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**Bard College Berlin**  
A LIBERAL ARTS UNIVERSITY

# PS 304 What is Europe?

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Office Hours: by appointment

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## Course Description

Commitment to peace as the underlying European narrative is not a special characteristic of post-World War II European integration. In fact, long before there was a European Union (EU) there were European concepts for superstructures and processes that would better enable peace on the continent. These ideas informed the founding of the European Community for Steel and Coal in 1951, as a peace project brought forth by the Treaty of Paris, and its galvanization in 1957 at the Treaty of Rome. This seminar looks at a variety of historical conceptions to better understand current political debates about the EU—questions about its legitimacy, its foreign and security policies, gender equity policy, challenges to the rule-of-law, and the concept of supranationality. The course starts with Pierre du Bois's *The Recovery of the Holy Land*, which dates to 1306, and further elaborates upon Jean-Jacques Rousseau's *A Lasting Peace through the Federation of Europe* (1782), Mary Wollstonecraft's *A Vindication of the Rights of Woman* (1792), and Johann Gottlieb Fichte's *Addresses to the German Nation* (1808). The seminar leads up to writings by twentieth-century figures such as philosopher Hannah Arendt, journalist Kurt Tucholsky, sociologist Max Weber, and philosopher Jürgen Habermas. We will focus on how an amalgam of these ideas has translated into the current EU framework, as expressed in the Treaties, key policies, and jurisprudence. During completion week, we will visit the main EU institutions in Brussels and the Court of Justice of the European Union (CJEU) in Luxembourg (May 13– 16, 2024).

## Requirements

### Academic Integrity

Bard College Berlin maintains the highest standards of academic integrity and expects students to adhere to these standards at all times. Instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section 14.3 (Academic Misconduct) in the Student Handbook.

### Attendance

Attendance at all classes is a crucial part of the education offered by Bard College Berlin. To account for minor circumstances, two absences from twice-per-week courses or the equivalent (e.g. one absence from a once-per-week course) do not affect the participation grade or require documentation. Please do not attend class when you test positive for COVID-19. The full Bard College Berlin attendance policy can be found in the Student Handbook, Section 2.8.

### Assessment

Each student will:

- participate in class (30% of grade)
- give a short presentation about a case we are looking at in class (15% of grade)
- work in a group assessing one of the main EU institutions and develop questions for our trip to Brussels (15% of grade)
- write a final essay of 4,500 words (40% of grade)

### Assignments

**CLASS PREPARATION AND PARTICIPATION:** Each week, students are required to participate in a discussion about the readings. We will engage in conversation, respond to each other, and add additional information or thoughts about the topic. Discussion and participation are a major emphasis in this course. It will be your responsibility to come to class prepared, having read the texts assigned and willing to take part in group knowledge-building. Your participation grade for this class will be primarily based upon small group-work, which will be presented to the whole class, and activities in class. This grade will also reflect your level of investment in classroom discussion. (30 % of grade, 15% for weeks 1-7 and 15% for weeks 8-14)

**ORAL PRESENTATION:** You will be asked to present on one of the topics we deal with in class. This presentation will cover one assigned reading. You will choose one text from the below reading list and give a short power point presentation (2-6 slides) summarizing the key elements of the text/judgment. This presentation will serve as a basis for our discussion in class. You should address the topic, summarize the key findings and rationales. Of course, other informational aspects you deem to be meaningful are welcome. The presentation should contain a final slide with a bibliography that evidences the works you consulted to prepare the presentation. The length of your presentation should not exceed 15 minutes. (15% of grade)

**GROUP PRESENTATION ON ONE EU INSTITUTION:** In our session on February 12, you will be divided into working groups. Each group will be assigned one of the main EU institutions (determined by lot). Over the semester, the groups will be researching the working procedures, the competencies, and the role of the respective institution in the debate about the democracy deficit in the EU. On March 4, each group will present their findings to the class, and we will identify questions that shall be discussed with the institutional representatives in Brussels. This exercise will serve as preparation for our trip to Brussels in May during completion week. (15% of grade)

**END-OF-SEMESTER ESSAY:** In your end-of-semester essay, you will show that you are able to assess the institutional set-up and policies of the EU (4,500 words). A bibliography of articles or monographs you consulted must be included at the end of the essay. The topic of the end-of-semester essay will be given to you in week 7, and the final essay is due on May 20, 2024 (graduating students: May 5, 2024) via email ([b.ebert@bard.berlin.edu](mailto:b.ebert@bard.berlin.edu)). (40% of grade)

Papers should be sent to me via email and as a printout on the due date, May 20, 2024. Graduating students must submit their essays on May 5, 2024 since grades for those students are due on May 10, 2024. Please submit your documents in Microsoft Word “.doc” or “.docx” file. They must be double-spaced, 12-point type, standard margins, and have proper American Psychological Association citations (<https://apastyle.apa.org/instructional-aids/reference-guide.pdf>).

### Policy on Late Submission of Papers

Essays that are up to 24 hours late can be downgraded up to one full grade (from B+ to C+, for example). In special cases, where we mutually agree on a late assignment, your essay should be submitted by the new deadline agreed upon by both parties. Thereafter, the student will receive a failing grade for the assignment. Grades and comments will be returned to students in a timely fashion. You may make an appointment to discuss essay assignments and feedback. At any time, students are most welcome to make an appointment with me to discuss seminar participation. You may be asked to meet with me at any stage in the semester regarding class progress.

## Grade Breakdown

- Participation in class (30% of grade)
- Presentation about a CJEU case we are looking at in class (15% of grade)
- Working group assessing on of the main EU institutions and develop questions for our trip to Brussels (15% of grade)
- Final essay of 4,500 words (40% of grade)

## Schedule

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### January 29 (WEEK 1)

Introduction and Overview

### February 5 (WEEK 2)

#### Before the 20th Century

The famous Schuman Plan of May 9, 1950 marks the birthday of the European Community for Steel and Coal (ECSC) and led to treaty establishing the ECSC on April 18, 1951. With it, the key supranational institution, the High Authority, today known as the European Commission, was established. However, the EU was not born in a day. Europe has developed over centuries with a variety of ideas that informed the rationale of why states should collaborate. These can be considered first concepts of a united Europe. We will read a small selection of these writings beginning in the 14th century with Pierre du Bois, leading our way up to the 18th and, finally, the early 20th century. Finally, a brief assessment of the EU's Common Foreign and Security Policy (CFSP) will show how ideas do or do not translate to our present thinking.

#### Readings:

- Dubois, Pierre (1956). *The Recovery of the Holy Land* (Part II). New York: Columbia University Press, 69–123. (Original work published 1303)
- Rousseau, J.J. (1782). *A Lasting Peace through the Federation of Europe*. Transl. by C. E. Vaughan, ETH Zurich. [https://www.files.ethz.ch/isn/125476/5014\\_Rousseau\\_A\\_Lasting\\_Peace.pdf](https://www.files.ethz.ch/isn/125476/5014_Rousseau_A_Lasting_Peace.pdf)
- Tucholsky, K. (2017). *Germany? Germany! Satirical Writings: The Kurt Tucholsky Reader*. New York and Berlin: Berlinica, 46–47, 63–65, 103–107.
- European Commission (2023). Foreign Affairs and Security Policy. <https://op.europa.eu/en/publication-detail/-/publication/d76d86c6-18d2-11eb-b57e-01aa75ed71a1>

### February 12 (WEEK 3)

#### European Union Institutions & Supranationality

We will look at the factors that led to the concept and the rationale of Jean Monnet, who is today associated with the concept of supranationality, back then a new approach to international politics and now the reason for the Union's uniqueness in comparison with other international organizations. We will define the key features of supranationality and the respective political institutions. How do they function today? Which mandates and competencies do they have? In addition to also learning about the various forms of EU law, we will look at two key CJEU judgments, namely *Costa v. E.N.E.L.*, in which the Court interpreted the supremacy of EC law and *Van Gend en Loos*, which dealt with the so-called direct effect of EC law. We will delve deeper into the legal principles that govern the EU to lay the foundation for later discussions about the democracy deficit and participatory channels in Europe. In this session, we will form working groups. Each group will be assigned one of the major EU institutions

that they will assess in detail throughout the semester. On April 8, each group's findings will be presented in class as part of the preparation for the trip to Brussels.

**Please make sure to bring your Treaty of Lisbon to this session.**

Readings:

- Coudenhove-Kalergi, R. (2019). *Pan-Europa*. Vienna: Pan-Europa Editions, 53 – 67, 135–138, 151–154. (Original work published 1923)
- The Schuman Declaration. (1950). [https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950\\_en](https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en)
- Court of Justice of the European Union (1963). *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration*, Reference for a preliminary ruling: Tariefcommissie, The Netherlands. 5 February 1963. C-26/62.
- Court of Justice of the European Union (1964). *Flaminio Costa v E.N.E.L.*, Reference for a preliminary ruling: Giudice conciliatore di Milano, Italy. 15 July 1964. C-6/64.

Additional Information (reading is voluntary):

- European Coal and Steel Community (1951). *Treaty Establishing the European Coal and Steel Community*. [https://www.cvce.eu/content/publication/1997/10/13/11a21305-941e-49d7-a171-ed5be548cd58/publishable\\_en.pdf](https://www.cvce.eu/content/publication/1997/10/13/11a21305-941e-49d7-a171-ed5be548cd58/publishable_en.pdf)

**February 19 (WEEK 4)**

**The Democracy Deficit (Part 1): Overconstitutionalization?**

**Including a Guest Lecture by Daniel Freund, Member of the European Parliament (Group of the Greens/European Free Alliance)**

Theories centering around the so-called “democracy deficit” of the EU focus on the EU institutions’ (lack of) accountability to the people. Together, we will identify their main arguments. These theoretical frameworks will enable you to also think further about the multilayered governance system of the EU and the various ways of addressing the will of the people in other political systems.

Readings:

- Habermas, J. (2005). Why Europe Needs A Constitution. In Eriksen, Erik Oddvar (et.al): *Developing a Constitution for Europe*. New York: Routledge, 9–34.
- Grimm, D. (2017). On the Status of the EU’s Democratic Legitimacy after Lisbon. In Grimm, D. *The Constitution of European Democracy*. Oxford: Oxford University Press, 57–80.
- Majone, G. (2017). The European Union Post-Brexit: Static or Dynamic Adaptation?. *European Law Journal*, 23 (1-2), 9–27.
- Constitutional Court of the Federal Republic of Germany (2009). Lisbon Judgement. [https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2009/06/es2009\\_0630\\_2bve000208en.html](https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2009/06/es2009_0630_2bve000208en.html) (This judgement is not part of the course reader. Please download.)

**February 26 (WEEK 5)**

**The Democracy Deficit (Part 2): Subnational Governments and Interest Groups**

When the 1992 Maastricht Treaty established the Committee of the Regions (CoR), research developed around subnational actors’ mobilization in influencing EU policymaking. Brussels offers various access points to influence policy outcomes, Liesbet Hooghe and Gary Marks pioneered research about the multi-level dynamics between EU institutions and subsequently emerging subnational actors. They emphasized the state-transcending nature of the European multilevel polity and the diversity in the mobilization of actors, which ultimately connects subnational influence with the discussion about the EU’s democracy deficit. Are these ideas new? We will combine Hanna Arendt’s theory with multilevel

governance theory and assess whether it can serve as a theoretical framework to assess civil disobedience's entrance points to institutions within the multi-layered governance system of the EU. The Polish gender movement and its "Channels to Europe" will serve as an example and link the discussion to the Polish rule-of-law dispute with the EU in the past years.

Readings:

- Arendt, H. (1972). Civil Disobedience. In Arendt, H: *Crises of the republic: lying in politics, civil disobedience, on violence, thoughts on politics and revolution*. New York: Harcourt Brace Jovanovich Arendt, 69–102.
- Hooghe, L./Marks, G. (2001). Channels to Europe. In Hooghe, Liesbeth/Marks, Gary: *Multi-Level Governance and European Integration*. Lanham: Rowman & Littlefield Publishers, 81–92.
- Scharpf, F. (2009). Legitimacy in the Multilevel European Polity. MPIfG Working Paper 09(1).

**March 4 (WEEK 6)**

**Group Presentations: The European Institutions**

Each group, which was formed on February 12, will present one of the mayor EU institutions (European Commission, European Parliament, Council of the European Union, European Council), their composition, their competencies, and their working procedures. We will develop questions that we will share with the representatives we meet later in Brussels.

**March 11 (WEEK 7)**

**The Development of Gender Equality Law: From Women's Rights to ...**

The women of the German 1848/49 Revolution, including Mathilde Franziska Anneke, Louise Aston, Emma Herwegh, Johanna Kinkel, Amalie Struve, or those of the French February Revolution of 1848, such as Marie Comtesse d'Agoult and George Sand, demanded participation of women in all areas of life. Highly educated and often supported by their family and partners, they propagated the abolition of all class differences and full equality of both sexes. This class will ask if and how arguments for women's rights – as well as thoughts about education as expressed by male thinkers – in the 19th century did or did not translate in today's gender equality discourse in the EU by looking at landmark court cases and the European Commission's *Strategy on Gender Equality 2020–2025*. A brief overview of the Union's gender equality provision will frame this session.

Readings:

- Wollstonecraft, M. (2015). *A Vindication of the Rights of Women*. London: Random House, 15–33. (Original work published in 1792)
- Anneke, F. M. (1872). On the Occasion of the Inauguration of the German Hall in Milwaukee (Concerning Equal Rights for Women). In Piepke, S. L. (2006). *Mathilde Franziska Anneke (1817-1884). The Works and Life of a German-American Activist*. New York: Peter Lang Publishing, 74–78.
- Anneke, F. M. (1873). The Conviction of Susan B. Anthony. In Piepke, S. L. (2006). *Mathilde Franziska Anneke (1817-1884). The Works and Life of a German-American Activist*. New York: Peter Lang Publishing, 78–81.
- Fichte, J. G. (2017). *Addresses to the German Nation*. Withorn: Anodos Books, 15–30. (Original work published 1806)
- Court of Justice of the European Union (1976): *Judgment of the Court of 8 April 1976. Gabrielle Defrenne v Société anonyme belge de navigation aérienne Sabena*. C-43/75. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61975CJ0043>
- Court of Justice of the European Union (1999). Judgment of the Court of 26 October 1999. Angela Maria Sirdar v The Army Board and Secretary of State for Defence. C-273/98. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61997CJ0273>

- Court of Justice of the European Union (1986). Judgment of the Court of 15 May 1986. *Marguerite Johnston v Chief Constable of the Royal Ulster Constabulary*. C-222/84. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61984CJ0222>
- European Commission (2020). *A Union of Equality. Gender Equality Strategy 2020–2025*. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152>

### March 18 (WEEK 8)

#### ... Human Rights?: Civil Disobedience and Gender Dissidence in the EU

As early as 1897, sexologist Magnus Hirschfeld (1868–1935), who was born in Poland, founded the Scientific Humanitarian Committee in Berlin, advocating for the decriminalization of gay relations in Europe. The committee had the support of Albert Einstein, Thomas Mann, Hermann Hesse, August Bebel, and Leo Tolstoy. Hirschfeld also joined the League for the Protection of Mothers and supported the legalization of abortion in 1905, the same year Sigmund Freud presented his first theories of sexuality in Vienna. In 1919, at the time of the unprecedented movements against traditional notions of sexuality during the Weimar Republic, Hirschfeld founded Berlin's Institut für Sexualwissenschaft. In 1928, he gathered international sexologists in the World League for Sexual Reform. While in 2020, Facebook offered as many as 71 gender options and Instagram users can type their gender identity as they see fit, in the 1920s Hirschfeld had already proposed 64 possible forms of identity, well beyond the modern Western fixation on a stable binary grid of "feminine or masculine." In 1996, the CJEU decided in the case *P v S and Cornwall County Council* (C-13/94), the first case in the world to address the dismissal of a trans\* person and declare it to be contrary to EU law. How does the EU argue for trans rights?

#### Readings:

- Marhoefer, L. (2022). *Racism and the Making of Gay Rights. A Sexologist, His Student, and the Making of Gay Rights*. Toronto: Toronto University Press, 22–40.
- Pernice, I. (2008). *The Treaty of Lisbon and Fundamental Rights*. In Griller, S. / Ziller, S. (eds.): *The Lisbon Treaty. EU Constitutionalism without a Constitutional Treaty?*, Springer Wien New York, 235–256.
- Court of Justice of the European Union (1996). *Judgment of the Court of 30 April 1996. P v S and Cornwall County Council*. C-13/94. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61994CJ0013>
- Court of Justice of the European Union (1998). *Judgment of the Court of 17 February 1998. Lisa Jacqueline Grant v South-West Trains Ltd*. C-249/96. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61996CJ0249>
- Court of Justice of the European Union (2018). *Judgment of the Court (Grand Chamber) of 5 June 2018. Relu Adrian Coman and Others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*. C-673/16. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62016CJ0673>

Your midterm grades will be sent to the registrars that week.

### March 25–April 1 (Spring Break and WEEK 9)

Spring Break / Easter Monday

### April 8 (WEEK 10)

#### The Public Sphere, Democracy, and the European Parliament

Until 1979, the European Parliament was composed of members appointed by and from national parliaments. While the first direct elections took place in 1979, the European Parliament is different from parliaments in nation states with implications for the democratic accountability of other EU institutions.



As the institution that represents the citizens of the EU, the European Parliament ultimately plays a role in the debate about the existence of a European Public Sphere and political leadership. The latter topic was famously analyzed by sociologist Max Weber (1864–1920), whose elaborations charismatic and bureaucratic leadership will help us understand the debate in the EU today.

Readings:

- Weber, M. (2000). The Three Types of Legitimate Domination. In Weber, M: *Essays in Economic Sociology*. Princeton: Princeton University Press, 99–108.
- de Vreese, Claes H. (2007). The EU as a public sphere. *Living Review of European Governance*, 2 (3), 2007. <http://www.europeangovernance-livingreviews.org/Articles/lreg-2007-3/download/lreg-2007-3BW.pdf>
- Garavoglia, M. (2011). Democracy in Europe: Politicizing Champions for the European Public Sphere. *Istituto Affari Internazionali (IAI)*. [www.jstor.org/stable/resrep09693](http://www.jstor.org/stable/resrep09693).
- Brueggemann, M./Schulz-Forberg, H. (2009): Becoming Pan-European. Transnational Media and the European Public Sphere. *The International Communication Gazette*, 1748-0485, 71(8), 693–712.

**April 15 (WEEK 11)**

**Eastern Europe? Guest Lecture by Christina Ezrahi**

Christina Ezrahi is a historian of Soviet cultural politics and Russian ballet. She is particularly interested in the relationship between ideology, Soviet society, and the performing arts. Her most recent book *Dancing for Stalin* explores the history of the Stalinist Great Terror and of the Gulag through the fate of a ballet dancer. She has studied at University College London, Oxford University (St. Antony's College) and Princeton University and worked for the United Nations in Moscow during the second Chechen war. She is currently based in Berlin. She is also the editor of *Teen World of Arts*, an online magazine for young adults about the performing and visual arts.

**April 22 (WEEK 12)**

**Guest Lecture by Matthew Longo:**

**The Picnic. A Dream of Freedom and the Collapse of the Iron Curtain**

Venue: Lecture Hall (P 98A)

**April 29 (WEEK 13)**

No class since we will be traveling to Brussels during completion week.

**May 6 (WEEK 14)**

**Preparation of Trip to Brussels**

**May 13–May 16 (COMPLETION WEEK)**

**Trip to Brussels and Luxembourg**

During completion week and as part of the *Jean Monnet Funding* for this seminar, you will take part in a fully funded trip to Brussels and Luxembourg. We will visit key EU institutions such as the European Commission, the Council of the European Union, and the European Parliament. We also plan to talk to representatives of the law firm White & Case, Business Europe, and the US Mission to EU. On May 16, our group will attend a hearing at the Court of Justice of the European Union in Luxembourg. You will receive a detailed schedule under separate cover.

## Essay Deadlines

The final essay is due on May 20, 2024 (graduating students: May 5, 2024) and should be sent to me via email ([b.ebert@bard.berlin.edu](mailto:b.ebert@bard.berlin.edu)).

## Library and Book Purchase Policies

Please make sure to either **purchase or download a copy of the Treaty of Lisbon**: Treaties of the European Union: Consolidated Versions of Treaty on European Union and Treaty on the Functioning of the European Union (Lisbon Treaty). The treaty of Lisbon is available on amazon. It can also be downloaded from the EU's official website:

- Consolidated Version of the Treaty on European Union (TEU): [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF)
- Consolidated Version of the Treaty on the Functioning of the European Union (TFEU): [https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b497-01aa75ed71a1.0006.01/DOC\\_3&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b497-01aa75ed71a1.0006.01/DOC_3&format=PDF)

Official EU documents (directives, regulations, cases) can be read online and downloaded under: <https://eur-lex.europa.eu/homepage.html?locale=en>

**Please purchase a copy of the course reader at the library.**