Discussion Paper

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From National Identity to European Constitutionalism
European Integration:
The first fifty years

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From national identity to European constitutionalism

I. Constitutionalizing European identity

On June 18, 2004 the European Council reached a compromise on the first European constitution. Notwithstanding the inherent unpredictability of the ratification process that might last well into 2006, the European Union has begun a new chapter in its history. Almost fifty years after the conclusion of the Treaties of Rome on March 26, 1957, this stage constitutes the "second founding moment" of Europe. American historian Joseph Ellis has coined this term to characterize the completion of the American constitution in 1787, about half a generation after the United States had gained her independence in 1776. In the US, the work of the "Founding Fathers" was followed by the success of the "Founding Brothers".[1] It would probably seem more appropriate to talk about the constitution-makers as "Founding Brethren". But the issue of whether or not the work of the members of the European Convention that worked out the European Constitution between 2000 and 2002 will be as successful as the work of the Philadelphia Convention is no longer in their own hands.

As the European Constitution is a European document, its fate should be anticipated in accordance with the constitutional history of most of Europe's states. For them, constitutions have always been contracts rather than covenants, alterable when need be and new insights had evolved into

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1   Joseph Ellis, Founding Brothers. The Revolutionary Generation, New York: Knopf 2000, p. 9.

new contractual consensus. The American constitution was designed and is still respected as a covenant. In spite of its amendments, it has prevailed as the longest lasting constitution in the world. Following the model of French constitution building since 1789, all European countries have amended, altered and abandoned constitutions whenever a new political consent had emerged or a revolutionary breach had forced this upon a body politic.[2] Unlike the American constitution, European constitutions never were written for eternity. Sometimes, the first European constitution in the history of the continent is compared with the American constitution in its capacity as a covenant. It entails a clause for soft adjustments, which could generate a historical equivalent to the American experience with amendments. Yet, from the very structure of the constitutional document, one can anticipate that over time Europe will see rather hard revisions and new formulations of its constitution, if not completely new texts. The text finally agreed upon by the Heads of State and Government of 25 EU member states in June 2004 is heavy-handed in style, contradictory in key aspects of its content and insufficient in the eyes of many observers. And yet: as the first constitutional document of the European Union, it merits the eminence of a historical document. In fact, it is the founding document of the second phase of European integration.

European integration has been contract-based from the very beginning.[3] This marks the most fundamental difference to intergovernmental plans and efforts of European cooperation in the earlier years of the 20th century. In 1957, the Treaties of Rome constituted the European Economic Community as both an intergovernmental and a supranational structure, shaped through community law and binding for all participating countries. The

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2   See R.C. van Caenegem, An historical introduction to Western constitutional law, New York/Cambridge: Cambridge University Press 1999; Wolfgang Reinhardt, Geschichte der Staatsgewalt. Eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart, Munich: C.H.Beck 1999; Reiner Schulze (ed.), Europäische Rechts- und Verfassungsgeschichte. Ergebnisse und Perspektiven der Forschung, Berlin: Duncker & Humblot 1991.
3   See Günter Frankenberg, The Return of the Contract. Problems and Pitfalls of European Constitutionalism, in: European Law Journal, Vol.6, No.3, 2000, pp. 257 ff.

Treaties of Rome were followed by the Single European Act in 1986, the Treaty of Maastricht in 1991, the Treaty of Amsterdam in 1995 and the Treaty of Nice in 2000. This sequence of treaties has been the collective "pre-constitution" of Europe. Based on these achievements and referring to the fact that the European Union does not and cannot constitute a state in the classical sense of the word, it has been argued that the EU would not need a Constitution. Some analysts have maintained the view that it would in fact be impossible for the enormously diverse European Union to agree upon a constitutional framework at all which would go beyond the definition of the EU as an economic community.

The European constitution-building process of the early 21st century has proven most critics wrong. The EU was capable of agreeing on a constitutional text and was able to finally reach a compromise on some critical power-sharing issues which had led to a political crisis in December 2003 when the European Council failed to agree on the text the Constitutional Convention had presented in June 2003. After a year of bickering and finger-pointing, under the pressure of the biggest ever enlargement of the European Union in May 2004 and in light of the meager voter turnout for the elections to the European Parliament in early June 2004 (only 44 percent on EU average), the political leaders of the EU member states were forced into a compromise in order to avoid a painful and escalating crisis of trust and legitimacy.[4] The constitutional compromise reached in mid-2004 was to spark new controversies as far as the quality and the impact of the constitutional treaty (that being the official title of the first European constitution) are concerned. But the issue is no longer whether or not such a constitution is desirable or feasible. The issue is one of constitutional inter-

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4   Eurobarometer findings in February 2004 showed that for the total of 25 countries, 62 per cent of all respondents agreed that their country had to get ready to make concessions in order to enable the constitution of the EU come into life. See: European Commission, Flash Eurobarometer. The Future European Constitution, February 2004, in: www.europa.eu.int/ com/public_opinion/flash /fl159_fut_const.pdf.

pretation and commentary. As such it is already part of an emerging European constitutionalism.[5]

The European constitution was formulated in order to enhance democracy, efficiency and transparency of the integration process. Such was the mandate that a European Council summit had bestowed upon the Constitutional Convention when initiating it in December 2001. The Convention's work under the chairmanship of former French President Valery Giscard d'Estaing started in February 2002. The provisions for its work and the expectations that went along with it were not free of contradictions. Some of them seemed to be mutually exclusive. Yet, by June 2003 the Constitutional Convention had delivered a text that was approved unanimously by all its members without a formal vote. This in itself was exceptional in the history of decision-making in the European Union.

The relationship between democracy and constitutionalism has not been clarified with the result of this political process. In fact, it affords continuous clarification, both empirical and theoretical. While the European Union has always claimed to be the expression of the democratic aspirations of its citizens, it requires further explanation as to what a constitution could provide for that the EU does not have as a Union of democracies and as a single market. The constitution cautiously relates democratic statehood as the glue for peace and affluence in the European Union with the need for order building based on mutually shared law and the constitutionality of politics. The constitution transforms politics in the European Union from a sphere

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5   See Paul Craig, Constitutions, Constitutionalism and the European Union, in: European Law Journal, Vol.7, No.2/2001, pp. 125 ff.; Oliver Gerstenberg, Expanding the Constitution beyond the Court. The Case of Euro-Constitutionalism, in: European Law Journal, Vol.8, No.1,2002, pp. 172 ff.; Giuseppe Federico Mancini, Democracy and Constitutionalism in the European Union., Oxford: Hart 2000; Ingolf Pernice, Multi-Level Constitutionalism in the European Union, in: European Law Review, Vol.27, No.1/6 2002, pp. 511 ff; Francisco Rubio Lorente, Constitutionalism in the "Integrated" States of Europe, Cambridge/Mass: Harvard Law School 1998; Ian Ward, Beyond Constitutionalism. The Search for a European Political Imagination, in: European Law Journal, Vol.7, No.4, 2001, pp. 24 ff.; Joseph H.H. Weiler/ Marlene Wind (eds.), European Constitutionalism Beyond the State, Cambridge: Cambridge University Press 2003, Antje Wiener, Evolving Norms of Constitutionalism, in: European Law Journal, Vol.9, No.1 2003, pp. 1 ff.

of negotiated compromises in elite-institutions to a sphere of publicly debated goals. It politicizes the integration process and strengthens the claim that the EU is a community of destiny and not just a community of loosely knit common interests.

The desire of democratic nations to cooperate and to pursue the goal of integration has stood at the cradle of the European integration process. The functional preference for sectoral economic integration, ultimately leading to a single market with a common currency, transformed this idea into a process and an institution. After the experience of national socialist totalitarianism and the continuous threat of communist totalitarianism, European integration became both an answer to totalitarian rule and to Europe's legacy of nationalism, hatred and warfare. It did so in the name of democracy, but in doing so, it could not give an answer to the question of the ultimate political purpose of the process of integrating European democracies. The issue of political finality remained unanswered.

With the end of communist rule in Central and most of Eastern and Southeastern Europe, the issue of reconciliation and cooperation became the overall *leitmotif* for the new European order. Democratic rule was both the mantra of a new, reconciled Europe and it was defined as a key prerequisite for joining the integration structures of the continent. The primacy of the European Union over other European structures soon became clear.

The idea of democratic nations coming together for the sake of a peaceful Europe had found its first expression with the creation of the Council of Europe. Founded in May 1949 by ten European countries, including Turkey, the Council of Europe became the first European structure of peaceful and democratic cooperation. However, it remained limited in scope, intergovernmental in its structure and intensely focused on the protection of human rights. The European Economic Community seemed to be the economic leg of order building in Europe. It was never certain who might join whom at the end of the process. Both institutions were subject to the division of the continent during the decades of the Cold War. During this period, neither one could provide an answer to the teleological question of political finality.

With the fall of the Iron Curtain, the question gained new momentum. Soon, most countries that could geographically be considered European by the most inclusive definition possible had joined the Council of Europe – including Russia, Georgia, Armenia and Azerbaijan. Most of the new democracies of Central Europe considered the Council of Europe in actuality a springboard for ultimate EU membership. The Council of Europe tried to refocus its work on matters of supporting European identity, human rights and the promotion of civil society. Although the European Community – known as the European Union since 1993 – was still developing and incomplete, membership became the ultimate goal of the vast number of post-communist countries in Central Europe. Even in Eastern Europe the desire for EU membership turned public and became one of debate and reflection, most notably in the Ukraine.[6] Uncertainty about its course of development, frustration with the prevailing dictatorship in Belarus – whose membership in the Council of Europe was suspended – and the forgotten case of Moldova soon turned these countries into a sort of black hole for Europe. The awkward human rights record of Russia and the instability in the Caucasus region[7] contributed to the further realization that from a political point of view, the European Union had clearly taken the lead over the Council of Europe as the core expression of "political Europe". The economic success of the European Union strengthened and confirmed this trend and perception beyond any doubt.

Walter Bagehot's classical distinction between the symbolic parts of the British constitution as being separated from its efficient parts comes to mind.[8] While Russia's membership in the Council of Europe was met with continuous skepticism in light of the war in Chechnya and the trend to-

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6   See Jackson Janes/Oleg Kokoshinsky/Peter Wittschorek (eds.), Ukraine, Europe and the United States. Towards a New Euro-Atlantic Security Architecture, Baden-Baden : Nomos 2000.
7   On their prospects in getting closer to the core of Europe see Sergiu Celac/Michael Emerson/Nathalie Tocci, A Stability Pact for the Caucasus, Brussels: Centre for European Policy Studies 2000.
8   Walter Bagehot, The English Constitution, Boston: Little Brown 1873.

wards neo-authoritarian rule in Moscow ("democratur"), EU membership seemed to be what most European nations really aspired to, in order to be recognized as an inclusive player on the continent. As more and more of them sought to join the EU, the EU had to clarify and define the rules of membership. Democracy, rule of law, respect for minorities, a corruption-free market economy – these became the official criteria for EU membership in 1993 (Copenhagen criteria) and thus the guidelines for membership negotiations since the mid-1990s. In fact, the EU stated that all European countries that comply with or accept the *acquis communautaire* were eligible for membership. With the EU insisting that its approved substance of common law and procedures – the acquis communautaire – should be the benchmark for future membership, this pre-constitutional criterion became the guiding line for the process of membership negotiation. The enlargement marathon was not completed in 2004, and it might well last until the end of the second decade of the 21st century with South East European (including Turkey) and possible further Western European (Norway, Iceland, Switzerland) countries joining the EU over time. Considering that also the Ukraine, Moldova and Belarus are intermittently mentioned as potential EU members and considering that in the long run full independence of Greenland followed by an application for EU membership cannot be fully excluded, the process could last until the third decade of the 21st century. For the time being, only Russian EU membership is unimaginable, given Russia's domestic situation and the fact that Russia is and wants to remain a global power in its own right.

Notwithstanding future discourses about the geographical borders of Europe, the political finality of European integration will not be answered by any geographical limit to EU membership. Whether or not the European Union will or can at some point overlap with the geographical scope of the Council of Europe is doubtful and in some way irrelevant for outlining the political finality – the political borders – of the EU. While the Council of Europe defines Europe geographically in the most inclusive way, the European Union has always done and will continue to primarily define Europe in a political sense. During four decades of creating a common market and more than a decade of preparing for enlargement into post-communist

Europe, the political aspirations of the integration rationale have often been blurred or overshadowed. Moreover, they remain contested. Many inside and outside the EU still favor a loose integration of markets over political integration. However, this ongoing normative debate cannot hide the fact that from the very beginning, the intention of the Founding Fathers of the EEC was as political as the intention of the Founding Brethren that drafted the Constitution of the EU.[9]

In the context of the 2004 Eastern enlargement, the acquis communautaire seemed to be better known in post-communist members of the EU than in the more senior member states. Their societies, legal systems and political regimes had to undergo a fundamental transformation prior to being allowed to join the EU. The term "acquis communautaire" seemed to have become a chiffre for the EU as such and part of the basic knowledge of high-school students in Central Europe. The term had never gained that much "fame" in Western Europe, although in reality Western Europe was influenced so much by the acquis communautaire – that is to say by EU law – and had in fact brought it about.[10] Membership negotiations with post-communist countries were not really negotiations. They were means of making the transformation societies accept the acquis communautaire.[11] More than was the case with former EU enlargements, post-communist

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9   See Wilfried Loth, Der Weg nach Europa. Geschichte der europäischen Integration 1939 – 1957, Göttingen: Vandenhoeck & Ruprecht 1990; Martin Dedman, European Integration: Origins and Motives, in: Modern History Review, Vol.9, No.2, 1997, pp. 3o ff; Frans A.M. Alting von Gesau (ed.), European Unification in the Twentieth Century. A Treasury of Readings, Nijmegen: Vidya Publishers 1998; Michael Burgess, Federalism and European Union. The Building of Europe 1950-2000, London: Routledge 2000; Edouard Bonnefous, La construction de l'Europe par l'un de ses initiateurs, Paris: Presse Universitaire Francaise 2002; Hans von der Groeben, Europäische Integration aus historischer Erfahrung. Ein Zeitzeugengespräch mit Michael Gehler, ZEI Discussion Paper C 108/2002, Bonn: Center for European Integration Studies 2002;. Desmond Dinan, Europe recast. A History of European Union, Boulder: Lynn Rieffer 2004.

10 See Paul Craig/Grainne de Burca (eds.) The evolution of EU law, Oxford: Oxford University Press 1999.

11 See Horst Günter Krenzler (ed.), Preparing for the "acquis communautaire". Report on the Working Group on the Eastern Enlargement of the EU, Florence: European University Institute 1998.

countries felt that the European Union was putting stronger pressure upon them to fulfill the criteria for membership. The acquis communautaire as criteria for accepting new members had always been in place. But given the former sharp differences in the political, legal and economic systems between Western-style democracies and communist planned economies and dictatorships, it did not come as a surprise how the EU handled membership negotiations with its future Eastern members. Even Turkey had to realize the special weight of the acquis communautaire although theirs was a very different case.

Whether taken seriously in public or not in the "old" European Union, the existence of the acquis communautaire has always demonstrated that the European Union was not only proclaimed democracy as its guiding principle. It was proclaiming and it continues to proclaim community-wide democracy filtered through both intergovernmental and supranational political processes, based on a commonly agreed community law. It postulates a European democracy guided and corrected through legal and constitutional provisions. This could well be the overall mission statement of the European Union. The European Union is not only a common market – which it of course is – and not just about democracy and reconciliation in Europe – which it surely echoes. But the European Union is also about the formation of a community of law. Professionals and academics dealing with European law had always known this. The broader public – including the political public – has only recently begun to take note of the fact that the EU is not only about rhetoric, but that it is about streamlining national priorities in order to forge a law-based economic and political union. They are increasingly learning that this has consequences for their respective national political and socio-economic systems.[12]

Even prior to the formulation of the constitution, the European integration process has always included a constitutional dimension. The European constitution of 2004 "only" frames the result of this process as it has evolved

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12 See Maria Green Cowles/James Caporaso/Thomas Risse (eds.), Transforming Europe. Europeanization and domestic change, Ithaca/London: Cornell University Press 2001; Kjell Goldmann, Transforming the European Nation-State, London: SAGE, 2001.

over the first fifty years of European integration. It adds substantial weight to the primacy of the European Union as the prime expression of the political order of Europe in the face of the new century. This is the historical significance of the European Constitution: it visualizes what has always been there, no matter how much it encounters skepticism – not the least in the English-speaking world. With the European Constitution in place, one must conclude: The EU is not just about shared interests. It is increasingly about shared destiny.

From its very beginning, the key to understanding the process of European integration is the intention of promoting a community of law among European democracies. This was and remains the underlying principle and the fundamental alternative to all past modes of order building in Europe. Obviously, democracy has been the moral and political guiding rod of this new, law-based Europe since the end of World War II. But democracy alone was never enough of a principle to turn European integration from a voluntary decision into a community of destiny that could prevail over time.

This partly stems from the fact that democracy is not a European privilege. It is not democracy that is unique about Europe. What is unique about Europe is the way Europeans have made use of democratic rule in their individual countries in order to set up a new political, legal, and economic order for their continent.[13] What is unique about Europe is the supranational transformation of democratic nations into a Union based on law, consensus oriented policy processes, parliamentary governance with a strong executive wing, and a constitution which echoes the pooled sovereignty and pooled democracy of EU member states and Union citizens –

13 This thought is echoed in the philosophical discussion about European identity in Remi Brague/Peter Koslowski, Vaterland Europa. Europäische und nationale Identität im Konflikt, Vienna: Passagen Verlag 1997. Brague talks about Europe as not being a tradition, but a horizon and a goal (page 38 ff.), while Koslowski compares European integration with the "translatio imperii" from the Roman Empire to the world of the Franks under Charlemagne, based on a limited mandate which is also the case with European Union competencies; on the origins of Europe see also: Norman Davies, Europe: A History, Oxford: Oxford University Press 1996, pp. 213 ff. (Origo. The Birth of Europe AD c. 330-800).

and yet preserving their nations and states as they had developed in the course of Europe's history. In the early 21st century, it is a politicized and constitutionalized Europe that stands out compared to past modes of organizing and orchestrating interests and principles in Europe's order. A strong economy, growing into a common market, generated respect for European integration during the first fifty years of its existence. It is the political dimension that will define the recognition of the European Union as a strong international player with a growing weight and appreciation all over the world during the next decades. The constitution will be tested as to whether it can contribute to this.

There is an increasing realization – inside as well as outside of Europe – that Europe's affluence and social cohesion are rooted in the political and constitutional order of the continent. The order is not only the consequence of coordinated or pooled economic policies, but also the result of and the engine for further political and constitutional developments. The emerging European constitutionalism is both an answer to Europe's struggle with identity and the foundation for preserving freedom and affluence in the age of globalization through political means.

Democratic theory recognizes people for what they are and who they are. It promotes political and personal freedom in the name of the recognition of the individual. Checks and balances serve the pursuit of individual freedom and the protection of human rights. Democracy tends to mistrust institutions while institutions tend to tame democratic aspirations as absolutes. Democratic rule can be found in many parts of the world, no matter how strong the prevailing reality of authoritarian rule remains.

The substance of the constitution and the rule of law on which either of them are based mark the borderline between democratic and authoritarian rule in the contemporary world. Political theory that defines the importance of the role of constitutions tends to be more realistic. It is also more skeptical with regard to human nature compared to a political theory that emphasizes primarily on the notion of democracy as the goal of human society. Constitution-based political theory puts priority on institutional processes;

it favors the idea of political accountability and sympathizes with the need to control freedom in order to preserve freedom.

Constitutional procedures emphasize authority over freedom, while democracy tends to do the opposite. Yet, the lasting authority of a constitution depends largely upon the degree to which it can generate and guarantee freedom and democracy. This is why non-democratic constitutions lack legitimacy. Constitutions that reconcile democratic aspirations with the ability to generate authority and result-oriented decision making through political processes tend to have a higher degree of legitimacy in the eyes of the citizens living under them. It can create and reproduce sustainable constitutionalism.[14]

All constitutions in the contemporary world provide for representational institutions, normally in form of parliaments. This is why parliamentary democracy has become the most respected form of constitutional government. This theoretical understanding is at the root of reasoning about parliamentarian democracy, as it has become the guiding principle for governance in a constitution-based European Union. Still, it is an emerging parliamentary democracy – which is multi-layered and encompasses the national as well as the European parliaments – and it certainly remains incomplete.

This remains evident although the European parliament has grown in strength and competency since its creation – emanating in 1962 from the "European General Assembly" that was created along with the European Community of Coal and Steel in 1951 – and the first direct election by the citizens of the European Community in 1979. But its role has continued to

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14 See Richard Bellamy (ed.), Constitutionalism, Democracy and Sovereignty: American and European Perspectives, Aldershot: Avebury 1996; Larry Alexander, Constitutionalism: Philosophical Foundations, Cambridge: Cambridge University Press 1999; Andras Sajo/Stephen Holmes, Limiting Government: An Introduction to Constitutionalism, Budapest: Central European University Press 1999; Charles Sampford, Beyond the Republic: Meeting the Global Challenges to Constitutionalism, Sydney: Federation Press 2001 Scott Gordon, Controlling the State: Constitutionalism from Ancient Athens to Today, Cambridge/Mass: Harvard University Press 2002; Niclas Berggren/Nils Karlson, Constitutionalism, Division of Power and Transaction Costs, in: Public Choice, Vol.117, No.1/2, 2003, pp. 99 ff.

evolve ever since, and no matter how incomplete, it still is in the third decade of its existence as the only directly elected supranational parliament in the world: parliamentary democracy can be considered a foundation and a fountain of European constitutionalism.

The evolution of Europe's constitutional and political order might be considered a continent-wide continuation of the individual national European experiences in the age of early constitutionalism in the 19th century. The trend towards parliamentary and constitutional rule at the national level, which is repeating itself in stages, can now be observed with detours and under different historical circumstances at the level of the European Union. As an emerging parliamentary and constitutionally based democracy, the European Union follows the success story of parliamentary democracy in most European states over the past 200 years.[15]

The revival of parliamentary democracy in Western Europe after World War II stood in contrast with the prevailing totalitarian systems in the communist-ruled part of Europe. Nevertheless, the revival of Europe after a century of bloody national and ideological warfare was based on the principle of constitutional democracy. This revival began after 1945 on the national level – most remarkably in Italy, Germany and France, later followed by Greece, Spain and Portugal – and it grew gradually to the European level, beginning with the Rome Treaties in 1957 and still continuing with the Constitution of 2004. It was not surprising that most post-communist

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15 On early national constitutionalism in Europe see: Horst Dippel (ed.), Die Anfänge des Konstitutionalismus in Deutschland. Texte deutscher Verfassungsentwürfe am Ende des 18. Jahrhunderts, Frankfurt/Main: Keip 1991; Hans Peter Hye, Das politische System in der Habsburgermonarchie. Konstitutionalismus, Parlamentarismus und politische Partizipation, Prague: Karolinum 1998; Horst Dippel (ed.), Executive and Legislative Powers in the Constitutions of 1848-49, Berlin: Duncker & Humblot 1999; Martin Kirsch, Monarch und Parlament im 19. Jahrhundert. Der monarchische Konstitutionalismus als europäischer Verfassungstyp. Frankreich im Vergleich, Göttingen: Vandenhoeck & Ruprecht 1999; Martin Kirsch/Pierangelo Schiera, Denken und Umsetzung des Konstitutionalismus in Deutschland und anderen europäischen Ländern in der ersten Hälfte des 19. Jahrhunderts, Berlin: Duncker & Humblot 1999; Martin Kirsch/Anne G. Kosfeld/ Pierangelo Schiera (eds.), Der Verfassungsstaat vor der Herausforderung der Massengesellschaft. Konstitutionalismus um 1900 im europäischen Vergleich, Berlin: Duncker & Humblot 2002.

countries in Europe were heading in the very direction of redefining their political system as one based on parliamentary and constitutional rule of law after the peaceful revolutions of 1989.

Theirs were revolutions in the name of freedom and democracy, intended to catch up with the established parliamentary democracies of Western Europe. Hence it was logically consistent that the quest in Central Europe to join the European integration structures was coupled with the effort to streamline their national political systems with the parliamentary-based democracies, constitution-based rule of law and market-based economies in Western Europe. Indeed, since the late 1980s, the European integration process has increasingly geared towards the quest for and subsequent evolution of a European constitution. In hindsight this is not a mysterious surprise, but rather a logical consequence of the systemic reconciliation among European states and the national reconciliation among European people. The national experience of parliamentary democracy as the expression of political identity under conditions of freedom and rule of law found its echo at the level of the European Union. This was further proof of the overlap of multi-layered, multiple identities within the multi-level system of European governance.[16]

After World War II, Western Europe had experienced a period of constitutional reconstruction as the answer to totalitarian politics. After 1989, a second wave of constitutional reconstruction took place in post-communist Europe. It was the second answer to totalitarian politics. In the early 21st century, both processes are being embraced and combined by the making of the first European constitution. This will have lasting implications not

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16 Earlier efforts to draft a European constitution remained academic exercises or precursory visions of politicians, such as Altiero Spinellis work in the European parliament. The hope to match the path towards monetary union with a path towards political union failed during the process that led to the Treaty of Maastricht in 1991. Nevertheless, the discourse about a European constitution gained momentum during the 1990s – as a reaction to the institutional crisis which stemmed from the insufficient work of Intergovernmental Conferences during the 1990s and their incremental yet increasingly contradictory strife for institutional reforms. For the debate in the context of the Maastricht Treaty see Ludger Kühnhardt, Europäische Union und föderale Idee, Munich: C.H.Beck 1993.

only for the European state system. It has ramifications for the individual democratic nations of Europe that are pooling their constitutional sovereignty on the European level as well. Furthermore, constitution building on the European level will also affect the identity of the citizens of Europe who are ever-increasingly experiencing the political dimension of their shared identity.

The constitutionalization of Europe raises the question about the degree of authority that can be expected from the European constitution. To constitute means to give form and direction to a political entity. A constitution is considered to be supreme law and should frame, or at least pattern, a political system. One has to distinguish "between the authority a text asserts and the authority it exerts"[17]. It remains open to historical judgment whether or not the European constitution can claim the authority national constitutions have been able to accrue in the history of Europe. The question of whether or not early European constitutionalism can grow into full-fledged European constitutionalism will be answered by history. For the optimists who are present at the creation of Europe's constitution, it remains subject to verification; for the pessimists, it remains subject to falsification. Both can only help to define criteria as to how Europe's constitutionalization can be judged over time.

Based on historical experience, constitutions can fulfill different functions[18]:

- They can be purely cosmetic in which case both nations or political systems can hide their true intentions or failures behind the curtain of constitutional rhetoric;

- They can serve as a Charter for government which is to say the constitution sketches out the rules of operation of a legitimate government irrespective of the social fabric of the society which the government will shape;

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17 Walter F. Murphy, Constitutions, Constitutionalism, and Democracy, in: Douglas Greenberg et.al.(eds.), Constitutionalism and Democracy. Transitions in the Contemporary World, New York/Oxford: Oxford University Press 1993, p. 8.
18 Ibid.,pp. 8 ff.

-      They can explicitly serve as guardian of fundamental human rights and values and thus delineate the scope of political authority in order to protect basic human rights and fundamental values of a body politic;

-      They can serve as the founding document of a body politic and as a symbol of its aspiration; by doing so, constitutions can be the foundation stone of a new political entity and serve the function of a covenant.

The first European constitution entails elements of all these functions as experienced in the history of constitution building linked to nation-states. It challenges the critique of those who assume that a European constitution can only be of a cosmetic nature; it proves that the European Union is based on the operation of a government system although it does not represent a state in the traditional sense of the word; it echoes the protection of basic human rights in the European Union; it questions the myth that the European Union is incapable of transforming diverse cultural identities into a constitutionalized political Union.

In sum, the European constitution opens a new chapter for European identity and of European integration history. It begins to constitutionalize European identity and politicizes the future integration process. Whether recognition of or even reverence for the constitution will follow among Union citizens remains to be seen. But the European constitution is certainly more than simply a moderate continuation of the proven path of European integration. It gives new meaning to the search for political finality of this integration process without providing final, consistent and comprehensive answers yet. By supporting the politicization of the integration process and providing it with a more solid and visible frame, the constitution raises the challenge for those who will speak for and work with the institutions of the European Union. It strengthens the claim to accountability for what they are doing or not doing. In other words: The European constitution enhances the political price for failure and the political promise for success.

Five decades after the beginning of the European integration process, the first ever European constitution coincides with fundamental trends in Euro-

pean integration and anticipates some others which are inevitable as the 21st century unfolds:

- The European Union is challenged internally by the need to absorb its biggest and most complex enlargement and it will have to complete the enlargement process towards South Eastern Europe. Regional economic asymmetries and a strong gap of experiences and expectations accompany the consequences of enlargement towards post-communist countries in 2004 while the European Union is confronted with the consequences of an ageing population, thus putting even more pressure on the future struggle over social policies and the reallocation of limited resources.

- The European Union faces globalization and the challenge of the economic and social dynamics outside Europe while it upholds the claim to become the most innovative and dynamic economy in the world by 2010. The biggest challenge for the EU in managing globalization relates to its ability to pursue internal structural economic reforms and generate coherent and efficient decision making structures and mechanisms of implementing joint policies which can support sustainable innovation and social dynamics while at the same time growing increasingly into a force that is capable and willing to contribute to the global projection of stability and the management of the global political and economic system.

- The European Union thus faces the need to gradually, but consistently politicize its identity in order to be able to absorb and shape the challenges mentioned. The EU will have to tackle them in ways that reflect policy preferences and priorities and not only economic path dependencies. Supporting diversity in unity, as the European constitution postulates, cannot be accomplished by traditional means of promoting cultural identity. It requires the European Union to grow from a community of institutions and organs into a community of will and destiny. It requires the EU to generate leadership, which is apt to the task and courageous enough to take the necessary risks.

Thus, the order of testing the meaning and consequences of the European constitution is rather tall. The European Union will have to develop consensus on some crucial matters relevant to the development of its history with a constitution. Most important are the following two questions as can be deduced from the history of constitution-building and constitutionalism elsewhere: Who will authoritatively judge the sustainable legitimacy of the constitution as well as its political implications for the European body politic and its identity?[19] How should the constitution be interpreted over time and in which constitutional light shall the future European political process be framed and adjusted? In other words: What can be expected from the European constitution and how much different will European politics and interests look as they are from here on rooted in a constitutional order? Moreover, how will the European constitution generate a constitutional identity for Europe that reconciles diverse cultural identities with shared political destiny?

II.   Challenge and response: patterns of European identity formation

The relationship between integration and identity has changed over the first fifty years of European integration. In the course of five decades, a study of the "deepening" and "widening" European integration can lead to some comprehensive conclusions. One of them is the fact that both of these processes were never mutually exclusive as has often been suggested in scholarly literature. Of course, they did not necessarily go hand in hand smoothly. At times they blocked each other. Never did they prevent each other from developing further in their own right. Sometimes new dynamics stemmed surprisingly from dialectical processes, sometimes progress was the result of trial and error or of challenge and response. In fact, this classical concept of challenge and response, introduced by historian Arnold Toynbee in his seminal work on world history, is the best available key to understanding and rationalizing the course of European integration. The

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19 See Matthias Kumm, Who is the Final Arbiter of the Constitutionality in Europe? Cambridge/Mass.: Harvard Law School 1998.

natural oscillations of European Integration represent what Toynbee called the "alternating rhythm of static and dynamic, of movement and pause and movement fundamental to the nature of the universe"[20].

Toynbee explained with great erudition that challenges instigate responses, which, of course, can be either appropriate or misleading. Depending on the nature of the response, challenges can lead to negative, if not catastrophic consequences for the form they are relating to. If the response is appropriate and well focused, it will strengthen and reinvigorate the form it touches upon. As Toynbee remarks: "In the language of science we may say that the function of the intruding factor is to supply that on which it intrudes with a stimulus of the kind best calculated to evoke the most potently creative variations."[21] None of the trendy social science theories is better equipped to explain the paths, detours, rough roads and happy endings of European integration over the first fifty years. It has been and it remains a path of challenges and responses.

This is not to say that the rationale of this process, or processes, can be reduced and simplified to one specific explanation. If this were the case, we would approach deterministic notions of history that run counter to social theory and anthropological evidence. Nevertheless, it is not too far-fetched to outline the history of European integration as a permanent set of responses to contingently changing challenges. "Challenge and response" is the most comprehensive frame around the various theoretical efforts to conceptualize European integration, why it began and how it developed.[22]

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20 Arnold Joseph Toynbee, Studies of History. Abridgement of Volumes I-VI, New York/London: Oxford University Press 1947, p. 51.
21 Ibid, p.63.
22 In his small and concise book "The Origins and Development of the European Union 1945-1995" (London: Routledge 1996, pp.7 ff.) Martin Dedman describes the three most influential approaches to the theory of European integration, although it remains questionable whether they can really be called "theories" or should rather be referred to as comprehensive assessments of analysis: 1.Functional theory that dominates contemporary Political Science. It assumes that an increase in international cooperation and consequently in integration is the logical precondition for states to enhance their scope of action in the modern state system. The scholarly work of David Mitrany (A Working Peace System. An Argument for the Functional Development of International Organization, London: Royal Institute of Interna-

The most serious challenge stood at the very beginning. The destruction of Europe in two wars and the democratic revitalization of its Western regions (West Germany included), with the help of America's enlightened, yet self-interested Marshall Plan, the founding of NATO and the continuous strategic presence of the US as a "European power", marked the beginning of Europe's second renaissance. Just as the first renaissance was shaped best by Leonardo da Vinci's ambition to build a bridge wherever he saw a river and by Blaise Pascal's fear in face of the dark open sky at night, Europe's second renaissance was likewise driven by hope and fear.

After 1945, the fear of a Hitler-like dictator returning or Stalin taking over all of Europe was as deep as the hope of reinvigorating Europe's economic, social and cultural resources and subsequently Europe's place in the world. The rise of an integrated Europe coincided with the end of Europe's colonial ambitions. This helped to convince the French to support the project of European integration although it did not prevent them from keeping their British rivals out as long as possible. Furthermore, integration was Germany's best choice in regaining recognition after the horrendous legacy of Hitler's totalitarian terror, with the Holocaust as its culmination, his war and Stalin's victory with the division of Europe as its most bitter and lasting price. West Germany's rehabilitation through integration coincided with the interests of the other Founding members of the European Eco-

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tional Relations 1943) and Ernst Haas (The Uniting of Europe. Political, Social, and Economic Forces 1950-1957, Stanford: Stanford University Press 1958) laid the groundwork for this most influential integration theory. 2. Ideological approaches refer to the growth and influence of European federalist movements in the interwar period and during World War II. The erudite work of Walter Lipgens (Documents on the History of European Integration, 2 Volumes, Berlin: New York: de Gruyter 1985 and 1986) has contributed the best possible insights into their quest for a new normative beginning in building a European order. 3. Historical-systematizing research has focused primarily on the period from the Treaties of Rome until the Treaty of Maastricht. Alan Milward (The European Rescue of the Nation State, London: Routledge 1992) in one of the most influential works of this nature has argued that integration occurs only when it is needed by the states, who come together. Andrew Moravscik (The Choice for Europe. Social Purpose and State Power from Rome to Maastricht, Ithaca: Cornell University Press 1998) has elaborated on the theme that European integration strengthened the European nation-states.

nomic Community. Italy was in a somewhat similar although less tainted situation than the Germans were, but Mussolini's Fascism, as bad as it had been, paled in comparison to Hitler's totalitarianism, a system whose communist variant prevailed behind the Iron Curtain after 1945. Meanwhile, Belgium, the Netherlands and Luxemburg were traditionally favorable of international and intra-European cooperation. Thus it was not surprising that many initiatives (and leaders) in support of European integration originated in these three countries.

The history of European integration has produced its own culture of memory. Some even go as far as saying that Europe's integration is the new great, triumphal story of our time.[23] It is certainly true that common experience, continuous testing through crises, and symbolic and substantial achievements have generated joint memories and shared feelings all across the European Union. They contribute to an evolving European political identity.

The relationship between "challenge and response" can be studied in many specific cases that are part of the integration experience. Most importantly however, it can be detected in the context of the two most defining phases of integration development: The defining periods from 1945 to 1957 and 1989 to 2004. For one, the Treaties of Rome and the creation of the European Economic Community in 1957 were the ultimate European responses to the end of World War II and the beginning of the renaissance of parliamentary democracy in Western Europe in 1945. In a similar fashion, the European Constitution and the unification between Western and Central Europe in 2004 will be likewise the ultimate response to the fall of the Iron Curtain and the beginning of the renaissance of parliamentary democracy in Central and Eastern Europe post-1989.

Both defining periods encompass complex historical developments that must be analyzed in their own right. Both ended with successful institutional and constitutional results in combining two factors whose relation-

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23 Peter Koslowski cites Japanese philosopher Naoshi Yamawaki as one of those points to the process of European integration as the greatest master story of our time in: Remi Brague/ Peter Koslowski, Vaterland Europa, op.cit. p. 70.

ship has been debated as mutually exclusive: "Deepening" and "widening" the process. In 1957, integration started with 6 European countries and it became successful only because they brought about treaty-based common supranational institutions. In 2004, integration had advanced to 25 European countries and, again, it would only become successful over time by way of rooting the common future in a constitutionally based supranational community of law, common interests, values, institutions and policies. Obviously, this is what is meant when politicians refer to a "European spirit". The larger Europe grows, the deeper the integration process inevitably becomes in response. In light of simplifying assessments about the impossibility of squaring the European circle, the dialectic might seem surprising: The deeper the integration process became, the more Europe needed to widen and to include additional European countries that wanted to join the EU – and vice versa. Understanding this dialectic as part of the mechanism of "challenge and response" is not always shared in the scholarly literature on European integration. Yet, the mechanism of "challenge and response" – coupled with the importance of leadership during critical periods for EU politics – is closer to the empirical evidence than many theory-driven assessments of the process of integration in Europe.

The aforementioned events of 1957 were the responses to those of 1945, but it could not prevent the European Economic Community from encountering new crises. Over time, while it developed from the Economic Community into the European Community and ultimately into the European Union, the fundamental crises had been resolved and they had made Europe stronger. To stand against Soviet expansion, and do so under the security umbrella provided by the United States with the creation of NATO, was certainly the most serious test of Europe's ability to reinvent itself. Other, historically minor crises, followed over the next decades:

-    The crisis that broke out after the French National Assembly refused to ratify the European Defense Community in 1954 that France itself had launched two years earlier;

-    The failure to proceed with concepts of political integration after the governments of the six member states refused the proposals for politi-

cal integration expressed in two Fouchet plans in 1961 and 1962 that they had commissioned themselves;

- The Luxemburg compromise, which brought France back into the EEC institutions in 1965 after France had left over disputes on agricultural policies;

- The failure of the EEC to implement the "Werner Plan" of 1970 that outlined the path towards monetary union and a common currency over the decade of the 1970s, which then had to wait until 2002 to become a reality;

- The frustrating refusal of the Maastricht Treaty by the majority of Danes in a referendum in 1992, finally neutralized by the "invention" of dubious "opting out-clauses" for Denmark that helped to bring the majority back on the path of integration;

- The crisis over constitution-making itself that was brought about by the EU Heads of States and Governments in December 2002, who were unable to find agreement on the draft Constitutional Treaty. The Constitutional Convention had presented the draft to them in June 2003 until last minute compromises were found in the summer of 2004, which were face-saving although not uplifting.

In summary, European integration has been nurtured, pushed forward and shaped by crises: It is as if crises were always the best engines for European integration.[24] The signing of the European constitution in 2004 was the ultimate response to the challenge that the end of communist totalitarianism and the fall of the Iron Curtain had posed to the concept of European integration. For Central, Eastern and South Eastern Europe, the peaceful revolutions of 1989 were "back to square one" as much as May 8, 1945, the end of World War II was for the countries and societies in Western Europe that reinvigorated themselves in a democratic and peaceful manner a generation earlier.[25] In both cases, "tabula rasa" is somewhat of an artificial

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24 See Romain Kirt. Die Europäische Union und ihre Krisen, Baden-Baden: Nomos 2001.

25 See Ludger Kühnhardt, Revolutionszeiten. Das Umbruchjahr 1989 im geschichtlichen Zusammenhang, Munich: Olzog 1994 (Turkish edition 2003).

notion as politics proceeding, as any life form would, in overlapping stages of development, without clear-cut fences between them. Nevertheless, one can argue that 1957 was for Western Europe what 2004 will be for united Europe, while 1945 was for Western Europe what 1989 was for Central Europe.

The analogy of "challenge and response" proves valid if considering the implications for Western Europe after the toppling of the Berlin Wall and the subsequent fall of communist regimes behind the Iron Curtain. For the citizens of Central and Eastern Europe these events were, by and large, a moment of happiness and an expression of freedom. Integrated Western Europe met the effects with ambivalence: certainly, cry freedom it was, but what would follow? Would the Eastern population migrate to the West in hoards too overwhelming to absorb? Would EU membership of most of the post-communist countries be inevitable, and would the West have to pay too much for it? Such concerns about the implications of enlargement were expressed not only in private and among popular parties, but also in the most serious government circles and in traditionally pro-European parties.

In 2004, the EU gave two definite answers to 1989: membership of eight post-communist countries, by now labeled "transformation societies" – (plus Malta and Cyprus). These additions will likely be followed by others until deep into the second decade of the 21st century, and preceded in June 2004 by the making of the first ever EU constitution, thus providing the EU with a stronger political and legal frame for the decades to come. Fear and hope are still in balance, both regarding the issue of further enlargements and the issue of deepening and politicizing integration. Nevertheless, an enlarged and constitutionalizing European Union entered into a new phase of its development. In 2004, it began its "second founding".

Reconciliation, strength through crises the continuous balance between deepening and widening, functional economic integration leading to political integration, advancing the Union although again postponing the question of political finality: the history of European integration has borne its share of contradictions. Yet, "la longue durée" of this process can be deciphered beyond doubt: Building a Europe whole and free, based on democ-

ratic principles, defending human rights, supporting a market economy with strong elements of welfare state solidarity, reconstructing global responsibility and respect for multilateralism in international politics with the United States as its most indispensable partner.

"Challenge and response" accompanied the defining periods of European integration as much as many smaller events and developments during the first fifty years of its existence. No blueprints were available, no theory could be followed, but in the two most critical defining periods of European integration until this day, the actors involved had to cope with a web of challenges and bring about a web of answers. During both periods the process of framing a European answer to a European challenge was linked to the formulation of a European answer to the issue of transatlantic relations. In other words, whenever European integration went through defining critical years, transatlantic relations were also undergoing parallel developments.

As much as the period from 1949 (the founding of NATO) until 1957 (the date of the Rome Treaties) was crucial for the making of the West and was an integral part of the evolution of the European integration process, the period from 1991 (Yugoslavian Wars, Iraq War) until 2004 (Iraq reconstruction, NATO enlargement) was crucial for redefining transatlantic relations and providing them with a post-Cold War frame of mind. During both defining periods of European integration and of the concept of "the Western World", the Atlantic civilization had gone through several divergent experiences: Europe's self-destruction had ended in 1945 with America's continuous presence as a European power. The common frame of mind was organized around the notion of defending freedom against Soviet hegemony. In 2004, both sides were still in the midst of outlining a new frame of mind. Now they had to reconcile the contradictory implications that the most dramatically diverse experiences of 11/9- the fall of the Berlin Wall on November 9, 1989 – and 9/11 – the terrorist attacks on New York and Washington – have had for the Atlantic community. There was hardly any doubt that at the end, the transatlantic partners had to come together again and redefine the challenge of transforming, modernizing and democratizing the Greater Middle East as their joint new project.

Between 1949 and 1957 three complex issues intertwined and ultimately defined both the newly emerging European and the transatlantic architecture:

-   The outbreak of the Cold War and Soviet expansionism, followed by the wars in Korea and Indochina as well as the Suez Crises that made France and Great Britain realize the limits of their global role in light of the ensuing US-Soviet hegemonic struggle, thus facilitating the American guarantee for Europe's security.

-   The start of functional European integration through the Community of Coal and Steel which turned out to be a highly successful way of matching various integration ideas and conflicting interests ultimately turned into the most successful structure for rebuilding Western Europe as a society of affluence and freedom.

-   The foundation of an institutional network with NATO as the strategic and military insurance policy for rebuilding Western Europe, the Council of Europe as a loose community of European values and the European Economic Community as the first step to political integration in Europe. Each development was based on mutually supported ideas with the intention of building a new and sustainable European peace order.

Between 1989 and 2004 three decisive and interconnected issues again shaped the future path of European integration and the future of the Atlantic community:

-   The introduction of the EURO opened the way to further transfer of sovereignties from the national level to the supranational level of the European Union, thus defining the perspective for the next most important integration projects creating a Justice and Home Affairs Union and a Foreign, Security and Defense Union, acts which will be reinforced by the completion of a European constitution;

-   The enlargement of the European Union to include post-communist countries went hand in hand with the gradual enlargement of NATO (so that by 2004 26 NATO members and 25 EU members were antici-

pating further enlargements) and proved that the Euro-Atlantic institutions remained valid as the core for the projection of stability beyond their own territory in a world facing enormous opportunities as a result of globalization, but also serious new threats emanating from the modernization crisis in the Greater Middle East, the terrorist threat of Islamic totalitarianism, and the proliferation of weapons of mass destruction;

- The transformation of transatlantic relations and the evolution of a European Foreign, Security and Defense Policy following the most serious adaptation crisis in the history of transatlantic relations in the aftermath of the terrorist attacks of September 11, 2001; the "Internal Cold War of the West" over Iraq, more than the fallout of the Yugoslavian Wars of Secession and the uncertainties about Russia's political system and Russia's role in the Caucasus, ultimately had to bring the transatlantic partners back to reinforce their ties on the basis of a new transatlantic project and bargain, thus recognizing their mutual dependency.

1945 and 1989 marked the most important turning points in the modern history of Europe, while 1957 and 2004 marked the most promising answers given in the name of European integration. The start of the very integration process on the basis of supranational institutions coupled with intergovernmental cooperation, heading towards a single market with a common currency, the opening of the process to countries with many different experiences and legacies, the advancement of a common political union under the roof of a common constitution – to this day these were the most important turning points in the evolution of European integration. They also defined how we look back on the first fifty years of integration as they shape the framework for the future evolution of a common memory and political identity in Europe.

European integration has never followed a theoretical blueprint. It is therefore hard to characterize and assess through the categories of theoretical models and concepts. European integration is actor based, largely elite driven, often a response to external challenges and internal crises; its re-

sults have rarely been the consequence of simple and easy decisions. Often they were accompanied by frustrating detours. Almost always they were of an incremental and difficult nature. The governance system of the European Union can easily be criticized as being contradictory and clumsy, its decision making processes be labeled non-transparent and inefficient. However, the alternative warrants consideration: The price of non-integration would have been as high as it could get given the history of Europe, the fragmentation of the different national markets, the weakness of the individual international weight of EU member states and the insistence of some European countries on special national paths (Sonderwege) because of their diverse national cultural identities.

The nation states of Europe reflect the cultural diversity of the continent. They are a cultural product with strong political bonds holding them together. Yet, alone they are incapable of delivering most of those goods to their citizens for whom they were created in the first place: security, stability, and affluence. This is why European integration has become a political must for practically all-European countries. In order to preserve their cultural diversity and identity, they need to develop and shape a joint political identity and frame of mind, which allows the growth of common interests and forms of solidarity. This transformation of both culture and politics in Europe is neither easy nor can it be completed rapidly. Yet, it is occurring since five decades and is shaping the political culture of Europe. It would not be too speculative to assume that it will take another five decades before a comprehensive form will finally solidify which combines function and legitimacy of integration with the interests, values, and multiple identities of the majority of EU citizens.

At the core of the transformation of the European order of states and people is the changing character of identity. In the past, the key question concerning identity was about its role in shaping national public and hence political life. With the European constitution, the key question turns towards the evolution of a role for identity in the public and political life of Europe. With the European integration process gaining speed and cutting deeply into the domestic structures of all member states and nations, the concept of identity and culture is growing within the context of public and political

life in Europe.[26] It is the concept of multiple identities in a diverse European culture.

In the age of nationalism, culture was used to reinforce difference. This was never difficult in Europe, given the enormous differences that have developed over a long period of time. By definition, European culture flourished on the basis of difference and through change and renaissance. Change was the most constant factor in the cultural history of Europe. Existing differences were easily exploited, leading to the tragic legacies of the age of nationalism.

The origins of the European integration process are an answer to the exploitation of European differences in the name of nationalism and even racism. After the antagonistic clashes and collective destructions of Europe's internal order and external relevance, the "Founding Fathers" of European integration were convinced that they had to define common interests and shared perspectives in order to overcome a culture of hatred and mistrust. They began with the economy. All too often, the subsequent path of European integration was accompanied by skepticism among intellectuals. Often, Jean Monnet[27] is quoted as having said that if he would have to restart the integration process, he would begin with culture. Extensive research could not find proof for the quotation. Moreover, being quoted time and again and with emphasis has not substantiated the argument that Europe missed a golden opportunity by not building its integration around the notion of culture.

In the immediate years following World War II, one could instead argue that cultural mistrust was so prevalent in Europe that it would hardly have been a good mirror for choreographing the idea of European integration. Who would have trusted the Germans immediately after 1945 on the sheer basis of a good cultural tradition that had proved incapable to prevent Hitler from rising to power? Who would have accepted a French concept of

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26 See Thomas Banchoff/Mitchell P. Smith (eds.), Legitimacy and the European Union. The Contested Polity, London/New York: Routledge 1999.

27 On his legacy for European integration see: Eric Roussel, Jean Monnet 1888-1979, Paris: Fayard 1996; Frederic J. Fransen, Supranational Politics of Jean Monnet. Ideas and Origins of the European Community, Westport: Greenwood 2001.

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cultural superiority ("mission civilisatrice") as still practiced in French colonies? And whom would the French have recognized as equal to their concept of culture? Who would have been able to link Belgian culture with British culture or Italian culture in order to create an integrated Europe? In fact, the Council of Europe did its best to give value to and generate respect for the diversity of European culture as the basis for revitalizing a deeply humiliated and destroyed continent.[28] But can culture serve as a means to initiate and orchestrate sustainable political integration for a divided continent in ashes?

Certainly, cultural considerations and underpinnings were present during the creation of the European integration process. It has been (critically) argued that the European Economic Community was a "catholic project" as many leaders of the 1950s were Roman-Catholic. Robert Schuman was catholic, so were Alcide de Gasperi, Konrad Adenauer and Joseph Bech – it is hard to deny the religious background of some of the most important "Founding Fathers" of the integration process. Yet, they did not insist explicitly on mentioning culture or even religion in the Treaties of Rome. And, of course, they did not represent the whole political spectrum of the time that was after all quite pluralistic.[29] But it is also true for the mid-

28 For the most recent efforts of the Council of Europe see: Council of Europe (ed.), The European Identity. Colloquy in three parts organized by the Secretary General of the Council of Europe, Strasbourg: Council of Europe 2001-2003.
29 The governments of the six founding states of the European Economic Community in 1957 were composed as following: Belgium: coalition of Socialists (PSB) with Liberals under Prime Minister van Acker (1898-1975), Foreign Minister Paul Henri Spaak (Socialist); Germany: coalition of Christian Democrats (CDU and CSU) with Liberals (FDP) and some smaller parties (DP and GP-GHE) under Chancellor Konrad Adenauer (1876-1967), Foreign Minister Heinrich von Brentano; France: Government of the "Republican Front" under leadership of the Socialist SFIO under Prime Minister Guy Mollet (1905-1975), Foreign Minister Christian Pineau; Italy: coalition of Christian Democrats (DC) with Social Democrats (PSDI) and Liberals (PLI) under Prime Minister Antonio Segni (1891-1972), Foreign Minister Gaetano Matino; Luxemburg: Christian Democratic government (CSV) under Prime Minister and Foreign Minister Joseph Bech (1887-1975); Netherlands: coalition of Socialists (PvdA) with Christian Democrats and Liberals (KVP , ARP and CHU) under Prime Minister Willem Drees (1886-1988), Foreign Minister Joseph Luns; explicitly Catholic were Adenauer, Bech, von Brentano, Luns, Segni; Jean Monnet, by

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1950s: No matter whether Catholics, Socialists (which still was almost mutually exclusive), Liberals or Agnostics, all had experienced the disastrous escalation of nationalism and terror and were deeply convinced that only supranational cooperation and subsequent integration could revitalize Europe, its culture and self-esteem. Non-overt normative consent accompanied the preparation for the Treaties of Rome. For Roman-Catholics among the leaders of the six founding states of the European Economic Community loyalty to the church and the Pope as Bishop of Rome had always come first before any nationalist zeal. For them, supranational thinking was a reflection of their religious creed and thus rather "normal". But likewise were the sentiments for many of their fellow liberals and socialists in post-War Europe. All of them looked to a fine past and to venerable values that could reinvigorate them with a sense of pride in light of a collective failure of politics and leadership across Europe over more than a generation. It was no coincidence that the founding Treaties of the European Economic Community were signed at the Capitol in Rome, following a service in San Lorenzo Fuori le Mure where former Italian Foreign Minister Alcide de Gasperi had been buried almost three years earlier.[30]

Yet, the European Economic Community was not simply "a catholic project" and the Treaties of Rome do not make reference to religious belief or even to secular cultural notions and values. The Founding Fathers knew what Europe needed and they were in consent with the silent majority of citizens in their countries who were looking for a new beginning. Interestingly enough, four and a half decades later, after Europe had experienced a substantial process of secularization, the debate leading to the European Constitution was accompanied by a highly visible and emotionally controversial debate about the relevance of religion and the meaning of God for the Constitution of Europe which Europe was about to give itself. What was unnecessary during times of much greater religious consent became divisive during times of excessive pluralistic and normative pluralism.

the way, was agnostic, but came from a catholic family; in the early 1960s, his sister was the only woman attending the Vatican II Council.

30 For an essayistic description of the scenery, see: Franz Knipping, Rom 25. März 1957. Die Einigung Europas, Munich: Deutscher Taschenbuchverlag 2004, pp. 9ff.

Echoing Muslim migration to Europe that had taken place since the 1950s, it was no surprise that the discussion about the inclusion of God into the European Constitution was also one about the relationship between Christianity and Islam which had by now become the second largest religion in Europe.[31]

Valery Giscard d'Estaing, born in 1926 in the French occupied German city of Koblenz, a liberal secular French catholic, and his deputies Giuliano Amato (born in 1938) and Jean-Luc Dehaene (born in 1940) echoed new generations and realities in Europe.[32] Social Democratic leaders in Ger-

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31 See Joseph H. H. Weiler, Ein christliches Europa, Salzburg:Pustet 2004.

32 In June 2004, when the Constitution was agreed upon by the European Council, most governments in the European Union were coalitions, often rather weak because of divergent political orientations: Belgium: coalition under Liberals (VLD) with Socialists from Walloon and from Flanders; Denmark: Liberal minority government (Venstre) with conservatives: Cyprus (Greek Republic): coalition under Social Democrats (AKEL) with liberals (DIKO) and conservatives (KISOS) (Turkish part: coalition under Social Democrats (CTP) and Conservatives (DP); Czech Republic: coalition under Social Democrats (SSD) with Christian Democrats (KDU-SL) and Liberals (US-DEL); Germany coalition government of Social Democrats (SPD) with Greens; Estonia: right of center coalition under Conservatives (Res Publica) with liberals (Estonian People's Union and Reform Party); Finland: left of center coalition of various Social Democrats and Socialists; France: right of center coalition under Union pour un mouvement populaire (UMP) with Union pour la Democratie Francaise (UDF) and liberal Democratie liberale (DL); Greece: right of center absolute majority of Nea Democratia; Great Britain: Socialist majority (Labour); Hungary: coalition under Socialists (MSZP) with left of center liberals (SZDZS); Ireland: right of center majority under Fianna Foil ("Soldiers of Destiny") with Progressive Democrats (PD); Italy: populist conservative coalition under Forza Italia with Alleanza Nazionale, Lega Nord, Christian Democrats (CCD-CDU) and conservative Social Democrats (PSI); Latvia: right of center coalition (with the first Green Prime Minister in Europe) under First Party with New Era Party; Lithuania: Socialist coalition under Social Democrats, Labour Party and Social Liberals; Luxemburg: right of center coalition under Christian Democrats (CSV) and Liberals (DP); Malta: Christian Democratic majority ("Nationalist Party"); the Netherlands: right of center coalition under Christian Democrats (CDA) with conservative liberals (VVD) and left of center liberals (D66); Poland: Socialist minority government ; Portugal: right of center coalition under Social Democrats (in fact: Christian Social conservatives) with Conservatives (Partido Popular); Slovenia: coalition under Social Democrats with Conservative People's Party and Party of Pensioners; Slovakia: right of center coalition under Christian Democrats (SDKV and KDH) with Hungarian Party (MK), and liberals (ANO); Spain: Socialist coali-

many, Great Britain, Sweden, Poland, Finland, Cyprus and Spain, a left of center liberal leader in Belgium, right of center liberal leaders in Denmark and in the Czech Republic, post-communist leaders in Slovenia, Latvia, Hungary, moderate right of center (conservative or Christian-democratic) majorities in France, Italy, Greece, Luxemburg, the Netherlands, Austria, Portugal, Slovakia, Latvia, Estonia and Malta: such was the landscape of political majorities in the European Union member states when the European Council agreed upon the European constitution. After the elections to the European Parliament in June 2004 Christian Democrats and Conservatives, united in the European People's Party, were the strongest faction. In light of this mixture of positions, the public debate about the inclusion of God in the European constitution was a valuable and honest contribution to the clarification of Europe's roots and spiritual identity. Time and again Pope John Paul II, other church leaders and committed politicians had demanded the inclusion of an explicit reference to God in the European constitution as an expression of the recognition of human limits and the danger of political hubris. Although the final result did not satisfy the Churches and many religious people in Europe, it must be said that the very public discourse and high profile thereof was an impressive contribution to the debate about the relationship between culture and politics in a highly secularized continent with a predominantly technocratic political agenda and leadership.

The role of religion in European public life did substantially change between 1957 and 2004. In the 1950s, Western Europe was experiencing a revival of Christian values in the aftermath of totalitarianism and the destructions of a Thirty Years War. At the same time, Eastern Europe fell increasingly under communist rule, coupled with state-induced atheism, and the public discourse became increasingly cynical towards religious and civic values in public institutions. In the 1990s and during the first decade of the 21st century, the picture had changed: Western Europe had become widely secular and somewhat relativistic about norms, while post-communist countries were struggling to again be "living in truth" (Vaclav

tion under PSOE; Sweden: Socialist minority coalition under Swedish Labour Party (SAP).

Havel)[33] but remained skeptical about the relationship between public institutions and value preferences. The transformation of the political culture in the EU candidate states was not an easy process. It did not come to an end with the formal accession to the European Union.[34]

More important were the differences that by and large dominated the perception of the effect of Europe's cultural diversity for the evolution of political integration in Europe. In Western Europe, generally speaking, cultural diversity was not considered an obstacle to political cooperation and integration, although the notion of political solidarity – reflecting the idea of a common destiny –only gradually took shape in response to the new terrorist threat Europe was confronted with as much as the US, indirectly after the attacks in America on 9/11 (September 11, 2001), and directly with the Madrid bombings of 3/11 (March 11, 2004).

In the early 21st century, cultural diversity was no longer viewed as mutually exclusive in most of Europe. Differences prevailed between Western Europe on the one hand, and Central, Eastern and South Eastern Europe on the other hand. If one had to sum up the predominant post-nation-state identity in Western Europe, one would rather have to talk about different "mentalities" instead of describing different, let alone mutually exclusive identities.[35] The Basque country was an exception to the rule: its discourse on cultural identity was closer to any of those in post-communist Europe. The discourse on the importance of cultural differences for the dignity, if not for the survival of nationhood was strongest in those states which had come out of the double experience of having lived under two subsequent empires, first either under the Austro-Hungarian, the Turkish or the Russian and later under the Soviet Empire. All across post-communist Europe

33 Vaclav Havel, Living in truth, London: Faber 1989.
34 See Mark Brzezinski, The Struggle for Constitutionalism in Poland, Basingstoke: Macmillan 2000; Levent Goenenc, Prospects for Constitutionalism in Post-Communist Countries, The Hague: Nijhoff 2002; Gabor Erdödy (ed.), Transformationserfahrungen. Zur Entwicklung der politischen Kultur in den EU-Kandidatenländern, Baden-Baden: Nomos 2003.
35 See, for example, an assessment of this situation for North Western Europe: Jacobus Delwaide/Georg Michels/Bernd Müller (eds.), Die Rheingesellschaft. Mentalitäten, Kulturen und Traditionen im Herzen Europas, Baden-Baden: Nomos 2003.

– but obviously with most notable negative effects in South Eastern Europe –, issues of cultural identity and recognition were still predominantly linked with nationhood and considered to be an integral part of it. Thus they still were often perceived as being mutually exclusive.[36] By and large, post-communist Europe went through the period of a pre-nation-state (or at best nation-state) -type of identity emphasizing cultural difference and exclusion.

Based on these differences in experience and attitude, it was all the more remarkable and courageous that the 25 member states of the enlarged European Union recognized a common Constitution as the basis for future deliberations and decision-making. With the European constitution, a most important new quality was added to the emerging European constitutionalism.[37] In 1991, the Treaty of Maastricht had established Union citizenship, without gaining strong public recognition among the European citizenry. Nevertheless, Union citizenship constitutes another founding element of European constitutionalism along with symbolic elements such as the European flag, a European anthem and a European holiday. Whether the common currency shall be considered a symbolic or a substantive element of European constitutionalism is a matter of debate. That it is an element of constitutionalism is beyond doubt.

For Europeans, by definition, the notion of European citizenship is an inclusive concept and geared towards reciprocal partnership with other constituted political units in the world. This became visible with the introduction of the EU's visa arrangement (Schengen Agreement): Whoever requires an entry visa into the European Union can obtain it from one EU member state but will be allowed without further control to travel in all other EU countries that are a part of the Schengen Agreement. Constitutionalizing cultural identity was enhanced internally, but accompanied by

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36 See Susanne Baier-Allen/Ljubomir Cucic (eds.), The Challenges of Pluriculturality, Baden-Baden: Nomos 2000; Gabor Erdödy (ed.) Mitteleuropa. Politische Kultur und europäische Einigung, Baden-Baden: Nomos 2003.
37 See Michiel Brand, Affirming and Refining European Constitutionalism. Towards the Establishment of the First Constitution for the European Union, Florence: European University Institute 2004.

strong complaints from migrant communities and neighboring countries considering this policy exclusionary.

The European sense for the external perception of their integration experience was underdeveloped. This was not only the case regarding the perception of Europe developing into a fortress of affluence and peace in the midst of a world in poverty and gripped by conflicts. This was also evident regarding the enormous interest that the European integration experience was gaining in other parts of the world; at the same time, it is even considered as a type of "role model" for regional integration. The EU only incrementally realized these dimensions of its international reputation. In this context, it was also open to further debate as to which way European norms and universal norms are related to each other. In other words: What is universal about Europe's normative claims as expressed through a common constitution and which of Europe's normative experiences can be universalized without provoking resentment against imposed cultural dominance and confronting Europe with the critique of practicing double-standards?

Inside the European Union, the relationship between cultural diversity and constitutional identity could not be resolved automatically with the introduction of the first European constitution. It remained controversial whether or not political identity could be managed at all. Who could even pretend to regulate it under which mandate and with which goal? In the early 21st century, the thought was shared by most scholarly literature that Europe had developed into a multi-level system of governance.[38] That Europe was also developing a multi-level notion of identity – or multiple identities – was a rather new thought to be introduced in the emerging debate over a culture of European memory and self-reflection.

Claiming to define Europe's identity as political and yet recognizing the national or even regional cultural diversity as another level of identity requires philosophical clarity. It raises the issue of reciprocity, based on the

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38 See Fritz Scharpf, Community and Autonomy Multilevel Policy-Making in the European Union, Florence: European University Institute 1994; Marcus Höreth, The Trilemma of Legitimacy. Multilevel Governance in the European Union and the Problem of Democracy, ZEI Discussion Paper C 11/1998, Bonn: Center for European Integration Studies 1998.

recognition of mutually agreed differences and anchored in the explicit will and consent to share common interests, goals and destiny. The claim to political identity would have to stand the test of political solidarity. As the European Union entered a new phase of its development, this became the most crucial focus for any substantial political success of a constitution-based Europe. Political philosophy or any other theoretical insight might be helpful in defining the issue. Its verification could only come through successful integration in an enlarged Europe that would be able and ready to enhance its constitutional identity. Such would be a European Union that could claim to have developed a generic form of European constitutional patriotism.

III. Cutting through history: The second founding of the European Union

Since its beginnings in 1957, the European integration process has been enormously successful. However, by looking at the evolution of European integration in more detail, one can distinguish periods that advanced the process better than others. American historian Arthur M. Schlesinger Jr. has discussed cycles of history and rhythms of social and political development related to changing generations. It is certainly wrong to believe in cyclical political developments as if going from A to B would ultimately lead back to A. But it is worth considering the impact of generational changes on political developments. Referring to the sociological work of Karl Mannheim and Jose Ortega y Gasset, Schlesinger conceived the "model of a thirty-year alternation between public purpose and private interest" [39] as the key to understanding the impact of generational effects on political majorities. As he proposed, "each generation spends its first fifteen years after coming of political age in challenging the generation already entrenched in power. Then the new generation comes to power itself for another fifteen years, after which its policies pale and the generation

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39 Arthur M. Schlesinger jr., The Cycles of American History, Boston: Houghton Mifflin 1986, p. 31.

coming up behind them claims the succession."[40] Schlesinger does not help us to understand why the changes occur and in which direction they may lead. Yet, it is sensible to identify distinct periods in the history of European integration and to consider defining experiences of each leadership generation and the marks that each has left on European integration.

1957 until 1973: The first period of European integration brought about the European Commission and the Court of Justice as the first supranational institutions of European integration, while it focused on the completion of the customs union and ended with the first round of enlargement (to include Ireland, Denmark and the United Kingdom). This period also saw the failure of speedy political and military integration in Western Europe.

1973 until 1989: The second period of European integration lead to the completion of the Single Market, experienced the first direct elections to the European Parliament, two more rounds of enlargement (to Greece and to Spain and Portugal) and the beginning of political cooperation on matters of foreign policy.

1989 to 2004: The third period of European integration included the introduction of the common currency, the Euro, and of Union citizenship, the fourth and fifth enlargement (to Austria, Finland and Sweden, and to Poland, Hungary, the Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Malta and Cyprus), the first military operations under the umbrella of a common foreign and security policy (in Macedonia and in Bosnia-Herzegovina) and the creation of the European constitution.

It would be speculative to anticipate the outcome of the fifth period of European integration that will likely last from 2004 until around 2020. However, fifty years after the path to integration began, the most daunting challenges ahead of the EU seem obvious: further rounds of enlargement and the quest for financial solidarity in an increasingly asymmetric economy; a stronger international political and military profile of the European Union; the issue of "the other" if not "the enemy"; the need to increase economic dynamics in an ageing European society; the simultaneous man-

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40 Ibid. p. 30.

agement of migration and the relationship between cultural pluralism and universal moral claims of a European Union divided over moralities and normative issues such as those related to the consequences of advancements in biotechnology. The search for coherent internal governance and stronger contributions to global order building would occupy the EU in the years ahead.

These challenges would have to be handled by a generation of leaders still emerging as the European Union ratifies its constitution and begins to absorb the consequences of its biggest and most complex enlargement. As far as rhythms of leadership are concerned, it is of interest to mirror some aspects of Schlesinger's concept.

Most evident is the following characterization: The youngest voters in the election to the European parliament in 2004 were born around 1986. They can barely remember the fall of the Berlin Wall. The youngest voters in the elections to the European parliament in 2019 were born around 2001. The making of the European constitution, the introduction of the EURO and the terror attacks of 9/11 and 3/11 will be known to them only through the prism of their parent's and teacher's experiences. One should also consider the experiences of other older generations. For example, children born in 1945 were about to turn 60 as the constitution was being ratified and eastern enlargement celebrated. Most of the Founding Fathers of the European Economic Community (1957) were born well before the turn of the 20th century. They did not live to see 1989 and the end of the Cold War. Children born in 1989 in turn can expect to live until about 2070/2075. In 2057, most of them will celebrate the 100th anniversary of the European Union. The Founding Brethren who came together in the Constitutional Convention in 2002/2003 – on average around fifty years of age or above – will barely live to see the year 2020. The implications of these generational aspects for the rhythm of ideas on Europe and of power in Europe should be studied in greater detail.

It can be said with some certainty that it is the generation born around 1957 that will have to advance the idea of constitutional patriotism in Europe and the quest for a stronger global role of the EU, while the generation born

around 1989 will take over from them before the work is completed. Their formative experiences with European integration will matter as much as any path dependency or theoretical model about the future evolution of European integration. The generation born in the late 20th century will provide the leaders of tomorrow and the day after tomorrow. As any history is open ended, leaders of the two generations of "1957" and of "1989" will shape – and in fact will have the responsibility of directing – the European Union during the first half of the 21st century. This will not come about without political controversies and generational rifts. The generation of the Founding Fathers barely saw the achievements of their work before they were replaced by the 'baby-boomer' generation. The Founding Fathers did not live to see the fruits of the seeds they had planted in the 1950s. They did not see the Cold War end and Europe whole and free begin to constitute itself politically.

Ahead of the European Union and emerging new generations of European leaders is a new set of priorities. Most of all, they have to develop a sense of orientation for guiding the European Union into a new and increasingly uncertain world. While in the past, Europe's struggle has been to gain freedom, ultimately for the whole continent, in the years ahead the main question will be: Freedom, for what? In the last years, Europe has tried to escape its past, in the next years the main question will be: Europe, whereto? Increasingly, culture and identity will be debated in Europe in their constitutional context. No longer will they be mere issues of national exclusivity, difference and division. Culture and identity will be reflected as part of the global role of Europe that includes the global proliferation of European experiences with integration and its consequences.

The decades ahead of the European Union will define the results of the second founding of integrated Europe. With the change of generations, priorities change as circumstances develop and outlooks evolve. The European Union will pursue its path based on experience, with new ideas and proven traditions, as well as with changing identities and changed relations between memory and finality. The test case for the continuous success of the European Union will be the degree of its ability to transform the notion of solidarity from a rhetorical principle into a viable and sustainable politi-

cal reality – both inside the European Union and in Europe's encounters with partners all over the world.

This requires a clear analysis of the situation, the will to define strategic interests and the ability to transform them into capacities and actions. It will remain imperative to carry the population in all EU member states along with the process of integration. And it has become more than ever important that the EU develop a consistent global performance based on its desire to be viewed as a political and not only as an economic actor. Four challenges seemed to be evident as the European Union embarked on its second founding. These challenges relate to the importance of strengthening a culture of memory, dealing with the issue of "the other," broadening the common purpose of the Union and strengthening the Union as a community of open communication with a more visible European public space.

1. The process of politicizing the identity of Europe is related to the meaning of memory for the citizens of the Union. This is not an easy starting point for European self-assessment. For over two millennia, European culture has evolved and different structures of society and statehood emerged. Europeans discovered the world and Europeans conquered others – up to the point of generating a culture of guilt over the history of European expansionism. Europeans used to quarrel with each other – until the complete self-destruction during the Thirty Years War that encompassed the first half of the 20th century – and fought proxy wars in and over their colonies – up until the point that they began to return to seemingly remote places as peace-keepers and democracy-builders. They erected the magnificent structures, both material and immaterial, that are the guiding elements of a common European heritage – from church spires to market squares, from the arts to music, from linguistic diversity to habits of lifestyle. They have defined time (through clocks and the calendar that is more or less universally approved today) and space (by delineating the borders of continents and of countries beyond Europe's borders). Europeans have exported more ideas and goods than any other region or culture, but they are still in the process of learning that others were and are as cultured as Europeans see themselves to be.

Europeans reconciled among themselves, beginning in the second half of the 20th century and stretching into the first decades of the 21st century. Yet often, they did not understand the critique that they are erecting "fortress Europe" at the expense of others in matters of trade protection, agricultural subsidies and migration. Instead, most Europeans consider themselves generous, supportive of sustainable development and the eradication of poverty, and sympathetic to multilateralism and global cooperation.[41] Yet their image in the world has been, and remains in some places, tainted with the history of colonialism, genocide and ethnic cleansing. None of this was exceptionally European, but all of it was exceptional for the development of a profoundly ambivalent, torn and contradictory set of European memories. It would not be historical to disregard these memories when reflecting on the identity of Europe.

The first set of formative memories for the evolution of a political identity of European integration is therefore negative. It includes the memories of European wars, of nationalism and racism, of the Holocaust and the Gulag, of totalitarian politics under Nazi and communist rule. Over time, these darkest experiences in European history have blended into a new forward-looking denominator, at least within the European Union: Never again. It was not easy to reach this stage and to root it into an atmosphere of mutual trust. It was not simple to generate sufficient readiness in Europe to share interests and even destiny with those who were enemies only a short while ago. As far as the memory of suffering is concerned, a short while can become a long haul. Yet, the European Union has achieved reconciliation, although the scars of the past still exist with varying degrees of intensity.

The second shared experience of Europeans in the second half of the 20th century was a positive one. All participating countries and people realized that European integration worked: as an order of peace and of freedom, as

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41 See Nadia Tempini, Fortress Europe? EC External Trade Relations and New Protectionism, London: PNL Press 1989; Jean Baneth, "Fortress Europe" and other Myths about Trade, Washington D.C.: World Bank 1993; Andrew Geddes, Immigration and European Integration. Towards Fortress Europe? Manchester: Manchester University Press 2000; Russell King/ Gabriela Lazaridis/ Charalambos Tsardinidis (eds.) Eldorado or Fortress? Migration in Southern Europe, Houndsmills: Macmillan 2000.

the fountain of unprecedented affluence and as the source of respect all over the world. Before 1989, this experience could only be felt among the privileged Western Europeans.[42] With the peaceful revolutions of 1989, this experience began to spread to Central and Eastern Europe with the process of democratic transformation and gradual economic rehabilitation. The shared experience of freedom and market economy, of the benefits of cooperation and integration and of pooled resources and sovereignties did not grow without ambiguities and skepticism. Rather, these grew and can be identified as the second cornerstone for a culture of memory preceding the growth of a political identity of European integration.[43]

The third shared experience is related to Europe's role in the world and the international perception of Europe. It often comes as a surprise to Europeans to realize how much they have in common with each other when they reflect on this issue outside Europe or in the presence of non-Europeans. In the early 21st century, in the presence of non-European circumstances or people, most Europeans, regardless of their national or social, regional or political background, see their European-ness as something non-antagonistic, non-imposing and non-partisan. And it is interesting to note that the European experience with transition to democracy, with conflict resolution and peace-building has attracted enormous attention all over the globe.

2.   Nevertheless, the issue of "the other" remains unresolved for many Europeans. European culture and intellectual history has always been torn between the understanding of Herodotus, that Greek identity was contrasted with the Persians as "the other," (representing barbarism) and the claim of Aristotle, the philosopher of same Greek roots, who stated that nothing is more difficult than defining "the good" out of itself without the

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42 See Karl Dietrich Bracher, The Age of Ideologies. A History of Political Thought in the Twentieth Century, London: Palgrave Macmillan 1984 , pp. 189 ff. (Post-War Experience: Re-Evaluation and Reconstruction).

43 See Timothy Garton Ash, History of the Present. Sketches and Dispatches from Europe in the 1990s, London: Allen Lane 1999, pp. ix ff.; Richard Vinen, A History in Fragments. Europe in the Twentieth Century, London: Abacus 2000, pp. 265 ff. (Part III: Post-War Europe).

need for "the other" or even for an enemy[44]. In the early 21ˢᵗ century, the European Union officially gave an indisputable answer: It wanted to be partners with a world of equals, promoting dialogue, understanding and cooperation. In reality and among many EU-citizens, the case is less simple. Often, both on the political left and on the political right, it is repeated with some stereotypical monotony that Europe should not develop "American conditions," whatever that (and they) mean. When asked for more detail, often a vaguely defined European social model is mentioned as being superior to the American and, more generally, to the Anglo-Saxon form of competitive capitalism. Economic figures belittle European hubris on the matter, but that seems to make the discourse bitter.

The emotional debates among Americans and Europeans in 2002/2003 over the crisis in Iraq and the role of multilateralism in world politics came close to an internal Cold War of the West.[45] Anti-European sentiments in the US were echoed by strong anti-Americanism in Europe. This was often coupled with a changing attitude of many Europeans towards Israel. To the horrified surprise of many in Israel and elsewhere, more than 59 per cent of Europeans considered Israel as the biggest threat to world peace in the 21ˢᵗ century.[46] America's strong support for Israel had strengthened the dangerous trend of a transatlantic cultural divide.

This however did not mean that the Arab world or Islam represented the new emotional bedfellows of Europe – or that Russia was the alternative to partnership with the US. In most of Europe, Russia was looked down at as an economic basket case, no matter how strong the potential for cooperat-

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44 See H.A. Khan (ed.), The Birth of the European Identity: The Euro-Asia contrast in Greek thought, 490-322 B.C., Nottingham: University of Nottingham, 1994.

45 See Philip H. Gordon/Jeremy Shapiro, Allies at War. America, Europe and the Crisis over Iraq, New York: MacGraw-Hill 2004; Ludger Kühnhardt, German-American Relations: What else can go wrong? In: American Institute for Contemporary German Studies (ed.) Power and Principle: Prospects for Transatlantic Cooperation. German-American Issues 02, Washington D.C.: AICGS 2004, pp. 23 ff.

46 See www.Europa.eu.int/commm/public_opinion/flash/fl151_iraq_full_report.pdf.

ion, given the enormous Russian natural resources.[47] Russian policy in Chechnya has never found European approval. But for many Europeans in the post Cold War world, geographic proximity did matter more than in the past when it came to the "chemistry" of Europe's relationship with Russia as compared to the relationship with the United States. In face of the intensity of the bonds between the US and Europe this might end up as a transitory period of confusion. Furthermore, Europe was very much split on both the question of how to react to the crisis in Iraq and how to act toward the United States. In the end, transatlantic normalcy might return. This is what the optimists thought, putting their trust in the substance of an Atlantic civilization that had to stay together while being challenged by terrorist threats and rogue states.

Europe's attitude towards the Arab world and Islam: Is the Islamic world the "new enemy," the threat manifesting itself through terrorism as an expression of totalitarian radical Islam on the one hand and through autocratic, if not failed states at the borders of Europe on the other? Not an insignificant number of Europeans are afraid that Muslim migration to Europe poses a threat to the cohesion of a European "*leitkultur*" – even without consent within Europe whether or not there (still) is any popular culture or at least sufficient certainty about what it should contain. With the outbreak of terrorist violence in the US (9/11 2001 in New York and Washington) and in Europe (3/11 2004 in Madrid) such questions have become more vocal. Often, the answers given in Europe remain ambiguous and unfocused. They do not properly reflect the undeniable fact that Islam has become Europe's second largest religion next to Christianity; for instance, different EU countries give different answers to the question of Islamic veils in public schools[48].

Hence, Europe's relationship with the outside world, its perception of Europe and Europe's perception of the relevance of the world for Europe in

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47 See Iver B. Neumann, Uses of the other: "the East" in European identity formation, Manchester: Manchester University Press 1999.

48 On the larger issue see: Nezar Al Sayyad/Manuel Castells (eds.), Muslim Europe or Euro-Islam: politics, culture and citizenship in the age of globalization, Lanham: Lexington Books, 2002.

the age of globalization were less clear than the official diplomatic rhetoric of the European Union suggests. It is beyond doubt that Europe, with its strongly export-oriented economy and dependency on the import of energy from the Middle East and from Russia, its links through migrant workers and emigrant communities to the Arab world, and its strategic investments with the United States could not afford to become myopic and exclusionary. Yet, often Europe has often done so, or at least has been perceived as doing so.

The making of the European constitution has been met with skepticism, which may represent another tendency of European self-complacency, intended to avoid encounters with the socio-economic challenges of the world outside of Europe. Europeans often feel surprised to be confronted with such a criticism as they consider the project of European integration a great leap forward in overcoming their history of internal strife, hatred, and destruction. The question "integration for what?" does not elicit unequivocal answers from the broader public or even from Europe's political and intellectual leadership. In the early years of the 21st century, the question how others might perceive European integration was raised even less frequently.

3.   It remains important for the European Union to increase its common purpose shared by its citizens. Promoting this is a process contingent on the experiences and expectations of each generation. Over the past century, Europe had turned from being a subject, if not the leading subject of world events into the object of resentment, into a continent destroyed, divided and dependent upon external powers beyond Europe's shores. With the late 20th century, Europe has once again become an emerging leader of world order building. It is respected for its experiences of conflict resolution, nation-building and peaceful modes of consensual politics, its affluence and its experiences with democratic transition and the primacy of law as well as for its projection as a civilian power that is however increasingly confronted with the expectation of a more visible political and military power with geo-strategic capacities.

For pre-1957 Europeans, freedom of travel had been a fascinating experience since European nationalism had intensified after 1914 and finally escalated into closed borders everywhere. Any look into travel guides published before the outbreak of World War I show how open Europe once was. The return to open borders came as a most exultant change of history for the generations that had suffered the impact of nationalism and warfare. Europeans born after World War II have experienced freedom of travel as the most natural thing on earth; the Western European experience repeated itself in Central and most of Eastern and South Eastern Europe after 1989. This explains why Russia and some of the South Eastern European countries were furious about visa restrictions still imposed on them by the EU in the early 21st century.

The shared experience of open EU borders is no longer an emotional driving force for younger Europeans. Neither is the visibility of the European flag in public buildings or the operation of European institutions. The strongest equivalent to the opening of borders for post-1957 Europeans was the introduction of the EURO in 2002. This was not only the symbolic and logical outcome of the Single Market. The introduction of the EURO for more than 250 million European citizens made clear that European integration had become a serious matter impacting everybody's daily life. Critical assessments of the European Union's failure to couple the EURO with a common political structure were expressed less loudly than complaints about price increases.[49] Yet, all in all, the EURO was introduced smoothly, even in countries where the exchange rate to the old national currency was not all too easy. The Greeks had to give up the drachma, notably the eldest currency in Europe. The Germans had to relinquish the Deutschmark, the symbol of a successful and widely appreciated recovery after the dark years of Nazi rule. For others, pride in the national currency was weaker.

In the early 21st century, the introduction of the EURO was the single most important experience in demonstrating that European integration is not only about "building Europe". Increasingly, European integration affects national traditions and structures: European integration is "striking back".

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49 Bertrand Martinot, L'Euro, une monnaie sans politique?, Paris: Hamattan 2003.

While adding a new dimension to the structures of public life in Europe, European integration affects the daily life not only of politicians and bureaucrats, business leaders and academics, but also on each and every Union citizen. More than legal provisions of Union citizenship and probably more than political awareness about the relevance of decision-making in EU institutions, the EURO has made ordinary Union citizens feel that European integration is a "real thing".

The impact of the introduction of the EURO has helped to clarify the relationship between sovereignty and identity. Among skeptics, the EURO was considered to be a threat to national identity and political sovereignty alike. The temporary refusal to introduce the EURO in Sweden, Denmark and in the United Kingdom demonstrated this ongoing pattern of thought in some European countries. The new EU member states from Central and South Eastern Europe had rather mixed feelings about the issue. On the one hand, some of them tended to resonate inclinations similar to those found in Sweden, Denmark and the UK. On the other hand, they all eagerly wanted to join the EURO as soon as economic and monetary policies allowed, in order to overcome the fearful perception as 'second-class' EU members.

With the introduction of the EURO, sovereignty in fiscal and monetary matters was transferred to the EU level, but national cultural identity was not lost. Neither sovereignty nor identity have ever been abstract, isolated and absolute concepts. As all concepts of philosophy, they are relative. As far as the classical definition in the context of the European nation state is concerned, sovereignty has been about politics and power, while identity has centered on culture and habits. The habitual side of the use of a currency is of course less important than the effects of the use of a currency. The vast majority of EU citizens learned very quickly to recognize the EURO as their own new currency and began using it on a daily basis without misgivings. In doing so, Europe experienced another variant of Ernest Renan's classical definition of politics as a "plebiscite de tous les jours".[50]

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50 Ernest Renan, Qu'est ce-qu' une nation? (in English: What is a Nation? Toronto: Tapir Press 1996).

Sovereignty has been defined as the supreme command of one's fiscal and economic destiny, of one's social safety and of one's external security.[51] Money, police and the military are thus the most obvious expressions of a state's sovereignty. Europeans learned to live with the fact that the transfer of monetary sovereignty to the EU-level did not undermine their sense of cultural identity. They were able to pay with the EURO yet remain Greek, German or Finn. They learned to distinguish political sovereignty from cultural identity. In fact, they could preserve cultural identity while transferring political sovereignty.

At the same time, they began to discover the emerging link between pooled sovereignty and shared identity. In fact, identity has always been a multi-layered concept. As identity is relative and contingent: multi-layered and multiple identities are logically not exclusive. The effect of the introduction of the EURO proved the opposite. As much as European integration is about pooling of sovereignties, its effects generate multi-layered or multiple identities.[52]

This does not indicate that Europeans would reduce the substance of their commonality to the material or even materialistic faith in a common currency. It also does not stipulate that cultural diversity and identity would have been reduced. It only says that multi-layered identities are compatible with multi-layered structures of governance, law or market participation. Thus, while politically and legally integration is about the pooling of sovereignties, culturally it is about broadening and sharing of identities.

All this does not occur without contradictions and it was not unchallenged inside the EU during the early years of the 21st century. Developments related to the introduction of the EURO finally helped Europeans become more pragmatic about these issues. For the time being, as compared to the

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51 See Jean-Marie Guehenno, The typology of sovereignty, Washington D.C.: US Institute for Peace 2000; Stuart Sim, The Discourse of Sovereignty. Hobbes to Fielding. The State of Nature and the Nature of the State, Aldershot: Ashgate 2003.

52 See David Dunkerley et al.(eds.), Changing Europe. Identities, nations and citizens, London/New York: Routledge 2002; Heinz-Jürgen Axt, Ein Kontinent zwischen nationaler und europäischer Identität. Zur politischen Kultur in Europa, in: www.uni/duisburg.de/FB1/Politik/personen/AXT-ANHANG/Aufsatz20.pdf

US, it seemed as if there was much less interest in economic matters in Europe. The EURO, combined with the enormous increase in means of communication is changing the landscape of Europe. The Euro and the Internet: this combination will help to strengthen the benchmarking of European structures and processes, markets and products, prices and quality. Over time, Euro-economics will grow from a science of experts into a reality about which everybody can acquire expertise. It might take much longer until the same trend can be detected in the sphere of politics and communication in a Europeanized public sphere. So far, European politics matter more when there are scandals and shortcomings than successful decisions. But how can one doubt that this will not change over time? The evolution of a European public sphere will be the logical and foreseeable consequence of the European market.

4.   The biggest challenge for the development of a culture of communication in a Europeanized public sphere is related to the most difficult development for Europe in the early 21st century: Its demographic make-up and long-term trend. This complex issue is connected to the future relationship of the (national) welfare state and to the search for a European answer to globalization. The European welfare state is the twin sibling of the European nation-state. While the latter has been undergoing substantial, albeit incomplete transformations since its nationalist overstretch, the welfare state has been only gradually forced to adjust to new realities. Whether Reaganomics in Margaret Thatcher's Great Britain, shock therapies in post-communist countries or resistance to reform in France, Germany or Belgium, the transformation of the European welfare state remains bound to the decision-making prerogatives of the European nation-state. While the European Union called upon its member states to embark on a path that will guarantee Europe's economic primacy in the year 2010, its constituent member states struggled with ageing populations, fiscal problems, overly expensive health and pension systems and the fear both from Islamic migration and more children of their own. As a consequence, national political systems of the European Union were absorbed with the "old" agenda of readjusting social systems and reactions fearful to globalization while EU institutions were trying (often in vain) to define the "new" agenda of

Europe's joint response to globalization and its opportunities. It remained unclear what the long-term implications of this ambivalence would be.

The conflict between old answers in ageing welfare state societies and the need for innovation, creativity and a new sense of future to position Europe properly in the age of globalization will occupy institutions and policy-makers of the European Union for many years to come. Enormously increased regional asymmetries as the consequence of Eastern enlargement add to the social pressure. Coping with issues of equality and social solidarity and expressing skepticism against presumably Anglo-Saxon models of global capitalism will remain a strong topic in Europe. Moreover, the future role of the nation-state and its government necessitate redefinition – a task easier said than done. The future of European governance has to be streamlined in order to foster the ambitious plans for the economic and technological future of the EU – which is as difficult to do. In terms of the quest for a European political identity, it means no less than confronting the most difficult task possible: In order to secure the identity and diversity that Europe is so proud of, Europe has to reinvent itself by overcoming some of its dearest social traditions. This includes the "European social model" which proves no longer sustainable without adjustment.

The biggest yet insufficiently addressed challenge for structural reform comes as a result of the demographic development and its impact. For the time being, Europe is more populous than the US. This might not last for long. Between 1980 and 2003, the population of integrated Europe (EU 15) has grown by 6,1 percent, while the US population has grown by 27,8 percent.[53] By 2050, the EU population is supposed to shrink from 487 to 456 million (a decrease by 6 percent), while the US will grow from 282 million people in 2000 to 420 million in 2050. At the same time, developing countries are becoming an increasing demographic, social and migratory challenge for Europe: Their population is young, growing, often socially marginalized with all the known problems of instability, including terrorism. At the same time, their populations are growing older – which will increase

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53 See Wirtschaftskammern Österreich, Bevölkerungsentwicklung, in: www.who.at/-statistik/eu/ eu-bevoelkerung. pdf

their claims against the wealthy Northern hemisphere. In 2050, the average Yemenite will be 32 years younger than the average European and 34 younger than the average Japanese.

At the same time, his life expectancy will have grown enormously. The population of Yemen grew from 4,3 million in 1950 to 18,3 million in 2000. It could grow to 158,6 million by 2050. The German population, in contrast, might decrease from 82 million in 2000 to 51 million by 2050.[54] More important will be the age gap. While Europeans will be inclined to protect their welfare systems, people from other parts of the world will claim their share in Europe's affluence that is diminishing due to decreasing population and decreasing productivity. The labor pool in the Arab world will increase by 2020 by 146 million, in sub-Saharan Africa by 402 million. On the other hand, the German age cohort born between 1995 and 1999 is 47 percent smaller than the group born between 1970 and 1974. By 2020, the European Union will experience a 20 percent decrease in its age group between 20 and 25. An American expert, Paul C. Hewitt, has foreseen "age recessions" in Europe as a consequence of the unbalancing of Europe's demography.[55] It is no consolation for Europe that his view might have been the expression of vested American interests.

By supporting development in other parts of the world and by limiting its own population – which often was considered wise in light of the limits of growth and the limits of global resources – Europe is creating the very problems it will be challenged with in the course of the 21st century. Europe's response to Europe's past is generating challenges that can endanger and undermine the success of those very responses. This paradoxical conclusion from demographic trends seems to be another Toynbean insight into the course of Europe's development.

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54 See Paul S. Hewitt, Die Geopolitik der globalen Alterungsprozesse, in: Frankfurter Allgemeine Zeitung, Nr. 70, March 23, 2004, p. 39.
55 Paul S. Hewitt, Depopulation and the Ageing in Europe and Japan. The Hazardous Transition to a Labor Shortage Economy, in: International Politics and Society, 1/2002, in: www.fesportal.fes.de/pls/portal30/docsFOLDER/IPG/IPG1-2002-ARTHEWITT. HTM

Related to this phenomenon is Europe's handling of the migration issue. Europeans tend to favor migration if it helps them to enhance their economic productivity in the absence of domestic fertility. Yet, they are worried, if not scared, about its consequences. This is related to the fundamental difference in migration effects in Europe and in the US. While in the US, the absorption capacity of its political culture has proven wrong all the fear which says that the US could lose its binding glue because of non-Caucasian migration, Europe was not properly equipped to integrate either more Muslim migration from its southern borders or more Russian or other post-Soviet migration from its eastern borders. Neither of the two groups connects with "a European dream" or a civil religion of Europe that could generate pride and a sense of belonging among immigrants. Quite the opposite, many immigrant communities in Europe remain marginalized and considered rather a burden than a contribution, no matter what politicians suggested in tolerance speeches and beyond the certainly worrisome threat of Islamic totalitarianism. The European Union still has to produce a breakthrough in terms of a consistent, forward-looking migration policy coupled with a future-oriented, child-friendly atmosphere. To generate such results would contribute more to the European public sphere than many abstract academic discourses on the matter, mostly of which are stereotypically skeptical on the matter or simply focus on the issue of creating a more Europeanized media landscape in the EU.

In the early 21st century, while the EU embarks on the course towards constitutional patriotism and a more profiled global role, Europe's most serious challenge remains the reconciliation of diverse national cultural identities – and mentalities, including political habits – with a common political identity and the reconciliation of shared universal values with its distinct, and often parochial habits of localism.[56] The perspective has to be: living in

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56 See Ronald Tiersky (ed.), Europe today: National politics, European integration and European security, Lanham: Rowman & Littlefield, 1999; Lars-Erik Cederman, Nationalism and bounded integration: What it would take to construct a European demos, Fiesole: European University Institute, 2000; Mikael af Malmborg/Bo Strath (eds.), The meaning of Europe: variety and contention within and among nations, Oxford/New York: Berg 2002; Paul Gublius/Mike Holt (eds.), Beyond boundaries: language and identity in contemporary Europe, Clevedon: Multilingual

reconciled difference. The most important legitimacy test for the European Union during the next decades will be whether or not it contributes to this reconciliation of differences while at the same time generating strength through shared interests and a future-oriented common perspective.

This does not suggest that the European Union is by any means confronted with the question of whether or not it has reached a sufficiently strong foundation in order to prevent the possibility of a breakdown. What should bother the EU is not the provocative question whether or not an artificial "point of no return" has been achieved in the integration process. What should worry the European Union more is the perspective of a creeping deterioration of the base of its affluence and its capacity for influencing the path of global developments in the 21st century. The world might well live with a weak Europe, but Europe might not be happy to live with the consequences for itself.

As a result, Europe must pro-actively pursue the path towards reconciled identities and shared destiny. It will have to challenge the myth of the missing demos as the root cause for its inability to generate a sufficiently solid public sphere. Europe will have to resort continuously to pragmatism that argues in favor of issues and challenges of a future-oriented nature as first priority instead of becoming trapped by ghosts of past divisions. In the early 21st century, these ghosts still exist and could be revived easily. It is thus all the more a question of responsible political leadership to guide the European body politic during the next periods of its development. Such guidance could help propel further transformations of European identity and the relationship between culture and politics. These transformations would not be the result of theories of integration but rather of responses to concrete challenges. This thought at least illustrates a reassuring realism.

The key to understanding what factors bind united Europe is that those factors are not different from whatever Europeans used to form nation-states: shared memories, common suffering, and mutual success. Nothing less and

Matters 2002; Robert Harmsen/Menno Spiering (eds.), Euroscepticism: party politics, national identity and European integration, Amsterdam: Rodopi, 2004.

nothing more was expected during the period of the second founding of the European Union. A sense of common purpose had clearly developed over the first fifty years of European integration, combined with a commonly shared memory and a growing evolution of a community of communication.[57] It has been argued that Europe is building a new form of Commonwealth.[58] Whether it would live up to its global responsibilities and the challenge of globalization was one of, if not the most important test case for its future. Whether it would generate sufficient legitimacy internally comprised the other testing ground for the future of Europe's commonwealth.

Europe has embarked on the second leg of this journey on the basis of strengthened contractualism. The contract as a basis for social and political understanding is known from political philosophy and from the evolution of statehood in Europe. It once provided an authoritarian answer to European civil wars. With European integration, democratic contract philosophy as expressed in the European treaties and developed into the first ever constitution for Europe has become the expression of voluntarily delegated competencies in a Union of both states and of citizens. Democratic contractualism has become the legacy of the first five decades of European integration, which finds itself at the crossroads of its second founding and a new phase in the evolution of European political identity.

57 For a critical assessment of this interpretation see: Peter Graf Kielmannsegg, Integration und Demokratie, in: Markus Jachtenfuchs/Beate Kohler-Koch (eds.), Europäische Integration, Opladen: Westdeutscher Verlag 1996, pp. 47ff.
58 See Remi Brague/Peter Koslowski, Vaterland Europa. Op.cit. pp. 64 ff.

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