Is Europe possible?

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However urgent, a common European security policy requires democratic legitimacy. The goal of ever closer union is realistic only if Europe has a clear understanding of what a federation is and can be. Part of the series 'Lessons of war: The rebirth of Europe revisited'.

The European Union is the product of wars. Of two world wars that nearly put an end to Europe as we know it. Of a cold war that seemingly forever drew an iron curtain through it. Of the near-death experience of Europe as an idea.

For more than anything, Europe is an idea: the idea of the many peoples, languages and cultures crowded together on a patchy peninsula at the western edge of the Asian landmass, sharing a common home and a common destiny. Multicultural congestion is not a recent characteristic of Europe (although recent waves of migration have certainly contributed to it), but its geopolitical predicament and challenge.

Which is to say that Europe has a problem with itself, since its inhabitants have not yet managed to share either a common home or a common destiny. Many peoples have made their homes in Europe, at times on the ruins of others, but Europe itself has not managed to become home to anyone. The EU has remained a project where only the constituent nation-states have been able to command the sense of belonging and loyalty associated with the notion of home. This was demonstrated when the UK made its exit from the union, slamming the door shut, prompting calls for further EU-exits – Swexit, Italexit, Öxit, etc. Or as former German foreign minister Joschka Fischer recently put it: 'Europe resides in an increasingly dangerous region, yet it remains a confederation of sovereign nation-states that have never mustered the will to achieve true integration – even after two world wars and the decades-long Cold War. In a world dominated by large states with growing military budgets, Europe still is not a real power.'

So perhaps it was about time for the many nations of Europe to be reminded once again of the geopolitical conditions for their independence and security. Which they were on the morning of 24 February 2022, when Putin's Russia launched its unprovoked war of aggression, not only against Ukraine but against the security order that the nations of Europe, Nato-members and non-members alike, had come to take for granted.

Lisbon 27.2.2022. Source: Wikimedia Commons (author: Esquerda.net)

Since then, nothing can be taken for granted. The times have changed, as German Chancellor Olaf Scholz put it three days after the massive attack on Kyiv. Once again, Europe's nations were brutally reminded that if they cannot maintain – and if necessary defend – what they have in common, they may have nothing in common left. And, once again, Europe will become an assembly of disparate nation-states, each of them too small and too weak to assert themselves in a world in which might makes right – which is the world a Putin victory in Ukraine would open the door to.

Certainly, the European Union has its weaknesses and flaws and suffers from a democratic deficit. But it is by far the most democratic attempt of the many nations on the European peninsula to construct a common polity to their common conundrums and challenges. Without a common European polity, so the original designers and architects argued, a well-trodden path to European conflict, war and self-destruction would once again open up. Their strategy was to have a common economic community prepare the ground. Or, in the words of the preamble to

the Rome Treaty of 1957, 'lay the foundations of an ever closer union among the peoples of Europe'.

So successful was this strategy at first, and so many nations subsequently wanted to be a part of the European community, that it was easy to forget how fragile and vulnerable it was. Vulnerable to nationalist discontent from within. Vulnerable to divisive pressures from without. Vulnerable too, it would turn out, from its security dependence on the United States, which might again elect a president ready to break up the transatlantic alliance and leave the Europeans to fend for themselves.

In that respect, the instant and visceral European reaction to the Russian attack was promising. The commitment to the cause of Ukraine was deep-felt and far-reaching, as was the readiness to endure the potentially harsh consequences of rapidly ceasing dependence on Russian oil and gas. The overnight decision by Sweden and Finland to apply for Nato-membership was a dramatic reversal of long-held positions.

It is true that the Putin reminder didn't immediately result in a renewed debate on how to strengthen the European Union. But openly anti-EU parties and movements (in Sweden and Italy, for example) began adjusting their positions, since the perception of a common threat and a common enemy seemed to bring forth a more widespread sense of a common European cause.

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When, in the aftermath of the US invasion of Iraq in 2003, Jürgen Habermas and Jacques Derrida bemoaned the lack of a common European foreign and security policy, they were fully aware of the inherent weaknesses in the makeup of the European Union. A European polity that was ruled by intergovernmental consensus, with each member-state endowed with the power of veto, would inevitably have the scope of its decisions and actions defined by its most recalcitrant members. 'If Europe is not to fall apart', Habermas and Derrida wrote, those member states willing to proceed towards a common foreign, defence and security policy must take the first steps themselves, creating a momentum that other member states 'will not be able to resist in the long run'.

Habermas and Derrida could of course not yet imagine a full-scale Russian military assault on an independent European nation. But having experienced the American superpower going it alone in Iraq, running roughshod over its European allies with a 'coalition of the willing' that pitted Europeans against Europeans, the two philosophers found it increasingly urgent to find a solution to the inherent political weaknesses of Europe.

In their quest for a stronger Europe, they were on well-trodden ground. The attempt to widen and deepen the *political* bonds between the nations of Europe and reduce the democratic deficit had been a recurrent companion to the ongoing widening and deepening of *economic* and *legal* ties. As so many before them, Habermas and Derrida put their hopes in the fostering of a

common European identity. 'The citizens of one nation must regard the citizens of another as fundamentally "one of us"', they wrote.

Although by then, it had become apparent that this was easier said than done. The hope that the common European market and the common European currency would foster a common European citizenship based on an emerging European identity, had proven elusive. Time and again the proponents of a more cohesive European Union and a stronger European polity had come up against the political difficulty of transferring democratic legitimacy, trust and formal power from national to transnational institutions.

The spectre of a European super-state trampling on national self-rule and weakening democratic control has remained an effective scaremonger in the debates on Europe's constitutional future. Consequently, these debates have all failed to generate the political will for the creation of a federation of European nation states, represented by a body democratic, legitimate and powerful enough to be entrusted with their common destiny, in a world in which that destiny may again be determined by others – or again fall prey to their proven penchant for inner strife and self-destruction.

Habermas and Derrida were both keenly aware of the 'the treacheries of a European identity', by which they meant Europe's inherent national and cultural multitude ('the wild cacophony of a multivocal public sphere') from which any sense of a common European identity and destiny must arise. They also recognized that so far this had not happened.

Still, their approach was conspicuously void of any discussion of the institutional and constitutional prerequisites for this to happen. Any possible European identity would, as they saw it, emerge from the more or less fabricated narratives of shared historical experiences and values, and thus be the outcome of intellectual and cultural interactions rather than of institutional and constitutional structures.

Twenty years later, with much historical momentum lost, and with much political energy spent on attacking and weakening the tenets of the European Union, the case for a stronger Europe, with a truly unified foreign and security policy, has been provided with its most persuasive argument yet. We must thus consider whether a dramatically reawakened sense of common peril and purpose can translate into a renewed push for European construction and reconstruction.

If so, I believe we should once again be asking ourselves what constitutional order can possibly make Europe's inherent plurality of peoples, languages, cultures and interests identify with and acquiesce to a common European foreign and security policy.

We should have learnt by now that an order based on intergovernmental consensus will not do it. Whatever the founders had hoped for, the treaties calling for an ever closer union have not yet managed to transfer democratic legitimacy and political authority from the institutions of the nation-states to the institutions of the European Union. Neither have they been able to foster a European identity strong enough to transcend the warmer bonds and loyalties of nation-state

politics. On a number of foreign policy issues calling for common European positions and actions, nation-state instincts and actions have come into play, with individual heads of state going off on their own.

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So what Europe is possible? In 1887, the German sociologist Ferdinand Tönnies used the terms *Gemeinschaft* and *Gesellschaft* to distinguish between two forms of human relationship present in every human society and existing in continuous interaction with each other.

Human relations in a *Gemeinschaft* – a community – are primarily an end in themselves. They can be based on love, friendship, neighbourliness or blood, but also on a wider range of shared memories and experiences, as well as common religious, professional or intellectual traditions and affinities. It is a relationship that 'by its very essence [is of an] earlier origin than its subject or members', wrote Tönnies, implying that *Gemeinschaft* relationships are long-term in character, transcending the horizon of a single individual.

In contrast, relationships in a *Gesellschaft* – a society – are means to ends. Whereas the emblematic form of a *Gemeinschaft* relation is an informal duty or obligation, in a *Gesellschaft* relation it is a formal agreement or contract. *Gemeinschaft* relations are prevalent in social settings tight and warm enough to make us act out of duty, devotion and dependence. *Gesellschaft* relations, in contrast, become prevalent in social settings where trust is increasingly de-personalized and based on self-interested calculations and agreements. Tönnies linked the expansion of *Gesellschaft* relations to the emergence of modern capitalist society, which, he wrote, 'is the most distinct form of the many phenomena represented by the sociological concept of *Gesellschaft*'.

But since no society, according to Tönnies, could be based on *Gesellschaft* relations alone, the emerging capitalist or middle-class society of the nineteenth century managed to foster *Gemeinschaft* obligations and loyalties within what were basically *Gesellschaft* institutions and relations. Arguably, the present-day nation-state democracies of Europe largely owe their emergence to the amalgamation of loyalty to the nation as a 'warm circle' of *Gemeinschaft* and loyalty to the nation as a constitutional contract of *Gesellschaft*. The institutions of the nation-state have been defined as much by exclusive narratives of home and belonging as by inclusive narratives of universal justice and the rule of law.

The challenge for any common European polity is to fortify itself with *Gemeinschaft*-type relations and loyalties. If Europe has ever been something more than an elusive idea, it has been a temporary *Gesellschaft* order based on more or less fragile arrangements between a multitude of *Gemeinschaften*. First this was through the rule-based moral order of the Catholic Church, which created, at least for a while, a common European elite of clerics, and with them a common European elite of warrior-knights and tradesmen. The emergence of the Hanseatic League in the late twelfth century, a powerful network of trading cities creating a European 'consortium of entrepreneurs' (Fritz Rörig), was an order explicitly based on *Gesellschaft*

relations. As all subsequent transnational orders and alliances attempted on the European continent have arguably been since.

This, I believe, will remain the condition for any attempt to construct a stronger and more cohesive European polity. The hope that the European Union would be able to command the 'warmer' loyalties of a nation-state has so far proven futile and will most likely continue to do so. What remains is the challenge to create and sustain a common rule-based order, a *Gesellschaft*, that can reap the benefits of Europe's cultural diversity without inviting its all-too-evident dangers.

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The human longing for *Gemeinschaft* will not go away. The existence of multiple and multiplying communities, warm human circles of belief and belonging, is a product of innate human needs. The transformation of *Gemeinschaft* relations into *Gesellschaft* relations in modern society has not created a new breed of human being, as some had hoped. As Francis Fukuyama formulated it: 'The transition from *Gemeinschaft* to *Gesellschaft* constitutes an intensely alienating process that has been negatively experienced by countless individuals in different societies.'

The challenge, then, for any European society is to command authority and legitimacy among a large number of nation states, in which a multitude of community-based relations continues to exist and emerge. The clerks of the European Union – the commissioners in Brussels, the judges in Luxembourg and the parliamentarians in Strasbourg – may constitute the most legitimate trans-European *Gesellschaft* elite ever established, but they have clearly not been able to assume the authority and legitimacy needed to institute and execute a common European foreign- and security policy. This will most likely remain the fate of any European order based on intergovernmental consensus.

I know of only one constitutional order that might be capable of bringing Europe's many communities together within the framework of a common and reasonably legitimate social order, and that is a federation.

Unfortunately, the idea of a federal Europe is much maligned and therefore much misunderstood. The misunderstanding comes from the confusion of *Gemeinschaft* with *Gesellschaft*, invoking the threat of an all-powerful society, a European superstate, superseding and replacing the nation-state community. This is a clear misrepresentation, often deliberate, of what a federation is and can be. Federation in its original Roman sense simply means a union or a treaty with nations whom you trust (*foedus*, from *fido*, to trust), and is the preferred form of government in a number of western democracies, notably Germany and United States. *E pluribus Unum*, one from many, a motto of the emergent American federation, is actually more relevant to the European condition, where historical diversity is greater, the record of disunity and discord more disastrous, and the need for a common order more compelling.

Federations are perhaps the most sophisticated form of human societies. They are based on the assumption of diversity and conflict and not on the assumption of homogeneity. The American federation was explicitly constructed on the assumption of inherent conflicts in society and created a far-reaching division of powers – in order to make 'ambition counteract ambition', as James Madison wrote in *The Federalist*. The American federation was by no means intended to be a superstate. The term 'state' was reserved for its constituent parts. The federal government was only to have the powers explicitly delegated to it by the states in a binding constitutional contract.

The founding fathers of America saw their country as the laboratory for the creation of a society in which free men could rule themselves, without kings and princes, a society based on diversity and disagreement. I believe that Europe is a similar laboratory, conducting in many ways a more advanced experiment, because of its greater level of diversity and its more conflicting and traumatic memories and experiences.

A federation of European States would therefore have to restrict the scope of supra-national decision-making to matters where the need for a common European polity can be clearly perceived and legitimately constituted by the member states themselves. With the present and brutal reminder of Europe's inherent geopolitical weakness and vulnerability, the need for a common European foreign and security policy may be more widely understood and accepted.

A federal constitution for Europe would thus attempt to do what the founding fathers of the ongoing European project, because of lingering national hatreds and resentments, could not: create a transnational democratic level of deliberation and decision-making. The founding fathers had hoped that ever closer economic integration would bring about ever closer political union, but as Habermas and Derrida concluded in 2003, the one had not necessarily led to the other.

The Russian assault on Ukraine has created new momentum in European politics, stirring fresh support for actions of European solidarity and drastically redrawing the security map of Europe. This momentum ought now to be seized upon to initiate a much-needed constitutional reform of the European Union, aiming at creating the institutions necessary for a legitimate common foreign and security policy, and more generally a European order based on clearly perceived and constitutionally specified common interests.

In other words: a rule-based European *Gesellschaft* for the inherently diverse multitude of European *Gemeinschaften*.