

# The European Commissioners and the Empty Chair Crisis of 1965-66

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Formulating new research questions and based on new source materials this article discusses what motivated the policies of the Commission of the European Economic Community (EEC) during the crucial months before the outbreak of the empty chair crisis in July 1965.<sup>1</sup> The empty chair crisis and its historical embeddedness have been studied by historical and political science scholars. The Commission proposals of March 1965 – widely accepted as the trigger of the crisis – came as a triptych and not only outlined the agricultural financing for the period 1965-70, but also the creation of EEC budgetary resources and the extension of European Parliament (EP) powers in the budgetary procedure.<sup>2</sup> French president Charles de Gaulle strongly opposed these steps towards more supranational authority. At the Council of ministers session at the end of June 1965, the French minister for Foreign affairs Maurice Couve de Murville, acting as president of the Council of ministers, therefore did not allow a marathon session or limited financial settlement.<sup>3</sup> Couve announced the beginning of a serious crisis, and some days later the French government withdrew its permanent representative, Jean-Marc Boegner. Although de Gaulle escalated the crisis in his press conference on 9 September 1965,<sup>4</sup> the other member states resisted the French politics of the empty chair and invited France to participate in a Council meeting without the Commission. It was only after the second round of the French presidential elections that de Gaulle accepted this invitation and agreed to the Luxembourg conference of January 1966, where France unilaterally declared that unanimity had to be reached in the Council when substantial national interests were at stake. Although the Luxembourg agreement left the Commission's role largely unaffected and did not legally alter the Treaty provisions for qualified majority voting, "Luxembourg" is

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1. This article is based on sources from the Historical Archives of the European Union – both from the Brussels site and from the Florence site – and on documents from the German Bundesarchiv in Koblenz. The manuscripts of Commission secretary general Emile Noël are widely exploited in this article. Noël's shorthand notes have been converted into complete sentences and translated into English by the author. Where necessary for a better understanding, the author amended Noël's notes in square brackets. Likewise, all other citations from a French or German original have been translated into English by the author.
2. Bruxelles Archives Commission [BAC], 209/1980, COM(65)150, Financement de la Politique Agricole Commune – Ressources propres de la Communauté – Renforcement des pouvoirs du Parlement Européen, 31.03.1965.
3. Historical Archives of the Council of ministers [HACM], CM2 1965 54, EEC-Council records (R/ 850 d/65) of 28, 29, 30 June and 1 July 1965.
4. Ch. DE GAULLE, *Pour l'effort 1962-1965* (Discours et Messages, vol.4), Plon, Paris, 1970, pp. 372-392.

seen as the beginning of an unofficial “veto-culture” that continued into the 1980s.<sup>5</sup> In the end, the Luxembourg agreement confirmed the status quo: De Gaulle was able to stop a drift towards further supranational authority as suggested by the Commission proposals. At the same time, however, he was unable to implement restrictions of the Commission’s role or the revision of the Rome Treaties. The episode ended in 1967 with Walter Hallstein’s premature departure from the presidency of the Commission.<sup>6</sup>

The European Union (EU) historiography is divided over the question as to whether the empty chair crisis was an inevitable clash of diametrically opposed conceptions of integration or if it was due to simple mismanagement by the Commission or mishandling of the Commission proposals by the Council of ministers.<sup>7</sup> In all of these cases, the Commission policies in the first half of 1965 are of major relevance for the explanation of the crisis. The conceptions of particular commissioners, the elaboration and adoption of the Commission proposal package and the procedure of particular Commission sessions are therefore of special interest.

This article will focus on the three most important commissioners, namely Commission president Walter Hallstein, commissioner for Economic, Financial and External affairs Robert Marjolin and commissioner for Agriculture Sicco Mansholt. The first part of the contribution presents innovative and consolidated findings about Hallstein and Marjolin in particular. Over the years, historical literature has produced mythologised images of these two men. Hallstein regularly appears as an ideologically-driven, overambitious and naive supra-national bureaucrat, seeking the short-term realisation of his dream of a federal Europe.<sup>8</sup> Marjolin, in contrast, is generally sketched as Hallstein’s intellectual adversary, critical of supra-nationalism and favouring a strictly technocratic approach to European integration. In his memoirs, Marjolin portrayed himself as a prudent dissident against Hallstein’s proposal package of March 1965,<sup>9</sup> an image that has willingly been adopted in the historiography

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5. For a critical evaluation of “Luxembourg” see J. GOLUB, *Did the Luxembourg Compromise Have Any Consequences?*, in: J.-M. PALAYRET, H. WALLACE, P. WINAND (eds.), *Visions, Votes and Vetoos. The Empty Chair Crisis and the Luxembourg Compromise. Forty Years On*, Peter Lang, Brussels, 2006, pp.279-299.
6. H. TÜRK, *Die Europapolitik der Großen Koalition 1966-1969*, Oldenbourg, Munich, 2006, pp. 33-45.
7. For a general account of the empty chair crisis see J. NEWHOUSE, *Collision in Brussels. The Common Market Crisis of 30 June 1965*, Norton, New York, 1967; M. CAMPS, *European Unification in the Sixties. From the Veto to the Crisis*, McGraw-Hill, New York, 1966; N.P. LUDLOW, *The European Community and the Crises of the 1960s. Negotiating the Gaullist challenge*, Routledge, London, 2006, chapters 2, 3 and 4; J.-M. PALAYRET, H. WALLACE, P. WINAND (eds.), *Visions, Votes and Vetoos* ..., op.cit.; W. LOTH (ed.), *Crises and Compromises: The European Project 1963-1969*, Nomos/Bruylant, Baden-Baden/Brussels, 2001.
8. P. GERBET, *La construction de l'Europe*, Imprimerie Nationale, Paris, 1999, p.276; N.P. LUDLOW, *The European Community and the Crises* ..., op.cit., pp.65-68.
9. R. MARJOLIN, *Le travail d'une vie. Mémoires 1911-1986*, Robert Laffont, Paris, 1986, pp.341-353.

up to the present day.<sup>10</sup> It is thus generally accepted that in spring 1965, Marjolin stood “against” Hallstein. The cutting-edge analysis of this article suggests that the conventional wisdom about these commissioners’ roles shortly before the empty chair crisis needs to be substantially revised. Hallstein played a decisive role in the elaboration of the Commission proposal package, yet a much less prominent role in its maintenance up to July 1965. His handling of the Commission proposals was highly tactical and pragmatic. Marjolin, on his part, actually sympathised with Hallstein’s idea of a strengthening of the EP, which fundamentally questions the reliability of his memoirs and the accuracy of historical standard accounts about his role in the empty chair crisis.

The second part of the article will raise questions about the Commission’s institutional culture and will focus on the commissioners’ motivations and ideas during the spring of 1965. The theoretical debate about “new institutionalisms” – rational choice, historical and sociological institutionalism – is a valuable reference for the discussion of this issue.<sup>11</sup> The present case study serves to test basic assumptions of the rational choice approach, frequently employed by political science scholars to explain the bargaining of individual or collective actors. Rational choice depends on the hypothesis that politics is based on rationally defined (self-)interests and that, therefore, “principals” like the member-states delegate authority to “agents” like the European Commission to perform certain clearly defined functions.<sup>12</sup> The rational choice theory of interest-guided governmental bargaining usually dominates diplomatic history literature that draws full attention to the member-state perspective, while only marginally treating supranational institutions.<sup>13</sup> From a rational choice perspective, the European Commission appears as a unitary, rational and utility-maximising institution.<sup>14</sup> Hallstein and his fellow commissioners are supposed to have defended Commission interest and to have advocated “more Commission” or generally “more Europe”.

10. M. VAISSÉ, *La politique européenne de la France en 1965: pourquoi “la chaise vide”?*, in: W. LOTH (ed.), *Crises and Compromises ...*, op.cit., p.212; P. GERBET, op.cit., p.76; J.-M. PALAYRET, *De Gaulle Challenges the Community. France, the Empty Chair Crisis and the Luxembourg Compromise*, in: J.-M. PALAYRET, H. WALLACE, P. WINAND (eds.), *Visions, Votes and Vetoes ...*, op.cit., p.52; J.P.J. WHITE, *Theory Guiding Practice: the Neofunctionalists and the Hallstein EEC Commission*, in: *Journal of European Integration History*, 1(2003), pp.125 and 130; N.P. LUDLOW, *De-Commissioning the Empty Chair Crisis. The Community Institutions and the Crisis of 1965-66*, in: J.-M. PALAYRET, H. WALLACE, P. WINAND (eds.), *Visions, Votes and Vetoes ...*, op.cit., p.81.
11. M.A. POLLACK, *The New Institutionalisms and European Integration*, in: A. WIENER, T. DIEZ (eds.), *European Integration Theory*, OUP, Oxford, 2007, pp.137-156; B. ROSAMOND, *Theories of European Integration*, Palgrave, New York, 2000, pp.113-122.
12. M.A. POLLACK, *The Engines of European Integration. Delegation, Agency, and Agenda Setting in the EU*, OUP, Oxford, 2003, pp.75-154.
13. E.g. A. GROSSE, *Affaires extérieures. La politique de la France 1944-1984*, Flammarion, Paris, 1984; M. VAISSÉ, *La grandeur. Politique étrangère du général de Gaulle 1958-1969*, Fayard, Paris, 1998.
14. M.A. POLLACK, *The Engines ...*, op.cit., pp.75-154 and 377-414.

Based on the empirical analysis of the policies of the European Commission, this article seeks to demonstrate that the rational choice framework is simplistic and insufficient for the analysis of complex supranational bargaining. It consequently proposes to explore the guiding assumptions of historical and social institutionalism as a supplement to rational choice. Historical institutionalism focuses on the explanatory value of the historical context in which supranational institutions were constructed and examines how these institutions structured supranational actors' preferences over time.<sup>15</sup> From this perspective, socially defined rules, institutional culture, dominant ideas and path-dependant processes were likely to determine the commissioners' policies. Although historical institutionalism considers the passage of time and thus improves rational institutionalism, it maintains that actors behave in a rational and unitary way.<sup>16</sup> In contrast, scholars in the sociological institutionalist or constructivist tradition hold that the institutional environment decisively shapes the actors' interests and identities.<sup>17</sup> From their view, supranational institutions can create values and ideas that are subsequently adopted by supranational actors through socialisation. Therefore, "structures" are supposed to have feedback effects on the "agents", thereby defining the limits of the actors' behaviour and creativity. The European commissioners' preferences and strategies are consequently seen as embedded in a broad social context. This article about the empty chair episode therefore enquires into the consolidation of commonly held ideological preferences and collective behavioural patterns that had developed among the commissioners over time. The resulting image of a "polity in the making" allows for a nuanced understanding of the institutional complexity and the societal dimension of European integration.

### The point of contention: The Commission's proposal triptych

The centrepiece of the Common Agricultural Policy (CAP) was a common price level for cereals, which was decided upon by the EEC Council of ministers on 15 December 1964.<sup>18</sup> However, after the cereal price level decision, the overall financing of the CAP for the period 1965-70 also had to be agreed upon. Therefore, the Council asked the Commission to work out proposals and to present them before 1 April 1965. However, according to the majority of the commissioners, there was an internal logic between the agricultural financing and two additional issues, namely the creation of EEC budgetary resources and the strengthening of the EP. The creation of own re-

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15. B. ROSAMOND, *Theories* ..., op.cit., pp.116-117.
16. P. PIERSON, *Politics in Time. History, Institutions, and Social Analysis*, PUP, Princeton/Oxford, 2004, p.177.
17. T. RISSE, *Social Constructivism and European Integration*, in: A. WIENER, T. DIEZ (eds.), op.cit., pp. 159-176.
18. A.-C. LAURING KNUDSEN, *Creating the Common Agricultural Policy. Story of Cereals Prices*, in: W. LOTH (ed.), *Crises and Compromises* ..., op.cit., pp.131-154; N.P. LUDLOW, *The European Community and the Crises* ..., op.cit., pp.41-45.

sources from agricultural levies and customs duties had been suggested by the Rome Treaties and the Common Agricultural Code of 1962.<sup>19</sup> The strengthening of the EP was linked to the own resources, because a number of pro-supranational member-state parliaments would only ratify the creation of own resources if the EP was strengthened at the same time. The commissioners took these legal provisions and political constraints into account when they drafted their proposal package. They assumed that both the agricultural and the industrial Common Market were to be completed already in mid-1967 instead of 1970 as originally foreseen by the EEC Treaty. However, the Europeanisation of these national markets suggested that the revenues from these markets – the agricultural levies and the customs duties – be Europeanised as well. They would then constitute own resources of the EEC under the control of the European institutions. The Commission proposed that the levies be centralised in 1967 and the duties between 1967 and 1973. The emerging European budget then served as justification for strengthening the EP's role in the budgetary procedure. This article concentrates on the elaboration of part II "own resources" and part III "EP strengthening" of the Commission's triptych.

Shortly after the cereal price decision, Hallstein had asked Mansholt to be personally involved in the elaboration of the Commission proposals.<sup>20</sup> Mansholt revealed all major aspects of the future Commission initiative – the anticipated completion of the agricultural and industrial Common Market, the creation of EEC budgetary resources from centralised agricultural levies and customs duties and the upcoming EP strengthening – to the EP Assembly on 20 January and frankly stated:

"I admit that this is a heavy programme. One might wonder if it is too heavy. I can only respond by saying: it is not too heavy if the political will for taking decisions exists. We believe this is the case at the moment".<sup>21</sup>

At the same time, however, there was all but consensus among the commissioners about the question of own resources. The discussion among the commissioners was polarised by the ambitious plan of the German commissioner for competition policy, Hans von der Groeben, to Europeanise the revenues from levies and duties as quickly and completely as possible.<sup>22</sup> The political calculation behind the ambitious plan was simple: the more member-states' revenues were Europeanised, the more own resources at the disposal of the Commission, the more independence and manoeuvring space for the Commission.

Marjolin, critical of the creation of own resources, worked out an alternative plan that stretched the Europeanisation of revenues over a much longer period.<sup>23</sup> He made

19. J. NEWHOUSE, op.cit., pp.55-56.

20. N.P. LUDLOW, *The European Community and the Crises* ..., op.cit., p.67.

21. BAC, speeches collection, Sicco Mansholt speech before the EP on 20 January 1965.

22. Fondation Jean Monnet Lausanne [FJML], ARM 21/1/10, memorandum Jean Flory *Financement de la Politique Agricole Commune*, 28 January 1965.

23. FJML, ARM 21/1/4, memorandum *Critiques*, no date; FJML, ARM 21/1/13, memorandum Jean Flory *Aide memoire*, 18 February 1965; FJML, ARM 21/1/15, memorandum Marjolin *Financement de la Politique Agricole Commune*, 22.02.1965.

a distinction between the levies and the duties. The former would be Europeanised in 1967, whereas the centralisation of the duties would be postponed to a later period. What followed then in the Commission was Marjolin's defeat in the own resources question. When the commissioners gathered on 3 and 5 March 1965 to decide about the design of their future own resources proposal, Hallstein took the lead. By ignoring Marjolin's objection that the "political opportunity" had not yet come, he paved the way for the "grand solution", which was a proposal covering the levies and the duties.<sup>24</sup> The commissioners decided to propose the Europeanisation of the entire levies in 1967, but they also approved Hallstein's plan of a progressive Europeanisation of the duties between 1967 and 1973. This was a compromise solution harmonising the contrary conceptions of von der Groeben and Marjolin. However, the "grand solution" proposal which was put forward included both types of revenues, and this was not what Marjolin wanted.

When accepting Hallstein's "grand solution", the commissioners were driven by two main motivations. Firstly, France was strongly interested in the Europeanisation of the levies because, for structural reasons, it would be mainly France's partners who were to hand over their levies to the EEC. These own resources would then serve to finance the CAP, from which France was particularly benefiting. The commissioners thus feared that France might await the centralisation of levies and then obstruct the centralisation of duties to block further supra-national development of the EEC. Secondly, a twin-proposal concerning levies and duties, the "grand solution", was more prestigious than a single-proposal only covering the levies because it would promote the Commission's financial independence. Cabinet director Jean Flory wrote to Marjolin: "The arguments that you have produced have never seriously been taken into consideration by your colleagues".<sup>25</sup>

Noël's terse handwritten record of Hallstein's intervention into the debate gives an impression of the Commission president's political calculation:

"To me, [the own resources] is a purely political matter. A stronger Commission would choose the grand solution, allowing it to be flexible in later negotiations. [...] By demonstrating that we are linked to the logic [of the EEC Treaty] the Commission's reputation would be bolstered [...]. It is this tactic [of proposing package deals] that has brought us success [in past negotiations]".<sup>26</sup>

Though fragmentary and difficult to understand at first sight, this quote clearly reveals how tactical and ambitious Hallstein's approach to the negotiations really was. From his view, the Commission's choice between a "grand" and "small" technical solution directly reflected the Commission's political strength. Thus, it was important for the Commission's reputation and political significance to make the "grand solution"

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24. BAC 209/1980, COM(65) PV 308 final 2<sup>e</sup> partie, session of 3 and 5 March 1965; Historical Archives of the European Union Florence [HAEU], Emile Noël [EN], 780, manuscript Noël of Commission session 3 and 5 March 1965.
25. FJML, ARM 21/1/22, memorandum Jean Flory *Financement de la Politique Agricole Commune*, 09.03.1965 about the meeting of the heads of cabinet on 8 March 1965.
26. HAEU, EN 780, manuscript Noël of Commission session 3 March 1965.

proposal. Nevertheless, the Commission would not be obliged to maintain the “grand solution” proposal in all subsequent negotiations, rather it could negotiate with flexibility.

After the agreement over own resources as part II of the triptych, the commissioners gathered for an evening session on 22 March in the *Maison de l'Europe* in Strasbourg to decide about the EP strengthening as part III of the package.<sup>27</sup> Hallstein again took a forceful stance and employed strong words to have the proposal package accepted by his colleagues and not to have it cut down to a simple agricultural financing. Although Marjolin felt “intellectual sympathy” for the EP strengthening, he feared “a great institutional battle” with France over supra-nationality, if the EP question was to be forwarded by the Commission.<sup>28</sup> Therefore, he proposed that agricultural financing should have priority over EP strengthening and that the Commission should refrain from making EP proposals. Given de Gaulle’s hostility towards the Strasbourg Assembly, this meant that EP powers would no longer be on the 1965 agenda. This ran contrary to Hallstein’s wishes, who countered:

“If we miss this opportunity, everything will be delayed! [We will have] enormous difficulties with the governments [...]. If the governments are opposed to it [EP strengthening], they shall bear the blame [...].”

This was an allusion to the unique political constellation in 1965, because the Europeanisation of revenues, as part of the agricultural financing deal, required ratification by the member-state parliaments, so that pro-supra-national MPs could pressurise their governments to demand more EP power in the CAP negotiations. Hallstein’s subsequent call for Commission leadership revealed his extensive interpretation of the Commission role vis-à-vis the member-states: “Don’t hide behind tactical considerations [...] take leadership [...] with all its risks [...] even that of [political] struggle [with the member states]. Assume your responsibilities [as Commissioners]”. Hallstein’s address to his colleagues was certainly motivated by tactical considerations. He obviously wanted to secure support by his co-commissioners and to have the EP question irrevocably attached to the schedule of the following months.

After some more manoeuvrings, Marjolin henceforth gave up his resistance and supported Hallstein’s proposal for EP strengthening.<sup>29</sup> Although there was no formal decision about the EP question, Noël’s protocol notes an “approval” instead of a “vote”, Marjolin (and the second French commissioner Henri Rochereau as well) refrained from any protest or critique. However, in a great number of technical questions concerning part I “agricultural financing” and II “own resources” of the Commission proposal package, they explicitly issued negative votes. The commissioners finally proposed a complex decision-making procedure for budgetary matters. The

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27. BAC 209/1980, COM(65) PV 311 final 2<sup>e</sup> partie, 22.03.1965; HAEU, EN 780, manuscript Noël of Commission session 22 March 1965.
28. Citations in this paragraph come from HAEU, EN 780, manuscript Noël of Commission session 22 March 1965.
29. HAEU, EN 780, manuscript Noël of Commission session 22 March 1965: “I rally to [the proposal for EP strengthening]”.

EP should be given the opportunity to amend a draft budget which was then either approved or rejected by the Commission and the Council of ministers. The Council majority requirements for rejecting the amendment were highly restrictive so that the EP would gain substantial control over the budgetary procedure. For example, if the EP amendment was supported by the Commission and by two of the member-states regardless of their size, the amendment would be approved.<sup>30</sup> The complex formula allowed the Commission to play the role of arbiter between the EP and the Council in future negotiations about the EEC budget. Thus, it indirectly bolstered the Commission role at the expense of the Council.

After a leakage to the press on 23 March, Hallstein presented the outlines of the Commission proposals to the EP on 24 March 1965 without prior consultation of the Council, something that greatly annoyed de Gaulle.<sup>31</sup> When Couve had talked to Hallstein's cabinet director, Karl-Heinz Narjes, on 2 March 1965, the former had made it clear that the EP question should be handled – if at all – in a low profile procedure and was only acceptable to the French government if it was treated in a discreet way and without any publicity.<sup>32</sup> Already on the plenary session of the EP on which Hallstein presented his proposals, Couve had a serious argument with Marjolin about the Commission's behaviour,<sup>33</sup> and at the French Council of 14 April de Gaulle attacked what he saw as the hubris of the Brussels bureaucrats.<sup>34</sup>

The final draft of the package was presented to the commissioners for decision on 31 March 1965.<sup>35</sup> The two Frenchmen voted for part III of the proposals and supported the EP strengthening.<sup>36</sup> In his memoirs, however, Marjolin remembered his attitude towards the institutional parts of the Commission proposals in a significantly different way:

“In this strange judicial conception, the idea of a federal Europe was incarnated for the last time. It originated entirely from Hallstein, who had converted Mansholt to the idea. As soon as I had learned about it, I had expressed a total opposition to what I considered an absurdity”.<sup>37</sup>

Thus far, Marjolin's early support in the EP question has not been identified by historical scholars. It was probably because of Marjolin's support that Hallstein mentioned later that it had been “not too big a decision” to include the EP strengthening into the proposal package.<sup>38</sup> The support of the sceptic French commissioner in the

30. J. NEWHOUSE, op.cit., pp.61-62.

31. Ibid., p.61, pp.82-84.

32. Bundesarchiv Koblenz [BAK], Nachlass Hallstein [NH], 1119, Narjes to Hallstein, 02.03.1965; W. LOTH, *Die Krise aufgrund der „Politik des leeren Stuhls“*, in: M. DUMOULIN (ed.), *Die Europäische Kommission 1958-1972. Geschichte und Erinnerungen einer Institution*, Amt für amtliche Veröffentlichungen der Europäischen Gemeinschaften, Luxemburg, 2007, p.100.

33. BAK, NH, 1119, Klaus Meyer to Hallstein, 26.03.1965.

34. A. PEYREFITTE, *C'était de Gaulle*, Gallimard, Paris, 2002, pp.878-879.

35. BAC 209/1980, COM(65) PV 312 final 2<sup>e</sup> partie, 31.03.1965.

36. Ibid., pp. 10-11 and 14.

37. R. MARJOLIN, op.cit., pp.345-346.

38. BAC, speeches collection, Hallstein speech at Hohenheim University (Germany), 18.06.1965.

most controversial and political part of the whole package probably persuaded Hallstein to maintain the package throughout the negotiations. Marjolin's ambivalent attitude might thus have had decisive influence on the Commission's tactics. What we now know about the French commissioner not only explains why Couve vigorously criticised Marjolin for the Commission behaviour before his colleagues in Strasbourg on 24 March, but also explains de Gaulle's announcement that he would not re-nominate Marjolin after the expiration of his mandate.<sup>39</sup>

## Maintaining the proposal package

### *Disregard of member-state politics: The case of France and Germany*

Apart from Marjolin's support in the EP question, Hallstein was encouraged by the overall political constellation, as it was interpreted within his cabinet. In spring 1965, Hallstein and his head of cabinet, Karl-Heinz Narjes, were particularly concerned with French and German politics. The attitude of these two countries towards the Commission proposals would probably determine the outcome of the negotiations. The subsequent failure of the Commission proposals was also due to the fact that neither of these countries reacted in the way expected by Narjes and Hallstein.

Narjes strongly relied on France's functional interests in the Common Market and was therefore driven by the hopeful assumption that in the election year of 1965, general de Gaulle would not dispose of sufficient manoeuvring space for a policy of brinkmanship in the Common Market. In Narjes' view, a withdrawal from the EEC would be so unpopular that de Gaulle's re-election in December 1965 would be jeopardised.<sup>40</sup> In fact, de Gaulle was forced into a run-off against the socialist François Mitterrand in a second round, which he regarded as a humiliation. However, in retrospect, it seems clear that Hallstein and Narjes were wrong in trying to exploit the pre-electoral situation in France. They completely ignored "the human factor": de Gaulle.

Narjes' evaluation of West German politics was even more complicated. During the preceding years, the Commission had frequently cooperated with France in advancing CAP legislation. The pairing of de Gaulle and Hallstein was therefore even designated "L'Empereur et le Pape".<sup>41</sup> When this partnership clearly came to its end with the Commission proposals of March 1965, German support for the Commission policies began to play an increasing role. In May, Narjes recommended that the German government take a leadership role in the negotiations about agricultural financing

39. A. PEYREFITTE, op.cit., p.887: "I do not want Marjolin any more".

40. BAK, NH, 1119, Narjes to Hallstein, 19.05.1965: "Anyway, this kind of measures would already at present stage be regarded as contrary to French interest by the great majority of the French population, so that de Gaulle will not get away with such steps in an election year".

41. P. GERBET, op.cit., p.273.

in June 1965.<sup>42</sup> At that time, Narjes – and probably Hallstein as well – had certain expectations of chancellor Ludwig Erhard. This was related to a project for a revival of the European political union, which the German government had presented in November 1964, and which Erhard adopted to strengthen his pro-European profile before the German parliamentary elections in September 1965.<sup>43</sup> Narjes and Hallstein were convinced that the German political union initiative was only the disguise of a bilateral French-German project that would compete against the EEC and threaten its authority.<sup>44</sup> Archival evidence suggests that in the spring of 1965, the Hallstein cabinet was driven by the hopeful assumption that Erhard might drop his own political union project and accept the institutional part of the Commission proposals as a substitute to his own plans.<sup>45</sup> It was only at the beginning of June 1965 that Narjes and Hallstein realised that Erhard would not drop his project, and that German support for their set of proposals would be much less than expected.<sup>46</sup> Narjes' and Hallstein's confidence in Erhard's potential support for the Commission proposals appears as wishful thinking. The Hallstein cabinet had neither sought a clear statement by Erhard or any other German official on whether the Commission would be supported or not, nor had German politics of the past months suggested that such support would be probable.

### *Sicco Mansholt's struggle for more European Parliament powers*

In April and May 1965, the Commission operated cautiously as to avoid any confrontation with member states. There was no official Commission reaction to de Gaulle's "nationalist" speech of 27 April 1965, in which the general demanded an independent French foreign policy<sup>47</sup> – Hallstein ordered that the Commission make "no comment".<sup>48</sup> When the Strasbourg Assembly pointed out on 12 May 1965 that

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42. BAK, NH, 1119, Narjes to Hallstein, 19.05.1965: "an effective but not obvious guiding of the other five [...] by German diplomacy".
43. U. LAPPENKÜPER, "Ein Europa der Freien und Gleichen". *La politique européenne de Ludwig Erhard (1963-1966)*, in: W. LOTH (ed.), *Crises and Compromises* ..., op.cit., pp.79-83; H. VON DER GROEBEN, *Aufbaujahre der Europäischen Gemeinschaft. Das Ringen um den Gemeinsamen Markt und die Politische Union (1958-1966)*, Nomos, Baden-Baden, 1982, pp.242-243.
44. BAK, NH, 1169, Narjes to Hallstein, 13.01.1965; BAK, NH, 1114, Narjes to Hallstein, 25.02.1965.
45. BAK, NH, 1119, Narjes to Hallstein, 19.05.1965: "I propose that he [the chancellor] therefore accepts the institutional part of the Commission's proposals for agricultural financing and that he embraces them as a crucial step towards democratic control of the European authority"; see also BAK, NH, 1119, Narjes to Hallstein, 29.05.1965 and BAK, NH, 1119, Narjes to Hallstein, 04.06.1965.
46. BAK, NH, 1119, Narjes to Hallstein, 04.06.1965: "The chancellor's personal commitment to his political union plans is evaluated as so deeply rooted, that e.g. M. Neef sees no possibility to make him refrain from it and to make him support the alternative project of a democratic strengthening of the existing institutions".
47. Ch. DE GAULLE, op.cit., pp.354-358.
48. HAEU, EN 781, manuscript Noël of commission session 28 April 1965.

the Commission's proposals for EP strengthening were insufficient and requested that they should be reinforced,<sup>49</sup> these demands were handled with care by the Commission and were neither rejected nor openly supported.<sup>50</sup> However, when Hallstein explained to his colleagues on 2 June 1965 that the Commission's EP proposal would not be modified, a tense discussion occurred between Hallstein and the Dutch commissioner for Agriculture Sicco Mansholt, the latter demanding that the Commission adopt the EP position and reinforce its EP proposal.<sup>51</sup> This argument reveals that Mansholt was the true hardliner within the Commission, constantly pressing for more supra-national authority, and that Hallstein took a rather moderate and compromising stance in the EP question. Hallstein was all but convinced that the Commission proposal would be accepted without modification at the end of June and resisted Mansholt's attempt, stating: "It is premature of the EP to demand these powers [...] at this point in time" and "[...] our EP proposal is below the limit of what is possible and necessary". Marjolin actively supported Hallstein against Mansholt, stating:

"I am ready to defend our formula [for EP strengthening] in the EP and in the socialist group [...] it is a formula that any sensible man can accept".<sup>52</sup>

This entirely contrasts with the following passage of Marjolin's memoirs:

"I disagree with the majority of my colleagues. Not that my deep instincts differ from theirs, but their attempt not only to reinforce the budgetary competences of the Strasbourg Assembly, [...] but also and primarily to play the role of arbiter between this Assembly and the Council of ministers, [...] appears premature to me and can only lead to a humiliating defeat".<sup>53</sup>

The argument between Hallstein and Mansholt on 2 June was not cited at all in the official protocol, because Mansholt warned at the end of the session that "this entire debate is to remain strictly confidential".<sup>54</sup>

### ***Hallstein's tactics for the Council at the end of June 1965***

On 23 June 1965 the commissioners discussed the Commission tactics for the Council negotiations at the end of June.<sup>55</sup> Option one was to lower the pressure on the member

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- 49. EP Archive and Documentation Centre Luxembourg, records of parliamentary debates, 12.05.1965.
- 50. BAC 209/1980, COM(65) PV 317 final, 11.05.1965; HAEU, EN 781, manuscript Noël of Commission session 11 May 1965; BAC 209/1980, COM(65) PV 319 final 2<sup>e</sup> partie, 26.05.1965; HAEU, EN 782, manuscript Noël of Commission session 26 May 1965.
- 51. BAC 209/1980, COM(65) PV 320 final 3<sup>e</sup> partie, 01 and 02.06.1965; HAEU, EN 782, manuscript Noël of Commission session 2 June 1965.
- 52. Previous citations in this paragraph come from HAEU, EN 782, manuscript Noël of Commission session 2 June 1965.
- 53. R. MARJOLIN, op.cit., p.343.
- 54. HAEU, EN 782, manuscript Noël of Commission session 2 June 1965.
- 55. BAC 209/1980, COM(65) PV 322 final 2<sup>e</sup> partie, 23.06.1965; HAEU, EN 782, manuscript Noël of Commission session 23 June 1965.

states and to present compromise formulas even before the beginning of the final negotiations. Alternatively, the Commission could maintain the proposal package, demand that the Council “stop the clock” when the deadline expired, and hope for a package deal to be concluded after some weeks of marathon negotiations in July. The great majority of the commissioners – namely Guido Colona di Paliano, Jean Rey, Walter Hallstein, Sicco Mansholt, Hans von der Groeben, Lionello Levi-Sandri and Lambert Schaus – agreed on maintaining the proposal package. It appears that Hallstein neither dominated the discussion nor made use of his position as president to enforce this decision. Marjolin had an ambivalent position. On the one hand, he never ruled out the possibility that a compromise over the institutional questions might be found by the end of June or July 1965.<sup>56</sup> On the other hand, he felt that a serious crisis might occur between France and its partners. Therefore, he strongly recommended the postponement of the institutional questions, namely the own resources and the EP strengthening, and found that a transitional “abnormal solution” would be acceptable because, “if there is no agreement before the end of July, then there might be a profound crisis”.<sup>57</sup> An “abnormal solution” meant that the institutional progress of the EEC would be postponed for some time in order to avoid a political struggle with France. Of course, this ran contrary to the wishes of Hallstein, who insisted that these institutional questions should not be dropped only days before the Council.<sup>58</sup>

In the Commission session of 29 June, Marjolin’s position continued to be a mixture of fear and hope.<sup>59</sup> On the one hand, he warned his colleagues of the “risk of a rupture [...] tomorrow or even in July” and stated that France’s “goodwill” was at the limit. On the other hand, he claimed to be ill-informed about the French delegation’s negotiating objectives. When he was asked if the French would allow marathon negotiations, he vaguely replied:

“I have seen Couve de Murville and suggested allowing for some time so that this [package deal negotiation] may mature [...] however, he was hesitant [...] I myself believe [a package deal in July] is not impossible, but make no promises”<sup>60</sup>

In his memoirs, however, Marjolin claimed to be convinced that a marathon negotiation stood no chance:

“But I also knew, given the attitudes prevailing not only in Paris but also in governmental and administrative circles of the other capitals, that there was not the slightest chance for the project not only to be adopted, but even to be seriously considered”<sup>61</sup>

56. HAEU, EN 782, manuscript Noël of Commission session 23 June 1965: “but that a compromise may be found about the EP powers – which is not excluded, but will be very difficult [...]”.

57. *Ibid.*

58. *Ibid.*: “I consider that we should not reduce our pressure in this point [...]”.

59. BAC 209/1980, COM(65) PV 323 final 2<sup>e</sup> partie, 29.06.1965.

60. Previous citations in this paragraph come from HAEU, EN 782, manuscript Noël of Commission session 29 June 1965.

61. R. MARJOLIN, op.cit., p.346.

Although it had been clear, since 23 June, that the majority of the commissioners sought the maintenance of the proposal package and a marathon negotiation, Hallstein only then revealed the essentials of his ambivalent negotiating tactics. On the one hand, he was more willing than ever to compromise. He had shown great sympathy for the French-German compromise formula at the Commission sessions of 23 and 29 June.<sup>62</sup> Yet he had also had his vice-director of cabinet, Klaus Meyer, prepare a compromise package deal a week before the Council, which foresaw the postponement of own resources and EP strengthening.<sup>63</sup> On 29 June, Hallstein explicitly agreed that a postponement of own resources till 1970, as proposed by the French delegation, would be feasible.<sup>64</sup> On the other hand, Hallstein's overall impression was that the Commission had so far not sufficiently benefited from the negotiations. Hallstein rhetorically asked:

“Has the moment come for us to present a package deal? That is not my impression [...] we have not sufficiently benefited from the negotiations so far – and in particular the point that is crucial to me, the own resources”.

From Hallstein's view it was not the Commission's role to make the first step towards compromise:

“No one knows how far the Netherlands can retreat and France can advance [...] till the last minute, we do not know it [...] only in the course of the deliberation will everyone disclose his last cards”.

He therefore suggested to his colleagues to play the negotiation game and to reserve the EP question as the Commission's trump card and as the “crown” to the package deal that the commissioners expected to be concluded in July:

“Marjolin believes that the true proposition concerning agricultural financing will only be made at the moment when we will be sure that the parliamentary problem is resolved [...]. Isn't the better tactic to try to agree on as many other questions as possible, and to concentrate the pressure at the last moment on the problem of the EP? [...] The closer we are to the definite solution, the more difficult it is for two governments to make the negotiations fail over that point”.

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62. J. NEWHOUSE, op.cit., pp.105-107; after the failure of the French-German consultations of 11 and 12 June 1965, the so-called “Wormser-Lahr agreement” gave the impression of a French-German agreement over the principal negotiating points. The formula was worked out by German state secretary Rolf Lahr and French Quai d'Orsay general director Olivier Wormser in Paris on 22 June 1965 and suggested the completion of the agricultural and industrial Common Market at the same time, the postponement of own resources to 1970 and the moderate strengthening of the EP. Lahr also claimed that Wormser had reassured him that the French delegation would agree to “stop the clock” when the agricultural financing deadline expired at the end of June 1965. The “Wormser-Lahr agreement” generally suggested that the deadline of 30 June 1965 would not be an occasion for a major conflict between France and its EEC partners.

63. BAK, NH, 2433, Klaus Meyer to Hallstein, 21.06.1965.

64. BAC 209/1980, COM(65) PV 323 final 2<sup>e</sup> partie, 29.06.1965, p.7.

Marjolin completely gave up his resistance against Hallstein's conception and directly responded: "I have nothing against this tactic [...]"<sup>65</sup> At this point, Hallstein had the full support of all commissioners for the institutional and political core of the Commission's proposal package. In the Council session of 30 June 1965, he proceeded according to the agreed Commission tactics: he maintained the package, initially excluded the EP question, tried to focus the debate on agricultural financing and own resources and relied on the member-states' goodwill to enter marathon negotiations. It was only in the morning after the deadline had expired, that he gave up the agreed tactics and offered to prepare alternative proposals within hours or days. However, Hallstein's revirement had no influence on Couve's mission, which was to provoke a rupture over the technical question of agricultural financing: "With this blessing [de Gaulle's order to provoke the crisis], I went back to Brussels and I burned our bridges", he later admitted.<sup>66</sup> Contrary to Couve's remark, France's bridges to the EEC were never completely burned. However, the rupture of 30 June marked the beginning of the most serious crisis in the formative years of the EEC project.

### The commissioners' preferences

The main finding of the above empirical analysis is the ambiguous role of Robert Marjolin during the spring of 1965. It is widely accepted that Marjolin was a sceptic of the proposal package in the early stages of its elaboration.<sup>67</sup> He opposed and rejected the proposal regarding own resources, warned at the end of June that a crisis might occur because of French rigidity and proposed the postponement of controversial questions. However, the image of his overall dissidence against Hallstein, so willingly adopted by historiography, requires revision.<sup>68</sup> Marjolin explicitly supported the third part of the Commission proposal package – the EP strengthening – at the crucial Commission session of 31 March. He then defended Hallstein's EP formula against Mansholt and agreed with Hallstein on 29 June 1965 over the negotiating tactics that reserved the EP question as "crown" of a package deal to be concluded in July. Moreover, Marjolin never discounted a compromise between France and its partners over the EP question. His memoirs are therefore misleading. After the crisis, Marjolin's colleagues remained loyal and never openly addressed his "col-

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65. Previous citations come from HAEU, EN 782, manuscript Noël of Commission session 29 June 1965; see also BAC 209/1980, COM(65) PV 323 final 2<sup>e</sup> partie, 29.06.1965, p.8.

66. Interview Maurice COUVE DE MURVILLE, 16.12.1988, Institut Charles de Gaulle, Paris.

67. Von des Groeben acknowledges Marjolin's scepticism; at the same time, however, he doubts the accuracy of Marjolin's memoirs. Cf. H. VON DER GROEBEN, *Deutschland und Europa in einem unruhigen Jahrhundert. Erlebnisse und Betrachtungen von Hans von der Groeben*, Nomos, Baden-Baden, 1995, p.289.

68. M. VAISSE, *La politique européenne* ..., op.cit., p.212; P. GERBET, op.cit., p.276; J.-M. PALAYRET, *De Gaulle Challenges the Community* ..., op.cit., p.52; J.P.J. WHITE, op.cit., pp.125 and 130; N.P. LUDLOW, *De-Commissioning* ..., op.cit., p.81.

laboration” with Hallstein. Only von der Groeben criticised Marjolin’s retrospective view of the crisis as “slightly one-sided”.<sup>69</sup>

Furthermore, the evidence presented in this article reveals Hallstein’s passionate involvement in the Commission’s decision-making during the early stages of the proposal elaboration. After March 1965, however, he no longer appears as the dominating personality among the commissioners, who collectively decided to maintain the proposal package and to rely on marathon negotiations. Throughout the spring and summer of 1965 Hallstein pursued a highly tactical negotiating approach, which suggests that he never perceived the proposal package as monolithic but clearly aimed at a pragmatic package deal to be concluded in July 1965. Already on 22 March, he clearly stated that the Commission would be “flexible” in subsequent negotiations. His rejection of the EP demands of 12 May 1965 was designed not to provoke the member-states. It has also been said that Hallstein sympathised with French-German compromise formulas, that he was willing to compromise on the own resources and that he had a compromise package prepared by his collaborators. Likewise, his plan to have the EP question discussed as the last topic of the negotiations implied his willingness to accept the modification of the original proposal. Furthermore, when Hallstein was talking to German state secretary Rudolf Hüttebräuker some weeks after the Commission’s proposals had come out, the Commission’s president clearly expressed his doubts as to whether the “grand solution” would be adopted against French resistance in 1965.<sup>70</sup> Even in his public remarks in the spring of 1965, he remained hesitant as to whether the Council would support the EP strengthening.<sup>71</sup>

The question may be raised here to which degree Marjolin’s and Hallstein’s roles and actions can be explained from the rational choice approach, propagating purposeful, unitary and competence-maximising supranational actors.<sup>72</sup> Were Hallstein and Marjolin nothing but Commission actors strategically defending Commission interests, and did they therefore approach the negotiations with a “one-dimensional set of preferences defined in terms of more or less integration”?<sup>73</sup>

To some degree, Hallstein was strategically acting as Commission president. He had “une certaine idée de la Commission”<sup>74</sup> as the future government of the European

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69. H. VON DER GROEBEN, *Walter Hallstein als Präsident der Kommission*, in: W. LOTH, W. WALLACE, W. WESSEL (eds.), *Walter Hallstein. Der vergessene Europäer?*, Europa Union Verlag, Bonn, 1995, p.134.

70. Politisches Archiv des Auswärtigen Amtes Berlin [PAAA], B20 1165, record of state secretary conference on European affairs on 23 April 1965, 24.05.1965.

71. BAC, speeches collection, Hallstein speech at Bologna Center of John Hopkins University on 15 May 1965: “We will see if the Council seizes the occasion to strengthen the EP as proposed by the Commission”.

72. M.A. POLLACK, *The Engines* ..., op.cit., chapters 1 and 2, in particular pp.16 and 35; M.A. POLLACK, *The New Institutionalism* ..., op.cit., pp.137-156.

73. M.A. POLLACK, *The Engines* ..., op.cit., p.36.

74. In allusion to M.A. POLLACK, *The Engines* ..., op.cit., p.384: “the principal-agent view of supranational organizations seeking strategically to exploit their discretion to promote *une certaine idée de l’Europe* [...]” [italics in original].

Federal Union,<sup>75</sup> and his talk in the Commission clearly reflected his persuasion that the Commission was an independent actor on the European stage, at least equal, if not superior, to the member states. Hallstein consequently advocated the “grand solution”. However, as will be shown below, it appears simplistic to interpret his tactical engagement for the Commission proposals as nothing but a preference for “more Europe”. The limits of the rational choice approach are even more obvious in Marjolin’s case, whose preferences in 1965 are not easy to define as rational and unitary. When Marjolin rejected own resources but supported EP strengthening, his choice was neither clearly pro- nor anti-supranational. He neither strategically maximised nor minimised the Commission’s benefit. The rational choice analysis of the commissioners’ bargaining may thus be supplemented by the interpretative perspectives of historical and social institutionalism. A brief look at the commissioners’ careers serves to shed light on their complex decision-making in 1965, influenced by particular ideas and notions. The formative years of both Marjolin and Hallstein lay in the immediate post-war period with the emergence of the European Coal and Steel Community (ECSC) and the EEC.

Marjolin was a professor for economics favouring technocratic planning, a close collaborator and friend of Jean Monnet, a career civil servant responsible for France’s reconstruction after the war, the secretary-general of the Organisation for European Economic Co-operation (OEEC), a French negotiator in the elaboration of the Rome Treaties and an expert with international contacts, particularly in the United States. Literature about his biography and career is rare and strongly based on his memoirs, published shortly after his death in 1986. Throughout his memoirs, Marjolin insisted on his intellectual independence of “fervent Europeans” like Monnet and Hallstein. However, a number of incidents in his biography suggest that he was nonetheless critical of de Gaulle. As a sympathiser of the Socialist Party (SFIO), Marjolin was naturally critical of de Gaulle long before the empty chair crisis. He defended Jean Monnet and the ECSC against de Gaulle’s accusation that French interests were being unnecessarily sacrificed.<sup>76</sup> During the elaboration of the Rome Treaties, Marjolin had to take into account Gaullist susceptibilities about France’s sovereignty. However, he was fully committed to the EEC project and played a decisive role in securing France’s participation in the Common Market against the wishes of the French high administration and the French patronage.<sup>77</sup> The substantial divergences from de Gaulle, at that time fervently critical of the EEC project, were obvious. Marjolin was sceptical of the Constitution of the French Fifth Republic, designed to fit the personality and ambitions of de Gaulle, and openly disapproved the Fouchet negotiations about intergovernmental foreign policy cooperation of 1961-62. Most significantly,

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75. N.P. LUDLOW, *A Supranational Icarus? Hallstein, the early Commission and the search for an independent role*, in: A. VARSORI (ed.), *Inside the European Community. Actors and Policies in the European Integration 1957-1972*, Nomos/Braylant, Baden-Baden/Brussels, 2006, pp.37-53.

76. R. TOULEMON, *Robert Marjolin et la Politique*, in: *Colloque du Mardi 9 Décembre 2003 consacré à Robert Marjolin*, Institut de France, vol.5, Paris, 2004, pp.63 and 109.

77. Ibid., p.61; G. BOSSUAT, *La culture de l’unité européenne des élites françaises aux Communautés européennes*, in: A. VARSORI (ed.), op.cit., p.61.

in November 1962, Marjolin stood for the Socialists in the parliamentary elections but failed. Robert Toulemon, Jean Flory's predecessor as head of Marjolin's cabinet, insisted that Marjolin's candidacy, which was also supported by Emile Noël, was clearly directed against de Gaulle. Toulemon also reported that after the elections, Couve and the Quai d'Orsay official Olivier Wormser had to calm de Gaulle's anger about Marjolin's candidacy.<sup>78</sup> Marjolin had an interest in being re-nominated as commissioner of the EEC by the French government. However, during the empty chair crisis, de Gaulle accused Marjolin again of political activity against him.<sup>79</sup>

Although Marjolin criticised Hallstein's proposal package in his memoirs, he admitted that he shared "deep instincts" with his fellow commissioners with regard to the proposals' overall conception of institutional progress within the EEC.<sup>80</sup> The question of Marjolin's "deep instincts" is raised by Marjolin-biographer Gérard Bossuat in an interview-based study about "European Union culture" among French officials to the ECSC and EEC.<sup>81</sup> Although Bossuat maintains the classical image of Marjolin's dissidence against Hallstein, he portrays the French commissioner as part of a pro-European network of enthusiastic Brussels bureaucrats, strongly influenced by Monnet and cultivating "a genuine communal culture".<sup>82</sup> Indeed, scholars widely exploited the "pro-federalist" passages of Marjolin's memoirs to underline his commitment to the European project.<sup>83</sup> In his study Bossuat interestingly wonders if Marjolin might not have sympathised with the idea of EP strengthening.<sup>84</sup> Last but not least, close collaborators of Marjolin were also in favour of more EP authority. Toulemon remembered tense discussions with officials of the French ministry for Finance, in which he defended

"the hypothesis which appeared obvious [to him] that the transition to own resources should legitimately be accompanied by the reinforcement of the budgetary competences of the European Parliament, and that should not surprise anyone".<sup>85</sup>

Marjolin's "hidden" ideological convictions might have been the driving forces, when he gave up his resistance against the EP strengthening in 1965. He had thus acted

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78. R. TOULEMON, op.cit., p.63: "He could resume his activities in Brussels thanks to the intercession of his friends Couve de Murville and Wormser who succeeded in calming the general's anger".

79. A. PEYREFITTE, op.cit., p.887: "Tatata, it's Marjolin who runs a socialist democratic federation on behalf of Gaston Defferre. [...] one has to clean all this up. In any case, I do not want the French government to deal with those guys any more. This is definitively finished".

80. R. MARJOLIN, op.cit., p.343: "Not that my deep instincts differ from theirs [...]".

81. G. BOSSUAT, *La culture de l'unité ...*, op.cit., pp.55-78.

82. Ibid., pp. 65-66, 78 and quotation p.75.

83. G. BERTHOIN, *Robert Marjolin, Disciple et Ami de Jean Monnet*, in: *Colloque Marjolin*, op.cit., p.27; R. TOULEMON, op.cit., p.64.

84. G. BOSSUAT, *Robert Marjolin dans la tourmente de la Chaise Vide*, in: *Colloque Marjolin*, op.cit., p.70: "Robert Marjolin writes, without us knowing whether he expresses his own opinion or whether he records the dominant feeling within the Commission: "We want the powers of the Parliament and of the Commission to be reinforced [...]"".

85. Quoted in G. BOSSUAT, *La culture de l'unité ...*, op.cit., p.73.

according to a “logic of appropriateness”,<sup>86</sup> not necessarily guided by the strategic preference for “more Europe” or “less Europe”, but rather by the demand to “do the right thing” in a given situation.<sup>87</sup>

The political dimension of Hallstein’s biography delivers similar findings. Hallstein’s views were formed in the immediate post-war period. He was a constitutional lawyer and a Christian Democrat, and his thinking reflected the predominant conceptions and debates in the milieus from which he descended and to which he had developed his primary contacts.<sup>88</sup> Hallstein’s first experience with federalism dated back to his time as prisoner of war in the USA. His federalist convictions were fully developed by the time he became professor for law in Frankfurt. Although he was not directly involved in party contacts following his appointment as secretary of Foreign affairs, he was influenced and kept “up-to-date” by working with other federalist Christian Democratic politicians like Heinrich von Brentano. Transnational contacts, such as the ECSC negotiations, contributed to the formation of his political strategy. In the 1960s, Hallstein remained in close contact with national, transnational and supranational (EP) Christian Democracy.<sup>89</sup> His political strategy of 1964-65 thus sprang from broad federalist milieus, propagating the federalist approach through various channels. The question of EP strengthening is particularly appropriate to demonstrate that Hallstein’s purposes lay beyond “more Europe”, suggested by rational choice, and rather aimed at a “better Europe”. The case of the Strasbourg Assembly had been close to his heart for years. Already in 1963, the socialist Euro-MP Willi Birkelbach had requested more EP power in the budgetary procedure. When the Commission had to reject the EP strengthening for legal reasons, Hallstein excused himself before the Assembly, citing Goethe’s Faust to express his affection: “Two souls, alas, are dwelling in my chest. Politically, we are on the side of the initiators of this amendment of the honourable House”.<sup>90</sup> German (re-) parliamentarisation in the post-war period was a guiding experience for German Christian Democracy and for Hallstein personally. In the Christian Democratic tradition, supranationalism and federalism usually required a popular parliamentary dimension.<sup>91</sup> For Hallstein, democratic legitimacy was thus inevitably linked to parliamentarisation. He therefore regularly justified the EP strengthening by referring to the “demo-

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86. J.G. MARCH, J.P. OLSEN, *Rediscovering Institutions: The Organizational Basis of Politics*, Free Press, New York, 1989, pp.23-24 and 160-162.

87. T. RISSE, op.cit., p.163: “Rule-guided behaviour differs from strategic and instrumental behaviour in that actors try to “do the right thing” rather than maximizing or optimizing their given preferences. The logic of appropriateness entails that actors try to figure out the appropriate rule in a given social situation”.

88. W. LOTH, W. WALLACE, W. WESSELS (eds.), op.cit., part I “Der Staatssekretär”.

89. For an analysis of the Christian Democratic network, see W. KAISER, *Christian Democracy and the Origins of European Union*, CUP, Cambridge, 2007, chapters 6 and 7, in particular pp.8, 314 and 321.

90. Hallstein before the EP on 27 November 1963, in: W. HALLSTEIN, *Europäische Reden*, DVA, Stuttgart, 1979, pp.456-460.

91. W. KAISER, op.cit., p.284.

cratic logic” inherent in the supranational construction of the EEC.<sup>92</sup> This meant that he was not primarily aiming at “more Europe” but at a better institutional balance of existing Europe.<sup>93</sup> Accordingly, Hallstein continuously stressed the psychological dimension of a strengthened EP, which would enable the “dramatising and therefore popularising of the grand options”.<sup>94</sup> He wrote: “We lack election campaigns over European questions”.<sup>95</sup> Last but not least, he thought of the EP strengthening as logical step towards and as a prerequisite of a European Federal and Political Union.<sup>96</sup> Hallstein was thus extremely sensitive regarding the *finalité politique* and the psychological features of European integration.

The broad contextual embeddedness of Hallstein and his colleagues’ political strategy may have resulted – inevitably – in disregard and ignorance of national policies. This phenomenon can be seen in Hallstein’s attitude towards Gaullist European policy, in his wishful thinking about Erhard’s European ambitions and in his ignorance of Marjolin’s warnings. But it can also be identified in Marjolin’s support for EP strengthening. Additional research is required to determine how these overall conceptions that Marjolin called his “deep instincts” had developed and had been consolidated in the Commission over the years, and had already adopted a habitual character by 1965.<sup>97</sup> If these ideas were the solid intellectual inventory of the Commission at the time of the empty chair, it does not appear surprising that they were no longer questioned by the commissioners.

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92. Hallstein speech before the EP on 11 May 1965 [W. HALLSTEIN, *Europäische Reden*, op.cit., pp. 560-569] and at the Bologna Center of John Hopkins University on 15 May 1965 [BAC, speeches collection].
93. Hallstein speech before the EP on 17 June 1965, in: W. HALLSTEIN, *Europäische Reden*, op.cit., pp.570-578: “No doubt that the parliamentary element of our communitarian order poses the biggest problem of institutional balance”.
94. Hallstein speech at the Institute of World Economics of Kiel University (Germany) on 19 February 1965, in: W. HALLSTEIN, *Europäische Reden*, op.cit., pp.523-544; BAC, speeches collection, Hallstein speech at Hohenheim University (Germany) on 18 June 1965.
95. W. HALLSTEIN, *Der unvollendete Bundesstaat. Europäische Erfahrungen und Erkenntnisse*, Econ, Düsseldorf/Wien, 1969, p.68.
96. BAC, speeches collection, Hallstein speech before the Agro-social Society at Aachen on 6 May 1965; BAC, speeches collection, Hallstein’s New Year address on German television on 5 January 1965.
97. For an introduction into “transnational socialisation” see F. SCHIMMELPFENNIG, *Transnational socialization. Community-building in an integrated Europe*, in: W. KAISER, P. STARIE (eds.), *Transnational European Union*, Routledge, London, 2005, pp.61-82; for the socialisation of the European high officials see K. SEIDEL, *A European administration in the making: Recruitment patterns, national balance and their impact on the European high officials*, in: M.-T. BITSCH, W. LOTH, C. BARTHEL (eds.), *Cultures politiques, opinions publiques et intégration européenne*, Bruxylant, Brussels, 2007, pp.389-404.

## Conclusion

This article has pursued a dual objective. Primarily, the empirical source-based research about the Commission bargaining in spring 1965 aims at the revision of well established empty chair “crisis mythologies” that originated from autobiographical accounts as well as from historical literature. The case study focusing on two of the leading commissioners allows for the conclusion that commonly held ideological preferences were likely to exist within the Commission concerning the idea of a strengthening of the EP and consequently led Marjolin to abandon his role of opponent against Hallstein’s project of spring 1965. Rational choice thus failed to explain crucial aspects of the empty chair episode.

At the same time, this article advocates a broad methodological and conceptual approach for further historical research about the evolution of core Europe supranational polity. A “new EU historiography”<sup>98</sup> may particularly benefit from an intensified engagement of contemporary historians with social science research. This does not require that future EU historiography be based on “grand theory” or that specialised terminology be applied when discussing EU history. Rather, this article proposes a strictly pragmatic approach to rational, historical and social institutionalist theory, utilising it as a heuristic device.<sup>99</sup> Propagating complementary and competing hypotheses about institutional dynamics, these theories set a helpful conceptual framework for sophisticated future research about the motivations and preferences of single and collective supranational actors. Not only may analytical quality, methodology and research mode of the historical narrative substantially benefit from this theoretical debate, but the source-based historical analysis also appears as particularly adequate for the testing of these institutional theories because of the strict requirements of empirical documentation and description. All three “new institutionalisms” make plausible and valuable suggestions about actors’ preferences, but only the concrete historical case study may ultimately serve to identify the relevant sources of decision-making and bargaining in a particular historical situation. The pragmatic utilisation of institutional theories by historical scholars thus leads to an integrated historical view of the EU as a complex political system in the making.

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98. W. KAISER, B. LEUCHT, M. RASMUSSEN, *Origins of a European polity: A new research agenda for European Union history*, in: W. KAISER, B. LEUCHT, M. RASMUSSEN (eds.), *The History of the European Union. Origins of a trans- and supranational polity 1950-72*, Routledge, London, 2009, pp.1-11.
99. M. RASMUSSEN, *Supranational governance in the making: Towards a European political system*, in: W. KAISER, B. LEUCHT, M. RASMUSSEN, op.cit., pp.34-55.