Chapter Four: Early attempts at supranationalism

Chapter Two sought to suggest how the national psyche is still primed to going it alone. Chapter Three suggested that given Europe's past, it would be more appropriate to see a new form of cooperation between nation-states as a way of building European values than as a way of reflecting them. But what exactly does 'going it alone' mean, and what exactly is meant by the sharing of sovereignty? The first chapter, for instance, talked of England breaking away from a 'supranational body' in the sixteenth century. But what exactly is a supranational body and why, for that matter, is it so important to have one?

The first point to make is that this obvious question has rarely been asked and even less rarely discussed outside (or even inside) academic circles. Precisely because political and social changes don't simply reflect values but also create them, it is unfortunate that, as we shall see, there was little attempt to popularise Monnet's programme for a sovereignty-sharing body. He proceeded in the manner he'd adopted when he first went to French Prime Minister Rene Viviani to persuade him that there should be coordination of wheat supplies during World War One. His method was to select someone in authority and target them. His subsequent target was Robert Schuman, whose grandiose words supporting the principle of sovereignty-sharing during his speech at the Salon d'Horloge of the French Foreign Ministry on 20th June 1950 were essentially a triumph of the Monnet approach:

> Never before has such a system that we advocate been tried out as a practical experiment. Never before have states delegated a fraction of their sovereignty jointly to an independent, supranational body. They have never even envisaged doing so…

Yet despite all the rhetoric about such a system 'never before' being tried out, Schuman smuggled the idea through his cabinet and made little attempt to

impress the French people with the significance of what he was doing.[1] You'd think that if you were advocating something that had never been tried before, there would be an attempt to elicit mass support for it. But this is not what happened.

It is therefore no surprise that a generation later so-called 'revisionists' like Alan Milward[2] suggested that the whole sovereignty-sharing mechanism was nothing more than an attempt to bolster the interests of nation-states. The 'revisionists' were doing no more than reiterate how the system had been presented by most of those who introduced and supported it. Rarely can an approach, declared at its inauguration to be so revolutionising, have been introduced with such little effort to proclaim the revolution. Instead of providing the basis for developing a different set of values, what was done by Schuman was simply seen as suiting French interests, another move in the endless chess game (if that is the right analogy for what has often been more like gang warfare) between nation-states advancing as best they could their national concerns.

Given the reluctance of its advocates to trumpet its merits, sovereignty-sharing was in danger of being seen as less revolutionary than it was or even dismissed as a label for something that had already been tried before. Alan Milward and those he influenced, like Andrew Moravscik, were reluctant to see anything revolutionary in the sovereignty-sharing system of the European Union partly because the advocates of the new system were themselves reluctant to explain its revolutionary credentials. The way was open for 'revisionists' to claim that the whole system was essentially the same old system of competing nation-states in new clothes. They would not accept that an effective system might be put in place that is neither nation-states acting without restraint on the one hand nor a federal superstate with semi-autonomous regions on the other. Moreover, since a federal superstate is essentially nothing more than another big nation-state to add to all the others, their real position was that nothing can exist in international politics besides nation-states acting in whatever

1 The German chancellor Konrad Adenauer described the Schuman Plan as 'a victory of the minister over his officials.' It was also a victory over the many French cabinet ministers for whom any agreement with Germany was anathema. See Duchêne, *Jean Monnet: The First Statesman of Interdependence,* p. 206. See the chapter The Citizen Among States (pp. 345–368) for a discussion of Monnet's approach to politics, with its advantages and drawbacks. 'His approach was based on gaining and maintaining direct access to the source of power' (p. 354).

2 See Milward, Alan *European Rescue of the Nation-State.*

way will satisfy their national interests. The only other option they could imagine was one of creating (or recreating) an empire, the position of Jan Zielonka.[3]

Moravscik described his position as one of 'liberal intergovernmentalism,' given the acronym LI. LI means that 'states are actors,' and he went on to say that 'the EU is best studied by treating states as the critical actors in a context of anarchy.' This is a fair description of the situation which the EU was designed to ameliorate – to remove some of the consequences of that anarchy. But that is not how Moravscik sees it. He believes 'states achieve their goals through international negotiation and bargaining, rather than through a centralised authority making and enforcing policy decisions.' He suggests that in the EU 'member states are masters of the treaty and continue to enjoy preeminent decision-making power and political legitimacy.'[4] The discussions of 'liberal intergovernmentalism' are hard to pin down and the succession of concepts swapped around by the political theorists never seem to emerge for very long into the daylight before being plunged back into the darkness of abstruse definition.

Milward, Moravscik and others are certainly right when they stress the central role of the member-states within the EU and how far that body is from becoming a single 'superstate'. To that extent one cannot quarrel with the idea that 'member states are masters of the treaty' – after all, it has already been pointed out that any member state can veto a new treaty, as Denmark did with the Treaty of Maastricht or Ireland with the Treaty of Lisbon. But they seem to completely exclude the possibility that the EU nevertheless represents something new, that a degree of sovereignty-sharing represents a revolutionary move that as Schuman pointed out in the *Salon d'Horloge*, had never been tried before. This has been recognised by some of those for whom living in a 'post-sovereign age' could be understood in terms of a shared or pooled sovereignty.[5]

We can best defend the idea that what became the European Union represented something new and transformative in the relations between nation-states by going back to the questions asked at the beginning of this chapter. What exactly is meant by the sharing of sovereignty? What exactly is a supranational body? And why do we need to have one?

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3 See Zielonka, Jan *Europe as Empire: The Nature of the Enlarged European Union.*

4 Both quotes come from Andrew Moravcsik and Frank Schimmelfennig's chapter 'Liberal Intergovernmentalism' in *European Integration Theory* edited by Antje Wiener, Tanja A. Börzel and Thomas Risse, 3rd Edition, pp. 64–87, here p. 65.

5 See MacCormick, Neil. *Questioning Sovereignty: Law, State and Nation in the European Commmonwealth.*

The nature of supranationalism

A supranational body is one that makes binding laws above the level of the nation-state. The example considered in Chapter Two was the Church of Rome. Mediaeval Christendom was a haphazard organisation, but in its own way it represented a genuine attempt to bring different groupings under a common framework defined in terms of their obedience to God. It was a jumble of competing interests formed and reformed during the millennium after the collapse of the Roman Empire. Religious authority could often seem weak as well as ill-defined. Powerful rulers managed to ensure that they had their way and overrode the wishes of Popes. It is also important to point out that just as the imposition of ecclesiastical law upon the members of Christendom was sporadic and often politically motivated, so also these members of Christendom were not the developed nation-states of the modern era, but groups of people who lacked the sense of national identity that mass education and communications provided in later centuries.

Nevertheless, it was clear that in a nascent way the binding nature of supranational authority was at stake when Henry VIII's Chancellor, Thomas More, went to his death in 1535 saying that he served the King, but God first. It wasn't simply that the King had defied his Maker: it was that he had chosen to defy the principle that a law higher than national law could be binding upon nations and even upon their monarchs. It was not just a matter of Henry's passion for Anne Boleyn set against the wagging finger of God up above. It was the whether the monarch accepted any legal obligations beyond those established by the laws of England and Wales.

In John Osborne's play *Luther,* the young monk Martin Luther confronts Cardinal Cajetan, who tries to convince him of the damage his opinions might do:

> You know, a time will come when a man will no longer be able to say, 'I speak Latin and am a Christian' and go his way in peace. There will come frontiers, frontiers of all kinds – between men – And there will be no end to them.[6]

Did Cajetan not anticipate future trends accurately when he warned the reformer of the consequences of his opposition to Rome? Did the frontiers spoken of not solidify into separate national blocs which were to spend much of the next five centuries at war, whilst the common language of Christendom

6 A new edition of the play was published by Andesite Press in New York in 2017.

dissolved into a Babel of different tongues? Cajetan has no very effective *theological* answer in the play to Luther's complaints. He can offer no resistance to the barbs of the great reformer when Luther points out how odd it is that whereas there were only twelve apostles the remains of eighteen of them have apparently been buried in Germany. The corruption of the Church and the irrationality of many of its beliefs, which reformers like John Wycliffe had brought out so well, is bypassed rather than defended. Cajetan's point is *political*. The irrationality and the corruption are part of a system, he claims, which nevertheless keeps the lid on some of the most undesirable human tendencies, including the tribalism that seeks enemies in order to reinforce confidence in its own identity. Catholicism, as its name implies (and as is retained in a notion like having catholic tastes), is universal. A universal church can never be a national church; it can never be hijacked, in the way that Russian orthodoxy or Anglicanism have been, to represent the supposed soul of a nation. Without it, Cajetan suggests, a patchwork Europe in which hostile nations rub up against one another in a constant state of friction might prove a worse arrangement. It would be difficult to argue, given the events of the centuries that followed, that he (or John Osborne) didn't have a point. Once the constraints of supranational authority are lifted, monarchs and later more representative governments can effectively follow their own whims. That point is as relevant today when Russia and Ukraine are at war as it was a century ago in the aftermath of the Great War and as people began to develop the unsuccessful League of Nations.

The attempt at pooling sovereignty, though it is often complicated and involves a difficult process of institution-building, is arguably a vital step towards healing divisions between nations. If one accepts that, then many of the failures that have underlain the 'European project' appear in a different light. If, on the other hand, one takes the pooling of sovereignty out of the equation, then the 'European project' can easily dissolve into a mass of quangos and jobs for overpaid eurocrats. Any discussion of the value of the EU and, I would argue, any discussion of the value of the UK, has to understand the reasoning behind the demand for a binding authority above the level of the nation-state.

There is a well-known memorial in Central London to Edith Cavell, the English nurse who was working in Brussels when the First World War broke out. In violation of military law, she helped wounded allied soldiers to escape from German-occupied Belgium to the neutral Netherlands. The Germans arrested her and on October 12th, 1915, she was executed by firing squad. Her statue stands in St. Martin's Place near Trafalgar Square in the heart of the English capital. The inscription on the plinth beneath repeats her famous words to the

Anglican Chaplain who was allowed to give her Holy Communion on the night before she was killed: *Patriotism Is Not Enough*.

The dangers of unbridled nationalism were only too clear to Edith Cavell at the time of the First World War. She was working a few miles from the trenches, the thin dividing–line between hundreds of thousands of young men who were daily engaged in killing each other. In other circumstances they might have been drinking or playing football together. For a period of weeks around Christmas 1914 they actually did so, in a No Man's Land between the trenches which hardly had room for a makeshift pitch. Then they returned to the mutual slaughter.

Note that the inscription beneath the statue does not say that patriotism is wrong or undesirable. It knows that love of country is almost as much of a basic instinct as love of family. But it adds the 'not enough.' Patriotism needs management. It needs a context. Otherwise, it can lead to outbreaks of nationalist fervour that produce violence and even mass killing.

Are nations manageable?

I would like to recall some points I made in *The Binding of Nations* ten years ago, points which have arguably not lost their validity over the last decade.[7] Four centuries ago, (in 1625) Hugo Grotius' *De jure belli ac pacis* (*On the Law of War and Peace*) was published. Writing in the middle of the Thirty Years War (and at the same time the so-called Eighty Years' War between Spain and the Netherlands), Grotius had every opportunity to observe the problem of war between nations. The words from the Prologomenon to his *Law of War and Peace* have not lost their power:

> Throughout the Christian world I observed a lack of restraint in relation to war, such as even barbarous races should be ashamed of; I observed that men rush to arms for slight causes, or no cause at all, and that when arms have once been taken up there is no longer any respect for law, divine or human; it is as if, in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes.[8]

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7 Corner, Mark *The Binding of Nations: From European Union to World Union* was published by Palgrave Macmillan in 2010, particularly chapter 2, 'The Rise of the Nation-State', pp. 17–34.

8 See the student edition of Grotius' classic edited by Stephen C Neff, p. 8.

Grotius is a very important figure for emphasising the place of law at an international as well as national level. No single figure did more to establish the law of nations as a distinct body of doctrine. Moreover, he knew enough of war to recognise its vital significance. He wanted to devise rules for managing the conflicts that he recognised all too well and made a significant contribution to a 'law of the seas' and to the 'just war' debate. But he did not explain how a law enforceable by sheriffs, magistrates and (later) policemen at home, with the authority to impose fines and imprison offenders, could be enforced in international relations.

At the time Grotius wrote the nations of Europe were becoming free from the shackles of what were ultimately religious control mechanisms (to some extent Henry's break with Rome anticipated that). But what was going to manage their relations with one another in this new world? In the sixteenth century the different countries of Western Europe gave up their common religious bond and agreed to a policy of non-interference in each other's affairs, at least so far as religious belief (narrowly defined in terms of options, of course) was concerned. This is the principle of *cuius regio, eius religio* (let the ruler determine the religion) enshrined in the Peace of Augsburg of 1555. It initially applied only to Catholics and Lutherans.[9] A century later, at the end of the Thirty Years War that ravaged much of Europe between 1618 and 1648, the Treaty of Westphalia agreed to extend the *cuius regio, eius religio* principle of Augsburg to Calvinists. Grotius' work was written in the middle of that destructive thirty-year war, which anticipated an even more destructive thirty-year war in Europe three hundred years later.

By now hopes of a united Christendom had been dashed forever, a realisation that lay behind Pope Innocent X's outburst against the 1648 Treaty of Westphalia as 'null, void, invalid, iniquitous, unjust, damnable, reprobate, inane and devoid of meaning for all time.'[10] This was language that made the remarks of a British eurosceptic commenting on the latest treaty proposed in Brussels (or nowadays on post-BREXIT relations with the UK) seem positively benign. But did the Pope have a point, at least in the sense that the nation-state had fi-

9 The phrase was first coined by the Protestant canon lawyer Joachim Stephani. See Cross, Leslie and Livingstone, Elizabeth A. *Oxford Dictionary of the Christian Church*, 3rd Edition, p. 566.

10 The quotation comes from his encyclical Zelus domus Dei (1650). See Robert Jackson's *Sovereignty: Evolution of an Idea*, p. 51.

nally been released from any participation, however notional, in a higher order which might have checked its activities?

In contemporary writing there is a tendency to use the term 'Westphalian' of any approach which rules out interference in the domestic affairs of another country, thus extending what was originally applied to religious interference to all kinds of interference. Hence Robert Cooper talks of 'the old Westphalian concept of state sovereignty in which others do not interfere.'[11] No one tells you what to do within your own borders, and when it comes to other nations you do what you can to get the better of them in a constant diplomatic and, where necessary, military game. There is nothing above the nation-state, nothing at the 'supranational' level, empowered to make binding laws with which nation-states must comply.

Hobbes and the nation

Most people agree with the idea of a voluntary limitation of individual rights to receive some sort of protection and security inside a national community – the 'social contract' that attracted many of the readers of Hobbes' *Leviathan* in 1651, one of the great textbooks of political thought. To some extent his book was a rationalisation of the decision to execute King Charles I, itself a challenge to the so-called Divine Right of Kings, the belief that monarchs were effectively put in place by God. Hobbes wrote his book during that remarkable decade (the 1650s) when England was distinctive by being a republic. Monarchy was the established form of government willed by God. Across the Channel, a century and a half before the French Revolution put to work the tumbrils and the guillotine, Louis XIV was beginning a long reign as the Sun King. Hobbes had to find a way of convincing people that removing the head of a King was not an act of defiance against the Almighty. He suggested that states were constructed through a 'social contract,' according to which we voluntarily invest certain authorities with the power to act on our behalf. The hierarchy we chose to live under was the result of a human decision, not a simple act of obedience to God's will. It was based on the understandable wish to live secure lives rather than face the law of the jungle, an existence in a 'state of nature' where lives are lived in a state of constant insecurity and occasional suffering, because there are no checks

11 Robert Cooper, *The Breaking of Nations*, p. 58.

on human behaviour.[12] The social order was not a simple response to the command of a God who required kings as God had once required patriarchs; it was a product of human need.

The interesting thing about Hobbes' argument is that in order to suggest the practical necessity of a social contract, he presents human beings as jointly willing to accept a limitation of their own powers in order to receive the benefits of social order. In practice, though we certainly dislike it when others tell us what to do, we accept that there must be binding rules governing our lives in a community. They may be trivial, such as agreeing what side of the road we will drive on (not that this is trivial if not observed). They may be crucially important, like rules about how we should treat our children. To enforce these rules, we jointly agree to invest authorities like magistrates and police with considerable authority. Even when it comes to the things that we hold most dear, we accept certain rules and give certain authorities the right to intervene in our lives – to break into our homes if necessary – in order to enforce those rules.

Looking back on *Leviathan* over three and a half centuries later, we might well be struck by an obvious limitation in Hobbes' approach. His suggestion of recourse to a social contract to resolve conflicts between individuals in a 'state of nature' might seem persuasive. But what if the nations that result from such an arrangement, receiving as they do the unswerving loyalty of their citizens, were *themselves* to become part of an anarchic tribal conflict between hundreds of states, a conflict that precisely mirrored that between individuals in a state of nature? What if all that Hobbes achieves is to transpose the state of nature to another level? Surely he needs something similar where it comes to relations between nation states. We need the equivalent of the magistrates and police and security services to break into our countries rather than our homes in order to enforce rules of conduct we jointly agree upon.

Hobbes did not take this further step. Whereas he had a strong sense of the destructive anarchy prevailing in a country without strong central government, he did not extend this to the relations between states. Quite the opposite. In chapter XXX of *Leviathan* he declares that 'the people are to be taught not to love any form of government they see in neighbouring nations.'[13] Such a de-

12 See especially Part One Chapters13 'Of the Naturall condition of Mankind as concerning their Misery and Felicity' and 14 'Of the First and Second Naturall Lawes and of Contract', pp. 72–89 of the edition of *Leviathan* published by Dover Publications, New York 2018, which retains Hobbes' original spelling.

13 Thomas Hobbes, *Leviathan*, p. 289.

sire, he claims, is like a breach of God's Commandment: 'Thou shalt not have the Gods of other nations.' A prohibition of idolatry is thus secularised into a prohibition against any form of attachment to other states. 'Thou shalt not have any other Gods but me' is secularised into 'Thou shalt not have any other states but the one you live in.' Monotheism becomes 'monostatism'. Heresy becomes treason. The believer in Christendom becomes the secular equivalent of the polytheist, and attachment to the one true god becomes loyalty to a single state.

Thus, Hobbes not only provided a justification for the authority of national rulers: he also provided a justification for rejecting any supranational authority which might attempt to regulate the anarchic relationship between states themselves. He was not a friend of the so-called 'domestic analogy', which tries to lift the conflicts between individuals that a social order must resolve, by force if necessary, to a higher level. Hobbes felt that whereas a 'state of nature' among individuals was absolutely intolerable, a state of nature among states could be bearable, since nations could do all that was needed to ensure the maintenance of internal peace and prevent conflict between states from spilling over into the lives of their inhabitants. He under-estimated the extent to which that internal peace might be eradicated by warfare between states. If he had lived in mainland Europe, where a devastating thirty-year war had just ended, he might have had a greater awareness of the disruption that plundering armies (or even billeted soldiers) could do to ordinary life. But he was coming from a country in which all the disruption had come from what he looked upon as a civil war, not from fighting others. His focus was simply on the security that a powerful national government could impose and protect.

Time was to make the 'domestic analogy' more pressing rather than less. It might have seemed unimportant to the Britain that faced Napoleon a century and a half later, when the 'internal peace' was largely maintained away from the battlefront and people could immerse themselves in the latest Jane Austen and enjoy the romantic entanglements of late Georgian society. It was much more significant for those observing millions slaughtered in the trenches during Edith Cavell's day a century after that. It remained significant for those who were bombed a generation later, and it is a vital question for our survival in the present day when faced by the perils of nuclear annihilation between countries keeping their weapons systems on hair-trigger alert, not to mention the slow burn of irreversible climate change.

International anarchy

Despite the continued and growing importance of the 'domestic analogy', the three centuries after Hobbes produced few attempts to control the 'international anarchy' which at national level had been restrained by increasingly professional police forces. Occasionally, when one country threatened to dominate the others, there were calls for some kind of control over the perpetual rivalry and conflict which the Westphalian 'system' (or lack of system) had produced. The Napoleonic wars gave rise to the short-lived 'Congress' system in 1815, but barely a decade had gone by before the British Foreign Secretary George Canning was falling out with the other powers over intervention to suppress the revolution in Spain and made his famous remark: 'things are getting back into a wholesome state. Every nation for itself, and God for us all'.[14] It was an expression of support for international anarchy that would be music to the ears of a contemporary Brexiteer. In any case, Britain scuppered the system. In Thomson's words: 'First among the important victorious Powers, she broke with the system and thereby made it crumble'.[15] Arguably, it would have collapsed in any case. At all events, the Congress system proved ineffective, and the nineteenth century progressed with increasingly dangerous rivalries between European nations threatening an even greater conflagration.

Compared with its successor, the nineteenth century was certainly a time of peace in Europe (though not outside Europe, where imperial ambitions and rivalries led to a series of wars and occasional massacres). The only 'serious' conflict between states was the Crimean War of 1854–6, and that was restricted to a relatively small theatre of war in South-East Europe. But the 'century of peace' was also a century of preparation for war, culminating in a massive arms race and an explosion of colonial expansion. Lack of general conflict or all-out war between European states proceeded alongside a state of perpetual friction and tension which expressed itself in many ways, of which the most notable was the scramble for Africa at the end of the century as each state sought to outflank the others. It was a struggle which in the light of Darwin's *The Origin of Species* was sometimes compared to struggles for dominance in the animal kingdom, an analogy that reinforced the idea such conflicts were natural and

14 Canning made the remark as a sign of his breaking with the Concert of Europe. See Robert Jervis' chapter 'Security Regimes,' pp. 173–193 of Krasner, Stephen D. (ed.) *International Regimes*, p. 183.

15 David Thomson *England in the Nineteenth Century*, p. 27.

therefore inevitable. The 'great game' was akin to the struggle for survival in the evolution of species.

The vacuum in terms of enforceable international law remained right up to the time of Edith Cavell, but it was even more of a problem by the time she began her work. One might suppose that this was a simple product of technological advance. The 'moat' around Britain that had served it so well in the past could be overcome by aircraft and their bombing raids. Later technological development meant that whole populations of men, women and children could be slaughtered in an instant and that in certain extreme circumstances nation-states were prepared to use such weapons, as the USA did twice in August 1945 against Japan. It was a process that made the failure to control relations between nations even more serious and threatened to produce precisely the sort of war which was to cost tens of millions of lives in the next century and would be even more destructive in our own century.

Nations become nation-states

The important developments during the centuries after Hobbes did not simply concern technology. The also concerned key social and political changes that occurred. Because in the twenty-first century the particular nation people belong to is almost universally a major determinant of their lives, we easily forget the fact that before 1800 this was not the case. Because nations have been in existence for centuries, we think that they have played a major part in people's lives for centuries. But this is not so. 'National feeling' could be stirred up easily enough by John of Gaunt's famous speech in *Richard II* about a 'precious stone set in a silver sea', in Shakespeare's day as in our own. But national feeling has a very different effect on a nation which has been organised into a nation-state, one which has started to manage people's lives through 'state service', including in many cases military service, 'state administration' and 'state education', while providing them with various 'state benefits.'

Where Europe is concerned, the key changes took place in the nineteenth century. Nationalism was something that initially appealed to the middle classes, to teachers, clergy, administrators, and some better-off artisans, rather than to the masses. This wasn't because the masses were all devotees of international socialism or some other trans-national ideal. It was because

they weren't yet sufficiently drawn into the nation to feel nationalistic. In contemporary jargon, they didn't have enough of a stake in it.[16]

The liberal state of the nineteenth century felt itself in a bind as it embarked upon the process of 'democratisation'. If it refused the vote to increasing numbers of articulate people, it would surely provoke revolution; yet if it granted these people voting rights, it was surely doomed to feed its own destruction by making it inevitable that its leaders would be voted out of office.

It didn't happen that way. As the franchise was extended it didn't bring revolutionary governments to power. At least part of the reason for this was the ability of governments, conceding that they were forced to absorb the masses into the developing structure of the nation state, to turn this process into a means of encouraging nationalism. Once people felt able to identify with their country they could be drawn into an uncritical support of its aims and interests (and possibly be made to serve in its army through conscription). To the governments themselves nationalism was not a measure to keep people from communism, of which very few of them had much idea, but rather a way of managing their entry into mass politics and the life of the nation.

The masses made their entry in other ways too. Though secondary and tertiary education remained largely the preserve of an élite before 1900, primary education did not. By the end of the century, it was almost universal. This provided another opportunity to manage the growing significance of the masses in the state. Mass education, in an age before the existence of 'mass media' such as newspapers, (mass circulation newspapers were just beginning at the end of the nineteenth century), radio, television and today's explosion of social media, was the best means of instilling a sense of belonging to a state. Twenty-first century talk of a 'national curriculum' and 'citizenship classes' is simply the further refinement of a process which began in the nineteenth century with the first attempts at a national education system.

Education also raised the question of language. At the time of the formation of Italy only 2% of the population actually spoke Italian and D'Azeglio made his remark quoted earlier that having created Italy (following Italian Unifica-

16 See Hobsbawm, Eric *Nations and Nationalism since 1780: Programme, Myth, Reality*, esp. chapter 2 'Popular proto-nationalism', pp. 46–79 and chapter 3, 'The Government Perspective' pp. 80–100. But the whole of this classic work, which had its fifteenth printing in 2008, is worth absorbing.

tion in 1860) it would now be necessary to make Italians.[17] Eugen Weber made a similar remark about the need to turn peasants into Frenchmen.[18] It is interesting to reflect on whether the same remark could be made today when saying that having created a European Union, we now need to create Europeans. When people's lives were largely determined by their local communities and business was conducted through oral transactions, there was little need for an 'official' language spoken in the same way throughout the country. Different dialects, in some cases as different from one another as separate languages, could happily coexist when there was no need to talk to people from other parts of the country or to exchange correspondence with them. But once the trappings of a modern state began to emerge, with mass involvement in national education and a national bureaucracy, things had to change. That 98% who did not speak Italian could no longer be tolerated in a 'modern Italy'.

Earlier in this chapter it was suggested that while Hobbes had a sense of the need for a state to manage relations between individuals and prevent the conflict that arose in a 'state of nature', he didn't see any reason for an international authority to govern the relation between 'Leviathans.' Part of the reason for this was that the Leviathans had hardly developed into the closely-knit organisations that make up the modern nation-state. Hobbes refers to the nation as an 'artificial man', with law as the mind or reason, rewards and punishments as the nerves, officials as the joints and so on.[19] But in the seventeenth century these joints had hardly been knit together in the way that they were by 1900. Individual monarchs squabbled and went to war, using professional armies and mercenaries to gain more territory or repel an attack. In the process they certainly caused many deaths, not least as the indirect consequence of armies crossing a continent and living off the land, effectively spreading disease and famine wherever they went. But they could not produce the consequences that the nation-state could in the time of Edith Cavell, when huge populations could be mobilised for war and indeed willingly threw themselves into a conflict (Britain had no conscription before 1916) which the generals confidently told them would be over by Christmas. Few people anticipated the daily ritual of slaughter which was to follow the outbreak of war and continue for four long years, before repeating itself a generation later.

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17 See 'Mass-Producing Traditions: Europe 1870–1914', chapter 7 of Ranger and Hobsbawm, eds, *The Invention of Tradition*, pp. 263–307.

18 See Weber, Eugen *Peasants into Frenchmen: The Modernisation of Rural France 1870–1914*.

19 He introduces this image in the Introduction to Leviathan. See Hobbes, *Leviathan*, p. 5.

Hence two key developments had taken place by the early twentieth century that made the 'domestic analogy' relevant. One was the technological development that meant that weapons could easily cross borders, though this had always been true to some extent, even at the time when Hobbes wrote *Leviathan*. The other was the development of cohesive nation-states, all of whose citizens realised that their lives were profoundly affected by the particular country they lived in.

The fear of world rulers

Since nations have been around for hundreds of years, it is easy to conclude that forming oneself into a national group is somehow part of the human condition. The nation acquires some of the natural authenticity accorded to the family. Patriotism becomes as natural as the love of daughter for mother or son for father (hence we talk of a 'motherland' or 'fatherland'). Our country is our 'national home' or 'homeland', and other countries are 'neighbours'.

If this is so, then it is important to stress, as we tried to illustrate earlier, where the analogy breaks down. In countries subject to the rule of law families in a street are bound to abide by various rules or face penalties. Even if they only behave badly inside their own homes (for instance if children are abused), the families can be split up and their children taken away. If necessary, the police can break into their homes and arrest their occupants. We may be familiar with sayings (coined at a time when language was not inclusive) such as 'An Englishman's home in his castle' to stress the importance of being able to close the front door and have some privacy. We may often find ourselves saying 'what you do in your own home is your business.' On the other hand, we accept that there are circumstances where it is right that the magistrate issues a warrant and the police arrive in the early morning to break into the home and, if necessary, arrest some of the occupants. If there is abuse of some kind, we stop short of saying: 'Don't interfere: it's domestic.'

There is no such effective sanction for a breakdown that occurs within a nation state. Although the UN has talked about something called a 'responsibility to protect' (R2P) developed at the end of the last century when Kofi Annan was General Secretary, it has no authority to intervene unless sanctioned at the very least by a majority in the Security Council, including all five of the veto-wield-

ing powers.[20] This is often impossible to secure. As a result, intervention from outside is often not forthcoming, and any 'responsibility to protect' rarely leads to anything in the way of effective action. The case for regulating national behaviour is hardly weakened by pointing out how natural it is to love one's country, since even the love of mother or father for child is not seen as a reason for complete non-interference in the affairs of individual families.

But applying such restraint to nations has always been considered too difficult to try, as the seventeenth century thinkers who originated much of what we now call 'international law' realised. 200 Leviathans (of varying size and power, of course) are hard to manage. Moreover, as the nation evolved into the nation-state during the nineteenth century, it became a much more powerful and integrated unit which could unleash (quite apart from technological developments) terrible atrocities against others.

Any progress of 'civilisation' in the nineteenth and twentieth centuries is therefore easier to recognise in terms of behaviour *within* states rather than relations *between* them. What use were the improvements noted by sociologists like Norbert Elias when states still went to war with one another and when technology took their violent behaviour, when they were at war, to new limits of destructiveness?

Norbert Elias made a point of stressing that things we used to tolerate within states, like public torture and hangings (and later all hangings) or cruelty to animals through bear-baiting and cock-fighting, were in the process of dying out or had died out already.[21] We were becoming more 'civilised'. But this was only true if you considered what happened within states when they were at peace. Elias' book was first published in 1936, so it preceded the outbreak of the Second World War. By then it had become clear that in wartime the children who might no longer be exposed on hillsides or sold into slavery would face cluster or phosphorus bombs that would tear off their limbs or skin instead, or mines that would explode under them and disable them permanently. Meanwhile the people who were no longer being executed in large numbers at home could and can be slaughtered in their thousands by their 'enemies' abroad. One only has to read the extraordinary account of the First World War mentioned in Chapter Two, *As We Were* (which in fact was a

20 See https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml for the official UN understanding of Responsibility to Protect. In practice it has been very difficult to enforce.

21 See Elias, Norbert *The Civilising Process*, especially pp. 47–72.

slaughter on many fronts, the more mobile ones to the East and South also producing thousands of casualties). 'As we were', and yet in many parts of the world, such as Ukraine in 2023, it is as we are. We return precisely to the point made by Grotius four hundred years ago:

> when arms have once been taken up there is no longer any respect for law, divine or human; it is as if, in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes.[22]

As nations coalesced into nation-states in the nineteenth century, the potential for organised aggression against other states grew. The 'nasty, brutish and short' lives from which people managed to move away in their domestic affairs, failed to become any less nasty, brutish and short where external relations were concerned. The sort of social contract which had brought people out of a state of nature into a social contract could not, it seemed, be applied to the state of nature that existed between states themselves. It was a heavy price to pay for being unable to prevent the slaughter and killing, which seemed to have been largely eliminated *within* countries, from returning when relations *between* countries broke down. Of course, there are various rules of engagement in warfare and there are certain things that have been outlawed as war crimes, but the mechanism for enforcement just isn't there in the way that it usually is at the domestic level.

Why hasn't the domestic analogy been accepted so that people have recognised the need for the sort of binding and enforceable legislation at the global level that they are willing to accept at the national level? It may seem that I am presuming the inadequacy of bodies like the United Nations or legal institutions like the International Criminal Court, the limitations of which I tried to outline in *The Binding of Nations*. But it hardly seems to be an exaggeration to say that while at the national level there are crimes that go unpunished, there are bodies which have the powers to enforce certain rules, even though they may be too corrupt or incompetent to do so. At the international level, no such body exists with a comparable power of enforcement. At the international level, we resist Leviathans of any kind.

There have been a number of studies as to why the domestic analogy has never been convincing to many people. What might seem at first sight to be a curious reluctance to apply measures, which are readily accepted where individual nation-states are concerned, to a wider international setting, has been

22 See the student edition of Grotius' classic edited by Stephen C Neff, p. 8.

examined by writers like Hidemi Suganami.[23] The reasons for the failure of the domestic analogy to be convincing are many, but Suganami highlights one in particular.

He shows that whenever – for instance in the aftermath of World War One – there was general consensus that some form of control at the international level was needed, the presumption that it would entail the creation of an all-powerful superstate stopped progress towards binding international arrangements in its tracks. One can see the logic of this. If one finds living in one of the 200 countries in the world intolerable, it is possible in principle (of course there may be many difficulties in practice) to go and live in another one. But if you found living under some global Leviathan intolerable, where would you go? Space travel is expensive, a plaything for billionaires and even then they only get to escape for a few minutes. The moon or other planets hardly seem to be hospitable environments. Suganami sees that the idea of world rulers (like masters of the universe) conjures up the sense of overwhelming and irresistible powers imposing their will on everyone, a scenario which can easily be turned into quasi-science fiction horror stories. It is the inescapability of world rule, as opposed to national rule, that drives people back before long to the unsatisfactory system of treaties (and entreaties). It's not just better the devil you know. It's more a case of better the evil you can get away from (although getting away may prove difficult if not impossible, as the refugee trails all too painfully illustrate).

The danger therefore remains that unless we manage to create an effective form of international supervision, our lives in one of 200 nations that exist in their own form of a 'state of nature' may turn out to be as 'nasty, brutish and short' as the lives of those forced to live in a country where all control at the national level has broken down. The understandable fear of inescapable control at the global level by a 'world ruler' or 'world council' appears to make us prepared to accept anarchy between states when we would not be prepared to accept it within them. There is an urgent need to apply the sort of controls to the way in which nations behave that most of us accept as essential when it comes to the way individuals behave. But could such controls ever be introduced without threatening the creation of a totalitarian order through an inescapable 'world state'?

Against this background we can understand better the claim that the creation of what became (from 1993) the European Union provided a way of squar-

23 Suganami, Hidemi. *The Domestic Analogy and World Order.*

ing the circle, a means of having effective international supervision without an inescapable global superstate. For one thing the EU is escapable – after all, the UK has just escaped it. On the other hand, it is a collection of nation-states who have agreed jointly to share sovereignty, who have freely put themselves under the yoke of European law. This is not, as we shall see in the next chapter, to deny that the European Union came into being for other reasons altogether. It was not an answer to the philosophical dilemma of how to control the actions of nation-states without subjecting them to some kind of totalitarian global overlord. But whatever the intentions behind its formation, it has had an influence far beyond the practical issues that encouraged its formation. As we shall see, it came about through the ideas of a man who did little to campaign publicly for his proposals (Jean Monnet) and through the political effectiveness of another man (Robert Schuman) who was secretive and embarrassed (at times) about what he was doing. As a result, it was open from the beginning to the criticism that it was an elitist invention smuggled into being for dark political purposes. That criticism is still deserved, though a later chapter will attempt to propose a way round it. But it does not undermine the significance of what was achieved in creating perhaps the only effective method of managing relations between nation-states that has ever been devised.

Conclusion

This chapter has argued that it makes sense to have binding and enforceable rules at the supranational level, just as it makes sense at the national level, where we are prepared to give power to bodies that can even break into our own homes if necessary. Hobbes' *Leviathan* provides a compelling rationale for a social contract at the national level but rejects the idea that nations should also agree to limit their power in the interests of international security. In the centuries after Hobbes, during which the nation-state became much more cohesive and bound the lives of its citizens much more than in the past, these powerful units adrift in an anarchic world of unenforceable agreements and treaties showed the need to move beyond what came to be called 'Westphalian' arrangements. The last century shows how that need has become even greater as catastrophic wars have claimed millions of lives and climate change makes the only planet we can live on increasingly uninhabitable.

It is because of this urgent need to find an effective way of managing the relations between states, that the ideas of Monnet and Schuman are so

important. Early attempts at supranationalism failed, however desirable they may have been in principle, because they seemed to require the imposition of a global authority that was effectively inescapable. But with the development of the European Union an effective form of supranationalism became evident, one which was certainly not inescapable, as recent British history shows.

By looking at the post war arrangements into which much of Europe was pushed (and partially embraced), this book will show how difficult it was to introduce such a system of binding law which member states had to abide by – and how difficult it remains. But the point of this chapter is to argue that it was as important as it was difficult. It therefore becomes possible to view the attempts at sovereignty-sharing which appeared in the twentieth century as attempts to find a solution to a growing problem, rather than as a form of self-indulgent tinkering with a system of international relations that the world could perfectly well manage without, despite two world wars and the ever-present threat of a third one.