already heard.

What are compound democracies then, and what is the framework for comparison?

According to Prof. Fabbri, "compound democracies are unions of asymmetrical states and their citizens," and that's a quote, where decision-making power is separated and shared by a plurality of actors, lots of different actors, including the states, also, the individual actors, and the institutions, as well, operating within a multitude of reciprocally independent institutions. They are democracies based on territorial or state cleavages, and the United States really came together this way, as well. The original states were quite different. We still think Texas maybe being a bit different or California and New York, but all of the states were really quite different at that point, so, I certainly agree with you that that's not a farfetched kind of way of comparison because of the difference between Italy and the U.K. or Italy and Germany or something like that. There were a lot of differences in the beginning.

So, these territorial or state cleavages, that's a very important part of compound democracy, this kind of differences. And they function without a government, and Prof. Fabbri was mentioning this before, that is a government is a single institution. We have a government, obviously; so does the European Union. At least they like to think they do, but, anyway, there is a government there established, but

it's got an awful -- it's got -- we talk checks and balances in the United States. It's the same sort of thing in the European Union, where each institution in the United States, as you know, can check the other institution, but they also integrate within -- different ways with each of the institutions, too. So, the Congress has some connections with the president, the president has some connections with the Senate. The Supreme Court has connections -- so, even though they're all separate and they can each check each other, they also have connections with each other.

The European Union institutions are very much the same. In fact, sometimes, you get confused as to which institution is supposed to be doing what. The European parliament is always trying to get more power, it would like to do more than it's doing, and that sort of thing. Now, they're sort of intertwined, but they're also separate and they're also checking each other.

So, they function without a government as a single institution then.

The early America was described as a republic of many republics, and we heard this already, and the term "compound republic" was first used by Madison, who was trying to operationalize an America supraprstate project, and here's also your supraprstate idea. Supranational is

what we've often called the European Union when we couldn't call it an international organization. So, this was the American organization of the supranational projects, which would combine both a horizontal and a vertical separation of power, and this is a very important aspect of the compound democracy. We have vertical, which is the difference, like a federal structure, the difference between the local and national -- the local state and national levels or units of government vertically, then we have the horizontal separation with the checks and balances, and that is, for example, the difference between the Congress, the president, and the court. We have this same kind of structure in the European Union, as well. We have 27 states operating within the structure of the European Union structure. We have five major institutions in the European Union's kind of government.

So, we have this both horizontal and vertical separation of powers, and where the formation of factional majorities would be obstructed through institutional fragmentation, and this is the problem of Delaware versus New York or Luxembourg versus Germany. You want as many voices to be heard as possible. You don't want anybody to have -- to be ramrodded into doing something they don't want to do, and this is not easy, and this wasn't easy for the United States. We've had lots of

struggles, Civil War being one, and it has not been easy and continues to be difficult, the challenge for the European Union.

So, compound democracies are also anti-hegemonic, anti-hierarchical, and anti-unilateralists because they require a sharing of powers among all the multiple states which belong, and the several multiple governing institutions required to coordinate the different levels of government and the necessary operations of the government.

Power and compound democracy is decentralized, decision-making is complex, accountability is often unclear.

Now, Prof. Fabbrini carefully shows how both the modern E.U. and the U.S. fit into this model. Decentralized, complex decision-making and limited accountability among things, so, he has a nice -- each thing is categorized, each thing is addressed.

He carefully fits the America, USA, into the compound democracy model and then differentiates it from the more centralized single European nation state model of government, and this is what I said, this is the third model that he's put in there so we can see differences.

Where the individual sovereignty of each nation is necessary for consolidating public authority and where power is centralized and fused -- remember, that's another key for these European nation states is fused power where the leader comes from the parliament.

The advantages of the European Parliamentary Government include accountability, especially in competitive democracy, such as the U.K., and more streamline decision-making.

Prof. Fabbrini then examines the E.U. and compares it to the individual member states from which they derived, and then to the U.S. by way of using this framework of compound democracy, so, you can see it's very nice, informative, juxtaposed, carefully justified.

Using this framework of compound democracies allows us to more clearly see the similarities and the differences -- I maintain this -- between the U.S. model and the E.U. model. However, when trying to fit the E.U. into the framework of a compound democracy, Prof. Fabbrini faces some problems, and he's alluded to some of these problems. This is where there's probably controversy, and I'm sure some of you will have some questions on these areas.

For example, on page 269, he states: "If the E.U. is moving in the direction of the compound USA, then similar trends may be expected to emerge in both of them. The big question is the "if" in that statement because, despite all the similarities Fabbrini discusses, the institutions of the E.U. are still so young and changing that there are few certainties (interruption) instructors and their way of functioning. Indeed, with the proposed new "Lisbon Treaty," which is supposed to go into effect

in 2009, the EU institutions will change again, and the parliament will gain power.

And I've been doing some research on this, and the people in the parliament are very excited because they think they know they're going to be getting some more power, and they have some big ideas of things they want to do.

If the European's parliament -- if the European parliament's influence grows and it gains more influence over policy making, the EU could perhaps veer back toward having a stronger parliamentary type of government, which is, after all, the heart of earlier European political culture.

And again, it's a question of how wide did the EU change. How could the EU go away from this kind of culture?

Compound democracies have to learn how to function with their weak decision making systems. The United States also, according to Fabbrini, has more experience in policy making using this kind of a system. We have 200 years of policy making using this kind of -- using -- surviving with weak decision making ability. And we've evolved into a stronger presidential system in order to especially address some of the problems, international problems, with the rate of globalization that we see around the world today.

Yet, still, our presidents are -- they have a mandate for a little while that gives them quite a lot of power, but our Congress has enough power that it can counteract this, if the crisis goes on for too long a

period of time.

Now, the model, therefore, is very useful -- and these are just of them, but I'm going to list a few more -- but it isn't -- it isn't perfect.

Problems with -- that I see with this -- and I think these are the ones -- some of these have been addressed very well, I think, in the book, as you will see.

But these would be the questions that I might raise or that you might be thinking about as well, and some of these -- the problems with this model might go with the differences in constitution and constitutional -- and constitution building. This is a big, important part of the book. These are quite different. They're -- at the time that the U.S. made its Constitution, the elite was very isolated. It didn't have to account for so many voices, so many different points of view.

The European Union is making its institutions in a much different period of time -- 27 nations coming in; more voices, much more democratic. We didn't have the franchise extended to all people in the United States when the Founders first wrote -- or when the Founders the Constitution.

A lot more voices to be heard now, and this really could have a big effect on the comparison, using this framework, I think, and making the comparison.

Differences in parties and party structures -- again, this refers -- also goes into accountability issues. Differences in democratic development of the -- in the institutions, because, as I said again, this is --

the United States has certain traditions that are quite different from the European traditions, and this development is quite different if you look at it.

Also, is there a democratic deficit? Professor Fabbrini addresses this in the book. But, still, there is an awful lot of questions about how democratic is the European Union.

It only has one institution that's totally democratically elected, and that's the parliament. And at this point, the parliament doesn't have very much power. So there's the problem of this.

Now, I think the argument that he presents in the book is quite interesting, but I think this is still something that will be raised, a question that will be raised.

Differences in accountability, and this is a big -- also a big problem. Both models or both countries -- units, entities -- have problems with accountability, but in different ways. So this would be another way.

Differences in historical development, especially different stages of this institutionalization. The time of becoming a compound democracy was different. Problems facing the two countries were different, partly because of the time.

The U.S. has had 200 years to institutionalize. The EU has just had about -- it's about 50 years. Depending on when you count how large it is, it's only -- the last enlargement took place last January, 2007.

So it's had a much less amount -- fewer years to institutionalize. And, as we can see, it's still changing.

Our constitution is pretty set. We're changing in different ways. We have to, to adapt. But it's very difficult, as you know, to amend our constitution.

The EU doesn't have a constitution right now, which is one problem. It's working on it. That's another question.

You know, if you don't have a constitution, can you -- are you really a democratic entity or can you be considered a compound democracy without a constitution.

Now, Professor Fabbri states in the book that, in fact, the EU has had a pretty good constitutionalization, that is, through the treaties, which act as constitutions, the institutions are guarding the treaties, and they seem to be -- they are working quite well as far as especially in the economic area. But even to the fact that these policy making -- policy making is extending over a lot wider areas than it was before, including things like trafficking of women, drugs, and this kind of thing, and even common asylum policies they're working on, which is usually sort of a very sovereign kind of issue.

So, but still, without a real constitution, this does raise a dilemma as to how comparable the U.S. and the EU are.

We also have different kinds of elites in power at different times. This is another issue.

The chapter on constitutionalization, which comes up red in my computer whenever I put it on there, so it's a new word, but anyway, this is an interesting chapter and goes into what I was just saying. It

demonstrates how the process of constitutionalization has magnified the policy making role of the ECJ, which is the European Court of Justice. And I think this is a very interesting point of comparison -- the European Court of Justice to the Supreme Court.

And I've seen other people actually try to do this in different studies, so this is not a far-fetched idea either. The ECJ is now taking a larger role in making policy in the European Union. This is a very comparable thing to what the Supreme Court is doing in the United States, so we can make some very good comparisons, I think, along this line.

So we can -- and again, the founding treaties can be considered quasi-constitutional documents, and that fits it into the constitutional mode a little bit more.

The process of constitution building in the U.S. and the EU and the role of the courts in both entities have many comparable features, which strengthen the rationale for using the compound democracy framework, although the differences weaken it, so we have sort of a dichotomy there.

Just to sort of close, I would say Professor Fabbrini, I think, describes very thoroughly the many ways that the EU is both similar to and different from the U.S. through the lens of this compound democracy explanation. This paradigm does, indeed, seem to explain both the goals and the structures of the EU and the U.S. more thoroughly than previous explanations.

And it permits a clearer understanding of the challenges

facing these kinds of multi-unit, multi-level democracies, the reasons for their past actions and the possible future direction the EU might take.

It grounds the discussion of the EU's development in theoretical terms and should enrich -- and I can't emphasize this enough; this is what we want when we talk about these issues -- it should enrich the discussion of the EU in the future beyond just what it's doing in terms of policy making and enlargement.

All in all, this book was very informative. I would highly recommend it for students and even people who are just interested in the EU, especially comparative politics. It's an excellent exercise in comparison and very informative on European politics.

Discussions I -- I maintain that discussions about the European Union will be much richer, and it will be easier to explain the EU to Americans, to Europeans, I think, from a comparative viewpoint.

So thank you very much.

(Applause)

MS. BINDI: Well, thank you, Eleanor, for your discussion, which was very interesting and also for doing it. I mean, I have a colleague, I don't say whom, who borrowed the book from me and then gave it back to me after half an hour and said, "Ooh, this is a book you really need to read. You can't read it in half an hour."

MS. ZEFF: Ah, it's a radical issue, so that's --

MS. BINDI: Okay. And now I would take the privilege of my -- of the chair to throw just three things before I open the floor.

Now the first thing is I do completely agree with Eleanor that it's -- the book is interesting not only from, you know, the empirical point of view, but also from a methodological and theoretical point of view because it's really one stone more after Hick's work in saying that the EU is not something which lives on the clouds and should be studied on its own, but should be studied in the context of the rest of what we have around. So I think this is really very, very interesting, and, as I said in the beginning, I wish I had written it. I would never be able to do that. But, anyway.

I do, however, have two problems. One, well, clearly, I think you finished the writing before the new treaty was approved, because you say, you mention that the EU doesn't have a constitution. You mentioned what happened with the constitutional treaty.

Now, as I said, I suspect that you gave it to Oxford before the new treaty, the Lisbon Treaty, was approved, because, in my mind, the new treaty, even if it's not called a constitutional treaty, it is just like the constitutional treaty given a few make-up operations. So, from many points of view, it can be really regarded as a constitution, even if it's not called as such.

And the second problem I have regards the division of powers concerning the EU, because especially from -- both from a vertical and horizontal point of view, but especially from a horizontal point of view I don't really see a separation of power. I mean, each of the institutions have tasks, but especially when you go to the point of view of legislating, there is really a fusion more than the separation, because the Council

legislates to get its second chamber together with the parliament a number of issues. On other issues, it legislates on its own. But at the same time, it's also sort of an executive, and the new treaty is going to blur the institutional distinction even more, so on this if you can go back.

That being said, I would open the floor for other questions or comments.

If you can please identify yourself when you ask your question or do your comments. Yep.

MR. COLLEGO: I'm David Collego. I'm a teacher at the (inaudible). The first thing to say is -- and these are ideas I've been chewing over myself for a long time. But there's nothing more (inaudible) I think we're old scholars to find somebody to present all these things so brilliantly, as so imaginatively, (inaudible). It's a source of great encouragement (inaudible).

A couple of thoughts about this. One is in talking about the origins of these ideas. I mean, I guess you could stress more another tradition in the United States, which is the federalist tradition, which has always wanted a strong central power and assuming more itself, which is (inaudible) emergence of that power, and when it is threatened or the Imperial Movement at the end of the 19th century and so on.

And similarly in the way with Europe, it is a whole medieval tradition of constitutionalism, and a system of sovereignty (inaudible) difficult to locate, when you think about it.

In a way, and there's also (inaudible), and some (inaudible).

But what would be particularly interesting to me is the notion of the -- you mentioned this importance of post-relations between these two systems, and it might be interesting to speculate further on why. And it seems to me you could say, you know, (inaudible) can speak very roughly that to couple it with the American system, at least the central powers, is strong. And it's (inaudible) what you say. He talks about the (inaudible) legislation. We are a region in that sense.

But (inaudible) at the moment, I suppose is the breadth of the (inaudible), but much more fear of an over (inaudible) that is power, which is, as you point out, linked to the world role of the United States and its enormous agglomeration of military and financial power, which -- so you can say the United States is too strong in its external power, and it begins to warp the whole constitutional structure.

Similarly, of course, you could say that the top of Europe is that it's actually very efficient in its domestic side, but it's not strong in its external side. And, you know, (inaudible). But what is interesting is whether these weaknesses in a way could (inaudible) for the (inaudible) in the further of the other; that, I mean, one of the problems that a constitutional system like this is is that in a sense, like the European system, there needs to be a balance of power, an external one, in which it fits. You know, if it's inside, if there isn't, then it's very easy for these balance to get out of whack, which is really a further elaboration of the same way of looking at the (inaudible).

MS. BINDI: You want to come back for his comment first?

MR. FABBRINI: Does somebody want to join?

MS. BINDI: Let me get that.

MR. FABBRINI: First, let me thank Eleanor for this very, I can say -- I didn't ask her to be so gentle with me, so you know that she was from her side to appreciate the book.

And I think that the real question that I meant in this book is exactly the question -- the constitutional question. And I think that is one of the issues that we have -- or at least I have not fully -- I have not fully thought about.

Of course, we don't need to have a formal document in order to have a constitution, because, as you know, there are important, very established democratic systems, and I think (inaudible) among them, let's say Israel or Germany without a formal document. They have fundamental laws or they have convention, so in some way the European case is a case of a system constitutionalized regardless the lack of a formal document.

So it was the interpretation of the European Court of Justice of the treaties as documents of a constitutional status so that and on that basis you have this formidable and expected decision of the European Court of Justice regarding the superiority of the European law vis-à-vis the national law and the direct effect of the European law on citizens, which pulled apart the European Union from any other kind of international organization. It is impossible, in my view, after the 1962 and 1964 sentences to insist that the European Union is an international

organization. It's just impossible.

You have there the foundation of an integrated judicial system, which is novel to any kind of international organization.

However, a convention, let's say, of a treaty interpreted as a constitution is a different thing than a constitution, especially when you are in a compound system, and that is my worry, because if I look at your experience, especially the United States, you had a document. That document was always open to discussion, to fight, to battle. There was a permanent debate on the Constitution. Even -- huh?

MS. BINDI: The EU as well.

MR. FABBRINI: Okay. So the U.S., even the Civil War was run on constitutional terms. It was -- the discussion in this country was always framed, shaped by constitutional discourse. And even the most important social issue, since the civil rights, was run, was justified, was criticized on constitutional grounds.

So what I found interesting in thinking about the American tradition is that the Constitution did not create a nation, as we can say in Europe. It -- of course, it created a nation; okay? But the Constitution reduced the space of the legitimate discourse. So, you need to justify yourself in constitutional terms in order to be accepted in this country.

So the Constitution gave the language for the fight, gave the language for the struggle.

So in compound polities, you have -- it is impossible in a compound polity to arrive to a common understanding of the basic values.

It is impossible.

So if I look at the American experience is that you don't have what we can call an inevitable, natural understanding of what you have in common.

What you have in common today is very different from what you had in common after 1864 and '65.

So is -- the Constitution is a process. It's not a document. Whereas, in the European nation state tradition, the constitution is a basically document, a very detailed document. And you need to change regimes in order to have a new constitution. Here, you were interpreted continuously the Constitution through this basic structure, which is a linguistic, normative, in some way I was ideological, represented by the Philadelphia document.

That helped a lot the United States. In keeping together, you had a common language. You have -- also you have different interests.

The weak point, the Achilles Heel of the European constitutional question is that we don't have this -- we don't have this common document, and we don't have common language.

Of course, I know that my constitutional lawyer colleagues, when I raise this question, say, "Oh, no. You are overlooking the fact that we have a common constitutional tradition in our nation states." Yes, but the Jacobin tradition of France is not exactly the same tradition that you have in Britain. And there are many differences that cannot be overlooked.

So this is why I think it is important for the European Union to move in the direction to have a formal document. But that is the trouble. There are difficulties in going in that direction, because there are certain countries, certain areas, which fear the formal constitutionalization. That is normal. It is physiological. There are differences between the northern countries and the southern countries in Europe, especially the continental countries. The seaborne countries, like Britain and the Scandinavian island and peninsula, have a completely different story than the -- let's say land borne countries of Germany and France. Think about nationalism.

That is an absurd question for me. Like for me, as Italian, nationalism is a danger. It's a danger. And for my German fellow, nationalism is danger, because democracy was destroyed by nationalism. And nationalism was the fall of democracy. Not for my British fellow, for my Swedish fellow, nationalism was the rationale for protecting democracy.

So it is difficult that we found a common ground because we come also from different experience, but that is also the experience of the United States.

So all to arrive, so to have this division is physiological if we have a common document. But this division forbid us to move in that direction, and that is the Lisbon Treaty.

Yes, the Lisbon Treaty -- you know, try to understand how Europeans found compromise is a job. So you have to spend nights and

days in order to understand how in this case, in Berlin, basically, they found a solution to the constitutional treaty. You know, I know if you are familiar with the compromise -- so the compromise -- the Europeans decided to have a constitutional treaty, so the court constitutional treaty, and they elaborated one between 2002-2003. Then it was little bit revised in 2004, and then it was signed in Rome in October 2004.

Then it was submitted to the European electorate, and, as you know, French and Dutch electorate refused it.

But we are a compound polity, so at the same moment, 18 member states approved, two of them through popular referendum, the same constitutional treaty. So that, for me, it's physiological.

So it's part of the system that you have these continuous territorial and political cleavages.

So that kind of solution they found?

They disaggregated the constitutional treaty. They took apart and they brought this part within a previous treaty called the Treaty on the European Union, approved in Maastricht. Then they took another part and they used this part for substituting another treaty, which was still alive in Maastricht called the treaty for -- on the European Community, transforming that treaty in the treaty on the fashioning of Europe, and then they took the Chart of Rights, elaborating this, and never formally transformed in a treaty, making this Chart of Rights in a third treaty.

So basically, 92, 93 percent of the constitutional treaty is still there regardless of what the Dutch and the French voters decided to vote.

But they are there with different names. So they are within the previous treaty system, so they don't need to be submitted to the electorate because the treaties are the same for approval, so they can pass through parliamentary approval, and that can save the new treaty from another reaction similar to the French and the Dutch ones.

So, yes, it's the -- in the substance it's a constitutional treaty. For the first time, Europeans had a Chart of Rights. But, and that could be a step for law, so I am in favor of this solution. I found the German governments, especially Anglo-American, very smart. They work in a very effective way. She was the savior and more than Sarkozy. I thought Sarkozy opened the law, but she was basically the savior of the constitutional treaty.

But nevertheless, we are still without a document in common and that is an open question about the capacity of the European Union to resist the divisions, which are structural within a union of 27 to more 30 states. After all, it was I think Hamilton which said you can have perfection in a so diverse polity system. It's impossible to have that kind of perfection, but I -- so I have a positive view of what is going on.

But I think there are still very important problems on the (inaudible).

The second question that Federiga raised has to do with separation of fusion of power. I think I prefer to talk about separation of power rather than division of power, because separation of power is a much more effective way to think on the allocation of authority within the

EU system and the U.S. system.

Separation of power means basically that institutions have different sources of legitimacy, and they have different timeframes for functioning. So the European Parliament has a different source of legitimacy than the Council of Ministers. And the Council of Ministers has a different source of legitimacy than other institutions in Brussels. So they don't rely on the same electorate.

In the fusion of power system, the Parliament and the government have the same source of legitimacy -- the voters who go to vote every four or five years; okay?

But this is why I found the American experience interesting. Again, I look at the American not for, say, for imitating, just but is a comparable experience. But, of course, separated institutions need to find a way to cooperate. And in order to cooperate, you need to find some way which part of their own activities impinges on the activities of the other institutions.

And that is the American invention. And it is on the invention of checks and balances. So what we have is that we have the Council of Ministers which decides through a negotiation the name of the future president of the commission. At the same moment, the Parliament checks and balance that decision of the Council of Ministers and will say if Minister Burrows will have to remain there or if it's better to go in a -- towards a different name.

Of course, Europeans do not like to say, "Oh, my God. We

are creating something very similar to what is going on in Washington. But the fact of, from an empirical point of view, I don't see any difference between the checks and balances, advise and consult procedure that are working in this part of the Atlantic.

So I think that what-the lack is the -- in terms of our system is that we don't have a theory of compoundness, where you started from a theory of compoundness.

And my point of view in the political debate, this is no longer as a scholar, is that if we had a theory of compoundness, we could keep under control many fears in Europe, because compoundness is the idea that everybody will have hear, a voice in the process. In the same moment, we need to find a way for taking decisions, and it is the lack of theory that is represented, in my view, the challenge for the next generation of European scholars who want really to go on the direction of the peace pact.

Professor Collego's remarks are very useful. As you can imagine from the book, you find it -- and I enjoy very much, and I rely a lot on your books and your work. And I still, I think with you, and this is why, in some ways, this is my preoccupation with Europe. But that compound politics are fragile enterprises, very fragile enterprises. There is a dedicated chapter on the question of how it was possible for the weak America to institutionalize, because in Europe, as you know, you know Europe much better than I know, but in Europe, as you know, people think that America is strong for its own institutional system and not regardless

its own institutional system. This is a system which is very weak if we consider the power of the prime minister and the power of the president. In institutional terms, the prime minister has much more power over the president. It is the fact that Britain or Italy or Germany is weaker than the United States. But in institutional terms, the prime minister is much powerful. Once he is elected and he can enjoy the loyalty of the majority and especially of his own party. You know, my own party, there is nothing to stop it, and indeed it was much easier to call into question the Bush position on Iraq through the mid-term election of 2006 than to criticize Blair and the other prime ministers. You need to wait for the next election, which is -- it is very difficult that you have an inter-institutional accountability as compound polities tend to have.

However, this -- because they are so fragile, I completely buy your opinion that Europe and America need to strengthen the checking and the balancing of power; that if the two systems understand their own logic, and they stay in this idea that you are, let's say, on the same side, but with different views, and these different views can change, so there is no -- nothing permanent there that can justify anti-American or anti-European (inaudible). There is no way, for because it can change. In that sense, the weakness of the system can be strengthened by their own, let's say, countered by power, and this is also my, hopefully, my hope as an intellectual that Europe is moving in that direction; that the both can help each other in keeping under control their own, let's say, executive kind of position, because in America when you have the same majority

across the board, as it happened between 2002, 2003, and 2006, there is some problem to worry. I write in the book that in the compound system the checking and balancing of power is between institutions. It is not between political forces; where in Europe, in the European nation states the guaranty for democracy is the existence of government in a position. That is not something that you can call governmental position in Washington nor in Brussels.

It is the institution. It is up to the institution to check the power of the other. I remember one important Italian political leader wanted to come here, and he called me and say, "I would like to talk with the leader of the opposition."

MS. BINDI: The President.

MR. FABBRINI: I said, "If you want to talk with the leader of the opposition, it's better for you to go to Capital Hill and to talk with the Speaker of the House, because there is not something that we call of oppositions." And just -- and this is a very important, prominent Italian politician. So he thought that there was an opposition of a Republican type rather than a royal type.

So in this system, in which there is no guaranty of opposition, the guaranty of democracy depends on the capacity of the institutions to maximize their own different sources of legitimacy, and to play this role for institutional interests. Ambition to check ambition.

And when the Congress gave up, you risked entering a situation in which there were no constraints on executive pretension.

So that is a good lesson for, I think, the Europeans, because we have to find a way to take decisions. At the same moment, we have to guarantee the logical compoundness of the institution in their decision making process.

If that is not sufficient, the fact that we have another power, a democratic power in the other shore of the Atlantic can help you to remind a democracy is too serious business for leaving only to one individual.

MS. BINDI: All right. We have some more questions. Yep.

SPEAKER: Thank you very much, Professor. My name is (inaudible). I appreciate very much your speaking about the origin of these systems. And I was just reflecting that in a way the American system comes out with some religious (inaudible). In a way it becomes a marriage (inaudible). And the idea is that somehow you cannot leave the marriage. I think in a way the Civil War was about the fact that you cannot get a divorce, yes. And I wonder if there's a comparison with the European system as being a kind of a common law marriage; that it isn't an absolute vow and that somehow it's able to maintain itself because there isn't that absolute vow.

Let me just see what else. And I wondered if our Constitution was like a marriage contract, and, you know, how that has kind of a religious base and if people kind of believe that it was somehow given from beyond the stars that we would be this entity and that we were consecrated in some very special way and called in some very special way to be the great light and power of the world. That's part of our

mythos. Where the European Union to me seems like it's coming out of much more of a secular type of position. I'm not being critical of that, but I'm just saying that that is the comparison.

MS. BINDI: Okay.

MR. FABBRINI: Oh, sorry.

MS. BINDI: There is another one.

MR. FUWANI: Hi, Vijay Fuwani, CSIS.

And in the logic of the American founding -- I guess my question goes to the classical questions of sovereignty are resolved into one system of republics that has a formal definition in terms of territory, population, et cetera. And when I look at Europe, I see that there are sort of two almost compound republics or at least systems of republics at work.

One of them is the European Union, which has originally an economic foundation, and then the second one is NATO, which contains the other or one of the other principal questions of sovereignty, which is defense.

And these two systems have two different sets of member states, populations, territories, et cetera. And I think this is important I suppose principally because security and defense and war were some of the main drivers by which our republican system was centralized.

And so I wonder if having two separate republics operating in Europe, one of which is not even fully European, really changes the developmental ideas of a compound republic that you mentioned and if it also effects the sort of unifying trajectory that you predicted between the

United States and Europe. Thank you.

MS. BINDI: Is there one?

MR. BEARY: I'm Brian Beary. I'm a journalist for EuroPolitics, based in Brussels.

I just wanted to ask about what the high water mark might be for European integration. You know, when you look at the United States, the Constitution really wasn't changed that much since the very beginning. And yet, the power of the U.S. President did evolve quite a lot, especially in the 20th century.

In Europe, by contrast, you have the treaty has been changed six or seven times. So it's as if you need this formal, you know, change in the decision making process in order to further integrate.

Just looking at the U.S. model, both vertical and horizontal integration and now, of course, states' rights seems to be asserted yet again, what do you think the trajectory for European integration is going to follow?

MR. NAREN: Steve Naren, independent. Just at the moment at least, it seems like there's an imbalance in the term head of states relative to this conversation.

The people who get covered in the newspapers, when they have been, are the head of state of France or Germany, when they meet with our President.

I don't know at what level the inter-government activities happen at a different level, but is that a problem with just the maturation of

sort of an understanding of where the power is or is it just a question that's going to change with the stronger parliament?

MS. BINDI: Are there any other questions? One.

MR. KUWIYAMA: Kelly Kuwiyama . I'm with -- was with the Securities and Exchange Commission.

I was just wondering in respect to this conversation today whether you have considered that the Constitution of the United States I thought was a prohibition of powers. In other words, it -- this country was built on freedom, and that was their -- really their cry. And so, therefore, the Constitution was made so that there it would enforce freedom and give freedom to the local governments -- states and local government. And that was the basis of the Constitution.

And, therefore, in Europe itself, it also must give freedom to the constituent nations within the European Union, and whether that would be -- could be done successfully, that is the problem, of course.

But I was thinking in terms of Europe itself, when it was first constituted, Garibaldi in Italy and Bismarck in Germany were the great forces which unified those nations. But now, we're unifying the whole continent itself, and, therefore, one of the basic things of the United States' ability to have immigrants come into this country, and I am a (inaudible) that they speak English.

And if Europe could have a uniform language that would be one of the constituent things to produce a unified Europe; that they could speak to each other and communicate freely with other is a basic.

And then, the other would be that the constitution itself should give freedom to the constituent powers.

And also I was wondering about religion in the United States. Each congregation, particularly among the Protestant, creates their own morality. In other words, there's no great Pope or head who can ban certain things like homosexuality or anything else like that. There's no edicts. The -- each congregation makes -- creates their own morality.

I wonder if that could obtain in Europe as well, where Europe itself is losing its Europe -- its religious base.

MS. BINDI: There is one last question.

MR. MURPHY: Thank you. Tom Murphy from the Millennium Project at Global Futures, an NGO.

My question is about the future, to some degree. And how do you see the effect of, if I put it under the word of globalization, the very rapid changes that are coming upon us, whether it's globalization in a social sense or an economic sense or an interactive communication sense or whatever which is migration -- immigration or emergence of women -- whatever issue you want to put, which are very rapidly changing in our world, and what effect do you think that will have on the development of the EU and specifically do you think it will force the development of a legislature and even more specifically an executive in order to end up with a multi-polar world sort of approach.

Is that where they would like to go in other words?

MS. BINDI: We have a difficult 10 minutes to answer all

these questions.

MR. FABBRINI: I'll start from the first one. It was interesting. Yes, it was interesting for me to spend some time in your Archives and try to understand the America which came out from the Civil War. And what I realize is that for a long period of time, roughly one century, you used in the books and historians (inaudible) used to say the United States are. And only with the 1880's -- I don't have the clear year, but only with the 1880's you started to use not only in the academic writings, but also in the popular jargon, the United States is.

So for a long period of time, roughly one century, the United States was considered with the people of the United States. And only after the Civil War, you started to think with the people, downplaying the role of the United States.

So that in a way, the compound polity in this system was a marriage between different states. It was an attempt to protect, and there was a question of security over there, and it -- that fear to be colonized, to be controlled, to be divided by external power was a formidable pressure for keeping together.

But the division was still there. And I think in that sense, in Europe I think we have already that experience. We don't need to pass through that experience and that memory is possible to build a new narrative.

I thought this is the most troubling question because my family -- my fathers and my mothers -- participated in the Second World

War. They were on the other side. They were in the what (inaudible) to be the winning side, so they were communist partisans and the (inaudible) line, and captured by the Nazis. So in my family, the idea of the war was a permanent question; okay? So when I grew up, my father said you can speak all the languages you want, but German no longer. I want to hear German (inaudible) and these (inaudible); okay?

So that creates the mood for integration. The new generation is no longer like that, and in that sense, the reasons of integration are much more complicated now, and it depends on the political elite, but, yes. So in a sense, there is an attempt of Europe to think in a more secular term its own future.

Yeah, the question of the double compound system is true. I mean, this is one of the interesting questions, the EU and the NATO. EU without NATO was impossible. So the NATO was the guarantee, as I said before, for the building of the compoundness, of European compoundness; okay? And NATO allowed the European nation states to become step by step European member states. As you told, we started from the market. Germany, a very clear idea. We start from some things, cooperating on those specific questions, and then we moved on.

Now, NATO is no longer a guarantee of European compoundness, and that is the debate. Professor Collego wrote a lot on that question; that from one side, Europeans need to have a more active role in security. And I think the decision of Sarkozy, if it will be implemented, to re-enter in the military organization of the NATO will be

very important, because, at that point, there will be the possibility to create a kind of European pillar within NATO. And I think the condition for doing that is the fact that no longer do the the French and Germans, especially French, no longer play the card of the anti-Americanism or anti-American critique.

So you can create a European pillar wholly allied and close to the American, if you are responsible.

To the other end, it seems to me that also from the American side, it's not -- there is no clear position on the question, because from the American side, there are positions saying, yes, it is time for the European to pay for their own security.

But there are also some American positions say be careful, because they can go against us. So there is a kind of schizophrenia over there, and none of the two sides is able to find a good, let's say, compromise and a trusting situation, and that is an open question. I think that there is a pressure. It was, as other colleagues -- Soldatis Braja wrote, "Europe is a sort of reverse federalism. We put together what in other systems is allocating the states, and we -- allocating the states was another is put together.

And one of the things that you need to have is security. But again, it depends also on the contingency and new challenges in the transformation of international system will push Europe, I think, in that direction.

But also it's important to know what happens here next

November. What kind of coalition will take power in Washington next November? So I don't have a question. Again, I know -- I understand the nature of the problem.

It's not true that the U.S. Constitution did not change as much. I mean, you have 27 amendments. And you have thousand of amendments which started and did not move on.

Moreover, you changed your law. Once the reformer or those who wanted to change the Constitution understood the complexity of the constitutional amendment process, the fact that you need to have the two-thirds majority in one chamber; two-thirds majority in the other chamber; then the majority of the three-fourths of the states and it was extremely difficult, especially when the conservative majority were able to control a minority of the most states, it was extremely difficult to pursue the legal, the formal route, you had very important constitutional change in your country through Supreme Court decisions.

And you have judicial decision, which changed what the Europeans used to call the material constitution. You didn't change the constitution in many cases.

You have a growing role of the president and a second American republic, if you want to say like that, without a formal transformation of the Constitution.

Before the 1920s, the President was one of the public officials in Washington. In many cases, in the 19th century, the President neither bothers to go to the Congress to give the State of the Union

Address. It was written by some of his advisors and read by the most important Senator.

With the '20s and the '30s, and especially after the Second World War, you had an incredible increase of power of the President without transforming the Constitutional. So when you look at the change, you look certainly to the formal level and the 27 Constitutional Amendments are few, but, nevertheless, they, in many cases, they really restructure the American compound polity. But (inaudible) judicial decisions, and they are very, very prominent.

So the Europeans really changed treaties, because they don't tell other (inaudible), and that is the good point; that we have an obligation to change treaties through unanimity and not super majority.

And the difference between unanimity and super majority is quite consistent. Nevertheless, I say the unanimity didn't stop the European Union in readapting continuously the treaty to the transformation of the system.

The Lisbon Treaty opened a new route, opened the route that certain member states can approve the treaty and decide to go out. It is, for example, one of our common acquaintances, (inaudible), to say about the British. Approved the Lisbon Treaty.

MS. BINDI: Or (inaudible).

MR. FABBRINI: For the first time in the Lisbon Treaty, there is the possibility they close for going out for succeed.

MS. BINDI: They'd never do it.

MR. FABBRINI: Okay. And you said approved the treaty, so all the 27 member states approved the treaty, and then make a referendum if it is better whether to stay in the European Union or not.

But that would be another interesting step of the constitutionalization process.

Yes, about the head of states. Of course, there is a lot of -- especially European heads of state -- (inaudible) of the monarchical tradition, even in a republican fashion like to be the heads of state. But behind that, let's say visibility of power, the substance has changed dramatically.

And so I don't want to say that in the future Berlusconi will be equivalent to the Governor of Virginia, but Berlusconi is no longer the prime minister that was (inaudible) in the 1940s and '50s. He is subject -- he has to take into consideration a lot of decisions coming from Brussels. And if you don't -- if you are not good in doing that, you pay very high costs.

And what the Italians especially learned along there -- for a lot of time, Italians did not bother too much. They were part of Europe, but they didn't play the European game.

And then they faced continuous constraint in adapting to Europe. And now they learned, and, indeed, in fact, they decided to nominate in as foreign minister a previous vice president of the European Commission to give you an idea that Europe has to be -- Italy has to be very loyal player within the European Union.

So the heads of state are there, but I think especially with the Lisbon Treaty, their power will be diminished and considered, as you know in the Lisbon Treaty, the heads of state will nominate for two years and (inaudible), and one of them as president of the European Council, not president of the European Union, but president of the European Council, and he will be there -- he or she will be there for two years and out. And he can be renominated for another mandate.

At that point, Europe we have one head of the European Council, one president of the Commission, which is -- and then these strange ways in which the compound system in Europe is moving towards the question of security, what we call the high representative for foreign policy, who will be vice president of the Commission in the same moment will work with the European Council.

You see, there are many roads for going towards checks and balances. The Europeans probably chose the most complicated road. But so then at that point, you will have three voices at the global level. You will have the president of the Commission, the president of the European Council, and their representative. And then you will have the competition between the three.

Of course, this is a competition much more complicated than the competition between Bush saying that Syria is supporting terrorists and Mrs. Pelosi going to Syria to pay visit and asking for good relations with the United States.

So there, from a European national state perspective, you

say what kind of policy you are pursuing. The White House or the House of Representatives' and Congress' policy.

You have two or three positions in the situation of (inaudible), and in Europe would be in a sort of permanent feature.

But that will be for a period. And I'm sure that there will be a new stage of treaty redefinition in which you will rationalize what will have happened in the meanwhile. If the president of the Commission will become a permanent figure, then the new treaty will try to rationalize that, because the treaty rationalized the existence. They did not open new routes.

This is just an exercise for rationalization.

Okay. The last question, and I see that you -- okay. The last question is, yes, of course, the American Constitution is a document, a permanent document, a (inaudible) document about freedom. However, my thought was that apart from -- more than the American Constitution I think it was the Bill of Rights which, let's say, makes structure of the question of freedom. You know, of course, that Madison did not bother at the Constitutional Convention in Philadelphia to add a part on rights in the document. The document has to do with institutions, not with rights. It was Jefferson who said, "Look. If we want to find a solution with the confederal or anti-federalists, we need to give them something." At that point, Madison wrote the Bill of Rights.

So it is not the Constitution which protects freedom. It was the Bill of Rights. And why Madison did not want to write the Bill of

Rights? Because it was -- he thought it was redundant. He said, we divide the power. We separate the power. Why we need to talk about rights? Of course, there is no challenge to rights, because there is nobody able in this system to challenge the rights of American citizens.

So in that sense, the American Constitution is important for us, not only its ideological aspect, but when I say American Constitution, I say the document, the 27 amendments and the Supreme Court decisions. It is important because regarding the institution, it was obviously open to question. The decision about the equilibrium between the center of the federal state and the federal state will be continuously open to question. There is no, nothing, no clause, no instrument in the American Constitution which could resolve that question forever.

Indeed, you have cycles in the American history. You have periods of presidential ascendancy, and then the Congress is in difficulty, and then happened the Vietnam War and the Congress started again to reclaim its own power. And then the President and a group of people say, "No, there are executive privileges." And the Congress because it is of the same party of the President accepts, but a new cycle, a new electoral cycle reopened the question.

So even the American Constitution, the established American Constitution has no way for settling forever the relation between institutions. But that is the real strength of a document in a compound system, because there is no way for creating a permanent majority. And these systems stay together because they do not create a permanent

majority, because with majority, there are minorities. And some minorities feel themselves excluded if they are obviously in the minority, and that is an important, I think, element of the openness of this system, or the fact that the Constitution is an open-ended process.

Yes, globalization is already doing a lot. But here again, I don't want to be classical Properian scholar climbing -- helping (inaudible) and looking one side and then the other side, but I think it's a good exercise for obviously looking at the two sides.

And here again, globalization is a challenge. For example, the Northern League success in Italy is an example of the fear of globalization, the fear that (inaudible) to lose jobs. To the other end, it is also globalization which pressures Europe to integrate more, because one thing is to answer to globalization as Lombardi or Italy it's another thing to answer to globalization as the European Union.

And both sides have their own political actors. And both sides have their own political movement, and it is open to question which side will emerge, but I would say that also in this case, it will be impossible to have a definitive solution of protectionist and liberalizing views, exactly as you have in this country, which in the discussion we had a couple above us ago, you find the discussion about protectionism even in Obama and Hillary and McCain, because they know that if you want to win in Ohio, you have to be very careful and say, globalization isn't good. But then if you want to win in New York, you have to say globalization is good.

So it is this compoundness which made difficult also on the

political level to identify a clear position and ambiguity will be probably the rule of the game. Thanks.

(Applause)

MS. BINDI: So, thank you. It's past five. So thank you so much, Sergio, for coming and presenting your book and discussing it with us. Thank you, Eleanor, for discussing. Thank you to everybody for coming, and for a fruitful discussion, and I hope to see you at one of the next of our events.

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