

## **EPILOGUE: EUROPE'S FRAGILE CONSCIENCE.**

Those recognized as the "Fathers of Europe", responded in conscience to the spectacle of ruins left by European politics in the first half of the twentieth century. They knew that: "to serve right and to fight against the dominion of wrong is and remains the fundamental task of the politician."<sup>1</sup> As Hannah Ahrendt wrote in 1945: "The problem of evil will be the fundamental problem of postwar intellectual life in Europe – as death became the fundamental problem after the last war."<sup>2</sup> The Fathers of Europe clearly understood that a radical break with the European past was necessary. After the Second World War and the onset of the Cold War, they saw it to be their task to reconcile France and Germany and to unify Europe. The Governments of the six states who concluded the ECSC Treaty in 1951, fundamentally agreed on:

- (1) *The purposes* to be pursued: reconciliation, peace, solidarity and federal unity;
- (2) *The road to follow*: concrete actions and the fusion of essential interests; and
- (3) *The method of common action*: creating supranational institutions capable of giving direction to their future common destiny.

This agreement on the peaceful organization of common action has been solid enough to provide the constitutional foundation for more than sixty years of peace and cooperation and for managing the growth from a six-member ECSC to a twenty seven-member European Union.

Still, European conscience is fragile. Already in 1954, it was too weak in the French National Assembly to accept a European Defense Community. It was partly restored through the creation of EEC and Euratom, but soon faded, during the Gaullist era in France, again.

---

<sup>1</sup> From the Address of Pope Benedict XVI to the German Bundestag. Berlin 22 September 2011. Full text on my website, European Union, Documents ER, nr. 4.

<sup>2</sup> As quoted by Tony Judt, *Post War A History of Europe Since 1945*. In his Epilogue, 'From the House of the Dead.

Thereafter, the compromise reached at The Hague Summit (1969) and the first enlargement (1973) with Great Britain, Denmark and Ireland weakened it further. In 1973 the British disagreed as much as in 1950 with the three fundamentals of the ESCS Treaty. This time Britain had post-Gaullist France on its side. The Single European Act (SEA), after the years of crises in the 1970's, caused the integration process to deviate further from the spirit of the founding fathers. It moved the European Council from foreign policy forum to centre place. It enlarged the scope of action but blurred the distinction between community policies and intergovernmental coordination. It resumed the effort to transform the European Community into an Economic and Monetary Union (EMU). To that end the SEA created a new transitional period towards completing the internal market. With EMU in perspective, the completion of the internal market was no longer guided by the original three agreements. With the objective of removing all barriers to the freedom of movement for persons, goods, services and capital, the Eurocrats from the Commission and the Member States embarked on a program of detailed and intrusive regulation or harmonization of policies with an economic dimension.

In the absence of agreement on the purposes to be pursued, it was no longer possible to properly identify the interests deemed essential enough to be fused on the road to unity. The Treaty on European Union (TEU) in December 1991 marked the formal burial of the two original purposes of solidarity and political unity – a tragic irony as it coincided with the end of the Cold War. If ever, it was in the 1990's that these two original purposes would have made sense for Europe as a whole. The TEU of Maastricht thus marks a twofold deviation of the original spirit of the founding fathers. The transformation of Community into Union marked the end for political unity. EMU marked the end of real solidarity. Henceforward it was accepted that Britain and others could opt-out of EMU and other major programs. A so-called "two-speed" Europe, is not a Union in which states can reach the same goal at different points of time; it has become a Europe in which Member States can pursue different goals within the Union.

EMU also marked the new dictatorship of economic values in an era of globalization. The campaign slogan of presidential candidate Bill Clinton in America, "it's the economy stupid", was already written in the TEU of Maastricht! It would become the new guiding spirit for the EU and its enlargement in the decades thereafter. There is no more "sense of common purpose" beyond the market and the Euro, or in time of crisis even within the Euro zone.

The history of European unification presented in this volume is a story of a fragile European conscience: in law and language, in virtues and values, in politics and economics, in rights and wrongs and in memory and forgetting.

## **Any lessons learned?**

The first lesson one could draw from the new method for organizing common action is a positive one. The new institutional method introduced by Monnet, Schuman and the ECSC Treaty has significantly modified relations between nations and men, indeed. Europe, for the first time in its turbulent history, has become an (expanding) zone of peace and cooperation, characterized by the dependable expectation that conflicts and crises are being solved with peaceful methods. The underlying ideas formulated in the exceptional circumstances of a Europe ruined by war and translated into the law of the ECSC Treaty have proven to be a solid, constitutional foundation for the process of European unification. From this perspective, the drafting of "a constitution for Europe" in the early years of the 21<sup>st</sup>. century was a sad example of organized forgetting.

A second lesson one could draw, is that crisis-resolution by peaceful methods has been producing more agreement than feared before the crisis, but less than hoped for. Despite recurrent crises, enlargement has proceeded apace. Modest institutional improvements have been possible, such as the merger of the institutions of the three original communities, direct elections for the European Parliament, the granting of limited budgetary and legislative powers to the European Parliament, and increased use of decision by majority in the Council of Ministers. Still, as the transformation from communities to Union is showing more and more, the crisis-resolution capacity of the enlarged Union is in serious disrepair. The management of the sovereign debt crisis in 2010-2011 manifested very troublesome and expensive deficiencies. Summitry does not produce coherent foreign policies. It is an unsuitable instrument for conducting common economic and monetary policies. It leads to serious failures in time of crisis.

A third lesson is that the most serious challenge to the new method for organizing common action is not enlargement with new members, but the opposition of member-states to

the application of the new method within the extending scope of the European Union. That opposition - so to say - has been legitimized in the creation on French initiative of the European Council of Heads of State and of Government - a body standing above the European law, acting as the final instance in crisis-deliberation, but only capable of issuing guide-lines to the institutions by laborious compromise and presidential conclusions. One should not overlook the irony in the history of European summits now formalized into regular meetings of the European Council. De Gaulle's proposal in 1962 was rejected exactly because of the purely intergovernmental nature of the summit meetings he wanted. The compromise agreed upon in 1969 had been that Summits could be used for promoting European Political Cooperation as an activity outside the scope of the European Communities. Today, the European Council stands at the apex of decision-making in all matters within the scope of the European Union.

A fourth lesson one could draw, is that agreement over the 'political finality' of the European Union is unlikely to be achieved. Despite the clear message of the sovereign debt crisis that one currency requires federal authority over economic, fiscal and budgetary policies, the political solutions offered for "economic government" are just a little bit more of the same. The European Union is to be given a fifth president in addition to the four already in the Treaties of Lisbon.<sup>3</sup> In other words and contrary to the original fundamental agreement, essential interest are no longer to be merged. They are to be dealt with in the European Council, which by its composition and task is incapable of giving direction to a future common destiny of the European states. At best the European Union will continue to be a common market for all, an Economic and Monetary Union for some and a political union for none; that is: an overload in *acquis communautaire*, two tiers for monetary and social matters, and twenty-seven speeds for foreign policy and defence.

A fifth lesson to be drawn is that the transformation of Community into Union has adversely affected the legitimacy of the European unification process. The EU's diminished legitimacy has two aspects. The *one* is the growing gap between the endless stream of resounding declarations on principles, values and objectives - and the increasing emphasis on national interests in actual negotiations. The *other*, related aspect is the growing gap between

---

<sup>3</sup> The President of the Euro Summit in addition to the President of the European Council, the President of the Council of Ministers, the President of the Council of Ministers for Foreign Affairs and the President of the European Commission. See Summit Statement of 26 October 2011 in Document EC. 135.

the Eurocrats (community and national officials) - and the citizens of European Union, reflected for instance in the outcome of referenda, the low turn-out in European elections and the perception of the EU in the new Member States. Whereas the process of transformation and admission to the EU was a political success story, the transformation was a failure from the perspective of everyday life, as it caused pain, bitterness and disappointment for so many people through unemployment, corruption, growing inequality and immorality. Enlargement since the end of the twentieth century continues despite the fences erected in 1993; often by not applying the very principles of 1993. Deepening integration was repeatedly proclaimed as a priority task. Opaque negotiation processes produced just a little bit more of the same, from the 1991 Maastricht Treaty to the latest Lisbon Reform Treaties on European Union.

The most important lesson to be drawn is that a Union directed by a collective Emperor in the garments of the European Council and standing above the law, is undermining rather than solidifying the process begun with the Schuman Declaration in 1950. The European Union is in serious trouble and not only due to globalization and the world economic crisis. In the glare of television cameras the appearance of compromise conceals lack of true progress and absence of common purpose – as has been made all too clear in the recent sovereign debt crisis.

### *EMU's Fragile Construction.*

The development and management of the Economic and Monetary Union (EMU) have become the core-business of the European Union. The financial, banking and sovereign debt crises of 2008-2011, have proven the EMU to be a fragile construction. The criteria for entering the Euro zone were loosely applied. Besides the European Central Bank (ECB), there is no institution capable of giving direction to the policies required to uphold monetary union. The criteria for sustaining the monetary union were laid down in the (non-binding) Stability and Growth Pact<sup>4</sup>, adopted in 1997 on German initiative, but equally loosely applied. In 2005 the two leading states in the EMU – Germany and France – violated the criteria, but were not penalized. Thereafter the rules were relaxed for every state participating in the Euro zone.

It is not surprising, therefore, that the EU badly handled the crises since 2008. The only policy-instrument available for handling such crises was the European Council. Since the

---

<sup>4</sup> Government annual deficit not to exceed 3% of GDP and national debt not to exceed 60% of GDP.

entry into force of the Treaties of Lisbon, the European Commission has been given a back seat. As a consequence the European Council stumbled, fully media-covered, from crisis to crisis with half-measures acceptable to the German Chancellor and her Bundestag. The French President could not but follow, the other fifteen had to accept, the outer ten were invited for drinks only.

The "last chance" special session of the European Council/Euro Summit took place on 26/27 October 2011. On the three items mentioned, the concluding statement announced possible measures *to be taken by others*, but failed to deliver the required solutions.<sup>5</sup> The crucial and underlying question how to resolve the serious sovereign debt crisis in the European Union has not even been addressed. The same applied to the question, how to assure public accountability on the huge sums made available to the debt-ridden countries. Even more shocking is the neglect of the social consequences of the draconic austerity measures imposed on countries like Greece, Italy, Ireland, Portugal and Spain.

In its concluding statement the Euro Summit offered just more of the same on the governance structure of the Euro area. Policy-making continues to be handled by more meetings on the Summit level. As already mentioned, a fifth president is to be added to the list of presidents provided for in the Lisbon Treaties. The reality remains that Germany is in the lead with France coming along and the others bound to follow. Euro zone members with excessive debts and deficits are required to adopt draconic reforms to achieve debt and deficit reduction. Their implementation is to be checked and monitored by the European Commission. Necessary further integration is promised but not spelled out. The ten measures to improve the governance of the Euro area, listed in Annex 1, are just a variation on the well-known summitry practice. Still, it is for the first time that structures parallel to the EU structure for the twenty seven, are emerging for the Euro seventeen Member States; a development that is bound to further undermine unity and solidarity in the European Union. In the light of the failure of the Stability and Growth Pact, paragraph 26 of the Statement is the most deficient one. Instead of recognizing the need for supranational institutions capable of upholding the EMU, implementation is left to national measures. Nobody in the Summits appears to have learnt the lesson that a functioning EMU needs, in addition to the ECB, a European treasury, truly common European economic, budgetary and fiscal policies carried out by a capable and competent supranational European Commission. Robert Schuman would surely have understood.

---

<sup>5</sup> Cf. Document EC. 135. The October 2011 Summit was neither the first nor the last "last chance" session.

The Conclusions of the 'last-chance' Summit tell us sadly that in times of crisis there is no real solidarity and there are no supranational institutions capable of giving direction to the EMU. In summitry Europe, leadership unavoidably returns to the strongest Member States, France and Germany. It is bound to be poor leadership. Consecutive French Presidents have made it quite clear that they are stuck to a summitry Europe. While preaching federalism, the German Government refuses any solution based on real solidarity within the European Union. In the absence of a shared common purpose, the French lack the political vision and the Germans lack the solidarity, required for unifying Europe.

*Pertinent Polish Questions.*

Towards the end of the first Polish six months Presidency of the EU Council of Ministers, Foreign Minister Radek Sikorski gave a most remarkable address in Berlin on 28 November 2011.<sup>6</sup> In his address he tackled six basic questions for the European Union. His second question dealt exactly with the missing common purpose in the German and French approaches:

**"where do we want to go?"**

We have two fundamental options. Before I say what they are, let me say that Euro zone's failings are not the exception but, rather, are typical of the way we have constructed the EU. We have a Europe with a dominant currency but no single Treasury to enforce it. We have joint borders without a common migration policy. We are supposed to have a common foreign policy, but it is divorced from real instruments of power and often weakened by member states cutting their own deals. I could go on.

Most of our institutions and procedures depend on the goodwill and sense of propriety of member states. It works tolerably well when the going is good. But then a wave of migrants shows up on the EU's border, or a civil war blows up in our neighbourhood, or markets panic. And then, what do we habitually do? We run for cover in the familiar framework of the nation state.

[...]

---

<sup>6</sup> "Poland and the Future of the European Union". As published on [www.pl2011/EU](http://www.pl2011/EU).  
\_Full text in Document ER nr. 5, on my website under European Union.

The Euro zone crisis is a more dramatic manifestation of the European malaise because its founders created a system in which each of its members has the capacity to bring it down, with appalling costs to themselves and the entire neighbourhood.

If we are not willing to risk a partial dismantling of the EU, then the choice becomes as stark as can be in the lives of federations: deeper integration, or collapse.

[...]

So, we also have to decide whether we want to become a proper federation, or not. If renationalization or collapse is unacceptable, then only one way remains: making Europe, as Europe, governable at last, and hence – in due course – more credible.

Politics is often the balancing between the urgent and the important.

What's urgent is that we save the Euro zone. What's important is that in so doing we preserve Europe as a democracy that respects the autonomy of its member states. This new European deal will need to balance Responsibility, Solidarity and Democracy as the cornerstones of our political union."

Unlike his French and German counterparts, Sikorski left no doubt what the answer should be and what the dreadful alternative could be.

## **Europe's Conscience: Fading, Failing and Fragile?**

*In our early twenty-first century, Europe's conscience is fading indeed.*

As Tony Judt wrote in 2008: "In the West we have made haste to dispense whenever possible with the economic, intellectual, and institutional baggage of the twentieth century and encouraged others to do likewise. In the wake of 1989, with boundless confidence and insufficient reflection, we put the twentieth century behind us and strode boldly into its successor swaddled in self-serving half-truths: the triumph of the West, the end of History, the unipolar American moment, the ineluctable march of globalization and the free market."<sup>7</sup> Elsewhere, Tony Judt wrote: "But we have become stridently insistent – in our economic calculations, our political practices, our international strategies, even our educational priorities

---

<sup>7</sup> Tony Judt, 'What Have We Learned, If Anything?' *The New York Review of Books*. May 1, 2008.

– *that the past has nothing of interest to teach us. Ours, we insist, is a new world; its risks and opportunities are without precedent.*"<sup>8</sup>

What Tony Judt refers to is what Milan Kundera called 'organized forgetting' in the totalitarian states of the twentieth century. Where ideology reigns, the past is even more uncertain than the future; history though must continuously be rewritten to suit the policies of the ruling leaders. It is the heritage affecting all of Europe, East as well as West. This 'organized forgetting' is a product also of the Western ideologies of progress, revived after 1989 in the ideology of economic growth through globalization and privatization.

*The "European Union may be a response to history, but it can never be a substitute".*<sup>9</sup>

Herein lies the problem of Europe's *fading* conscience. The EU Summits, since 1991, with their conclusions on enlargement, monetary union and "constitutional" reform have been trying exactly that: to present the EU as a substitute for history. The "collective emperor's" disowning of the past includes the Holocaust, specifically discussed in Judt's epilogue; it also extends to the spirit of the founding fathers of Europe, the spirit of *Solidarnosc* and the Christian heritage of Europe.

*Europe's conscience is also failing.*

The EU has failed to recognize and resist the dictatorship of economic values installed by the new ideologies of globalization and privatization; in fact the EU supported both ideologies by the way in which the internal market was completed. Through instruments like the Public Procurement Directives, public services like railways and post were forcibly turned into private companies<sup>10</sup>. The interests of the citizen were replaced by the interests of the shareholders. Private profit replaced public service. Governments were expected to act in conformity with market rules, rather than pursue the common good..

The search for principles to provide a solid foundation for pursuing European unity degenerated into an open ended discussion on European values and the almost frivolous decision to write the European Human Rights Charter into the law of the European Union. Rather than recognizing the fundamental problem of evil (Hannah Arendt), the discussion

---

<sup>8</sup> Tony Judt, *Reappraisals. Reflections on the forgotten twentieth century*. Penguin Press 2008. From his Introduction: The World We have Lost on p. 2.

<sup>9</sup> Tony Judt, *Post War. A History of Europe Since 1945*. Penguin Books 2005. Concluding sentence from the Epilogue to the book on p. 831.

<sup>10</sup> See e.g. Dir-Jan Eppink, *Life of a European Manadarin. Op,cit.*

moved beyond good and evil into a new language of value relativism. I would urge the reader to re-read part I (chapter 3 in particular) of this volume after having studied the history of European Unification proper in the second part.

The European Union since 1991 has seriously failed in its mission as intended by the founding fathers of the European Communities, and by the founding fathers of Europe's reunification since 1989. Among the reasons for the failure were the arrogance and the ignorance with which the Central and East European Countries (CEEC) were dealt with by the EU leaders after the events of 1989. In reply to his fourth question in Berlin, Minister Sikorski made clear how wrong the West Europeans had been:

**"What does Poland bring?"**

Today Poland is not the source of problems but a source of European solutions. We now have both the capacity, and the will, to contribute. We bring a recent experience of a successful transformation from dictatorship to democracy and from an economic basket case to an increasingly prosperous market economy.

We were helped by friends and allies: United States, UK, France and, above all, Germany. We appreciate the strong and generous support – the solidarity – which Germany has extended to us over the last two decades. *Ich danke Ihnen als Politiker und als Pole.*"

His answer was just as remarkable as it was correct. How much the spirit of Founding Father Robert Schuman, today, is alive in Poland, Sikorski made clear in reply to his fifth basic question:

**"What does Poland ask of Germany?"**

"We ask, first of all, that Germany admits that she is the biggest beneficiary of the current arrangements and therefore that she has the biggest obligation to make them sustainable.

Second, as you know best, you are not an innocent victim of others' profligacy. You, who should have known better, have also broken the Growth and Stability Pact and your banks also recklessly bought risky bonds.

Third, because investors have been selling the bonds of exposed countries and flying to safety, your borrowing costs have been lower than they would have been in normal times, so you may be benefitting in the short term, but...

Fourth, that if your neighbours' economies stall or implode, you will suffer greatly, too.

Fifth, that despite your understandable aversion to inflation, you appreciate that the danger of collapse is now a much bigger threat.

Sixth, that because of your size and your history you have a special responsibility to preserve peace and democracy on the continent. Jurgen Habermas has wisely said that "If the European project fails, then there is the question of how long it will take to reach the status quo again.

Remember the German Revolution of 1848: When it failed, it took us 100 years to regain the same level of democracy as before."

After making clear that he considered the collapse of the Euro to be the biggest threat to Poland's security and prosperity, he concluded his answer to the fifth question with an urgent appeal to Germany:

"And I demand of Germany that, for your own sake and for ours, you help it survive and prosper. You know full well that nobody else can do it. I will probably be first Polish foreign minister in history to say so, but here it is: *I fear German power less than I am beginning to fear German inactivity.*

You have become Europe's indispensable nation.

You may not fail to lead. Not dominate, but to lead in reform.

Provided you include us in decision-making, Poland will support you."

Unlike West European leaders, Polish Minister Sikorski is convinced that European Unification can only be saved, when the original purposes of reconciliation, solidarity and federal unity continue to be pursued. Poland's European conscience is not yet failing.

## **Europe's conscience has become very *fragile*.**

"The conviction that there is a Creator God is what gave rise to the idea of human rights, the idea of the equality of all people before the law, the recognition of the inviolability of human dignity in every single person and the awareness of people's responsibility for their actions. Our cultural memory is shaped by these rational insights. To ignore it or dismiss it as a thing of the past would be to dismember our culture totally and to rob it of its completeness. The culture of Europe arose from the encounter between Jerusalem, Athens and Rome – from the encounter between Israel's monotheism, the philosophical reason of the Greeks and Roman law. This three-way encounter has shaped the inner identity of Europe. In the awareness of man's responsibility before God and in the acknowledgment of the inviolable dignity of every single human person, it has established criteria of law: it is these criteria that we are called to defend at this moment in our history."<sup>11</sup>

The tragedy of the European Union today is the denial of this European heritage in the name of economic growth and secular multiculturalism. Schuman was just as clear, as Pope Benedict, when on 19 March 1958 after his election as the first President of the Common Assembly of the European Communities, he said: "*Tous les pays de l'Europe sont imprégnés de civilisation chrétienne. Elle est l'âme de l'Europe, âme qu'il faut lui rendre.*"<sup>12</sup> Marcello Pera fully agreed. Europe is imbued with revolutionary Christian ethic principles. Without them democracy, human rights, the rule of law and European Unification would have been unthinkable.

Indeed, Schuman saw the Christian civilization to be the soul of Europe, a soul deeply wounded by the wild triumphs of the anti-European and anti-Christian ideologies of Nazism and Communism, and to be healed through European Unification. Such was the spirit of Schuman, now sadly missing in the European Union of the Treaties of Lisbon. Time has come for Europe to recover her soul and to return to the solid constitutional foundation of the original Schuman Plan. The European Union needs a true and short Constitution and a re-affirmation of the original threefold agreement on purposes, the road to follow and the method of common action. There is no alternative for emerging from the current deep moral crisis of European Unification. Again it was Polish Minister Radek Sikorski, who understood this

---

<sup>11</sup> From the address of Pope Benedict XVI to the German Bundestag. Full text on my website, loc.cit.

<sup>12</sup> As quoted in: Marcello Pera, *Pourquoi nous devons nous dire chrétiens. Le Libéralisme, l'Europe et l'éthique*. Editions Parole et Silence 2011. Traduit de l'italien avec une préface de Benoît XVI

better than any of the current leaders in Germany, France, Britain and many other Member States, when he concluded his Berlin address with the following words:

"There is nothing inevitable about our decline. Provided we overcome our current malaise, we have sources of excellence and of strength that are the envy of the world.

We are not only by far the world's biggest economy but the largest area of peace, democracy and human rights. Peoples in our neighbourhood – both East and South – look to us for inspiration. If we get our act together we can become a proper superpower. In an equal partnership with the United States, we can preserve the power, prosperity and leadership of the West.

But we are standing on the edge of a precipice. This is the scariest moment of my ministerial life but therefore also the most sublime. Future generations will judge us by what we do, or fail to do. Whether we lay the foundations for decades of greatness, or shirk our responsibility and acquiesce in decline."

Readers of this volume will recall the importance I attach to the "Spirit of 1989" for the peaceful re-unification of Germany and Europe. Successful civil resistance against communist rule was no less than a "revolution in the realm of the spirit", born from the truly Christian virtue of solidarity.<sup>13</sup> The address of Foreign Minister Sikorski in Berlin on 28 November 2011 shows that the spirit of Schuman and *Solidarnosc* is still alive in the European Union. Somewhere in Europe we can still find a re-assuring answer to that great question with which Pope Benedict XVI concluded his address to the German Bundestag:

"As he assumed the mantle of office, the young King Solomon was invited to make a request. How would it be if we, the law-makers of today, were invited to make a request? What would we ask for? I think that, even today, there is ultimately nothing else we could wish for but a listening heart – the capacity to discern between good and evil, and thus to establish true law, to serve justice and peace."

---

<sup>13</sup> Cf. Józef Tischner, *The Spirit of Solidarity*. *Op.cit.*