ELIE KEDOURIE MEMORIAL LECTURE

Visions of European Unity since 1945

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IN 1976, JEAN MONNET, a leading inspiration of the European Communities, concluded his *Memoirs* by expressing the hope that progress would continue towards a United States of Europe, which he described as 'only a stage on the way to the organized world of tomorrow'.[1] Although Monnet was ninety at the time, age had not dimmed the unfaltering confidence in the vision of European unity he shared with the Europhile leaders of his generation. In contrast, it is precisely their lack of this confidence which characterises the contemporary Europhile political élites, even though the French and Dutch rejection of the draft Constitutional Treaty in 2005 turned out to have been only a temporary setback for their members.

The full extent of this generational change is captured by a reminiscence at the end of Monnet's autobiography about a photograph he kept on his desk in Luxembourg. It was a photograph, he explained to visitors, of the *Kon-tiki*, a 'strange raft . . . whose adventure had thrilled the whole world, and which for me was the symbol of our own'. The young men who crewed the *Kon-tiki*, he wrote, 'chose their course and then they set out. They knew that they could not turn back. Whatever the difficulties, they had only one option—to go on . . . [F]or us too there is no going back.'[2] Needless to say, no member of the contemporary Europhile

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[1] J. Monnet, *Memoirs* (New York, 1978), p. 524.
[2] Ibid.

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generation would feel able to explain the nature of the European integration project by pointing to a photo of a strange craft like the *Kon-tiki*, and none would retain the sense of inevitability which Monnet took for granted. As Nicolas Sarkozy remarked not long after the French and Dutch rejection of the draft constitution, 'The forces driving the union's political movement have run out of steam.'[3]

This loss of confidence has not, however, been accompanied by a realisation by politicians of the need for the kind of intellectually substantial debate about the nature of the integration project which seemed unnecessary to Monnet's generation. In particular, no concern has been shown for the fate of what Elie Kedourie considered the greatest political achievement of the modern West.[4] This is a constitutional style of politics that limits the arbitrary power of governments by surrounding them with checks that ensure political accountability and promote the rule of law. The representative system of government associated with constitutionalism, Kedourie wrote in the last book he published, 'is one of a handful of original devices in the history of government to have been invented and perfected'.[5] Kedourie also believed, however, that constitutionalism is a precarious invention, since all governments have an interest in eroding checks and balances and evading political accountability. At the present day, he felt, the fragility of the constitutional tradition has been increased by the fact that all governments tend to reject the need for checks and balances because they claim to be pursuing more enlightened and democratic ideals than their opponents. Kedourie would therefore naturally have been suspicious of Europhiles who have relied on deliberate vagueness in order to avoid discussing the implications of European integration for constitutional government.

Despite misgivings of this kind, Kedourie might have sympathised with one aspect of the integration project. In Britain in particular, he feared that the constitutional tradition he admired had been greatly undermined since 1945 by an increasingly collectivist and populist style of government.[6] With this in mind, he might have welcomed the European Union as a counterbalance to the threat to the rule of law and individual

[3] N. Sarkozy, *Sunday Telegraph*, 8 Oct. 2006. See also his *Testimony* (Petersfield, 2006).
[4] See, for example, E. Kedourie, *Democracy and Arab Political Culture* (Washington, 1992), esp. pp. 2–5.
[5] Ibid., p. 4.
[6] See Kedourie's essays on 'Conservatism and the Conservative Party' and 'Lord Salisbury and Politics', in E. Kedourie, *The Crossman Confessions and Other Essays* (London and New York, 1984), pp. 37–46 and 47–68.

rights created at national level by what one of his contemporaries, Lord Hailsham, termed 'elective dictatorship'. Any sympathy Kedourie might have had for the integration project in this respect would have depended, however, on the commitment of the Europhile political élites to preserving at supranational level a constitutional tradition which has been weakened at the national one.

In the event, the draft Constitutional Treaty of 2005 showed little concern of this kind. Following the rejection of that treaty by French and Dutch voters, the draft constitution was replaced by the 'Reform Treaty' of Lisbon, which dropped the word 'constitution' but will, if ratified, implement much of the draft Constitutional Treaty by: conferring (from 1 January 2009) more power over foreign policy on unelected officials in Brussels; creating a new office of European president; reducing the size of the Commission by removing each member state's right to one commissioner; giving the force of law to the Charter of Fundamental Rights; removing fifty-five national vetoes; and eventually (between 2014 and 2017) relating voting weights more closely to population size.

Whether the Lisbon Reform Treaty amounts to the creation of a super-state of the kind the Constitutional Treaty was felt by many to aim at creating is arguable, since it is still possible to maintain that the EU remains 'a creature unlike any other'—neither, that is, a super-state, nor a federal union, nor an intergovernmental organisation, but an entity that is 'closest to the third, in that nation-states remain the main actors'.[7] Even if the continuing importance of nation-states is accepted, however, thoughtful commentators noted that the EU was already 'a polity in its own right' before the draft constitution was advanced.[8] Although it may still stop short of possessing full sovereignty, in other words, it participates in a shared, multi-level concept of sovereignty which is no longer the monopoly of nation-states.

What is clear, at least, is that the Reform Treaty has done little to define the nature of this sovereignty more precisely. Indeed, as one political analyst remarked, the worst consequence of the Reform Treaty for Britain and Europe alike is that it is likely to create increased legal uncertainty about the nature of the EU.[9] Britain's opt-out clauses, Bronwen Maddox rightly added, will not be exempt from this uncertainty since

[7] *The Economist: Special Report on the European Union*, 17 Mar. 2007, 16.

[8] H. Friese and Peter Wagner, 'Survey article: the nascent political philosophy of the European polity', *The Journal of Political Philosophy*, 10/3 (2002), 342.

[9] B. Maddox, *The Times*, 14 Dec. 2007, 13.

they will be tested in the European Court of Justice, without any guarantee that they will hold tight. It is, then, only after unpredictable legal contests that the implications of the Lisbon Amendment Treaty will be established.

This uncertain outcome did not, however, deter a leading member of the Europhile élites, Nicolas Sarkozy, the French President, from ignoring the demand of the British Prime Minister, Gordon Brown, that, following the incorporation into the Reform Treaty of the British opt-out clauses, the EU should concentrate on practical policies and abandon plans for further integration. Indeed, the day after the Treaty was signed, Sarkozy proposed the creation of a 'Reflection Group' which would deliberate on the next thirty years of European integration. After the rapid approval of this proposal by EU leaders, Sarkozy explained to French journalists that the aim of the Group was to come up with a new blueprint for the Union by 'defin[ing] a new European dream'.[10] Unfortunately, previous experience of a somewhat similar EU Reflection Group created several years earlier at the request of Romano Prodi did not suggest that much clarification of the integration project would be achieved, although it did indicate that the visionary element would continue to triumph over British pragmatism.

In the spring of 2002 Prodi, who was then President of the European Commission, inaugurated the kind of Reflection Group favoured by Sarkozy when he requested the *Institut für die Wissenschaften vom Menschen* in Vienna to set up one consisting of independent European intellectuals with the task of pondering on the broader spiritual and cultural aspects of European identity.[11] More precisely, Krzysztof Michalski, chairman of the Group from 2002–4, described its task as that of reflecting 'on those values particularly relevant to the continuing process of European unification' and 'advis[ing Prodi] on this field'.[12] After a series of public debates in several European capitals, the Group published the outcome of its deliberations under the general title *Conditions of European Solidarity*.[13] A summary of the conclusions published by four members of the Group emphasised two in particular.

[10] *Daily Telegraph*, 15 Dec. 2007, 8.

[11] The members of the Group were: Kurt Biedenkopf, Silvio Ferrari, Bronislaw Geremek, Árpád Göncz, John Gray, Will Hutton, Jutta Limbach, Krzysztof Michalski, Ioannis Petrou, Alberto Quadrio Curzio, Michel Rocard and Simone Veil.

[12] Michalski was Rector of the *Institut für die Wissenschaften vom Menschen.*

[13] These reflections were first published in German in the *Institut für die Wissenschaften vom Menschen's* journal *Transit—Europäische Revue*, nr. 26, 27 and 28 (Verlag Neue Kritik,

The first conclusion was that 'Europe is not a fact, but a task.'[14] This task, moreover, is an endless one, since 'There is no "finality" to the process of European integration.'[15] The Group stressed, however, that further economic and political integration is impossible without cultural integration. This, in turn, would depend in future on finding new sources of spiritual unity, since

> As the old forces of integration—the desire for peace, the existence of external threats, and the potential for economic growth—lose their effectiveness, the role of Europe's common culture—the spiritual factor of European integration—will inevitably grow in importance.[16]

Where then are the future sources of a common European culture to be found? To this, the Group replied that only an open-ended answer can be given since, as already observed, 'European culture, indeed Europe itself, is not a "fact": it is a task and a process.'[17] More precisely, this open-ended—or simply vague—characterisation of European culture was supported by the contention that definition of its content can be provided neither by philosophy nor by history but requires, rather, 'political decisions that attempt to demonstrate the significance of tradition in the face of future tasks that Europe's Union must address'.[18] This seemed to imply that, given sufficient political power and will, European culture could mean whatever the Europhile élites wanted it to mean.

This vagueness had the attraction for the Group members of making it possible to maintain that 'European culture *cannot* be defined *in opposition to a particular religion* (such as Islam).'[19] Whether Muslim fundamentalists would appreciate this as much as the Europhile élites is doubtful. Above all, however, it had the further attraction of providing the integration project with a potentially universal concept of European identity, since the fact that Europe is not itself a fact means that there cannot be any

Frankfurt a.M., 2003/2004). References in the text are to the first of the two English translation volumes, edited by Krzysztof Michalski and entitled *What Holds Europe Together?* (Budapest, 2006).

[14] 'What holds Europe together? Concluding remarks' by Kurt Biedenkopf, Bronislaw Geremek, Krzysztof Michalski and Michel Rocard, in Michalski (ed.), *What Holds Europe Together?*, p. 98.

[15] Ibid., p. 102.

[16] Ibid., p. 97.

[17] Ibid. Italics are in the original text.

[18] Ibid., p. 98.

[19] Ibid., p. 98. Italics are in the original text.

> fixed, eternally defined, European boundaries, be they internal or external. Europe's boundaries . . . must always be renegotiated. It is not geographical or national borders, then, that define the European cultural space—it is rather the latter which defines the European geographical space, a space that is in principle open.[20]

The first conclusion of the Reflection Group, then, appeared to be that European integration can mean in practice whatever the Europhile élites care to make it mean. The second conclusion, which served to enhance this vagueness, was that 'If the countries of Europe are to grow together into a viable political union, the people of Europe must be prepared for *European solidarity.*'[21] This solidarity, the Group maintained, entails readiness on the part of individuals voluntarily 'to open one's wallet and to commit one's life to others because they, too, are Europeans', and therefore cannot be imposed from above.[22] In this respect, needless to say, the Group was right. The trouble is, however, that solidarity of the intensely idealistic kind the Group's members envisaged is only ever to be achieved in a monastery, where wallets are non-existent and selfless commitment has religious underpinning: to apply it to European integration is merely to infuse politics with a quasi-religious rhetoric and an unattainable goal.[23]

There was little in the Reflection Group's deliberations about the nature of European integration, then, to provide a realistic answer to the question of what kind of Europe is to be created by the integration project, and even less which echoed Kedourie's hostility to arbitrary power and concern for constitutionalism. For this reason Kedourie would, or so I like to think, have looked favourably on an attempt to move beyond the highly restricted debate within the ranks of the Europhile political élites to the wider debate about the nature of European unity amongst

[20] 'What holds Europe together? Concluding remarks' by Biedenkopf, Geremek, Michalski and Rocard, p. 98.
[21] Ibid., p. 99.
[22] Ibid.
[23] For other contributions to the debate about the nature of the integration project during the years before the draft constitution and Reform Treaty, see for example: H. Friese and Peter Wagner, 'Survey article: the nascent political philosophy of the European polity', *The Journal of Political Philosophy*, 10/3 (2002), 342–64; Deirdre M. Curtin, *Postnational Democracy: The European Union in Search of a Political Philosophy* (The Hague, 1997); A. Weale and M. Nentwich (eds.), *Political Theory and the European Union: Legitimacy, Constitutional Choice and Citizenship* (London, 1998); Richard Bellamy and Dario Castiglione, 'Democracy, sovereignty and the constitution of the European Union: the republican alternative to liberalism', pp. 170–90, in Z. Bankowski and A. Scott (eds.), *The European Union and Its Order* (Oxford, 2000).

European intellectuals in the decades since 1945. Whether he would have been pleased by the outcome remains, of course, a matter for speculation. I should add that I will only be concerned with intellectually substantial contributions to this debate, so that brief ones, like Winston Churchill's call for the establishment of a United States of Europe in 1946, for example, will not be considered. Attention will mainly be restricted, moreover, to models of West European integration, with only passing reference to the discussion of pan-European integration which has occurred since the end of the Cold War.

With these limitations in mind, I want to turn now to the five main visions of European unity that have provided the framework for the postwar intellectual debate. The principal criticisms of the integration project by Eurosceptic contributors to the debate will then be examined. Finally, I will return to Kedourie's concern about the future of constitutional politics and consider from this point of view which vision, or visions, of European unity are especially relevant for the likely future course of the integration project.

The five main visions

1. The rational/bureaucratic vision

The first may be termed the rational/bureaucratic vision of European unity, of which Robert Schuman, Jean Monnet and Jacques Delors are the best known proponents. The most ambitious philosophical version of this vision, however, was developed by George Santayana in *Dominations and Powers*, which was published shortly after the Second World War.[24] In that book, Santayana argued that Europe's greatest need was for what he termed a 'liberal empire', characterised by a universal government which would be better suited to modern industrial societies than those of democratic nation-states. Since elements of this vision remain suggestive at the present day, it is worth asking what led Santayana to advocate a supranational liberal empire.

Santayana had particularly in mind a consideration which went far beyond the prevention of war and economic cooperation which preoccupied contemporaries like Monnet and Schuman. This was the belief that modern liberal democracy is doomed to self-destruction because it has no

[24] G. Santayana, *Dominations and Powers* (London, 1951).

conception of what he termed 'vital liberty'—of a rational good, that is, which takes into account the objective conditions of human existence. Instead, liberal democracy pursues only 'vacant liberty', which permits the pursuit of any ends, no matter how destructive of well-being they may be. More precisely, the liberal democratic ideal of 'vacant liberty' mistakenly attributes to the self a spiritual essence which can exist independently of matter. In addition, it rests on a mistaken belief in the power of the state to implement any ideals that liberal democratic politicians may adopt. To this may be added an equally mistaken tendency to assume that democratic self-government automatically means good government. Finally, modern liberal democracies entertain the absurd belief that the good society is one in which power will be replaced by the rule of reason.[25]

The aim of the liberal empire is to replace these self-destructive beliefs by a post-democratic system of rational government which will display three features. The first is the restriction of government to ensuring security, promoting prosperity and regulating economic activity. The inner spiritual world of moral and religious beliefs, in other words, will be free from government intervention. The second feature of the liberal empire, Santayana maintains, will be rule by an administrative élite, since parliaments cannot be trusted to govern in the rational way that vital liberty requires. Although administrative rule will necessarily be autocratic, Santayana adds, it will not be totalitarian since the administrative experts will be tolerant of every kind of spiritual diversity.[26] In particular, they will reject ideology of any kind, since this is incompatible with the impartiality they must display.[27] Finally, the choice of rulers for the liberal empire cannot be by democratic election, since that would merely perpetuate the various illusions just mentioned. Instead, the experts will be co-opted on a purely meritocratic basis from the members of each branch of the civil service, in much the same way that appointments and promotions are made in armies, banks, universities and church hierarchies.[28]

Ignoring other difficulties for the moment, what Santayana does not explain very convincingly is how the rule of administrative experts is to be legitimated for the demos of the liberal empire. He claims that all the political organs of the society will be accepted as representative provided

[25] I have given a fuller account of Santayana's critique of liberal democracy in N. O'Sullivan, *Santayana* (St Albans, 1992).
[26] Santayana, *Dominations and Powers*, p. 435.
[27] Ibid.
[28] Ibid., p. 382.

they reflect a consensus amongst the populace, rather in the way that Plato's philosopher rulers (whom Santayana himself does not mention) may claim to represent the citizens of their polis. The problem, however, is that a consensus may be extremely difficult to create in a modern liberal empire characterised by cultural diversity on a scale with which Plato did not have to cope. Santayana also claims that the political organs will be accepted as representative because citizens will appreciate the rationality of the policies they pursue. Unfortunately, the rationality of policies never guarantees consent to them since one of the most marked features of the human race ever since Adam and Eve has been an inability to agree on what is rational.

The echoes of Plato in Santayana's vision of a liberal empire may provoke the question of whether he intended it to be anything more than idealistic speculation. Santayana's answer is that there have been several occasions when something akin to the kind of liberal empire he envisaged has been created. In the ancient world, the Roman Empire is the outstanding example, from which Santayana drew the unsurprising lesson that a liberal empire can only be established by 'an exceptionally gifted and moralized community'.[29] So far as the modern world is concerned, Santayana concluded that neither Britain, nor the then USSR, nor the USA could provide the kind of rational leadership once offered by Rome in a form appropriate to earlier times. British imperial rule, for example, displayed too much high-handed contempt for subject peoples; in the Soviet case, the official communist ideology was in reality a formula for domination rather than for liberation; and in the American case, the USA tended to be too ready to identify its own commercial interests with the good of those over whom it exercised any influence. Santayana did not, in short, take seriously the possibility that any Continental European state could provide the kind of rational system of supranational rule he thought the post-1945 era required.

Even if the difficulty of identifying and legitimating a modern élite capable of creating a liberal empire is ignored, Santayana's version of the rational/bureaucratic model still presents two major problems. The first concerns his interpretation of modern European history as a history of 'vacant' freedom. The objection to this is that it risks caricaturing a long line of defenders of freedom during the past three centuries, from John Locke, through Constant and de Tocqueville to Michael Oakeshott, all of

[29] Ibid., p. 435.

whom were defending *civil* freedom, not vacant freedom. Civil freedom, it will be remembered, is freedom from arbitrary power. By its very nature, this kind of freedom is indeed 'vacant' in the sense that it does not imply a conception of the rational life of the kind Santayana wishes to defend. Yet civil freedom is nevertheless the condition for human dignity in the modern European world, and Santayana's failure to distinguish it from vacant freedom therefore leaves him open, as was just said, to the charge of misrepresenting the modern European constitutional tradition.

The second problem concerns Santayana's conception of 'vital' or rational freedom. For the sake of argument, let us grant that Santayana is right to hold that the Western world has naïvely believed for two centuries that democracy, science and prosperity would automatically bring individual happiness and social harmony. Let us also assume that we now know better and appreciate the need for something close to what Santayana terms 'vital' or rational freedom. The point is that it would be foolish to turn to governments of any kind, whether national or supranational, to create vital liberty for us, since to do so conflicts with the fundamental maxim of political prudence. This maxim was formulated by Hume with extraordinary clarity in a single sentence. Political writers, Hume wrote,

> have established it as a maxim that, in contriving any system of government, and fixing the several checks and controls of the constitution, every man ought to be supposed [to be] a *knave*, and to have no other end, in all his actions, than private interest.[30]

As Santayana's thought makes clear, then, the rational/bureaucratic vision is difficult to reconcile with constitutional government because it leaves the constitutional commitment entirely to the discretion of the administrative élite. To dream of rule by the wise and the good has always been tempting, but those who do so cannot complain if the outcome reveals their folly.

2. The organic vision

At the opposite extreme to the rational/bureaucratic vision is what may be termed the organic one. Although this is the least viable vision of

[30] D. Hume, 'Of the independency of Parliament', in *Essays Moral, Political and Literary* (London, 1963), p. 40. Italics in the original.

European unity, it is instructive to consider precisely why any attempt to implement this vision is bound to be disastrous.

The organic vision was originally inspired by a yearning for a return to the spiritual unity of the medieval era, understood as a time when Europe was identified with 'Christendom' and possessed a unity within which social and religious identity were fused and the principle of hierarchy was taken for granted at both human and cosmic levels. Whether the medieval world actually possessed an organic unity of this kind is irrelevant at present: all that matters is that during the Enlightenment an ideal conception of Christendom of this kind became the object of romantic nostalgia for thinkers disturbed by the rise of individualism, by the mediocrity they associated with the advent of mass society, and by what they considered to be the soul-destroying consequences of the new industrial division of labour. Echoes of this reactionary response to Western modernity, of which Novalis provides a striking early instance, have remained alive until the present day.[31]

If we jump now to the post-1945 decades, the main interest of latter-day defenders of the organic vision lies in their attempts to rework it in secular terms. From this point of view, two particular reformulations of the organic vision merit consideration. One is by the Italian thinker, Julius Evola. Although Evola is associated with the extreme right of Italian politics, his thought illustrates the difficulties which any attempt to update the organic vision is bound to encounter. Evola's starting-point is a critique of the state-based form of nationalism which has dominated modern European history. To it he opposes what he considers to be a more genuine, European-wide form of suprastate nationalism. Defenders of the state-based form, he maintains, have a completely mistaken historical understanding of how European states actually acquired political unity. Far from being due to the rise of nationalism, Evola holds, state unification was largely the creation of dynastic considerations. Only when this has been fully appreciated will it be possible for Europeans to acknowledge that state-based nationalism is parasitic upon a deeper tradition of European unity that is at once spiritual and supranational. As soon as this realisation has finally dawned, Europeans will at last understand that nation, homeland and ethnic group

> subsist at an essentially naturalistic 'physical' level [and that] Europe (*Europa una*) should be something more than this. . . . The European Imperium will

[31] On Novalis, see B. Haywood, *Novalis: the Veil of Imagery: a Study of the Poetic Works of Friedrich von Hardenburg* ('s-Gravenhage, 1959).

> belong to a higher order than the parts which compose it, and to be European should be conceived as being something qualitatively different from being Italian, Prussian, Basque, Finnish, Scottish or Hungarian, something which appeals to a different aspect of our character.[32]

The 'higher order' European national identity which Evola defends in this passage is highly militant in that 'A European *nation* implies the levelling and cancelling of all "rival" nations in or beyond Europe.'[33] Within the European world, however, the organic nature of European nationalism is perfectly compatible with national cultural differences since it does not seek to destroy them but only to combine them in a higher unity.[34] The problem, however, lies in defining what the European spiritual essence into which the various existing nationalisms are to be combined actually is.

Evola fully acknowledges this problem: everyone, he notes, 'has their own idea about what European culture is . . .'.[35] This does not, however, create any uncertainty in his own mind about the 'true' nature of European spiritual identity. What is striking about his interpretation of it is that he rejects Christianity in favour of a Nietzschean reading of western history which characterises it in terms of what he calls 'the great European political Tradition', with Tradition always written with an upper case 'T'.[36] This Tradition was based on aristocratic warrior values and a hierarchically structured social order. In order to undo the damage done to it by democracy and recover lost spiritual values, Evola maintains, what is necessary is a radical programme of spiritual renewal. In what is, in effect, a right-wing version of Leninism, he wrote that this renewal requires that an aristocratic revolutionary élite should lead 'a revolt against the modern world in favour of what is nobler, higher, more truly *human*'.[37]

As Evola's version of the organic vision makes clear, it is impossible to identify a supranational European essence without introducing contestable moral commitments like his own Nietzschean ones. It has

[32] J. Evola, 'United Europe: the spiritual prerequisite', *Scorpion*, 9 (1986), 18–20; quoted in R. Griffin (ed.), *Fascism* (Oxford, 1995), p. 343.
[33] Ibid.
[34] On essentialism as applied to European identity, see for example G. Delanty, 'The limits and possibilities of a European identity: a critique of cultural essentialism', in *Philosophy and Social Criticism*, 21/4 (1995), 15–36.
[35] Evola, 'United Europe'; quoted in Griffin (ed.), *Fascism*, p. 344.
[36] Ibid., p. 318.
[37] Ibid., p. 344.

recently been argued, however, that this difficulty can be avoided by defining the European essence in a purely formal way which avoids any reference to substantive characteristics. This strategy has been adopted, in particular, by Rémi Brague, who has provided the second reformulation of the organic vision I want to consider. For Brague, the true European essence is an openness to otherness imparted by Rome, rather than by Greece and Christianity. More specifically, what Europe owes to its Roman heritage is not cultural creativity of any kind but the ability, rather, to absorb the cultural creativity of others in a dialectical spirit. Even if Brague's formal version of the essence of the European tradition is accepted, however, it dilutes the concept of a European cultural identity so much that, in the modern world at least, it no longer has sufficient political appeal to establish a supranational organic society. If Rome once managed to do that, it was because there was, within the empire, a profound fear of invasion by the barbarians and an imperial religion. Without those twin supports, the organic vision of European integration is no longer viable. Mention of the integrating effect of the barbarian enemy at the gate leads naturally, however, to the third vision of integration, for which the existence of an enemy is fundamental.

3. The 'conflictual' vision of European unity

The third vision of European unity is based on a possibility that Europhile thinkers have often been reluctant to consider. This is the possibility that any attempt to create a pan-European identity may be unable to avoid what Anthony Smith has called 'the logic of cultural exclusion'. By this Smith means the danger 'of an increasingly affluent, stable, conservative but undemocratic European federation, facing, and protecting itself from, the demands and needs of groupings of states in Africa, Asia and Latin America'. To some extent, Smith adds, this prospect 'is still mitigated by the remaining ex-colonial ties between certain European and certain African or Asian states', but if the European project achieves its political goals, it will 'also entail, not just economic exclusion, but also cultural differentiation and with it the possibility of cultural and racial exclusion'.[38]

Smith himself did not spell out the theoretical basis of the broader conception of political identity which underlies what may be termed the

[38] A. D. Smith, 'National identity and the idea of European unity', *International Affairs*, 68/1 (1992), 76.

'conflictual' vision. For that, it is necessary to turn to Carl Schmitt, who developed it in its most rigorous theoretical form. According to Schmitt, political unity does not rest on consensus, as progressive thinkers have maintained, but on conflict. More precisely, political unity can only ever be constituted by the relation between Friend and Foe.[39] Only the awareness of an enemy, in other words, creates maximum group solidarity. Applied to the current situation of the European Union, this means in particular that the disappearance of the Soviet Union as the significant European 'other' has made a European political identity of any kind unattainable until a new enemy is found. Reflecting on this theme, Ole Waever concluded a thoughtful essay on the European idea since 1945 by remarking that even though 'A very strong differentiation against an external other might not materialize . . . we can hardly expect not to see a certain increase in comparisons between Europe and, for instance, the Middle East.'[40]

From the standpoint of European integration, then, the spirit of liberal triumphalism in which the end of the Cold War was greeted was premature, since the unforeseen longer-term outcome may be a deepening crisis of European identity. As Mark Mazower observed, it is no longer clear, in particular, whether Europe is part of the 'West', or is a western outcrop of 'Eurasia', or both, or neither.[41] The response of the USA to its own version of the post Cold War identity crisis indicates the kind of danger that may result, which is that a neo-conservative 'war against terror' may be waged in which no enemy can be clearly identified. The attraction of this new style of 'war' is that the objective can be opportunistically defined to suit the government's electoral needs.

How much weight should be given to Schmitt's stress on the role of the Foe in political integration? This question can best be answered by considering the precise source of Schmitt's pessimism, which is his assumption that the only genuine form of political unity is the intense sense of solidarity that arises during war. To model political and social order on war, however, is an entirely arbitrary restriction of the concept of solidarity, since a less extreme kind is possible provided that we accept the complexity and messiness which peacetime brings with it.

[39] C. Schmitt, *The Concept of the Political* (New Brunswick, NJ, 1976).

[40] In K.Wilson and Jan van der Dussen (eds.), *The History of the Idea of Europe* (London, 1995), p. 209.

[41] M. Mazower, *Dark Continent: Europe's Twentieth Century* (London, 1998), pp. xiv–xv.

In one respect, however, the Schmittian conflictual vision is surely correct. This is that the end of the Cold War not only means that Europe has lost its 'significant other' but that it also confronts a radical change in its relation to the USA. More precisely, the end of the Cold War meant that Europe and the USA no longer automatically shared a common identity as fellow inhabitants of 'the West'. One result of this was spelt out clearly by Robert Kagan when he remarked that Europe must now accept the need to provide for its own defence, since it can no longer take for granted that it will be nursed through foreign crises by the American security umbrella, as it was for many decades after 1945.[42] Indeed, the possibility has now arisen that Europe and the USA might in future become bitter opponents, as US relations with France and Germany over the Iraq war of 2003 indicated.

Although the conflictual theory of political identity has been too closely based—at least in Schmitt's version of it—on wartime solidarity, then, it nevertheless provides a sobering reminder of realities which Europhile optimism may easily overlook.

4. The postmodern vision

Since the need to accommodate increasing cultural and social diversity is one of the principal challenges facing the European integration project, postmodern political theory is of especial relevance since its proponents have tended to celebrate diversity of every kind. In one form, this celebration of diversity is evident in the postmodern 'deconstruction' of what Lyotard termed the great 'metanarratives' of the western tradition. In another, it is also evident in the postmodern 'decentring' of the classical liberal-democratic image of the self, according to which each individual has a single core identity. According to the latter aspect of postmodern theory, every self is multiple, and the impression of unity is based on illusion. The work of Jacques Lacan embodies this conception of identity in a psychoanalytic form, that of Derrida in a philosophical one. What is mainly relevant in the present context, however, is not the subtleties of postmodern theories of identity but only the fact that they have promoted a positive response to what Ole Waever has described as 'the more general multiplication of identities' in Europe since the 1980s. These identities, Waever adds, are now seen as 'less fixed, less capable of being

[42] R. Kagan, *Paradise and Power: America and Europe in the New World Order* (London, 2003), p. 54.

reduced to a single dimension, or [to] one set of loyalty relationships'.[43] In this respect, the postmodern theory of the multiple self has served to reinforce the need for complex, multi-layered governance of a kind which will be considered below, in connection with contemporary visions of a republican Europe. What matters at present, however, is Waever's optimistic speculation that the new sense of multiple identities may prove particularly relevant in Eastern Europe, where it may help to check any revival of nationalism by strengthening a sense of multiple local, regional and supranational identities.[44]

There is, however, one great problem created by postmodern sympathy for multiple personal identities for which its more optimistic defenders have offered no satisfactory answer. This is that complex identities bring levels of personal stress that may be unacceptable to many Europeans. As Waever acknowledges, it may be excessively idealistic to assume that many individuals would welcome juggling increasingly complex national, European and global issues. Instead of promoting a deeper sense of European citizenship, he notes, the danger is that the burdens of a complicated personal identity may encourage the re-emergence of extremist ideologies, like neo-Nazism in Germany, which offer to remove the burden of complex identities by offering highly simplified ones that transfer political responsibility from the individual to a charismatic leader.[45]

5. The 'civil association' vision of European unity

The last vision of European unity I will consider is the civil vision. According to this vision, which was originally developed at national level by Hobbes and has been reformulated by a long line of thinkers down to the present, the key to political unity in highly diverse, modern social and cultural conditions is a formal or procedural concept of integration. More precisely, in the civil vision the source of civic integration is not identified with common cultural values, or a substantive ideal of community, or a shared ideology or religion, but with a body of rules recognised to possess sovereign authority.

For the European Union, an important attraction of this vision is that its formal nature means that it can accommodate cultural and social

[43] Ole Waever, in Wilson and van der Dussen (eds.), *The History of the Idea of Europe*, pp. 197–8.
[44] Ibid., p. 198.
[45] Ibid., pp. 207–8.

diversity. What divides Europhiles, however, is the fact that the basic requirements of the civil model can be interpreted in at least two different ways. One, which is the classical Hobbesian interpretation, approaches civil association 'from above', maintaining that the basic requirement is a single, centralised sovereign with absolute power to issue commands to its subjects. The other interpretation, which has been developed in the contemporary period by thinkers like Jürgen Habermas, rejects imposition from above in favour of a democratic approach which rests on a radically revised republican conception of sovereignty. Which of these two versions—the Hobbesian or the republican—is likely to prove the most viable for purposes of the integration project is perhaps the greatest question taxing Europhile theorists at the present time.

In order to make the civil model fit the European Union, which does not possess sovereignty of the classical Hobbesian kind, European officials have argued that civil association only requires cross-national acknowledgement of supranational rules and institutions as authoritative. It has been argued, in particular, that this rule-based version of the civil model corresponds closely to one of the most important features of the integration project, which is the development from the outset of a highly juridical style of politics. During the first eight years, for example, when only the Coal and Steel Community existed, the predecessor of the present European Court, the Court of Justice of the European Communities, 'handed down well over 100 binding decisions involving Community officials, member governments and business enterprises—large and small'. Never before, Stuart Scheingold has observed, had national governments 'undertaken and fulfilled such widespread "international" legal commitments'.[46]

The outcome of this development, which has been aptly termed 'governing with judges',[47] is described by its defenders as a novel kind of supranational constitutionalism completely unforeseen by early theorists of civil association like Hobbes. In this form of civil association, Alec Stone explains, 'The European Court of Justice, the constitutional court of the EC, has fashioned a kind of supra-national constitution [which] binds . . . governments and the parliaments they control. European politics is today, in part, constitutional politics.'[48] Two qualifications, however,

[46] S. A. Scheingold, *The Rule of Law in European Integration* (Westport, CT, 1976), p. vii.
[47] A. Stone, 'Governing with judges: the New Constitutionalism', in J. Hayward and E. Page (eds.), *Governing the New Europe* (Cambridge, 1995), p. 286. Italics in the original.
[48] Ibid., p. 286. Italics in the original.

must immediately be made about the nature and extent of this constitutional development. The first is that it is naturally somewhat precarious, since the judges have only limited power to take the initiative in situations in which powerful political and economic considerations conflict with their endeavours to secure the rule of law.[49] The second is that the kind of constitutionalism which has developed suits the Europhile political élites because it is perfectly compatible with administrative government. This, however, has left the new constitutionalism open to the charge of lacking democratic legitimation.

In response to this charge, the EU has argued that, appearances notwithstanding, the new supranational constitutionalism is in some sense democratic. To make this case was a central concern, for example, of the European Commission's 2001 *White Paper on European Governance*.[50] Although the extent to which the White Paper represented the Commission's view as a whole may be questioned, the contention it advanced at least had the merit of provoking reflection on the concept of 'governance' as a means of clarifying the nature of EU sovereignty. The juridical version of supranational civil association is democratic, the White Paper maintained, in the sense that it abandons the old Hobbesian concept of sovereignty in favour of a new, non-centralised and highly pluralist kind. In particular, the White Paper argued that this new kind is no longer 'top down' since it reflects the development 'from below' of multi-level, cross national forms of rule which it terms, in the title of the White Paper itself, 'governance'—a complex kind of rule, that is, in which individual member states share sovereignty instead of monopolising it as they used to do, in accordance with the old Hobbesian model.[51]

To what extent is the EU entitled to interpret the advent of governance as democratising the juridical model of civil association? The most telling objection to this claim is that governance has not altered the lack of political accountability of the EU ruling élite. On the contrary, it remains easy for the élite to evade parliamentary scrutiny by simply moving controversial issues into areas where no formal provisions for accountability exist.[52] Nevertheless, several distinguished Europhile

[49] See Scheingold, *The Rule of Law in European Integration*.

[50] European Commission, *European Governance: a White Paper*, COM (2001) 0428.

[51] Ibid., pp. 4 and 8.

[52] D. Wincott, 'Does the European Union pervert democracy? Questions of democracy in New Constitutionalist thought on the future of Europe', in Bankowski and Scott (eds.), *The European Union and its Order*, p. 123.

political theorists have defended the EU's claim to have democratised the old Hobbesian 'top down' model of civil association by pointing to the emergence of many new, complex kinds of multi-level and cross-national public realms that are encouraging widespread political participation amongst EU citizens. The result, they claim, is nothing less than an emergent form of European republicanism. In Britain, the most eloquent defender of a new European republicanism is Richard Bellamy, whose thought will be considered shortly.[53] Before doing so, however, it will be useful to consider the attempt made by Jürgen Habermas to construct a European version of republican theory, since he is the most influential representative of this school of thought.

The starting-point for Habermas's republican vision of European unity is his contention that no modern political unit can have a 'natural' or pre-political basis of the kind invoked by nationalist and democratic theorists during the eighteenth and nineteenth centuries. During that time, what was taken for granted was the existence of 'the people' as a coherent unit which comprises the nation, makes constitutions and tries to get its wishes expressed through political institutions of various kinds. Due to increasing social pluralism and the collapse of traditional ideas of social and political hierarchy, however, the old pre-political concept of the people is no longer relevant to modern politics. Now, every political identity, whether national or supranational, must be an artificial identity, in the sense that it must be consciously constructed through democratic participation in a public realm which permits universal and equal involvement in the formation of a rational political will grounded on universally valid ethical principles.

It is because Habermas believes that Europeans are now finally ready, after two traumatic centuries of internal and external conflict, to detach their political identity from the naturalistic, pre-political foundations formerly associated with it that he believes it can be given a universalist character. These principles, which Habermas deems to be implicit in non-instrumental forms of communication, are made explicit in constitutional democracies based on the rule of law. It is this belief in the radically artificial, or 'constructed', character of modern political identity which has inspired in particular Habermas's attempt to extend his ideal of

[53] R. Bellamy, 'Citizenship beyond the nation-state: the case of Europe', in N. O'Sullivan (ed.), *Political Theory in Transition* (London, 2000), p. 106.

constitutional patriotism from the domestic German context to the European one.[54]

Critics of Habermas have questioned in particular his conviction that political legitimacy requires a commitment to universal principles at both national and supranational level. Charles Turner, for example, has argued that Habermas's universalist sympathies were originally tailored specifically for a very special situation, viz. the situation in the post-1945 Federal Republic, when it was impossible to defend the 1949 Basic Law in terms which made any reference to Germany's past history of militant nationalism.[55] In this condition, Habermas regarded it as axiomatic that a German democrat required an essentially ahistorical political vocabulary completely purged of elements that contained even the slightest hint of Nazi exclusionism. The problem, however, is that Habermas's transference of his universalist sympathies from the German to the European context, in the form of what Habermas terms a 'European constitutional patriotism', exaggerates the extent to which traditional, pre-political elements have disappeared from other western polities. More generally, Anthony Smith, echoing Burke, has argued that in every state a sense of political solidarity continues to require a shared body of non-rational symbols, myths and rituals that cannot possibly be provided by the kind of rational discourse Habermas has in mind.[56] Without these, any political identity, whether national or supranational, will be too 'thin' and emotionally vacuous to provide a foundation for unity. In the case of European political identity, as Smith puts it, there is no European equivalent

> to Bastille or Armistice Day, no European ceremony for the fallen in battle, no European shrine of kings or saints. When it comes to the ritual and ceremony of collective identification there is no European equivalent of national or religious community. Any research into the question of forging, or even discovering, a possible European identity cannot afford to overlook these central issues.[57]

[54] See in particular: J. Habermas, 'The postnational constellation and the future of democracy', in *The Postnational Constellation* (Oxford, 2001); also his article, 'A constitution for Europe?' in *New Left Review*, 11 (Sept./Oct. 2001), 5–26. Also of interest is his earlier article, 'Citizenship and national identity: some reflections on the future of Europe', *Praxis International*, 12/1 (1992), 1–19.

[55] C. Turner, 'Jürgen Habermas: European or German?', *European Journal of Political Theory*, 3/3 (July 2004), 293–4.

[56] A. D. Smith, 'National identity and the idea of European unity', *International Affairs*, 68/1 (1992).

[57] Ibid., p. 73.

To this, Habermas's reply would be that Smith's position is too closely tied to the nineteenth-century development of the nation-state, with the result that he ignores the new forms of European social cohesion to which Habermas has drawn attention. In a recent work, *The Divided West* (2006), for example, Habermas has emphasised that any suggestion that his ideal of constitutional patriotism is merely an appeal to abstract principles is nothing more than 'a tendentious misrepresentation [by] opponents who would prefer something palpably national'. Every collective identity, he adds, 'even a postnational one, is much more concrete than the ensemble of moral, legal and political principles around which it crystallizes'.[58] Amongst the 'concrete' aspects Habermas includes welfare benefits, without which he concedes that constitutional patriotism would be too 'thin' an identity to evoke popular support. Since European member states operate wholly different welfare schemes, however, it is unrealistic to assume (quite apart from the sheer cost) that there could be a single model of economic and social unity acceptable to them all. More fundamental, however, is the criticism of Gadamer, for whom Habermas's conception of what is 'concrete' would still be far too abstract, even if substantive benefit were provided, since tradition alone can claim a genuinely concrete character.[59] In addition, Niklas Luhmann has pointed out that in the modern world there simply is no universally rational vantage point of the kind Habermas seeks, since 'The theorist of cognition himself becomes a rat in the labyrinth and must consider from which position he observes the other rats.'[60]

Most telling of all, perhaps, is the charge that Habermas greatly exaggerates the extent to which political conflict can be dealt with by democratic debate. Santayana, for example, incisively stated the sceptical point of view when he insisted, during Habermas's youth, that 'In a hearty and sound democracy all questions at issue must have been silently agreed upon and taken for granted when the democracy arose . . ..'[61] Above all, Santayana would have been especially puzzled by Habermas's conviction that universal democratic participation in an ideal speech situation would promote harmony. Even if the communicative transparency supposed to be produced by this produces perfect mutual understanding, such understanding may intensify mutual hatred—as it did between God and Satan

[58] J. Habermas, *The Divided West* (Cambridge, 2006), p. 53.
[59] H.-G. Gadamer, *Truth and Method* (London, 1988), esp. Second Part, Section 11.
[60] N. Luhmann, *Erkenntis als Konstruktion* (Bern, 1988), p. 24.
[61] G. Santayana, *Character and Opinion in the United States* (New York, 1956), pp. 127–8.

and still sometimes does between disillusioned lovers—rather than yield harmony.

In the face of these criticisms, supporters of Habermas's republican vision of European unity have defended his belief in the integrating power of the new kinds of public realm at every level of European life by reformulating his thought in less abstractly rationalist terms. In Britain, for example, Richard Bellamy has re-worked Habermas's republican conception of European political identity in the form of a universalist ideal of 'cosmopolitan communitarianism'.[62] Only this ideal, Bellamy maintains, can ground a political system suitable for a pluralist polity like the European one, in which 'European citizens belong to multiple *demoi* that reflect their varying communitarian attachments (some, but not all, of which either transcend or operate below the national community), whilst ensuring that the ways in which they deliberate meet cosmopolitan norms of fairness.'[63] It is vital, Bellamy adds, to recognise that this kind of political integration is not an autonomous process but one which extends into the sphere of society and culture, since its aim is nothing less than a transformation of the sense of European identity in a way which extends and deepens it. Echoing Habermas, he maintains that for this we need a new, more political conception of constitutionalism than classical liberal theory provides. This new constitutionalism will be 'of republican inspiration', linking the rule of law to the distribution of power in a way alien to liberal democratic theory.[64]

Although Bellamy's version of European republicanism echoes that of Habermas in some respects, it differs greatly in avoiding Habermas's quest for universal rational foundations. More modestly, Bellamy appeals instead to the Roman republican ideal of freedom from arbitrary domination developed in contemporary republican political theory.[65] Nevertheless, even Bellamy's subtle theorising cannot avoid a number of major difficulties which apply to every attempt to apply a republican version of civil association to the politics of the European Union—difficulties arising in each instance from the intensely idealistic nature of the republican project. One is that proponents of European republicanism

[62] Bellamy, 'Citizenship beyond the nation-state: the case of Europe', in O'Sullivan (ed.), *Political Theory in Transition*, p. 103.
[63] Ibid., p. 104
[64] Ibid.
[65] See P. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, 1997), and Q. Skinner, 'The republican ideal of political liberty', in M. Rosen and J. Wolff (eds.), *Political Thought* (Oxford, 1999).

neglect the fact that the new multi-level, cross-national public realms which they welcome are often little more than interest groups of various kinds. Another is that even if the new public realms provide a more genuine sense of European citizenship than this allows, the sheer complexity of the politics they create may discourage rather than encourage active political participation.[66] More generally, the republican version of civil association, as Constant remarked long ago, assumes a popular desire for political participation of which there is little evidence at national level and still less at European level. Finally, European republicanism presents a major financial problem, insofar as its proponents usually acknowledge that it will only be viable if it incorporates a commitment to welfare provision. As Habermas expresses it, 'Democratic citizenship can only realize its integrative potential—that is, it can only found solidarity among strangers—if it proves itself as a mechanism that actually realizes the material conditions of preferred forms of life.'[67] For many of the poorer member states of the European Union, this must be a pipe dream, on any significant scale. Even for the more prosperous ones, the resources for welfare provision fall increasingly far short of expectations. Implementation of the social aspect of the republican vision is hardly helped, moreover, by the fact that British opposition has ensured that the EU, thus far at least, has no power to tax for that purpose.

Although powerful arguments have been made in favour of a republican interpretation of the 'civil' vision of European integration, then, they do not provide a convincing case for interpreting the outcome of the integration project, thus far at least, as a new, supranational republic. It will be useful, however, to balance the critique of Habermas by noticing two wholly tenable features of his 'civil' vision of European political identity. One is his recognition that European citizenship cannot be based upon a substantive ideal of community, whether cultural, religious or other, but must rest on a shared commitment to formal constitutional principles of the kind which only the civil vision provides. Only thus can the sheer diversity of European cultures and social orders be accommodated. The other tenable feature of Habermas's thought about a European civil identity is his recognition that it cannot be imposed from above, but must be spontaneously expressed through different national cultures and

[66] P. Magnette, 'European governance and civic participation: beyond elitist citizenship?', *Political Studies*, 51 (2003), 144–60, at p. 150.
[67] J. Habermas, 'The European nation-state: on the past and future of sovereignty and citizenship', *Public Culture*, 10/2 (1998), 409.

traditions.[68] What is problematic is not these two contentions but the elaborate rationalist underpinnings of Habermas's ideal of European constitutional patriotism.

Since the republican vision of civil association seems too idealistic to provide a plausible vision of the course of the integration project, it will be useful to consider briefly a more realistic version. The most instructive thinker in this case is Friedrich Hayek, whose political writings reveal an ambiguity at the heart of the alternative version of civil association which will, I want to suggest, be the principal reason why constitutionalism is unlikely to find a secure place in the future development of the integration project.

In an article written as the Second World War began, Hayek argued for an interstate federation on the ground that 'the abrogation of national sovereignties and the creation of an effective international order of law is a necessary complement [to] and the logical consummation of the liberal programme'.[69] In a later work, Hayek summarised the task of this liberal 'consummation' as that of 'limit[ing] the "popular will" without placing another "will" above it'.[70] Like Santayana's vision of a liberal empire, Hayek's vision identified the only political entity which could do this as a supranational civil association in which pluralism of every kind could prosper.[71] More precisely, Hayek described the federation as one which would simply provide 'a rational permanent framework within which individual initiative will have the largest possible scope'.[72] It would not, in other words, try to promote a common European cultural identity, or common European values of any kind. Neither would it promote democracy, whether in a republican or representative form. Its central commit-

[68] J. Habermas, 'Citizenship and national identity: some reflections on the future of Europe', *Praxis International*, 12/1 (1992), 1–19.

[69] F. Hayek, 'Economic conditions of inter-state federation', in *New Commonwealth Quarterly* (Sept. 1939), 146. I am indebted to Robert Bideleux for drawing my attention to this article.

[70] F. Hayek, *Law, Legislation and Liberty*, Vol. 1 (London, 1973), p. 6.

[71] For related theorising about supranational forms of civil association, see T. Nardin, *Law, Morality and the Relations of States* (Princeton, 1983). See also R. Bideleux, 'Civil association: The European Union as a supra-national liberal legal order', in M. Evans (ed.), *The Edinburgh Companion to Contemporary Liberalism* (Edinburgh, 2001), pp. 225–40; also 'What does it mean to be European? The problems of constructing a pan-European identity', in G. Timmins and M. Smith (eds.), *Uncertain Europe* (London, 2001), pp. 20–40; and 'The new politics of inclusion and exclusion: the limits and divisions of Europe', in A. Plesu and L. Boia (eds.), *Nation and National Ideology: Past, Present and Prospect* (Bucharest, 2002), pp. 28–40.

[72] Hayek, 'Economic conditions of inter-state federation', 141–3.

ment would instead be to the ideal of constitutional or limited government, since the citizens of the kind of federation he advocated 'will be reluctant to submit to any interference in their daily lives when the government is composed of people of different nationalities and different traditions'.

What must now be added is that this early exploration of the federal ideal concealed an ambiguity in Hayek's conception of constitutionalism which was referred to above but only became fully apparent in his later work.[73] This is that what he valued about civil association was not so much its intrinsic constitutional merits as its contribution (through the free market) to the broader goal of human 'progress', conceived in part in economic terms. Above all, what his vision always failed to provide was a moral standpoint from which the intrinsic merits of constitutionalism could be given priority over the functional ones. As a result, his version of the civil vision, like that of the Europhile political élites, failed to provide any principled consideration for placing the rule of law above the requirements of the market. More precisely, the problem created by this ambiguous version of the civil ideal is that if economic growth falters and rule by benign but arbitrary administrative power seems to offer more effective means of restoring prosperity, there is no principled reason for not succumbing to it. Although Hayek himself would have been appalled by such an outcome, his constitutional philosophy provides no clear means of resisting it. At the risk of banging the nail too hard, let me put it yet another way: if an adverse economic situation occurred under pressure from globalisation, for example, Hayek's version of the civil vision would provide no intellectual resources capable of underpinning the constitutional style of politics which Kedourie regarded as the distinctive achievement of modern European politics. I have risked overemphasis because the ambiguity in Hayek's conception of civil association is the one which continues to lie at the heart of the integration project.

Sceptical responses to the unification project

Such, then, are the principal visions which have figured in the broader intellectual debate about European unity since the Second World War.

[73] I have explored this ambiguity in detail in 'Visions of freedom: the response to totalitarianism', in J. Hayward, B. Barry, and A. Brown (eds.), *The British Study of Politics in the Twentieth Century* (Oxford, 1999), pp. 72–9.

I will consider below what implications this analysis of them has for the future. Before doing that, however, I want to complete coverage of the post-war debate by considering very briefly the most pessimistic critics of the integration project. At the risk of failing to do anything like full justice to the critics, I shall concentrate in each case on highlighting the principal weaknesses of the position in question.

The most sceptical responses to the integration project come from three disparate schools of thought. One is Marxism.[74] The second consists of thinkers who emphasise the continuing tenacity of the hold of sovereign nation-states on European political experience. The third is a mixed group of thinkers who emphasise what may be called the dark side of the European integration project, both in relation to its past and its likely future.

1. Marxism

One of the most eloquent British exponents of Marxism, Alex Callinicos, formulated the Marxist critique of the integration project succinctly when he wrote that the emergence of a 'hybrid form of sovereignty' at EU level does not alter the underlying reality of intensifying capitalist development, facilitated by the removal of more and more restraints.[75] More generally, Callinicos contends, the EU and other leading international institutions—institutions, that is, such as the G-7, the IMF, the World Bank, the WTO and NATO—all 'operate in the interests of the United States and the other leading Western capitalist powers'.[76]

It is possible to offer a qualified defence of the integration project against this critique without any attempt to present the EU as an organisation free from serious blemishes. This cannot be done, however, simply by appealing, for example, to the EU human rights programme, the growth of regulative and juridical constraints on the market, or the social welfare dimension of EU aspirations, since all these aspects of the EU can readily be dismissed by Marxism as merely devices for making capitalist poison easier for the masses to swallow. The two great defects of Marxism lie elsewhere. One, as Elie Kedourie was fond of pointing out, is that the Marxist demonisation of capitalism relies ultimately on the

[74] Marxism is not synonymous with opposition to European integration, but in the present context attention will be confined to the Marxist critique of it.
[75] A. Callinicos, *Against the Third Way* (Cambridge, 2001), p. 138.
[76] Ibid., p. 99.

untenable assumption that capitalism is a zero sum game, in which the success of capitalists is always inevitably at someone else's expense. The problem for Marxism is that reality is more complex, since capitalist economic growth has benefited not only multinational capitalists but also large sections of the populations of the EU member states and is widely welcomed by them, so long at least as they continue to prosper.

Although Marxism may respond to this by dismissing the popularity of capitalism with the European masses as a form of 'false consciousness', this is merely to invoke a self-validating rhetorical device which insulates the Marxist from the need to confront facts which do not fit the dogmatic theory to which he subscribes. Nevertheless, there is an undeniable core of truth at the heart of Marxism, which is that capitalist production carries with it social and environmental costs that cannot be ignored. Dealing with those costs is, however, not helped by the second great weakness of Marxism, which is a dogmatically based appeal for revolution, despite the fact that this has only ever brought despotism to modern Europe.

2. The continuing primacy of the nation-state

In a polemical challenge to the orthodox Europhile interpretation of European history since 1945, according to which the predominant tendency is a movement away from the sovereignty of the nation-state towards European integration, Alan Milward has maintained that the basic reality of the post-war decades is the restoration of the nation-state to its central position in European political life. Nationally based experience, Milward maintains, has moulded European political life so profoundly that it is inconceivable that a supranational form of European unity can ever supplant it. To those who reply that there has surely been a significant surrender of national sovereignty since the Treaty of Rome, Milward's reply is that there has indeed been some surrender,[77] but that in a broader historical perspective this has been nothing more than a strategic device adopted for purely national ends.[78] The essence of post-1945 European history, in brief, is that nationally based democracy continues to be the primary reality of European political life.

It may immediately be conceded that Milward's interpretation of the integration project is quite plausible when restricted to its early stages,

[77] A. S. Milward, *The European Rescue of the Nation-State* (London, 1992), p. 4.
[78] Ibid., p. 45.

which can without much difficulty be interpreted in terms of the restoration of the nation-state.[79] By the 1980s, however, supranational European institutions had begun to take on a life of their own to such an extent that they could no longer be presented as an instrument of purely national purposes.[80] It does not follow from this, of course, that thereafter the nation-state ceased to be in many respects the basic unit of European life, but only that Milward's attempt to minimise the supranational dimension of the more recent stage of the integration project offers too much comfort to Eurosceptics.

3. The dark side of the integration project

The optimistic impression frequently created by Europhile publicists and politicians is that the post-1945 integration project is a continuation of the Enlightenment vision of a supranational legal order in which reason and morality replace national interest. This optimism has been severely bruised, however, by sceptics who have drawn attention to the less palatable origins of the integration project in fascist plans for European economic and political integration.[81] It would be a mistake, John Laughland has insisted, to dismiss the fascist vision as a militant one since in 1941 Hitler and Mussolini issued a joint communiqué which proclaimed that the fascist unification of Europe aimed at eliminating war from the European world.[82] It is true, of course, that this protestation of pacific intent must be taken with a pinch of salt, since Hitler and Mussolini naturally assumed that pacification would be presided over by fascist regimes. Scepticism of this kind is valuable, however, as an antidote to the naïve identification of the origins of the post-war integration project entirely with liberal and democratic values. Although this is a salutary historical reminder, it does not of course entail the absurd conclusion that the unification project is a fascist one.

There is, however, a second aspect of the post-1945 origins of the integration project which has provided ammunition for sceptics. This con-

[79] For an eloquent critique of Milward and a defence of the federalist case, see M. Burgess, *Federalism and European Union: The Building of Europe, 1950–2000* (London, 2000), pp. 56–76.
[80] R. Bideleux, '"Europeanisation" and the limits to democratisation in East-Central Europe', in G. Pridham and A. Ágh (eds.), *Prospects for Democratic Consolidation in East-Central Europe* (Manchester, 2001), p. 29.
[81] J. Laughland, *The Tainted Source: The Undemocratic Origins of the European Idea* (London, 1998), p. 12.
[82] Ibid., p. 19.

cerns the extent to which the European cooperation it required has depended on a widespread conspiracy of silence about the extent of European collusion with totalitarianism.[83] More specifically, Tony Judt has argued that the post-war ideal of European unity was from the beginning a fragile piece of myth-making which relied on minimising the post-war problems faced by defeated and occupied European states by attributing them entirely to German aggression in the first instance, and thereafter to Soviet aggression.[84] Only at a very late stage in post-Second World War history, Judt notes, did European countries finally begin to remove the veil of amnesia and face their past.[85] Only in the 1990s, for example, did the French ruling élite begin to confront the heritage of Vichy with any candour.[86] France was not alone in this amnesia: even in 1977, 'Not a single West German obituary made mention . . . of the fact that Hans-Martin Schleyer, chairman of the (West) German Confederation of Employers and victim of a terrorist attack, had made his fortune as the Nazi commander of a slave-labour factory in the eastern territories.'[87]

What Judt ignores, however, is the fact that there are two ways of interpreting the post-war story of Continental amnesia. Adenauer in West Germany, de Gaulle in France and de Gasperi in Italy all defended amnesia on the ground that it was the only way of consolidating support for post-war democratic regimes, as well as the only way of retaining a competent indigenous administrative class. Judt is right, nevertheless, to emphasise the danger created by official amnesia of oversimplifying post-war problems by attempting to explain them all as entirely the outcome of Nazi atrocities. He is no less right, moreover, to draw attention more recently to the problems presented by the reappearance of official amnesia in European states formerly occupied by the Soviet Union, insofar as they are tempted to attribute all their post-liberation problems to the part played in their history by the Soviet occupier.[88]

[83] See I. Deák, J. T. Gross, and T. Judt (eds.), *The Politics of Retribution in Europe* (Princeton, NJ, 2000). Judt is particularly concerned that non-German European nations were allowed by the Allies to pursue their own 'final solution' to the nationality problem by expelling their German minorities with little resistance.

[84] Ibid., p. 304.

[85] T. Judt, *The Times Literary Supplement*, 27 Feb. 1998.

[86] See A. Milward, *The Times Literary Supplement*, 14 Apr. 2000, 7.

[87] In R. Burns (ed.), *German Cultural Studies* (Oxford, 1995), p. 213.

[88] Ibid., p. 304.

What must now be added is that concern about the dark side of the integration project has not been confined to its past. In particular, misgivings about its future have been provoked by the indifference of the Europhile political élites to secularisation. Such misgivings are unsurprising when expressed by religious thinkers in countries like Italy and Central and Eastern Europe, where Catholicism remains widespread.[89] What is surprising, however, is a secular Nietzschean statement of pessimism which outdid Marxism in conjuring up the spectacle of a coming nihilism that will engulf not only the European Union but the whole globe. What is even more surprising is the fact that this occurred in England, where nihilism has always been in short supply.

In 1995, an eminent English academic, John Gray, ended an extended meditation on Heidegger by concluding that modern Western culture is now so totally pervaded by manipulative concerns that it must be completely abandoned.[90] A few years later, Gray attracted extensive publicity when he announced that the only hope lay in a spiritual revolution. The reasons for Gray's nihilistic view of the future included overpopulation, concern about the environment and misuse of diminishing resources, global warming, the spread of technologies of mass destruction, the growth of rogue or failed states, and the prospect of new epidemics.[91] Worst of all, Gray saw no realistic way of avoiding the coming doom: although he called for a spiritual revolution, he wrote that 'we can no more bring about [a spiritual and political] renewal by willing it than we can subject language to our purposes'.[92] It is possible, I think, to deal very shortly with this extreme pessimism, despite the immense learning with which it is defended. If it is well-founded, there are only two possible solutions: for the devout, there is prayer; for the rest of us, if we wish to remain cheerful, there is the chance to reread Rabelais (or Boccaccio, perhaps). There is not, I think, much else to be said.

What then is to be made of the sceptical contributions to the post-1945 debate about European integration, when they are taken as a whole? In each case, a genuine problem has been identified, but without yielding the conclusive case against the integration project which the critics set out

[89] On Italy, see for example the discussion of Augusto Del Noce's critique of secularisation by N. Bobbio, *Ideological Profile of Twentieth-Century Italy* (Princeton, NJ, 1990), pp. 165, 177–8, 200–1 (originally published in Italian in 1959). In the case of Central Europe, see for example the writings of V. Havel, *Living in Truth* (London, 1987).

[90] J. Gray, *Enlightenment's Wake* (London, 1995), p. 184.

[91] J. Gray, *Straw Dogs* (London, 2002).

[92] Gray, *Enlightenment's Wake*, p. 183.

to present. It is, nevertheless, particularly from those who recall the 'dark side' of the European past that two timely reminders may be derived about the limitations of the integration project. One is simply a reminder of the inescapable uncertainty of all political ventures to which Kedourie referred in his first book, when he alluded (with T. E. Lawrence especially in mind) to the constant possibility of the 'irruption into history of the uncontrollable force of a demonic will exerting itself to the limit of endurance'.[93] The other is that it would be foolish to think that the integration project somehow marked a completely new beginning, inspired by the dream that the dark past could in due course be replaced by a utopia of human rights, prosperity and (for example) carefully calibrated bananas. As the author of a thoughtful epilogue to a recent volume about *Darker Legacies of Law in Europe* (2003) observed, the fact that the Europhile political élites are now trying to salvage the draft European constitution does not mean that it is a good time to forget that 'The memory of a marriage goes back to courting, engagement and subsequent matrimonial life. But the identity of the couple who make up the marriage will also be determined by the previous pasts and memories of each of the partners.' Europe as we know it today, the author concluded, is not just a relatively recent product of the integration project, but is also 'the integration of European history', complete with its dark legacy.[94]

Conclusion

What emerges from the debate between defenders and critics of the various visions of European unity since 1945? Bearing in mind the constitutional perspective from which, as I suggested at the start, Elie Kedourie would have judged the integration project, four conclusions may be drawn. The first, unsurprisingly, is that not all the post-1945 visions of European unity are equally viable from the constitutional point of view. The least viable is the organic one, since the spiritual and cultural solidarity it demands points towards an authoritarian (or even totalitarian) form of rule at both national and supranational levels. The postmodern vision, by contrast, favours diversity and democracy, but leaves unclear whether the kind of democracy advocated is a constitutional one. The

[93] E. Kedourie, *England and the Middle East* (London, 1956), p. 88.
[94] J. J. Weiler, in C. Joerges and N. S. Ghaleigh (eds.), *Darker Legacies of Law in Europe* (Oxford, 2003), pp. 394–5.

third, 'conflictual', vision provides a salutary reminder of the role played by a political 'Other' as the source of European political identity but tends to subordinate constitutionalism to a 'decisionist' conception of politics which exaggerates the role of militant charismatic leadership in creating political integration. What remains are the rational/bureaucratic and the 'civil' visions which have shaped the integration project since the Second World War, and are likely to do so in future. Of these two visions, the former is in principle compatible with constitutionalism, but leaves the presence of a constitutional commitment entirely to the discretion of the administrative élite, which may decide that such a commitment impedes more effective ways of providing rational government. The civil vision, however, is fully compatible with constitutionalism.

The second conclusion concerns the limits set to the integration project by the 'Eurocentric' nature of the civil vision, which is only of intrinsic value to cultures in which individuality, freedom and opposition to arbitrary political power are deeply rooted. The main problem in this connection is presented by Islamic culture, and in particular by a Turkish application for EU membership. Whether the subordinate role of a 'preferential partnership' with Turkey envisaged by Nicolas Sarkozy, for example, would make the entry of Turkey into the EU compatible with the preservation of a coherent identity is arguable. More generally, a comment by the Swiss finance minister, Hans Rudolf Merz, after the negative French and Dutch referenda, provides a sceptical reminder of the danger of overstretch: 'European integration that goes beyond economy and security', the minister said, 'always stumbles at borders.'[95] As an English sceptic remarked in the same connection, it is worth recalling the lesson learned by both Napoleon and Hitler, which was that 'when European imperialists march to the east, they eventually lose in the west. The elastic is overstretched.'[96]

The third conclusion is that even if the Europhile political élites continue to interpret European integration in terms of civil association, defenders of the modern Western constitutional ideal should remain profoundly suspicious since the nature of the Europhile commitment to that ideal remains ambiguous. More precisely, the standpoint of the political élites has been shaped from the start of the integration project by a functional perspective of the kind that created the ambiguity already noticed

[95] Quoted by S. Jenkins, 'The peasants' revolt', *Sunday Times*, News Review Section, 5 June 2005, 1–2.
[96] Ibid.

in Hayek's writings. As in Hayek's case, what remains unclear is the extent to which a constitutional commitment is seen primarily in instrumental or non-instrumental terms. The potential dangers created by this ambiguity are intensified, in the case of the integration project, by the fact that potentially conflicting political, economic and moral objectives are pursued amongst which no clear priority has been settled. The economic objectives, for example, may conflict with the moral concern for human rights, and the political objectives may conflict with both the moral and the economic ones (since they may mean the growth of arbitrary power and bureaucratic inefficiency). The danger to the constitutional tradition which the ambiguous nature of the integration project presents is not merely a theoretical possibility. If it turns out, for example, that the élites have created excessive expectations about the ability of the integration project to shield their fellow citizens from globalised economic competition, it will be necessary to take very seriously Donald Rumsfeld's prediction of an intensified division between the 'old' and 'new' Europes. Reflecting on this disturbing possibility, a thoughtful British political analyst went a step further,[97] conjuring up the 'nightmare prospect' of a new iron curtain rising across Europe. To the west of this curtain would lie

> the old socialised economies of the original Common Market, stuck inside protectionist walls, and crippled by emigration, low birthrates and welfare burdens. These economies will be trapped by voters of the fearful right and the fearful left. Their borders will close and their politics become ever more introverted. To their east will be the 'new tigers' of the former Soviet bloc, untrammelled by social models, with open labour markets, natural resources and easy access to the Middle East and Asia. . . . They may be nasty, but they could be rich.[98]

In this situation, needless to say, the ideal of European integration would fall by the wayside of its own accord. But even if that danger did not materialise, the success or failure of the integration project would increasingly depend on the ability of the élites to reconcile European populations to significant falls in their prosperity and welfare, if not in their personal security as well. Whether any significant elements of the modern European constitutional tradition that Kedourie valued would survive the strains this would create is a matter for some doubt.

My final conclusion returns to the issue of legitimacy. None of the visions of European unity, it is clear, provides Europhile political élites

[97] Ibid.
[98] Ibid.

with a convincing means of dealing with the existence of a 'democratic deficit'.[99] Bluntly put, the fact that the legitimation of the integration project has thus far derived from treaties means that it seems impossible to ascribe anything more than a derivative legitimacy to EU institutions as they have so far evolved. As was seen, attempts have been made, especially by theorists of the republican ideal, to confer an independent claim to legitimacy on EU institutions through the concept of governance. Although these attempts were found to be unconvincing, other Europhile theorists have argued instead that the universal value of EU objectives such as the promotion of human rights makes any reference to a democratic deficit wholly inappropriate. A notable student of Eastern Europe politics has maintained, for example, that the promotion of human rights and civil association in that part of the world in particular is to be welcomed simply because it permits the protection of minorities by legal and constitutional safeguards that Eastern European states might otherwise fail to provide.[100] No matter how intrinsically valuable the objectives of Europhile élites may be, however, promoting them cannot remove the 'democratic deficit' simply because legitimacy does not derive from the ends or ideals an organisation pursues. It relates, rather, to its entitlement to pursue them at all. Once this issue is raised, no 'democratic' answer is available.

What qualifies this truth, however, is an important fact acknowledged even by a sceptic like Alan Milward, which is that 'national citizens have developed a strong secondary allegiance during the Community's existence'.[101] Reflection on the implications of this fact recalls what both Machiavelli and Burke knew well, which is that practice and prescription may in the course of time provide what ideal aspirations cannot. With this in mind I shall finish, in best English fashion, by giving an example from the world of cricket that provides food for thought about the future of legitimacy in the EU. The example is of how the committee of the MCC acquired its current authority to determine the rules of cricket.

The story is told by Michael Oakeshott, whom Elie Kedourie regarded as one of the two greatest modern philosophers of constitu-

[99] See R. Bellamy and D. Castiglione, 'Legitimizing the Euro-"Polity" and its "Régime": the normative turn in EU studies', *European Journal of Political Theory*, 2/1 (Jan. 2003), 7–34.
[100] Bideleux, '"Europeanisation" and the limits to democratisation in East-Central Europe', in Pridham and Ágh (eds.), *Prospects for Democratic Consolidation in East-Central Europe*, p. 26.
[101] Milward, *The European Rescue of the Nation-State*, p. 19.

tionalism, the other being Hegel. The Marylebone Cricket Club, Oakeshott relates, is a private club

> which, when it was founded in 1787, had little to distinguish it from many other such clubs. But in the course of about a century it came to be recognised as the custodian of the rules of cricket and the court of record (so to say) whose imprimatur is necessary for any change in those rules. This was an acquisition of authority, for the club never had any 'power' to enforce its decision. This authority was not acquired by succession to an office of authority previously held by some other occupant; office and occupant were coeval. Nor did it come by any act of authorisation. It was acquired merely by being acknowledged to have it. The earliest acknowledgement, it seems, was as a court of arbitration in respect of disputes on cricket matches; but gradually, in steps some of them distinct enough to be recorded, it acquired its present authority over the rules of the game. It retains this authority in the continuous recognition of those concerned that it has it; and this authority will lapse when it ceases to be recognised. It has nothing to do with the recognition of the desirability of the rules or with the constitution of the committee.[102]

Whether this story provides a close analogue to the possible future development of legitimacy in the case of the EU remains, of course, as yet unknown. Even if it does, however, the ambiguous interpretation of civil association by the Europhile political élites which would have made Kedourie pessimistic about the future of constitutionalism in the integration project is unlikely to disappear.

Note. I am indebted to Professor Jack Hayward for commenting on a draft of this lecture.

[102] M. Oakeshott, *On Human Conduct* (Oxford, 1975), p. 154, n. 1.