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CULTURE, VALUES AND EUROPEAN INTEGRATION

The meaning of Europe has changed all too often in the long history of the continent. Rarely has the idea of Europe lasted unchallenged by other forces within the diverse continent. A cultural and value based concept of identity has been the usual expression of Europe's diversity. The strife for a political notion of identity, all the more based on freedom and on the very diversity of Europe, is as new as the process of European integration through the modus of the European Union is. This paper will discuss the traditional ingredients of European identity. It will then look into the notion of European citizenship as it is developing inside the European Union. This notion of citizenship and "ownership" of the European Union will be reflected in light of the notion of universality, Europe's relationship with "the others" and as a potential basis for defining Europe's role in the world. The paper then looks into the increasingly controversial debate in Europe over the notion of man in the context of medical developments and bioethical controversies about the beginning and the end of human life. Finally it takes up the question as to whether the emerging European constitution will be able to contribute to a political identity of Europe, thus transforming cultural traditions and European values into cornerstones of a future political role of Europe.

I. European identity in a nutshell

"Europe", Paul Valery wrote concisely, "is a peninsula of Asia"[1]. Arnold Toynbee put it this way: "There is an unquestioned geographic reality which we call Eurasia"[2]. Europe has been and still is more than a zone of security and stability, more than a common agricultural commodities market or *Euroland*. But what Europe really is, vanishes from the observer the more he devotes himself to that question. Viewed from a distance, Europe presents itself ever more as a unity, perceived through the medium of its institutional arrangements. Looked at closely, the certainty about what Europe is often fades away. The idea of "unity in diversity", proclaimed with stereotypical banality, is an intellectual crutch at best, a substitute concept for thinking in more complex terms at worst. It is a minimalist idea as much as that Europe,

1 Paul Valery, *La crise de l'esprit*, in: *Oeuvres*, Vol. 1, (Paris: Gallimard 1962), p. 1004.
2 Arnold Toynbee, *The Course of World History*, Vol. 2, German version (paperback), (Munich: Deutscher Taschenbuch Verlag 1979), 2nd edition, p. 308.

if tried to be understood philosophically, is by definition an existence in the process of change.

The multitude of languages and the demands of an European concept of education, the ruptures of history and the effects of images of the past, the social, philosophical and religious concepts and the disputes about right and wanting to be right, the democratization of living and the "didactisation" of culture, all contribute to the view of Europe - whoever thinks of Europe will have to think of ambivalences, as if this was indeed the characteristic basis, if not even the strength of this peninsula. Sufficient evidence of these ambivalences can be found in nineteenth century political and social thinking. Jacob Burckhardt, when trying to visualize Europe, deliberated on the powers of "state – culture – religion", Karl Marx thought to encompass the law of movements of his time with the static formula of "base and superstructure", Friedrich Nietzsche wanted to tell the story of the coming two centuries and stated that he was describing "what will happen, what cannot happen otherwise: the emergence of nihilism"[3]. The search for European identity continued, and precisely for the reason that this identity seems to vanish again and again, a new chapter of this search has consistently opened up upon the appearance of anything new. Is Europe an end in itself in seeking itself?

Cynical students of European identity could use Picasso as an example, whose reply to the question "What is Art?" was "What is it not?". European identity: what would it not be? Europe as a household word, optional, exchangeable, artificial: Is that the sum of the modern age and the curse of post modern times? The talk of postmodernism has turned out to be a nebulous dead-end drive. Does this give place to new hope to the search for European identity?

Normative and farsighted thinkers have never been completely silent about the substance of what Europe should be. The poorer activities were, the more their voice was needed. It is as Romano Guardini, for example, one of the great theologians of the 20th century, defined it; Europe, after all the bloodshed of two world wars, "was above all a turn of mind... For Europe to become a reality, it is essential that each of its nations should change its way of thinking, that each understand its past as leading towards this great form of life... But what a degree of will-power and what deepening of oneself does this signify!"[4] The task of overcoming oneself entails grappling with all those traditions of thought which remain limited to the categories of national

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3 Friedrich Nietzsche, *Umwertung aller Werte*, (Munich: Deutscher Taschenbuch Verlag, 1977) (paperback), 2nd edition, p. 445.

4 Romano Guardini, "Europa – Wirklichkeit und Aufgabe", in: Romano Guardini, *Sorge um den Menschen*, Vol. 1 (Mainz/Paderborn: Matthias Grünewald Verlag 1988) (new edition), p. 253.

phobias. The urge for delimitation is a characteristic desired in Europe, as the mere identity of language will always remain a European experience of limitation. Any parochial writing of a nation's own history has always found its counterpart in similar conduct by some neighbor. Despite ever-present integration and cooperation, the societies in Europe still remain organized primarily as nations. Is this proof against a united Europe or actually evidence in favor of common interests in Europe?

Romano Guardini has talked of the "deepening of oneself", and if the theologian's word is to keep its relevance in the secularized world, for any definition of European identity one must call to memory the idea of individuality in creation which is based on the Christian doctrine that man is created after God's image, Aristotle's aim of "eudaimonia", the blissfulness which points beyond a life of pleasure (bios apolaustikos) and an existence directed only towards earning money (bios chrematistes). One must also call to memory the ethic, which in its Christian version is called "faith, hope, love" and in secular pathos "freedom, equality, fraternity". The key moral concept of our time must also be remembered - the idea of human rights - and also the concept of commitment, which extends from the debates of the late 20th century into the future, but still originates from the depth of European history: the idea of solidarity, the worry about the "res publica". But Europe's history is also a history of wars, genocides, aggressions and ideologies.

Democracy, the rule of law and human rights are cultural achievements of which, according to the proclamations of their statesmen, the Europeans of today are proud. Anyone looking back at our time several hundred years from now will, however, be well-informed about the historical dependence and the fragility of these ideals. Putting the settlement of human conflicts and interests under the law, at the same time respecting the dignity and rights of the individual, rightly remains a chapter of pride in and for today's Europe. But it is not a specifically European phenomenon. Europe is still struggling between what is European and what is universal. Besides this, grappling with the myth of perfect democratization has not yet come to an end anywhere in the Western world. It should be remembered that the benefit of the delegation of power must always be held against the dream of an optimum of freedom of control. The relationship between "freedom and authority" has been a topic throughout Europe's history, no less relevant than the concept of "unity in diversity". I would prefer to talk about "unity in the service of diversity" as the core definition of the European Union and the purpose of integration.

It has always been unhistorical to believe that Europe was or is based on "projects" as if they were to be submitted to a generous benefactor and then be eligible for approval by a committee. It was not "projects" that have

accompanied Europe's path, but intersecting effects of diverse, often contradictory and contrasting pasts. In the mensural music of the 13th to 16th centuries, the combination of several notes into note groups was defined as "ligature". In order to define Europe today, the sociologist Ralf Dahrendorf has spoken of continued ligatures of spiritual and political existence and did not, of course, mean the letters combined on a printing type which are also called "ligatures". Instead, he meant the cultural glue of Europe in a time that is often deplored as being rootless. From Hegel to Fukuyama, all swan songs of an "end of history" imaginable and definable by man, have failed. Neither could "millenaristic-chiliastic" ideas in the style of a Joachim of Fiore be found in the year 2000 of the Christian era. Europe today, beside all its cultural glue and all the prevailing binding forces, is rather part of contemporary Western hedonism. Are we living at the end of an epoch, comparable to the late ancient world, for fear of the return of religion and its binding ethics? What lies at the roots of Europeanness?

Jacob Burckhardt has taught that no culture could be great and remain great without the "power of religion". Christian Europe with its universal ethics of charity and forgiving and its standard setting Jesuanic appeal belongs to Europe as much as Lessing's ring parable, which is worth being recalled in times of Christians, Jews, and Muslims living together in Europe alongside one another, often without really knowing each other and sometimes even being afraid of each other. Socrates belongs to Europe with the principle of questioning and reasoning. The clarity and sternness of Roman judicial thought belongs as much to Europe as Immanuel Kant's categorical imperative, too often ignored; Europe must bear in mind his insight that peace must be brought about anew again and again. This sounds outdated after the hopes that were linked to "1989", a true turning point in European history. But unpleasant questions have followed the miracle year of 1989.

Does Europe need an enemy in order not to become an enemy of itself? This question, for instance, is disagreeable but must be posed in order to confront its abyss. "Europe", as historian Hagen Schulze dissected matter-of-factly, "that becomes evident already in the middle ages, experiences its unity primarily in times when the defense against a common danger is at stake, and it loses this unity when the danger has passed"[5]. Does this mean that the condition Europe has reached at the beginning of the 21st century is nothing more than a "unity limited in time, based on a temporary or even

5 Hagen Schulze, "Europäische Identität aus historischer Sicht", in: Wilhelm Henrichsmeyer et.al. (eds.), *Auf der Suche nach europäischer Identität*, (Bonn: Europa Union Verlag 1995), p. 22.

merely assumed mutuality and quickly falling to ruins as soon as the immediate purpose is less pressing?" - thus the prognosis of British historian Geoffrey Barraclough[6]. Anyone meaning well with the "European Idea" is bound to deal with the unerring skepticism of his fellow countryman Timothy Garton Ash, who pointed out, against all the passionate emotion about Europe's newly won unity and peacefulness after the breakdown of communism and the Berlin Wall, that the 20th century started with shootings in Sarajevo and ended with shootings in Sarajevo[7].

"1989", the revolutionary peak of a revolutionary epoch, has thrown new light upon the old European question about progress in relation to regression, about "progrès" and decay. The structure of a holistic, totalitarian way of thinking, leaving behind countless victims on its way through the 20th century, collapsed along with communism as its last expression, but new experiences with the fragility of all civilization followed; new experiences of violence, but also new hope of freedom and, again, new fears of freedom. Think of the Balkans or of Chechnya.

Myths have been forming anew or were merely formed from the fragments of their own past: nation, territory, language, denomination. Passionate emotions about "Europe whole and free" were followed by new state breakdowns, the dangers of falling back into enemy images, at least here and there, and of course not everywhere. But what has always and at every time been present everywhere in Europe and simultaneously? During the Yugoslavian Wars of Succession of the 1990s, Europe bitterly experienced once again that some of its greatest ideas may have unsolvable, strained relationships with each other. This is true, for example, in the relationship between the nations' right to self-determination and the necessity of peace among nations. With the Stability Pact for the Balkans, a new perspective is given to this European region of traditional chaos. A convincing and consistent answer to the conceptual problems of self-determination has, however, not been found yet for the regions' most difficult issue, which is the future of Kosovo.

In this respect, at least the European Union has developed a good formula of adjustment between large and small nations and diverging cultural identities among and within its people. However, the pressures of complexity that are lying upon the EU have shed some shadow on the proven integration and co-operation structures of Europe. This has even given rise to the

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6 Geoffrey Barraclough, *European Union in Thought and Action*, (Oxford: Oxford University Press 1963), p. 50.

7 Timothy Garton Ash, "Europe's Endangered Liberal Order", in: *Foreign Affairs*, Vol. 77, No. 2, (March/April 1998), p. 58.

question whether the European integration process could be overstretched. But can Europe really have an optimal size and integration density that could be defined as in a laboratory test? If one thinks about the costs and benefits of the EU, one has to consider that the price of peace and adjustment of interests must never be set too low. Complexity and institutional inefficiency might not be too high a price in the light of Europe's history. Even though the images and conceptions of Europe may have become more colorful and also more diffused since the secular changes of 1989, their diversity is at the same time an expression of the new intensity of the discussion about the "idea of Europe", and in so far an asset. One fact is definite: there can be no alternative to the proven forms of European integration if a relapse into the nineteenth century of coalitions and alliances, rancor of powers and secret politics is to be avoided. This is why the enlargement of the European Union by a dozen or more post-communist countries is a crucial test case for the EU's ability to continue its proven path of supranationality in cohesion and in the spirit of solidarity.

At the beginning of the 21st century, change and continuity of Europe's nation states have often been discussed and evoked; change and continuity of the nation state as center of the aggregation of power and as embodiment of preserving traditions, as frame for the institutionalized protection of human rights and of living democracy through the rule of law. The European Union has only started on a path which would finally allow it to be adorned with all such attributes, traditionally only bestowed upon individual nation states. It remains a phenomenon "sui generis", as historian Karl Dietrich Bracher has taught untiringly, not "Europe" as such, but in any case more than a mere confederation of states. The European Union of the early 20th century finds itself in the midst of forming a democratic parliamentary system of multi-level governance and as such develops into a specific European sovereign.

It will remain decisive on this path of development that the EU will receive a legal substance as intensive as possible, a constitution in the end, "because", according to Dieter Chenaux-Repond, a great European diplomat from Euro-skeptical Switzerland, "the federation of states, merely secured by agreement, i.e. terminable, can never do justice to the seriousness of the matter. It is opportunity that it has in mind, not a community of fate"[8]. But it is a "community of fate" that the EU is about to develop and nothing will legitimize the introduction of a common European currency, the EURO, better than the conviction that an unquestionable contribution has been made

8 Dieter Chenaux-Repond, *Vom Kalten Krieg bis zum Fall der Mauer. Notizen eines Schweizer Diplomaten*, (Munich: Olzog Verlag 1994), p. 77.

exactly to this end. At this point, the question of European identity is intrinsically linked to the creation of a European Constitution.

At the beginning of the 21st century, Europe might be reminded of the beginning of the 20th century. At that time, Paul Valéry saw the condition of Europe since the Renaissance to be best personified by Blaise Pascal and Leonardo da Vinci: the melancholic who flinched from the dark emptiness of the sky and the inventor who imagined the bridge in front of any abyss that would carry him over. In the combination of these two characteristics, Europe encounters its opportunities and its doubts once more. In the beginning and at the end of the 20th century, there was bloodshed in Sarajevo. In Kosovo, hopefully, the last act of a European drama has taken place which had begun in the beginning of the 20th century with the Balkan Wars at the onset of the ruin of the Ottoman Empire and the Austro-Hungarian Empire and ended with the Yugoslavian Wars of Succession in the 1990s. From an all-European point of view, at the beginning of the 21st century, the "German question" has been replaced by the "Russian question". Russia remains in the midst of a deep crisis of identity and heavily burdened with overcoming the heritage it has accumulated since the decline of the Tsarist Empire[9]. There is still much history remaining for Europe on its way into the future.

II. Citizenship, the notion of universality and the global role of Europe

The very concept of citizenship explicitly demonstrates that all citizenship is limited. Otherwise the world would not be seeing so many variants of citizenship. Their character and connection to territorial entities has changed in the course of time. It would therefore be unhistorical to judge the concept of "European citizenship" purely on the basis of its achievements in the short period since 1991, when it was promulgated rather with prospective affirmation than with resorting to empirically hardened evidence about its presumable appraisal and acceptance among EU citizens. The majority of them still might not know Article 8 of the Treaty of Maastricht which reads as follows: "Citizenship of the Union is hereby established. Every person holding a nationality of a Member State shall be a citizen of the Union". The affirmative, normative character of the text does not mean that its claim cannot, over time, evolve into an empirical, descriptive reality, no matter how strong the skepticism might still be at this moment.

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9 Cf. Commission européenne (ed.), *Futur de la Russie. Acteurs et facteurs déterminants* (Les Cahiers de la cellule de prospective), (Luxembourg: Office des Publications 1998).

The concept of a European citizenship will foster a sense of belonging and can encourage the notion of "ownership". As much as the EU reflects new dimensions of the notion of sovereignty and of the notion of democracy, this also holds true with regard to the notion of citizenship. Elizabeth Meehan has argued that a new kind of citizenship is emerging in Europe "that is neither national nor cosmopolitan but that it is multiple in the sense that the identities, rights and obligations associated...with citizenship, are expressed through an increasingly complex configuration of common (i.e. EU) institutions, states, national and transnational voluntary associations, regions and alliances of regions"[10]. The problems associated with a European citizenship are mostly of the same nature as they are in regard to the contemporary character of national citizenship. Basically, a citizenship is both inclusive and exclusive. The test for the European citizenship whether or not it can substantiate its claim is therefore also twofold: It has to prove that it can generate a sense of "ownership" among EU citizens and it has to find answers to the development of multiethnic and multireligious realities within the EU, not the least as a consequence of Muslim migration to Europe.

Both aspects challenge the European notion of identity and solidarity. Most challenging is the fact that with 15 million Muslims living in the European Union, Islam has become the biggest non Christian religion in Europe. Beyond many problems of practical integration and outbreaks of anti-xenophobic outcries as expressed in the formation of anti-immigration parties in various EU countries, the question can no longer be avoided whether or not a "Muslim Europe" has to be added to the traditional notion of European identity. Linked to this development is the even more sensitive question whether a phenomenon called "Euro-Islam" can develop in Europe as long as Islam is not changing its position on secular politics, democracy and the rights of women in core Muslim countries[11].

The idea that European citizenship must generate a "sense of ownership" if the EU is to be rooted in the hearts and minds of its citizens, touches on another sensitive although more traditional topic. Fundamental is the relationship between rights, European citizens claim as much as anybody else in the Western world, and duties, which will become inevitable if European solidarity is to work. One expression of the possible controversies ahead is the question of a "European tax", which does not necessitate the need for higher taxes, but could must certainly create a new and coherent notion of a European tax instead of continuing with complicated notions

10 Elizabeth Meehan, *Citizenship and the European Community*, (London: Sage 1993), p. 1.
11 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).

about the various modes of how taxes are either raised by the EU directly or granted to the EU through its member states. "Ownership" of the European citizens might also imply duties, such as a compulsory European civil (social) service for young adults, men and women alike. Such an Europe wide exchange program might do more good in promoting European identity as well as a sense of solidarity and citizen responsibility, than all books published on the subject and all conferences held in its name.

"Ownership" of the European Union by the European citizens will not and can not mean creating a homogeneous and standardized society. Nothing is further from evolving in the EU. But in responding to challenges posed by globalization and the societal developments within the EU, all EU countries are increasingly realizing that the thrust of the bountiful opportunities and daunting challenges ahead is of an increasingly similar, if not identical character. Although the answers will remain local, regional or national, the debate about the content of the answers can certainly be "Europeanized" in spite of language barriers or nationally confined political and media systems. European integration will increasingly be about the conceptual challenge involved in bridging heterogeneous realities in culture, society and politics on the one hand and common discourses about similar challenges on the other hand.

To generate a Europe "owned" by its citizens is a cultural challenge which requires more than teaching languages, creating European media and streamlining European wide debates on the same topics in the institutions of the European Union and the member states. It is always easier to do so as long as the challenge is of an external nature. It will become increasingly difficult if the challenge implies that established patterns of local or national interest representation have to be changed. A new order of competencies between the EU, its member states and the regions within these member states, will enhance accountability and transparency; at the same time defining the scope of political mandates for each level of the EU governance system in a better way, always in line with the famous notion of "subsidiarity"[12].

The EU has been challenged to complete its internal order-building if it wants to cope with the swift developments and the apolitical character of market lead globalization. The European Union can only live up to this challenge by increasing its focus on what is primarily needed: not a consistent theory of post national political philosophy but an efficient,

12 See Frank Ronge, *Legitimität durch Subsidiarität. Der Beitrag des Subsidiaritätsprinzips zur Legitimität einer überstaatlichen politischen Ordnung in Europa*, (Baden-Baden: Nomos 1998).

democratic and transparent structure of governance, not discourse, but decision, not debate, but action. Whenever it succeeds, it will also redefine the theoretical notions we have about politics in Europe. It will give more evidence to the developing notions of democracy and citizenship under globalized conditions[13].

The necessary responses of the European Union to globalization are also impacting the notion of order-building as it has evolved in Europe's intellectual history. In the past, the notion of "order-building" has been understood as building a European order. Since the creation of the modern state system, Europe was its own prime focus. Variations of a state centric search for balance of power determined Europe's history, its political and legal evolution and the intellectual reflection about it.

In the final analysis, also colonialism and imperialism were functions of the internal European struggle for power and hegemony. Europe's ambitions were projected globally, but they remained their own prime focus of interest for the European colonial states; the impact of colonial glory on the intra-European posturing for power was more relevant than colonialism itself. Bismarck, when being asked to engage more in African affairs, pointed to a European map as "his Africa". This was more than the specific reaction of the German latecomer to colonialism. From the outset, also Spanish and Portuguese, French and British, Belgian and Dutch, Russian and Italian - and hence also German – colonialism were functionally linked to the strife for power and supremacy in Europe. By definition, smaller European nations were left out of order-building. At the end, power politics could neither enable the leading European nations to maintain balance of power among themselves, nor help them to maintain an unchallenged global role.

After three centuries of a state centric search for power and many failures to balance it, the second half of the 20th century has seen the evolution of a truly unique European experiment. Intergovernmental cooperation and supranational integration have developed in an unprecedented way, complemented by the evolution of a transatlantic partnership which has substituted for former inter European reassurance treaties. For the first fifty years of the evolution of this "new European order", the underlying premise was to find peace and stability, prosperity and solidarity among former European enemies by way of binding resources, interests, values and goals together in Europe and for the sake of Europe. The post communist

13 See also Martin Albrow/Darren O'Byrne, "Rethinking State and Citizenship under Globalized Conditions", in: Henri Goverde (ed.), *Global and European Polity ?*, *op. cit.*, pp. 65 ff.; Craig N. Murphy, "Globalization and Governance", in: Roland Axtmann (ed.), *Globalization and Europe*, *op. cit.*, pp. 144 ff; Frank Vibert, *Europe Simple, Europe Strong*, (Cambridge: Polity Press 2002).

developments since 1989 have stretched the concept of the "new European order" to Central and Eastern Europe. They did not change it structurally. "Order-building" remained Europe centric, although its notions were taken, right from the beginning and if only unintentionally, from the philosophy of Immanuel Kant's essay "On Eternal Peace"[14].

Kants proposition of eternal peace requires continuous work and attention. Peace, he argued, must be based on the notion of individual self-realization, the rule of law and a voluntary association of states. His argument remains as universal in its claim as it was when he published his essay in 1795. Europe has applied the basic assumptions and propositions of Immanuel Kant only two centuries later. Simultaneously, globalization exposes Europe to a new and pressing reflection about the notion of universality, particularly in its connection with the old European ideal of order-building.

With the advancement of technology and science and the enormous increase in knowledge all over the world, concepts of modernity, participation and democracy have become globalized as well. The quest for the universal acceptance of human rights is the most pronounced case of the impact of this transfer of culture and norms. Intellectual challenges to the notion of the universality of human rights, expressed by advocates of cultural relativism, have time and again been challenged and delegitimized by the proponents of human rights in all continents and cultures[15].

The intellectual debate about universality and Europe's attitude towards universalism has come back full circle to a continent which is showing an increasing tendency of self-complacence about the impressive success in peaceful order-building and reconciliation between former antagonisms inside Europe. Globalization forces Europe to reflect anew about universality as a European call. It challenges Europe to evaluate what in fact distinguishes European concepts of identity from universal ones. It exposes Europe's sense of solidarity to respond to universal demands. It forces Europe to engage in global order-building. It enables Europe to share its experiences with others and to engage into an intercultural dialogue. It

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14 See Ludger Kühnhardt, *Von der ewigen Suche nach Frieden. Immanuel Kants Vision und Europas Wirklichkeit*, (Bonn: Bouvier 1996).

15 See Ludger Kühnhardt, *Die Universalität der Menschenrechte. Studie zur ideen geschichtlichen Bestimmung eines politischen Schlüsselbegriffs*, (Munich: Olzog 1987); Daniele Archibugi / David Held / Martin Koehler (eds.), *Re-Imagining Political Community. Studies in Cosmopolitan Democracy*, (Cambridge: Polity Press 1998); Nigel Dower, "Human Rights, Global Ethics and Globalization", in: Roland Axtmann (ed.), *Globalization and Europe, op. cit.*, pp. 109 ff.

finally leads Europe to reflect as to how much of Europe's identity is European or how much of it is Western or even universal by definition.

From the days of ancient Greece, Europe was defined as "the other", in alternatively to its peripheries and neighbors. The dichotomy between the Greeks and the Persians, as narrated by Herodotus, the father of European historiography, has remained a leitmotif for Europe's definition of its Self against other regions, cultures and countries in the world. It is not surprising that the latest debate about Europe's Self in the age of globalization has been ingrained with a substantial dose of anti-Americanism or better: post Americanism. For fifty years, an understanding of transatlantic commonality served as the underpinning of the notion of "the West" while the communist order and the states resorting to it were seen as "the other". With the end of the Cold War, new debates about "Europe or America" or even "Europe against America" have surfaced and questioned the notion of a transatlantic civilization[16].

Globalization is confronting Europe with two important intellectual choices. The first one relates Europe's understanding of the notion of universality to Europe's understanding of "the other". Does identity necessarily need an opposing "other"? Does it require, in the worst of cases, an enemy? Already Aristotle has understood that nothing will be more difficult then defining oneself without resorting to adversary notions of "the other". As long as Europe tries to reduce its profile and ambition to that of a global trading state, it evades the challenge this question poses. In doing so, Europe is lacking also honesty in dealing with its most important partner, the United States. Criticizing the Americans as resorting too simplistically to notions of "good" and "evil" when it comes to identifying their place in the world and the threats they are confronted with, does only underline the sensitivity of the matter and the failure of the Western civilization to commonly penetrate and resolve it, intellectually and practically. Europe cannot exempt itself by pointing to the US[17]. The problem of adversity in the

16 See for example the special edition of the German magazine *Merkur* which has a high reputation among German intellectuals: "Europa oder Amerika? Zur Zukunft des Westens", *Merkur*, Special edition. Deutsche Zeitschrift für europäisches Denken, No.617/618, (September/October 2000); on the structural links between Europe and America in the age of globalization, on their mutual dependency see Mark A. Pollack / Gregory C. Shaffer (eds.), *Transatlantic Governance in the Global Economy*, (Lanham: Rowman & Littlefield Publishers 2001); Thomas L. Brewer (ed.), *Globalizing Europe. Deepening Integration, Alliance Capitalism, and Structural Statecraft*, (Northampton: Edward Elgar 2002).

17 Hardly any American public rhetoric has met with more European consternation and rejection than President Reagan's word about the Soviet Union as evil empire and President Bush's word of the axis of evil after the terrorist attacks of September 11, 2001.

strife for the universality of order building and norm enforcement remains salient.

The assumption or proposition that Europe's "other" not be America, but rather the Islamic world, or at least its radical forces, opens a huge set of new considerations on the conceptual level, which the EU will have to deal with. Different political and economic interests make it questionable whether a "genetic" European consensus will emerge even on the notion of a common understanding of the subject and its implications. Politically, the most realistic approach would be to strive for a European strategy on this matter with a balanced view on the need for containment and deterrence wherever necessary and cooperation and dialogue wherever possible. The discussions after "September 11" have also shown that the two issues of how to deal with the United States and how to deal with the Islamic world might produce conflicting yet interwoven reactions in Europe. Consistency with regard to applied universality has not yet been found.

On the intellectual level, the search remains difficult as long as the philosophy of postmodernism and of deconstructionism prevails. These relativistic philosophical modes of reasoning undermine the ability of fundamental questions by denouncing answers as fundamentalist even before they have been argued and reflected seriously. Postmodern relativism is the intellectual adversary to a proactive European profile on the notion of universality. Europe will have to conceptually come to terms with the question of whether universality in the age of globalization "needs" an enemy. If one likes to refuse a positive answer, one must logically accept a much higher degree of involvement of Europe in the search for coherent global order-building. Europe has also to come to terms with the fact that as much as there are many admirers of globalization, there are also many opponents to globalization and its underlying globalizing assumptions. European political theory is thus exposed to conceptualize a European response to the issue of "globalizing normative universality".

This leads to the second fundamental challenge which globalization poses to a Europe which wants to be consistent and proactive in the pursuit of "global normative universality". Europe has to make choices about its own readiness to get consistently and strongly involved into the global dissemination of universal norms if it accepts the underlying premise that order-building has evolved from an intra-European challenge to a global challenge. First of all, Europe has to prioritize its understanding of the content of normative universality. In light of the enormous plurality of values preferences which existent in Europe today, this is no longer an easy task to deal with. In order to act consistent with Europe's claims to universality of human rights, rule of law, democracy and peace, Europe has – secondly – to

focus its scope of action and enhance its readiness to play a global role. Otherwise the critique of relativism falls back upon Europe: In terms of practical political action, Europe will be seen as parochial, lacking sufficient sense of solidarity and partnership, and unwilling to accept the use of force as the last resort to reestablish peace and stability. In intellectual and moral terms, to talk universal, but to act only regional, is equivalent to intellectual and moral relativism.

Europe has no choice but to develop a stronger, comprehensive and consistent, multidimensional and proactive global role if it wants to maintain credibility with its charge that norms of moral political behavior ought to be universal. Immanuel Kant's notion of peace exposes Europe finally to the challenge of a global role which the era of globalization makes both possible and inevitable.So far, Europe's contribution to universal order-building has been most visible in the regulatory work which has been done to organize global trade and the norms it is based upon. The creation of the World Trade Organization with its mechanism of arbitration has demonstrated Europe's ability to contribute to universal order-building under conditions of self-interest. Whether this can also be achieved in the fields of politics and law remains to be seen. Most difficult to identify is Europe's answer to all possible variations of global disorder which might imply the use of force and subsequent peace building in order to reinvigorate failed states.

How strong the potential for universal standards in good governance will become, is questionable not only because of Europe's undecidedness on many contemporary questions of global disorder "out of area". The nationstates remain the key actors in international politics and international law. More than globalization, its moral implications and demands, this might remain the most challenging limit to any European claim for universal notions and norms of order-building as long as Europe's claim can generate action only through the will of all member states of the European Union. Practically, this conundrum could be resolved only by the complete introduction of majority voting in the European Union's Foreign and Security Policy. Intellectually, the task remains much higher than finding politically workable solutions. At the end, it would require that the European Union be legitimized by its citizens and by its member states as a global power in every sense of the word. This is an intellectual task for which the current European debate is still as limited as the practical capacities are for any political leadership in Europe, even if the EU were mandated to truly and comprehensively act global.

The formative mental construction of the new world post "9/11" might be labeled "The global society and its enemies". The attack on the World Trade Center was a symbolic attack on economic and cultural

globalization. It brought about a form of terrorism which gave expression to the darkest possible side of globalization. Its effects were felt globally and its context was truly global. If the paradigm of the 21st century was to be "globalization", its enemies are definitely manifold and they are so for different reasons:

- inside and outside of Europe, some argue against the dominance of cultural globalization which they see as an attack on heterogeneous identities;
- inside and outside of Europe, some argue against the economic power of globalization which they see as leading to exclusion of many members of the human family;
- inside and outside of Europe, some criticize globalization as becoming equivalent with "Americanization";
- inside and outside of Europe, some criticize technological globalization as a contribution to dehumanizing human life and human relations;
- inside and outside of Europe, some understand globalization as intrinsically driven by human self-idolization, thus undermining the values and norms of any religion, humility among them.

The amount of grievances in the world is not less strong or stronger in the early 21st century as it was at other times. Notions of recognition of justice were as strong and complex as ever. While the "global society" had become neither complete nor perfect or morally superior, its critics were as broad in their outlooks, priorities and orientations as could be. But what was binding them together was critique and rejection of the emerging global society. The expressions of this opposition were as diverse as human behavior can be. Endless shortcomings and limits of globalization were supporting one aspect of the critique or another. But all in all, no opposition to the emerging global society was as forceful and violent as terrorism symbolized in its most gruesome brutality by the events of "9/11". Terrorism has become the darkest side of globalization.

Its aggression is of a totalitarian fanaticism comparable only to the great and wicked totalitarian movements of the 20th century. As much as proponents of Nazi or communist totalitarianism in the 20th century, historian Jeffrey Herf wrote, "today's Islamic fundamentalist fanatics are convinced that they possess absolute truth which is immune from refutation or criticism; they despise Western modernity yet borrow its technological accomplishments in an effort to destroy it. They believe that force and terror are necessary to establish a utopia in place of the current decadent and corrupt world; and they explain history on the basis of conspiratorial construct in which the United States, more than "international Jewry" or global capitalism, plays the central role". And: "Osama Bin Laden and Al Qaeda emerge in a global political culture in which elements of leftist anti-

globalization discourse and reruns of fascist and Nazi visions of Jewish conspiracies merge with religious passion"[18]. Herf, who's analysis of Nazi ideology as "reactionary modernism" gained attention twenty years ago, concluded that "9/11" was "a terribly clear act of reactionary modernist rage … Islamic fundamentalism borrows the West's technology in order to destroy it"[19].

Terrorism has always been linked to totalitarian movements in the past. It should be no surprise that the enemies of the global society have begun to organize and to express themselves in a similar manner as their Nazi or communist predecessors. The age of ideological seduction has found a new expression in Islamic terrorism. "To the fanatic", Elie Wiesel wrote, "everything is black or white, curse or blessing, friend or foe – and nothing in between. He is immune to doubt and hesitation. He perceives tolerance as weakness". The terror attacks of "9/11" are the most evident expression of this fanaticism. However, the terrorism of "9/11" is nothing but the bloody peak of a much deeper set of problems. These problems are linked, inter alia, to the character and evolution of Islamic societies confronted with modernization and Western democracy. They are likewise linked with the growing formation of dislike against the promise of globalization and its inevitable weaknesses inside and outside the Western world. "9/11" shed a flash light on the many threads of contempt for the emerging civilization of globalization, but the shades of the problems which they are representing are not only lit in the sharp light of "9/11". Many of the root causes of "9/11" are rather grey and not just black and white. Thus, both the analysis and the consequences stemming from it must be multidimensional and recognize the interlocking nature of the underlying root causes of the new terrorism threat to civilization.

III. Europe's view of man contested from within

Europe is in search of the definition of its identity. It is evident and consensual that an economic definition of identity is not enough to provide a sustainable and substantial understanding of the core of what it means to be an European. Cultural and social dimensions of collective identity are as important as any pride in the economic affluence and well-being of Europe. It remains controversial how to approach this ankle of the perspective and how to relate it with the multifaceted aspects of collective identity. There is

18 Jeffrey Herf, "What is old and what is new in the terrorism of Islamic fundamentalism?", in: *Partisan Review*, Vol. LXIX, (No. 1/2002), p. 25.
19 *ibid.*, p. 29.

enough skepticism against the very notion and possible nature of a predefined collective identity. While Europe is evidently a combination of diverse and often different expressions of traditions, mentalities and other collective markers of identity, the economic and political integration process requires more than the search for a political identity, more than a sort of European patriotism. This is altogether a complex and controversial issue. But even more controversial seems to be the question as to how far Europe's identity can – and in fact – should – be rooted in a common view of man.

Moral and ethical issues are broadly recognized in the Europe of the 21st century as part of a common identity. This is true with regard to collective and abstract concepts such as democracy, freedom, justice, solidarity, rule of law and market economy. But it is much less recognized that such collective and abstract notions with ethical implications are rooted in moral resources which they cannot generate themselves. At the root of all political and social concepts of ethics are value decisions concerning the very nature of man. Anthropology, philosophy and religion provide insights and offer norms for our understanding of the nature of man, our notion of man and its dignity as an individual and a social being. In Europe – as in many other parts of the modern world – it is far from consensual as to how to define the very cultural and moral positions which relate to our view of man.

Two examples show the consequences of the contemporary absence of a consensual view of man in Europe, if not the amount of contradictions which exist on the matter of human self-assessment and self-understanding. On November 4, 1996, the Council of Europe proclaimed a Convention on Bioethics, being open since then for ratification among the member states of the Council of Europe. The Convention and its subsequent interpretation remained vague on the definition of the very beginning of life, thus indicating the controversies on this matter[20]. On December 10, 2000, the European Union proclaimed a "Charta of Basic Rights of the European Union"[21]. Article 1 states the inalienability of human dignity. Article 2 reaffirms the right of life as implicit consequence of the inalienability of human dignity. Nevertheless, the Charta – which is not legally binding yet for the EU member states – does not explicitly recognize a specific view of man as basis of its postulates. Concerned observers worry about the possible implications of current efforts to redefine the dignity of human beings as a hierarchically graded and layered concept instead of a comprehensive concept on human

20 *Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine*, Oviedo, 4. IV. 1997, ETS no.: 164.
21 *Charter of Fundamental Rights of the European Union*, (2000/C 364/01).

dignity. Certain proponents of theories of law are indeed working on such a moral time bomb.

This is particularly relevant for the context and implication of biogenetic developments, i.e. consequences of new methods of reproductive medicine. It is also relevant for the conditions and the context of definitions of the end of life and the debate about active euthanasia. The controversies have become particular pertinent in the course of the year 2001, while positions on embryonic research, artificial insemination, but also on euthanasia are cutting through conventional lines of thought or political factions. This might not be all too surprising since the various controversies are related to the very same fundamental root: the basic question of human life and human self-assessment.

Some of the examples nurturing the debate:The British parliament opted in favor of therapeutic cloning; the French Court de Cassation recognized the right of a handicapped man not to have been born in the first place; the Dutch Parliament passed a law recognizing active euthanasia, which was soon after criticized by the Human Rights Committee of the United Nations as not being free from the potential of misuse by those who might put pressure on patients to end their lives; the Rector's office of the University of Bonn expressed its support for the quest of some researchers of this university to conduct research with embryonic stem-cells; among the protesters was the Deacon of the Catholic City Church, condemning that the good name of the city from which originated the German Basic Law of 1949 not being spoiled by a redefinition of human dignity and human rights.

A new and rather fundamental debate, so it seems, has begun at least in some European countries on human dignity, human values and human rights. The intensity of this debate might be surprising given the amount of freedom in the Western world. It is unique since the end of the Cold War with its debates on human rights in the context of the struggle between democracy and dictatorship. It is, however, not astonishing. Beyond the controversies between democracies and dictatorships as it used to be the case during the Cold War, the starting point for any reflection and strife for human dignity and human rights has structurally remained valid. It is the cry for freedom, the plight of freedom. Human rights and human dignity become issues wherever they are infringed or wherever they are threatened and violated. This indeed remains the case in the new postdictatorial plight for human dignity and human rights.

The biopolitical controversies in today’s Europe and worldwide are an expression of the ever present plight of freedom in its latest expression. This explains the intensity of the debate and it explains why the controversies cut across all societies and all stratified groups in our societies. Human

dignity and human rights are indeed no issues for soft and consensual round table talks. They refer to the totality of our existence. This cannot be denied by accusing the protagonists of this type of debate as fundamentalist. Wherever the foundation of human existence is at stake, the controversy will be "fundamental" and "total" – and hence polarizing.

A second reason for the intensity of the biopolitical controversies is rooted in the formative potential for new biopolitical ideologies which is embedded in the many specific discussions on superficially unconnected issues. The whole set of discussions on the context between biopolitics and ideology – reproductive medicine and biogenetics as much as euthanasia – entails the potential for the necessary intellectual resources which can generate ideological concepts as it has happened so often in the history of human thought.

In 1620, Francis Bacon in his book *Novum Organum* defined a theory of ideological thinking. He described the fundamental difference between empty and fact based opinions (*Placita quaedam inania et veras signaturas atque impressiones factas in creaturis*). Protagonists of French Enlightenment in the 18th century used the term "ideology" for the first time, meaning a theory of ideas. Later, the relationship between ideology and utopia was interpreted intensively. The common denominator of very many ideological concepts and notions – no matter how much the specific content and the historical context changed – was the same: the goal to overcome a "false" consciousness or a "false" reality in order to serve "progress". 19th and 20th century saw a huge amount of political ideologies. German Historian Karl Dietrich Bracher, the leading authority on the history of ideologies, summarized his work in the late 20th century by reminding his readers that the question of ideology has remained virulent all over. New promises of a paradise on earth would creep up again and again, as ever justifying violence against human life and destroying free communities[22].

The fewest of those who contribute to the contemporary debates on biomedicine in the laboratories of science or with a pen at their desk will be aware of the possible implications and the potentially ideological context of their thoughts and deeds. Single opinions shall certainly not be discredited. Honorable motives shall not be questioned. Nevertheless: controversies over the definition of the beginning of life and the end of life are touching at the basic consent of free societies. And any relativization of human dignity and human life generates violence against human life in its weakest period. Only a unalterable recognition of the fusion of semen and egg cells as the

22 See Karl Dietrich Bracher, *The Age of Ideologies. A History of Political Thought in the 20th Century*, (London Methuen 1985).

beginning of life can prevent inconsistency and relativism on the definition of and respect for life. Graded, layered notions of human dignity are the intellectual equivalent of a moral time bomb.

Normally, those favorable of rather liberal and utilitarian notions of life and the self-empowerment of man as a consequence of bio-technical "progress" try to evade the question of the content of the concept of human dignity. Instead they try to favor a limitation of the scope of the concept of human dignity by redefining the beginning and the end of life in an ever more hypothetical, if not artificial or cynical way. The ideological dimension of these efforts can be seen in the utopian focus of most of the arguments: There is confident talk about the prospects of healing and optimizing life, of lowering pain and facilitating death. Subjective considerations of the strongest possible humanitarian kind can swiftly turn into utilitarian thoughts against the weakest parts and phases of life. Any layered, graded notion of human dignity which does not recognize the fusion of egg and semen cells as the beginning of life to be protected will end in contradictions and relativism. Life as such will be endangered one way or the other. To paraphrase the Austrian author Grillparzer: Humanity becomes utility. The door is being opened for bestiality.

All utopian concepts were quick in allowing to sacrifice existing life for the sake of a promised salvation of next generations. They always needed such a price for the very justification of their most problematic consequences. Variations are manifold in the history of man. The fiction of a future that can be made perfect is endangered to sacrifice life as we know it today. Some of the current biotechnological designs stretch the price of utopia onto the unborn. They are the weakest piece in the chain of generations and therefore deserve the strongest protection for the sake of human self-esteem and human dignity.

The inalienability of human dignity is morally of higher and certainly of a more consistent status than all utilitarian redefinitions of the value of life. Whenever life shall be defined with the categories of a layered theory of values, the difference between "person" and "thing" begins to falter – no matter whether it be a juridical, philosophical or biological effort. There is no catalogue of human rights which is free of contradictions without recognizing absolute human dignity as its precondition. This might sound like a natural truism and is very often recognized without being properly mentioned. But nevertheless it seems to be time to again remind certain debates about European Identity and its implications on this connection. Without an religious, transcendental idea of human dignity, every discussion about human rights and human life can potentially become relativistic.

The debates about the universality of human rights and the necessary inalienability of human dignity as its precondition have changed in the course of time. The core of the matter nevertheless remained the same. When the United Nations prepared the Universal Declaration of Human Rights in 1948, representatives of different religious beliefs and philosophical traditions were involved in the reflection about the claim to universality. The historical experiences and political realities were enormously different – and still they are. Nevertheless the idea of the universality of human rights was accepted as a common denominator, because the inalienability of human dignity was identified as a common denominator of all beliefs and traditions[23].

During the decades of the Cold War, the controversies between the Western world and the communist regimes were basically about the right set of priorities. The West favored political rights, the communist regimes social rights as starting point of a definition of human rights. They were, however, united in the quest for the conditions of the good life of the individual. Clarity about the concept of individuality in human rights vanished during the 1970s. Not the least as a consequence of the rise of the Third World and critical movements within the Western world (peace movement, environmental movement), a new category of "solidarity rights" was invented in the context of the United Nations. They were labeled "human rights of the third generation", following a presumed first generation of political and a presumed second generation of social rights. The right to development, the right to peace or the right to a clean environment are of a different category indeed. Economists would call them "public goods" thus recognizing the absent of their individual and individualizable character.

Parallel with the debate about "solidarity rights", controversies about relativism versus universalism determined the debate about human rights. More practical were debates about the relationship between universal notions of human rights and culturally defined ways of life, later extended to personal, and even biological and sexual dimensions. Human rights were redefined by some protagonists as cultural, biological and sexual identity rights.

The proponents of the notion of universal human dignity and universal human rights uphold the personalized starting point of the argument, no matter what the particularities of individuals or groups be. In accordance with the Catholic doctrine, all human rights theorists in the tradition of John Locke and Immanuel Kant have defined the individual as a substantial one, independent of phases of life, circumstances in life, or

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23 See Ludger Kühnhardt, *Die Universalität der Menschenrechte. Studie zur ideengeschichtlichen Bestimmung eines politischen Schlüsselbegriffs, op. cit.*

decisions within the life of anyone. The protagonists of the notion of inalienable and universal human dignity and inalienable and universal human rights will uphold this position against all efforts of utilitarian redefinitions in the latest biopolitical context. But the problem of the universality of human dignity as precondition of the universality of human rights has returned to the Western world. It has become a plight in the midst of the existing freedom and a controversy about the borders of this very freedom we enjoy.

The 20th century has seen assaults on human dignity and human rights primarily in a political context and against adults capable of discourse and rational choices. The 21st century might see even stronger controversies about assaults on human dignity and human rights at the very beginning and at the very end of the path of life. Today, the call for human dignity has become a call for freedom against the utilitarian devaluation of human dignity in free societies, in the most established democracies of the world. This is why the question of inalienable human dignity as the single most relevant precondition of inalienable human rights has become the most important test case for a value based European identity.

IV. Implication of the European Constitution for Europe's identity

The substance of consensual elements of a European identity is impressively strong: Greek and Roman classics with their notions of a transformation from mythology to logic and rationality, law and citizenship, aesthetics and literature, Christian religion with its pillars of faith, love and hope, the community of European languages, the implications of the age of reformation with its critical and self-critical potential, the heritage of the enlightenment with concepts of the rule of law, separation of religion and statehood, the merchant traditions and city governments, the development of citizens and the struggle for social justice, national consciousness and the experience of the aberrations of nationalisms, common experiences of war and destruction, reconciliation and restructuring, work ethics, industrialization and the fruits of the welfare state, parliamentary democracy and respect for international law, popular sovereignty and the development of transnational cooperation and supranational integration, the firm grounding of the transatlantic partnership in an Atlantic civilization, the experiences of totalitarian power and the resolve to rebuild free societies after their defeat, the recognition of civil society and the respect for public institutions, notions of education and support of the arts. This list is certainly incomplete and only a random reminder of many of those elements of collective memory, consciousness and identity which are pertinent and consensual in Europe notwithstanding all the many diverse regional or national expressions of it.

In 2004 the European Union will start a new era of the integration process: a European constitution will be signed and shall be ratified in all 25 member states of the European Union by the end of 2005. Based on the analysis given above, it has become evident that the forthcoming European constitution will impact both the political and cultural identity of Europe. It makes reference to the religious and cultural heritage of Europe while a the same time outlining the goals and instruments for further political integration. Thus in a way it bridges the usual gap between cultural and political notions of identity.

As it is however too early to operate with other methods but futuristic predictions based on hope and fear, it seems to be more useful at this point in time to somewhat compare the European constitution-building process with some of the American constitution-building experiences as a mirror to better understand whereto the current European process of identity formation might be heading for.

1. Most evident is the fact that the American constitution followed the independence of the US as much as the current development towards a European constitution is following the very creation of the European Union. Joseph J. Ellis in his fine book on the *Founding Brothers* has talked about the constitution-making of 1787 as the second founding of the US[24]. Whether a European Constitution, in name and reality, will have the same impact remains to be seen. But its forthcoming ratification nourishes hope for a more political debate which could truly contribute to shaping a constitutional identity for the European Union. The Constitutional Convention which has drafted the European Constitution in 2002 and 2003 has been able to push the debate about a European identity from the world of academia and belletristic into the sphere of constitutionalism and politics.

The formulation of the European Charter of Human Rights, one of the few successful outcomes of the EU Summit at Nice in December 2000, was a first indication for a clearer focus into this direction. While the American Bill of Rights and the 10th Amendment followed the ratification of the US Constitution, the European Union did it the other way around. The Basic Charter of Human Rights, the first document prepared by a Convention, will be properly included into the EU-Constitution in order to be made judiciable. Once this will have happened, the notion of European identity will get a strong twist towards its legal implication as is the case with basic rights implementation in the US. Rule of law might take over from the prose of big

24 Joseph J. Ellis, *Founding Brothers. The Revolutionary Generation* (New York: Vintage Books 2000).

intellectual volumes about European unity in diversity when it comes to defining rights and duties and hence a European identity.

This will have implications on the future role of the European Court of Justice, or more generally speaking, on the issue of primacy of EU law over national legislation. As in the past, the European Court of Justice will serve as engine of further European integration through its interpretation of community law. Resistance will grow in member states, and particularly among lawyers, judges and most prominently, among law professors, who remain primarily trained in national law traditions and all too often dislike the idea of further transfer of legal sovereignty to the EU level. With the inclusion of the European Charter of Basic Rights into the upcoming Constitution, this will become inevitable.

2. At the core of European constitution-building is the issue of "limited powers" to use the American notion of what is called "subsidiarity" in Euro-speak – for all those who are not familiar with Catholic social doctrine in which this term originated. As we all know, the evolution of American federalism has been very lively over the past 150 years. In spite of the limits of Union competencies under the Tenth Amendment, the originally loose links between the States and the Union have in reality developed towards "national federalism" in the US. Whether the EU will follow suit, remains to be seen, but the rearranging of competencies and responsibilities as suggested in the European Constitution might in fact lead both to limited powers for the European Union and at the same time to more and new powers in the most crucial fields such as gouvernance economique, justice and home affairs, and foreign and security policy.

It is worth recalling that the American constitution was originally lacking a fiscal constitution. The European Constitutional Convention was not mandated to develop one either. But the issue of fiscal federalism and the arrangements for resource allocation will ultimately define the fate of any European constitution. It is present in all European discussions about the ordering of competencies without being mentioned in name. In fact, the issue of budgeting and of fiscal accountability is at the core of the European legitimacy debate. No matter, how much the role of the European Parliament and the idea of parliamentary, transparent democracy might be strengthened through an increase in qualified majority voting in EU legislation, the core of the problem is the continuous "representation without taxation". Whether or not a European tax will ultimately find support and recognition, it is in the murky waters of fiscal accountability and transparency that the Constitutional debate will certainly continue beyond the current ratification of a European constitution. The American revolution was launched in the name of the opposite claim – no taxation without representation. It would indeed be a

European revolution if the battle-cry "no representation without taxation" would one day make it into the emerging European Constitution. This is the most important among the unresolved aspects of EU integration which demonstrates that Amendments will be due in future years. As much as the question of stretching qualified majority voting, it touches on the nerve of the identity issue insofar as Union citizens will be willing or not to accept European primacy over more and more aspects of their future life.

The mandate of the European Constitutional Convention was as limited as the one which launched the Philadelphia Convention. At the end, also in the EU a "great compromise" will have to be found in order to resolve the most daunting controversies. In the US this was done on the matters of a two-chamber parliament, the specific role of the President, currency standardization, harmonization of the justice system, the definition of tax rights and so on. The European Union will ultimately be forced to find a "great compromise" between intergovernmentalists, favoring the role of the European Council, and supranationalists, favoring the role of the European Parliament with the Commission as its executive. It is doubtful whether it will be such a great, and in fact a good compromise, that at the end of the current round of reforms, the Commission President, in the future accountable to a majority in the European Parliament, will be accompanied by an elected Council President as coordinator of the role of the member states. Such a French-like governance system will only push the question of accountability of an EU President one floor up from the current inconsistency between the Offices of the Commission President, the Council's High Representative for Foreign and Security Affairs and the EU External Affairs Commissioner.

3. With regard to the geographical limits of the EU, the political issue is better framed than the mental and spiritual one. Turkey has been recognized as a EU candidate country, but whether any solid reference to the Christian roots of Europe and to the multi-religious realities of today's Europe – with or without Turkish membership, Islam has become the second biggest religion in the EU before Judaism – will make it into the final text of a European constitution – and in which way – is unclear at this point in time. To simply evade the issue or leave it as a taboo would not be enough. As much as the debate about a common EU immigration policy is linked to the need for a successful integration policy for emigrants, the cultural and religious aspects will impact the notion of European identity and its constitutional implications; think about the relationship between state and religion, family policies, education, gender issues. So far, there are as many taboos as there are blank pages and hidden emotions in this aspect of constitutionalizing European identity. The demand of the European churches

to invoke the name of God in the preamble of a European Constitution will have to be taken seriously and could truly built bridges between the three monotheistic religions representing the vast majority of EU citizens. Even the dialogue between the Latin and the Orthodox churches is only at the beginning stages, one of the most noble yet unaccomplished legacies from the papacy of John Paul II.

With regard to the global dimension of a European definition of the "frontier", the debate is even less focused. Whether the EU will ultimately define its global role beyond internal reconciliation within the geography of Europe and beyond vested economic interests in the globalized economy, will be subject to hard choices in Foreign and Security Affairs. The most critical one will be: Who – which institution and which actor – will be acceptable to the Union citizens in deciding over life and death of any of them when it comes to peace missions outside of Europe under an EU flag? As the 21st century with its new challenges for peace, stability and freedom unfolds, this will become the core question defining whether the EU will grow into a community of destiny hold together by more than a common currency, a flag, an anthem, institutions and law.

4. The constitutional journey in the United States began with the Articles of Confederation in 1781, defining a loose confederation without clearly defined purpose. In the fifth decade of its existence, the European integration process has accrued some sort of a pre-constitution – from the Treaties of Rome and the Single European Act to the Treaties of Maastricht, Amsterdam and Nice. After all, it was only in the first half of the 19th century, that the notion of the United States as "one" gained overall recognition. The equivalent for Europe would be a breakthrough in identifying with a Union citizenship without losing one's national identity. More than the absence of a political will within EU institutions, the diversity of languages and the subsequent absence of a homogenous political sphere is said to be the biggest obstacle for the real approval of Union citizenship in the EU. We don't know how things develop, but it seems evident that there is a gap between Europe's elite, communicating in some form of English, and the people of Europe rightly clinging to their mother tongue. Here an institutional compromise is practically working already on the EU level, where the Parliament is speaking in all the voices of Europe while the business in Commission and Council is practically done in English, French and German.

In the eyes of many EU citizens, more essential than considerations of a thoroughly consistent "theory of integration" is the continuous deficit in acting power of the EU, particularly in the field of European Foreign and Security Policy. Also in that regard, the search for a European identity will

continue, but after the internal European quarrels during the Iraq crisis of 2002/2003 will continue in a more political and politicised way. Notwithstanding all challenges and possible political differences ahead, only invoking cultural experiences and traditions or values and norms will not longer suffice to understand the meaning of "European identity". The upcoming European Constitution demonstrates the need, but also the ability to bridge cultural diversity and political will in Europe while at the same time maintaining the diversity which the very political will shall be serving if the European Union is to go into the right direction during the next decade. All in all, it could therefore have a positive, lasting and upbeat effect on European identity, testifying to the motto of the European Union, as stated in the Constitution, "united in its diversity".

Bonn