

## XII. Toward European Patriotism?

### *1. Europe, Why?*

The Second Founding of European integration has only begun. Since 1957, the project of European integration has been set against the mainstream of European history. Europe's political history was one of divisions and particularities. Integrating Europe has always accompanied this process as a cultural antithesis. It never became a viable political concept before the mid-twentieth century. European integration as it began with the signing of the Treaties of Rome has become the most successful utopia turned to life of the continent. At its heart, the constitution-building crisis that escalated in 2005 was the single most important adaptation crisis the European Union has gone through so far. Its beginning cannot be identified with one single event or one single date on the calendar. Its outcome will not be identifiable either with one single event or one single date on the calendar. In its essence, the adaptation crisis began after the joyous events of the fall of communist totalitarianism. The unification of Europe brought with it an enormous process of "widening" the integration of the continent. The need for a symmetric process of "deepening" European integration could hardly fail to follow suit. The constitution-building process that had begun with the signing of the Treaties of Rome in 1957 has entered a new period in the course of the adaptation crisis that escalated in 2005 with the negative referenda votes in France and in the Netherlands on the Constitutional Treaty.

The context of this adaptation crisis is important: Since the late 1980's, political leaders in many EU member states have increasingly defined the prospects for European integration by its limits and no longer by its opportunities. They were joined in this negativistic attitude by several leaders of new member states that joined the EU in the early twenty-first century. European integration was increasingly presented as a zero-sum-game, defined by the degree of national fiscal advantage: The more possible gains of others could be prevented, the better the own situation would be. This gross lack of solidarity and of an attitude of common interest did not remain without effect on many Union citizens. In the end, they were blamed by many of their own politicians for being euroskeptical or, at least, hesitant about deeper integration. As for the constitution-building process of the European Union, the results of the first decade of the twenty-first century were disappointing. Instead of implementing the visionary innovation of the first ever European Union Constitution of 2004, the EU failed to achieve a consensus between the political elites and the citizens of the EU even on the sober repair work embodied in the 2007 Reform Treaty.. While EU leaders blamed their own citizens for not understanding the matter properly, they returned to non-transparent backdoor diplomacy, thus undermining the encouraging experience with the

Constitutional Convention of 2002/2003. And yet, as European integration went through a difficult period of re-calibrating its rationale, a new contract between Union citizens and Union politicians was to come about through a European Union that works, that is a European Union that is convincing by its success.

As the first decade of the twenty-first century came to a close, it was obvious that the European Union would only slowly regain momentum and dynamics. Years of defining integration by its limits could not be replaced overnight by a new attitude of opportunity and inspiration. It would take years, enormous political input and sustained success to make European integration as attractive as it could be. Reacting to the leadership confusion about the value added of European integration, many Union citizens had become hesitant to embrace a pro-active integration attitude. And yet, both political actors and ordinary citizens knew that there was simply no reasonable alternative to further and deeper integration. A positive, enabling response to the simple question “Europe, why?” had to reckon with the after-effects of a decade of mistrust and de-legitimization. Yet, in order to manage the consequences of the age of globalization, the European Union needs to prepare for a more coherent and effective projection of its global role. This, in turn, could only come about on the basis of a vibrant and dynamic European Union supported by its citizens. With this redefinition of the rationale for European integration, the question of democracy and transparency in EU decision-making has gained a new dimension. More than ever, the degree of ownership among its citizens had become the ultimate source of legitimacy for the continuation – and the deepening – of European integration in the further course of the twenty-first century. To permanently respond to this challenge is at the heart of the Second Founding of European integration.

Europe, why? This simple question, raised to understand the meaning of European integration can produce the most irritating of answers:

- Europe as a leadership project, a Europe of conferences?
- Europe as a peoples’ project, a Europe of its citizens?
- Europe as means to strengthen the nation states of the continent?
- Europe as partner to the world?
- Europe as a global power?
- Europe as the weak continent, obsessed with soft power that has forgotten the power of evil and destructive forces outside its own territory?
- Europe as synonymous with welfare-state democracy?
- Europe burdened with new social cleavages?
- Europe as engine of innovation?
- Europe as obstacle for socio-economic dynamics in its societies?
- Europe as museum and tourist destination?
- Europe as net contributor to the advancement of mankind ?
- Europe as self-complacent protector of its unique stability and affluence?

- Europe as the advocate of an inclusive universalism, including the norms of morality?

This list may be extended. Each answer echoes perceptions, experiences and concerns. Each answer will find a corrective counter-answer. Europe, why? The adaptation crisis of the last decade of the twentieth and the first decade of the twenty-first century has not resolved the form and function of the political and legal constitution of the European Union.

Nobody would define Europe in the early twenty-first century as the exceptional continent or as the indispensable embodiment of global hope. The European Union was far from perfect or even coherent in form and performance. Yet, the interest of the world in the effects of European integration requires Europeans to reconsider the global meaning of their internal experience and ambition. With global economic, political and security activities, the issue of universal norms has returned to Europe. It used to be a matter of interest to European philosophers in the age of imperialism. It has become a challenge to Europeans coping with globalization and trying to understand it beyond simple layers of the economically evident: If globalization is not identical to Americanization, how can Europe relate globalization to universal norms as favored by Europeans? And how does Europe react to global threats against civilization emanating from asymmetrical warfare, terrorism in particular, failed or failing states, but also emanating from poverty, alienation, and social exclusion?

European integration has come a long way during its first five decades. Yet it is, not for the first time, confronted with resurging waves of doubt among the European citizenry why this project should proceed at all and how speedy and far-reaching it really should be. In the more abstract sphere of academia, this issue is framed as a matter of legitimacy of the European integration experience. In the sphere of politics and public opinion, the question – Europe, why? – is primarily answered by the ability of European politicians to deliver public goods to their voters. For academics, legitimacy is an abstract notion, combining elements of input-legitimacy and output-legitimacy. For most voters, legitimacy of a political system depends primarily on the outcome of a political system and process. Both approaches are not mutually exclusive, but they emphasize different priorities, reflect different perceptions, and are likely to receive different answers by political actors and academics.

For centuries, Europe dominated the world. Of course, Europe was not dominating “in the name of Europe” as Europe was never united in this endeavor. Individual European nations, countries and leaders were exploring the corners of the world to enhance the honor of their states. More than anybody before them, they put their mark on the world and organized the first wave of globalization. Exploration and conquest, colonial rule and colonial settlement, missionary work and geopolitical struggle – the legacy of the European quest for global dominance was as powerful as the rejection it provoked over time. When European nationalism reached its peak in the late nineteenth

century, European countries were dominating the globe while at the same time embarking on the worst possible path to self-destruction. World War I was a turning point in world history when in 1917 two peripheral European powers emerged, the United States of America and Russia, soon to be the Soviet Union. While the US got involved in the war and hence became a European power, the communist revolution in Russia changed the ideological and strategic composition inside Europe dramatically.

Nationalism escalated into fascist rule in Italy, Spain and elsewhere. It escalated into racist, totalitarian rule under the National Socialist party in Germany, which ultimately destroyed most of Europe and Germany itself. Communist totalitarian rule in the Soviet Union represented the other undemocratic structure of politics with its own geopolitical ambitions and antagonisms.<sup>1</sup> World War II left all of Europe more powerless than ever, at the mercy of the peripheral powers, shaken to its ground and without any moral credibility in most of the world. The strongest European colonial powers, France and the United Kingdom, but also the smaller ones such as Belgium, the Netherlands and Portugal experienced the loss of colonial legitimacy. The European mission that had accompanied and justified centuries of global dominance had come to an end. The age of decolonization emerged with the independence of Indonesia in 1945 and of India and Pakistan in 1948. Other countries followed suit. While the United Nations was founded on October 24, 1945, by 51 countries (Poland joined later that year and became an original founding member), it grew to 192 member states by 2008. This was the result of European “imperial contraction”<sup>2</sup> and the global rise of independent states, most recently also on the fringes of integrated Europe.

### *(1) Reconciliation through Contraction*

The process of decolonization occurred parallel to the emergence of European integration, and surpassed it at the end of the twentieth century. The global contraction of European empires was a reflection of European self-destruction, and at the same time the precondition for a new, post-imperial beginning in Europe. It turned out to be the opening chapter for a renewal of democracy in Europe and the emergence of European integration as a successful post-national experience of pooled sovereignty and shared political destiny.

It is important to understand the relationship between global contraction from colonial power and the rise of democracy inside of Europe. This dual process repeated itself with the demise of the Soviet Empire during the last decade of the twentieth

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- 1 See Arendt, Hannah, “On the Nature of Totalitarianism: An Essay in Understanding,” *Essays in Understanding 1930-1954*, Hannah Arendt, New York: Harcourt, Brace and Company, 1994: 328-360; Gleason, Abbott, *Totalitarianism: The Inner History of the Cold War*, New York: Oxford University Press, 1995; Herf, Jeffrey, *Divided Memory: The Nazi Past in the Two Germanys*, Cambridge, Mass.: Harvard University Press, 1997.
  - 2 Abernethy, David B., *The Dynamics of Global Dominance: European Overseas Empires 1415-1980*, New Haven: Yale University Press, 2000: 325-344.

century. Europe had to become democratic in order to become anti-colonial. By becoming anti-imperial, it could become democratic. And it had to become anti-colonial and anti-nationalistic in order to learn the benefit of pooled sovereignty and shared political interests. The process of reconciliation that brought about this painful experience was the prelude to European integration. It was no surprise that European integration had to begin gradual and functional: it could not begin otherwise due to the asymmetrical experiences of its constituent member countries. Europe always maintained a certain degree of difference regarding the value and meaning of integration, mainly due to different historical experiences in the understanding of its peoples. While for all of Europe World War II had a defining meaning, for many decades the mind-set of many Europeans also remained influenced by the parameters of the age of nationalism and colonialism, of ideology and exclusivity. While World War II came to an abrupt end, the colonial legacy only gradually phased out until the 1980's. It is more than a historic accident that the end to colonial power in Namibia in March 1990 – the country had been under UN administration since 1966 – coincided with the breakthrough of democracy in Europe on a continental scale and the evolution of the strongest ever move yet toward pooled sovereignty in the EC with the Treaty of Maastricht aiming at Monetary Union and founding the EU.

The process of internal European reconciliation was not easy after two centuries of antagonistic developments that had not only defined the path of Europe's history but also the mind-set of most of its peoples. Overcoming national pride, exclusivity and hatred was as difficult for some Europeans as it was for others to give up the sense of exceptionalism, which had gone hand in hand with their countries' colonial power status. Reconciling with oneself, coming to terms with one's own history as well as with the perceptions of the others – without resorting to new variants of antagonistic reactions – was a daunting process indeed. During the second half of the twentieth century, hardly any European nation was spared this experience.

Reconciliation was the rationale of European integration when it began in 1957. Indeed, twelve years after the end of World War II, the founding countries of the European Economic Community wanted to change the dark course of European history. The price for non-integration was considered higher than any possible obstacle on the way to integration. Integration was not just about gentleness and friendly feelings. The seeds of integration were ingrained with mistrust and extremely disparate interests about the stake of the operation and the possible achievements ahead. Most notable were the differences between France and Germany. While leaders of both countries agreed to integration as a means to generate lasting peace, their motivations and interests could not have been more apart from each other: France wanted to maintain control of a defeated and divided Germany while both West and East Germany were looking for new recognition as civilized European countries, for a break with Germany's nationalistic and imperial path and for rehabilitation after the moral humiliation

National Socialist totalitarianism had brought about for the whole German nation with the Holocaust and World War II as its most horrible incarnations. The Eastern part of Germany was forced to do this in the communist orbit, the Western part of Germany opted for a policy of anchoring into the West. The smaller countries promoting European integration knew very well from the history of their geographic position between France and Germany that they could only benefit in stability, identity and affluence if their two contesting neighbors would embark on a future of peace, cooperation and ultimately integration. They could only win in a European federation, no matter how incomplete it was. The nationalistic and imperial overstretch of the bigger European countries helped to strengthen their positions in the newly emerging European order.

For a second time, the understanding of European integration as a means of reconciliation resonated strongly after the demise of communist totalitarianism in 1989/1990. The countries that had been forced to live behind the iron curtain claimed their European-ness and requested integration into the European Union to ensure and guarantee their moral claim. The search for reconciliation was of specific relevance for Germany and most post-communist countries as practically all of them had been conquered by Nazi Germany at some point during World War II, handed over to the Soviet Union, like the three Baltic republics Estonia, Latvia and Lithuania, or had become Soviet satellites as a consequence of Hitler's war and Stalin's victory. After 1990, the idea became popular in Germany that a similar effort ought to happen between Germans and Poles as had happened between Germans and French after 1945. The "Weimar Triangle" was established, a formal and informal set of links between France, Germany and Poland. It was aimed at providing a supplementary mechanism for policy consultations and societal activities between France, Germany and Poland. The "Weimar Triangle" was considered a means to support the Polish claim for EU membership while strengthening the commitment of France for the accession of Poland and other post-communist countries and getting Germany more strongly involved with its new democratic neighbor in the East.<sup>3</sup> The success of the "Weimar Triangle" remained limited, however. Most disappointing, the "Weimar Triangle" could not prevent new controversies among Europeans, including its three partners, during the Iraq crisis in 2002/2003, could not facilitate the ratification of the European Constitution in 2005, and was not helpful during the budgetary battles of 2003-2005. True and sustainable reconciliation ought to link bilateral efforts of reconciled neighborhoods with EU-wide efforts to promote common perceptions on main issues and common interests on key goals.

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3 See Kühnhardt, Ludger, Henri Menuhier, and Janusz Reiter, *Das Weimarer Dreieck*, ZEI Discussion Paper C 72. Bonn: Center for European Integration Studies, 2000.

## (2) *Renewed Self-Esteem through Integration*

To balance interests was a precondition should the noble idea of reconciliation work among European nations. This was the logic of functional sector-specific integration and it remained its logic beyond the completion of a European common market. The participating European states transformed into a new form, thus contributing to a new European reality. Reconciling with neighbors that had been perceived as enemies for a long time meant to break from the nationalist past. Balancing interests with competitors in a European market and with rivals in the pursuit of geostrategic interests meant breaking from the primacy of sovereignty as manifested in the Westphalian state-system since the end of the Thirty Years War.

The Westphalian state-system had come about on the basis of two principles, transformed into two goals: The nation state should be sovereign while its internal political system became immune to any external criticism or challenge. On this basis, respectful co-existence could grow in parallel if no antagonistic developments in the political system of the participating states emerged, and there was no breach of the founding principles. This is why the Westphalian system was not challenged by war or contesting political systems for a long time. Paradoxically, conflicts and confrontations did, in fact, reinforce the original Westphalian system. The most fundamental challenge to the Westphalian state-system occurred after World War II and it occurred through peace and democracy.

The Westphalian state-system was the product of the Thirty Years War of the seventeenth century. The European integration experience as epitomized in the evolution of the European Union is the product of the Thirty Years War of the twentieth century. As much as there were intermissions from fighting between 1618 and 1648, the period from 1914 to 1945 was more than a period of two unrelated wars with global consequences: 1914 to 1945 constituted a second Thirty Years War with ideological, territorial, geopolitical and socio-political dimensions of unprecedented consequences. The most important cultural consequence for Europe was the discovery of the benefits of integration.

This discovery began before the war had ended. Historical research on the origins and early developments of European integration post-World War II suggests that the governments involved supported integration because they considered this as the best possibility to advance their national interests.<sup>4</sup> Among a bundle of political, economic and social interests, all European governments were interested in the speedy recovery of their economies. To foster a new social consensus did not require democratic governance alone, but also social progress, both for the industrial and agrarian sectors of the society. In the case of France, the interest to contain Germany remained strong, while for West Germany to regain recognition and respect was of the highest interest. The launching of the European Coal and Steel Community in 1952 provided the best

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4 See Milward, Alan, *The European Rescue of the Nation State*, London/New York: Routledge, 1992.

possible win-win situation for all participating countries. German coal and steel production was put under supranational authority, giving France access to the German natural resources it needed for its own recovery, while West Germany was again gaining respect on the European level. A win-win situation also developed for other participating countries. When Belgium's steel industry, the country's main employer, ran into problems in the late 1950's, the restructuring plan launched by the European Coal and Steel Community involved large sums of subsidies to retrain workers and modernize the industry.

The early success of sectoral economic integration enabled the governments involved to present themselves as representing the key interests of their nations. The eagerness of Great Britain to join the European Economic Community during the 1960's was based on the assumption that the United Kingdom would require partnership with Europe beyond the existing trade links through the European Free Trade Association and the Commonwealth. At a later stage, Greek, Spanish and Portuguese EU membership were perceived as a contribution to the full recovery of national self-esteem after their respective dictatorships were overthrown. The same argument gained prominence in post-communist countries applying for EU membership beginning in the early 1990's. EU membership was not only considered a necessary precondition for successful socio-economic transformation, but also a state strategy to enhance the self-esteem of the respective nations and their external reputations.

Motivation for European integration was always as multifaceted as the interests of those engaged in the process. The continuous acceptance of the integration logic was striking as its nature was changing over time. Reconciliation among post-communist countries based on the notion of free democratic rule and reconciliation between them and the countries and societies of Western Europe was a plausible and laudable endeavor after 1989. It was not intuitively self-explanatory why the countries of the "old" European Union should wish to pursue further integration now that they had achieved the original goal of reconciliation among themselves. But they did, and they even pushed the integration process to a higher level while preparing for the accession of post-communist neighbors. In doing so, the structure of European integration began to change.

### *(3) A New Global Role through Self-Transforming Europeanization*

It is important to look back to the origin of early motivations and driving forces of integration. It is likewise useful to connect the experience of Western Europe with the hopes of Central and Eastern Europe in order to understand the dynamics of a new phase of integration that unleashed after the fall of the Berlin Wall. European reconciliation could only be completed with all those European states and nations joining the EU who wanted to do so. While this process was in parallel to the

emergence of a European currency, it became evident that the dynamics of integration would be brought to another level. This process already indicated that the logic of integration would not come to a close with the completion of inner European reconciliation. This goal remains valuable although incomplete as long as parts of South Eastern Europe are left out and the question of ultimate territorial borders of the European Union is unresolved. But from these pending questions, it was evident since the 1990's that the rationale of European integration had already begun to go beyond the original logic of reconciliation.

Increasingly, European integration began to be perceived as a project of political integration, shaped by the underlying identity of a community of values. European integration also began to aim for a more comprehensive and pro-active foreign and security policy, thus underlining the prospects of a new global role of Europe. This would not be a revival of the European role as it was known during centuries of exploration, colonialism and imperial glory. Europe was growing into a different global meaning and had already begun contributing to a new understanding of world order. While Europe's legacy of exploration, colonial conquest and imperialism echoed much of the internal social and political forces of Europe during that particular period of time, the evolution of Europe's global role during the twenty-first century was to echo the new internal trajectories of Europe, the socio-political underpinnings and the political culture of the European Union.

Europeanization gained a twofold meaning. On the one hand, it meant the continuous process of forming structures and policies of integration, be it supranational or intergovernmental – it meant “building Europe;” on the other hand, EU member states became aware of the impact of these very structures and policies on their domestic political systems and the social and economic life in every member state.<sup>5</sup> While the first wave of the integration process was happily supported by national politicians as they could convey the successful effects of “building Europe” to their constituencies, the second wave of Europeanization challenged the rationale for

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5 See Ross, Georg, and Andrew Martin, *European Integration and the Europeanization of Labor*, Madrid: Centro de Estudios Avanzados en Ciencias Sociales, 1998; Schout, Adrian, *Internal Management of External Relations: The Europeanization of an Economic Affairs Ministry*, Maastricht: European Institute for Public Administration, 1999; Börzel, Tanja A., and Thomas Risse, *When Europe Hits Home: Europeanization and Domestic Change*, Fiesole: European University Institute, 2000; Harmsen, Robert, and Thomas M. Wilson, *Europeanization: Institution, Identities and Citizenship*, Amsterdam: Rodopi, 2000; Smith, Mitchell P., *Who are the Agents of Europeanization?: EC Competition Policy and Germany's Public Law Banks*, Fiesole: European University Institute, 2001; Jordan, Andrew, *The Europeanization of British Environmental Policy: A Departmental Perspective*, Basingstoke: Palgrave Macmillan, 2002; Gehler, Michael, *Zeitgeschichte im dynamischen Mehrebenensystem: zwischen Regionalisierung, Nationalstaat, Europäisierung, internationaler Arena und Globalisierung*, Bochum: Dieter Winkler, 2001; Behning, Ute, *Trends of Europeanization in Social Welfare Politics*, Wien: Institut für Höhere Studien, 2002; Featherstone, Kevin, and Claudio M. Radaelli (eds.), *The Politics of Europeanization*, Oxford/New York: Oxford University Press, 2003; Cini, Michelle (ed.), *European Union Politics*, Oxford/New York: Oxford University Press, 2003; Jones, Alun, and Julian Clark, *Europe and Europeanization*, Abingdon: Routledge, 2007.

integration and the legitimacy of the whole process. The more EU structures grew in importance, the more they were questioned – sometimes because of the inherent uncertainty over their final destination, sometimes because of the loss of autonomous decision-making they brought for the individual nation states. At the turn of the twenty-first century, the benefits of integration did not find the same level of advocacy as used to be in the 1980's and early 1990's. Depending on how one interprets this trend, one could say it was proof that integration had become serious and was affecting more citizens than ever.

Since the 1990's – and, of course, not across the whole EU – the concept of pooled sovereignty has begun to be perceived as threat to autonomous national decision-making. Sharing resources was increasingly portrayed – by timid politicians, parochial media and static academics – as a means for losing national resources to a bureaucratic EU that might reallocate these resources outside of the criteria of efficiency and transparency. The connection between Europe and “the rest of the world” made the strongest impression on this debate and its underlying uncertainties. While the introduction of a common European currency was criticized as undermining national sovereignty and decision-making, it won support as an expression of a stronger European role in the global economy. Threat perceptions due to events outside the EU remained crucial to advance the common foreign and security policy of the European Union.

None of these trends took place unchallenged. Whenever European integration came under public or political pressure, its proponents were quick to refer to the benefits while skeptics were quick to point to the costs and risks.<sup>6</sup> This was an ongoing discourse in which the media often took the side of “risk-sensitivity” over “integration-opportunity.” Academic research did gradually begin to reflect the two-dimensional character of “Europeanization,” largely focusing on the impact of liberalization on internal economic structures due to EU policies. While in some countries – for instance as far as transportation systems in the United Kingdom and in the Netherlands are concerned – EU initiatives followed domestic liberalization efforts, in other countries the EU triggered adaptational pressure of unprecedented nature.<sup>7</sup> Largely, this trend went beyond the completion of the common market and had a growing effect on political decision-making in many policy sectors. The economic giant was finally overcoming its status as a geopolitical dwarf.

In light of the completion of the Single Market and the transfer of decision-making powers to the EU level, it has been argued that it had become superfluous to maintain

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6 See Taylor, Paul, *The End of European Integration: Anti-Europeanism Examined*, Abingdon: Routledge, 2007.

7 See Green Cowles, Maria, et al. (eds.), *Transforming Europe: Europeanization and Domestic Change*, Ithaca: Cornell University Press, 2001; Schild, Joachim, “Europäisierung nationaler politischer Identitäten in Deutschland und Frankreich,” *Aus Politik und Zeitgeschichte*, 3.4 (2003): 31-40.

twenty-seven national economic ministers in face of an EU responsible for more than 80 percent of economic legislation in Europe. In the context of a possible Common Foreign and Security Policy of the EU the first far-sighted optimists began already to wonder how long it would take to raise the question of the need and legitimacy of a continuous existence of national European foreign ministers. In factual terms, a long way would have to be gone in order to achieve this formalized level of Europeanized foreign and security policy. But the question had been raised and hence the “ghost” of intensified and irretrievable supranationality could not be returned to the bottle, even if the strongest proponents of continuous primacy of national sovereignty tried to do so.

## 2. *Layers of a European Public Sphere*

The emergence of a European public sphere is a multidimensional and complex issue. The argument that Europe does not have one people, one demos, and therefore it cannot produce either a public sphere or a political system has turned out to be too simplistic. The European public sphere is certainly not growing in quantum leaps and without the continuous role of the public sphere in each of the member states of the EU. Yet, a European public sphere is emerging. The question “Europe, why?” has been taken to political elites across the EU. They are involved in formal and informal debates, often linked to institution-building inside the EU. The issue “Europe, why?” has also been grasped by larger parts of the Union’s public. Media and other sectors of civil society, but also the European Union’s citizenry at large have begun to accommodate EU matters in their daily lives. The emerging transformation of the character of political, socio-economic and cultural aspects of identity in Europe has become noticeable in many strata of political and public life. The continuation of these trends – and there cannot be any doubt that they are continuing – will remain and, in fact, will increasingly become elements of an evolving constitutional patriotism in Europe. Undoubtedly, a communicative space is in the making.<sup>8</sup>

### (1) *A Community of Recollections*

Translating collective memories into permanent and lasting political commitments is one key to failure or success of the European Union. Collective memories alone will not suffice to define the identity, strength and future direction of the European integration process. But it will remain an important element in this process. Europe will always

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8 See Fossum, John Erik, and Philip R. Schlesinger (eds.), *The European Union and the Public Sphere: A Communicative Space in the Making?*, Abingdon: Routledge, 2007; see also Bellamy, Richard, and Alex Warleigh, *Citizenship and Governance in the European Union*, London/New York: Continuum, 2005; Herrmann, Richard K., et al. (eds.), *Transnational Identities: Becoming European in the EU*, Lanham: Rowman & Littlefield, 2005.

continue to ponder its past and only gradually discover its future. Increasingly, the shared memories of Europe – be they divisive or unifying – are turning into a solid normative building-bloc for the EU’s claim of being a community of values.

Europe’s global projection during the age of imperialism and world wars had ultimately led to moral disdain and political failure. During three centuries, Europe’s ideological battles had provoked political and military battles all of which Europe was losing in the end. Europe cannot build a good future by trying to fence off the continent against the uncertainties of globalization and the contingent demands from all over the world. The desire of Europe’s citizens to live in peace and to pool resources in order to enhance their collective stability and individual affluence cannot work by neglecting external realities. Europe cannot become an archipelago in the midst of the real world of the twenty-first century. Europe has always been part of global developments and will remain so, for better or worse.

“Europe, why?” is more than the invitation to a friendly discourse about European culture and identity. The question about the purpose of European integration must invariably broaden Europe’s view and recognize its role in the world at large. During the period of decolonization, the European nation state had become the model for people in the whole world. In many cases, nation-building followed the act of formal independence and ended in ambivalence. Failing states instead of nation-building began to be a matter of concern for the world. But struggling with the Westphalian state-system was more than an option for other countries. In spite of most recent trends to learn from the European integration experience, independent statehood has become an overall global reality. Other regions have begun to define their own mechanisms of regional integration, but Europe should not simply resort to pride in this proliferation of its latest innovation. It was well advised to learn from others as far as the preconditions of social and political dynamism are concerned. The nature of world affairs and the consequences of the global economy forced Europe to broaden the rationale of integration. The European Union’s claim of being a community of values was to be linked both to Europe’s past and to Europe’s future global presence.

John Stuart Mill talked about the “community of recollections”<sup>9</sup> that will inevitably shape any political identity. Common history and memory cannot be dissolved. Nobody can run away from the cradle one is born into, and we all are linked to the unborn whether we like it or not. Memory can be painful and joyous, focused or obscured. It will always return and never be forgotten. The idea that a society can conceptualize itself anew and fresh as if embarking under a veil of historical ignorance can hardly be maintained. Most people, places and regions in the world are confronted with too much history to digest and only few can translate historical memory into the successful

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9 Mill, John Stuart, *Considerations on Representative Government*, Amherst: Prometheus Books, 1991:308. On the meaning of memory for community-building see Booth, James W., “Communities of Memory: On Identity, Memory, and Debt,” *The American Political Science Review*, 93.2 (1999): 249-263.

encounter of the future. Memory can entail debt to the past and its actors. It can nurture guilt and shame, pride and happiness. Never can memory be reduced to limited notions of truth if it is to stand the test of time. Europe's memories are defined by great hours and dark times. Since the age of the nation state began, they were mostly brought down to the next generation taking for granted one's own memory as being different from the memory of one's neighbor.

This is why the noble effort to write a common European history book is met with fascination and skepticism. It will take some more time before a common European history book may finally be accepted for higher education all over Europe.<sup>10</sup> Historical research has shown that the correct notions and interpretations of historic events and processes are still distorted by the legacies of national bias. Yet, most Europeans relate to the same images of history even if they have extremely different interpretations. At the outset of the twenty-first century, an analysis of school text books from Albania, Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Great Britain, Hungary, Ireland, Italy, Latvia, Lithuania, Macedonia, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Sweden, Switzerland, Serbia, Montenegro, Slovakia, Slovenia and Spain has identified the most widely repeated paintings and photographs across Europe, even beyond the European Union. The list is telling proof of some defining images in Europe's self-interpretation:

- John Trumbull, The American Declaration of Independence (July 4, 1776).
- Jacques-Louis David, The Oath at the beginning of the French Revolution, (June 20, 1789).
- Eugène Isabey, Session of the Congress of Vienna (1815).
- Eugène Delacroix, The massacre at Chios (1822) and Greece on the ruins of Missolonghi (1826).
- Anton Alexander von Werner, The proclamation of the German Empire at Versailles castle (January 18, 1871).
- William Orpen, The Signing of Peace in the Hall of Mirrors, Versailles (June 28, 1919) or a related photography of the event.
- Photography: Lenin talks to Red Army soldiers (May 20, 1920).
- Pablo Picasso, The bombardment of Guernica (April 26, 1937).
- Photography: The Yalta Conference (February 4-11, 1945).
- Photography: The Soviet flag over the German parliament in Berlin (May 2, 1945).

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10 One excellent effort is the work edited by Delouche, Frédéric (ed.), *Illustrated History of Europe: A Unique Portrait of Europe's Common History*, London: Cassell, 2001.

- Photography: Fall of the Berlin Wall (November 9, 1989).<sup>11</sup>

Every student will draw individual conclusions from looking at these pictures and photographs. But some collective consequences can be identified as plausible outcomes of the collective power of these images. They constitute fundamental elements of the “community of recollection” that has evolved in Europe:

- Rejection of imperialism.
- Rejection of totalitarianism.
- Sensitivity to hegemonic dominance.
- Primacy of human dignity and human rights.
- Appreciation for freedom and solidarity.
- Confidence in rule of law and multilateral political processes.

These elements help define Europe as a community of values. They originate in the collective memory of Europeans. 1789, 1945 and 1989 were outstanding turning points on the mental map shaping European identity and constitutionalism. But also the idealism of the American independence, the struggle of liberalization from the Ottoman Empire and the totalitarian terror of communism are inscribed into the psychology of Europeans across the continent. While the legacy of the French Revolution remains contested among historians, its creed of liberty, equality and solidarity is alive as a European mantra. While the legacy of early national constitution-building and parliamentary rule has found widespread resonance in Europe, the Europeanization of the processes of 1848 has not yet attracted sufficient public appreciation. While 1945 was not an hour zero, it marked the end of horrible experiences of war and destruction across Europe. While the peaceful revolution of 1989 was more relevant for Central and Eastern Europeans, the rise of freedom and democracy across the Central and Eastern part of Europe has become a constitutive element on the mental map of all Europeans.

From the fall of the Bastille in Paris to the fall of the Wall in Berlin, Europe has acquired a long and solid thread of memories that have entered the collective memory of the continent. Among these memories were the most evil abysses mankind could possibly look into, notably the Holocaust. Among these memories were uplifting signs of courage, notably the peaceful revolution for freedom in Central and Eastern Europe. Europe as “community of recollections” is a combination of good and bad memories. When they are transformed into an obligation for shaping Europe’s future, they are transformed from mere facts of history into meaningful elements of a “community of recollections” that wants to be recognized as a “community of values.” The grand historical narrative of Europe serves as fertile ground for the contemporary evolution of

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11 See Popp, Susanne, “Auf dem Weg zu einem europäischen “Geschichtsbild”: Anmerkungen zur Entstehung eines gesamteuropäischen Bilderkanons,” *Aus Politik und Zeitgeschichte*, 7.8 (2004): 23-32.

European identity and interests.<sup>12</sup> The last chapter of this narrative was written during the Wars of Yugoslavian Succession in the 1990's. While European diplomacy and politics were reluctant to engage and stop the violence in Yugoslavia, the European public increasingly demanded action on behalf of European values betrayed in the killing fields of Yugoslavia.<sup>13</sup> Ultimately, the ethnic cleansing in Kosovo in 1998/1999 became a turning point in the European reaction to the legitimate use of force. Before ethnic cleansing in Kosovo, most European societies were extremely reluctant to use military actions on behalf of European values and interests. The Kosovo tragedy helped to turn this perception: Now public opinion demanded military action because of Europe's long history of warfare. The European community of recollections has begun to turn into a community of values.

## (2) *Rooting of Common Experiences*

The European integration experience began as antithesis to Europe's history of nationalism. As a counter-historical process it has generated its own history of shared experiences. These experiences with European integration have been added to the collective memory of Europeans. In many societies of Central and Eastern Europe, the original experience of Western Europe has been reiterated and reconfirmed in the course of the peaceful revolution of 1989. Most evident is the freedom to travel. While European borders were rather open before World War I, they had been sealed off increasingly over the century, only disappearing in their most evil form after 1989. Freedom to travel as embodiment of individual freedom has turned from a silent longing of many into the most normal activity for all European citizens.

Living with common European institutions has become normalcy and shared experience. EU citizens may be skeptical about the conduct of these institutions; they may have limited knowledge about how they operate and they still may consider their national political and legal institutions as prime expressions of rightful and legitimate processes of law making. Yet, European institutions have become an element in the collective reflection of Europeans concerning politics and the law impacting their lives. Differences in the degree in which these institutions were felt as imposing their will powerfully and immediately were obvious between Western Europe and the new post-communist member states. In Western Europe, European institutions were experienced

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12 See Wilson, Kevin, and Jan van der Dussen (eds.), *What is Europe?: The History of the Idea of Europe*, London/New York: Routledge, 1995; Pagden, Anthony (ed.), *The Idea of Europe: From Antiquity to the European Union*, Washington D.C.: Woodrow Wilson Center Press, 2002.

13 See Naimark, Norman, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe*, Cambridge, Mass.: Harvard University Press, 2001: 139-184 ("The Wars of Yugoslavian Succession"); Biermann, Rafael, *Schattenjahre: Das Scheitern der internationalen Konflikteinwirkung im Kosovo vor Kriegsbeginn*, Paderborn: Schöningh, 2005; Ahrens, Geert-Hinrich, *Diplomacy on the Edge: Containment of Ethnic Conflict and the Minorities Working Group of the Conferences on Yugoslavia*, Washington D.C.: Woodrow Wilson Center Press, 2007.

as gradually emerging since the 1950's. So was the law they generated. European Community law gradually became the focal point for experts, yet only rarely for ordinary citizens. Post-communist democracies were confronted with the European institutions as they had emerged by the late 1980's. The people of post-communist Europe had to learn that in order to join the EU, they would have to accept and absorb European Community Law, the *acquis communautaire*. Their experience was not one of gradual phasing in. European law and European institutions became immediate forces of strong power and external pressure once the post-communist countries had decided to apply for EU membership.

A similar experience for people in twelve EU countries was the introduction of the euro. They had heard of the project of a common currency, of course. But the phases leading to the complete introduction of the euro were not used for broad public reflection, no matter how strong some of the debates about further advancement of the project were. For most Europeans, the introduction of the euro as legal tender came overnight on January 1, 2002. The adaptation to this new reality had to follow later. The euro became the most important element of a practically shared experience in European integration.

Public opinion remains a debatable criterion on which to base the understanding of the legitimacy of the integration experience. Yet, it is widely considered an important element for "measuring the pulse" of European citizens. In 1973 the European Commission introduced the Eurobarometer survey in order to better understand public opinion in the Community. Ever since, Eurobarometer surveys have become an institution of their own.

Among the most basic questions continuously asked is the one inquiring whether or not membership in the Common Market/European Community/European Union is perceived as a good thing, a bad thing, or neither a good nor a bad thing for one's country. The 1974 Eurobarometer poll found that 59 percent considered EC membership of their country a good thing, 18 percent had no opinion and 14 percent found it a bad thing.<sup>14</sup> In 1984, 55 percent of EC citizens found their country's membership a good thing, 11 percent found it a bad thing and 27 percent remained neutral.<sup>15</sup> The all time high of support for EU membership was polled in spring 1991 with 72 percent of citizens of EU member states in favor of it. In 1994, 54 percent expressed satisfaction with their country's membership in the European Union, 13 percent found it a bad thing and 27 percent found it neither a bad nor a good thing.<sup>16</sup> In 2004, 48 percent considered EU membership a good thing, 17 percent found it a bad

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14 European Union. European Commission, *Eurobarometer No. 1*, July 1974, [http://ec.europa.eu/public\\_opinion/archives/eb/eb1/eb1\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb1/eb1_en.pdf).

15 European Union. European Commission, *Eurobarometer: European Election Special*, May 21, 1984, [http://ec.europa.eu/public\\_opinion/archives/eb/eb21/eb21\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb21/eb21_en.pdf).

16 European Union. European Commission, *Eurobarometer No. 41*, July 1994, [http://ec.europa.eu/public\\_opinion/archives/eb/eb41/eb41\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb41/eb41_en.pdf).

thing and 29 percent were neutral.<sup>17</sup> By the end of 2007, 58 percent considered EU membership of their country a good thing, 13 percent found it a bad thing and 25 percent were neutral.<sup>18</sup> The figures given by Eurobarometer require methodological clarification as their results never add up to a neat and clean 100 percent. But more importantly, they reflect a continuous trend of support for EU membership, echo the skepticism (in no EU member states can a majority be found that would be against membership of their respective country), but also rather widespread neutrality about the EU. Comparing the European data with patterns of public opinion in other stable democracies one may conclude that all in all this data indicates normalcy in the citizen's experience with EU realities.

The Eurobarometer polls support the assessment that gradually a European sphere of communication is emerging. Satisfaction and dissatisfaction with European integration are measured not only as far as the general question of support for integration or dislike for it is concerned. During more than three decades of operation, Eurobarometer surveys have increasingly developed sophisticated modes of polling opinion on all relevant issues of European politics. In doing so, Eurobarometer surveys contribute to the evolving European constitutionalism.

The most critical argument against the possibility of political union in Europe relates to the absence of a European people, a European demos. However, the very reference to the concept of demos as criteria for measuring the EU's legitimacy shows the limits of this charge: There have been many fundamental empirical developments and conceptual transformations in the notion of demos from ancient Greek city-states to modern nation states. Instead of focusing on the static dimension of existing nations, it would be more useful to consider the evolution of the European public sphere as the underlying ferment of an evolving political identity of Europe – and vice versa.

The practical absence of homogenizing European media and the multilingual character of Europe should not lead to short-sighted conclusions concerning the nature and impact of Europe's public sphere. The Age of Enlightenment was a pan-European phenomenon notwithstanding language barriers and the absence of a European body politic. In the same sense, a public sphere has emerged in Europe since the beginning of the European integration experience. This public sphere is made up of peculiarities stemming from its overriding character as being “a composite rather than a homogenous public sphere.” Yet, a public sphere has emerged in Europe, rooted in a “history of transfers and links between national public spheres.”<sup>19</sup>

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17 European Union. European Commission, *Eurobarometer Spring 2004: Public Opinion in the European Union*, July 2004, [http://ec.europa.eu/public\\_opinion/archives/eb/eb61/eb61\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb61/eb61_en.pdf).

18 European Union, European Commission, *Eurobarometer 68: Public Opinion in the European Union*, December 2007, [http://ec.europa.eu/public\\_opinion/archives/eb/eb68/eb68\\_first\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb68/eb68_first_en.pdf).

19 Kaelble, Hartmut, “The Historical Rise of a European Public Sphere,” *Journal of European Integration*, 8.2 (2002): 10.

The most evident and least controversial fact relates to the language plurality in Europe. Often, it is cited as the quintessential barrier preventing the evolution of a sphere of communications in Europe. Caution would be recommended in dealing with this argument. Not only Switzerland demonstrates the possibility of multilingual democracy in Europe. Language barriers have come down significantly since the process of European integration started in the 1950's. At that time only around 10 percent of Europeans spoke a foreign language. Five decades later about half of all Europeans speak a foreign language, and among the younger generation of Europeans, two thirds do so. Most of them consider English as the most convenient and useful foreign language, followed by French, German and Spanish. Notwithstanding the debate about cultural homogenization and the fear to lose knowledge of and interest in other languages due to the dominating use of English, the practical value of this development is significant. It is not only the social elite that is able to communicate across Europe. As language is both a means of communication and a gateway to another culture, the practical value of a common international foreign language as means of Europe-wide communication should not be underestimated as a contribution to the evolution of a European public sphere.

### *(3) Future as Common Destiny*

Pooling sovereignty and sharing resources has helped Europe to overcome the grave crisis of power, internal self-esteem and global reputation it had been dragged into during the nineteenth and twentieth century.<sup>20</sup> During the second half of the twentieth century, Europe was able to overcome much of this in the name of rule of law, post-nationalistic democracy and regional integration. In many ways, Europe still remains tied to its past as it is defining its priorities for meeting its common future. Europe cannot escape from its past. But even less so can it escape its future. Based on accumulated common experiences, the European Union will continuously learn how to define a common destiny and, moreover, how to shape a joint future. This will not simply entail symbolic actions about fundamental principles and notions of how to manage the world. First and foremost it will require the management of a European Union accountable to its citizens and their daily lives. Europe as community of values must be a community that works.

Against all prejudice, European Union citizens have a clear idea of the necessary priorities of the EU. Sometimes they even seem ahead of their politicians. According to Eurobarometer findings, by the end of 2007 they were identifying the following issues as the main test-cases for stronger and more successful European integration: unemployment (27 percent, down from 40 percent in autumn 2006), inflation ( 26

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20 See Bracher, Karl Dietrich, *Europa in der Krise: Innengeschichte und Weltpolitik seit 1917*, Frankfurt/Berlin/Vienna: Propyläen, 1979.

percent, up from 16 percent in autumn 2006), healthcare system (21 percent, up from 16 percent in autumn 2006), overall economic situation (18 percent, down from 21 percent in autumn 2006), immigration (15 percent, down from 21 percent in autumn 2006), pensions (14 percent, up from 10 percent in autumn 2006), terrorism (10 percent, down from 15 percent in autumn 2006), the education system (9 percent, up from 7 percent in autumn 2006), taxation (9 percent, up from 7 percent in autumn 2006), housing (8 percent, up from 5 percent in autumn 2006).<sup>21</sup> How to translate these concerns into specific policy strategies is, of course, another matter.

With remarkable clarity, Union citizens are able to identify policy priorities they want to see tackled and resolved on the European level. According to a Eurobarometer poll conducted before the end of 2007, Union citizens are favorable of decisions that should be made jointly on the EU level in the following order: fighting terrorism (81 percent), protecting the environment (73 percent), scientific and technological research (72 percent), energy policy (68 percent), defense and foreign affairs (67 percent), support for regions facing economic difficulties (64 percent), immigration (63 percent), fighting crime (61 percent), competition policies (57 percent), consumer protection (53 percent). 34 percent of Union citizens even favor that health and welfare issues be handled on the EU level, 32 percent support joint decisions on the education system, 30 percent on taxation and 26 percent on pensions.<sup>22</sup> If for only one thing, these Eurobarometer findings underline the need for a Europe that works.

European Union citizens expect their political leaders to use the governance structures of the EU to bring about clear results and concrete success. The more this experience is recognized, the higher support for European integration will be. If this success is missing, political scientists talk about problems of output-legitimacy. Ordinary Union citizens will probably talk about frustration with their political representatives. Political leaders in turn should be worried about Europe losing worldwide relevance.

As far as its internal constellation is concerned, Europe was “returning to its normal history,” as David P. Calleo has described the process of transformation starting with the end of the Cold War.<sup>23</sup> In past centuries, he argued, Europe was plural and interdependent with several interacting centers of power before this “normalcy” was frozen during the Cold War. While embarking on a new chapter of its development, Europe was meant to resume history, Calleo argued. But the next chapter of European history would primarily be defined by the effects of integration. As much as this was a new phenomenon in European history, Europe was distancing itself from its own history. As much as it meant that Europe was beginning to claim subject-status again

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21 European Union, European Commission, *Eurobarometer 68: Public Opinion in the European Union*, December 2007, op.cit.

22 Ibid.

23 Calleo, David P., *Rethinking Europe's Future*, Princeton/Oxford: Princeton University Press, 2001: 3.

after half a century of strategic dependency on the fringe powers defining the European state order after World War II, it would imply that Europe also needs to renew its global role. The renewal of a global role would be a clear break with any imperial connotation of the nineteenth or early twentieth century. In the age of globalization, the challenge for Europe in positioning itself in the wider world was very different: losing relevance or projecting genuine European interests in global affairs.

In doing so, Europe cannot expect to only encounter the sunny side of international cooperation. No matter its own experience, outside Europe conflicts and fighting continues. Most Europeans might prefer to make them disappear by simply referring to their own historic evolution. They have to learn that this is not the way world affairs are developing and history is evolving. Asymmetric threats make the rational assessment of global developments even more complex. No matter what Europeans are thinking about the global leadership of the United States, they are beginning to understand the challenge of the new era also as a challenge to their own affluence and democratic peace. They begin to realize that to meet these challenges requires mutual solidarity and reciprocal readiness to support common solutions, if necessary based on compromises.

After the terrorist bombings in Madrid on March 11, 2004, the EU invoked a solidarity clause that was not even in place legally. The readiness to invoke solidarity in confronting a common threat that had risen in Europe, no matter the details of political response and controversy, was remarkable. The realization of energy dependency on Russia triggered another dimension of solidarity across the European Union in 2007, most notably in favor of Poland: Eventually, a common energy policy aimed at the security of the energy supply in the whole European Union became a principle of EU energy policy, “in a spirit of solidarity between Member States” (Treaty of Lisbon, Title XX, Article 176A).<sup>24</sup> Solidarity means shared destiny. In the course of escalating disputes over the formulation of the 2007 Reform Treaty, the Polish government was also reminded by its fellow European partners that solidarity is not a one-way-road: Their EU partners expected Polish readiness to compromise on the pending issue of weighing of votes in the Council in return for an inclusion of the principle of energy solidarity across the EU in the final text of the Reform Treaty. Eventually, all sides moved to the benefit of the EU’s steady development.

Most intellectual discourses in Europe are still centered around respective national media, books and public voices. National political debates gain stronger attention than European Parliamentary debates. Yet, EU decisions no longer are dispensable from national media coverage. The EU is increasingly present in the media of all EU member states. Knowledge of other places in Europe and appreciation for the cultural diversity in Europe has grown for millions of tourists and business-people. With the absence of

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24 European Union, “Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community,” *Official Journal of the European Union*, C 306/Vol.50, Luxembourg: Office for Official Publications of the European Communities, 2007, <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>.

border controls among most EU countries, for Europe's youth this dimension of "returning to normal" has lost practically all excitement. In political terms, the notion of non-interference in domestic affairs has lost most of its meaning in Europe. European political matters are increasingly understood as being part of one's own body politic.

Communication in Europe is not organized in the way the national public sphere has come to be organized over a long period of fertilization. Yet, it would be misleading to believe that the idea of European integration only depends upon the existence of centralized media or a centrally institutionalized public discourse across the EU. In fact, the majority of Europeans consider themselves simultaneously as members of a nation and as Europeans, no matter how far away they are living from the centers of politics in Europe. An unstructured and un-institutionalized notion of "European-ness" exists all over Europe: You don't have to be in Brussels in order to be in Europe and to encounter Europeans. Yet, "Brussels" is a symbol for the EU as an institution.

It was mainly the work of the European Commission as the executive wing of European integration that has put Brussels on the mental map of most European citizens. It should not have come as a surprise that the image of "Brussels" was negative. "Brussels" was time and again tainted as the incarnation of a highly bureaucratic regime. No nation state would have maintained public legitimacy if its claim to democracy would have only been answered by the visibility of its bureaucracy. This is why it made perfect sense to question the democratic deficit of the European Union as a deficit in public control and democratic leadership in EU legislation. "Brussels" as bureaucracy was mainly controlled by national interests as long as the European Parliament could not establish itself as the counter-balancing power in an interlocking system of governance.

Brussels, by and large, is solidifying itself as the capital of the European Union. The second biggest agglomeration of journalists in the world after Washington, a growing presence of interest groups side by side with diplomatic missions from all over the world, permanency of European Council meetings and a massive new building for the European Parliament in a European quarter: These facts are signaling the role of Brussels as the center of EU politics. It is ironic that the official seat of the European Parliament is still Strasbourg and its meetings are being split between Strasbourg and Brussels. The effect would be enormous should the EU formally recognize Brussels as the capital of political Europe. Such a move would clearly provide for a sense of belonging and certainly it would contribute to the architectural development of Brussels. Visibility and accountability of "Brussels" would be strengthened. These are exactly the reasons why many member states of the European Union are still reluctant to formally recognize Brussels as the EU's capital. The meaning of such a decision would be more than symbolic. It would be tantamount to reconciling the pooling of sovereignty that has been going on in Europe for five decades with the geographical focus it takes to make a body politic truly visible and hence accountable for its actions.

It would constitute another element in the formation of the European Union as an incomplete federation.<sup>25</sup> One day, it will have to happen.

It is remarkable that the first EU-wide movement tantamount to the quest for a referendum is calling for a decision to make Brussels the formal seat of the European Parliament. Establishing Brussels as the capital of Europe would immediately falsify the assessment that the EU still is an elite project. As much as it is elite-driven (which is the case with all democratic political systems) it would help its citizens to identify with the EU if they can get visible access to its center of power. Their parliament therefore should be permanent at the center of power instead of remaining a rotating circus. It would also help to form a European political identity if a creative and interactive “House of European History” would be established in Brussels. It would certainly attract many of the visitors coming to the EU institutions. The Museum of American History on the Mall in Washington D.C. could serve as a source of inspiration. It is a promising first step that the President of the European Parliament, Hans-Gert Pöttering, has formally called for the establishment of a House of European History in his inaugural speech of February 2007. “It should not be a dry, boring museum,” Pöttering said, “but a place where our memory of European history and the work of European unification is jointly cultivated, and which at the same time is available as a locus for the European identity to go on being shaped by present and future citizens of the European Union.”<sup>26</sup> The future of parliamentary democracy in the EU and the evolution of a common historical identity are complementary tasks for the completion of the EU as a community of values.

Any decision to strengthen the symbolic meaning of Brussels for the EU as body politic would add to the already quite impressive list of other publicly exposed symbols of European integration: the EU’s flag with twelve golden stars on a dark blue background, hanging increasingly at public buildings all across the EU, often side by side with the national flag; the euro, the European passport and the European anthem. Declaring May 9 “Europe Day” has not made this day – in memory of the declaration by French Foreign Minister Robert Schuman on May 9, 1950, initiating the European Coal and Steel Community – as meaningful as Memorial Day in the US or national holidays in Europe’s nation states, but it adds to the composite and multiple identity increasingly shaping Europe.<sup>27</sup> While the Constitutional Treaty of 2004 included the European symbols and wanted to grant them legal status, the 2007 Reform Treaty renounced any reference to the European symbols. Without any meaningful public debate, this curtailing of a constitutional achievement has been a diplomatic concession

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25 See Pommerin, Reiner, “Die europäische Hauptstadt,” in: Salewski, Michael (ed.), *Nationale Identität und Europäische Einigung*, Göttingen: Muster-Schmidt-Verlag, 1991: 18-31.

26 Pöttering, Hans-Gert, *Defending Europe’s Values – For a Citizens’ Europe*, Program Speech to the European Parliament, Strasbourg, February 13, 2007, <http://www.europarl.europa.eu/president/defaulten.htm?home>.

27 For a highly positive assessment of “Europe Day” see Reid, T. R., *The United States of Europe: The New Superpower and the End of American Supremacy*, New York: Penguin Press, 2004: 43.

obviously granted to euroskeptical governments in the final processes of backdoor diplomatic bickering and horse-trading. This turn of facts could not leave European federalists without frustration. They could take consolation in the fact that the European symbols would, of course, continue to exist without being referred to in the Reform Treaty. The European Parliament, inspired by its President Hans-Gert Pöttering, introduced the innovative practice to welcome Heads of State with their own national anthem, played along with the European anthem. This was probably only a small step for the political Europe, but it contributes to the lasting elements in the formation of European identity and a European public sphere.<sup>28</sup> It would also be useful to add the European motto “Unity in Diversity” on the euro bank notes. For the time being, seven distinct European architectural periods are designed on the euro notes: classical Greco-Roman on the 5 euro note, Romanesque on the 10 euro note, Gothic on the 20 euro note, Renaissance on the 50 euro note, Baroque-Rococo on the 100 euro note, Iron and Glass on the 200 euro note, twentieth-century Postmodernism on the 500 euro note. Europe’s political identity is growing step by step. The images on the euro bank notes support the sober assessment that, at least so far, European institutional union has been achieved, but, by and large, Europeans are still a rare species across the EU.

### 3. *Citizens’ Europe, Citizens’ Choices*

While the European Union has entered the second half of its first century of existence, conflicting trends have to be reconciled. The nation state remains present across the European Union. Regional asymmetries are stronger than ever. Transfer of sovereignty is contested although the insight is prevalent that only the pooling of resources can generate the strength and dynamics Europeans would like to see attributed to their continent. A public sphere is emerging, yet a common European discourse is still rare. The European Parliament has become more or less equal partner of the Council in EU decision-making, yet the absence of a fiscal constitution matching the political representation is striking.<sup>29</sup> Consensual moral claims are articulated in Europe, yet they do not automatically transpire into European interests, let alone the formulation and implementation of a balanced and comprehensive policy that is based on ideas and interests alike. While entering the second half of its first century as an unfinished federation, Europe remains a laboratory.

The development of legitimacy for European integration remains linked to the perception of political will and the degree of success by which it is organized inside the

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28 See Odermatt, Peter, “The Use of Symbols in the Drive for European Integration,” in: Leersen, Joseph Th., and Menno Spiering (eds.), *National Identity: Symbol and Representation*, Amsterdam: Rodopi, 1999: 217-240.

29 See Kühnhardt, Ludger, “An EU Constitutional Twist: No Representation Without Taxation,” *European Affairs*, 4.2 (2003): 76-81.

European Union. The European Parliament – as much as the Court of Justice – has often been underestimated in its potential to generate the necessary political focus as embodiment of the European public sphere. Recent scholarly studies have begun to recognize the power of the European Parliament. Andreas Maurer distinguishes between five different functions of the European Parliament: its function to shape the constitutional and institutional system of the EU; its function to elect the EU leadership; its function to shape EU policies; its function to control the EU executive; and its function to articulate policy preferences and interact with EU voters. In all regards, the role of the European Parliament has definitively been strengthened since its first direct election in 1979. The European Parliament has been firmly established as one of the key centers of power in the EU.<sup>30</sup> As Europe is emerging from early constitutionalism to constitutionalism, it is also emerging from semi-parliamentary democracy to parliamentary democracy. One of the key features of this development is the evolution of the party groups in the European Parliament since its first direct election in 1979.<sup>31</sup> Parliamentary democracy in its specific European variant (“party families”) is increasingly politicizing EU decision-making. In contrast to traditional concepts of limiting power through the separation of its institutional centers, the EU is operating as a system of interlocking powers. This is a genuine system of limiting and controlling powers, obviously more appropriate to the diverse nature of the European Union.

The evolution of European integration will not become a copy of the experience with the European nation state. The EU will not substitute for the nation state either. Yet it is worth looking into the conditions it took to develop the European nation state. The European nation state was a construction as much as the EU is sometimes criticized for being a construction. The European nation state across the continent has been a product of history and of specific historical circumstances. After the dissolution of unity between the political and the religious bond of legitimacy and loyalty in Europe – embodied in pre-reformation Christianity and the Holy Roman Empire of German Nation – Europe was in search for a new form based on a new legitimacy. State structures developed as outflows of past bureaucracies by and large already available across Europe. It was rare to relate emerging states to already firmly established nations as incarnations of the cultural root and identity of any of Europe’s states. In many cases, the European nation state became a product of the romantic appraisal of difference and exclusivity that followed and preceded various movements toward centralized political power in Europe.<sup>32</sup>

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30 Maurer, Andreas, *Die Macht des Europäischen Parlaments: Eine prospektive Analyse im Blick auf die kommende Wahlperiode 2004-2009*, Berlin: Stiftung Wissenschaft und Politik, 2004; Scully, Roger, *Becoming Europeans?: Attitudes, Behaviour and Socialization in the European Parliament*, Oxford: Oxford University Press, 2005.

31 See Steunenbergh, Bernard, and Jacques Thomassen (eds.), *The European Parliament: Moving Toward Democracy in the EU*, Lanham: Rowman & Littlefield, 2002.

32 See Hroch, Miroslav, *Das Europa der Nationen: Die moderne Nationsbildung im europäischen Vergleich*, Göttingen: Vandenhoeck & Ruprecht, 2005.

In the nineteenth century, German philosophers like Johann Gottlieb Fichte (1762-1814) and Johann Gottfried Herder (1744-1803) made a comprehensive plea for identity-formation through the creation of a homogenous nation.<sup>33</sup> They promoted the rise of romantic and exclusive nationalism. As the German nation did not exist in reality, it had to be constructed. Following the German example of belated nation-building, multi-patterned societies around the world have looked for exclusive statehood at the end of European colonialism. But also the traditional nation states of Europe – rooting the nation in a law-based state – were not free from embracing the notion of romantic and exclusive nationalism, albeit at earlier stages and with different degrees of ideological intensity. Following the age of colonialism, all around the globe statehood shaped the nationhood it pretended to serve. Thus, non-European countries followed the European experience. In practically all of Europe, the state brought about the nation. Whether or not some nations were more advanced than others, belated in the nineteenth century or still in the midst of achieving state-nation-confluence in the early twenty-first century does not matter. As variations of the same theme, European nation-building and Europe's state-building were and are mutually reinforcing processes. As “imagined communities”<sup>34</sup> all of Europe's nation states grew in strength and gained loyalty only over a long span of time. There is no rational argument to believe that over time the same effect could not grow in the European Union.

In the nineteenth century, Alexis de Tocqueville saw an alternative to state-formation and nation-building on the American side of the Atlantic Ocean.<sup>35</sup> He was fascinated with the American experience. Identity was formed through public discourse and consent in the body politic, based on religious commitment and a civil religion transcending all differences in creed and cult. The body politic worked best on the local level. But also on top of the American system, political identity and cultural identity were confluent. Identity was not defined as a moral charge but practiced as a political call. Identity was not bestowed upon citizens by a government. It was not even artificially created by a government. It came into being as “invention” of civil society. Thus it became the American ideal.<sup>36</sup>

In Europe, Herder's romantic ideal grew into rigid realities. Political loyalty and moral claim went hand in hand. Language was used as a formative instrument and simultaneously as a means to underscore the exclusivity of every single nation-building process. Multilingual societies were challenged in their composition. The challenge to plurality could even reach out against multireligious community life. Overly dominating was the state-centeredness of the European nation-building process. The state was seen

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33 Fichte, Johann Gottlieb, *Der geschlossene Handelsstaat*, Hamburg: Meiner, 1979; Herder, Johann Gottfried, *Philosophical Writings*, Cambridge/New York: Cambridge University Press, 2002.

34 Anderson, Benedict R., *Imagined Communities: Reflections on the origin and spread of nationalism*, London/New York: Verso, 1991.

35 Tocqueville, Alexis de, *Democracy in America*, Chicago: University of Chicago Press, 2000.

36 See Huntington, Samuel P., *American Politics: The Promise of Disharmony*, Cambridge, Mass.: Belknap Press, 1981.

as provider and protector of national identity. Since the emergence of the Westphalian state-system in the seventeenth century, the state in Europe “increasingly came to occupy and, indeed, create the national space of modern European countries.”<sup>37</sup> Until the mid-twentieth century the state “orchestrated”<sup>38</sup> nationhood, national aspirations and nationalistic fervor. It did so until both the state and the nation were facing overstretch.

Today, the European Union is confronted with contrasting charges and perspectives as far as the role of politics in the management of social affairs is concerned. The EU will remain torn between aspirations for redistributive resource allocation in favor of welfare solidarity on the one hand and the quest for rigid liberalization in pursuit of the common market principle and a precondition for innovation necessary to gain dynamics under conditions of globalization on the other hand. This clash of concepts regarding the order of state and the notion of security will absorb the internal dimension of the idea of European solidarity and it will bind resources of the European Union over many years to come.

At the same time, the EU will have to address the continuous ambiguity between the claim to democracy and the struggle for efficiency. Whether effectiveness in delivering public goods could appease the quest for stronger elements of participatory democracy is an open question.<sup>39</sup> Whether effectiveness may be generated through modes of deliberative democracy with emphasis on transparency and discursive deliberations is even more questionable. The European body politic will continue to evolve in incremental steps, gradual, with flaws and its specific idiosyncrasies. Yet it will evolve by constitutional and parliamentary means. Therefore the question of political leadership is of primordial importance to the future authority and consistency of European political identity.<sup>40</sup>

Patriotism does not develop as natural consequence of political processes and decisions. It is not a simple reaction to the existence of a constitutional text. It cannot be rooted in constitutional provisions and institutional arrangements alone. In fact, it may not even need the existence of a formal Constitution to advance. European constitutional patriotism is certainly a function of the best possible performance of the law-based organs and institutions of the EU. In the absence of a formal European

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37 Dunkerley, David, “The Nation-State in Europe,” in: Dunkerley, David, et al. (eds.), *Changing Europe: Identities, Nations and Citizens*, London/New York: Routledge, 2002: 27.

38 Ibid.: 28.

39 Maurer shows that empirically the EU’s co-decision procedure, implying equal rights of the European Parliament with the European Council, takes less time than decision-making procedures without involvement of the European Parliament. More than the European Parliament, the European Council is responsible for slowing down decision-making in the EU: Maurer, Andreas, *Die Macht des Europäischen Parlaments: Eine prospektive Analyse im Blick auf die kommende Wahlperiode 2004-2009*, op.cit.: 22.

40 See Vibert, Frank, *Europe Simple Europe Strong: The Future of European Governance*, Cambridge: Polity Press, 2001. Vibert speaks of Europe as an epistemic society and suggests “knowledge-based governance,” considering “moral and social standards as subjects of learning just as much as any other aspect of choice” (218).

Constitution, the EU's *acquis communautaire* needs to serve as a substitute body of constitutional law. But beyond any written text or unwritten tradition, ultimately, constitutional patriotism will depend upon the degree of recognition of the European Union by the people and the states constituting it. It will depend on the degree of "ownership" Union citizen's feel for the EU. Whether or not cultural and human resources can be activated to enhance constitutional consent and even constitutional patriotism will largely depend on one single most important experience of EU citizens: How strong are they convinced that the EU is capable to deliver public goods. It will also depend upon the readiness of the member states of the European Union to advance common policies and thus the sense of an ever-closer common destiny, if necessary at the expense of autonomous national decision-making.

### (1) *EU Citizenship*

The introduction of EU citizenship by the Treaty of Maastricht has added an important dimension to the search for European identity. The formal creation of the category of a Union citizenship not only helps to recalibrate the relationship between the EU as a Union of States and a Union of Citizens, it has also brought the level of judgment of EU legitimacy to a much higher level of expectation. It has carried the common market into the sphere of politics and constitutional law.<sup>41</sup>

European citizenship has not created an immediate civic sense or strong European constitutional patriotism. But the very development of European citizenship has focused the discourse about these ideals. The evolution of EU citizenship also indicates the specific historic circumstances in which EU integration takes place. The origins of citizenship and the development of its meaning in the context of the modern nation state followed three stages:

- 1) The evolution of civil rights in eighteenth century Europe granted individual protection against unjustifiable state interference, defining civil rights largely as negative and defensive rights. This first phase in the evolution of the concept of citizenship led to the recognition of the rule of law.
- 2) The evolution of political claim rights during the nineteenth century broadened citizens participation in the political process, turning political rights largely into positive claim rights. This second phase in the evolution of the concept of citizenship led to the breakthrough of democracy as organizing principle of

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41 See Shaw, Josephine, *Citizenship of the Union: Towards Post-National Membership?*, Jean Monnet Working Paper Series No.6/1997, Cambridge, Mass.: Harvard Law School, 1997; Holmes, Leslie (ed.), *Citizenship and Identity in Europe*, Ashgate: Aldershot, 1999; Meehan, Elisabeth, *Citizenship and the European Union*, ZEI Discussion Paper C 63. Bonn: Center for European Integration Studies, 2000; Kostakopoulou, Theodora, *Citizenship, Identity, and Immigration in the European Union: Between Past and Future*, Manchester/New York: Manchester University Press, 2001; Guild, Elspeth, *The Legal Elements of European Identity: EU Citizenship and Migration Law*, Boston: Kluwer, 2004.

legitimate government.

- 3) The evolution of social rights during the twentieth century strengthened social cohesion by way of granting labor related rights to citizens as workers, making social rights largely a claim to social and inclusive democracy. This third phase in the evolution of the concept of citizenship led to the constitutional recognition of social and welfare rights as democratic claim rights.

So far, the evolution of the concept of citizenship in the context of European integration has followed a reverse order:

- During the first phase in the evolution of the notion of citizenship the citizens of the participating member states were defined as workers and participants in the emerging common European market, distinctively relating this phase to the evolution of economic rights. This phase led to the evolution of the concept of the four freedoms originally set out in the Treaties of Rome, mainly in the context of labor rights.
- During the second phase in the evolution of the notion of European citizenship the EU was defined as a Union of States and a Union of Citizens, granting political participatory rights to the national citizens of EU member states. This phase evolved gradually with the Treaty of Maastricht.
- During the third phase in the evolution of the notion of European citizenship EU citizens are defined as holders of basic civil and human rights guaranteed by the Charter of Fundamental Rights of the European Union. Its inclusion in the 2007 Reform Treaty indicated that, eventually, this Charter is intended to be judiciable in European courts, including the European Court of Justice. This phase is recalibrating the relationship between national rule of law and European rule of law; thus it is also enlarging the concept of European democracy and constitutionalism.

As the European Community was initially and primarily concerned with market issues, it could not come as a surprise that citizens were perceived primarily as economic actors. European legislation referred to “workers” and not to “citizens.” The notion of “freedom of labor” in the Treaties of Rome was intended to support the free movement of workers in an emerging European market. The social rights of migrant laborers were to be protected. Although this concept referred to both internal migrants from within the community and those from outside the community (people from Turkey, North Africa, the Caribbean, South East and South Asia in particular), it did not carry any political dimension. The first reference to European citizenship was made at a meeting of the Heads of State and Government of the European Community in 1974. They launched a study to look into the possibilities under which the citizens of the nine Member States could be given special rights as Members of the Community.

In 1979, the European Commission presented a Directive regarding the right of residence for EC nationals in the territory of other EC member states regardless of

economic activity. Consensus had developed that the concept of free movement of persons could not be realized without the permanent right of residence in another EC member state. The promulgation of this right came to be regarded as the first step in establishing a European citizenship. In 1986, the European Commission issued a report on “Voting Rights in Local elections for Community Nationals.” In the same year, the Single European Act reiterated the goal of completing a single market where “free movement of persons, goods, capital and services is ensured.” The Single European Act used the term “persons” and not only the term “workers.” This was more than a matter of wording. It was a contribution to turn the common market into a common political space.

The Intergovernmental Conference preceding the formulation of the Treaty of Maastricht engaged in an intensive discussion about the meaning of a “Europe of the Citizens.” The idea to grant all citizens of EC member states the right of free movement, residence and access to work was coupled with the need to also grant them voting rights in local elections in order to make the integration idea more democratic. The question as to how far this right could include access to specific social prerogatives in EC member states remained heavily contested. At the initiative of the European Parliament, the final provisions on European Citizenship in the Treaty of Maastricht included voting rights for citizens of the European Community – renamed European Union – not only in local elections in all EC member states, but also in elections to the European Parliament in their country of residence. Eventually, the Treaty of Maastricht established the “Citizenship of the Union” (Article 8).

EU Citizenship was only granted to national citizens of EU member states. It was therefore criticized for not giving an answer to the civil status of more than ten million legal residents of the EU without national citizenship.<sup>42</sup> Critics argue that the introduction of EU citizenship would only reinforce the role of the nation state as it would maintain ultimate control of access to, enjoyment of, and even forfeiture of the right of citizenship.<sup>43</sup> This perception did not have a full grasp of the dynamics involved in the evolution of European citizenship, which has come quite some way since its modest beginning. It might also have overlooked the fact that European citizenship – as much as European integration in general – was not intended to replace the nation state but rather to complement it. It would be a-historical to assume that the concept of citizenship would fully incorporate all residents in all EU member states. One should not forget: Already Roman law distinguished between Roman citizens and foreigners. Even the United States, proud in being a country of migrants, is harboring millions of

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42 See McLaren, Lauren M., *Identity, Interests and Attitudes to European Integration*, Houndmills: Palgrave Macmillan, 2006: This data-based study argues that xenophobia strengthens identity among Europeans more than abstract cost-benefit-analysis of European integration.

43 See Howe, Paul, “A Community of Europeans: The Requisite Underpinnings,” *Journal of Common Market Studies*, 33.1 (1995): 27-46; Kostakopoulou, Theodora, “Why a “Community of Europeans” could be a Community of Exclusion,” *Journal of Common Market Studies*, 35.2 (1997): 301-309; Benhabib, Seyla, “On European Citizenship,” *Dissent*, 45.4 (1998): 107-109.

residents, both legal and illegal, which are not citizens of the US. Nowhere does residency make for nationality.

The evolution of the concept of European citizenry from social and worker rights to participatory and general civil rights – no matter how limited – is without precedence in the history of Europe. For the time being it is incomplete and even inconclusive as a complementary concept to national notions of citizenship. Yet, “citizenship as provider of legitimacy”<sup>44</sup> has become part of an all-out development of multiple identities in Europe to which was also added the Charter of Fundamental Rights of the European Union.<sup>45</sup>

## (2) *EU Civil Rights*

The Charter of Fundamental Rights of the European Union was initially agreed upon by the European Council in 2000 as a political document and has been referred to in the Treaty of Lisbon in 2007. Thus it is poised to eventually become a judiciable element of the *acquis communautaire* and will certainly lead to interpretations by the European Court of Justice. The Charter aroused controversies on various grounds. It was questioned whether or not another human rights charter would truly be needed in Europe and could add anything to the very protection of human rights already existing under the provision of democratic constitutions in Europe, the European Convention on Human Rights promulgated by the Council of Europe in 1950, or the body of human rights provisions of the United Nations, beginning with the Universal Declaration of Human Rights.<sup>46</sup> Proponents in defense of the EU Charter argued that only through this Charter would EU institutions be held accountable to civil rights standards as laid out in the EU Charter.

Various provisions of the Charter came immediately under scrutiny and criticism as part of the legitimate process of constitutional review. If anything, criticism directed at one or the other provision of the Charter of Fundamental Rights of the European Union

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44 Garcia, Soledad, “Europe’s Fragmented Identities and the Frontiers of Citizenship,” in: Garcia, Soledad (ed.), *European Identity and the Search for Legitimacy*, London: Continuum International Publishing, 1993: 25; also see Jensen, Ole B., and Tim Richardson, *Making European Space: Mobility, Power and Territorial Identity*, London: Routledge, 2004.

45 The Treaty of Lisbon states the following in Article 6: “The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties,” “Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community,” *Official Journal of the European Union*, C 306/Vol.50, Luxembourg: Office for Official Publications of the European Communities, 2007, <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>, op.cit.: 13.

46 See Betten, Lammy, “The EU Charter on Fundamental Rights: A Trojan Horse or a Mouse?,” *International Journal of Comparative Labour Law and Industrial Relations*, 17.2(2001):151-164; Kühnhardt, Ludger, “Europe’s View of Man under Pressure,” in Kühnhardt, Ludger (ed.), *Constituting Europe: Identity Institution-Building and the Search for a Global Role*, Baden-Baden: Nomos, 2003: 47-54.

was a reconfirmation of its relevance and a further contribution to the evolving European constitutionalism. Most conspicuous is the absence of a clear definition of a view of man. The Charter lacks anthropological firmness. It represents the common denominator of a secular humanism that has become synonymous with the European understanding of values as a foundation of politics. The values invoked by the European Union relate to the most basic notions of liberal democracy, rule of law, protection of minority rights and support of market economy. While no relevant political force was questioning these values, it was difficult to identify what among them could be considered “typical” European.

The Charter of Fundamental Rights of the European Union is not a text without contradictions. While it upholds national interpretations of basic human and civil rights provisions, it is debatable whether or not the explicit provisions of the Charter might in reality reduce the scope of some national human rights provisions. This question was, for instance, raised in the context of the notion and protection of the family. It was also evident regarding the most contentious matters in the human rights debate emerging in the early twenty-first century: definitions regarding the beginning of life and the end of it. The striking absence of any religious rooting of Europe’s self-proclaimed secular humanism was beginning to haunt Europe’s claim to be the prime defender of human rights and human dignity in the world.

Clashing moralities do exist across the European Union about abortion, euthanasia, stem cell research and other issues related to technical developments in medicine. It is at least a matter of consideration how Europe could uphold the claim for value leadership in the world while it is confronted with clashing moralities among its citizenry on most basic norms impacting the legitimacy of the rule of law. Over three centuries, a moral consent had developed in Europe on the basic principles and applications of political, civic and socio-economic rights. Whether or not the same might happen over time regarding a consensual moral interpretation of human dignity, including the beginning and the end of human life (or when life legitimately could be brought to an end for medical reasons) is a matter of doubt. Controversial debates in Europe about conflicting moral claims do not suggest that this would be an easy task. In fact, these debates only underline the insight of democratic theory that democracies need to be based on notions of morality they cannot reproduce themselves.

Conflicting moral norms not only trigger controversial political debates. They will most likely spurn decisions by the European Court of Justice. The European Court of Justice has the potential of further growing into the EU’s Supreme Court, not least on matters relevant to the interpretation of civil rights and basic interpretations of human rights and human dignity. Ever since its work began, the European Court of Justice has played a strong role in advancing European integration through the effects of its rulings. This pattern was largely left outside public attention as the Court was promoting the full completion of the common market agreed upon by all member states. With the growing

focus on political union, and strengthened by the incorporation of its statute into the *acquis communautaire* in 2000, the European Court of Justice will increasingly proceed as agent of integration.

Moral and ethical issues are recognized in twenty-first century Europe as part of a common identity. This certainly holds true with regard to collective and abstract concepts such as democracy, freedom, justice, solidarity, the rule of law and the market economy. But it is much less consensual whether or not such collective and abstract notions with ethical implications are rooted in moral resources they cannot generate themselves. At the root of all political and social concepts of ethics are value decisions concerning the very nature of man. Anthropology, philosophy and religion provide insights and offer norms for our understanding of the nature of man, our notion of man and his dignity as an individual and a social being. In Europe – as in many other parts of the modern world – it is far from consensual as to how to define the very cultural and moral positions that relate to our view of man. Europe’s striking religious exceptionalism – Europe’s overly high degree of secularism – does not facilitate coherent and satisfactory answers to this search.

Two examples show the consequences of the contemporary absence of a consensual view of man in Europe, if not the degree of contradictions on the matter of human self-assessment and self-understanding. The Charter of Fundamental Rights of the European Union states in Article 1 the inalienability of human dignity.<sup>47</sup> Article 2 reaffirms the right of life as an implicit consequence of the inalienability of human dignity.<sup>48</sup> Nevertheless, the Charter does not explicitly recognize a specific view of man as the basis for these postulates. Concerned observers worry about the possible implications of redefining the dignity of human beings as a hierarchically graded and layered concept. Challenges to a comprehensive concept of human dignity are particularly relevant in the context of biogenetic developments, most importantly in light of the consequences of new methods of reproductive medicine. It is also relevant for the context of definitions concerning the end of life and the debate about active euthanasia. These controversies have become particularly pertinent in light of several political and legal decisions taken in Europe at the beginning of the twenty-first century:

- The British Parliament opted in favor of therapeutic cloning.
- The French Court of Cassation recognized the right of a handicapped man not to have been born in the first place.
- The Dutch Parliament and the Belgian Parliament passed legislation recognizing active euthanasia. (The Dutch law was soon thereafter criticized by the Human Rights Legislation Committee of the United Nations as not being free of the potential for misuse by those who might put pressure on patients to end their

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47 “Human Dignity is inviolable. It must be respected and protected.” (Part II, Title 1, Article II-61) European Union, *Treaty establishing a Constitution for Europe*, op.cit: 48.

48 “Everyone has the right to life.” (Part II, Title 1, Article II-62), *ibid*.

lives.)

Contemporary biopolitical controversies in Europe and throughout the world are an expression of the plight of freedom. Human dignity and human rights are not issues for soft and consensual round table talks. They refer to the totality of human existence. The biopolitical controversies are reflecting the potential of new bio-political ideologies. In his book, “*Novum Organum*,” published in 1620, Francis Bacon defined a theory of ideological thinking. He described the fundamental difference between empty and fact-based opinions (“*Placita quaedam inania et veras signaturas atque impressiones factas in creaturis*”). Protagonists of French Enlightenment in the eighteenth century used the term “ideology” for the first time, meaning a theory of ideas. Later, the relationship between ideology and utopia was interpreted intensively. The common denominator of many ideological concepts and notions – no matter changes in the specific content and the historical context – was the same: They were united in the goal to overcome a “false” consciousness or a “false” reality in order to serve “progress.” Karl Dietrich Bracher, the leading European historian on the fall of the Weimar Republic and on intellectual history in the twentieth century, reminded his readers that the question of ideology remains virulent even beyond the ideological battles of the nineteenth and twentieth centuries: New (and false) promises of a paradise on earth could always surface again, he wrote, and again they could justify violence against human life and the destruction of free communities.<sup>49</sup> In his last homily before being elected Pope Benedict XVI, Joseph Cardinal Ratzinger spoke of a “dictatorship of relativism” as the seemingly “only attitude that can cope with modern times,” a way of life “that does not recognize anything as definitive and whose ultimate goal consists solely of one’s own ego and desires.”<sup>50</sup> It is not surprising that the controversies about the beginning and the end of life are leading to new coalitions between human sciences and natural sciences. This holds true for both directions of the argument. Utilitarian as much as person-centered views of man reflect certain positions in human sciences and natural sciences. Some of them are variations of the same theme. The fundamental conflict between utilitarianism and an integral, comprehensively personalized view of man cannot be “researched away” in the laboratories of biologists or “written away” at the desks of philosophers or lawyers. The core of the controversy is about fundamentally different notions of human dignity, one ultimately rooted in human decision-power, the other rooted in natural law above a human right to interfere.

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49 Bracher, Karl Dietrich, *The Age of Ideologies: A History of Political Thought in the Twentieth Century*, London: Palgrave Macmillan, 1984: 189-277. (“De-ideologization and Re-ideologization”).

50 Ratzinger, Joseph Cardinal, Homily “Pro Eligendo Romano Pontifice,” Vatican April 18, 2005, [www.vatican.va/gppl/documents/homily-pro-eligendo-pontifice\\_200](http://www.vatican.va/gppl/documents/homily-pro-eligendo-pontifice_200).

### *(3) EU Civil Society*

The evolving European civil society will be primarily Brussels-focused as far as its political ambitions are concerned. By and large, this is a reflection of interests geared at gaining influence on matters of EU legislation. All possible civil society representatives follow this trend and have turned Brussels into the second biggest venue for lobbyists next to Washington, D.C. The Christian churches in Europe noted with satisfaction that the European Union will engage with them in a genuine “structured dialogue” in recognition of their specific status in and for European society. Church representatives and religious leaders across the EU have considered the recognition of their special status in many EU member states by the Constitution and the prospects of a regular encounter with the political leadership of the EU as the most reassuring element in underlining their claim to a public role of religion in Europe, no matter how secularized the continent has become.

In order to strengthen European civic sense, it would be useful to establish an EU-wide civil service. More than ever it seems to be not only useful but increasingly important to help younger people to learn social responsibility in an environment mainly defined by claim-rights. An EU-wide civil service for young adults would do good to balance this cultural reality. Why could a young Spanish adult not do service for a year or so in a Polish home for aging people? Why could a young Swede not help in an ecological project in Italy? Why could a young Estonian not work on a social project for children in Spain? An EU-wide Civil Service could be open for young men and women alike. It may be compulsory or voluntary, but instead of questioning its overall feasibility, it would be worthwhile to just begin at some point and in some places: What could be more promising than a civil service of young adults under the flag of the European Union? It would also contribute to the recognition and reputation of the European Union if the EU were to establish an EU-based Peace Corps for activities in developing countries, most notably in Africa, Europe’s neighboring, yet all too forgotten, continent.

In order to raise the internal European sense of ownership and to enhance the global projection of Europe’s civil society, the establishment of a joint European Union team for the Olympic Games would be the perfect idea: One single team representing the EU in the world’s most prestigious sporting event would certainly send a strong message across the globe and would find a great response in Europe. All European athletes could march into the Olympic Stadium behind the EU flag. They could wear their national flag and label and would divide for the competitions into their respective national teams. Even as long as national interests and moreover national pride will render impossible the formation of a common EU team at the Olympic Games tournaments, the joint introduction and presentation of all EU athletes behind the EU flag during the

opening ceremony could do an enormous service to the idea of European identity and global presence.<sup>51</sup>

The divided Koreans entered the Olympic Stadium in Sydney 2000 and in Athens 2004 with one team united behind one flag. Afterwards, both teams competed in the various Olympic disciplines on their own. If such a move was possible among the most heavily antagonistic countries on earth, why could the Korean model not be a good formula for the EU countries to begin with? Had the European Union member states presented a single team during the 2004 Summer Olympics in Athens, its success would have been unbeatable: The EU team would have won 82 gold, 102 silver and 98 bronze medals. The US with 35, China with 32, Russia with 27 and Australia with 17 gold medals would clearly have been surpassed. Except for Malta, Luxembourg and Cyprus, all other EU member states were able to win medals in Athens. Why did all athletes of the European Union not enter an Olympic Stadium behind the European Union flag before they return to compete in national teams? After the fierce disputes about China's policy in Tibet, this would have been a strong political demonstration of the European athletes without completely alienating their Chinese hosts.. The 2008 Olympic Games in Beijing were missed as perfect opportunity for the EU to show its young athletes to the world as "united in diversity." The 2012 Olympic Games in London could and should experience this unique opportunity, also for Great Britain to demonstrate that the country, finally, finds itself "at the heart of Europe."

#### *(4) EU Political Parties*

The evolution of a genuine European civil society obviously takes longer than the creation of its formal legal or political framework. Nevertheless, with the emergence of interest groups on the European level, a substantial step forward has been taken. But the biggest deficit prevails: European political parties are only gradually emerging. Political groups or factions have been well established in the European Parliament, yet they are hardly visible in the national political discourses of most EU member states. The missing link between the formation of European interest groups (and interests in general) and viable party politics on a European level (and being reconnected with EU citizens across the Union) will only come about after the implementation of a common European electoral law. Although elections to the European Parliament have been direct and based on universal suffrage since 1979, they have not yet been truly "European": Each EU member state continues to define the rules and regulations for these elections.

This makes it difficult to orchestrate election campaigns across the European Union based on shared party principles within the "political families," as the groupings in the European Parliament have come to be called. But one should not underestimate their

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51 Also see Bairner, Alan, *Sport, Nationalism, and Globalization: European and North American Perspectives*, Albany: State University of New York Press, 2001.

role and relevance, increasingly recognized also by academic research.<sup>52</sup> A European electoral law would facilitate a stronger personalization of election campaigns, including the presentation of local candidates from other EU member states. In spite of the difficulties in formal constitution-building, the accountability of the President of the European Commission to the European Parliament has grown steadily. Like each Commissioner, his or her election requires a supportive decision by the majority of the European Parliament. Although the European Council will maintain the right to nominate the respective candidate, it should become normal practice that the political parties in the EU enter the election campaign to the European Parliament with the presentation of their respective candidates for the office of the next Commission President and the leading Commissioners.

European political parties are confronted with similar problems as national political parties. Their inclination to be “catch-all parties” is even stronger than on the national level given the differences in political culture and policy formulation across the EU. Yet, political parties they are, and as such, they serve as a transmission belt between Union citizens and the decision-making centers of the EU. Their work will be recognized the more the European Union as a whole will emerge as political union – and vice versa. For most EU citizens, political identity means affiliation with one or the other concept of politics advocated by the political parties in Europe. Given the particular tradition of party politics in Europe, it is likely that programmatic considerations will continue to play a relatively strong role in the formation of party allegiance and loyalty on the European level. But as is the case in practically every national political context, European politics will increasingly be a matter of personalization and thus a matter of leadership. The higher the degree of personalization in European politics, the more likely it is to convey the Europeanized political discourse to the citizens of Europe through the appropriate media channels.<sup>53</sup>

Internal debates in political parties across the EU represent – or at least are part of – the European public sphere. As much as this holds true for national political parties, it is also a European experience. Much more attention should therefore be given to the internal discourses in the European “party families.” As they basically represent normative political loyalties, their internal debates echo the spectrum of existing programmatic roots and of changing or contested political considerations in the European body politic. Various political paradigms can be identified across the EU: the Christian Democratic, the conservative, the Social Democratic, the Socialist, the Liberal

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52 See Nessler, Volker, *Europäische Willensbildung: Die Fraktionen im Europaparlament zwischen nationalen Interessen, Parteipolitik und Europäischer Integration*, Schwalbach: Wochenschau Verlag, 1997.

53 See Emanuel, Susan, “A Community of Culture?: The European Television Channel,” *History of European Ideas*, 21.2 (1995): 169-176; Hodess, Robin B., “The Role of News Media in European Integration: A Framework of Analysis for Political Science,” *Res Publica*, 39.2 (1997): 215-227; Semetko, Holli A., et al., “Europeanised Politics, Europeanised Media?: European Integration and Political Communication,” *West European Politics*, 23.4 (2000): 121-141.

and the Ecological paradigm. Regional parties contribute to the diversity of party politics in the EU. Finally, Euroskeptics of all sorts have entered the political arena of the EU. 372 political parties competed for the sixth direct elections to the European Parliament in 2004. Eventually, 183 parties and party groups were elected. According to European traditions of the importance of party politics as expression of social pluralism, this huge number of contesting parties reflected the diverse social fabric of Europe's society. It did not help, however, to focus a politically driven constitutional patriotism in Europe. The election of almost 50 percent of all parties running for the European Parliament is an extremely high rate compared to national elections across the European Union. The formation of seven political factions in the European Parliament after its 2004 election only partially helped to sharpen the profile of each group. An unofficial "grand coalition" between the European People's Party (Christian Democrats and Conservatives) and Social Democrats prevailed in order to obtain the solid two-thirds majorities that are necessary to overrule decisions of the Council. Both groups also agreed on rotating the Presidency of the European Parliament during the period 2004-2009. In doing what seemingly was inevitable at the moment, they did not really help to bolster their political character as competitors based on different conceptual ideas about the future of Europe.

Since democracy has succeeded in post-communist societies, these countries have seen more political realignments during less than two decades than Western Europe has experienced during five decades. Since 1989, many new parties have appeared and disappeared in Central and Eastern Europe. Many gave themselves names that were difficult to associate with traditional party names (and political meaning) across the political spectrum of "old" Europe. It would nevertheless be incorrect to assume that "new" Europe would set the trend for the whole continent. With EU membership, the new representatives of Central and Eastern Europe were confronted with the choice to join one of the "party families" operating in the European Parliament. Most alignments had already taken place before the first election of the European Parliament in a EU with 25 member states in June 2004. No matter their local name, program or orientation, ultimately the parliamentarians from all EU member states came together under the roof of seven factions in the European Parliament.

Whether or not the European Union will ever recognize common – that is to say supranational – decision-making on matters relating to military missions outside Europe will be the ultimate hurdle, for "European solidarity," a defining momentum. So far, sending young Europeans into situations of physical threat to their lives remains the prerogative of national parliaments and in some cases the respective national government. Rightly so, this reflects the historical evolution of the European nation state as protector of civil rights and arbiter of civil duties. Transferring this right to the level of the European Union might come as one of the last building-blocs in the construction of the EU edifice. It would undoubtedly be a defining moment for

constitutional patriotism in Europe. For the time being, it seems an unthinkable proposition for the majority of EU citizens and politicians to give the EU the right to send European troops overseas. However, along with the issue of a possible European tax, the incremental advancement of the security discourse is in itself already part of an evolving European consensus on these matters of highest relevance for the evolution of European constitutionalism.<sup>54</sup> This discourse is stretching the frontiers of political will as the basis of EU policy consent further, no matter how strong the resistance, how daunting the path, and how incremental the implementation still is.

#### 4. *Claiming Patriotism for Europe*

Constitutional patriotism is neither a new concept nor is it confined to any geographical framework. In a famous application to the national discourse in West Germany about the value and meaning of its democratic post-World War II constitution, political philosopher Dolf Sternberger introduced the concept of constitutional patriotism in the 1980's to contemporary Europe.<sup>55</sup> In doing so, he reclaimed "patriotism" as a republican virtue reaching beyond its national, let alone ethnic interpretation. He recalled that patriotism is older than nationalism and, in fact, older than the complete organization of Europe along the line of nation states. The concept of patriotism and even "fatherland" was related to the republican notion of state and constitution in its ancient Roman sense. Freedom of citizens under a constitution – this Roman ideal remains the point of orientation for any useful definition of "constitutional patriotism." With Sternberger's interpretation, patriotism was stripped of its mythical, dark interpretation, often linked to the age of nationalism, and returned to its root of freedom and citizenship. There is no reason to doubt that this type of patriotism, based on the idea of freedom and the value of law enshrined in the European Union's treaty-based *acquis communautaire*, could over time evolve in the European Union.

Sternberger cited Cicero to underline his argument that democratic legitimacy goes beyond loyalty to basic rights and constitutional provisions. In "de legibus" Cicero distinguished two fatherlands: one we have by nature, the other one by citizenship ("unam naturae, alteram civitatis").<sup>56</sup> Patriotism could only remain vivid as constitutional patriotism, Sternberger argued. Rule of law and freedom must pave its way and continue to be the core of its expression over time. Why should it not apply to the European Union, what has been valid not only for post-War Germany but already for the ancient Roman republic? As the European Union embarks on its journey as a contract-based constitutional order, gradually its citizens will have to give substance

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54 See Weiler, Joseph H. H., and Marlene Wind (eds.), *European Constitutionalism Beyond the State*, Cambridge: Cambridge University Press, 2003.

55 Sternberger, Dolf, *Verfassungspatriotismus*, Frankfurt/Main: Insel Verlag, 1990: 17-53.

56 Cit. *ibid.*: 33.

and meaning to a European constitutional patriotism. They will have to defend the “European Constitution” if it is to prevail.

An emerging European constitutional patriotism needs to be shaped by the loyalty of its citizens while emerging European constitutionalism will largely be subject to constitutional interpretations by experts.<sup>57</sup> Public goods will have to be delivered by European politicians but public recognition for the European Union will largely depend upon the attitudes of European citizens. Some academics are concerned that a growing sense of constitutional patriotism in Europe could strengthen the difference, if not the frontiers between Europe and other parts of the world. The opposite is closer to reality: The more Europe becomes confident about its political and constitutional identity, the more reliable it will become as a global partner, certain of its interests and ideals in pursuing a cohesive and predictable global role.

The technical construction of the European demos will remain dependent upon the procedures and results of European parliamentary democracy. The emotional glue necessary to solidify this construction must continuously evolve inside the European body politic; it is here that European patriotism must be reclaimed as the virtue of a new European Republic. The European Union will remain both a Union of States and a Union of Citizens. Its long-term legitimacy will be judged by the degree of the “European spirit” it can acquire and project. The European Union will be tested by the degree of civic sense among its citizens to make Europe work. This is not a metaphysical concept. European spirit and European civic sense can largely be defined by the willingness to contribute to the evolution of the EU in recognition of the benefits of European integration. As much as there is no “naturalistic determinism of the boundaries of nations,”<sup>58</sup> there is no naturalistic determinism of the limits of European integration. The limits of the European Union will be defined by its ability to generate lasting purpose by turning the meaning of integration into sustainable benefits for its citizens. Increasingly, the quest for purpose exposes the EU to a more robust global role. The post-imperial definition of a global role for Europe means nothing less than the return of Europe to the global stage.

Whether or not the European Union as a Union of States and a Union of Citizens will be able to give itself a lasting purpose shared inside Europe and accepted by the world into which Europe is reintegrating as an indispensable partner after a century of imperialism and contraction, of division and self-destruction remains to be seen. No historical model or method exists for Europe to take stock and to measure its ambition. The “old world” is continuing to reinvent itself, a quality normally not associated with Europe. And yet, the ongoing European integration experience is among the most innovative and promising of processes Europe has ever encountered in its long history.

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57 For a critical assessment see Haltern, Ulrich, “Pathos and Patina: The Failure and Promise of Constitutionalism in the European Imagination,” *European Law Journal*, 9 (2003): 14-44.

58 Gellner, Ernest, “Nationalism and the Two Forms of Cohesion in Complex Societies,” in: Gellner, Ernest (ed.): *Culture, Identity, and Politics*, Cambridge: Cambridge University Press, 1987: 8.

European institutions have been established. During the next decades, it is time to inspire the creation of genuine Europeans populating a revitalized and unified continent. Their European patriotism would not be directed against anybody, any other country or region, culture or religion. It would become a patriotism of self-declared tasks and duties for a Europe engaging in the wider world as a partner in freedom.

### XIII. Defining Europe's Global Interests

#### *I. Exploring the Seas of the World*

##### *(1) Navigating with Caution*

As far as the evolution of its global interests is concerned, the European Union acts like a modern version of Prince Henry the Navigator. Carefully, the Portuguese Prince was stumbling his way into the discovery of the world beyond the coasts of Europe. In 1418, the ships he had commissioned traveled for the first time from the coast of Portugal to Madeira. In 1427, they reached the Azores. In 1435, on Henry's behalf, the courageous captain Gil Eanes sailed round Cape Bojador – across the Canary Islands on the African coast – and reached the highly feared “Sea of Darkness.” By 1444, in the name of Henry the Navigator Portuguese ships reached the Capverdian Islands, Senegal and Gambia. By 1446, they reached Guinea. It was not until 1487 that Bartolomeu Diaz sailed around Cape of Good Hope. By then, Prince Henry the Navigator had already been dead for 27 years.

With the Treaty of Maastricht, in force since November 1, 1993, the European Union was created. Since then, the EU has been pursuing the development of a Common Foreign and Security Policy (CFSP, Treaty of Maastricht, Title V). In the course of less than two decades, the ominous Second Pillar of the Treaty of Maastricht has grown into a wide spectrum of foreign, security and defense policies of the European Union. After the completion of its Economic and Monetary Union, the creation of a Common Foreign and Security Policy has become the main integration project for the EU. In the post-Cold War world, the global presence of Europe has become the main rationale for European integration. New security challenges and foreign policy opportunities occur out of area. They force the EU to either become a global player or remain a regional subject of world affairs. The EU had no choice but to overcome the limits of its self-perception as a civilian power. As a global player, the EU needs to contribute to global governance and world order in all aspects possible.<sup>1</sup> In the meantime, the global presence of Europe entails a wide array of instruments and is covering a broad ground from peace-keeping operations to development aid and democracy promotion. The EU's global presence is far from being comprehensive, robust and sufficient. But the EU has gone a long way from the days of the signing of the Treaty of Maastricht. Security is defined in broad terms, including military and civilian aspects. Politically, the most decisive move in the development of a European

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1 See Carlsnaes, Walter, et al. (eds.), *Contemporary European Foreign Policy*, London: Sage, 2004; Marsh, Steve, and Hans Mackenstein (eds.), *The International Relations of the European Union*, Edinburgh: Pearsons, 2005; Telò, Mario, *Europe: A Civilian Power?: European Union, Global Governance, World Order*, Houndmills: Palgrave Macmillan, 2006.