

Europe's Deep Crisis

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'L'Europe est dans une crise profonde.' (Jean-Claude Juncker, prime minister of Luxembourg and President of the European Council, at the press conference after the Council session, 17 June 2005)

The rejection of the symbolically rather than institutionally innovative Constitutional Treaty in France and the Netherlands as well as the show of disunity in the European Council of mid June 2005 signal the end of a long cycle, culminating in the 1990s, in which the transformation of the European Union into a full-fledged political actor seemed to be possible. For decades ahead there will be no European polity capable of powerfully co-determining the governance of globalization. This was made possible by the rarely debated democratic deficit that makes one people or government decide on issues of general European interest and uncritically glorifies direct democracy, thus opening the door to populism.

The comedy of errors which saw a majority of French citizens voting for domestic motivations, instead of focusing on the actual European issues go back to underlying troubles in contemporary democracy, but also to the contradiction inherent to the attempt to give the functional-bureaucratic EU of 'Brussels' a broad democratic legitimization. Rather than the now dead Constitution, it is the experience of the Europeans with common high-political acts of economic and security policy that may in the future foster their political identity in the framework of cultural diversity.

After the French and Dutch referendums and the unsuccessful European Council of 16–17 June, the crisis of the Union is so deep as to raise philosophical questions:

1. What are the limits of federative processes driven by the word (negotiating interests, discussing principles), and not by the sword (victory or defeat in war, in general force-based power relationships)?
2. What are the relationships between categories such as democracy, direct democracy, populism and democratic deficit and legitimacy?

3. How to assess the gap between intentions and identity of the voters and effective consequences on the political system?

Needless to say, this inquiry makes sense only if we previously drop:

- all bureaucratic Euro-optimism or Euro-triumphalism, which has penetrated academic research and produced a shallow philosophy of history (a last remnant of the unreflected faith in ‘progress’) that pretends that Europe has always undergone crises and always found the energy to recover and march on. On the contrary, the possibility of a final crisis or chronic political paralysis cannot be excluded;
- all separation between watching and debating the political health of the Union at any given moment and doing research on individual issues of European studies, as if the overall condition of the subject or patient were irrelevant to them.

Let us elaborate on the three main points.

1. No Federation in Europe?

For the second time in exactly 51 years the European process is prevented from becoming explicitly political, i.e. aiming at the *forming of a polity*. It has been stopped twice by the same pivotal actor, France, once by means of representative action (the Assemblée nationale rejected 1954 the Communauté européenne de défense), another time by direct democracy (the recent referendum, whose results possibly helped make the Dutch refusal a landslide). Admittedly, the now dead Constitutional Treaty was not effectively aiming at the establishment of a full-fledged polity,¹ as rather it froze the present nature of the Union into a more confederal (foreign, security, financial policy remain intergovernmental) than federal shape.² But in direct democracy symbols are more important than legal structures, and the mere (and confusing, as we shall see) notion of a ‘Constitution’ gave referendum voters the (false) impression that they were deciding upon the establishment of a true polity, not unlike the nation states they are used to live in. This was exactly what the majority of French and Dutch citizens rejected, doing in advance the job that the British would have joyously done a year later. Perhaps the soul of a part of French *nonistes* is not so definitely opposed to a political Europe (see below, Section 3). But, whatever their pious intention, uprooting its chances for decades ahead is the effective result they brought about. A third attempt becomes indeed largely unlikely after the two failures, which make everybody doubt Europe’s real chances to become a polity, even a polity of a new and different kind; this is even less likely in a situation in which no major event (a historical turning point such as 1945 or a devastating economic crisis) and no

vision-driven leadership are likely to emerge. In other words, what could be called the Maastricht cycle of the integration process, from the Single European Act through the euro and the Laeken Declaration till the Constitutional Treaty, has ended missing the target of a 'European polity', which was among the possibilities inscribed in its course.

The question, a true, not a rhetorical question, is then if the Union is bound to remain, as it seems to be the case right now, a *Zweckverband* or, as Philippe Schmitter puts it,³ *condominio*, because the causes, motives and forces capable to transform it into a polity must remain absent. This judgment would not be a theoretical novelty, as it comes close to what our most distinguished American colleagues have often described as the real nature of the European process. But my accent is different, and the prognosis cannot be as favourable as in those assessments of Europe's merits and limits: instead of a stabilizing factor for the expectations emerging around the EU, this repeatedly verified impossibility to move towards a political culmination collides with necessities and expectations that are inscribed in the process itself, despite all attempts to keep it within the limits of a single market with the appropriate intergovernmental regulations. *Necessities*, in as much as common economic institutions (trade policy, euro, enhanced competitiveness as envisaged by the Lisbon programme) cannot succeed on the long haul, if they are not backed by a political strategy and a political leadership capable of pursuing them. Beyond being inadequate for systemic necessities, the lack of a political culmination can also work as a rebuttal of the cultural, e.g. moral *expectations* aroused by 55 years of European integration. They had at their origins peace and cooperation between former enemies, more recently a *governance of globalization* attempted by a would-be Western superpower that acts more on principles and shared rules ('civilian power'⁴ or 'normative power') than unregulated competition and hard power.⁵ This sounds now less credible inside and outside a Union that has rejected a common set of (para)constitutional rules and experiences a revival of the 'national interest' as the driving force in the internal EU-negotiations.

Now, the collision between systemic necessities and subjective expectations on the one hand and the non-attainability of the political culmination on the other can impact on the process itself, diverting expectations and redefining necessities. As time matters in politics, even resuming the process in seven or 15 years will change its features, or perhaps make it altogether groundless as a political process. For the same reason, the present paralysis cannot but narrow the chances for Europe to have a say in the governance of globalization, which in seven or 15 or 21 years will have been largely defined by other players. There is background thought to all this: choosing as a model 'political unity' over the 'single market with some regulations' or vice versa is largely the matter of an intellectual or, worse, ideological choice; some times this can unfortunately lead to a debate on

the *massimi sistemi* that, unlike in Galilei's case, has little analytical reference to empirical findings. It happened in the weeks after the referendums, mostly in the misleading formulation 'French social model *versus* British economic liberalism'. Another, more productive attitude is to watch how, once they are established by history or doctrinal choice, political and economic systems such two models evolve or stagnate according to their own logic and the evolution of their historical environment, and what they really deliver with regard to their promises.

Let us recapitulate. As a matter of fact the *nonistes* are the majority in certain countries and have succeeded in paralysing the Union. But they are not the majority in other countries and the fact that they expressed themselves directly in the referendums does not make them more veritable speakers of the citizens' will than those citizens who have ratified the Constitutional Treaty by means of representative democracy (quite on the contrary, I would even argue). Whether or not to pursue the political transformation of the Union remains a conflict-laden issue among Europeans, and majorities can change. But this is little consolation at the moment, as for a long while they will not change, as *Europe-bashing*, which started as the refuge of the scoundrels among national politicians struggling with budget deficits, has now become a popular sport. In any case, even if in the not-near future a large portion of the EU citizens may come to favour a political Europe, this does not mean that this preference will soon find ways to become reality, given the obstacles that are raised by both the previous history of failures and the internal 'democratic deficits' of the EU decision-making process.

2. *Democratic deficits.*

The day after the debacle some French Europeanists tried to find consolation in considerations such as 'in any case the people have spoken, it was a great democratic debate and decision'. Nothing could be more wrong. Inasmuch as it was a Constitution for Europe, the decision should have been made by the European people, that is all 25 peoples voting on the same day as a single electoral college. It is profoundly undemocratic to have one of those peoples making alone the decision because it is more relevant to the process than others and is going to the polls earlier than others. Also, this happened according to a particular rule of the game, a local version of plebiscitarian democracy of that country, which is not shared by others nor has been chosen as the rule of the game for Europe; in this especially unfortunate case it was superimposed on it. Unfortunate, because the referendum is not the appropriate rational procedure to vote on international treaties (the Italian Constitution of 1948 wisely excludes them from the possibility of being contested in a referendum), and the so-called European Constitution was indeed by the common view a mongrel between a Constitution (a covenant between citizens) and an international treaty (a compromise between states), the

latter being appropriately decided upon only by representative bodies of professional politicians. The ambivalent nature of a post-national voluntary polity, perhaps the only possible that could be born in a political environment redefined by globalization, is not easily grasped by citizens used to the traditional legitimization mechanisms of the nation state.

It is fashionable, but it also has a serious basis, to point to the 'democratic deficit' of the Union, because its main body, the Commission, is not elected by the people and works under insufficient parliamentary control.⁶ This is only one type of democratic deficit, and I suggest referring to what I have been describing as *democratic deficit no.2*. On certain matters there is an interest of the Europeans as a whole, which is not only ideal, but legally recognized by national and European legislation. But the prevailing intergovernmental or confederate nature of the legal and political culture presiding over constitutional decisions denies it, giving the power to decide over the common interest to a single people or government. Sovereignty in Europe is largely pooled and shared, to put it in Ernst Haas' famous formulation; but when it comes to ultimate decisions such as war and peace (remember the failure of the European Community to stop aggression, ethnic cleansing and genocide in the Balkans) or to a change in the rules of the game (the Constitutional Treaty), sovereignty, the supreme power in common matters, is returned to single actors (in this case, the French and Dutch electorate and political elite) and their interaction, as in the good old times of the Concert of Europe.

The democratic deficit no.2 needs to be addressed and clarified if steps that may be taken in the future to give the EU a political twist are to be legitimized by the Europeans and become part of their political identity. This is a further problem affecting all contemporary democracies, not just the European one. The idea that *direct democracy* is in all cases the peak of democracy and gives the maximum legitimacy to decision-making is naïve and ignores the complexity of democratic politics: on certain matters and in certain contexts, the people's interests and values are better respected if decision-making is left to representatives, with further safeguards (judicial review) entrusted to non-representatives bodies. Only in fairy tales does the 'for the people'-component of democracy coincide with 'by the people'.⁷ Counter-majoritarian democracy is an indispensable component of democracy, particularly when majority means the majority in the popular vote. The view alternative to this mistakes populism for democracy. It also falls into the trap of discounting the value of the ratifications achieved by parliamentary procedure, as if the nations that followed this procedure are less valuable or less democratic than those that went to the polls. In this particular case, the opposite is likely to be true. A legal text is not like a president, whose democratic legitimacy looks larger if he is chosen in a direct election. In this case, even if the dangers of a plebiscitarian turn should not be underrated, the direct election of a president

still falls into the fundamental expression of democracy, which resides in the people electing its own representatives and leaders.

I am saying this not only because in the referendums the people followed the advice of a minority of populists of right and left: the Front National, de Villiers' *souverainistes*, the socialist minority led by Fabius, the Pcf and the Cgt, the Trotskyists and other *groupuscules* in France, the Wilders group, Rouvoet's Christian fundamentalists and the national-maoists of the Socialist Party in the Netherlands.⁸ That these minorities were able to lead the electorate against the recommendation given by nearly the entire universe of parties and mass-media is an astonishing symptom. It says a lot about the discrepancy between the formal political system and *état de conscience* of the people in European democracies and also the modest or even counter-intentional electoral effect of media campaigns under that discrepancy.

But the main reason for the populist character of the two referendums is that they did not respect the complex binary nature of the entire European institution-building, including the Constitutional Treaty. The Union is not a nation writ large, nor a federal state, it is an unprecedented mix of states sharing segments of their sovereignty and peoples or societies coming closer, but not bound to merge into one people and one society. With hindsight, it was an error, which I shared, to call a 'Constitution' the legal text which was drafted by the (not-elected) Convention, but edited and signed by the governments, because that name suggested a grassroots act of will, while most of the text (parts I and III) dealt with largely pre-defined power relationships between existing states as well as between these and the Union bodies. Using such a resounding and equivocal name was even less justified as the political substance of the text was modest in terms of empowering the Union. The only exception was the inclusion of the Charter of fundamental rights, so far the matter of a mere Declaration, as part II of a legally binding treaty; though, again, in the life of European citizens fundamental rights did not wait for the EU to be enacted as binding principles, the Charter being a further step forward, not a big bang. If the binary nature of the Union had been respected, the Treaty would have been called a Covenant or a Fundamental Law (a provisional regulation like the German *Grundgesetz* of 1949) made primarily by and for the member states *rather than a Constitution*, and this would have eliminated any justification for national referendums. Parliamentary decision on ratification in the member states or Europe-wide referendum, or vote in the European Parliament – with hindsight these were the correct alternatives.

The populist confusion and oversimplification of the legitimacy questions affecting any constitutional or para-constitutional legislation were lethal because of a further and concrete aspect: the Constitution was unreadable, and necessarily so, as the text issued by the Convention and the Intergovernmental Conference was not a Constitution for citizens (a few articles on principles and rights, a few

articles on the distribution of power among the government agencies), but a Treaty for statesmen, diplomats and public administrators, in Part III even a meta-Treaty, recapitulating and streamlining the former Treaties. To pretend to obtain from the citizens the approval of such an *unreadable monster*⁹ contributed to the feeling that they were asked to simply trust the politicians' recommendations, without being able to understand and to assess the matter they were deciding upon. It was a further and major evidence of the aloofness of 'Brussels' from the citizens' culture, of its arrogant pretension to impose its own legal-bureaucratic culture as the leading standard, to which everybody has to adapt. Among the reasons for their 'non', 34% of the French *nonistes* indicated the difficulty they had understanding the Treaty.¹⁰ The disruption of the constitutional process is thus a major lesson on the link of *legitimization and communication* being much deeper and more complex than in the simple Eurocratic view 'we make the right decisions in due legal form, the problem is only to better inform and convince the good citizens down there in the several countries'. What to communicate, how to do that and how to motivate citizens and societies is anchored in the very essence of decision (who decides for whom?) as well as in the cognitive and language levels that are related to the different matters upon which decisions are made.¹¹

The Spanish referendum does not disprove all this. Among the reasons for the low turnout, the equivocal character of the Constitution and the unreadable text may have played a role. What is more, in the first months of Zapatero's tenure, internal factors did not make the European vote an outlet for broad discontent with the national government as happened in France. This is indeed the point, it is evident that the discouraging features of the Constitutional Treaty we have underlined were not the decisive factor for its rejection. They certainly contributed to it and made it difficult to detach the debate from national politics and to refocus the electorate's attention on the European issues. But it was France's social and political situation that dominated the agenda and made the European vote primarily a metaphor for domestic politics.

I draw from all this the conclusion that for more than 50% of the French and Dutch voters, European affairs do not yet have a place of their own on the agenda and that *a constitutional process is not the right way* to give Europe an independent relevance in the mind of its citizens. *A political identity of the Europeans* remains possible in theory, but is still far from materializing and needs other tools and preconditions to do so. These matters ask for a further look into the peculiar dynamics of the French referendum.

Cognitive disorders

What Giscard d'Estaing and Chirac started as a miracle play (the French people giving his blessing to an Union based, as the Preamble reads, on the 'cultural, religious and humanist inheritance of Europe') ended in a comedy of errors.

The French were asked to vote on the new principles and institutions of a polity larger than France, but on the 29 May 2005 their majority did not have the European Union in mind and sought above all to give Chirac a lesson (40% of the *nonistes* gave this as a ground among others) and to protest against unemployment (46%, the first ranging motive),¹² in the curious belief that the Treaty would make it worse, as if voting 'non' could reverse globalization and enlargement, rejecting MacDonald's and *le plombier polonais* (and as if this were the real culprit for French laid-offs).

The French were confronted with a political and legal tool designed to improve Europe's self-government capability, thus reinforcing its strength in the global competition and allowing for the creation of innovative jobs. Instead, a majority of them rejected it because they deemed it 'ultraliberal', a penchant to the ill-famed Bolkestein directive; in doing so, they helped paralyse the decision-making ability of the Union even more than the national governments' reluctance to empower the Union, which was evident in the unanimous vote requested under the Constitution for most of the high politics issues. On these grounds, Europe will be for a long while much less competitive and will lose more jobs, which is a perverse and counter-intentional effect.

Finally, among the reasons for the 'non' 35%, the so-called Europe-friendly *nonistes*, gave the wish to renegotiate the Treaty in a more social (or socialist?) direction, as if this were a realistic possibility, while it was and it remains clear that a defeat in France would disrupt the entire process for decades, because the stake was whether or not to give birth to a polity, rather than to make it a shrine of free trade or solidaristic state intervention.

It looks like the *nonistes*, in particular those on the left, were affected by cognitive disorders; with regard to their political leadership this was really the case, and the origins are to be sought in the fractious, self-centred and utterly ideological mood of large chunks of the French left, the same who in 2002 made Le Pen win over Jospin and go to the runoff with Chirac, thus driving themselves into the constraint of voting for their arch-enemy. It is difficult to prove, but for the Pcf, the Trotskyists and similar groups, tearing down the European Constitution was as if they had an unexpected chance of revenge for both 1989 (for the Pcf, the end of the Soviet Union as the only existing alternative to capitalism and liberal democracy), and for the radical left, the failure of the utopian epigones of 1968 to come to terms with history and politics. It was admittedly a revenge made easy by an electoral event burdened with the equivocations we have seen in the process, and by a considerable lack of *strategic and tactical ability* on the side of the French and European leadership, with the exception of Tony Blair.¹³ In countries such as the larger continental member states in which economic growth is at least three points below the world average, connecting to the US recovery is missed every year, and unemployment has never gone down

for years, a project as ambitious as the Constitution was inevitably to be battered as the scapegoat for faults that were not its own. It needed a more clever timing and campaign, as an attempt (of uncertain outcome) to neutralize the 'non' potential.

In addition, a constitutional project, even a modest one like this, should have been settled well in advance of the Eastern enlargement and the opening of negotiations with Turkey. As not a few observers used to say in the early 1990s, *deepening* had to come before *widening*, not only to make the enlarged Union manageable, but to give the citizens of the old countries the confident feeling that in any case the new dimension would have not changed the nature of the deal. But this was exactly what the national elites, Chirac in the first line, managed to hinder at Amsterdam and Nice. Nobody can enlarge without limit (the Eastern European countries, the Balkans, perhaps Turkey and the Ukraine, but why not Israel or Morocco?) – which is only compatible with the logic of a pure single market – and at the same time propose a Constitution, which is at least symbolically a high political act. Nor can you claim these two diverging courses of action to be one and the same thing, and even less justify all this on the ground that you are in any case upholding your national interest. You cannot unless you show political courage and vision, clearly explaining that the national interest of your fellow citizens of tomorrow can only be satisfied in a European framework and requires sacrifices from today's citizens and, alas, voters. But the trouble with future generations is that they count more and more in our ethics, but do not cast any ballot in an election bound to confirm or unseat the incumbent politicians or to empower new and rampant ones.

Cognitive disorders do exist in the political and social life, although in ordinary scientific language we would rather speak, for example, of misperceptions in some cases and self-deception in others.¹⁴ But they are not psychopathological symptoms, as they rather signal deep troubles in the underlying tissue of political decision and communication, two aspects that are co-essential, against the conventional wisdom 'you first make decisions, and then wrap them in a message that makes them acceptable to anybody affected'. Which troubles do we mean?

Troubles with democracy, particularly in Europe, but not exclusively here. In continental Europe voters seem to have voted for the past six or seven years¹⁵ mainly to tear down the government of the moment, not in favour of a programme or ideology. This is now known in France as the *ras-le-bol* vote, which has inspired the 'non'. The democratic electoral game has never been a fully rational business, but it seems now to become more and more awkward to focus the voters on the effective agenda, such as the Treaty, rather than letting them decide on the basis of a debate on problems, successes and failures of parties and politicians. The 'mood' prevails in fighting a specific political conflict. In this situation, purely defensive attitudes *versus* unemployment, immigration, criminality, and aloofness

or intricacy of the political game replace ideas and strategies in the motivation of the vote, which tends to shrink to the expression of narrowly defined self-interests. This is apparently a very unfavourable environment for a great project like the political Union to take roots.

In particular, this is a poisoned environment for the fledgling European public sphere, the proper venue for the development of a political identity; on the other hand this development is the only *humus* on which the legitimacy of the European institutions and policies can bloom.¹⁶ This is not to say that the growth of a European polity is impossible, but rather to show that the difficulties cannot be easily dealt with by simply redressing one or the other segment of the EU machine, as they are deeply engrained in the context of contemporary politics, national or European that it be.

But there are also more specifically EU-related factors that make the emergence of political identity and the building of legitimacy so difficult. The European institutions have a lot of power, alone (on money in the Eurozone, budget, external trade, market regulations, and legal questions that may affect the Union, just to name the most important areas) or in competition/cooperation with the member states. But these policies have little direct impact on the citizens, while what matters *most and most visibly* to them (health care, education, law and order, social security and taxation) is not an EU competence and largely remains in the hands of national governments and parliaments, even if these national competencies are heavily constrained by decisions made by the Central European Bank, the European Court of Justice and the Commission. Similarly, in foreign policy the final and most visible decision-maker in hard issues such as war and peace remains the sovereign nation-state, even if it has to struggle in order to hide the fact that *sovereignty* is a shadow of what it used to be, constrained as it is by the worldwide distribution of nuclear and economic power and the spreading of international law. Finally, along with structural and institutional factors like these, national elites (politicians, bureaucrats, journalists, intellectuals) have an interest in keeping the citizens' attention focused on issues in which they still have a say and can trade influence and prestige, or they simply lack the cultural tools capable of making them tackle where real power is located and where future challenges and rewards may lie. Lack of innovation affects the political culture of the national elites in Europe no less than the industrial culture or the business mentality.

All this helps elucidate the structural reason for the 'cognitive disorders' and explains why it is such a difficult, if not desperate undertaking, to make national electorates focus their attention on European issues, especially those necessarily abstract and philosophical ones that deal with constitutional principles and rules. In comparison, the Maastricht Treaty was easier to sell, as it had a palpable core, the introduction of the euro. Under the present circumstances (people struggling with unemployment, lack of economic growth and immigration-related fears), if

the power of EU institutions is perceived, this is likely to lead to EU-bashing rather than to political interest for and rational conflict around the shaping of the European institutions. To generate this interest as well as identity-building conflicts,¹⁷ it will take for Europeans a much more diffused and longer *experience* of what is at stake for everybody in the politics of the Union, what its successes and its failures mean to everybody's life chances, and how citizens and groups can make their voice heard in Brussels, which should be not only the 'Brussels' of lobbyists, bureaucrats and lawyers, but also a transparent place of political conflict, debate and compromise.

Without this experience to come there will be no change in the people's political culture and little chance to legitimize a decisive step towards a European polity. Many of us, politically and/or scholarly interested in the development of the Union, have shared the idea that functional integration (the economic integration and the deriving of common regulations) has created and strengthened the European Community and Union, but was not able to generate the following step towards political unity, a step we believed was to be made by political means, among which the establishment of a Constitution was paramount. We oversaw that the Union resulting from *functional integration* was marked by the features of a process centred around corporate economic interests coalescing into a deal that was necessarily (but some times also unnecessarily) negotiated and framed under the imperatives of functional links and opportunities and in the language of legal compromise. The attempt to give this Union a political culmination was understandable as long as this step had to be judged within the political and business elites, national and European. But in the moment in which it became necessary 'to sell' the new product to entire peoples, the contrast between the functionalistic bureaucratic-diplomatic Union they had known or rather heard of so far and the suddenly born political Union, accompanied by an equivocal 'Constitution', had to result in disrupting effects sooner or later. The 'Constitution' was equivocal also with regard to other features (an un-elected body pompously called Convention, referendums convened as if it were a new Constitution somehow replacing the old national ones) enhanced that contrast and made some people fear the functional-bureaucratic Union of 'Brussels' to be on the verge to take over, side-lining national parliaments, parties and movements. A further feature may have contributed to this confusion: Giscard d'Estaing's beloved child, the Preamble. As far as it was not simply a document of obsolete and fuzzy rhetoric, in *Troisième République* style, it conveyed the impression that the new Europe has to define its cultural identity instead of limiting itself to the political one, that is to the constitutional values and the essential rules of the game aimed at guaranteeing and promoting those values.¹⁸ If there is a lesson to be taken from European history and from the history of the integration process, it is that on this continent a core *political identity* must coexist and also compete with

cultural diversity. Not being clear on this point must unleash suspicions and make it even harder to sell the political transformation of 'Brussels' to the extremely variegated citizenries of the 25 countries.

In other words, functional integration has its limits, but these cannot be overcome by wrapping its very product in a 'Constitution' and selling it as if it were a marketable democratic item. As soon as the subjective side of the integration process enters the stage, as soon as the identity and legitimacy question is raised, other features are required, quite different from mere legal legitimacy and also from legitimacy by bureaucratic or technocratic efficiency (Scharpf's 'output legitimacy'¹⁹). Symbolic aspects as well as the public discourse on history and memory become also relevant to the shaping of the complex entity which we may call 'substantial legitimacy'. Reaffirming this is perhaps the main theoretical lesson we can draw from the referendums debacle, while the main practical one underlines how self-defeating it would be to pursue the same roadmap with only tactical adjustments or an allegedly improved communication technique, as if technique and not politics were the problem.

There is no policy conclusion to this article. Except *ex negativo*. Looking straight into the deep causes of what went wrong is more important at the moment than making hurried recommendations, which under the pressure of action may well divert the energy from understanding what made things go wrong and learning to test other roadmaps. In addition, given the two-year electoral cycles in the big countries (Germany 2005, Italy 2006, France 2007) all recommendations would be subject to too many variables.

The negative list can be put together by elaborating on the errors, cases of confusion and self-deception at which we have been pointing.

Three points need perhaps some elucidation. First, if the legitimization of the Union is to be taken seriously, the warning 'it's the economy, stupid' should always be heeded also on this side of the Atlantic, and even when voting on a constitutional or philosophical question. Not the macroeconomic data of OECD and European Central Bank, but the socio-economic condition of the citizens, which they experience with fairly little sense of distinction for EU versus national accountability. For them, the political system is one and the same thing, whatever its components, be they national or European. If one is doomed in their eyes, there will be no safety for the other. This has to have consequences on European studies, which cannot be studies on the EU alone, as soon as legitimacy and identity issues are raised. A further source of disorientation should be dismantled: ideological duels between theatrical war machines such as 'European, or Rhineland, social model *versus* Anglo-American individualism' distort rather than reveal the real socio-economic condition of the people. Second, observers should become cautious in detecting the birth of European unity or identity in individual events, while the process among the 25 peoples, societies

and elites is incredibly complex and slow and because of its pure voluntary and post-national nature, does not proceed *by big bangs and points of no return*. The signing of the Constitution, the peace demonstrations of 15 February 2003 all around Europe²⁰ and the German-French (and Russian) 'no' to the US intervention in Iraq, all greeted by one or the other side as the decisive step towards the new Europe, have now lost the epochal significance with which they were originally endowed. Indeed, peace is identity-building not a moral aspiration or mere refusal of whatever involvement in the use of force, but only if it is the result of good and clever politics, something which could perhaps have avoided the disgraceful Iraq war if the Europeans had been able to put it together. They did not; each of the two parties in which the Union countries split being unable to have any relevant influence on the course of events. The German-French-Russian opposition was indeed handled as a pre-1914 alliance of not-so-Great-Powers rather than an effort to build a truly EU position with identity-building effects. The existence of *Monsieur PESC* played no role at all, and this should be retained as a correction to the 'Brussels' attitude of mistaking institutional compromises (such as the Foreign Minister of the Union, a figure which some say should be savaged from the rubble of the Constitution and legally established by the European Council) for something that can substitute political will and shared strategies.

Third, it cannot be forgotten that the legitimacy of the existing Union and *a fortiori* of a more political one in the future, also depends on the EU's image around the world and the feedback that this image has on the Europeans. Whatever the overall assessment of the Eastern enlargement, stopping it now in the Balkans because of the fears of the Croatian or Rumanian plumber would be irresponsible, in the light of the dynamics that region underwent in the 1990s and the lack of a European ability to pacify it. Also, since an element of legitimacy and political identity in our days is the *respect for ethical standards* that we can attribute to our polity, the fate of the Common Agricultural Policy should be dealt with from this vantage point and not just as a matter of social peace and successful lobbying for a couple of member states. The European CAP as well as the corresponding US farm subsidies make farmers in the developing countries poorer than they would need to be in an open food market and also discredit the principle of free and fair trade.²¹ On the one hand, the redefinition of the EU stand on these issues cannot wait until the French election of 2007, on the other it is not without significance that 57% of the *nonistes* ('le non européen') said to pollsters that they still favour European integration, while 64% of the *ouistes* (prevalently from 'le oui de gauche') oppose US-led globalization and the invasion by Chinese commodities.²² This is just a symptom that, beyond the drastic *oui/non* division, a number of converging attitudes remain in the two fields, and that a smart political leadership, which is admittedly not in sight, could build on them to gain support for courageous steps in the EU foreign and trade policy.

The three points I have just made are scattered remarks on recent or upcoming events and problems and do not in any way make a strategy, which could be at the moment implemented. More vital are two matters, which I would like to stress as a conclusion. A serious self-critical reflection on the reasons of the debacle should bring serious changes to the political culture of the European elites, to the 'style' of European politics they have pursued so far. On the other side of the dynamics, the European peoples should be given time, but also more concrete ways to *make experience* of the Union. Concrete steps in strategically relevant legislation and funds allocation, such as that aimed at revamping the Lisbon strategy, are likely to master more interest and participation than resounding projects like the Constitution. To build identity among the people there is nothing as effective as being actors (as voters) and addressees for the good or evil of the same acts of governance. There is no constitutional debate that can rival *actual politics* in the formation of political identity.

To old Europeanists it may be sad to bid farewell to the Constitution, but democratic politics is based on experience and learning processes, which in the case of a not so large majority (or perhaps blocking minority, we shall never know) of Europeans is still to be completed. Meanwhile, the large minority (or perhaps silent majority) of those who envisage a political future for Europe should prepare to fight the right battles on the proper issues, and not give up.

Notes and references

1. By full-fledged polity I do not mean the United States of Europe, which is not possible nor desirable, rather an international actor with a broad capability to intervene in world politics, but relying on a complex and unprecedented structure of decision-making (multilevel governance).
2. Cf. F.Cerutti, Constitution and Political Identity in Europe, in U. Liebert (ed) 2005 *Postnational Constitutionalisation in the Enlarged Europe: Foundations, Procedures, Prospects* (Baden-Baden: Nomos), forthcoming. That the freezing of the present institutions has been broken by the rejection of the Treaty is the good that may come from evil, but this positive side-effect does not compensate the disarray in which the vote has pushed all efforts aiming at a 'polity Europe'; nor is there in sight any 'coalition of the willing' or 'reinforced cooperation' of significant countries (with the likely self-exclusion of Britain) capable of moving in this direction.
3. P. Schmitter (2000) *How to Democratize the European Union and ... Why Bother* (Lanham, Md: Rowman & Littlefield).
4. On this notion see M. Telò *Europe: a Civilian Power?* (Palgrave, forthcoming).
5. These expectations are shared by a large section of the French no-voters, as we shall see in Section 3.

6. On democracy in the European Union see T. de Montbrial, *Le 29 mai et la démocratie*, *Le monde*, 24 June 2005
7. Cf. V. Schmidt (2004) The European Union: democratic legitimacy in a regional state? *Journal of Common Market Studies*, **42**, 4.
8. Definitions mostly borrowed from *Le nouvel observateur* of 9–15 June 2005, particularly C. Askolovitch, Pays-Bas. Le modèle explosé, 66–67 and C. Weill, Les ressorts cachés du 29 mai, 62–64.
9. On this and the related bureaucratic way of unification from the top cf. J. Habermas, UE, nouvel essor ou paralysie, *Libération*, 8 June 2005, 35–36 (translation).
10. *Le monde*, 31 May 2005, 4.
11. There is little evidence of the EU Commissioner for Communications grasping the essentials of this connection, see M. Wallstrom, Grass-roots change for Europe, *International Herald Tribune*, 21 June 2005, 9.
12. From *Le monde*, *loc. cit.*
13. The British Prime Minister managed to exhibit his democratic approach to European affairs pledging to convene a referendum on the Constitutional Treaty, which he had already cleared of all significant advance towards supranationalism, but thanks to the French voters did not even need to really defend the Treaty in a probably unsuccessful referendum campaign. With full democratic credentials (third mandate recently awarded on him, readiness to go to the polls with the Treaty) and the vigorous attack on the decrepit, even if recently reformed, Common Agricultural Policy on behalf of the Europe of the future he preserved the full 'British rebate' and cornered the weakened Chirac, his main contender and the driving force of the now moribund anti-British French–German axis. All this exactly at the start of the British EU-chairmanship. *Chapeau!* should the French and the others say, but it remains to be seen how far good tactics can translate into a constructive strategy, if the UK remains opposed to giving more power to the EU.
14. A clear case: 82% of the French no-voters believe that the rejection of the Treaty does not weaken the European construction (against 26% of the *ouistes*), see the already cited survey in *Le monde*, 31 May 2005, 4.
15. Think of Germany 1998, Italy 2001, France 2002, Spain 2004, just to watch only the major electorates. In Germany 2002 they would have probably done the same, had not Schröder brilliantly played the campaign the 'no German soldiers for the American war plans in Iraq' card in the final phase of the campaign.
16. Public sphere, political identity and legitimacy are three fundamental, but complex notions, whose definition has been often neglected and cannot be discussed here. I have tried to approach the issue in *A Political Identity Of The Europeans?*. *Thesis Eleven*, no.72 February 2003, 26–45.
17. Publicly and democratically conflicts between parties and political philosophies, not between national interests and allegiances, are supposed to foster a political identity of the Europeans more than the 'European ideal' or the advantage deriving from a coordinated pursuit of everybody's self-interest can do.

18. Sociologically political and cultural identity are certainly interwoven, though not overlapping, but normatively they can and must be separated, particularly in post-national entities. Besides, a political body legislating on cultural identity infringes one of liberalism's core guarantees.
19. F. Scharpf (1999) *Governing in Europe* (Oxford: Oxford University Press).
20. I am thinking of the manifesto *Der 15. Februar oder: Was die Europäer verbindet* published in 2003 by Jacques Derrida and Jürgen Habermas, now in J. Habermas (2004) *Der gespaltene Westen* (Frankfurt am Main: Suhrkamp) pp. 43–51.
21. Cf. Farm support's deep roots, *The Economist*, 22 June 2005.
22. See C. Weill in *Le nouvel observateur*, quoted above in note 8.

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