

Ireland did not have the literacy skills necessary to function in contemporary society.

A culture of clientelism, backhanders, and separate laws for rich and poor has been demonstrated with shocking clarity: some of O'Toole's sharpest demonstrations of inequity concern the treatment of tax fraudsters vis-à-vis those found fiddling social welfare. The big cheats, as he points out elsewhere, were the pillars of the community. During 1979-81, which covers only three years of the corrupt Haughey's lengthy ascendancy, the money that flowed from him and his friends into the Ansbacher tax evasion scheme, located in the Cayman Islands, escalated from €5m to €27m—a scam from which the great and good prudently averted their gaze.

Meanwhile the little people paid income tax at rates of up to 60 per cent, social spending was cut, thousands of beds were lost in public hospi-

tals, and the Celtic Tiger cub stretched its muscles. In a typically well chosen metaphor, O'Toole starts one chapter by describing the recent refitting of the late Aristotle Onassis's yacht Christina O, with its whale-tusk bar, Limoges porcelain, bronze and mosaic swimming pool, new helipad, murals by de Chirico, staterooms and suites. "Why is this of the slightest interest to Irish taxpayers? Because they paid for it." A consortium of Irish millionaires (including Haughey's tax adviser) purchased the Monaco-based leviathan for \$50m and outfitted it to the acme of ostentatious luxury, claiming all expenses against their Irish income for tax avoidance; according to O'Toole, the cost to the Irish exchequer was €25m. Whatever this means for the increasingly elusive definition of 21st-century Irishness remains to be seen, but Fintan O'Toole is more likely than anyone to be able to tell us.

EUROPE

The unsung constitution

The EU constitution is a compromise that consolidates two decades of creeping change. It is unglamorous, says Andrew Moravcsik, but it is what most governments wanted

WHY WAS THERE a constitutional convention for the EU? Federalists hoped to circumvent the haggling and vetoes of national states. European parliamentarians hoped finally to realise their dream of an active and engaged pan-European citizenry. Pragmatists hoped to combat rising apathy and cynicism towards the EU by radically simplifying the treaty of Rome and more clearly delineating national and central prerogatives. Everyone gambled that an open, web-savvy 21st-century re-enactment of Philadelphia in 1787 would engage citizens and politicians of all stripes, sparking an epochal public debate on the meaning and future of the EU.

It was not to be. Two hundred *conventionnels* came, they deliberated and, 16 months later, little had changed. Few Europeans were aware of the convention's existence—and only a handful could explain what happened there. Only Eurosceptics paid attention, exploiting public ignorance to breed conspiratorial suspicion. Testimony from civil society was requested, but only professors showed up. A conference of European youth was called, but only would-be Eurocrats attended. So the task of preparing a constitutional draft was left, as tasks so often are in EU affairs, to parliamentarians, diplomats and Brussels insiders.

No wonder, then, that the resulting document is so conservative. It is a constitutional compromise that consolidates a decade or two of creeping change. Council and parliamentary powers expand slightly at the expense of the technocrat-

THE ACCIDENTAL CONSTITUTION

Peter Norman

(EuroComment, £29.99)

ic commission. Co-operation in justice and home affairs, energy and a few other areas is bolstered a bit. The balance between large and small

countries is tweaked. Qualified majority voting and the rotating presidency are streamlined to facilitate decision-making with ten to 15 new members. Rather than the bold concept of a constitution, the goal became a deliberately ambiguous constitutional treaty—and one which is even more complex than the treaty of Rome. None of this changes the EU's deep-set technocratic culture of incremental compromise.

Now, six months after the convention closed, Peter Norman of the *Financial Times* has written its first history. This fact-filled, reliable and balanced account is about as good as "real time" history can be. It displays most of the inherent virtues, and a few of the vices of that genre.

The virtues are considerable. The EU is an innately drab establishment, but Norman does his best to give it colour and grandeur. The *conventionnels*, he writes, came "from Finnish Lapland, north of the Arctic circle, to the toe of Italy in the south, and from the Portuguese Azores islands far to the west of the European mainland to Turkey's eastern frontier with Iraq, close to the cradle of civilisation." He wryly describes how they are socialised into the modern EU—learning to endure interminable interventions in a dozen languages, to manipulate acronym-laden Europeak, and to form complex multinational tactical coalitions.

Norman is an old Brussels hand. He knows that, idealistic rhetoric about democracy notwithstanding, EU negotiations (like all important political events) are managed by influential insiders. He also knows that Eurosceptic rhetoric notwithstanding, the critical insiders are not members of the commission—a body whose lack of diplomacy and extreme views relegate it to a background role in this story. Instead, the key players are national officials and politicians, plus a few members of the European parliament. British diplomat John Kerr, the convention's secretary general, glides silently behind the scenes, blocking federalist excesses without leaving fingerprints. Heavy-set former union boss Jean-Luc Dehaene, his political instincts honed as prime minister of ungovernable Belgium, twists the arms of the recalcitrant. Constitutional lawyer and former Italian prime minister Giuliano Amato, slim and elegant, deftly guides long drafting sessions with elliptical interventions on legal technicalities. And above them all towers Valéry Giscard d'Estaing, the last of the generation of European politicians inspired by integration because of their experiences in the second world war. A president once—and now, briefly, a president again—he aspires to go down in history as a Philadelphian founding father, and thus takes care to obscure his Machiavellian machinations with grand statements and imperious wit.

Norman portrays the scene with admirable clarity. He also avoids the greatest danger of "real time" history: capture by one's sources. Because the EU is such a diverse and open system, with so many different national points of view represented, there is less danger than usual of exploitation by a few self-interested sources on which one is dependent. (Bob Woodward's early book on the Bush presidency fell into this trap.) Thus *The Accidental Constitution*—paired perhaps with Peter Ludlow's *The Making of the New Europe* in the same series on the subsequent intergovernmental discussions—will be indispensable for future analysis of the convention.

That said, history in real time has its limitations. Among the most important is the lack of historical perspective. Viewed close up, events often seem to be driven by coincidence, quirky personalities and random convergence of interest. The book's title underscores Norman's view that the outcome was the unpredictable result of many contingent events. In arguing this, he combines something of the genial disdain for broad interpretations often professed by old-fashioned English historians with a hard-bitten journalistic scepticism about the ability of individuals to know what they are doing.

This belief that the outcome of the convention was not preordained tempts Norman into partisanship. As the process moves along, one senses him slowly siding with the more ambitious pro-

ponents of federalism against the member-state sceptics. Not only could the outcome have been different, he implies, but it could have been better. French 68er Olivier Duhamel becomes a hero when he declares before the convention: "We are deadlocked. Certain people are trying to stop us. Don't let them sabotage our work!" By contrast, Gisela Stuart, the British MP caught between Downing Street's demands and the views of continental parliamentarians she was nominated to represent, comes off as the villain.

Yet Norman's own reporting reveals a somewhat different story. Looking back, it is clear that the convention had far less room for real choice than his account implies. After discussing fundamental institutional change for a decade, few options remained because the EU is ultimately an intergovernmental organisation.

Throughout the convention, national governments lurked in the shadows. Norman demonstrates time and again that their interventions were decisive. An informal Franco-German paper in January 2003 was a "turning point," setting the terms for the ultimate institutional compromise. Britain moved behind the scenes to secure its "red lines" on tax, defence and social policy. Small governments demanded greater voting power. Fiscal issues were handled outside the convention, where spending was capped, the common agricultural policy was secured, and the "stability pact" scotched. In the final days of the convention, Joschka Fischer, the German foreign minister, flew in to impose critical German demands. Perhaps most important, Giscard, fearing that governments would pick apart the draft constitution, constantly consulted them and incorporated the resulting limits. Finally, of course, the convention refused to let Poland and Spain maintain the inflated voting weights they had been granted at Nice, and they responded by sinking the December summit meeting that was to approve the treaty. The result is a document that is still being revised by national governments, and which national electorates may not have a chance to ratify.

The true lesson of the constitutional convention is that the outcome was destined to be conservative. European integration remains tightly constrained by what national governments and their publics will accept. In the absence of a "grand project"—such as the single market, single currency or enlargement—fundamental institutional change is unlikely. Polls show that European citizens, even if sceptical of Brussels, favour a system close to the one they have today. It is national governments which enjoy democratic legitimacy; it is national governments which are mainly responsible for policy implementation. The EU constitutional structure we see today is the one we are likely to see for a generation or more—and the failure of the convention to generate radical reform reveals why.