

The European Community is Not the True European Community

Philip Allott†

Political philosophy is a phenomenology, not a science. A phenomenon of the physical world, a phenomenon-for-science, is an event that is to be explained. The event is conceived as being something other than its explanation.¹ But when the task is the task of explaining political behavior, phenomena-for-philosophy of the social world, it is three times more problematic. In the first place, the thing to be explained is something that already contains ideas as an integral part of its functioning. Our explanation is a set of ideas about, among other things, a set of ideas. And, secondly, the political phenomenon we are studying is also being studied by those who participate in it as they act politically. Political actors know that they are acting politically. Part of their action is to promote their own idea of their own action. This leads to a golden rule for political philosophers: one explanation of political action which we will always reject is the explanation that the political actors themselves accept, since their ideas are part of what is to be explained. Thirdly, to philosophize is to act socially. To philosophize about political action is itself political action. We cannot avoid playing a part in the process we are studying.

So it is that when we seek to explain philosophically a set of political phenomena, such as the constitutional development of the European Community, we find ourselves caught in a hermeneutic web, explaining phenomena by explaining explanations of phenomena, making phenomena in explaining them.

The historian faces analogous higher-level problems, but with a significant variation. The object of study of the historian seems to be some sort of independent reality, historical reality. Past events, phenomena-for-history, seem to have some sort of real existence, reminiscent of the seemingly real existence of physical phenomena-for-science. They are out there in time, having formerly been out there in time and space. Unlike contemporary political phenomena, they are beyond change, over and done with. They are inert presences waiting passively for us to explain them. So the historian is able to work on the basis

† Fellow of Trinity College, Cambridge.

1. This is not to ignore the intense debate of recent decades as philosophers of science have struggled with the problem of the relationship between ideas of science and the events that they seek to explain. *See* P. FEYERABEND, *AGAINST METHOD* (1975); T. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1962); K. POPPER, *THE LOGIC OF SCIENTIFIC DISCOVERY* (1959).

of a hypothesis that there is something to be explained that is not only philosophically and chronologically prior to the explanation, but that is also capable of surviving intact our explanation of it, waiting to be explained again by another historian.

But the historian's past-in-the-present thing-in-itself is no less a mind-made thing-for-us than any contemporary social phenomenon. And, in one respect, it is even more uncertain. Every historical presence is also many absences. We know only a small amount about the infinite complexity of past events. And we only know that small amount through the refractive medium in which it happens to have survived (physical remains, contemporary documents, memoirs, the work of previous historians). History shares with natural science the idea of causation and it behaves as if historical reality, however fortuitously assembled from the relics of the past, were capable of being disassembled into significant constellations of events with assignable locations in time and space, so that they can then be re-ordered into patterns of cause and effect. However, from our knowledge of contemporary social phenomena, we have good reason to believe that the past is an unbroken and inextricable continuum in time and space, that there are no presences in the past, only processes.

So it is that the political phenomena of society, viewed philosophically and viewed historically, can never be regarded as having been explained, even provisionally, in the way that successful hypotheses of science have a temporary finality if they are judged to be consistent with all that is currently and relevantly observable in the physical world. No one explanation of a political phenomenon can be regarded as uniquely privileged, irresistibly convincing, or definitive. Everything is permitted. Everything may be superseded. So, if Joseph Weiler proposes that we explain the development of the European Community endogenously, then we may explain his explanation in our own way, and thereby propose other explanations which, in their turn, are liable to be judged and dialectically superseded.²

The term "endogenous explanation" is here intended to refer to an explanation that is extracted from within the phenomenon itself. Such an explanation seeks to rationalize the internal development of the phenomenon, to find a coherence over time, a line of development over time, an inherent pattern capable of extrapolation into the future. It seeks to find such things by selecting and arranging phenomenal events and states of affairs into patterns dictated by an inner logic of the totalized phenomenon. The totalizing of the phenomenon (*the European Community*) is an act of detachment of that phenomenon from things external to it, and indeed, from excluded internalities. That is to say, in the case of the European Community, it abstracts the phenomenon not only

2. Weiler himself disclaims any intention of offering, on this occasion, anything more than what he calls a "pure theory" explanation, or what one might prefer to call a "positivist" explanation, in the Austinian rather than the Comtean sense of that word. See Weiler, *The Transformation of Europe*, 100 YALE L.J. 2403, 2409-10 (1991).

from the rest of European history and world history, but also from what are conceived as non-Community phenomena occurring within the land-space and time-space of the Community.

Such an explanatory procedure is at its most convincing in the reporting of games. It is possible to report on a game (say, a game of American football) with little or no reference to externalities. A game is a world of its own, totally self-coherent in its own rules and its own language and its own ideology. It has a clear locus in time and space. Externalities may be brought into the description (payments, bribes, drugs, transfers, weather). And externalities are essential to make the game possible (the laws of physics, the social system that makes the game physically and socially possible). But the story of a particular game seems to be a complete story even if it is told without any reference to things external to it.

The story of the European Community can be presented in a similar way. In the first quarter, the Commission made the best of its opportunities. In the second quarter, the Court of Justice carried the ball. In the third quarter, the Council has dominated the game. In the fourth quarter, who knows? Probably the Central Bankers will run rings 'round everyone else. And it is possible to posit rules of the game from the Community's constitutional texts. Then it is possible to say that there has been some bending of the rules, some cases of "not playing the game," cheating even (the Luxembourg Compromise of 1966 concerning qualified majority voting in the Council, the more frequent use of Article 235,³ the Court's playing fast-and-loose with the text of the Treaties, the strange abstracting of Community matters from the control of the European Convention on Human Rights).

It is possible to incorporate semi-externalities, such as the pre-game tactical tale of the team coach (the intentions of the "founding fathers" of the Community). It is possible to regard the four institutions of the Community not merely as fortuitous collections of disparate human beings, getting through their business from day to day, but as will-endowed entities, each with a team-history and a team-spirit and strategies.

It is even possible to say, as Professor Weiler does, that the rules of the game seem somehow to have changed during the course of the game. The referees (the Court of Justice, national parliaments) acquiesced, or looked the other way, as the Community extended the field of play stealthily and not so stealthily (creeping Community competence, Community fundamental rights conjured out of thin air by the Court of Justice, the "bricolage" parliamentarizing of the European Parliament). Maybe they have failed even to notice that the whole nature of the game changed during the course of play, as if what started out as a game of American football ended up as a game of soccer (the gradual displacement of supranationalism by intergovernmentalism).

3. EEC Treaty, art. 235. See Weiler, *supra* note 2, at 2443-44.

History as sports reporting is history in the safe mainstream of historiography, the history that sound and sensible historians practice, fortified by Ranke's notorious injunction to historians "merely to tell it like it was" ("*bloss zeigen, wie es eigentlich gewesen*").⁴ But it is history which is liable to violate the spirit, if not the letter, of the golden rule proposed above, in that it attaches major explanatory significance to what political actors think and say they are doing. It is history that is favored by those who, innocently or advisedly, by deed if not by word, propagate the idea that the writing of history is a philosophically unproblematic activity. It is status quo history, not counterrevolutionary but antirevolutionary. It is history which assumes that the future will be a continuation, at most an evolutionary variation, of the present.

Without disputing any particular aspect of the remarkable dynamic analysis that Joseph Weiler has offered of the intensely complex political and legal phenomenon which is the European Community, we are led to ask whether the actual and urgent problems besetting the organic development of the Community, such as the very problems which his analysis has brought to light, do not now call for a revolutionary change in the Community's consciousness of its self, a change which requires a new approach to the questions of its philosophical and historical significance.

To alter Europe's consciousness of its self will require a philosophical reconsideration of what it is; and that will require an historical reconsideration of what it was. Those concerned to remake European self-consciousness will be obliged to choose their historical weapon from the well-stocked armory of historical method, to choose the kind of history-making which a society needs when it is remaking itself in consciousness.

There are historians who have invited us to believe that it is possible to assign causes to past events, and, having found causes, they feel able, like natural scientists, to form hypotheses, and even laws, which could enable us to predict, and even to control, the future. The much-maligned heroes of historicist-determinism have been Hegel and Marx and Toynbee and Spengler. For historians of this kind, European integration could be made to fit into patterns which extend effortlessly to include the whole past and the whole future of the human race.

There are subdeterminist historians who see macro-patterns in the past, significant functions formed from the mass of contingent variables, patterns of geography and race and culture and nation. Such patterns may be seen by such historians as liable to form the shape of the future, even if only as a default effect (that is to say, with the future liable to follow the same pattern unless steps are taken to bring about other effects). And the mere identification of such patterns is liable to affect our understanding of the present, and may thereby

4. L. VON RANKE, HISTORY OF THE LATIN AND TEUTONIC NATIONS (1494 TO 1415), in 23/24 WERKE, at vii (G. Dennis trans. rev. ed. 1909) (1874) (translation of the quoted passage is my own).

influence the form of the future by influencing the form of our future-making behavior. Montesquieu and Comte and Savigny are representative figures of this kind of history. For such historians, European integration might be explained as the epiphenomenal product of some set of distinctively European primary phenomena.⁵

It is also possible to write history which demonstrates a sub-determinist belief in history as a drama in which human nature (reason and will, virtues and vices) plays a leading role, locked in a struggle with inevitable suprahuman events and circumstances. Hume and Voltaire and Gibbon and Tolstoy may stand as representatives of this all-too-human form of history. To understand human nature helps to understand human history. To understand human history helps to understand human nature. To know European history, it might be useful to know the European spirit.

But another kind of historymaking is also possible, a kind which is particularly well adapted to the task of reforming social reality through the reforming of social consciousness. Its main philosophical pre-assumption is that history is an ever-present reality-in-consciousness. The future is already present in the past. The past will be present in the future. But the relevant past is the total past, that is to say, not only the supposedly detached historical reality of events but also the subjective reality of human consciousness, as it forms, and is formed by, social existence through time. And social consciousness includes evaluative consciousness, conceiving of the past and the future as realms of choice. On this view, history-making is not disabled but enriched by being trapped in the hermeneutic web. Political philosophy and historical consciousness participate creatively in the explaining and in the explained.

Such history is history as genealogy—to use Nietzsche's metaphor. It is history as archaeology—to use a favorite metaphor of Freud. It is history in the spirit of Herder, and exemplified in recent times by the late Michel Foucault. It is, approximately, Marxist history minus determinism.

The relevant feature of genealogy and archaeology is that they work backward. The family tree is constructed by the genealogist working backward from the present generation. The archaeologist digs down through the past, layer by layer. So, too, history, instead of taking the date of some turning-point in time and recounting a story from that date forward, may seek to find its way into the social and psychological depths. Every situation and institution which is familiar to us today contains the whole of its past and the whole of its future genetically, as it were. History of this kind is, one may say, history as psychobiology.

The idea of the ever-present past and the already-present future is an empowering, liberating, invigorating idea. History is not fate. History is not dead. It is a set of possibilities. Such an idea is also an onerous idea. We are

5. For a recent example of a work which has been treated by at least some of its readers as sub-determinist in character, see P. KENNEDY, *THE RISE AND FALL OF THE GREAT POWERS* (1987) (especially ch. 8).

responsible for the past, and so we are responsible for the future. We and no one else or no thing else must choose among the possibilities left by the past. It is we who will make the future, as it was we who made the past. And the future we make will become the present and then the past of our successors. Europe will be made by the Europe that Europe has made. Europe will be made by its own idea of what Europe could be.

The biological history of present-day Europe is a triple helix of interacting strands: the strand of international relations, the strand of internal national development, and the strand of European culture, of the European spirit. The European Community is a striking example of an effect produced by causes in all three strands of the European social process.

For twenty-six centuries, in Europe, we have developed a theory of society. (The United States is here included as expatriate Europe, a scion of European culture.) That theory of society has been made not in a linear way, from ancient Greece onward, but in an accretive way, forming and reforming itself in a dialectical relation with social reality. The social theorizing of Europe is Europe's ever-evolving social self-contemplation. It is not a process in time, so much as a process in depth.

The idea of democracy haunted self-reflecting social theory since the very beginning. It is an obscure and unstable complex of ideas, a social enzyme, endlessly producing dramatic social effects within national societies: action and reaction, dissent and revolution, social progress and social conflict. However, a notable phenomenon has been the marginal role of the idea of democracy within the social process of international relations. There the idea of democracy has been a presence in its relative absence, generating occasional events of international relations, but never acting as a dominant general cause. European international relations proceeded on a separate track, separate from the democratic struggle within the national societies, apart from the dramatic achievements of internal social progress. The states of Europe conducted their so-called international relations within an idea-structure called not democracy but diplomacy.

Diplomacy was conducted by the executive branches of the national governments, in processes that were only weakly integrated into the internal democratic process. Against the background of ceaseless internal social change, states continued to behave in relation to each other externally in the old familiar way, as quasi-persons, more or less as feudal barons, treating their national territory as a power-conferring landholding, the source of what was called their "sovereign power" or "sovereignty." The external theory of society was scarcely more than the pursuit of so-called national interest by the exercise of power, power

that might be exercised in any form dictated by utilitarian and instrumental considerations.

The result was the existence of an internal life of society which, put in ideal theoretical terms, could be labeled a rationalist-progressive pursuit of ever-increasing well-being for all the people in accordance with a given society's highest values. And there also was an external life of society, seeking the well-being of the state by any means and at anyone's expense. And the reality of the relation of the European states over recent centuries reflected the theoretical structure: intrinsically unstable and conflicting, occasionally life-threatening on a very grand scale.

The essence of the phenomenon of the European Community is that the development of the interrelationship of the nations of Western Europe has been put into the same framework as the framework of their national social development. Or, to put it another way, the well-being of all the peoples of Western Europe became part of the common concern of each of the peoples of Western Europe. Or, to put it still another way, the interrelationship of the nations of Western Europe was democratized. Such is the genetic nature of the European Community. Such is the possibility of its future. Democracy replaces diplomacy. European values at their highest complete the highest national values.

The question is, in what sense of the word "democracy" is the European Community a democratizing process?

It may seem surprising to say that the United States is not a fully-developed democracy. But it is instructive to consider the sense in which it is not. The United States is performing an historical function, at the level of world culture, in acting as the symbol of democracy, rather like ancient Athens. But the truth is that the United States, like ancient Athens, is an aberrant democracy. It is essentially a democracy of vintage circa-1835, organizing a twentieth-century economy.

One clue to the nature of U.S. democracy may be found in the dominance of elections in the American political process. Elections are, however, merely the means by which a power-holding oligarchy is licensed. The essential problem of democracy is not who is to form the power-holding oligarchy, but what is the social system that can control the purposes and the performance of the power-holding oligarchy? In other words, the most important democratic question is not *who is government by?*, but *what is government for?* Not *how is state power organized?*, but *what is* (in Montesquieu's words) *the spirit of the laws?* Not (in Lenin's words) *who whom?* nor (in Lasswell's words) *who gets what, when, how, but who why?*

A second clue lies in a comparison with the democracies of Western Europe. The democracies of Western Europe are post-Marxist societies. This

is a proposition that may seem surprising or shocking to many Americans (and to some Europeans).

The ideas of Marx, and of other early- and mid-nineteenth century radicals and revolutionaries, very profoundly affected the development of Western European societies. They had a direct effect in the making of theoretical socialism, the formation of political parties of the Left, and the development of trade unionism. But one of the remaining trace elements they left in European society is an idea of the profoundest significance, which is at the heart of what is in this analysis called the modern form of democracy: the idea that all public power is held only in the interest of the people, that all public power exists only for promoting the well-being of all the people. Public power is not merely the social hallowing of individual power. Liberal democracy is not merely a matter of the Lockean "assent of the governed" or Rousseauian "willforming," but rather a revolutionary subordination of the government to the highest values of society generated in a society's total social process.⁶

The United States remains a political system for aggregating individual interest in the eighteenth-century fashion, rather than a political system for realizing the communal interest. It is individualism aggregated, rather than communalism distributed. And, of course, most Americans are proud of that fact. The consequence is that the American system has no need for political parties, since there is no communal vision to struggle for, and no need of political philosophy, or even philosophy *tout court*, since there is no communal vision to reimagine.⁷ Western Europe, on the other hand, had two hundred years of intense political and philosophical struggle, sometimes wasteful and destructive. An outcome of that struggle is that democracy seems, at least for the time being, to be a system for communalizing all socially significant decisionmaking in accordance with a society's highest values. And that state of affairs has come to seem natural and normal to most people in Western Europe.

Both forms of democracy have a shadow side. The disadvantages of the U.S. form include the acceptance of a pool of partly-socialized citizens-in-waiting, the problem of how to socialize very diverse citizens, the high level of antisocial violence, excessive dependence on litigation as a leading social process, and the uncertain philosophical basis of safety-net welfare and of social services in general. The disadvantages of the West European form of democracy include the stifling of individual energy and initiative, a mentality of public

6. On the role of the "total social process" in the self-creating of a society, see P. ALLOTT, *EUNOMIA-NEW ORDER FOR A NEW WORLD* (1990) (especially chs. 2, 3).

7. Critical Legal Studies is a poignant longing for social philosophy. Hence its "unAmerican" frisson. To a European observer, the two main American political parties seem to exist only in order to make elections possible. It is touching that, in the 20th century, each of the more self-confident U.S. Presidents has proposed, with more and less practical effect, a mild dose of ad hoc communalism, encapsulated in a slogan: *the Square Deal* (T. Roosevelt); *the New Freedom* (International Communalism) (Wilson); *The New Deal* (F.D. Roosevelt); *the New Frontier* (Kennedy); *the Great Society* (Johnson).

welfare dependency, and too submissive an attitude to governmental authority of all kinds.

It looks as if the Soviet Union may, with a great deal of difficulty and subject to many further miracles, be on the way to becoming another post-Marxist society, with government for the people replacing government of the people. We are still waiting for the American Revolution.

The modern Western European form of democracy lies at the heart of the European Community. Historically, the function of the Community was to raise the communal interest to the level of the aggregate of the peoples of Western Europe. The idea was that the communal factor in public decisionmaking would come to be not merely the aggregation of the self-interests of the particular nations but the finding of a common interest through a European social process.

It was in this sense that the Community was to be a democratizing of the international relations of Western Europe. International relations would be transcended, surpassed, and replaced with a new kind of democratic process. The essence of the European Community is not a federalizing of the Member States, still less a confederalizing. The essence is the democratizing, that is to say the communalizing, of the *inter se* relations of the peoples of Europe. It is the incorporation of the European public interest in a new kind of social system. The arbitration of last resort would no longer be force but the European common interest.

The ingenious method chosen by the creators of the Community was to generate a social system as a by-product of an economic system. The main constitutional treaty (the EEC Treaty) creates what is called a Common Market on the basis of a GATT customs union. The Common Market is a customs union with all the harmonization of law and pooling of government necessary to remove distortions of economic activity attributable to national frontiers.

The idea was that, in a modern society, economic activity is at the heart of all government. To harmonize law and to pool government for economic purposes requires consideration of a communal European interest going far beyond economic and legal technicalities. And the accumulator effect—of power coordinated among a group of highly energetic and highly advanced societies—far exceeds the mere business opportunities of a single marketplace.

But the particular ingenuity of the idea was that each step of the communalizing process, however ineluctable it might be from a historical-biological point of view, would be taken as part of the day-to-day activity of the new European social system. It would not be the result of obedience to some supposed decree of the founding fathers, not the working-out of some preordained and soon outdated program.

So it was that the European Community was a novelty, a completely new kind of social order. It was that rare event, a new idea. And, rarest event of all, it was a new idea that had the possibility of very soon becoming permanent social reality. In other words, the young European Community had something of the historical and philosophical significance of the young United States of America or the France of 1789 or the young Soviet Union under Lenin.

These precedents were not propitious. The United States became an uninnocent and unfocused and un-unique Great Power. The French Revolution descended into terror and was commandeered by Bonaparte, its self-proclaimed child, a relatively benign dictator who, nevertheless, left hundreds of thousands dead all over Europe in an anachronistic campaign of public violence. Lenin's ambiguous revolution was taken over by Stalin, a tsar of the modernizing kind, but a cruel and calculating tsar nonetheless.

In accordance with a post-Newtonian law of social development, every dynamic social force is liable to generate an equal and opposite counterforce. The European Community's revolutionary dynamic had and has exceptionally powerful counterforces. To understand the struggle which has been, and will be, the story of the E.C.'s constitutional development, we, as social archaeologists, must uncover the layers of counterrevolution. As depth sociologists, we must perform a socio-analysis of the mind of the Community to identify the patterns of its unconscious behavior. The political unconscious of a society is the scene of an energetic interacting of ideas and forces half-hidden beneath the familiar surface of organized political debate. What we find is that there are four formidable psychic counterforces affecting E.C. constitutional development. They may be labeled nostalgia for diplomacy, managerial absolutism, poujadist anti-communalism, and pan-statism.

A. *Nostalgia for Diplomacy*

Near the surface of the Community unconscious is a nostalgia in some members of the political ruling class for a world safe for diplomats and "statesmen." This was the passionate preference of General de Gaulle, who became President of France only months after the ratification of the EEC Treaty in 1958 and found himself obliged to live in querulous cohabitation with the unruly monster until he left office in 1969. His wish was for a Europe of the Nations, an idea that still finds some warm support at the highest levels of European politics. It means that the European Community should be reconceived as a traditional device of international relations, reminiscent of the Congress system of the nineteenth century, in which the executive branches of governments meet to discuss and dispose of their common problems. Echoing distantly Karl von Clausewitz and William James, one might say that, on this view, the European

Community is the pursuit of national interest by other means and the political equivalent of war.

To take the intergovernmental view of the Community is necessarily to ignore the two fundamental principles of the E.C. legal system: E.C. law is a direct source of law within the Member States, and it prevails over conflicting national law. Such a view also ignores the special character of two of the four Community institutions: the European Parliament, which is directly elected by the people of the Community, and the Court of Justice, which has been a strong and dynamic court, with extensive jurisdiction, behaving like the U.S. Supreme Court in building a coherent and effective Community legal system. And such a view reconceives the nature and function of another of the institutions, the European Commission, which is something like a cabinet of seventeen European Ministers who are employed by the Community to find and serve the public interest, but which General de Gaulle described as an areopagus of technocrats.

In short, the intergovernmental view chooses to regard the fourth institution, the Council, as the essence of the Community, the place where national governments are represented, the place where governments can feel that they are conducting a rather superior form of Europe's age-old diplomacy.

B. *Managerial Absolutism*

The second layer of the counterrevolutionary consciousness is to be found in what may be called managerial absolutism. Managerial absolutism is a corruption of modern democracies. *L'Etat, c'est nous*. The leading members of the public power-holding groups in present-day democracies now tend to behave as if they knew that, between elections, their job is to manage the country, to the best of their ability, using their own ideas and judgments, fortified by an education and other life privileges beyond those of the mass of the people. They see elections as just another management task. In short, they see democracy simply as a system of licensed public management.

The ultimate biological source of the self-confidence of managerial absolutists is to be found in the hierarchical habits of pre-human primate groups. More immediately, it is to be found in the long social conditioning of the ruled and their rulers in the period of monarchical absolutism. Modern democracy is a new form of social conditioning, which succeeds by confusing social authority with social solidarity, so that social managers are able to produce purposive social effects far exceeding in scale and efficiency those that were achieved by absolute monarchs.

The European Community may be seen by a modern public manager as either a splendid opportunity for management on a very grand scale or as an uncouth threat to the well-ordered national enterprise.

C. Poujadist Anti-Communalism

The third natural counterforce to the revolutionary dynamism of the European Community idea is a particular form of anti-communalism. The title of the European Community in German is *Europäische Gemeinschaft*. Regardless of whether the connection was apparent to the creators of the European Community, it so happens that that title uses one term of a famous distinction proposed by the German sociologist, Ferdinand Tönnies: the contrast between *Gemeinschaft* and *Gesellschaft*.⁸

This distinction is reminiscent of that which was noted above between West European and American democracy. A *Gemeinschaft* might be said to be the ideal-type of a community in which members identify themselves with the community, a society based on participation in the finding and implementation of the common interest. A *Gesellschaft* would then be the ideal-type of a contractual society, based on reciprocity and mutuality of the individual members.

Since the European Community was created by means of a set of treaties among the Member States, its formal basis seems to be fundamentally and crudely contractual. And that basis is changed by amending the treaties, the amendments being formulated by the executive branches of the governments of the Member States through a process that they recognize not as constitution-making but as international negotiation. All the alterations that will be made hereafter to the structure of the Community system will be brought about in this way, by negotiation and formal agreement. They will not be brought about as if they were the internal social development of a communalist democracy.

However, as has been suggested above, the novel inner dynamic of the EC system is the dynamic of modern communalist democracy, the seeking of a European public interest that transcends national and local public interests, let alone purely private interests. Now there is a mindset that can smell communalism from a great distance. Poujadism is an old-fashioned word for a perennial political phenomenon.⁹ It is a complex political attitude, which most easily may be evoked in the mind of a particular social class, a class that for present purposes may be identified by the word "demos." The demos is the class of the small shopkeeper, the small businessman, the small farmer, the lower civil servant, the lower manager. They are petty bourgeois, *kleinbürgerlich*, the sergeants and corporals of society. It is a class with a significant property stake, but without proportionate social power. It is a reservoir of selective resentment, not against the ruling classes as such, but against those who seem to wield some sort of usurped social power (especially intellectuals, civil servants, politicians, financiers), and against those who have no social power, but who

8. F. TÖNNIES, *GEMEINSCHAFT UND GESELLSCHAFT* (1887) (C. Loomis trans. 1957).

9. Pierre Poujade was a right-wing politician of the French Fourth Republic in the 1950's and leader of a group called "Union de fraternité française."

avoid the burdens of social solidarity and yet gain unearned social benefits (ethnic minorities, students, the unemployed, all those who are feckless types, scroungers, or layabouts).

In time of peace, the mass of the people, the "polloi," provide millions of working bodies and millions of votes. In time of war, they provide millions of dead bodies. The "aristoi," the class of all those privileged by money or education or energy (physical and psychic), dominate the political process. The characteristic dance of democratic politics is a struggle for the mind of the demos, who may give their support, at one time to the polloi against the alleged corruption of the aristoi or, at another time, to the aristoi against the so-called lumpen ignorance of the polloi. The demos lies on either side of the center of gravity of society. They keep society on an even keel with their regular lives, their stern morality, their social standards, their modest but firm ambitions. To obtain their political support is like flooding a ballast to shift the center of gravity of a ship. The demos has been mobilized again and again as a counter-revolutionary force, used again and again by the aristoi. They are a standing temptation to politicians, especially extremist politicians. They may be addressed above the heads of the current operators of the political system, with rousing appeals to the Nation, the Flag, the Fatherland, our Way of Life, Independence, or Sovereignty. They have been used against the French Revolution and the French Monarchy, against clericalism and Jesuits and free thinkers and communists, against Weimar, against "foreign entanglements," against the New Deal, against the welfare state, against immigration, against international development aid, against internationalism and cosmopolitanism in general and the United Nations in particular, and now, perhaps, in the Soviet Union, against *perestroika*.

To the poujadist mind, democratic communalism is a sinister system for conferring power on the corrupt and incompetent (politicians and civil servants) to interfere with our lives and, what is worse, power to give handouts to the undeserving. International communalism would then be the ultimate irresponsibility, when the corrupt and the incompetent and the undeserving are also foreign.

D. *Pan-statism*

Pan-statism is another corruption of modern democracies. It means that the public realm of society tends to swamp the whole of society, including the private realms of its citizens. Pan-statism is the inadvertent totalitarianism of modern democracy. The whole of life tends to become a cloudy mixture of politics, capitalism, and show business. Social life as a whole tends to take on the character of a collective fantasy. And the collective fantasy tends to become the only reality that the citizen knows because of its spectacularly energetic effects: the thrilling set-pieces of public affairs (including elections and wars),

the godlike achievements of technology, and the mind-filling charisma of entertainers.

The problem of forming and institutionalizing an adequate conception of the relationship between the public power system of a society and the society as a cultural totality is as old as organized human society. In modern democracies, we have learned that it is not only the tyrant or the absolute monarch who can take over the whole of society in the name of the state. When the idea of popular democracy seemed, misleadingly, at last to identify the people with the state, it became easy to take another false step: to identify the state with society. A similar process has been at work in the European Community. Since the E.C. has seemed to be some sort of excrescence from the national societies, formed by the coalescing of political activity originating within the national societies, it seemed that its nature was to be a political system similar in kind to traditional intergovernmental organizations. That is to say, it was an exclave of national societies, a self-standing political system outside all national societies, existing in a sort of social vacuum.

The absence of a transcendent social framework for the Community power-system has generated a cascade of consequences in the constitutional development of the E.C. over the last forty years. It has meant that the E.C. system, a particular political and legal system, reminiscent of national state systems, has come to be equated with the idea of "Europe" for many people. It has meant that the E.C. has seemed to have no reason for existing other than the continued willing of the state systems of the states that formed it. Above all, it has meant that the E.C. communal interest has come to be perceived as an aggregated interest, aggregated from separate national interests. In other words, it has meant that the E.C. has tended to revert to a pre-modern democratic model, of individualism aggregated rather than communalism distributed. This in turn means that there is a sense of retrograde motion in the development of democracy in Western Europe, as politicians and civil servants take over the *negotiation* of new laws as if they were negotiating treaties. The process of E.C. legislation has thereby managed to detach itself from the national political accountability, feeble as it now is in all the Member States, which is applicable to national legislation. In British eyes, we seem to be reverting to the sixteenth-century period of the Tudor constitution, when strong monarchs used the parliamentary system as a machine for policymaking (whim-fulfillment) through lawmaking.

Thus everyday constitutional phenomena in the European Community are whitecaps on the waves of a profound and turbulent sea. The European Community is a fragile structure, formed as the ever-changing dialectical resultant of forces which are themselves struggling dialectically with their own negations.

International democracy inspires a reinvigorated diplomacy. International communalism breathes new life into national particularism. The international management of 340 million human beings as if they were so many productive units reawakens the irrepressible desire in the human individual to count as a person and not merely to be counted as a citizen. The manic ambition of the public realm to turn everything into a managed collective fantasy forces the people back into a world of private realities, some more rational than others.

The people of Europe have watched patiently as one gang after another has strutted across the stage of European history, seeking to rule our lives: kings and courtiers, bishops and priests, generals and politicians, bureaucrats and tax collectors, factory owners and financiers. The so-called European Community is merely the latest in a long line. And now, for the first time in the whole of European history, the scene of the drama is a desert, a wasteland, “[w]here ignorant armies clash by night.”¹⁰ From the whole extraordinary process of European social reconstruction there has been absent the one thing that has made it possible and the only thing that can redeem it as progressive social self-creating. The emptiness at the heart of the so-called European Community is a spiritual absence.

The true European Community is the society of Europe which has been made by and in the European mind.

The true Europe is palimpsest Europe, each layer permanently present like the succeeding life-stages of a human being. It is *the Europe of the tribes*. If Julius Caesar or Tacitus returned to write about our strange ways, he would find the tribes he knew and some more, some of them still fighting each other (in Ireland and Spain and Belgium and northern Spain and the Balkans and Central Europe and Russia . . .). It is *the Europe of the nations* as tribes coagulated into defendable selves formed from place and language and custom. If Alfred or Charlemagne returned, he would find the nations still in place and still in competition. It is *the Europe of the kings* as centralizing law and administration were used to turn nations into economically effective machines. Henry III or Louis XIV would recognize our dynamic and unstable state-systems.

But, before and above everything else, it is *the Europe of the mind*. Europe formed itself communally in the European mind. Ideas, of religion and philosophy and law and science, have crossed frontiers as if there were no frontiers. And so have all the other products of the spirit: literature, music, the fine arts, and architecture. We formed our idea of human life and of the Good Life together. Our tribes and nations and states, in all their seething particularity, have shared in the timeless task of making a single European spirit.

The rediscovery of this true European Community will be the transforming event in the future constitutional development of what is called the European

10. M. ARNOLD, *Dover Beach*, in 2 POEMS 56, 57 (1903).

Community. It means that the new total social process of Europe will be not merely the aggregation of the interests of national societies, but a struggle to form a new vision out of the highest values of European society, a struggle to construct from that vision a true European Community, a democracy of democracies, of which the institutional system of the European Community will be not the whole content but merely a leading sub-system. The true Europe will resume command of the making of the true European Community.