

How to reinvent the European Union

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Let me start by saying that, in my whole teaching at the University of Florence, in serving as director of the Italian review “Democrazia e diritto” and in taking part in the International Social Movement (“le movement altermondialiste”, as it is named in French) I have always expressed just the same criticisms we heard in this Conference about European policies and the Constitutional Treaty as well. Therefore, I quite agree to those criticisms and to the proposals we heard.

At the same time, I supported the ratification of that Treaty, as I thought that it was the only viable step forward in the situation of the European Union.

The Treaty having been rejected, the time has come to reinvent the Union. Nevertheless, the question arises whether we want or we want not to assume our responsibility for Europe swiftly getting out of its present dangerous stalling. To this question I would answer “yes”.

That is the position with which I want to contribute to our debate.

Then, my first point. Reinventing the European Union is above all a matter of philosophy. I do not mean philosophy in the sense of a purely pragmatic doctrine, but in the classical meaning of this word. Europe is an object of high speculation by philosophers like Habermas in Germany, Derrida in France, Cacciari and de Giovanni in Italy.

As de Giovanni puts it, the starting-point of the modern idea of Europe takes place in the XVI century, and from there on Europe was always the object of a struggle between different philosophies. Nowadays, the European Union really stands at the parting of the ways (as the platform of this Conference declares) and it is first of all to philosophers to show what the genuine idea of Europe is and should be.

Habermas in his book *The gespaltene Westen* (Suhrkamp Verlag, 2004), tells us which are the characteristics of the genuine identity of Europe: secularism, state above market, solidarity above efficiency, scepticism about technology, consciousness of the paradoxes of progress, repudiation of the primacy of strength, pacifism based on the experience of decline. It is important that Habermas stresses the European attitude not only towards its inside but also to its outside. Of course, he lists the more disputed characteristics, but in order to be complete we have to record some more elements as civil liberties, political freedom and possibly political participation. At the core of all these characteristics stands the dignity of the individual, of all the individuals, which is the highest achievement of the European civilisation from the Renaissance onward. But we must stress that the rights of the individual have to be conceived – that was the progress we made in the 20th century – as socially oriented, the principles of equality and of social solidarity having the same value as the individual freedom.

From another point of view, Europe keeps the balance between unity and multiplicity (see the art. I-8 of the constitutional Treaty): that is why many thinkers (like de Giovanni) designate Europe as “pluriversum” (or multiversum), in its inside as well as towards the outside. So, starting with the famous proposal by Immanuel Kant, peace and limitations of sovereignty of the state in favour of some kind of international authority (as the UN or the EC) gain the middle of the scene.

The implementation of these principles has been very imperfect and unsteady in the long run of European history and in the fifty years of the EU as well.

As to the Constitutional Treaty it is in heavy contradiction with them all, being approved – despite the contribution of a half-democratic Convention - by the Intergovernmental Conference and because of the defects due to the ongoing pre-eminence of market above social solidarity, to the still scarce democracy of its institutions, and to the insufficient commitment to peace and to North-South cooperation.

So we have to struggle for an alternative Europe, whose characteristics were perfectly described in this Conference. I agree to what was said, that the “Charter of principles for another Europe” laid down by the Movement is a good basis for that.

But it should be clear that it will be a long and a very difficult struggle. And in the meanwhile? This is the second side of my position.

The risks of the present situation are easily visible. First, the Union follows with the same policies, worst than ever. Secondly, its weakness brings about the ongoing subjection to the hegemony of the US and forbids her to contribute to a different world.

So, it should be a wiser choice not to renounce to our aim, but in the meanwhile to give our contribution to such a treaty that would be realistic to achieve now. To say it in short terms, we would stick to incrementalism, accepting the historic fact that, however, it assured until now some progress in the European construction process and taking into account the risks of a long crisis.

Incrementalism suggests that we should start from the Constitutional Treaty. Of course, we can't agree to the idea of a “mini” or a “simplified” treaty proposed by Sarkozy. This would be really insufficient, because EU and the French and Dutch electorates need a progress of Union's tasks and targets, not just institutional arrangements.

Such a need is generally agreed upon on matters like environment and energy – still, with many difficulties, as we saw in these days - but should also be recognised in the field of social rights. It is impossible that EU be denied substantial tasks in social policies, while its monetary and financial policies hinder member states from implementing the social needs of their citizens. Decisions about the core levels of social rights to be maintained in each member state must be taken by the Union before being implemented at the national scale. We can't have European pensions or an European health service – that will still be a task of the national States – but we expect that the essential level of our social rights are harmonized by a Union's decision.

It is also imperative, in face of the military confrontation between US and its enemies and the American attitude on the problems of the world South, to be very careful, very exacting, in laying down the tasks of the Union for peace and North-South cooperation.

Furthermore, we should notice that the provisions of the treaties in force concerning the policies of the Union in the various matters (reproduced in Part III of the Constitutional Treaty), have to be conceived as varying and contingent for their very nature. Therefore, they should not be included in a constitutional or fundamental treaty together with the institutional provisions and the bill of rights, which really have a fundamental nature.

What about the way to reach this target?

- 1) We must admit that the need for urgency of a new treaty forbids the summoning of a new Convention. Besides, the so-called pause of reflection allowed a substantial discussion and clarified many ideas.
- 2) The debate can be duly developed during the convening of the Intergovernmental Conference due to establish the new treaty, in time to be ratified by national parliaments or by referenda within the election of European Parliament in 2009. As to referenda, where required, they should be coordinated as to the date and to the question.
- 3) Part III on policies should be included in a protocol enclosed to the treaty. Such an expedient starts introducing a distinction between fundamental and detail provisions, which in the future can be differentiated as to the procedure of their revision.

- 4) Similarly, the provisions on social tasks and the other controversial points could be the object of a distinct protocol, so that UK and other sceptical member states might not sign it.

Is all that too much theoretical? Maybe. Or, on the contrary, too much pragmatic? My position can be criticized for both these motives. But philosophers say that anything isn't more practical than theory, and we all may agree that in politics and law issues the sense of reality and the capacity for compromise are necessary, if we want to reach, with patience and tenacity, our ultimate targets.