

## FOREWORD

The European Union, we hear, is at a crossroads. In fact, for most of the last fifty years we have heard this while the project of European integration progressed from a European Economic Community to a European Union. This book maps how the crossroads have changed and the choices facing us today. For that purpose the editors of the volume have brought together a remarkable group of contributors to discuss four themes: the constitutional architecture of the EU legal order and its institutions, differentiation and flexibility, enlargement and citizenship, as well as the Union and the World. The book both discusses the current challenges faced by the European Union and puts those challenges into context in the light of the permanent discussion on the nature of the process of European integration. On the one hand, this book highlights many of the new issues in the European agenda. On the other hand, it stresses how addressing these issues will continue to require us to discuss and better articulate the true nature of the European Union's political and legal self.

The book celebrates the fiftieth anniversary of the European Economic Community at a moment which is often characterised as one of constitutional crisis. The process establishing a formal European Constitution, which some had hoped could be the bedrock of a less contested European Union, was concluded by the adoption of a Constitutional Treaty that was not able to reach unanimous support and failed its ratification process. The Treaty of Lisbon, a slightly modified and proclaimed simpler version of the former, is also facing ratification problems. The question is: what does this mean not only for the Union's future but also for its past? Some argue that the failure of the Constitutional Treaty not only blocks any future constitutional ambitions for the Union but also puts its constitutional *acquis* into question. Others, claim that the failure of the Constitutional Treaty was not only partial (limited to some Member States) but mostly due to the limited constitutional ambition of that Treaty. As a consequence, the lesson to be learned ought to be that constitutionalisation needs to be furthered either in a functional manner (by non constitution-making instruments) or by differentiated integration. The book does not, and indeed could not, provide an answer to this emerging debate but will certainly help inform it. It does so, in my view, by highlighting three areas in which such a debate will take place.

First, several of the book contributions help identify how the process of European integration has navigated between institutional and substantive strategies of legitimacy. The first among them focus on matters of legal and political architecture expressed, most notably, in institutional reforms. This was at the centre of the Constitutional Treaty: in this respect, some of the contributions in this book downplay the severity of the blow involved in the failure of the Constitutional Treaty and even question the extent to which such institutional reforms are essential and/or could be

successful in providing the Union with the social legitimacy that it seeks. As a consequence, the second strategy of legitimacy may acquire an added importance in the process of European integration by way, for example, of the development of the status of European citizenship or a more structured human rights policy. The debate between these different strategies for furthering EU legitimacy or the simple opposition to any ambitious plans and a claim to return to a more inter-governmental model will be at the core of future constitutional debates and this book provides many useful insights to feed that debate.

Second, one possible outcome of the permanent tension between different visions of the European Union is to have different European Unions. This possibility has been around for some time in political and even legal terms. However, as some of the contributions to this book highlight, it also involves great risks and this might explain why it is more often a political tool of bargaining than an actual expected outcome. This said, it must not be ignored that the European Union is, *de facto*, increasingly differentiated and asymmetric in legal, institutional and sociological terms. Differentiated integration, as this book notes in a variety of ways, is a reality in the European Union and in its relations with other States. The open questions regard the problems that such differentiation already raises and whether it should assume different legal and political forms and if so, which. Such questions may never have been more pressing in the light of the current constitutional crisis and the underlying tension between enlargement and deeper integration, an issue that is also discussed in the book.

Finally, a subject of increased importance upon which several of this book's contributions touch is the relationship between the internal and external identity of the European Union. The project of European integration is one of inclusion and, in this way, enlargement is naturally embedded in the political genes of the Union. At the same time, however, enlargement has brought new challenges and increased questions regarding the identity of the Union and the geography under which it can be fulfilled. Though few would argue that the Union's identity should be decided by cultural or ethnical criteria, the Union must increasingly address the relationship between its external identity (its borders and relationship with others) and its internal identity (what it can be to its citizens and under which conditions it might be an effective and successful space for politics and deliberation). Also therefore, this book provides much food for thought.

This book celebrates the fiftieth anniversary of the European Economic Community not so much by celebrating its achievements (even if they are reminded by comparison with other integration projects) as by facing the challenges ahead. This is a fitting tribute to the project of European integration.

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