

Index

- accountability, 41. *See also* governments, EU
 accountability to; responsibility
 democratic, 40–1
 trust and, 46
 two-level games and, 39
 Ad Hoc Assembly, 58–9, 75
 Adam, Stanislas, 69
 Adenauer, Konrad, 58
 Afghanistan, 170
 Åland convention, 9
 Åland Islands, 101, 143
 American Peace Society, 7
 Amsterdam Treaty, 11
 Denmark and, 11
 European Parliament and, 38, 67
 negotiation stage and, 61, 67
 ratification constraints and, 37
 Schengen Agreement and, 239
 Andeweg, Rudy, 42–3
 Armstrong, Kenneth, 237–8
 Article 136 amendment, 64–5, 78–9
 Czech Republic and, 98
 ESM Treaty and, 249
 EU Court of Justice and, 65, 69
 Poland and, 112
 Asselborn, Jean, 233
 Assembly of the Council of Europe, 71
 Assizes
 European Parliament and, 74
 Mitterrand and, 75–6
 parliaments and, 60
 Auer, Andreas, 251
 Austria
 constitutional amendments and, 91, 137
 constitutional review and, 175, 197
 executives and, 90–1
 parliaments and, 90–1, 137–8, 175
 referendums and, 91, 137–8

 Bachrach, Peter, 260
 Baker, David, 228

 Balkenende, Jan Pieter, 233
 Bang, Guri, 48
 Baratz, Morton S., 260
 Barnier, Michele, 76
 Bebr, Gerhard, 88
 Beck, Ulrich, 254
 Belgium, 8
 CETA and, 279, 281
 constitutional amendments and, 93
 constitutional review and, 175–7
 executives and, 92, 175–6
 Maastricht Treaty and, 176–7
 parliaments and, 92–3, 175–6, 279
 parliaments, subnational, and, 4, 92–3
 referendums and, 138
 Treaty of Lisbon and, 177
 Bellamy, Richard, 39, 51, 254–5
 Beukers, Thomas, 237
 Biesheuvel-Dell-Marjolin report, 276–7
 Birmingham Declaration, 231
Blackburn v. the Attorney General, 191–2
 Blair, Tony, 61, 157
 European Convention and, 77–8
 Borz, Gabriela, 252
 Braithwaite, John, 47
 Brazil, 133
 Brexit, 4–5, 11, 157, 192
 Bribosia, Hervé, 249
 Bricker Amendment, 246
 Bricker, John W., 246
 Brown, Gordon, 157
 Bulgaria, 124
 constitutional amendments and, 93–4, 139, 177
 constitutional review and, 177
 executives and, 177
 parliaments and, 93–4, 139, 177
 referendums and, 139
 De Búrca, Gráinne, 234, 253
 Butler, David, 46

- Cameron, David, 4–5, 35, 157–8, 236–7, 280–1
- Cardwell, Paul James, 238
- Carter, Jimmy, 34–5
- Case-Zablocki Act, 246
- CETA. *See* EU-Canada Comprehensive Economic and Trade Agreement
- Cheneval, Francis, 254–5
- chief negotiators, 69
- Chirac, Jacques, 79–80
- Convention Method and, 77
- European Parliament and, 76
- Christiansen, Thomas, 4, 13, 68
- citizens-led treaty making, 258–60, 278
- ECI as, 258
- European Constitution and, 258
- pan-European referendum and, 260
- two-level games and, 258
- citizens, constitutional review and, 174, 205
- Belgium and, 176
- Croatia and, 178
- Czech Republic and, 179
- Denmark and, 179–80
- Estonia and, 180
- Germany and, 182–3
- Hungary and, 183
- Ireland and, 184–5
- Latvia and, 186
- Lithuania and, 186
- Portugal and, 188
- Slovenia and, 189–90
- UK and, 191–2
- citizens' initiatives
- constitutional amendments and, 258–60
- legitimacy and, 259–60
- two-level legitimacy and, 260
- Claes, Monica, 12–13, 172
- Clark, I., 42
- Cleveland, Grover, 9
- Closa, Carlos, 13, 173, 205, 246–7
- parliaments and, 88
- referendums and, 135, 251
- treaty amendments and, 88, 206, 222–3
- unanimity requirement and, 248–9
- Common Market Defence Committee, 147, 166
- comparative constitutionalism, 15–16, 206
- Conca, Ken, 222
- concession
- two-level legitimacy and, 49–50, 221
- voluntary, 49, 221
- conclusion stage, 2
- Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), 74
- Congress of Europe, 10
- Congress of Vienna, 7
- consent stage, 2–3, 8, 13–14, 19, 205–16.
- See also* ratification
- courts and, 170–93
- parliaments and, 8, 87–119, 275
- referendums and, 133–59
- two-level games and, 213
- two-level legitimacy and, 213
- consentification, 278–82
- Brexit and, 280–2
- CETA and, 279
- Greek snap referendum and, 279–81
- legitimacy and, 278–9
- Ukraine–European Union Association Agreement and, 279
- constitutional amendments, 88–9. *See also* treaty amendments, European Constitution and
- Austria and, 91, 137
- Belgium and, 93
- Bulgaria and, 93–4, 139, 177
- citizens' initiatives and, 258–60
- constitutional inertia and, 256
- Croatia and, 94–5, 139
- Cyprus and, 95–6
- Denmark and, 98–9
- Estonia and, 99, 142, 180
- Finland and, 100, 142–3
- France and, 102, 182, 228
- Germany and, 103–4
- Greece and, 104–5, 256–7
- Hungary and, 105–6
- Iceland and, 259
- Illinois and, 260, 271
- Ireland and, 106–7, 147–8, 163, 259
- Italy and, 107, 148–9
- Latvia and, 108, 149, 185–6, 259
- Lithuania and, 108–9, 150
- Lutz on, 222–4, 241
- Luxembourg and, 109–10, 150–1, 187
- Malta and, 111, 151
- Netherlands and, 111–12
- Oregon and, 259
- Portugal and, 114
- Romania and, 114–15, 154, 168, 189, 259
- Slovak Republic and, 115
- Slovenia and, 116
- Spain and, 116–17, 155–6, 190–1
- Sweden and, 117, 156–7
- UK and, 118
- US and, 222–3, 259–60
- constitutional requirements, domestic, 6
- constitutional review, 9, 12–13, 170–93.
- See also* citizens, constitutional review and
- Afghanistan and, 170
- Austria and, 175, 197
- Belgium and, 175–7

- Bulgaria and, 177
 Croatia and, 177–8
 Cyprus and, 178
 Czech Republic and, 178–9
 Denmark and, 179–80
 Estonia and, 180
 executives and, 174
 Belgium and, 175–6
 Bulgaria and, 177
 Cyprus and, 178
 Estonia and, 180
 Finland and, 181
 France and, 181
 Germany and, 182–3
 Hungary and, 183
 Ireland and, 184
 Latvia and, 185
 Lithuania and, 186
 Poland and, 188
 Portugal and, 188–9
 Slovak Republic and, 189
 Finland and, 181
 France and, 181–2, 199, 228
 Germany and, 171, 182–3, 228–9
 Greece and, 183
 Hungary and, 183
 Ireland and, 184–5, 200
 Italy and, 185
 Japan and, 171
 Latvia and, 185–6
 Lithuania and, 186
 Luxembourg and, 186–7
 Malta and, 187
 Netherlands and, 187–8
 parliaments and, 175–7, 179–83, 185–9, 191
 Poland and, 188
 Portugal and, 188–9
 Romania and, 189
 Russia and, 170
 Slovak Republic and, 189–90
 Slovenia and, 190
 Spain and, 190–1
 Sweden and, 191
 UK and, 191–2
 US and, 170
 constitutional rules and norms, 14–16, 19–20, 273–4
 contestation and, 14
 pan-European referendum and, 255
 parliaments and, 89–132
 referendums and, 136–60
 Wiener on, 14
 contestation, constitutional rules and norms and, 14
 Contiades, Xenophon, 259–60
 control, trust and, 46
 Convention Method, 79–83
 Chirac and, 77
 employment of, 64, 78
 European Commission and, 73–4
 European Constitution and, 57, 63–4, 80
 European Parliament and, 79, 273, 283
 heads of state or government and, 69
 IGCs and, 63
 parliaments and, 67, 78–9, 273
 ratification constraints and, 39
 treaty amendments and, 78–9
 Treaty of Lisbon and, 64, 70
 two-level games and, 35
 Convention on the Future of Europe. *See* European Convention
 Convention Responsible for Drafting the Charter of Fundamental Rights, 62
 Coreper, 69–70
 COSAC. *See* Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union
 courts, 4, 9, 205, 208, 274, 283. *See also* constitutional review; EU Court of Justice; US Supreme Court
 Claes on, 12–13
 classification of, 171–5, 193–204
 consent stage and, 170–93
 Denmark and, 164
 Germany and, 279
 Hug and König on, 172
 involuntary defection and, 228
 Ireland and, 147–8, 228
 judicial oversight by, 261–2
 Luxembourg and, 201
 negotiation stage and, 57
 Simmons on, 172
 treaty amendments and, 225, 228–9, 273
 Treaty of Lisbon and, 79
 trust and, 18, 45–6, 52, 213–15
 UK and, 281–2
 Covenant of the League of Nations, 8
 Cowan, Brian, 234
 Craig, Paul, 238
 Crespy, Amadine, 39–40
 Croatia
 constitutional amendments and, 94–5, 139
 constitutional review and, 177–8
 executives and, 96–8, 139
 parliaments and, 94–5, 139
 referendums and, 94–5, 139, 178
 Crocodile Club, 72
 Cross, Mai Davis, 266
 Crotty case, 147–8, 163, 166, 184–5, 192, 228
 Curtin, Deirdre, 229–30
 Cyprus, 163, 198, 238
 constitutional amendments and, 95–6

- Cyprus, (cont.)
 constitutional review and, 178
 executives and, 95–6, 178
 parliaments and, 95–6, 140
 referendums and, 135, 140
- Czech Republic
 Article 136 amendment and, 98
 constitutional review and, 178–9
 executives and, 96
 parliaments and, 96–8, 140, 179
 referendums and, 97, 140
 Treaty of Lisbon and, 97–8, 179
- Debrés, Michel, 253
- Defrenne* case, 264
- deliberative methods
 European Convention and, 67–8
 governments and, 67–8
 heads of state or government and, 67–8
- Delors, Jacques, 73
- democratic accountability, 40–1
- Denmark, 45
 Amsterdam Treaty and, 11
 constitutional amendments and, 98–9
 constitutional review and, 179–80
 courts and, 164
 Maastricht Treaty and, 75, 141, 180, 229–31
 parliaments and, 80, 98–9, 141, 209, 230
 referendums and, 4, 11, 75, 98, 140–2, 164, 229–31
 Single European Act and, 141
 Treaty of Lisbon and, 180
- Dicey, A.V., 14
- distrust, 46
- divided government, tying hands, strategy of, and, 208–9
- domestic law, 2–3
- Draft Treaty on European Union, 72, 277
- Draft Treaty on the European Union, 248
- Duff, Andrew, 63, 276–7
- early modern period, treaty making in, 6–7
- ECB. *See* European Central Bank
- ECI. *See* European Citizens' Initiative
- Economic and Social Council (ECOSOC), 11
- economic crises, trust and, 44–5
- ECOSOC. *See* Economic and Social Council
- ECSC Common Assembly. *See* European Coal and Steel Community Common Assembly
- EDC Treaty. *See* European Defence Community Treaty
- Edinburgh Agreement, 230
- enhanced cooperation procedure, 263
- ESM Treaty. *See* European Stability Mechanism Treaty
- Estonia
 constitutional amendments and, 99, 142, 180
 constitutional review and, 180
 executives and, 180
 parliaments and, 99, 180
 referendums and, 142
- EU. *See* European Union
- EU Charter of Fundamental Rights, 105
- EU cleavage, 209
- EU Court of Justice
 Article 136 amendment and, 65, 69
 ESM Treaty and, 240, 264, 269
 Fiscal Compact and, 240
 international law treaties and, 264
 judicial oversight by, 261–2
 negotiation stage and, 68–9
 simplified revision procedure and, 65, 261
 Westendorp Group and, 68–9
- EU policy expertise, of European Parliament, 66
- EU treaties
 end of, 276–8
 list of, 21
- EU treaty making reform, 246–72, 275–6
 citizen-led treaty making and, 258–60, 278
 European Commission and, 277
 European Convention on the law of treaties and, 264–5
 European Council and, 276–7
 European Parliament and, 277
 heads of state or government and, 277–8
 judicial oversight and, 261–2
 pan-European referendum and, 253–5, 267
 parliamentary oversight and, 262–3
 referendum regulation and, 250–3
 time locks and, 255–7
 treaty failure and, 265–7
 unanimity requirement and, 248–50, 256
- EU-Canada Comprehensive Economic and Trade Agreement (CETA), 279
 Belgium and, 279, 281
 Germany and, 279
- euro crisis, 39–40, 236–45
 simplified revision procedure and, 12
 trust and, 44–5
- Euroatom Treaty, 59
- European Central Bank (ECB), 60–1
- European Citizens' Initiative (ECI), 258
- European Coal and Steel Community, 109
- European Coal and Steel Community Common Assembly (ECSC Common Assembly), 58–9, 71

- European Coal and Steel Community Treaty, 111, 257
- European Commission
 Convention Method and, 73–4
 ESM Treaty and, 239
 EU treaty making reform and, 277
 IGCs and, 73–4
 Treaties of Rome and, 73
- European Constitution, 3, 42, 111, 232–3, 243
 citizen-led treaty making and, 258
 Convention Method and, 57, 63–4, 80
 France and, 257
 legitimacy and, 76–7
 pan-European referendum and, 254
 referendums and, 4, 37, 135–6, 152–3, 157, 192, 232
 treaty amendments and, 268
 UK and, 192
 unanimity requirement and, 248
- European Convention (Convention on the Future of Europe), 62–3. *See also* Convention Method
 Blair on, 77–8
 deliberative methods and, 67–8
 European Parliament and, 63
 heads of state or government and, 62–3
 IGCs and, 39
 Nice Treaty and, 77
 pan-European referendum and, 253
 parliaments and, 62–3, 66
 untying hands, strategy of, and, 39
- European Convention on the law of treaties, 264–5
- European Council, 19, 231, 262
 Biesheuvel-Dell-Marjolin report and, 276–7
 EU treaty making reform and, 276–7
 González Report and, 277
 legitimacy and, 75, 83, 229
 Seville Agreement and, 232
 treaty amendments and, 285
 Treaty of Lisbon and, 63–4, 234
- European Defence Community Treaty (EDC Treaty), 58, 71, 75
 France and, 227
 Germany and, 171, 182
 rejection of, 227
- European Parliament, 59–64, 79, 283
 Amsterdam Treaty and, 38, 67
 Assizes and, 74
 Chirac on, 76
 Convention Method and, 79, 273, 283
 EU policy expertise of, 66
 EU treaty making reform and, 277
 European Convention and, 63
 governments and, 73–4
 IGCs and, 61
 international law treaties and, 238–9
 legitimacy and, 262–3, 266
 parliamentary oversight by, 262–3
 simplified revision procedure and, 262
 Spinelli on, 72
- European patent system, 236
- European Stability Mechanism Treaty (ESM Treaty), 235–9, 277
 Article 136 amendment and, 249
 EU Court of Justice and, 240, 264, 269
 European Commission and, 239
 UK and, 236
- Evans, Peter, 37
- executive power, 2–3, 246
- executives. *See also* constitutional review, executives and; ratification, executives and
 Austria and, 90–1
 Belgium and, 92, 175–6
 Bulgaria and, 177
 Croatia and, 96–8, 139
 Cyprus and, 95–6, 178
 Czech Republic and, 96
 Estonia and, 180
 Finland and, 181
 France and, 102, 181
 Germany and, 182–3
 Greece and, 104
 Hungary and, 183
 international agreements and, 234–5
 Ireland and, 184
 Italy and, 148
 Latvia and, 185
 legitimacy and, 40
 Lithuania and, 186
 Poland and, 112–13, 188
 Portugal and, 113–14, 154, 188–9
 referendums and, 139, 148, 154, 156
 Romania and, 114, 154
 Slovak Republic and, 154, 189
 Spain and, 116, 156
- experts
 negotiation stage and, 68
 Spaak Committee and, 68
 Westendorp Group and, 68
- Fabbrini, Federico, 237
- Federal Constitutional Court (Germany), 4
 federative power, 2–3
 Ferejohn, John, 223
 Ferrin, Mónica, 254
 Finke, Daniel, 37
- Finland
 Åland Islands and, 101, 143
 constitutional amendments and, 100, 142–3

- Finland (cont.)
 constitutional review and, 181
 executives and, 181
 parliaments and, 99–101, 181
 referendums and, 100, 142–3
- Fiscal Compact, 235–9, 251
 EU Court of Justice and, 240
 involuntary defection and, 263
 legitimacy and, 263
 UK and, 280
- Fischer, Joscka, 76–7
- FitzGerald, Garrett, 106
- Five Presidents' Report, 239
- France, 9, 40–1
 constitutional amendments and, 102, 182, 228
 constitutional review and, 181–2, 199, 228
 EDC Treaty and, 227
 European Constitution and, 257
 executives and, 102, 181
 Maastricht Treaty and, 228
 parliaments and, 5, 66, 76, 101–2, 181, 227
 referendums and, 101–2, 143–4, 228, 257
- France, Pierre Mendes, 227
- French Constitution, 8
- full powers, ratification and, 6
- G20. *See* Group of Twenty
- Gamble, Andrew, 228
- De Gasperi, Alcide, 75
- De Gaulle, Charles, 253
- Germany
 CETA and, 279
 constitutional amendments and, 103–4
 constitutional review and, 171, 182–3, 228–9
 courts and, 279
 EDC Treaty and, 171, 182
 executives and, 182–3
 Federal Constitutional Court in, 4
 Maastricht Treaty and, 103–4, 182, 228
 parliaments and, 103–4, 182–3
 referendums and, 144–5
 Treaty of Lisbon and, 171, 182–3, 228–9
- Ginsburg, Tom, 16, 170–1, 210, 223–4
- González Report, 277
- governments, 57, 59. *See also* minority governments
 deliberative methods and, 67–8
 EU accountability to, 41
 EU treaty making complicated by, 17
 European Parliament and, 73–4
 trust and, 45
 two-level games and, 40
 two-level legitimacy and, 49
- Grande, Edgar, 254
- Gray, Mark, 61
- Greece, 44
 constitutional amendments and, 104–5, 256–7
 constitutional review and, 183
 executives and, 104
 parliaments and, 104–5
 referendums and, 145–6, 279–81
- Greenland, referendums and, 141
- Group of Twenty (G20), 284
- Habermas, Jürgen, 254
- Hague Peace Conferences, 7
- Halberstam, Daniel, 262
- Hallstein, Walter, 58
- Hamilton, Alexander, 3
- Hathaway, Oona, 3
- Haugsgjerd, Atle, 44–5
- heads of state or government, 79
 Convention Method and, 69
 deliberative methods and, 67–8
 EU treaty making reform and, 277–8
 European Convention and, 62–3
 negotiation stage and, 61, 67
 parliaments and, 71–83, 274
 Putnam and, 82
 representatives of, 69–70
 Treaty of Lisbon and, 64
 two-level games and, 69–70
- Henisz, Witold J., 210
- Henry, Peter Blair, 284
- Hervey, Tamara, 238
- Hix, Simon, 66
- Hoesly, Cody, 259
- Hoffman, Arron, 43
- Hollis, Duncan, 276, 282
- Hooghe, Liesbet, 225
- Hovi, Jon, 48
- Hug, Simon, 15, 37, 88, 90
 courts and, 172
 referendums and, 134–5
- Hungary
 constitutional amendments and, 105–6
 constitutional review and, 183
 executives and, 183
 parliaments and, 105–6, 183
 referendums and, 146
 Treaty of Lisbon and, 105–6
- Hurd, Douglas, 70
- ICBL. *See* International Campaign to Ban Landmines
- Iceland, 259
- ICJ. *See* International Court of Justice
- IGCs. *See* intergovernmental conferences
- ILC. *See* International Law Commission

- Illinois, 260, 271
 IMF. *See* International Monetary Fund
 India, 87
 intergovernmental conferences (IGCs), 3–4, 19, 65
 Convention Method and, 63
 European Commission and, 73–4
 European Convention and, 39
 European Parliament and, 61
 Maastricht Treaty and, 61
 Spinelli on, 72
 Treaty of Lisbon and, 19
 Treaty of Paris and, 58
 international agreements
 executives and, 234–5
 United States Constitution and, 234–5
 untying hands, strategy of, and, 234
 International Campaign to Ban Landmines (ICBL), 11
 International Court of Justice (ICJ), 10
 International Law Commission (ILC), 9
 international law treaties, 234–40, 263–5
 EU Court of Justice and, 264
 European Parliament and, 238–9
 legitimacy and, 238–9
 Treaty of Lisbon and, 264
 two-level games and, 236–8
 two-level legitimacy and, 238–9, 275
 de Witte on, 263
 International Monetary Fund (IMF), 2, 250
 intervening elections
 involuntary defection and, 257
 treaty amendments and, 256–7
 interwar period, treaty making in, 7–8
 involuntary defection, 221, 240, 275
 courts and, 228
 Fiscal Compact and, 263
 intervening elections and, 257
 parliaments and, 227–8
 referendums and, 229–34
 tying hands, strategy of, and, 48, 208
 untying hands, strategy of, and, 17
 Ireland
 Common Market Defence Committee in, 147, 166
 constitutional amendments and, 106–7, 147–8, 163, 259
 constitutional review and, 184–5, 200
 courts and, 147–8, 228
 Crotty case and, 147–8, 163, 166, 184–5, 228
 executives and, 184
 Nice Treaty and, 231–2
 parliaments and, 106–7, 185
 referendums and, 14, 107, 134, 137, 147–8, 163, 166, 231–2, 238–9, 252
 Single European Act and, 147–8, 184–5, 228
 Treaty of Lisbon and, 233–4
 Irish constitution, 14
 Italy
 constitutional amendments and, 107, 148–9
 constitutional review and, 185
 executives and, 148
 parliaments and, 107, 148–9
 referendums and, 148–9, 166
 Jacobsen, John Kurt, 49
 Janning, Josef, 266
 Japan, 171
 Joerges, Christian, 263
 Jones, J. Mervyn, 283
 judicial oversight, 261–2
 Juncker, Jean-Claude, 277
 justification, two-level games and, 39–40
 Kaczyński, Jaroslaw, 113
 Kaczyński, Lech, 112–13
 Karlsson, Christer, 206
 Kellermann, Alfred, 251
 Kilpatrick, Claire, 237
 Kirk-Reay Report, 72
 Klaus, Vaclav, 97–8
 König, Thomas, 15, 37–9, 88, 90, 172
 Krunke, Helle, 230, 259
 Krutz, Glen S., 234
 Kumlín, Staffan, 44–5
 Kwasniewski, Aleksander, 152
 Laeken Declaration, 73, 232
 Lane, Jan-Erik, 256
 Latvia
 constitutional amendments and, 108, 149, 185–6, 259
 constitutional review and, 185–6
 executives and, 185
 parliaments and, 107–8, 149, 185–6
 referendums and, 108, 149
 Treaty of Lisbon and, 186
 Laursen, Finn, 13
 League of Nations, 8–9
 legislative hurdles, parliaments and, 88–90
 legitimacy, 42. *See also* trust; two-level legitimacy
 citizens' initiatives and, 259–60
 consentification and, 278–9
 democratic accountability and, 40–1
 European Constitution and, 76–7
 European Council and, 75, 83, 229
 European Parliament and, 262–3, 266
 executives and, 40
 Fiscal Compact and, 263
 international law treaties and, 238–9

- legitimacy, (cont.)
 Maastricht Treaty and, 230–1, 266–7
 1990s crisis of, 75
 pan-European referendum and, 254–5
 parliaments and, 256
 privilege and, 44, 209
 treaty amendments and, 240–1, 255–6
- Leopold III (King), 138
 Leventoglu, Bahar, 37
 de Ligne (Prince), 7
 Lijphart, A., 173
 Lithuania
 constitutional amendments and, 108–9,
 150
 constitutional review and, 186
 executives and, 186
 parliaments and, 108–9
 referendums and, 108, 150
- Locke, John, 2–3
 Ludlam, Steve, 228
 Lutz, Donald, 16, 89, 136, 222–4, 241
 Luxembourg, 8
 constitutional amendments and, 109–10,
 150–1, 187
 constitutional review and, 186–7
 courts and, 201
 European Coal and Steel Community and,
 109
 Maastricht Treaty and, 187
 parliaments and, 109–10, 150–1, 187
 referendums and, 109, 150–1
- Maastricht Treaty, 12–13, 283
 Belgium and, 176–7
 Birmingham Declaration and, 231
 Denmark and, 75, 141, 180, 229–31
 ECB and, 60–1
 Edinburgh Agreement and, 230
 EU established by, 3
 France and, 228
 Germany and, 103–4, 182, 228
 IGCs and, 61
 legitimacy and, 230–1, 266–7
 Luxembourg and, 187
 national compromise and, 229–30
 negotiation stage and, 61, 66
 parliaments and, 60
 referendums and, 4, 41, 75
 treaty amendments and, 224
 UK and, 192, 227–8
- Mac Amhlaigh, Cormac, 253
 Macron, Emmanuel, 253, 278
 Magnette, Paul, 39, 68, 279
 Mair, Peter, 44, 52
 Major, John, 227–8
 majority voting. *See* unanimity requirement
 Makarios II (Archbishop of Cyprus), 140
- Malta
 constitutional amendments and, 111, 151
 constitutional review and, 187
 parliaments and, 110–11, 151
 referendums and, 151
 Treaty of Paris and, 110
- María Aznar, José, 67–8
 Marks, Gary, 225
 Martin, Micheál, 252
 Maurer, Andreas, 67
 May, Theresa, 281–2
 medieval period, treaty making in, 5–6, 35
 Melton, James, 223–4
 Mena Parras, Francisco Javier, 69
 Mendez, Fernando, 13, 135–6, 205–6, 248,
 251
 ECI and, 258
 pan-European referendum and, 254
- Mendez, Mario, 9, 13, 135–6, 170, 205–6,
 248, 251
 ECI and, 258
 pan-European referendum and, 254
- Merkel, Angela, 39–40, 237, 278
 Messina Conference, 59
 Meyer, Timothy, 276
 Miller, Leszek, 152
 Milner, Helen, 36
 minority governments, 209, 213
 mistrust, 46
 Mitterrand, François, 75–6, 79–80, 102
 Mo, Jongryn, 36–8
 Mogg, William Rees, 192
 Monaghan, Elizabeth, 258
 Monnet, Jean, 58
 Moravcsik, Andrew, 17, 36, 40–2, 258, 265
 Morel, Laurence, 133
- national compromise, Maastricht Treaty
 and, 229–30
 negotiation stage, 2, 13, 19, 57–83
 Amsterdam Treaty and, 61, 67
 courts and, 57
 EU Court of Justice and, 68–9
 experts and, 68
 heads of state or government and, 61, 67
 Maastricht Treaty and, 61, 66
 parliaments and, 57, 66–7, 74–5, 275
 Peace of Westphalia and, 6–7
 referendums and, 57
 trust and, 43–4
 two-level games and, 36, 66–70
 two-level legitimacy and, 70–9
 win sets and, 34
- Negretto, Gabriel L., 16, 206, 216
 Netherlands
 constitutional amendments and, 111–12
 constitutional review and, 187–8

- European Coal and Steel Community
 Treaty and, 111
 parliaments and, 111–12
 referendums and, 135–7, 151–2, 167, 270,
 279, 281
 Ukraine–European Union Association
 Agreement and, 279, 281
 New Zealand, 133
 NGOs. *See* non-governmental actors
 Nice Treaty, 61, 77
 European Convention and, 77
 Ireland and, 231–2
 Seville Agreement and, 232
 Nicholas II (Tsar), 7
 Nicolaidis, Kalypso, 39, 68
 19th century, treaty making in, 7
 non-governmental actors (NGOs), 1–2, 7,
 283
 ratification and, 66
 UN and, 1–2, 10–11
 non-ratification, 8
 allowing, 265–7
 US and, 47–8
 Norton, Phillip, 88
 Nothomb, Charles-Ferdinand, 74
 oaths, treaty making, medieval period, and, 6
 Obama, Barack, 3
 Opperman, Kai, 35
 Oregon, constitutional amendments and, 259
 Ortiz, Pablo José Castillo, 173
 Ottawa Treaty, 11
pacta sunt servanda, 1
 Pahre, Robert, 217
 ratification constraints and, 38
 two-level games and, 16, 274
 tying hands, strategy of, and, 208–9
 Palau, referendums and, 133
 Panama Canal Treaty, 34–5
 pan-European referendum, 253–5, 267
 citizen-led treaty making and, 260
 constitutional rules and norms and, 255
 European Constitution and, 254
 European Convention and, 253
 legitimacy and, 254–5
 Mendez, F., Mendez, M., and Triga on, 254
 two-level games and, 254
 unanimity requirement and, 254
 Papandreou, George, 280
 Paris Agreement, 3
 Paris Climate Change Conference, 1–2
 Paris Peace Conference, 7–8, 69
 parliamentary oversight, 262–3
 parliaments, 3–4, 59–65, 205, 207, 274,
 282–3. *See also* European Parliament
 Ad Hoc Assembly and, 59
 Assizes and, 60
 Austria and, 90–1, 137–8, 175
 Belgium and, 4, 92–3, 175–6, 279
 Bulgaria and, 93–4, 139, 177
 classifications of, 88–90, 118–32
 Closa on, 88
 consent stage and, 8, 87–119, 275
 constitutional review and, 175–7, 179–83,
 185–9, 191
 constitutional rules and norms and,
 89–132
 Convention Method and, 67, 78–9, 273
 COSAC and, 74
 Croatia and, 94–5, 139
 Cyprus and, 95–6, 140
 Czech Republic and, 96–8, 140, 179
 Denmark and, 80, 98–9, 141, 209, 230
 ECSC Common Assembly and, 71
 Estonia and, 99, 180
 European Convention and, 62–3, 66
 Finland and, 99–101, 181
 France and, 5, 66, 76, 101–2, 181, 227
 Germany and, 103–4, 182–3
 Greece and, 104–5
 heads of state or government and, 71–83,
 274
 Hungary and, 105–6, 183
 India and, 87
 involuntary defection and, 227–8
 Ireland and, 106–7, 185
 Italy and, 107, 148–9
 Latvia and, 107–8, 149, 185–6
 legislative hurdles and, 88–90
 legitimacy and, 256
 Lithuania and, 108–9
 Luxembourg and, 109–10, 150–1, 187
 Maastricht Treaty and, 60
 Malta and, 110–11, 151
 negotiation stage and, 57, 66–7, 74–5, 275
 Netherlands and, 111–12
 pivot positions and, 88
 Poland and, 112–13, 152, 188
 Portugal and, 113–14, 153–4
 ratification constraints and, 88, 90
 Romania and, 114–15, 189
 Slovak Republic and, 115
 Slovenia and, 115–16, 155
 Spain and, 116–17, 156
 states, monist vs. dualist, and, 210–11
 subnational and, 4, 92–3
 Sweden and, 117, 156–7, 191
 treaty amendments and, 225, 227–8, 256
 treaty making, medieval period, and, 5
 Treaty of Lisbon and, 63–4, 233
 Treaty of Paris and, 119
 trust and, 18, 213, 215, 275
 two-level games and, 37–9, 66, 213

- parliaments, (cont.)
 two-level legitimacy and, 79–80
 UK and, 8, 117–18, 157–8, 209, 227–8
- passerelle clauses, Treaty of Lisbon and, 32
- Peace of Münster, 6
- Peace of Westphalia, 6–7
- Peake, Jeffrey S., 234
- Peers, Steve, 251
- Penelope (draft treaty), 74, 248
- the people. *See* referendums
- Peterson, Genevieve, 7
- Pharr, Susan J., 46–7
- Phelan, William, 282
- Piris, Jean-Claude, 243
- pivot positions, parliaments and, 88
- Plan D for Democracy, 233
- Poland
 Article 136 amendment and, 112
 constitutional review and, 188
 executives and, 112–13, 188
 parliaments and, 112–13, 152, 188
 referendums and, 112–13, 152–3
- Pollack, Mark, 67
- Ponsonby, Arthur, 117–18
- population size, 210
- Portugal
 constitutional amendments and, 114
 constitutional review and, 188–9
 executives and, 113–14, 154, 188–9
 parliaments and, 113–14, 153–4
 referendums and, 153–4, 168, 188, 255
- power, 1
- Pringle* case, 65, 261, 264
- privilege, legitimacy and, 44, 209
- Prodi, Romano, 66, 73, 248
- public statements, two-level games and, 37
- Putnam, Robert, 265
 on chief negotiators, 69
 heads of state or government and, 82
 ratification and, 40
 trust and, 46–7
 two-level games and, 17, 19, 36, 38, 40, 50
 tying hands, strategy of, and, 34–5, 208, 247, 274
- Qvortrup, Matt, 35, 138
- Ranney, Austin, 46
- ratification, 13, 205, 207, 214. *See also*
 consent stage
 constitutional requirements, domestic,
 and, 6
 executives and
 Austria and, 90–1
 Belgium and, 92
 Cyprus and, 95–6
 Czech Republic and, 96
 France and, 102
 Greece and, 104
 Poland and, 112–13
 Portugal and, 113–14
 Romania and, 114
 Spain and, 116
 full powers and, 6
 NGOs and, 66
 non-, 8, 47–8, 265–7
 Putnam on, 40
 trust and, 44
 untying hands, strategy of, and, 20
- ratification constraints
 Amsterdam Treaty and, 37
 Convention Method and, 39
 as endogenous, 37–8
 as exogenous, 37–8
 Pahre on, 38
 parliaments and, 88, 90
 tying hands, strategy of, and, 36–9
- ratification crises, 47–9, 266
 treaty amendments and, 227–34
 trust and, 44
 tying hands, strategy of, and, 48–50
- Raustiala, Kal, 66
- referendums, 162, 205–8, 273–4, 283
 Austria and, 91, 137–8
 Belgium and, 138
 Brazil and, 133
 Bulgaria and, 139
 classifications of, 134–7, 158–9
 Closa on, 135, 251
 consent stage and, 133–59
 constitutional rules and norms and,
 136–60
 Croatia and, 94–5, 139, 178
 Cyprus and, 135, 140
 Czech Republic and, 97, 140
 Denmark and, 4, 11, 75, 98, 140–2, 164,
 229–31
 Estonia and, 142
 European Constitution and, 4, 37, 135–6,
 152–3, 157, 192, 232
 executives and, 139, 148, 154, 156
 Finland and, 100, 142–3
 France and, 101–2, 143–4, 228, 257
 Germany and, 144–5
 Greece and, 145–6, 279–81
 Greenland and, 141
 Hug on, 134–5
 Hungary and, 146
 involuntary defection and, 229–34
 Ireland and, 14, 107, 134, 137, 147–8,
 163, 166, 231–2, 238–9, 252
 Italy and, 148–9, 166

- Latvia and, 108, 149
 Lithuania and, 108, 150
 Luxembourg and, 109, 150–1
 Maastricht Treaty and, 4, 41, 75
 Malta and, 151
 negotiation stage and, 57
 Netherlands and, 135–7, 151–2, 167, 270, 279, 281
 New Zealand and, 133
 Palau and, 133
 pan-European referendum as, 253–5
 Poland and, 112–13, 152–3
 Portugal and, 153–4, 168, 188, 255
 regulation of, 250–3
 re-runs of, 252–3
 Romania and, 114, 154
 Simmons on, 136
 Slovak Republic and, 154–5, 189–90
 Slovenia and, 116, 155, 252
 South Sudan and, 253
 Spain and, 155–6
 Sweden and, 156–7
 Switzerland and, 8, 133
 treaty amendments and, 225, 240, 273
 Treaty of Lisbon and, 157–8
 treaty-making, interwar period, and, 8
 trust and, 18, 46–7, 213, 215
 two-level legitimacy and, 251–3
 tying hands, strategy of, and, 35, 215, 274
 UK and, 4–5, 134, 157–8, 280–1
 Reflection Group. *See* Westendorp Group
 regulation, of referendums, 250–3
 Reh, Christine, 13, 68
 responsibility, two-level games and, 39.
 See also accountability
 revision procedures, 11–12, 268, 285.
 See also simplified revision procedure
 Robertson, David, 170
 Romania
 constitutional amendments and, 114–15, 154, 168, 189, 259
 constitutional review and, 189
 executives and, 114, 154
 parliaments and, 114–15, 189
 referendums and, 114, 154
 Rome Statute, 2, 10
 Rose, Richard, 252, 254, 267
 Roznai, Yaniv, 262
 Russia, 170

 Sarkozy, Nicolas, 39–40, 233, 237
 Savage, Deborah, 39, 51
 Sceberras Trigona, Alex, 111
 Scharpf, Fritz W., 43
 Schelling, Thomas, 34–5
 Schengen Agreement, 235, 239
 Schengen Convention, 237
 Schmidt, Vivien, 39–40, 246, 249
 Schneider, Gerald, 257
 Schulz, Tobias, 37
 Schuman Plan Conference, 58
 Schüssel, Wolfgang, 254
 Scicluna, Nicole, 263
 Seville Agreement, 232
 Simmons, Beth, 15, 48, 87–9, 205, 282
 courts and, 172
 referendums and, 136
 simplified revision procedure, 70, 78–9, 251, 274, 285
 EU Court of Justice and, 65, 261
 euro crisis and, 12
 European Parliament and, 262
 Single European Act, 60–1, 266
 Denmark and, 141
 Ireland and, 147–8, 184–5, 228
 Sinnott, Richard, 253
 Slapin, Jonathan, 38–9
 Slovak Republic
 constitutional amendments and, 115
 constitutional review and, 189–90
 executives and, 154, 189
 parliaments and, 115
 referendums and, 154–5, 189–90
 Slovenia
 constitutional amendments and, 116
 constitutional review and, 190
 parliaments and, 115–16, 155
 referendums and, 116, 155, 252
 Smith, Gordon, 134, 137
 social contract theory, 51
 Sound of Europe, 233
 South Sudan, 253
 Spaak Committee, 68
 Spaak, Paul Henri, 59
 Spain
 constitutional amendments and, 116–17, 155–6, 190–1
 constitutional review and, 190–1
 executives and, 116, 156
 parliaments and, 116–17, 156
 referendums and, 155–6
 Spinelli, Altiero, 72, 253, 277
 European Parliament and, 72
 IGCs and, 72
 Sprinz, Detlef F., 48
 state sovereignty, 2, 12
 states
 dualist, 210–11
 monist, 210–11
 wealth of, 210
 Statute of the European Investment Bank, 224
Strategy of Conflict (Schelling), 34

- Stubb, Alexander, 61
 Sweden
 constitutional amendments and, 117, 156–7
 constitutional review and, 191
 parliaments and, 117, 156–7, 191
 referendums and, 156–7
 Switzerland, 8, 133
- tactics, treaty amendments and, 18
 Tarar, Ahmer, 36–7
 Teasdale, Anthony, 230–1
 Thatcher, Margaret, 70
 Tierney, Stephen, 252–3
 time locks, 255–7
 Tindeman, Leo, 276–7
 Torrijos, Omar, 34–5
 Trachtman, Joel P., 276
 treaties, allowing failure of, 265–7
 Treaties of Rome, 59, 73
 treaty amendments, 3–5, 18, 30. *See also*
 Article 136 amendment;
 constitutional amendments
 Closa on, 88, 206, 222–3
 Convention Method and, 78–9
 courts and, 225, 228–9, 273
 European Constitution and, 268
 European Council and, 285
 IMF Articles of Agreement and, 250
 intervening elections and, 256–7
 legitimacy and, 240–1, 255–6
 Maastricht Treaty and, 224
 parliaments and, 225, 227–8, 256
 rate of, 222–6, 240, 256
 ratification crises and, 227–34
 referendums and, 225, 240, 273
 revision procedures and, 11–12
 Statute of the European Investment Bank and, 224
 tactics and, 18
 treaties, length of, and, 225–6
 Treaty of Lisbon and, 32, 63–4, 70
 Treaty of Paris and, 225–6, 257, 261
 United Nations Charter and, 250
 de Witte on, 12
 treaty making, 7. *See also* citizen-led treaty making; consent stage; EU treaty making; negotiation stage
 in early modern period, 6–7
 history of, 5–11
 in interwar period, 7–8
 in medieval period, 5–6, 35
 participatory approaches to, 3–4
 rigidity of, 246–7, 267, 275–6
 Treaty of Amiens, 110
 Treaty of Bern, 9
 Treaty of Canterbury, 5
 Treaty of Elbing, 8
 Treaty of Frankfurt, 8
 Treaty of Lisbon, 11–12, 221, 233–4, 243, 277
 Belgium and, 177
 Convention Method and, 64, 70
 courts and, 79
 Czech Republic and, 97–8, 179
 Denmark and, 180
 ECI introduced by, 258
 European Council and, 63–4, 234
 Germany and, 171, 182–3, 228–9
 heads of state or government and, 64
 Hungary and, 105–6
 IGCs and, 19
 international law treaties and, 264
 Ireland and, 233–4
 Latvia and, 186
 parliaments and, 63–4, 233
 passerelle clauses of, 32
 referendums and, 157–8
 treaty amendments and, 32, 63–4, 70
 unanimity requirement and, 248
 Treaty of Paris, 3–4, 7, 57, 221, 237, 273
 IGCs and, 58
 Malta and, 110
 parliaments and, 119
 treaty amendments and, 225–6, 257, 261
 Treaty of Rome, 235
 UK and, 191–2
 Treaty on European Union, 281
 Triga, Vasiliki, 13, 135–6, 205–6, 248, 251
 ECI and, 258
 pan-European referendum and, 254
 Trotsky, Leon, 8
 Trump, Donald, 284
 trust, 16–18, 43–6, 209, 283–4
 accountability and, 46
 control and, 46
 courts and, 18, 45–6, 52, 213–15
 distrust and, 46
 economic crises and, 44–5
 euro crisis and, 44–5
 forms of, 43
 governments and, 45
 Mair on, 52
 mistrust and, 46
 negotiation stage and, 43–4
 parliaments and, 18, 213, 215, 275
 Putnam on, 46–7
 ratification and, 44
 ratification crises and, 44
 referendums and, 18, 46–7, 213, 215
 as relational, 43

- Schelling on, 35
 two-level legitimacy and, 35, 42–7, 215, 274–5
- Tspiras, Alexis, 280–1
- Tusk, Donald, 113
- two-level games, 213, 260, 275
 accountability and, 39
 citizen-led treaty making and, 258
 consent stage and, 213
 Convention Method and, 35
 governments and, 40
 heads of state or government and, 69–70
 international law treaties and, 236–8
 justification and, 39–40
 negotiation stage and, 36, 66–70
 normative perspectives on, 39–42
 Pahre on, 16, 274
 pan-European referendum and, 254
 parliaments and, 37–9, 66, 213
 public statements and, 37
 Putnam on, 17, 19, 36, 38, 40, 50
 responsibility and, 39
 time locks and, 257
 treaty failure, allowing, and, 265–6
 tying hands, strategy of, and, 34–9, 49–50, 221, 263, 267, 274
 unanimity requirement and, 248–9
- two-level legitimacy, 17–19, 42–7, 260, 275
 citizens' initiatives and, 260
 consent stage and, 213
 governments and, 49
 international law treaties and, 238–9, 275
 negotiation stage and, 70–9
 parliaments and, 79–80
 referendums and, 251–3
 treaty failure, allowing, and, 266–7
 trust and, 35, 42–7, 215, 274–5
 tying hands, strategy of, and, 267
 unanimity requirement and, 249
 untying hands, strategy of, and, 247
 voluntary concession and, 49, 221
 tying hands, strategy of, 17. *See also* untying hands, strategy of
 divided government and, 208–9
 involuntary defection and, 48, 208
 Pahre on, 208–9
 Putnam on, 34–5, 208, 247, 274
 ratification constraints and, 36–9
 ratification crises and, 48–50
 referendums and, 35, 215, 274
 two-level games and, 34–9, 49–50, 221, 263, 267, 274
 two-level legitimacy and, 267
- UK. *See* United Kingdom
- Ukraine–European Union Association Agreement, 279, 281
- UN. *See* United Nations
- UN Framework Convention on Climate Change, 1
- UN General Assembly, 283
- unanimity requirement, 248–50, 256
 Closa on, 248–9
 European Constitution and, 248
 pan-European referendum and, 254
 Treaty of Lisbon and, 248
 two-level games and, 248–9
 two-level legitimacy and, 249
- United Kingdom (UK), 71
Blackburn v. the Attorney General and, 191–2
 Brexit and, 4–5, 11, 157, 192
 constitutional amendments and, 118
 constitutional review and, 191–2
 courts and, 281–2
Crotty case and, 192
 ESM Treaty and, 236
 European Constitution and, 192
 Fiscal Compact and, 280
 Maastricht Treaty and, 192, 227–8
 parliaments and, 8, 117–18, 157–8, 209, 227–8
 referendums and, 4–5, 134, 157–8, 280–1
 Treaty of Rome and, 191–2
Wheeler v. The Prime Minister and, 192
- United Nations (UN), 1–2, 9–11
- United Nations Charter, 9, 31, 250
- United Nations International Covenant on Human Rights, 246
- United States (US)
 constitutional amendments and, 222–3, 259–60
 constitutional review and, 170
 non-ratification and, 47–8
- United States Constitution, 8, 222–3, 234–5
- untying hands, strategy of
 European Convention and, 39
 international agreements and, 234
 involuntary defection and, 17
 ratification and, 20
 two-level legitimacy and, 247
- US. *See* United States
- US Supreme Court, 9
- Van Rompuy, Herman, 238, 251
- Verdier, P.-H., 171–2
- Verhofstadt, Guy, 77, 138, 232, 277
- Versteeg, Mila, 16, 170–2
- Vienna Convention on the Law of Treaties, 2, 10, 31, 249, 264–6
- de Visser, Maartje, 172, 181
- Waldron, Jeremy, 15
- Weale, Albert, 39, 51

334 INDEX

- Weber, Max, 267
Weiler, Joseph H., 250
Westendorp Group
 EU Court of Justice and, 68–9
 experts and, 68
Wheeler v. The Prime Minister, 192
WHO. *See* World Health Organization
de Wicquefort, Abraham, 8
Wiener, Antje, 14
Wilson, Harold, 134
Wilson, Woodrow, 8, 69
win sets, 34, 36–7
de Witte, Bruno, 235, 237, 248–9
 international law treaties and,
 263
 state sovereignty and, 12
 treaty amendments and, 12
World Health Organization (WHO), 10