

ARTICLES : SPECIAL ISSUE
CONFRONTING MEMORIES – REFLECTING HISTORY

Present-ing the Past: Political Narratives on European History and the Justification of EU Integration

By Fabrice Larat*

A. Introduction

“Die Geschichte ist Gegenstand einer Konstruktion, deren Ort nicht die homogene und leere Zeit sondern die von Jetztzeit erfüllte bildet.” wrote Walter Benjamin. “So war für Robespierre das antike Rom eine mit Jetztzeit geladene Vergangenheit, die er aus dem Kontinuum der Geschichte heraussprengte.” (*“History is the subject of a construction whose site is not homogeneous, empty time, but time filled full by now-time. Thus, to Robespierre ancient Rome was a past charged with now-time, a past which he blasted out of the continuum of history.”*)¹

Interpretation of the past in the light of the present for political purposes is by no means a feature of old times. In modern, respectively post-modern societies, such as contemporary Europe, this particular relationship to the past is still alive. In line with Walter Benjamin’s statement, this article argues that a similar process of construction occurs at a level where it has hardly even been suspected up to now, namely, in the process of European integration and in its institutional result, *i.e.*, the European Union. Instrumentalization of the past for means of legitimization and community-building is not restricted to nation states. In its short history of about 50 years, post-national Europe already provides some interesting examples of such

* Fabrice Larat is Research Fellow at the Centre of European Social Science (MZES) at the *University of Mannheim*. Together with Beate Kohler-Koch, he co-ordinates the Network of Excellence “Efficient and democratic Governance in a multilevel Europe” funded under the 6th Framework Programme of Research of the EU. His current research activities deal with the interactions between different forms of integration in Europe and the role of political discourses in the construction of reality. His has published an *Histoire politique de l’intégration européenne* (Paris, 2003). E-mail: flarat@rumms.uni-mannheim.de.

¹ Walter Benjamin, *Über den Begriff der Geschichte*, in: ILLUMINATIONEN, AUSGEWÄHLTE SCHRIFTEN 1, 258 (1977) (English transl., *On the concept of history*, in: SELECTED WRITINGS Vol. 4 389, 395 (MICHAEL W. JENNINGS, ED., 2003).

attempts to construct an 'imagined community', to use Benedict Anderson successful concept.²

In the present days, with the ratification of the Constitutional Treaty of the European Union, and given the fact that, for the first time in its history, a great part of the old continent is now freely unified under the same political framework, a close look at the EU's relationship to history is necessary to understand what is at stake, and the problems with which the Union has to deal. This is especially interesting when, as in many European treaties or official declarations, the present is linked to the past, for instance, through reference to earlier periods, or when political leaders try to extract meaning from historical events and to make lessons from the past salient to present-day.

The purpose of this chapter is to provide some evidence for, and first considerations on, this phenomenon. Starting from the statement that, by giving a particular representation of what the past was, and underlining the political salience of some historical events for current times, the past becomes part of the present, it aims to analyse the role of political narratives on European history in justifying EU integration.³ Such narratives are very numerous in discourses which deal with the process of unification. However, we will only focus on one category of narratives – the institutional ones – which have a high political significance because they have been recorded in treaties and other official declarations.

There is no better account of the meaning and relevance of such narratives than the preamble to the Draft Treaty establishing a Constitution for Europe. During the meeting in Brussels on the 17-18 June 2004, the representatives of the governments of the 25 Member States finally agreed on the following statement to introduce the stipulations contained in the Constitutional Treaty and, in the same way, to justify this qualitative leap in the process of integration: "Convinced that, while remaining proud of their own national identities and history, the people of Europe are determined to transcend ancient divisions and, united even more closely, to forge a common destiny."

² See, for instance, FABRICE LARAT, INSTRUMENTALISIERUNG DES KOLLEKTIVEN GEDÄCHTNISSES UND EUROPÄISCHE INTEGRATION 187 (2000), as well as *L'Europe et ses grands hommes: entre commémoration et distinction. L'exemple du prix Charlemagne de la ville d'Aix-la-Chapelle*, in: LES INTELLECTUELS ET L'EUROPE DE 1945 A NOS JOURS 263 (ANDRÉE BACHOUD / JOSEFINA CUESTA / MICHEL TREBITSCH, EDS., 2000).

³ For a sound analysis of the relationship between memory and power in the countries of post-war Europe, see STUDIES IN THE PRESENCE OF THE PAST (JAN-WERNER MÜLLER, ED., 2002).

This phrasing, just like the preceding quotation of Europe's re-unification "*after bitter experiences*",⁴ was not chosen by chance and has the purpose of establishing a logical link between, on the one hand the current decision to adopt a constitutional treaty and, on the other hand, the determination to overwhelm some traumata from the past in view of setting the stable basis for a common future. Although this declaration, written down in a text which is supposed to become the Constitution of the European Union, has a quality unknown up to now, it is actually not an innovation. As the following examples demonstrate, it is part of a long chain of historical references and other attempts to root the unification in the rich - even though controversial - humus of European history.

B. Linking the Past and the Present: the Institution of a Day of Europe

Since 1985, every year on the the 9 May, the European Union celebrates *Europe Day* to commemorate the so-called "Schuman Declaration", i.e., the solemn proclamation by the then French foreign minister, Robert Schuman, of his plan for building a European Community for Coal and Steel. Even if *Europe Day* is not that popular among the European citizens, it is, like many national days, loaded with a very strong symbolic meaning. By taking this official decision, the Council wanted to make it clear that it considers the date of the 9 May 1950 as the starting point of the European Community's history and development. At the same time, the institution of a *Europe Day* by the Community 35 years after this historical event has a pan-European meaning that goes far beyond the borders of the 6 countries that were then involved in the European Community for Coal and Steel, and goes even beyond the current borders of the EU.

This yearly commemoration recalls that it is Europe's destiny to be united and, at the same time, manifests the vocation of the European Union to be the main institutional framework for European integration. Consequently, from a constructivist point of view, the decision to commemorate the Schuman Declaration as Europe Day has a threefold impact:

a) by presenting the Schuman Declaration as a turning point in the history of Europe, it gives a particular interpretation of the evolution of the situation in Europe since 1945 and thus promotes an "official" historiography;

⁴ According to well informed sources, this phrasing is due to the special request of the Polish delegation. It refers to the experience of communist dictatorship after the tragedy of nazi occupation, both of which are seen as disastrous ordeals, just like the three partitions of Poland at the end of the 18th Century, which marked the end of the independent Polish state.

b) it sets a direct filiation between this declaration and its later institutional consequences: The European Union is characterized as the direct outcome of a process that began 50 years ago with the Treaty of Paris (establishing the European Coal and Steel Community, 1951) and the Treaties of Rome (establishing the EEC and EURATOM, 1957), and the Maastricht Treaty of 1992 which established the European Union; all these agreements aimed to re-negotiate and transform the relationships between the nations-states and the peoples in Europe;

c) in addition, it reaffirms the continuity between the objectives introduced at that time in the Schuman Declaration (Franco-German reconciliation, peace, stability, economical growth) and the basic principles of the European Union (willingness of the participating countries to restrict their own power, the abandoning of sovereign rights, and the rejection of nationalism).

Much more than a simple interpretation of the past, the use of this symbolic date and its impact is of great political significance for the European Union, in so far as it contributes to establish its legitimacy through connecting its development to what is portrayed as the positive evolution of History. The ideas contained in it correspond to a political programme whose roots lie in the darkest hours of World War II. From the very beginning, the integration of Europe represents the remedy to centuries of imperialism, war and other kinds of inter-state conflict, and is shown as the only possible alternative to Europe's self-destruction and decay.

From a broader prospective, the EU's reflection of its past has two main aspects: First of all, it is an interpretation of the evolution of Europe's history that seeks to identify a historical necessity for its unification. Furthermore, it is an argument that intends to create continuity by linking the on-going process of unification to previous events and ideas, and presenting it as part of a well-established tradition. In both cases, what is at stake is nothing less than a justification of the process of European integration and its institutional solutions.

C. Interpreting History, or Why European Integration Makes Sense

Robert Schuman's plan for integration aimed to place the Franco-German production of coal and steel as a whole under a common High Authority. In his solemn declaration, he stated that world peace could not be safeguarded without the making of creative efforts proportionate to the dangers which threatened it. He justified this proposal with the necessity of eliminating the age-old opposition of France and Germany, which, according to him, was a precondition for peace and stability on the old continent, and for the coming together of the nations of Europe. The pooling of sovereignties was to change the destinies of those very regions which had long been devoted to the manufacture of munitions of war, of which they

themselves had been the most constant victims. As he pointed out: *"The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible."*

To strengthen his proposal, Robert Schuman used a strong argument: he draws a direct causality between the failure to organise sustainable stability in Europe after 1918 and the catastrophe of World War II: *"A united Europe was not achieved and we had war"*.⁵ Establishing the European Community for Coal and Steel was a decision of historical meaning which sought to break-down with the never-ending conflicts between nation-states in Europe. Accordingly, his proposal was addressed to all countries that shared the same past and had undergone the same dramatic experiences.

Similar references to the past can be found at the occasion of the signature of the European Economic Community and EURATOM Treaties in Rome on the 25 March 1957. As stressed by the mayor, Tupini, in his welcome address, this ceremony was taking place under the auspices of the eternal Rome. The *genius loci* evoked in the discourses was more than a simple form of rhetoric: it signalised the willingness to link the objective of – as stated in the EEC Treaty – *"an ever closer union among the peoples of Europe"* with the glorious past of the Roman Empire, for instance, the *pax romana* and the Roman civilisation. Even if the setting up of the EEC diverges in many points from all the dreams of *restoratio imperii* from Charlemagne to Napoléon, it makes it clear that unification within a single political framework was a situation to which one should strive to return. While some participants, such as the Italian foreign minister, underlined the significance of the moment, which opened a new era in the history of the people of Europe, the Belgian prime minister, Paul Henri Spaak, even wagered to forecast that, if the work already begun continued, the 25 March 1957 would become a major date in European history. All of the participants were convinced that they were writing a page in the history of Europe.⁶ According to the Dutch Premier, Luns, there were no doubts that the Treaties would bring peace and prosperity to Europe.⁷ Retrospectively, in the EU's official historiography, the focus on such institutional acts,⁸ combined with the emphasize

⁵ Schuman Declaration of 9 May 1950.

⁶ Chancellor Adenauer used the term of *"geschichtlichen Augenblick"*.

⁷ All quotations are from FRANZ KNIPPING's book, ROM 25. MÄRZ 1957. DIE EINIGUNG EUROPAS 10-11 (2004).

⁸ See the presentation given by on the EU home page at http://www.europa.eu.int/abc/index_en.htm, and in the document, *Europe in 12 lessons*, by Pascal Fontaine, also available on the official internet site of the Union.

put on the role of the founding fathers in the process of European integration, serve to make these declarations sound somewhat like self-fulfilling prophecies.

Due to the Cold War, the countries under Soviet domination were not able to join the endeavour launched with the Schuman plan. After some enlargements, the number of EEC Member States rose from the initial 6, to 12 at the end of the 80s, but they were all from western Europe. The political events that occurred in Central and Eastern Europe between 1989 and 1991 changed the whole situation: for the first time since 1950, pan-European unification was possible.

In its conclusions of European Council held in Strasbourg on 8 and 9 December 1989, the presidency wanted to express the feelings of the people of the whole Community and qualified the events in Central and Eastern Europe as historic and undoubtedly the most important since the Second World War: *"These changes give reason to hope that the division in Europe can be overcome."* Once again, this indicates that, from the point of view of most of the western European leaders, the iron curtain dividing Europe was seen as an abnormal situation. For this very reason, the EEC leaders were applauding the continuing process of change in the countries *"with whose peoples we share a common heritage and culture"*. This brings a Europe which has *"...overcome the unnatural divisions imposed on it by ideology and confrontation..."* ever closer.⁹

German re-unification is also seen as a historical moment which the Council wanted to acknowledge, especially because Chancellor Kohl and his foreign minister, Genscher, noticeably decided to link this re-unification with a new step towards a deeper level of European integration.¹⁰ This shows that, for most European leaders, Germany's destiny was and, indeed, should remain closely tied to the process of European integration, an opinion clearly expressed in the conclusions of the European Council held in Dublin on the 28 April 1990, which states that the EC Member States *"are confident that German unification - the result of a freely expressed wish on the part of the German people - will be a positive factor in the development of Europe as a whole and of the Community in particular."*

In 2003, 46 years after the signature of the Rome Treaties and 14 years after the fall of the Berlin wall, the representatives of Europe's citizens were gathered in another symbolic place of Europe history, at the Acropolis in Athens - the birth place of Democracy - to celebrate the signature of the accession of 10 new countries to the European Union. As stressed in the declaration, this meeting was seen as *"a histori-*

⁹ Conclusions of the European Council, Dublin, 28 April 1990.

¹⁰ Conclusions of the European Council, Rome, the 27- 28 October 1990.

cal moment". By joining the process of unification carried out by the European Union, the countries of Central and Eastern Europe were no longer excluded from the process of integration which had begun more than 50 years ago. The bitter consequences of World War II were finally overcome. According to this view, Europe was entering a new era which prolonged the one initiated with the Schuman plan. This time, we will see the accomplishment of the dream of unity, which could not be achieved before because of the Cold War. For Romano Prodi, the President of the Commission, the enlargement of the European Union meant a "*Common commitment to unify our continent and finally to end the artificial division that the Iron Curtain imposed on us for more than half a century*".¹¹

In defining Europe divisions as unnatural and abnormal, discourses such as this one emphasise the fact that the quest for unity is morally and historically legitimate. They pick up the old *topos* of unity in the diversity¹² and refer to the belief that all the attempts to restore the unity of Europe since Charlemagne have sought to recollect what, in fact, belongs together.¹³ In many discourses, the tension between unity and diversity is overcome by using the very convenient concept of plurality, which, as H. Münkler pointed out, can be considered as an invented norm of the constitutionalized union which is based on a conception developed throughout the centuries as a result of an interpretation of the history of Europe.¹⁴

In his address on the occasion of the Accession Day Conference on the 1st of May 2002, Bertie Ahern, the President of the European Council, proclaimed: "*We look forward to the unique contributions that the new members will make to the European Union. Each of us brings our own culture. We bring a particular history and a unique vision.*"¹⁵ As in most of the discourses, enlargement is seen as an enrichment. However, this speech makes it clear that the positive contribution of national histories is understood in an inter-relationship with the joint history of Europe on the way to its unification. Diversity is only considered to be positive and acceptable under the framework of unity and when it does not lead to divisions and confrontations.¹⁶

¹¹ Address by Romano Prodi to the conference on EU enlargement, www.eu2004.ie.

¹² The concept of *unitas in diversitas* has been coined by the theologian and philosopher Nicolaus von Cues (1401-1464) "*United in diversity*" is now the official motto of the EU.

¹³ Jean-Marie Domenach calls it "*les membres épars d'un corps mythique*", see Jean-Marie Domenach, *Identité culturelle française et identité culturelle européenne*, FRANCE-FORUM 6 April-June 1989.

¹⁴ HERFRIED MÜNKLER, REICH, NATION, EUROPA, *MODELLE POLITISCHER ORDNUNG* 148-149 (1996).

¹⁵ www.eu2004.ie. This quotation makes it clear that divisions belong to the past and unity to the future.

¹⁶ So far, the Union's motto is closer to the US, *E pluribus unum*, as from the old principle, *In unitas pluribus*.

What makes such assertions influential and politically relevant for the debate on European integration is their remarkable combination of causal, normative and expressive arguments: European history is re-interpreted so as to give plausible explanations for the failure of the concert of nations to ensure peace, stability and economical growth before 1950, while, at the same time, the narratives stress the moral necessity to learn from the past. Moreover, they present Europe as a collective subject of this past (be it a passive victim or an active subject of its own history) and as a wishful actor to shape its political and economical destiny, which, last but not least, contributes to the affirmation of a “European we-ness” (Armin von Bogdady among others uses this concept. May be we should write a feeling of European we-ness?)

D. The Embodiment of Past References in the Constitutional Order of the Union

In the EC and EU Treaties, and especially in their Preambles, different narratives which link the unification of Europe with the history of the old continent can be found. Besides giving indications of the objectives and aims of the process of integration, they strive to highlight elements of continuity between the current situation and events from the past, as well as to root the new initiatives in a long and fertile tradition. This tribute to the *raison d'être* of the European institutions is highly necessary, because, for a very long time, nation-states have stood alone at the centre of our political imaginary and have seemed to be the only thinkable form for modern polity. Bringing continuity into the light demonstrates that alternatives to the traditional form of political order are possible since there are some historical precedents. At the same time, the necessity of transformation becomes evident when meaning is generated for this purpose and integration is depicted as a chance for civilization to progress through learning from the past.

In his 1950 declaration, Robert Schuman made an allusion to Aristide Briand's plan of 1930 to establish a European federation.¹⁷ In his opening statement, Schuman made a rather selective report on French foreign policy since the end of World War I. Nevertheless, this way he presented it gave more weight to his proposal, for France's only aim was depicted as a noble one. He also established a filiation between Briand's initiative and his own plan, which benefited from the moral authority of his predecessor. Beyond this, the declaration also referred to the idea of Europe which - just had Briand had put it in his preliminary speech in Geneva in

¹⁷ “In taking upon herself for more than 20 years the role of champion of a united Europe, France has always had as her essential aim the service of peace”. What this referred to was Briand's *Memorandum sur l'organisation d'un régime d'union fédérale européenne* of 1 May 1930.

September 1929 - had been keeping the poets and philosophers busy for years.¹⁸ From Kant to Jean Monnet as initiator of the ECSC project, there is a long line of thinkers who prepared the way for the unification of Europe.¹⁹ By way of this reference, it becomes obvious that the idea of peace and co-operation belongs to the best tradition of European civilisation.

The *enchaînement* of the statements and allusions quoted above exemplify that the principles and norms contained in the declarations of intent which form the Preambles to European Treaties should be understood in their interrelation with other texts or discourses which relate to the making of Europe. Between the treaties building the constitutional order of the EU and the declarations or official statements made on the occasions of important historical events there are instructive inter-textual relationships.

The construction of meaning becomes very clear when one looks at the allusions to the past mentioned in the Preambles to the successive Treaties, as shown in the overview table below. The embodiment of past references into the treaties is of great implication because they are the founding documents of the European community from a political and societal prospective. While the main aim of integration, as well as both the reasons for seeking unification and the procedure to follow in order to attain this objective, are already well-defined in the Schuman Declaration, an evolution in the argumentation appears throughout the decades and on the occasions of the new steps made towards deeper and more extensive integration. Each of the Preambles, while also reflecting the current political situation in the Community, is rooted in the preceding ones and on the interpretation of the past that they provide. Altogether, they offer a comprehensive and sound justification for accepting the integration of Europe as an inevitable and progress-oriented process.

Evolution of past references in the preamble of European treaties				
Schuman's Declaration, 1950	Treaty establishing the ECSC, 1951	Treaty establishing the EC, 1957	Treaty on the EU, 1992	Draft treaty establishing a constitution for Europe, 2004

¹⁸ On the idea of Europe, see WHAT IS EUROPE? THE HISTORY OF THE IDEA OF EUROPE (KEVIN WILSON / JAN VAN DER DUSSEN, EDS., 1995).

¹⁹ The necessity to acknowledge the intellectual genealogy of the European project can be also seen in the pictures of Comenius, De Saint Pierre, Kant, Mazzini and Hugo that were decorating the room of the first congress of the pan-European movement in Vienna, 1927. On the genealogy of the European idea, see the work of reference by DENIS DE ROUGEMONT, 28 SIÈCLES D'EUROPE, LA CONSCIENCE EUROPÉENNE À TRAVERS LES TEXTES (1961).

<p><i>Aim of integration</i> Cinq ans, presque jour pour jour, après la capitulation sans conditions de l'Allemagne, la France accomplit le premier acte décisif de la construction européenne et y associe l'Allemagne. Les conditions européennes doivent s'en trouver entièrement transformées. Cette transformation rendre possibles d'autres actions communes impossibles jusqu'à ce jour.²⁰ L'Europe naîtra de tout cela, une Europe solidement unie et fortement charpentée.</p>	<p>Resolved to substitute for age old rivalries the merging of their essential interests.</p>	<p>Determined to lay the foundations of an ever closer union among the peoples of Europe.</p>	<p>Resolved to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity. Desiring to deepen the solidarity between their peoples while respecting their history, their culture and their traditions.</p>	<p>Convinced that, while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their ancient divisions and, united ever more closely, to forge a common destiny.</p>
<p><i>Reason to seek unification</i> A united Europe was not achieved and we had war.</p>	<p>Considering that world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it. Convinced that the contribution which an organized and vital Europe can make to civilization is indispensable to the maintenance of peaceful relations.</p>	<p>Resolved by thus pooling their resources to preserve and strengthen peace and liberty.</p>	<p>Recalling the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe.</p>	<p>Believing that re-united Europe intends to continue along the path of civilisation, progress and prosperity, for the good of all its inhabitants, including the weakest and most deprived; that it wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the</p>

²⁰ Source: *Déclaration liminaire à la conférence de presse*. This part of the Schuman declaration was not contained in the written text prepared by Jean Monnet. See <http://www.robert-schuman.org/robert-schuman/declaration2.htm>

				democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world.
<p><i>Procedure to follow</i></p> <p>Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.</p>	<p>Recognizing that Europe can be built only through practical achievements which will first of all create real solidarity, and through the establishment of common bases for economic development.</p>	<p>Resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe. Have decided to create a European Community.</p>	<p>Resolved to mark a new stage in the process of European integration undertaken with the establishment of the European Communities. In view of further steps to be taken in order to advance European integration. Desiring to enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them.</p>	<p>Grateful to the members of the European Convention for having prepared this Constitution on behalf of the citizens and States of Europe.</p>

The numerous references to a revisited tradition carried in the various narratives on European integration relate to the evaluation of Europe's history from a normative point of view. When analysing these references, it appears that the EU's perception of the past legacy [not only the EU's own past but the past of Europe] is quite ambivalent. Logically, some aspects of the European legacy are accepted and some are definitively rejected.

On the one hand, the EU claims that its citizens remain “*proud of their own national identities and history*”.²¹ National traditions and the great variety of nation-state histories are portrayed as a rich heritage, which form the main feature of Europe cultural identity and hence should be preserved in any case. On the other hand, Europe’s past is seen as a history of wars and divisions, whose shadows are still alive and may constitute a menace for its stability and democratic order. The most recent enlargement of the EU was an occasion upon which to refer to this memory and to evoke what the destiny of the part of Europe excluded from the positive developments of voluntary co-operation was: “*Europe suffered terribly from the evils of tyranny and war. For some, these afflictions persisted into the last quarter of the Twentieth Century.*”²²

In contrast to this, the picture given of the history of European integration since 1950 is a success story. The process of unification at work in the EU is the result of a common will to break with the mistakes of a past made up of destruction, division and pain, and to put Europe “*on a better way*”.²³ Learning from the past has inspired the search for new – radical – solutions.²⁴

The positive and negative interpretations of Europe’s past influence the definition of the objectives of its integration. The reflection on history made in such discourses is a process of understanding, *i.e.*, a heuristical one, in such a way that it enables us to recognize a golden thread that runs through the History of Europe and to make sense of it. At the same time, it has a praxeological dimension, for it carries an obligation to act, to take failures into account, and not to repeat the mistakes of the past. The content of the Schuman Plan cannot be explained without reference to the disastrous consequences of the Versailles Treaty. From this perspective, the European Union, as the result of this learning process, has a responsibility towards its own citizens and towards all the European peoples who could not benefit from the positive experience of integration after 1950. Indeed, it can be stated that, some major political decisions during the last decades have proceeded from this concern about the lessons to be drawn from the past.

When it comes, for example, to the perception of the Srebrenica massacre in 1996, the reaction of many European leaders was influenced by the persistent shadows of

²¹ See Preamble to the Constitutional Treaty.

²² Irish Presidency of the EU, Declaration for a Day of Welcome, 1 May 2004.

²³ *Id.*

²⁴ “*Our collective project, our European Union, is a dynamic one. Constant renewal, while learning from our rich traditions and history, is our very nature*”. Declaration of Athens, 16 April 2003.

Auschwitz. As a matter of fact, the decision of the EU to develop a defence capacity at the end of the 90s a reaction to its feeling of powerlessness during the Balkans conflict and the fear of repeating the same mistake as the western democracies did in Munich in 1938. In the same way, the sanctions against the Austrian government in 2000, because of its coalition with Haider's FPÖ party, can be explained by the dramatic memory of Hitler's accession to power in Germany in 1933.²⁵

The necessity of recollection and the constructive effect of memory is undoubtedly a main issue in official discourses on European integration as well as in the statements and declarations introducing each new institutional step towards further integration. The logic and purpose of self-evaluation is perfectly reflected in the following speech:

"We must never forget that:
From war, we have created peace.
From hatred, we have created respect.
From division, we have created union.
From dictatorship and oppression,
We have created a vibrant and sturdy democracies.
From poverty, we have created prosperity."²⁶

As noted above, affirmations of this kind create some useful meaning and demonstrate that the process of European unification is heading in the right direction. Nationalism, totalitarianism and division, which are presented as the dark sides of the history of Europe, serve as functional deterrents and are a welcome contribution to the emergence of a common identity built against an enemy coming within the Union itself.

When recalling the role of the founding fathers, such discourses suggest that history has a sense and some individuals are able to see its developments in advance and hence to show us the way to go. This tradition should be continued, and the current European leaders have a duty to remain true to this heritage. The declaration made by Pat Cox, President of the European Parliament on the occasion of the welcome ceremony for the 10 new EU Member States in Dublin on the 28 April 2004 summarises this point of view succinctly:

"Fifty years ago, a generation of European leaders, after a devastating war that divided our continent, saw all too clearly what was, but were prepared to dream of

²⁵ See Stefan Seidendorf's article in Section 3.

²⁶ Irish Presidency of the EU, Declaration for a Day of Welcome of 1 May 2004.

what could be. They had the courage of their European convictions. They opened for Europe a pathway to creative reconciliation and progress which none had walked before. We are the beneficiary of that legacy and their foresight. With the ceremony today we give a new meaning, a new *raison d'être* to and a new vindication of that vision."²⁷

Through the creation of a contrast between the negative examples taken from the past (past Europe as a showplace for never-ending conflicts) and the positive solutions practiced since 1950 (The EU as a success story), this kind of historical narrative provides strong arguments for us to accept European integration and its consequences.

In the preamble to the Draft Treaty for a Constitution, in particular, an interesting mixture of idealism and positivism can be noticed. Allusions to history and attempts to highlight the past from the present prospective do not denote any nostalgia for an idealised past. Much more, they reflect the determination to look forward to the future and to continue to develop civilisation. In line with the Kantian and Hegelian tradition, this attitude denotes a strong belief in the notion of progress as a long run tendency in History.²⁸ This is why the Preamble to the Constitutional Treaty refers to humanist values and ideas from the Enlightenment with a strong predisposition toward universalism.

Despite the appearances, the representation of the past given in the EU treaties and the surrounding discourses is not teleological. One could argue that the evolution of European integration in these documents is interpreted in a retrospective way – *i.e.*, *post ante*, – though it was not at all clear that the institutions and mechanisms set up during the last 50 years would have been so successful. However, one should bear it in mind that the aims, reasons and means to achieve European unification had been proclaimed from the very beginning of this process.²⁹ What has occurred in the meantime appears to be a systematic and thorough invention of a common identity through an underlying community of experience and a set of shared values. Representations of the two world wars as fratricide conflicts or as the suicide

²⁷ Address by Pat Cox, to the Conference on EU enlargement, www.eu2004.ie.

²⁸ Kant was seeing perpetual peace as both an end goal and a rational idea which worked itself out in history as the engine of progress.

²⁹ Richard van Dülmen points out that "*Erst die Dialektik von Struktur und Praxis konstituiert Geschichte als Prozeß im Sinne eines nicht teleologisch erklärbaren Fortschritts*". From this point of view, and considering the fact that both structure and experiences have been interacting since 1950, the history of European integration should, indeed, be considered as a process. Richard van Dülmen, '*Europäische Geschichte*' und *moderne Geisteswissenschaft*, in: *EUROPA ENTDECKEN* 36 (1996).

of a civilisation contribute to what can, for instance, be called the construction an imagined European community.³⁰

E. Raise and Limits of the “*Acquis Historique Communautaire*”

Beyond the somehow naïve desire to raise the consciousness about a common destiny among its citizens on the long term, the embodiment of past references in the EU constitutional order has more immediate, yet rather diffuse, implications. According to the Member States, the European Union represents their will to embark “on a new future based on co-operation, respect for diversity and mutual understanding.”³¹ While the original goals claimed in the Schuman Declaration have been evoked again and again in the different treaties that have earmarked the development of European integration, they are more than a promising programme. The core values of European integration expressed in the leading narratives of the history of European integration have, with time, been crystallised into a corpus of guiding principles and soft norms implicitly intended to conduct the politics of the Union. They are all related to the official interpretation of the past and build together the historically based objectives of European unification, which can be defined as followed:

- Preserving peace and stability;
- Protecting democracy, human rights and freedom;
- Overcoming divisions.

The narratives on European history contained in the accumulated Preambles - together with their inter-textual environment - codify what is presented as a shared belief about the historical purpose of the common system of governance that is now the EU. Due to the combination of moral commitment *vis-à-vis* these objectives as result of the responsibility of Europe towards its past, and the legal character of the treaties in which the fundamental principles of the Union are expressed, the normative framework which comes out in the preambles of the treaties can be considered as building an “*Acquis historique communautaire*”.

³⁰ As Benedict Anderson has stressed, with regard to the national way of depicting the Albigeois war in thirteen century France or the War of Secession in the USA, this representation of the past exactly matches the function of imagined fraternity. Benedict Anderson, *Mémoire et oubli*, chapter added to the French edition of *IMAGINED COMMUNITIES*, published under the title *L’IMAGINAIRE NATIONAL* (2002).

³¹ Council of Europe, Declaration of Athens, 16 April 2003, www.europa.eu.int/.

Under this abstract concept, we mean the constitutive power of core values, norms and shared beliefs and their translation into concrete rules to govern the political behaviour of Member States of the Union. Concretely, one can assume that this coherent set of principles works as a point of reference for political action when setting priorities, interpreting problems and choosing adequate solutions. At the same time, it serves as a parameter to evaluate legitimate political action and to regulate the behaviour of the Member States within the EU. In other words, this "*acquis historique communautaire*" is the constitutionalized articulation of a historical project, which sees integration as the only alternative to the traditional dilemma in the history of inter-state relations in Europe: the balance of power on the one hand, and hegemony on the other. Thanks to its embodiment in the legal framework of the EU and to the consensus on its content, a process of socialisation takes place around this "*acquis historique*". It is, therefore, much more than a simple collection of declarations of intent. With regard to its guiding principles some forms of behaviour and kinds of relationships both between Member States and towards the objectives of the Union are disqualified. In contrast, political initiatives or ways to proceed in conformity with these principles are considered as being appropriate and desirable.

A guiding principle such as the fundamental rejection of hegemony is founded on the idea of equality and the equal value of the European nation states and implies for instance the self limitation of state sovereignty, mutual control to avoid imperialism, and elimination of situations that may lead to supremacy of a country over the other Member States – at least in theory. Solidarity, as another main guiding principle, is necessary because of the common destiny and also to sustain integration. It entails the refusal of national selfishness and theoretically implies the fusion of interests in the long term.³² The willingness to make things change, combined with the readiness to take epoch making decisions, is a further guiding principle that stemmed from the "*acquis historique*". The process of integration as a rejection of historical fatality is, indeed, the result of a joint will, just like the intention to do "*un acte hardi et constructif*" as mentioned by Robert Schuman in the introduction to his declaration of 9 May 1950.

Unlike the total body of EU law and legislation accumulated so far, which is referred to as the "*acquis communautaire*" in the European Union, the guiding principles traded in the "*acquis historique*" have no juridical value on their own, and can hardly be indictable before the European Court of Justice. Nevertheless, similar to the "*acquis communautaire*", although from a more moral than legal point of view, it

³² According to Robert Schuman, Europe will be built through concrete achievements, which first create *de facto* solidarity.

is manifest that applicant countries must accept the “*acquis historique*” when joining the EU. Hence, it contributes to the definition of the common identity of the EU.³³

The difficulties that the EU has to face with regard to the justification of the integration process through reinterpretation of the past are twofold:

First, differences of temporality for economic integration (which is highly advanced), political integration (in the making), and societal integration (still very limited) are the cause of important tensions with regard to the acceptance of integration on the part of the citizens, particularly when these have profound consequences on their way of life. Notwithstanding the efforts made by the European Union, there is currently no real consciousness to belong together and the self celebration of a political community from the top by rhetorical means, just as in the exemplified narratives, do not have a great capacity in terms of social mobilisation.

Second, compared to the Western European Member States, the new accession countries from Central and Eastern Europe have a rather different relationship to their national past (positively perceived as a reaction to Soviet imperialism) and to the concept of integration (negative perceived because of the imposed integration within the Warsaw Pact and the COMECON). These great disparities result from the different experiences of the last 50 years, especially when it comes to the consequences of WW II, of socialism, and expectations regarding the role of the state. The main challenge for the “*acquis historique*” in the near future will be, therefore, to reformulate the interpretation if gives of the contemporary past (*i.e.*, the second half of the XX century) so as to offer to the new-comers a possible identification with and appropriation of the guiding principles mentioned above.

The limits of the impact of this new form of “*acquis*” are obviously set by its past dependency, *i.e.*, the historical factors and contexts that shaped the values and objectives recognized as valid by the founding Member States of the EEC.³⁴ What is at stake is the validity of the ends of government underlying the structural means of European constitutionalism, which seemed so obvious to the generations of the framers. From this prospective, in the line with Joseph Weiler’s remark, one can

³³ To follow Armin von Bogdandy’s arguments on the achievement potential of identity building through constitutional law, the “*acquis historique communautaire*” has a direct identity building function, since it sets the criteria for the process of identification in the public space; see Armin von Bogdandy, *Europäische und nationale Identität: Integration durch Verfassungsrecht?*, 62 VERÖFFENTLICHUNGEN DER VEREINIGUNG DER DEUTSCHEN STAATSRECHTSLEHRER 170 (2003).

³⁴ If we consider that institutions are not only socially embedded but also have grown and been established in a specific historical context, major changes considering their territorial relevance should have an impact on their social meaning acceptance.

state that the constitutional debate in Europe is not simply about explicating the theory and values which undermine the existing constitutional order, but of redefining its meaning for a new generation and a new epoch.³⁵ Despite its real limits, this set of norms, values and shared beliefs can be seen as the precondition for a polity that is conscious of its responsibility toward the past, and, by the same means, can also be a source of moral legitimacy for the project of European unification.

³⁵ J. H. H. WEILER, THE CONSTITUTION OF EUROPE 9 (1999).