The Concept of Europe

Grahame Lock*

First of all I should like to thank the President and members of this Assembly and the Universidade Lusófona for the honour of this invitation to speak to you on the topic of 'The Concept of Europe'[1].

What I shall try to do today is to give you a few brief indications concerning some of the different and indeed diverse concepts of Europe which have risen (and sometimes fallen) in the course of European history; to relate these to contemporary European problems, with a few words on the United States; and finally to focus on one particular notion, that of European governance, which now plays a significant role in the orientation of European Union policy. These are themes of rather different kinds, ranging from philosophical history to considerations on present-day politics. I hope that I can convince you that they nevertheless have enough to do with each other to be worthy of joint discussion in a single talk.

Do we know what Europe is? Each of us probably has his own picture, which also guides us in practical activity. But we are in something of a fog when it comes to orienting ourselves in what is, after all, a particularly complex field. There are, we might even say, innumerable conceptions of Europe

*Universidade de Oxford e Professor visitante do Mestrado em Ciência Política da Universidade Lusófona

– I shall talk about some of them. And they differ greatly from one another.

Why, you might ask, do these differences matter? It is after all a common situation in life that guiding ideas are often ambiguous and multi-interpretable. Well, it matters, in this case, because the political direction to be taken by Europe depends to a considerable extent on what we are trying to achieve, on the direction which we want to take.

Is Europe for example to be understood as an *Europe des patries*; a kind of minimalist conception of Europe as a Union of perfectly sovereign nation-states which cooperate in the establishment of a common market and in the elaboration of the regulatory mechanisms needed to support that market? Or is Europe rather an *Europe des peuples*, where the peoples are defined in something like ethnic terms? Or should we rather understand it as an *Europe des régions*?[2] And there is a further question – in all these cases we can ask: which nation-states, or which peoples, or which regions?

For many of us, we must now admit, Europe and the European Union are realities whose contours are however far from clear.

An American author, Melissa Rossi, remarked not long ago that 'Europeans are absolutely confused about the European Union'.[3] A recent *Financial Times* editorial noted that not just individual citizens but nation-States too are confused.[4] Europeans – an ex-German Ambassador wrote – are 'confused about the roles and representativity of the many European institutions'.[5] A German Member of the European Parliament noted that it is indeed 'easy to be confused about Europe's institutions'.[6] And at a media seminar in a would-be accession land, in an evaluation of coverage of European news, the difficulty was summed up in a few words: 'The European integration process [is] totally unintelligible to normal people.'[7] This, if it is more or less true, is a serious state of affairs: people, in many cases,

don't know what Europe is; and they don't know what it is for.

What then is Europe, and how did it come to be what it is? Bismarck said: 'Whoever speaks of Europe is always wrong.' He meant that Europe has no status as a political entity. It looks as if he was wrong. But what precise status does it have?

Our confusion about the European Union is fed in part by a lack of clarity about the *concept of Europe* itself. How and when did this concept emerge? Of course there is not one single such concept or idea. And there is no one certain and satisfying answer to the question. But let me give you a few historical references. Don't worry – I shall soon move on to questions of a more contemporary significance.

The Austrian philosopher Edmund Husserl identified the origins of Europe with ancient Greek civilization. In the mid-1930s, in lectures on 'The crisis of European humanity', he talks about the 'spiritual essence of Europe' as 'the philosophical idea ... immanent to its whole history'. The spirit of Europe is literally the spirit of philosophy; that is to say, it is universalistic, and in that respect resembles the scientific spirit rather than the arts; but like the arts and unlike science it is not utilitarian, that is, not oriented to any practical end: its concern with truth is disinterested. Some present-day thinkers retain, as we shall see, such a spiritual notion of Europe.

But the concept of Europe has other roots. The example of the Roman Empire, and especially of Roman law, is often cited. You, the Portuguese, are in part, at least culturally, a Roman people. You speak and write a dialect of Latin which allows even me, a visitor from the north, partially to decipher your newspapers. But equally important is the Roman legal tradition, relayed via Justinian's corpus iuris, and taken up again and taught at the first European universities, from the 11th century onwards.

To this reference we should add not just a mention of Church law, but of the administrative apparatus of the Church, probably the first modern administrative system in western history, as Harold Berman points out in his brilliant study on *Law and Revolution: The Formation of the Western Legal Tradition*. Europe is still identified by some thinkers of our time with the Christian or sometimes Catholic cultural tradition: this was a powerful current in European thinking before the Second World War,[8] and is still reflected for instance in the work of the historian Rémi Brague,[9] or of Vaclav Havel, or even of Romano Prodi. Mr Prodi's central contention in this connexion, as one commentator summarizes it, is 'that Europe at its millennium crossroads must choose the road to a 'major moral revolution' if it is to make genuine progress beyond the single currency' and such technical advances. This, he argues, can be properly accomplished 'only by consciously applying the doctrines of Christianity.'[10]

There is however a rather different root notion of the complex idea of Europe, an 18th century conception. If you would like to access the original texts in this matter, look for instance at Gibbon's celebrated *Decline and Fall of the Roman Empire*, in particular his section on 'General Observations on the Fall of the Roman Empire in the West'. For Gibbon, Europe – he is talking about his own age – is 'one great republic, whose various inhabitants have attained almost the same level of politeness and cultivation'. This is a large part of Europe's secret: Europe is *civilization*; its task is thus to 'make itself secure from any future irruption of Barbarians'. The other side of the 18th century conception of Europe, also noted by Gibbon, is the emphasis on the *balance of political power* between the European nations. So important is this idea of the balance of power that it forms the basis of a long and famous line of writings on what was called 'perpetual peace', from Grotius, William

Penn, Leibniz and Rousseau to Kant and Jeremy Bentham.

This is in fact a topic of potentially immense importance – to us today. Let me therefore say a few more words about it. You probably know the writings of the American historian Robert Kagan on the present-day world situation. 'It is time to stop pretending', writes Kagan in *Power and Weakness* (in Policy Review, 2002), 'that Europeans and Americans share a common view of the world, or even that they occupy the same world. On the all-important question of power – the efficacy of power, the morality of power, the desirability of power – American and Europeans perspectives are diverging.... Europe is ... moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation. It is entering a post-historical paradise of peace and relative prosperity, the realization of Kant's 'Perpetual Peace'.' Kagan's argument is thus roughly that, whereas the US Government is living and operating in the real, 'Hobbesian' world of anarchy and power, the Europeans are living in an imaginary ethical universe. His point is that the Europeans can only afford to take this 'ethical' line because they live, parasitically, under the American military umbrella.

But the matter is more complicated than that. If it really is true that Europe has adopted a Kantian, that is to say 'moral' international policy, then only in combination with an abandonment of the typically European balance-of-power stance. Like the United States, Europe would in that case also have adopted an essentially monopolar model of international relations, the difference being that the Americans see this monopolarity as being essentially power-based, the Europeans preferring an ethically-structured but still essentially monopolar vision.

But what a monopolar system cannot entirely protect itself against is the violence of those who

choose to play a different game than the classic struggle among nation-states: the terrorists. Indeed, in a post-balance-of-power world, the violence that is inherent to history comes, as one Egyptian commentator has argued,[11] to be identified as essentially terrorist violence – and therefore as something post-historic, the struggle against this violence being a matter of a combination of moral condemnation and of advanced techniques of repression.

However that may be, it is, I hope, beginning to become clear that reflection on the various sources of the idea of Europe need not be irrelevant to present-day concerns.

Let me say a few final words about just one more of these sources. It is to be found in naked form in the late writings of Friedrich Nietzsche. Nietzsche too is interested in power. But he is no friend of the nation-State. The significant point here is that the new Europe – the Europe of the nation-States – has, on Nietzsche's view, inherited the Christian tradition and thus fallen prey to the democratic virus. This 'collective degeneration of man', his 'animalization', his transformation into a 'pygmy of equal rights', and so on, is a function of the rise of the institutions of the nation-States, which runs parallel with the rise of democracy.

One discovers, reading through the section on 'Peoples and Fatherlands' in *Beyond Good and Evil,* that Nietzsche's dislike of the nation-State – which of course is directed, in the first place, against Germany, but is not limited to this case – is tempered by his belief that a process is beginning in which some of the citizens of these nation-States are, as he puts it, 'becoming Europeans'; that is to say, there is a 'slow emergence of an essentially supra-national ... type of man'.

A paradox is that Nietzsche predicts that this process of Europeanization will first of all lead to a further democratization of political life on the European continent. But this democratic trend must undermine itself: the future Europeans will, Nietzsche claims, probably be 'multifarious, garrulous, weak-willed and highly employable workers who need a master, a commander, as they need their daily bread'; so this process will lead to the 'production of a type [of human being] prepared for slavery'. Yet the same process will, in individual and exceptional cases, provoke the emergence of *strong* men, 'stronger ... than has perhaps ever happened before'. Everything depends on the form that any movement towards a supra-national Europe might take. In this connection, there are, leaving aside the German case, at least two possibilities: on the one hand, the emergence and domination of a 'European *noblesse* – of feeling, of taste, of custom, in short *noblesse* in every exalted sense of the word – [which] is the work and invention of *France'*; on the other hand the victory of 'European vulgarity, the plebeianism of modern ideas', which is the work of *England.*

But, one way or another, the *unification of Europe* must, on Nietzsche's view, take place. In his own time, he says, this is not yet understood: 'Thanks to the morbid estrangement which the *lunacy of nationality* has produced and continues to produce between the peoples of Europe, thanks likewise to the shortsighted and hasty-handed politicians who are, with its aid, on top today and have not the slightest notion to what extent the politics of disintegration they pursue must necessarily be only an interlude - thanks to all this ... the most unambiguous signs are now being overlooked, or arbitrarily and lyingly misinterpreted, which declare that *Europe* wants to *become one'*.

Remember the circumstances under which Nietzsche was writing these words. *Beyond Good and Evil* was published in 1886 – that is to say, in a period in which it was generally considered in political circles that Europe had 'ceased to exist'.

Jean-Baptiste Duroselle, in his *L'Idée d'Europe dans l'histoire* (1965) quotes for instance the French Ambassador, writing in 1875, to the effect that 'one of the principal causes of the dangers now confronting us is the absence of what used to be called Europe'. A few years later, Jules Ferry (the French colonialist statesman) was writing that 'Europe has ceased to exist, and that is our weakness'.

The key date in this connection is 1870-71, the date of the victory of Prussia in its war against France, following its victory against Austria-Hungary, and thus the date of the consolidation of Prussian domination in much of continental Europe. It is also the date of the establishment of the German Empire.

The key figure in the same connection was of course Bismarck, who I already quoted. Bismarck, though not a German nationalist, did believe in a plurality of historically-defined European nation-states. But the only healthy basis for the politics of a great State, said Bismarck, is egoism. There is no valid European law. It is not true that *pacta sunt servanda*. This means that there can be no 'Congress of European States', of the kind proposed by Kant. Bismarck was quite explicit on the matter: Europe is nothing but 'a geographical idea'.

In contrast, Nietzsche insists that the *union of Europe* must come. What interests Nietzsche is not the nation-state or German Empire but a *united Europe*. The task of the 'deepest and comprehensive spirits of our age' is to prepare this 'European synthesis': and for all kinds of reasons, including an economic reason. The nation-States, he argues, are no longer viable as autonomous units – there ought in particular to be a single currency and a single European State. Only the British can hold up this process, he adds, but not for long.

This new Europe can however only be successfully constructed on condition that we liberate it from the menace of democracy and other forms of the *marasmus femininus*. The new, united Europe will thus serve as an antidote to the *democratic* nation-State. Nietzsche, in summary, is a pro-European *because* he is an anti-democrat.

I have spoken at some length about Nietzsche because his idea of Europe, though it has many individual idiosyncrasies, is typical of one particular characteristic of the long tradition of pan-European thought – namely, its relative hostility of this tradition to democracy. Up to the Second World War, indeed, democracy was (with some exceptions) a movement and reality closely associated with the nation-state form, whereas the pan-Europeans tended to take an anti-democratic position. Democracy is a mass movement; it tends, as Nietzsche argued, to enthusiasm and even to fanaticism. The cause of Europe, in contrast, just because of the association of Europe with philosophy, reason, science and the like, was widely thought to require taking a distance from mass rule. Think of Ortega y Gasset's *Revolt of the Masses*, or of Julien Benda's *Discours à la nation Européenne* of 1933: Benda is pro-European because he believes that Europe is the realization of the principle of Reason. He is an 'aristocrat of Reason', rather than a democrat, because he holds that the masses can never attain to this principle of Reason. The masses are nationalist or religious fanatics; only the intellectual elite can create and lead a future united Europe. Europe will therefore not be a kind of super-nation, appealing to a sort of European patriotism, as the nation-States appealed and still appeal to a national patriotism. Europe will be a product of pure Reason. That is why it must be the work of an elite. And so on.

It is worth emphasizing this traditional link between Europeanism and a hostility to democracy because of one of its consequences: namely that, with the establishment after the Second World War of the European Communities – now the European

Union – there was no unequivocal political ideology of 'European democracy' to build on. This had to be reconstructed – or rather, the ideas of individual freedoms and rights, of democracy, of the rule of law and so on explicitly embraced by the European Communities had to be imported from the nation-states. But although guaranteed at a higher, European level, they appeared at that level to be less than entirely concrete in their content – for their application remained in essence a matter for each member-state and for its political and legal system.

In a moment I shall make a suggestion as to how the European Union is now coming to terms with what I would call, not a democratic deficit, but a democratic formalism. One response, I will suggest, makes central use of the notion of European governance.

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But let me first entertain you with a few examples of present-day reflections on the idea of Europe. I want, so to speak, in the friendliest manner to provoke you.

I begin with Eduardo Lourenço. Prof. Lourenço argues in his *L'Europe introuvable* that the first Iraqi war, the Gulf War, was the 'greatest ever defeat of Europe—of the whole of Europe, from Lisbon to Moscow—since the fall of Constantinople. We Europeans', he adds, 'are now travelling in the baggage train of Philip of Macedonia.... Europe's defeat in the Gulf War was not a military defeat ... but a cultural defeat. We fought this war in our heads as if we were Americans.... [Our culture has become] a luxurious dustbin of history, devoted to the mixed delights of violence, entertainment and submission'.

Let me, as the Americans say, now 'pile it on'. Charles Krauthammer of the *Washington Post* has written: 'America won the Cold War, pocketed Poland and Hungary and the Czech Republic as door prizes, then proceeded to pulverize Serbia and Afghanistan and, en passant, *highlight Europe's irrelevance* with a display of vast military superiority. We dominate every field of human endeavour from fashion to film to finance. We rule the world culturally, economically, diplomatically and militarily as no one has since the Roman Empire.'

Strangely, or not so strangely, the events and developments of the last decade or so are interpreted in an almost opposite sense by different commentators. The Russian dissident Alexander Zinoviev, for instance, claims in various recent pieces that the civilization of western Europe is facing destruction on account of the shift of power within the world system to the United States. West-European civilization, Zinoviev insists, is the greatest of all historical civilizations. It reached its highest point with the emergence of the nation states. Yet already at the beginning of the 20th century the suspicion arose that this civilization was exhausted and its days numbered. Decades later, the end of the Cold War and the dismantling of the Soviet system have resulted in the emergence of a new supranational structure essentially destructive of the old European civilizations – 'old Europe', as Mr Rumsfeld might say – ushering in a post-democratic era.

In complete contrast, Vaclav Havel suggests that it is precisely today's Europe and indeed the European Union itself which can claim to be founded on 'values with roots in antiquity and in Christianity which, over 2000 years, evolved into what we recognize today as the foundations of modem democracy, the rule of law and civil society. This set of values has its own clear moral foundation and its obvious metaphysical roots', Havel adds.[12] We know where he looks for inspiration on the matter of the deepest roots of European identity: 'It is scarcely possible', he writes, 'to find a culture that does not derive from the conviction that a higher,

mysterious order of the world exists beyond our reach, a higher intention that is the source of all things, a higher memory recording everything, a higher authority to which we are all accountable in one way or another. That order has had a thousand faces; human history has known a vast array of gods and deities, religious and spiritual beliefs, rituals and liturgies. Nevertheless, from time immemorial, the key to the existence of the human race, of nature, and of the universe, as well as the key to what is required of human responsibility, has always been found in what transcends humanity, in what stands above it. Humanity must respect this if the world is to survive.... All of this clearly suggests where we should look for what unites us: in an awareness of the transcendental.'

Havel thus counters the tendency to claim that Europe has become nothing other than a supplier of material welfare, an instrument of advanced capitalism. Some other Christian thinkers would agree – but so, in his way, would for example the French political philosopher Etienne Balibar. He wants to persuade us that Europe and its idea owe much to the communist tradition. 'We have to ask', he remarks, 'what the place is of communism' – as idea, movement and political system – in *the history of Europe*, 'or what is the relation between the history of communism and the history of Europe?' Communism, he argues, 'has functioned ... as the universalist, critical alternative to the great étatiste theories of society, expressing the 'insurrectional' point of view of the oppressed classes'. In this connexion, the very idea of Europe is directly dependent on the place occupied by communism (or [various] communisms) in the history of political thought.... For in exporting Communism through the whole world (after having exported the Bible), Europe took a step outside of itself, such that it could never again exist as a closed unity.... Thus our whole conception of European civilization is affected by

the 'end of communism' (or by the *latest* end of communism).'[13]

Finally, Edgar Morin draws attention to the fact that, if democracy has indeed become the common political characteristic of Europe, this is not an unproblematic state of affairs for European civilization. For 'beyond a certain level, liberty destroys equality and corrupts fraternity; beyond a certain level, equality destroys liberty without necessarily creating fraternity. So political democracy contains in itself ethical 'double binds'.' For instance, 'the fundamental truth of democracy is not to possess any truth'; 'the key of the democratic idea lies in its rules' – so *not* in any substantive values, though these were once the pride of European cultural history.[14]

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My last topic is linked to Morin's point. I mentioned that I should like to focus on the notion of European governance, which has come to play a significant role in the political arrangements of the European Union. This notion may be linked to the above-mentioned question of the widespread lack of understanding of – or confusion about – Europe and the European Union. An obvious difficulty is that Europe is, in a certain sense, a 'monster'[15] – that is, it has a very odd shape which does not fit pre-existing categories of the classification of political bodies. So we hardly know how to deal with it, how to judge it or even where to begin in trying to understand it.

My argument is that the present and probable future shape of the European Union is in part a function of a now fashionable view of State administration and of its functions, known as 'contractual governance'.

As the name suggests, this approach finds its basis in the application of a certain conception of (social) contract.

Let me situate the question at issue by citing a European University Institute working paper by Christian Joerges on 'The Law in the Process of Constitutionalizing Europe'.[16]

Joerges' analysis of the relevance of the European Constitution places it in the context of the 'strategies of *juridification* of the integration project'. The reasons for this juridification have to do in part with the configuration of European institutions, in particular with the role of the European Court of Justice, in whose work – the author notes – methodology and theory as to the legitimacy of Europe's constitutional charter are lacking. But, more generally, whenever the integration project has been renewed, it was, he adds, in any case in a direction that 'tended to confirm a supranational, non-state legal constitution'.

Community law has, he argues, been employed by the EU to achieve regulatory ends, especially in respect to the internal market programme. But 'because the EU itself ... lacks the administrative powers necessary to implement legally-binding rules in Member States, it has to try to compensate for these shortcomings'. And these attempts give yet more impetus to juridification.

In this way Europe has become something like what has been called a 'regulatory State'[17] or a regulatory super-State – if not, perhaps, a post-regulatory super-State[18] – in all of which cases the distinction between public and private spheres is blurred and the function of government tends ever more often to be substituted by that of (European) governance.

The position of the State is, as we know, now under pressure from rival, non-State institutions, especially those operating on a global scale – a striking example being the World Trade Organization, previously GATT, whose rules are now said to be of application to more than 90% of international trade relations. Such institutions are even claimed to be in process of assuming the role of (global) government. As in the case of the European Union, but against a different historical and political background, it is said to be a matter of transfers of power and (as I mentioned) of where sovereignty is coming to lie. I prefer to say that there is a crisis of sovereignty, external and also internal.

This crisis of sovereignty is *general*: that is to say, in so far as it affects the nation-state, it affects in principle any other state-like body or super-state. Thus it would normally affect the European Union too. This is a potential problem. But – this is my suggestion – the European Union has succeeded to some extent in evading the impact of this difficulty by packaging itself not so much as a new *governmental* structure but rather as a *governance* system.

We might say that it has now been established – though not without resistance from various quarters – as a kind of regulatory super-administration, with a governance form. The term 'governance' is indeed used in official documents, for instance in the European Commission's *White Paper on European Governance* of October 2000. This White Paper is concerned, among other things, with working out ways to make application of 'contracts of agreed objectives between the Union, represented by the Commission, and the authorities with a regulatory or management capability' (note the terminology).[19]

Joerges argues, more generally, that it is not surprising that the real-life practices of European government can best be grasped with the concept of 'governance'. He even quotes Joseph Weiler's words about the 'underworld' of the European governance system.[20] Another commentator, Lawrence Lessig, speaks in the same connexion of various alternative modes of regulation: combining law with markets; combining law with norms, as in so-called self-regulation; and the 'hybrid of norms and law' called contractual government.[21] Indeed,

the policy vocabulary is nowadays rich with new conceptual combinations.

We may formulate this point in another way. Let us for a moment, one last time, take a step back in history – to Hegel. Hegel (writing in 1821) insists that the State cannot be a contractually-based institution. 'It is … far from the truth', he notes, 'to ground the nature of the State on the contractual relation.' Indeed, 'the intrusion of this contractual relation … into the relation between the individual and the State has been productive of the greatest confusion in both constitutional law and public life.'[22] This confusion is now greater than ever and perhaps deliberately produced.

In this regard I was interested to read a few years ago a piece by the French political scientist Gérard Duprat, in which he argues that, precisely from a Hegelian point of view, the European Community is not a State-like construction, even if it plays, in part, a governing role. Its 'powers' ought not even, he suggests, to be called 'political'. It functions for the most part outside of any system of representation – and to that extent its so-called 'democratic deficit' is not a fault but lies in the logic of its principles of operation.[23] It does however provide a system of justice and it polices that system; it is oriented to the satisfaction of needs. In short: it is a *civil society*, in Hegel's sense. More accurately, it is a management system for civil society. In short, it is contractual governance.

The reluctance of the European Union to endow itself with orthodox State-like powers is indeed, it seems to me, an expression not just of political discretion in the face of the sensitivities or resistance of the member States but also of the influence of the presently influential revisionary view of what State-like powers ought to look like. Some of the Union's leading figures may indeed even believe that its own assumption of a governance role will render not only the old-fashioned nation-state function redundant, but even the super-state function.

In any case, in this way the European Union has also evaded a number of problems concerning the relation of the Union to the principle of democratic rule. For some years, as you know, there has for instance been controversy on the matter of the role and competence of the European parliament. No satisfactory solution has been found to this problem – and for good reason. For if the Union lacks the essential characteristics of a sovereign state or super-state (and of course it does and will always do so, as long as its member-states maintain their existence) then its parliament cannot function as the legislator of any sovereign body. But to assign the parliament only secondary or derivative rights was and is to suggest that the existence of a 'democratic deficit', a notion which cries out for remedy.

By transforming itself into a governance system, the European Union claims a status which is much vaguer, more flexible and thus more robust than if it were to try to operate according to the traditional, much more rigid principles of a properly governmental body.[24]

But this ingenious solution creates new problems. For 'governance' is nothing other than a new version of the old dream of the substitution of administration for politics. This is not so much an anti-democratic, nor yet a democratic, as a post-democratic notion – a notion moreover appropriate to an attempt to abstract, in the work of the management of society, from any attachment to substantive value. That is to say: to the extent that the European Union defines or redefines its role in governance terms, it necessarily ends to shy away from fundamental political struggle (where politics means more than an iterated process of negotiation between the member states, or between 'social partners' and the like). Since however political conflict cannot be extinguished by administrative means, this conflict will tend to relocate again to national level – where

however, given the real transference of powers that has taken place from the member states to the European Union, it will be met with frustration.

This, it seems to me, is an example of a concept of Europe – in this case the universalist concept based on principles of democracy and individuals rights etc. – meeting an idea of social and political management – in this case of European governance – and thereby generating some unexpected new problems and effects.

With these comments I close, with thanks, my lecture.[25]

Lisbon, Assembleia da República, 23. III. 2004.

Notas

[1] Conferência proferida na Sala do Senado da Assembleia da República, em 23 de Março de 2004, em sessão presidida por S. Exa. O Presidente da Assembeia da República, Dr. João Bosco Mota Amaral, secundado, na mesa, pelo Magnífico Reitor da Universidade Lusófona, Prof. Doutor Fernando dos Santos Neves, e pelo Prof. Doutor João Bettencourt da Câmara, que apresentou o orador.

[2] See for example Paul Treanor, 'Visions of Europe'. Those of you who are interested in beer may like to know that Mr Freddie Heineken, who founded the great Dutch Heineken beer empire, became interested towards the end of his life in such a conception of Europe, and published a new map of Europe in which the existing nation-states disappeared, to be replaced by regional regroupings of peoples.

[3] Foreign Policy Association interview with Melissa L. Rossi, at http://www.fpa.org.

[4] Financial Times, June 22, 2002.

[5] Immo Stabreit, ex-German Ambassador to the USA and France, at http://www.coeur.ws/meetings/meeting1c.htm.

[6] Klaus Hänsch, idem.

[7] The seminar took place in Armenia: see http://www.humanrights.coe.int/media/atcm/2000/Armenia/synopsis1.doc.

[8] See for instance Christopher Dawson's The Making of Europe, 1932. Of course its origins are much older, as for example in Novalis' Christianity or Europe of 1799.

[9] In his Europe, la voie romaine, 1992.

[10] In Domenico Pacitti's review of European commission President Romano Prodi's Un'idea dell' Europa, 1999.

[11] M. Sid-Ahmed in Al Ahram, August - September 2002.

[12] 'About European Identity', speech made by to the European Parliament in Strasbourg on March 8th, 1994.

[13] Etienne Balibar, Nous, citoyens d'Europe, 2001.

[14] Edgar Morin, Penser l'Europe, 1987.

[15] See Grahame Lock, 'Philosophies of Europe', in Scienza & politica, 14, 1996, quoting Hans Oversloot, 'Europe as a Monster', 1994: Monsters 'figure as monsters in and 'because

of' the ... specific way [the] cultural order has defined the natural order'. Oversloot refers to the Copenhagen Declaration on European Identity, which, in setting up purely universalist principles – the principles of representative democracy, of the rule of law, of social justice and of human rights, with no geographical or cultural references – as constitutive of the essence of Europe, makes Europe 'boundless' – and 'boundlessness is a problem in political theory'.

[16] ARENA Conference on Democracy and European Governance: Theory and Practice in the Debate on the Future of Europe, Oslo, March 4-5 2002; Badia Fiesolana: European University Institute, 2002.

[17] For example by Giandomenico Majone; see Majone (ed.), Regulating Europe, London: Routledge, 1996.

[18] On the post-regulatory State, see Colin Scott, 'Regulation in the Age of Governance: The Rise of the Post-Regulatory State', National Europe Centre Paper No. 100, Australian National University, 2003.

[19] The White Paper notes for example that 'in recent years, the word 'governance' has been cropping up in various contexts.... For the purpose of the Commission's White Paper on European Governance, 'governance' will be taken to encompass rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards accountability, clarity, transparency, coherence, efficiency and effectiveness.' It also 'highlights the involvement of regional, local and non-governmental actors in the policy-making process.'

[20] Weiler, interview in Die Zeit, no. 44, 22 October 1998; quoted by Joerges.

[21] Lessig, Code and Other Laws of Cyberspace, New York: Basic Books, 1999; quoted in Scott, op. cit., 18.

[22] Hegel, Philosophy of Right (Grundlinien der Philosophie des Rechts), § 75

[23] Duprat, 'Europe et démocratie', Philosophie Politique, Paris: Presses Universitaires de France, no. 1, 144, 1991.

[24] Mr Prodi, in a speech of 2000, has argued that at world level too 'we need to devise some democratically accountable way of handling globalization, a new kind of global governance to manage the global economy', and that 'any such system must involve three key elements: strong institutions based on shared values; co-operation between increasingly integrated regions of the world; and democratic accountability.

[25] Some sections of this lecture are taken from my Oikoumenes promachoi: Inaugural lecture at Leiden University, November 2003.