De passage naar Europa : geschiedenis van een begin
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SUMMARY

THE PASSAGE TO EUROPE. A HISTORY OF A BEGINNING

Prologue

Since 1950, a new form of politics has come into being. It has turned out to be difficult to find the right description or concept for it. The existing words and thought patterns, themselves part and parcel of the political struggle among states and institutions about the form Europe would take, stand in judgment’s way. Moreover, many of the dominant narratives forget the historicity of politics: the factor of time is not ancillary to it, but rather is essential to it.

A glance at the newspaper on any given day confirms that European politics looks different than what the Community founders such as Schuman or Spaak wished for and what their heirs strived for for decades. The dream of unification has not been realised. The national states are still there. National governments stand at the centre of European decision-making. As the same time, it is insufficient to conclude that the Union is thus nothing more than the latest version of a centuries-old struggle of interests once played out with wars and peace conferences, now by way of an international bureaucracy. There is something new under the sun.

Both the experience of the practitioners of politics and the perception of the public must be taken seriously. On the one hand, there are politicians nowadays who speak and act on behalf of Europe. In some cases, it is a matter of binding, publicly accepted decisions that affect five hundred million people. This hints at the existence of a European political body. On the other hand, such a body still seems to be an illusion: are not the countries divided when tensions rise, as during the Iraq war? Wasn’t Europe powerless during the Yugoslav civil wars? Are the people not unaware of what is going on in Brussels? Since the term ‘Europe’ at once mobilises several categories – geographical borders, historical events, cultural traditions, political pretensions, legal treaties – one’s thinking about it soon runs aground.

Our analysis will be aided by a distinction among the spheres in which the European states have organised their relations. There are three, to be precise. They are concentrically nested in each other. Each sphere has its own principles of movement and order. Each has its own rules and protocols, ranging down the scale of force from war and the threat of violence to the exercise of the veto and majority decision-making. Each is characterised by a self-image, a psychology of the actors and an audience.

The outermost sphere, first of all, is (vaguely) defined by geography and history. It contains the full complement of sovereign states on the continent and was known for centuries as the ‘European concert’. Movement in this sphere comes from states’ pursuit of their own interests; order mainly from a balance of power and territorial borders. This sphere is the barrier that European initiatives post-1945 have defined themselves in opposition to, but the relations among the states are partly still played out in this purely political matrix of balance of power, border conflicts and war. The innermost sphere, second of all, is the product of a foundational document from 1951. It wanted to break with traditional diplomacy and dubbed itself Community. It covers a legally bounded, yet ever-expanding field of action for the participating states. Its internal motivation is the idea of the future, the ‘European project’. Order and reliability come from a treaty signed by the states, the foundational pact, and the institutions founded by it.

Third, the intermediate sphere. This came into existence when the Community was founded, immediately and unexpectedly, between the other two. This in-between
world remained unseen for a long time and is difficult to capture in legal terms. Yet it is of crucial importance. It is the intermediate sphere of the member states. Movement comes from each one’s pursuit of its national interest, but also from a growing realisation of common interests. The strongest ordering principle is membership, accompanied by the balance of power and the law. This sphere is an in-between world by virtue of its characteristics, at one moment overlapping with the outside one, then again with the inside one. It is also an in-between world by virtue of its function; its role is to connect, make relationships, deal with events, make transitions. It is precisely in the transitions between the spheres – especially treaty amendment and enlargement – that the member states discovered the uniqueness of this in-between world. When the members act jointly, as a circle, they are the motor of ‘Europe’.

This three-way distinction in spheres of action provides a lens for examining the nature and the development of European politics. This dissertation shall focus on, in turn, the respective relationships between the ensemble of the member states and (1) the member states individually, (2) the outside world and (3) the people. The question of what politics is arises three times in this context.

1. The secret of the table

A political body comes into being, according to political philosophers such as Hobbes, Locke or Rousseau, as soon as the component parts drop their veto power for the benefit of the whole. And majority decision-making has indeed decisively influenced the development of the European Union, as a drive, a threat and an ideological litmus test. At the same time, the member states discovered that majority is neither a necessary condition for decision-making, nor a sufficient one. Insufficient because a majority decision that is not accepted by an outvoted national government and population would amount to foreign control. Unnecessary because up to this day, the member states’ preference is decision by consensus.

The relationship between the member states as an ensemble and as individuals was left open in the foundational treaty of 1957. In time, two questions arose: what influence did each state’s vote have during decision-making (majority)? What was the relationship between a joint decision and each one’s individual decisions (priority)? Both questions were battled over between 1963 and 1966. The result: priority for the ensemble, by consensus of the members.

In the issue of priority, the European Court seized the opportunity in 1963 to announce that the member states had created ‘a new legal order’. To that end, it placed the spirit of the Foundation above the will of the founding states, of which three had lodged protests at the court hearing. One year later the judges announced the legal ‘priority’ of European law – once more successfully.

The majority issue led to a political crisis of previously unheard of severity. Because of the danger that it could be outvoted on vital subjects, France stayed away from the Council of Ministers starting in July 1965 (the ‘empty chair’). It was not until January 1966 that it reached an accord with the other five member states: the Luxembourg Compromise. This entails that in such cases, the meeting will continue until everyone can agree with the result. In the commentary about it, this accord is dismissed as the politics of obstruction. However, it is a crucial moment of passage, the moment that the existence of the intermediate sphere was confirmed. France acknowledged the treaty’s validity. The ‘Five’ acknowledged that serious national interests could not be outvoted. Outside the sphere of the treaty, the Six gave themselves a common basic rule, a life insurance policy against the tyranny of the
majority. Against all orthodoxy, the concepts of interest, time (delay) and authority gained a place in the states’ life together.

This basic norm from 1966 remains in force. All compliance with European decisions comes from the will of the member states. It is not unanimity or majority that is essential; rather, it is the fact that all of the states sit together at the table, a table where things become a common responsibility because of the bond of the treaty.

Not only does the majority issue come up on the level of the daily decisions, but also at the deepest foundations: at the moments of creation and revision. In every European ratification crisis, such as after the Irish ‘no’ of 2008, the following scenario looms: can’t the yes-states carry on without the no-states? Despite the political pressure – and the illustrious American example of 1787-1789 – this does not happen. The member states do not want a Europe that can grant itself a new treaty behind their backs, like a political body with its own will. That would mean the end of the independent states.

Europe’s powers of revision remain safely in the hands of the ensemble of national governments and parliaments, in the intermediate sphere of the members. And yet, the ensemble of member states has endowed itself with historical flexibility. The trick was making the ensemble not only pouvoir constituant, but pouvoir constitué at the same time. The Italian premier Craxi succeeded at this in 1985. At the Summit of Milan he unexpectedly forced an unprecedented majority decision about the principle of treaty amendment. In so doing, he transformed the European Council of heads of government into a body that can carry political responsibility with regard to the individual populations and he broke with the status quo. Although the content of the revision was subsequently decided by unanimity, the vote of Milan set the mechanism of reform irrevocably in motion. This was revealed by the series of treaty changes that took place afterward; in these, the ensemble constantly finds new means of involving everyone in the game. If a ‘yes’ can be reached for the question of whether reform will take place, then the pressure of the table ensures that some answer emerges of what kind of reform it will be.

2. Changes of fortune

Politics is the way that a society responds to the unknown. Machiavelli already argued that a good politician must move with the current of the time, accept the constant arrival of new events and take responsibility for the open future. How would the member states of the Union respond jointly to historical events? This would be revealed by the way in which they dealt with other political orders as an ensemble. For that transition, which was by no means self-evident, the member states took (and continue to take) their time. It seems that they first wanted to step out of the flow of time in a rite of passage, into the Community, and wait until they were forced by the events of 1989 to step back into history again, but now jointly as a Union.

The impact of geopolitical relations and considerations weighed heavily in the foundation of the Communities. The Schuman Declaration of 9 May 1950 was both a step toward a European federation and an emergency intervention on the part of France to prevent its historical enemy Germany from being able to control its own coal again. The plan for a European army, which ultimately ran aground, was a response to the Korean War. The breakthrough in the negotiations on a common market came during the Suez Crisis on 6 November 1956.

The Treaty of Rome did not provide for a foreign policy. This did not seem possible, desirable or necessary to most of the states. The European institutions, in principle, were occupied with ‘low politics’. For ‘high politics’, the Six all relied on the American umbrella. The threat of a new Franco-German war seemed to recede; NATO
kept the Russians out. No one was particularly alert to new forms of historic disaster. In the walled garden of the Community, the member states set their own time to reach internal goals. Deadlines (such as ‘1992’) were used to drive their action forward; negotiations took place on the ‘acceleration’ or ‘delay’ of certain Treaty obligations, and sometimes the clock was stopped altogether.

The flow of history was first felt when European non-members came knocking at the gate. This made the member states realise that externally, perhaps in spite of themselves, they were one geopolitical bloc. This is what the Six experienced in 1961, when the British came knocking. It was a greater and more unexpected shock when the Wall fell (1989), when the eastern half of the continent took a seat in the waiting room. The relationship between the continent as a whole and their own circle forced the member states to politicise their club. This spelt out both an end to the fiction of everyone’s equality and the necessity of thinking about a final goal and an outer limit. Some member states dragged their feet, but did not escape going along with it.

To be able to answer the call of the world outside, the member states did not transfer their political voice to the institutions of the internal sphere. Instead, they found other ways to make speaking ‘on behalf of Europe’ possible. The heads of government, without being asked to, staged a coup and gave form to the intermediate world of the members. Outside the provisions of the treaty, they organised Summits of heads of government (starting in 1961); they institutionalised this as the European Council (1974); after the Wall fell they put this forum in charge of foreign policy (1992); and they tried to give it a permanent president (since 2003). In this way, the round table of heads of government grew into the bearer of European high politics. It is only from this table that it is even possible for someone to stand up and speak to the White House or the Kremlin on behalf of all.

3. The quest for a public

Ultimately, all political power relies on public acceptance. Otherwise it is simply violence. Every political order, even a non-democratic one, needs a public. Politicians without press, without public opinion, without demonstrators – these are little more than civil servants.

European politicians, as such, also went in search of a public: they needed ‘Europeans’. Strikingly, after 1950 the word ‘European’ moved from the geopolitical and cultural external sphere, where it had kept company with the Americans, the Africans and the Asians, to the internal sphere of Brussels, where it gained an ideological charge and came to be identified with the architects and bricklayers of Europe. As such, Schuman’s political party was considered to be ‘the European party’, while De Gaulle, despite being a Frenchman, was definitely not a European. Since the 1970s, politicians have been trying to retrieve the word ‘European’ from the closed conference rooms and re-integrate it into the self-definition of the populations of the member states, in the intermediate sphere.

At heart, modern states employ three strategies to attract the attention of the public and keep it. These can be labelled, with a wink to history, the ‘German’, the ‘Roman’ and the ‘Greek’ public strategies. The ‘we’-feeling is derived from ideas of, respectively, ‘our people’, ‘to our advantage’ or ‘our affairs’. The ‘German’ public strategy makes use of a cultural or historical identity of the rulers with the ruled. These will speak the same language or believe in the same values and sacred texts or have the same customs, or their ancestors fought in the same war. Well-known identity-political elements are a national historical record, flag and anthem, national holidays, compulsory education and military service, codification of a standard language, monuments to heroes. The ‘Roman’ public strategy relies on an advantage to be gained by the
population in the functioning of politics. The rulers offer protection or security—in the form of peace, for instance—they create possibilities or they give money. The intended public is comprised of customers. The ‘Greek’ public strategy relies on the population periodically evaluating representatives who take decisions on its behalf, sometimes supplemented by a direct vote by the population about the questions submitted to it. The public gets a voice so that it will perceive the laws and decisions as ‘our affairs’.

The European member states have gathered ideas and elements from all these traditions in order to involve their populations in the ensemble. Elections were organised, subsidies were instituted and prizes were awarded, a flag and an anthem were made, consideration was given to heroes or to offering protection to the citizens. Sometimes it became clear that the one strategy wasn’t working, and so another one would be tried. The institutions of the internal sphere, specifically Commission and Parliament, eagerly curried the public’s favour. On the other hand, the position taken in the sphere of the members was ambivalent. The member states acknowledged that a public of Europeans was useful for the ensemble—they took the most significant decisions to that end—but at the same time they wanted to keep from losing their own national publics. In this way, the battle for the public became one of the struggles between the ensemble and the states.

Each strategy had its own successes, but each one also ran into its own problems. The German strategy of ‘our people’ goes haltingly, because of the overwhelming competition from the nation-states. The Community institutions watched their cultural-political initiatives get clipped, and due to disagreement about any specific content that could be given to ‘Europe’, they had to seek refuge in universal values (cosmopolitanism), self-reference (the pères fondateurs) or empty symbolism (the flag). The Roman strategy of advantage has one overlooked weakness. The existential advantages of peace and wealth cannot be claimed by the Union. Nor are European rights, freedoms and ‘results’, which the internal sphere prides itself on, always appreciated by the public. The public realises quite well that opportunities or advantages for the one always mean a threat or a price to be paid for the other. The Greek strategy of ‘our affairs’ is inevitable but frail. The single-voiced chorus that the ensemble of member states has gradually placed opposite itself in the form of a Parliament is not powerful. It pronounces wishes, indicates a direction, but is still looking for ways to call the most important players to account on their actions and inactions. By contrast, the many-voiced chorus of national parliaments, poorly trained to express European demands and expectations, does have absolute no-votes at its disposal. It does not replace the entire cast at once, but it can vote individual actors off the stage. The difficulty of winning the fascination of the public as an audience is closely related to the utter lack of drama that characterises European politics.

Yet according to opinion polls, the populations of the member states do (partly) feel (also) European. So possibly, the public strategies were somewhat successful. But something else happened, as well. The geopolitical shock of 1989 gave the word ‘Europe’ a new charge. The borders of the circle of member states were stretched to those of the entire continent. It was now more credible for politicians to appeal to the geographical and cultural meanings of ‘Europe’. Moreover, the Cold War division of the world into West and East and Third World became meaningless; it gave way to a new one. Should the inhabitants of the old continent, by now almost all united in the Union, some day grow into the feeling that they are ‘Europeans’, then it will above all be world history that has driven them together.