

Institut für Höhere Studien (IHS), Wien Institute for Advanced Studies, Vienna

Reihe Politikwissenschaft / Political Science Series

No. 59

Community in Europe: A Historical Lexicon

M.P. Cowen / R.W. Shenton

Community in Europe: A Historical Lexicon

Mike P. Cowen / Bob W. Shenton

Reihe Politikwissenschaft / Political Science Series No. 59

January 1999

Dir. Mike P. Cowen
Institute for Development Studies
University of Helsinki
P.O.Box 47 (Hämeentie 153B)
FIN-00014 Helsinki / Finland
email: COWEN@valt.helsinki.fi

Ass. Prof. Bob W. Shenton
Department of History, Queen's University
Kingston, Ontario
Canada K7L 3N6
Fax 613-545-6298
email: shentonr@qsilver.queensu.ca

**Institut für Höhere Studien (IHS), Wien
Institute for Advanced Studies, Vienna**

The Political Science Series is published by the Department of Political Science of the Austrian Institute for Advanced Studies (IHS) in Vienna. The series is meant to share work in progress in a timely way before formal publication. It includes papers by the Department's teaching and research staff, visiting professors, graduate students, visiting fellows, and invited participants in seminars, workshops, and conferences. As usual, authors bear full responsibility for the content of their contributions.

All rights are reserved.

Die **Reihe Politikwissenschaft** wird von der Abteilung Politologie des Instituts für Höhere Studien (IHS) in Wien herausgegeben. Ziel dieser Publikationsreihe ist, abteilungsinterne Arbeitspapiere einer breiteren fachinternen Öffentlichkeit und Diskussion zugänglich zu machen. Die inhaltliche Verantwortung für die veröffentlichten Beiträge liegt bei den AutorInnen. Gastbeiträge werden als solche gekennzeichnet.

Alle Rechte vorbehalten

Editor:

Josef Melchior

Abstract

One of the main causes of flagging support for the EU has been the persistence of high levels of unemployment in virtually all member states of the Union. Our paper shows that in combating unemployment, present policy as set out in EU documents is forced to steer a course between 'competitiveness' of markets and what is variously referred to as 'social protection', 'social balance' or 'social responsibility'. The difficult question which then arises is how an injunction for individual responsibility can be enforced through rules and regulations which run against the principle of freedom to which responsibility is attached. When freedom is associated with social custom or convention, and that it is customary for individuals to have a state-provided social benefit, a 'community' of social responsibility and the like becomes so problematic. The task is finding the means of persuasion that makes the loss of local custom and individual dependence appear as a socially responsible but private gain of livelihood.

Note

This study is part of the project "On a European Community of Citizens", commissioned by the Austrian Federal Chancellery.

Contents

- 1. The Problem 1**
- 2. Legitimacy of the EU 7**
- 3. Unemployment 8**
- 4. Freedom/Liberty 14**
- 5. Community Regulation 17**
- 6. Community in History 22**
- 7. Civil Society 25**
- 8. Conclusion 38**

1. The Problem

The formation of the European Community/Union (EC/EU) after 1945 was governed by two overriding and interrelated aims. The first was the prevention of further intra-European war and, secondly in pursuit of this aim, the economic reconstruction of Europe through economic integration. A relatively high level of economic regulation, to realise both aims, was further enhanced during an era in which the Keynesian-inspired state direction of national economies was an accepted tool of policy-making. Economic reconstruction, as part of the aim of preventing war, was also designed to prevent a post-war recurrence of one problem which was understood to have contributed towards the cause of war. That problem was pre-war mass urban unemployment and poverty.

If the EC/EU as the political and economic community of nations within Europe is a recent historical development, then there is a far longer history of the idea of community in Europe. One idea of community, that of civil society, developed in Europe as part of the peculiarity of the formation of the European state. As some commentators have pointed out, the European state was anomalous in that while there has always been an appeal to the idea of a European empire, as the result of stalemate in struggle between the Papacy and the Holy Roman Empire during the pre-medieval period, a number of sovereign states emerged from the early medieval period. Thus, without any lasting umbrella of an empire, and as much through recurrent war as anything else, rulers of states had to learn how to accommodate each other at the same time that they had to find some means of giving recognition to the idea and practices of individuality which emerged within their territories to varying degrees. Sovereign singularities of nation states, which bound some disparate regions together within territories and laid claim to others, together with the emergent belief in that of the 'sovereign individual', made it difficult to find a medium in which state legitimacy could be expressed and acted upon.¹

Insofar as modern European thinking, as it developed between the Renaissance and Enlightenments, carried one common idea, it was that the recognition of private individual interest could be reconciled with that of a social interest in a community of civil society. During the eighteenth century, Adam Ferguson, a leading figure of the Scottish Enlightenment, wrote:

'Man is, by nature, the member of a community; and when considered in this capacity, the individual appears to be no longer made for himself. He must forgo his happiness and his freedom, where these interfere with the good of society. He is only part of the whole; and the praise we think due to his virtue, is but a branch of that more general commendation we

¹ See, for example, J.R. Llobera, 'The role of the state and the nation in Europe' in S. Garcíá, *European Identity and the Search for Legitimacy*, London, Pinter, 1993, pp. 68–9. While we have been dependent here upon Llobera's formulation, Llobera was indebted to Otto Hintze (*Historical Essays*, Oxford: Oxford University Press, 1975) for his account of broad explanation for what made the European state historically anomalous.

bestow on the member of a body, on the part of a fabric or engine, for being well fitted to occupy its place, and to produce its effect.'

From this 'relation of a part to its whole', Ferguson continued, 'and if the public good be the principal object with individuals, it is likewise true that the happiness of individuals is the great end of civil society'. For how, he asked, 'can a public enjoy any good if its members, considered apart, be unhappy?' Interests of society, and its individual members, Ferguson claimed, 'are easily reconciled' when the 'hearts' of individual people 'are engaged to a community'. Community offered the means for individuals to express 'generosity and zeal' at the same time that community gave 'a scope to the exercise of every talent, and of every virtuous disposition'. Such was a 'happy state' of 'happy men'.² Two interrelated problems immediately arise out of Ferguson's idea of civil society. The first is his presumption that the person is naturally a member of a community; the second is his conclusion about how 'hearts' or the sentiment of individual persons is to be engaged in a community. While both the presumption and the conclusion were to become problematic, the 'general maxims' of civil society, as Ferguson called them, entered into the modern European idea of community and have remained so down to the present.

Starting with the presumption that the person is inherently a member of the community, we should bear in mind, as Adam Seligman has pointed out, that the eighteenth century idea of civil society was an attempt to put an older idea of civic virtue on a different footing. According to the received idea of civic virtue, from Aristotle through Machiavelli and Rousseau and to twentieth century proponents of a communitarian basis for participatory forms of association, including that of democracy, individuals are inherently associated socially and the community is the *public* source of moral action. Moral attributes, such as that about making obligation the concern for the well-being of others, derive from the 'notion of community as morality' and the 'social good is defined solely by the subjugation of the private self to the public realm'.³ Yet, for Ferguson, the idea of civil society also turned the moral basis of community into a *private* ideal. It was the individual whose 'vanity', as Ferguson expressed it, made him or her find recognition in society. Community, therefore, became a mere source of morality while moral attributes were derived from the nature of the person itself, including her or his innate human capacity for sympathy towards the other.

The problem was to find what was the appropriate social space within which, to paraphrase Seligman, human interaction would express itself morally. By virtue of the idea of civil society, for which reason and moral sentiment were to run together, little or no distinction between the private and the public was to be made apparent. Whether by way of the heritage of the

² A. Ferguson, *An Essay on the History of Civil Society 1767* (ed. D. Forbes), Edinburgh: Edinburgh University Press, 1966, pp. 57–8.

³ A.B. Seligman, 'Animadversions upon Civil Society and Civic Virtue in the last decade of the twentieth century' in J.A. Hall (ed.), *Civil Society: theory, history, comparison*, Cambridge: Polity, 1995, p. 204.

Christian doctrine of revelation, and especially the Protestant variant of it, or that of rational theism, it was the belief in reason which made it possible to find the social in the enlightened self-interest of individuals, the public sphere of action in private ideals and the universal of all human being in that of particular persons.⁴

David Hume, also a key figure of the later eighteenth century Enlightenment in Scotland, was responsible for driving a long-lasting wedge between the private and public of virtue. A private sphere of morality, based on ‘impressions’ rather than the logical relations of reason, was now categorically distinguished from the public sphere in which individual self-interest worked according to procedures and rules which were law-governed. After Hume, a range of philosophers struggled to show why and how the ‘private’ could be brought back to the public sphere and/or ‘impress’ and incorporate the ‘public’ within the private minds of individuals. Kant, especially, strove to make the autonomous agent mindful of universal precepts of reason which were meant to work politically within a public sphere.⁵ Hegel, after Kant, attempted to reformulate a more convincing account of why and how an ethical ideal of community, devoid of the intrinsic difference between moral order and legal procedures, could be struck. Through making the universal, social and public develop out of the particulars of how private individuals consciously, but progressively, developed their person-ality through public space, Hegel’s logic and history was a further attempt to give a new grounding of civic virtue through the idea of civil society. Neo-Kantians and neo-Hegelians, during the course of the nineteenth century, became increasingly befuddled of how a universal moral or ethical community of the kind stipulated by Kant, or envisaged by Hegel, had been actually realised within the social domain of a world which was restricted to Europe, and more so, Germany.

However, for our immediate purpose here, it was the confusion between society and community which gave rise to a problem. Instead of the ideal of a civil *society* being posited as that which was derived from giving play to what rested upon the natural membership of a community, it was now the community which was interpreted to be an institutional ideal which could regulate what happened to the development of society. With the development of market exchange and amidst the relatively early throes of industrial capitalism, it was understood, not least by Karl Marx, that individuals were made involuntarily interdependent in society. Society appeared to be what developed naturally without stemming from a set of private ideals. Before, and then after Marx, one important argument about community was the extent to which community, comprising both an idea and a set of institutions, could be voluntarily constructed upon the ‘social’ basis which was given to a public, and the public policy of a state, through compulsive market exchange and the development of capitalism. And, for much of what follows below, community was highlighted as the means to confront the social fear of the isolated individual

⁴ This also owes much to A.B. Seligman, *The Idea of Civil Society*, New York: The Free Press, 1992, especially chapter 1.

⁵ *Ibid.*, pp. 36–47.

who, without the capacities and means to be employed through exchange, was deemed to be socially excluded.

Whether dubbed as moral or ethical and contested as such, or questioned over the extent to which the community can be materially realised according to the properties of exchange, it has been the ideal that community can serve to include all human beings within the compass of a society that has appeared time and again to resolve a social problem of unhappiness. And, as it has been pointed out, it is also this older idea of community which has appeared as a more recent basis for making the EU more communitarian.⁶ The purpose of this paper is to lay out the problem of community which arises from bringing the modern European idea of community within that of the European Community/Union.

At the end of the twentieth century, the EU is faced with the problems of enlargement and the maintenance of social cohesion among and within the nation states of existing members. Central to managing both of these difficulties is the issue of the perceived legitimacy of the Union by the populations of its existing and putative member states. One major issue of legitimacy is the problem of persistently high levels of unemployment. The reality and the fear of unemployment have been recognised as a threat to both the continued legitimacy of the Union within existing member states and as a key obstacle to enlargement.

This problem is compounded by the reality that the Keynesian basis of much of the pre-1980s policy of the Community/Union and its member states now not only stands discredited in the eyes of policy-makers and key commentators alike, but that, more importantly, Keynesian policies are now seen as the *cause* of the Union's and member states' unemployment difficulties. Labour market rigidities, when understood as having been created by the previous period of Keynesian-inspired policy, are now identified along with a host of allied market inefficiencies as the key culprits in the maintenance of practices which prevent the Union and its member states from being optimally competitive in a global market. Rigidities are thus deemed responsible for the continuation of high unemployment itself.

The proffered solution to this problem of labour market rigidity is the dismantling of those remnants of the previous Keynesian policy regime and the application of efficiency-oriented maxims, such as *benchmarking* and *best practice*, which have been drawn from business management procedures to be incorporated into Union and member government policies. Whether such policies will ultimately achieve their hoped-for ends is not our purpose here. Rather, the issue at hand is the management of the transition from the old policy regime to the new and the questions of legitimacy which this process has generated.

⁶ See, for example, S. Garcá, 'Europe's fragmented identities and the frontiers of citizenship' in Garcá, 1993.

Evidence for official concern can be seen in the emergence of a second vocabulary of policy-making which has arisen alongside of, and intertwined with, that of managerial efficiency. The second vocabulary or lexicon is that of *good governance* which has been explained as contributing to the overall well-being, or happiness, of society by helping to strengthen institutions so as to develop and maintain a healthy and vital balance between the State, Civil Society and the Economic Market. Widespread concern, in Europe and North America, over the problem of governance in the form of its antecedent *governability* emerged during the mid-1970s, in the period after the late-1960s political crises, rapidly rising inflation and the oil shocks, especially that of 1973. As exemplified by authors writing essays for the Trilateral Commission, particularly the publication of *The crisis of democracy: a report on the governability of democracies to the Trilateral Commission*, the argument was that the western democracies were rapidly becoming ungovernable because of the steadily increasing political demands and economic burdens which Keynesian policy had placed on their governments.⁷

From the mid-1970s on, the lexicon of governance, which included a renewed concern with *community* and *civil society*, has become an increasingly significant part of the vocabulary of policy-oriented political science and of policy-makers themselves. This historic moment first occurred with reference to American problems of the Reagan years. However, the lexicon of governance was given new life both within the context of the difficulties of implementing International Monetary Fund inspired structural adjustment policies in sub-Saharan Africa in the 1980s and during the chronologically overlapping period of the collapse of Communism in Eastern Europe and the Soviet Union from the late 1980s on.

Significantly, in each of these instances, the lexicon of governance has emerged in a particular context at a moment of transition from a relatively more state interventionist regime to one which purported to be more closely aligned with market freedom. Given a general historical tendency, it comes as little surprise that the emergence of the language of governance in the European Community/Union has taken place at an analogous moment.

However, the emergence of the language of governance in EU policy was complicated by two factors which were not present to the same degree in these earlier instances. First, as we pointed out above, the vocabulary of governance contains the words such as *community* and *civil society* which have a deep history in European thought. The ideas which the words express have contested meanings which may either be confused or indeed at odds with their current usage. And, as commentators have emphasised, the ideal of *community* through *civil society* as expressed by Ferguson, for example, in the eighteenth century may have little

⁷ M. Crozier, *The Crisis of Democracy : a report on the governability of democracies to the Trilateral Commission*, New York: New York University Press, 1975.

purchase for a world in which some supposed organic relation between the individual and social may not correspond to a different relation, namely that of the private person and public, which has been opened up, through the development of capitalism and state practices over the past two centuries.⁸ This kind of problem, which makes it difficult for the state to act as if each person could be regarded as merely having the same organic individual attributes which naturally belong to some social essence, is compounded by the historical fact that the problem of community and civil society is itself partly constructed out of selective elements which were drawn out of earlier usage. Ferguson, for example, wrote in 1767 that after having discovered the ideal maxims of community and civil society, 'the greater part of our trouble remains their just application to particular cases'.⁹ Yet, after the maxims have been applied to the cases, or were intended to be so applied, as from the mid-1970s, the maxims themselves have become part of the problem which the means of 'community' are now meant to address.

Secondly, and following from this first point, the meaning of current usage of these terms is itself the subject of contestation. Most importantly, the usage of the lexicon of governance is being contested by those, most usually identified with, but not exclusive to, New Labour in Britain who seek what has sometimes been referred to as a 'third' or 'middle way' which is neither a partisan championing of either old Keynesianism nor untrammelled market liberalism but which rather seeks to find a new basis of social cohesiveness between the individual and the community. In the absence of a language with which to articulate this new vision its proponents, and not only those associated with 'Blairism', have drawn upon an already existing vocabulary which in part overlaps with the lexicon of governance but which differs from the latter in taking various elements of neo-Kantian and/or neo-Hegelian philosophy as its touchstone. There has been a reach back to the late nineteenth century, to an historical moment prior to the rise of communism and social democracy in its Keynesian form, in order to find a language with which to articulate their aim of providing a new basis for social cohesiveness amidst the late twentieth century crisis of governmental legitimacy. In so doing, however, the latest proponents of the third way have re-evoked earlier disputes within European thought which surrounded community and civil society.

Given that all of the above vocabularies of governance are in play within the EU as it confronts the problem of maintaining and extending *social cohesion* in its effort to deepen and widen the Community/Union of Europe, it may be useful for those who need to understand, and act in matters of policy, to have some understanding of the vocabularies in use and their key reference points. It is with this aim in mind that the current attempts to import the older usage of community into the EU may be understood as the problem of community.

⁸ See, for example, Seligman, 1992.

⁹ Ferguson, 1966, p. 58.

2. Legitimacy of the EU

Popular support for the EC/EU, it was reported during February 1998, is lower than at any time during its history. Far less than one-half of the polled populations of the Union's member states think that either they or 'their country benefits from EU membership' while barely one-half 'identify themselves with EU institutions or with Europe as a whole'. There is also a widespread belief that Euro-scepticism, 'for so long regarded as a "British disease", has spread across the EU – even to the heartlands of France and Germany'. The same report points out that there is 'an extraordinary contrast between the success of the EU at spreading peace, prosperity and democracy, and its lack of legitimacy'. Moreover, while popular opposition to EU membership has remained relatively constant over time, support for the EU declined markedly after 1989, when 70 per cent of polled populations across the Union declared that membership was 'a good thing'.¹⁰ This paper is an attempt to provide one explanation for the EU's lack of legitimacy. The explanation, it is argued, lies in the very conception of community and the attendant concepts which are officially used to establish legitimacy.

One obvious explanation for the lack of legitimacy starts from the presumption that the EC/EU is a Community or Union which has been imposed upon people from above. Thus, in the 1998 report, it is baldly argued that the EU 'is unpopular because the troubles stored up over 40 years of technocratic integration by a political élite are now catching up with it'.¹¹ If this is so, the first question which arises is why it has taken 40 years for unpopularity to become so generally obvious. Twenty years ago, from earlier opinion polls mentioned above, it was noticed that the Community was an élite project which was given legitimation through what is called 'permissive consensus'.¹² Survey data, as mentioned above in both the 1998 report and by Karlheinz Reif, indicates that so long as positive support for the Community far outweighs positive antagonism then top-down integration is made permissive. It is when the relative extent of support falls from that of six or seven to that of four, as after 1990, that consensus becomes problematic. The second question is why there is such a contrast between the historical experience of relative peace and prosperity and the majoritarian perception that the EC/EU has not been responsible for making peace and prosperity possible. These two questions, it can be argued, are part of the problem of community itself.

¹⁰ M. Leonard, *Making Europe Popular: the search for European identity*, London: Demos, 1998, pp. 5,11; also, for a survey of the Eurobarometer surveys of public opinion, K. Reif, 'Cultural convergence and cultural diversity as factors in European identity' in Garcá, 1993.

¹¹ Ibid.

¹² Reif, 1993, p. 133. The concept of permissive consensus was developed in 1961 by V.O. Key (*Public Opinion and American Democracy*, New York: Knopf) for American political science. It was then imported into Europeanist usage by Leon Lindberg and Stuart Scheingold (*Europe's Would-be Policy: patterns of change in the European Community*, Engelwood Cliffs, N.J.: Prentice Hall, 1971) and adopted by European political scientists.

Broadly, the prognosis for the problem of legitimacy is thought to lie in the presentation of the EU to a populace of Europe. A commitment to public relations by an élite, of both officials and politicians, it is believed, can do much to bridge the gap between the historical experience and perception of community. 'To develop an identity', the 1998 report argues, 'EU leaders should develop a narrative that links the EU European integration to the Europe that people live, eat, read and travel in'.¹³ But, in developing this public narrative of the relation between the Community as what has been imposed and that community of Europe in which people live, it is also argued, the EU must develop a policy that is seen to deal with what matters to popular perception about the EU itself. Among the 'priorities' which people attach to what the EU means for themselves are long-term unemployment. We do not discount other surveyed 'citizens' priorities', such as environmental pollution or international criminality which are listed in the report, but we can plausibly assume that unemployment is one powerful reason why the EU is seen to lack legitimacy in 1998 and why it is Community which accounts for the gap between the historical experience and the ostensible failure to explain why the EU has been responsible for what is so positive about that experience.

As the EC/EU, the Community has been seen as both the cause of unemployment and the means by which the problem of unemployment can and should be resolved. Lying at the basis of the official ideas of *enlargement*, *community*, *civil society*, *social cohesion*, and the *European model of society*, the problem of unemployment also makes it more difficult for popular acceptance of a deeper and wider Europe of nation states. Our task here is to show that all these official words express ideas which are intended to make the Community more communitaire. More concretely, the ideas themselves have entered into official usage to make it possible for Community to be legitimate as a means of resolving the problem of unemployment.

3. Unemployment

There is ample evidence that actual and threatened unemployment has weighed heavily upon the popular mind through Europe in recent years. One foremost example of the evidence consists of the results of an earlier 1994 set of surveys, conducted in 12 European countries, on popular perceptions of the EU. Analysis of the surveys showed that respondents considered unemployment to be the most important topic of public concern.¹⁴ For this earlier survey of

¹³ Ibid., p. 9.

¹⁴ I. Delgado-Sotillos, 'Comportamiento y valores: la cultura política de los europeos' (Behaviour and Values: political culture of the Europeans), *Revista Mexicana de Sociología* 59(1) 1997, pp. 139–160; also, Reif (1993, p. 148), for a 1992 Eurobarometer survey: 'When citizens who said that they felt fearful about the Single Market were asked why, fear of 'more unemployment' was the often mentioned (33% of those fearful) and 'higher prices' (25%) or 'too much competition' (23%) played significant roles in Spain, Greece, Portugal and also in Luxembourg.' Furthermore, Russel Dalton and Richard Eichenberg (quoted in Reif, 1993, p. 146) produced a piece

popular opinion, issues of border control, the single currency, and other issues mentioned in the 1998 report were less significant for public opinion than unemployment.

Nor is it difficult to find the official concern for unemployment in the records of the European Commission. The set of documents generated by the *Agenda 2000* project of the Commission makes the significance of unemployment clear. Table 1 shows why both the popular perception and official concern for the problem of unemployment were so striking towards the end of the 1990s. Unemployment rates for a spread of European countries were virtually all higher than average rates for the 1930s. Moreover, while officially recorded rates of unemployment are expected to temper and fall during 1998 and towards 2000, long-term structural unemployment remains absolutely high and the consequences of EU enlargement are difficult to predict. It is also with regard to unemployment that the Commission, or those officials responsible for drafting the documents, understand why the problem of legitimacy arises.

Table 1: Unemployment as a percentage of the labour force in selected European countries, 1930–1997

| | 1930–38 % | 1950–69 % | 1970–88 annual average % | 1997 actual % | 1998 estimated % |
|-------------|--------------|--------------|--------------------------------|---------------------|------------------------|
| Austria | 13.4 | 2.9 | 2.4 | 8.0 | 7.5 |
| Belgium | 8.7 | 3.1 | 7.9 | 2.5 | 2.0 |
| Denmark | 6.6 | 2.8 | 6.5 | 8.0 | 7.0 |
| France | 3.3 | 1.4 | 6.6 | 12.2 | 12.0 |
| Germany | 8.8 | 2.5 | 6.2 | 11.5 | 11.5 |
| Italy | 4.8 | 5.6 | 8.1 | 12.0 | 12.0 |
| Sweden | 5.6 | 1.7 | 2.4 | 6.5 | 6.0 |
| Switzerland | 3.0 | 0.1 | 0.5 | 5.0 | 5.0 |
| UK | 11.5 | 1.4 | 6.9 | 5.5 | 5.0 |
| Average | 7.3 | 2.4 | 4.6 | 9.0 | 8.7 |

Sources: A. Milward, *The European Rescue of the Nation-State*, Routledge, London, 1992, p. 30; IFO, Frankfurt, January 30, 1998.

of econometric analysis in 1990 showing that support for the EC/EU is highly influenced by economic conditions. Inflation and unemployment are the key variables which condition support.

In the opening pages of volume one of *Agenda 2000* documents, after a self-congratulatory passage recounting the Union's more recent achievements, the authors remark that

*these advances should not mask the difficulties encountered by the Union in recent years. These were first and foremost economic. After the strong economic performance at the end of the 1980s and early 1990s, when 9 million jobs were created, the subsequent downturn caused rising unemployment in the Union and made budgetary and structural reforms in the Member States more difficult to achieve. [...] unemployment levels are still at an unacceptably high level.*¹⁵

On the following page, in a passage reminiscent of Brecht's remark that 'they should dissolve them and elect another' in response to a politburo pronouncement that the 'Party had lost faith in the people', the authors comment that the

debate on the ratification of the Maastricht Treaty revealed that the general public had not kept up with the accelerating pace of institutional change, in which they did not feel properly involved. The importance taken by the Union in daily news stood in contrast to the persistence or even aggravation of their own difficulties. Since the Union has become so important, people expect a lot of it. They want to be listened to and to be involved, they want answers to their concerns [...].

Of these 'concerns', unemployment was given pride of place.¹⁶ A few pages further on, amidst a call for 'reflection' on the direction and impact of long-term economic trends, Commission concern is reiterated in unambiguous terms:

*This reflection must also address the question of how to develop the European model of society in the 21st century and how to best respond to the major concerns of the citizens. The primary of these concerns relates to the present unacceptably high rates of unemployment and social exclusion which tear at the very fabric of society.*¹⁷

When referring to the 'Cohesion' of already existing members of the Union, the *Agenda 2000* authors note that 'despite significant successes, there is still much left to be done, particularly as regards employment: unemployment has not fallen significantly and is growing not only in many less-developed regions where disparities are widening but also in the more prosperous

¹⁵ European Commission, *Agenda 2000. Volume I – Communication: For a Stronger and Wider Union* (DOC/97/6), Strasbourg, 15 July 1997, p. 5.

¹⁶ *Ibid.*, p. 6.

¹⁷ *Ibid.*, p. 8.

*parts of the Union.*¹⁸ Again, with reference to already existing members of the Union, and commenting on specific ‘areas undergoing economic change’, listed as ‘declining rural areas, crisis hit areas dependent on the fishing industry or urban areas in difficulty’, it is noted that ‘all these areas are facing’ a ‘high rate of unemployment or depopulation’. For the nearly ‘one fifth of the population of the Union outside the Objective 1 regions’, the main *Agenda 2000* document points out that not only is unemployment generally above the Community average but that youth unemployment is still more than 30 percent. Unemployment in some urban areas ranges from 30 to 50 percent.¹⁹

In the face of this disturbing data, the *Agenda 2000* drafters remark, somewhat laconically, that:

*Enlargement will greatly increase the EU's heterogeneity. If properly perceived and addressed, diversity is a fundamental element of the richness of the common European heritage and identity. Enlargement will thus promote the idea of European integration, which underlies the Treaty, and which rejects divisions along cultural or religious lines.*²⁰

The likely impact of continuing high rates of unemployment, especially but not only of youth, is left unaddressed in this rosy prognostication. However, some sense of the possible sources of future difficulties can be garnered from the second volume of the *Agenda 2000* documentation which specifically takes up the issues involved in Union expansion. Although ‘alarmist forecasts’ are discounted on the basis of past experiences of expansion, the labour market is specifically noted as among those economic areas which are deemed to be ‘sensitive’. Similarly, the labour market is specifically mentioned amongst those ‘strains resulting from increased competitive pressure’ which are likely to be placed upon acceding countries during their inclusion in the Union and which, it is warned, could ‘spill-over’ into the present members of the Union.²¹

Furthermore, the authors of *Agenda 2000* predict that intensified competition in the labour market – be it directly through migration or indirectly through the emergence of new competitors – would probably contribute to wage moderation in Western Europe, thereby supporting job creation.²² A second prediction, that capital flows from Asia ‘and industrial co-operation between Asia and the candidate countries will help facilitate the individual candidates’ economic adjustment’, must obviously be re-assessed in the aftermath of the 1997 Asian

¹⁸ Ibid., p. 19. Emphasis added.

¹⁹ Ibid., p. 21.

²⁰ Ibid., p. 63.

²¹ European Commission, *Agenda 2000. Volume II – Communication: The effects on the Union's policies of enlargement to the applicant countries of Central and Eastern Europe (Impact study)*, Strasbourg, 1997, pp. 6–7.

²² Ibid., p. 20.

financial meltdown.²³ Drawing attention to the sectoral weakness of the acceding states, the authors claim that 'high unemployment both in the EU and in most of the applicants' economies' will probably 'make it more difficult for potential "losers" at the sectoral and regional level of the adjustment process to find new jobs'. Given the 'high unemployment rates all over Europe', the unambiguous forecast of *Agenda 2000* is that 'any adjustment that leads to a loss of jobs will be politically difficult. If the new jobs resulting from structural adjustment are created in regions and sectors different from the old ones, even a net increase in jobs may be objectionable in the eyes of policy-makers.' Thus, one conclusion of the Commission's authors is that adjustment is 'likely to be quite painful in regions or industries already suffering from excess supply on the labour market' and that painful adjustment means unemployment.²⁴

Moreover, given changes in the agrarian sector, adjustment may be even more painful:

*In the transition to a market economy the agricultural sector in most CEECs has been subjected to large scale restructuring starting with the privatisation of land and assets. The restructuring process can be expected to continue in the medium term and to include the linkages to the downstream sector, which is itself under pressure to rationalise to reduce overcapacity and to modernise to replace obsolete technology. The further restructuring can be expected to reduce the labour absorption capacity of agriculture, implying a need for diversification of rural economies.*²⁵

Agenda 2000 suggests that East-West European migration of labour might be one possible response to intensified competition, sectoral disturbances, and the partial results of a 'substantial West-East wage differential'.²⁶ While the safeguarding of rights to the movement of labour²⁷ might also produce strains on EU social policy,²⁸ previous experience suggests that border controls are to be discounted as a means of relieving the pain of adjustment within a wider Europe. A silver lining is found in that migration

may accelerate the drive towards more flexible labour markets, especially in bordering countries, such as Germany, Austria, Greece or the Scandinavian countries. On the other hand, labour market imbalances might increase, as there will be little employment opportunities for those parts of the Western labour force which will be crowded out. Although adjustment pressure will be highest at the lower end of the wage scale, there might also be an

²³ Ibid., p. 18.

²⁴ Ibid., pp. 20–1.

²⁵ Ibid., pp. 20–1.

²⁶ Ibid., pp. 20–1.

²⁷ Ibid., p. 38.

²⁸ Ibid., p. 42.

*inflow of highly qualified workers, which could alleviate some supply bottlenecks in this segment of the labour market.*²⁹

Through *Agenda 2000*, the Commission virtually admits that unemployment is an inevitable part of enlargement. If the *Agenda 2000* documents are replete with references recognising both the problem of, and putting forward remedies for, unemployment, the same can be found for the Maastricht Treaty and its sequels, such as the Amsterdam Treaty. Thus, Article B of the Amsterdam-treaty commits the signatories

to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty.

Another clause (109o) of Article 2 states that:

*Member States, having regard to national practices related to the responsibilities of management and labour, shall regard promoting employment as a matter of common concern and shall co-ordinate their action in this respect within the Council, in accordance with the provisions of Article 109q.*³⁰

Similar references could be provided without difficulty. There is thus a spectre haunting the European Union, not only as it currently exists, but in nearly all aspects of its proposed enlargement. It is the spectre of unemployment. More often than not, and as pointed out in our introduction, the spectre haunting the Community is often presented as that of post-1989 recidivist nationalisms,³¹ but it is not difficult to fathom why unemployment should be the correlative of a plethora of regional, racial and national movements. Therefore, it is the ghost of unemployment which has periodically haunted Europe over the last two centuries, often with calamitous results, that has been given repeated acknowledgement in the above documentation of the European Commission. Now, at the end of the twentieth century, the Gordian knot of unemployment, never cut, has manifested itself with a vengeance.

²⁹ *Ibid.*, pp. 20–1.

³⁰ Treaty of Amsterdam: Amending of the Treaty on European Union, The Treaties Establishing the European Communities and Certain Related Acts.

³¹ Thus, Llobera, 1993, p. 73: *'All the signs seem to indicate that different types of nationalism are on the increase. To put it dramatically, one could say that the spectre of nationalism is haunting Europe once again. The word is uttered as an incantation by all shades of politicians, political analysts and media pundits. Nationalism has become the key that opens the door to the understanding of despicable acts of humanity.'*

From the early nineteenth century on, the period of modern Europe, the periodic widespread problem of unemployment has been at the heart of a wider debate between ‘freedom’ or ‘liberty’ and community regulation. When EU documents refer to *social cohesion*, *solidarity*, *flexible labour markets* and *national responsibilities*, the problem, which is being addressed, is the long-standing issue of liberty versus community regulation. Although the documents do not use the words of freedom and community, their essential meanings lie behind what their authors intend to address. The words of ‘freedom’ and ‘community’ may have variously changed but their essential meanings have remained the same. We therefore need to start with liberty and community regulation.

4. Freedom/Liberty

Freedom or liberty, for modern Europe, has referred to the sovereign right of the active self-interested individual whose self-determining action is validated by taking into account, or incorporating, the same right of others. By taking into account the interest of others, the individual is deemed to act responsibly in that his or her action intrinsically possesses a social interest. If we ignore the problem of how the relation between the private, of the individual person, and the public, of the social space wherein individuals interact, are not necessarily congruent with each other, then the principle of freedom rests upon one or other postulate about how the self-interest of others is incorporated into self-determining action. And, if it can be shown that some postulate of incorporation can reasonably be found and practised, then the following conclusion arises: Were all individuals in a given society to act according to this principle of freedom, then there would be no need for actions of individual persons to be regulated by external sources of authority. The individual person is said to be internally self-regulating. A society constituted by internally self-regulating individuals can be said to be cohesive.

From this principle, two implications of freedom have followed. A first is that freedom has also referred to the freely determined right of individual economic agents to take decisions and act without a regulative source of authority in an internal market. The market is internal in that it is the arena within which individuals are free to move, carrying their capacities for work. The products of their work, as goods and services, are also to be given freedom of movement. Historically, the free movement of persons may follow that of goods, and especially that of capital goods and money, but the principle is the same. An internal market is not merely internal to a Community or Union of nation states, but subsumes the external boundaries of the set of nation states because the market is meant to work upon the principle of freedom.

A second implication, following from above, is that ‘the national interest’ rests upon the same principle as that of individual interest. Nation states may be constituted variously, and according to different historical reasons for why persons come to be associated with each

other on national grounds. However, once constituted, the nation state is said to ideally act according to the same principle of freedom which validated self-regulating action for individual persons. Thus, the nation state acts responsibly when it is self-determining by taking into account the interest of other nation states.

National interest, in this sense, lies at the heart of whether the EU is to be regarded as a Union which integrates peoples of Europe within a Community or whether it is a Community which acts to make national interests interdependent within a Union. In either case, however, it is the principle of freedom which has hitherto governed the economic integration of Europe. Alan Milward, the foremost economic historian of post-1945 Europe, has cogently argued the case that the creation of the European Community was tantamount to the 'rescue' of the European nation states from the wreckage of World War Two precisely because it permitted the successful pursuit of national interest. Within this view the question of whether employment policy remains within the realm of national policy-making is less important than whether or not there is a congruence between the national aims of various EU members. Milward has noted the following:

*To use either a framework of interdependence or an integrationist framework to advance national policies requires a similarity of national policy choices between a sufficient number of states. There is less latitude for policy differences within integration than within interdependence.*³²

The question that arises about the latitude of policy difference follows from the principle of freedom insofar as it is applied to national interest. Insofar as the EU provides a means to pursue a national interest, then that interest is similar to that of others, not merely because policies appear to be the same but because the interest of any one nation state incorporates the interests of others.

Unemployment as an official concern and as a problem of legitimacy for the EU has appeared starkly because a national interest does not appear to be able to incorporate the interest of others according to the principle of freedom. During the golden age of EC/EU construction, from 1945 to 1968, itself the world-wide period of state development to maintain full employment, the Community was the means, according to Milward, by which nation states were able to satisfy demands placed upon them by their own peoples. The basis upon which the demands for welfare and employment were satisfied was the adoption of Keynesian policy to manage economic demand by securing the full employment of capital in which the Community played a key role.

³² A. Milward, *The European Rescue of the Nation-State*, London: Routledge, 1992, pp. 438–39.

While John Maynard Keynes, himself, had offered a remarkably prescient vision of a European Community in 1919, his economic precepts for full employment were constructed upon a British 'New Liberal' belief that the old liberal principle of freedom necessarily had to be buttressed by a different principle of regulation. In Keynes' mind, and in the course of history as it had then developed, the regulative principle was to be one of community. However, according to Keynes' precepts, the community which was responsible for regulation was *both* of the nation state and for supra-national bodies such as the Bretton Woods institutions, which he played a major part in creating, and the EC/EU, which he had envisaged but did not live long enough to see come into existence.

Community, as we have just mentioned and pursue further below, serves as an arena for regulation when an active self-interest proves to be incapable of incorporating the interest of others within its sovereign domain of action. Policy, which is struck in the name of community in the modern world of Europe, does not serve to make self-interest less active. It serves only to make it more 'enlightened'. The conditions under which self-interest can be enlightened are manifold and need not concern us directly here. However, it is worth returning to Milward, writing in 1992, for an overview of what a communitaire policy might mean through either integration or interdependence:

Since either is chosen to advance the national interest, the likelihood is that within the present integrationist framework of the European Community new common policies will only emerge if the circumstances of the period 1945–68 can be repeated and most of its member-states choose similar sets of policies. And, to continue with the extrapolation from historical evidence, they are only likely to do that if such policies sustain a fresh political consensus which itself sustains the nation-state.³³

An obvious problem is whether or not policies to successfully deal with unemployment in the very different 'circumstances' of the late 1990s can constitute a communal vehicle for realising the interest of the individual states and thus advancing integration.

The different circumstances of the post-1968 period involve the broad contentions about community from above, and that from below, which are inextricably linked to each other. Both contentions have to be raised in the context of perpetual rewriting of the history of the EC/EU and especially during the post-dirigiste era of the 1990s. It should be recalled, first, that the post-war European Community was born in the aftermath of a European civil war which occurred on the heels of a period of high unemployment. Second, the period in which the progress of EC integration was most rapid was also a period of falling and relatively low unemployment. Third, the institution of the EC which absorbed a disproportionate amount of Community funds during the high tide of Community formation was the Common Agricultural

³³ Ibid., pp. 438–9.

Policy (CAP), an institution whose one key result, if not intention, was the avoidance of large-scale unemployment through a controlled negotiation of producer competition. CAP, in turn, regulated the flow of population and labour from agriculture to manufacturing industry and other sectors of European economies. It is unlikely that had market forces been given full freedom in agriculture, the Community would have survived let alone prospered.

One central question, which has now arisen, is whether it is possible for the Union to perform a similar regulatory feat of community with regard to the raging fires of industrial unemployment. The answer, despite commitments to education and training, regional assistance for poorer regions and the regulation of industrial competition, is unclear. What is clearer is that regulation has had necessarily to become more necessary in the face of the expansion of freedom. To name two sources of expansion, it is the new found freedom of Eastern Europeans and the freedom of global markets, which makes the puzzle of regulative community more difficult to resolve.

5. Community Regulation

Community, from the beginning of the twentieth century on, has largely been about the relation between community as a regulative idea *and* the political and economic meanings which have been attached to individual 'liberty' and the freedom of self-determination or self-regulation. From the break-up of the corporate authority in pre-revolutionary Europe onwards, those who have thought seriously about both the European Community and community in Europe have had to address the puzzle of how what is now called 'social cohesion' can be created and/or maintained in the face of the developing market economy of capitalism. Thus, while the market was understood to have destroyed communal capacities for regulation, it was the community which was to serve to regulate the market. The puzzle was then, equally, how to reconcile the modern ideal of the self-determining person, and its potential for liberty, with that of 'the community' which serves as a means of regulation.

Despite the dry diplomatic language contained in the *Agenda 2000* and other documents of the EU Commission and Council, the point is that an ideal of the regulative community has been stuck fast to the official view of the Union as the means to develop a community of action. And, what stands in the way of action is not simply assertions of national interest as if the interest was that of the sovereign, self-determining individual, but the uninterest in regulative authority on the part of real persons throughout the Union and whatever national interest they may be attached to on 'national' and 'cultural' grounds as members of supposedly ethnic nations. This is why the old issue of community regulation versus liberty is once more high on the agenda.

Nor has some ideal of a regulative community for the EU been confined to the above-mentioned documents. J.H.H. Weiler, in a recent article, has taken issue with the 1993 *Maastricht Decision* of the German *Bundesverfassungsgericht*, the German Constitutional Court. The

German court had rejected the claim of the European Court of Justice which maintained that only it had the power to review and annul Community measures.³⁴ Weiler is much exercised over showing his sympathy with what he takes as the purpose of the German court, as embodied in its ruling, to 'safeguard the democratic character of the European construct in its future developments' by maintaining the primacy of national parliaments. The German court's decision rested on the reason that there is no coherent European *Volk*, or body of people, who can form the basis of a demos to whom the Union's institutions can be accountable. However, Weiler also pointedly asks how, given this view, the court, or any other like-thinking body, could ever have possibly assented to 'the already existing European Community and Union', which, so he argues, currently enjoy large powers unchecked by national parliaments.³⁵

More crucially for our purpose here, Weiler maintains that by couching its decision in terms of the 'no demos thesis', the court has implicitly argued that, because there will never be a European demos, a European Parliament cannot ever exist as the parliament which will be able to take over from national parliaments the protection of democracy. Or, so the argument runs, if a European demos were to come into being, it could only do so at the price of the extinction of national *demos* and, thereby, the legitimacy of national parliaments as safeguards of democracy.³⁶ According to Weiler, the state is to be understood as an instrument and it is 'within the statal framework that governance, with its most important functions of providing welfare and security, is situated'.³⁷ Weiler's argument is that the twentieth-century European state has been delinked from its nineteenth-century association with that of national belongingness. As such, there is a logical internal boundary between nation and state which is matched by the external boundary between nation states. No claim to national belongingness within the boundaries of any state is either necessary or sufficient reason for the person, as 'stranger', to be excluded from the benefits conferred by the state.

Yet, there may be 'an abuse of the boundary between nation and state' which becomes 'most egregious when the state comes to be seen not as instrumental for individuals and society to realise their potentials but as an end in itself'.³⁸ Weiler argues that it is so well known why and how these boundaries have been abused, in so many ways, within the history of the nation/state configuration of Europe that it is unnecessary to rehearse their causes. Rather, it was the primary historical aim of the creation of the European Community to keep the abuse of boundaries in check. Given this aim of checking boundary abuse, Weiler suggests that it would be an irony if the histories of abuse were to be replicated at a supranational level through some United States of Europe embodying a European *Volk*. As an alternative vision to some

³⁴ J.H.H. Weiler, 'Does Europe Need a Constitution? Reflections on Demos, Telos, and Ethos in the German Maastricht Decision', in Peter Gowan and Perry Anderson, *The Question of Europe*, London: London, 1997, pp. 265–94 (see endnote 1, pp. 291–92).

³⁵ *Ibid.*, p. 274.

³⁶ *Ibid.*, pp. 274–9.

³⁷ *Ibid.*, pp. 279–82.

³⁸ *Ibid.*, pp. 282–3.

unvariegated European demos, Weiler advances an idea of supranationalism which embodies the 'notion of community rather than unity'. While Weiler's idea of a community for Europe is based on the policing of the statal boundaries discussed above, Weiler's 'community' carries forward the far more radical and logical implication of boundary redrawing.³⁹

A supranational project, which according to Weiler is expressed by the community project of European integration, has the potential to replace the "liberal" premises of international society with a community one'. Weiler's community is intended to replace the 'classical model of international law', which he interprets as a 'replication at the international level of a liberal theory of the state' in which 'notions such as self-determination, sovereignty, independence, and consent have their obvious analogy in theories of the individual within the state'. Such is the liberal principle of freedom which we outlined above. By contrast, the community version of supranationality which Weiler advances is not to be a 'neutral arena' in which states act to maximise their benefits.

Nor is the supranational community meant to eliminate the national state. Rather, the community is to 'tame the national interest within a new discipline' through controlling 'at a societal level the uncontrolled reflexes of national interest in the international sphere'. A supranational community project is also meant to check abuse of the boundaries between the nation and the state. Weiler finds the source of inspiration for his version of the supranational community in the moral philosophy of Kant.

At first glance Weiler's evocation of a long dead eighteenth-century philosopher might seem like the wishful speculations of an academic writer far removed from the important questions facing those who would seek to maintain social cohesion in the midst of deepening and widening the EU. However, Weiler's turn to Kant, and later neo-Kantian thinkers, is part of a larger attempt, most notably by Blairite New Labour in Britain, to find a language of governance capable of reconciling individual freedom and regulative community. As such, it follows a readily identifiable trajectory of the rehabilitation of a series of thinkers by those who have born responsibility for the creation of a language of governance. Given this very recent politically-charged tendency, it is necessary for us to make a brief turn to Kantian philosophy and those elements of his thought which have been carried on by those who have generally espoused the 'spirit' of Kant.

Kant and the post-Kantians

Immanuel Kant, in many ways, has been the starting point for the modern European ideal of community. He best represents a necessary idea of how it might be possible to create a human community according to the principle of freedom in the face of the corruption of pre-

³⁹ Ibid., pp. 283–4.

nineteenth century European communities. Kant's community was of the human community as a whole and was called the 'kingdom of ends', the unchanging regulative idea which expressed the 'dignity' or the 'intrinsic value' of humanity. Within the kingdom of ends of humanity, each person, for Kant, was to be regarded by another as an end in her or himself, while each was to obey the will of no other source of authority than that which resided in the individual self. If the source of authority was to be found in the capacity for reason which inhered in the mind of human *being*, then the will which determined a course of moral action – that which gave dignity to humanity – was to be regarded as autonomous of experience in the sensuous world. Then, according to Kant, it was possible to postulate a world as a community of self-regulating persons. It is this that has made Kant so attractive to those who face the problems of individual freedom and regulative community today.

While Kant also set the scene for an Idealism which incorporated an equal possibility for a European federation of nations, Kant's ideal of community could only be reached by what he called 'unsocial sociability' and *antagonism* between individuals and nations who would learn from experience that it was futile to wage war. However, this way of reaching an ideal, which could not be easily separated from the ideal itself, was put in a quite different light by at least two post-Kantian nineteenth-century strands of thinking.

A planned European federation became grist for the mill of French Saint-Simonian positivism while, later in the nineteenth century, the Marburger neo-Kantians in Germany used Kant's idea of humanity in a way which Kant might not have recognised and which could have well led him to say: 'I am not a Kantian'. From F.A. Lange, through Hermann Cohen to Paul Natorp, and differently to the social democratic Marxist revisionist, Eduard Bernstein, Kant's ideal of community, for the totality of humanity, became reduced to, and transposed into, a historical given of a European community whose foundation was to be an unstable liberal imperium for the world. More than this, by the end of the nineteenth century, the German neo-Kantian tradition, associated with Cohen and the Marburgers, had culminated in reducing Kant's liberal internationalism to that of Germany which now was to have a singular civilising mission in bringing the ideal of community to the world. There is no evidence that Saint-Simon and his followers had understood the 'universal' of 'outlook' from Kant and it is also clear that his basis of deriving a common interest from the universal was antithetical to Kant's purpose in setting out a basis for the ideal, and regulative, community of humanity.

Yet, it was this 'ideal of humanity' which Cohen strove to keep as the basis for the regulative community along the lines which Weiler has proposed for the EU. It is therefore significant that Weiler argues that there is another 'Kantian idea', that of Cohen, in his discourse of supranationality as community. 'Supranationalism, at the societal and individual rather than the statal level', Weiler writes, 'embodies an ideal which diminishes the importance of the statal aspects of nationality – probably the most powerful contemporary expression of groupedness – as the principal referent for transnational human intercourse'. And it was Cohen who inspired

'the value side of non-discrimination on the grounds of nationality, of free movement provisions and the like'. Cohen called 'for non-oppression of the stranger'. In his vision, the alien was to be protected, not because he was a member of one's family, clan, religious community or people, but because he was a human being. In the alien, therefore, man discovered the idea of humanity.⁴⁰

However, in going 'back to Kant', through Cohen, the ambiguity in formulating an idea of community arose out of the inherent tension which subsided in Kant's unresolved problem of how to find a means of understanding how an ideal form of community, itself unknowable, might be given to what was knowable by experience. For the ideal form of community, upon which the 'spirit' of Kant hinged, the community was certainly regulative of sovereign, particular interests. The ideal also presupposed, after Kant, an ethical ideal which involved the mission, expressed in one way or another, to make persons conform to what was required of self-regulation without conflict between the particular entities which made up the community.

From the forgoing, the logical implication of Weiler's renewed plea for a regulative European community is clear. Regulation, as of the hitherto historically existing EC/EU, has foremost been that of regulating trade, industry, agriculture and economic activity in general. National governments, to varying degrees, have accepted a regulative regime according to their interests in doing so. However, Weiler's plea for a regulative community represents something new because it has appeared in a period in which economic regulation has acquired a different meaning from what was experienced hitherto. During the 1990s, regulation is spoken of in the same moment as 'deregulation'.

By way of the 'single market' for the EU, including the prospective countries which make up the widening area of the Union, the purpose of the economic regulative regime is to remove barriers against competition among corporate enterprises; to ensure that subsidies from any one national government do not give an advantage to any one corporate enterprise which competes with another within the single market; to enforce common standards for goods and services circulating within the market, and also to ensure that no corporate enterprise has a competitive advantage within the single market.

Perhaps, most importantly of all, and as we saw from the *Agenda 2000* documents, intervention by the bodies of the EU over policies of national governments are directed towards providing for a single market for labour power within the present, and prospectively wider, area of the EU. It is this question of wage labour, the nineteenth and early twentieth-century 'social question' or in present day parlance, 'social inclusion', which is probably the most contentious issue facing the EU as a whole. When different national governments have different policies with regard to 'labour market regulation', then the question becomes one of asking how the

⁴⁰ Ibid.

labour market is to be regulated according to the liberal precept which has governed free trade within the 'single market' of the Union.

Weiler's plea for a regulative community, when couched in the language of Kant and the neo-Kantians, is about the moral dimension of community. Yet, when it is the intention, as of Weiler, that the community should regulate national interests, and different interests within each nation-state of the EU, it is not clear why and how the moral dimension of the ideal community should meet the dimension of what has been given by the sources of national interest which are informed by different historical experiences of 'community'.

6. Community in History

Nearly all modern discussions of community in Europe, whether of the Community of European nation states or of the community of the inhabitants of those states with one another within or across national boundaries, find their starting point in the reaction to the political and economic transformations which culminated in the French Revolution and the industrialisation of Western Europe. Perhaps the key element of what was seen by later commentators as having been destroyed was the medieval commune which, over many centuries and with repeated setbacks and turmoil, had established the rights of its inhabitants to regulate their political and economic affairs in relative freedom from the direct interference of noble, royal, or ecclesiastical authority.⁴¹

A key institution of the medieval commune was the occupational guild. Although often described as simply a device to regulate craft production, the guild had an important moral component inseparable from this regulative function. For a trade to have *corps*, *confrairie* et *communaute*, the words by which guilds were legally described in pre-revolutionary France, meant that it had

*[...] to have a single recognized legal personality (corps et communaute) and to have a common devotional association (confrairie). But the phrase implied something beyond this as well. For a trade to be a corps, or body, also implied that it had a common will or spirit – an esprit de corps – and a deep and indissoluble bond such that harm done to any one 'member' is felt by all. To be a communaute implied a similar commonality of sentiment or commitment. And to be a confrairie also implied to have a bond of brotherhood or fraternity. Thus, beyond its denotative, legal meaning, the phrase avoir corps, confrairie et communaute' meant to be united in bonds of solidarity.*⁴²

⁴¹ F.W.E. Keutgen, 'Medieval Commune', *The Encyclopaedia Britannica. Volume 6* Cambridge: Cambridge University Press, 1910 [11th ed.].

⁴² W.H. Sewell, *Work and Revolution in France*, Cambridge: Cambridge University Press, 1980, pp. 26–27.

We find a similar reference to solidarity in the ‘hometowns’ of the ‘individualized country’ of the middle Germany of the 18th and early 19th centuries.⁴³ These hometowns, although highly variegated, shared in common the political assertion that their *Willkür*, or individual constitutions, took precedence over *Landrecht* or state law. *Willkür*’s centrepiece was the regulative guild structure which pervaded the hometown’s existence. The guilds not only regulated occupational access but also in doing so regulated such matters as rights to residence and access to marriage as well as production methods, markets, and prices. Hometown ‘guild monopolies were enforcements of the rules whereby the community kept its soundness and autonomy’. Such rules were directed ‘first of all against outsiders but also against any citizen who failed to go along with the rules’.⁴⁴ Because the leading members of the guilds almost always constituted the hometown government, and as long as *Willkür brechts Landrecht* was the accepted legal doctrine, the guild leaders were in a position to enforce local rules unchecked by any other higher authority.⁴⁵ Guilds had ‘connective functions’ of both citizenship and community and were the ‘vital institutions of communal defence and also the main determiners of what it was that would be defended, and against whom’. Moreover, the ‘hometown community rested on the guild economy, and fell only when the guild economy was overwhelmed’.⁴⁶

The forces responsible for the demise of the guild-centred economy were the related processes of the construction of the nineteenth century European state and the rise of economic liberalism. The argument for the latter, made by Adam Smith, Jean-Baptiste Say, Turgot and many others that focused on the economic inefficiencies of the guild-based community and the need for the deregulation of production and commerce made steady progress from the late eighteenth century onwards.

Almost immediately, the progressive destruction of the guild-based community gave rise to the perception of a social crisis, which was understood by way of a weakening of ties of social cohesion and solidarity. The emergence of the modern phenomenon of unemployment was one key indication of the problems which were identified as contributing to a social crisis. Among the first theoretically coherent responses to this perceived social crisis was that of Saint-Simonian Positivism. Saint-Simon himself attempted, through the articulation of his doctrine of ‘Industrialism’, to posit a renewed basis for community, solidarity, and social cohesion founded upon the rise of industry itself. ‘Industrialism’ embodied a series of what Saint-Simon described as ‘universal truths’, the first of which was that the ‘production of useful things’ was the only reasonable and positive goal which political societies can set themselves. It followed from this first principle that the ‘principle of *respect for production and producers*’ was ‘infinitely more

⁴³ Mack Walker, *German Home Towns: Community, State, and General Estate 1648–1871*, Ithaca: Cornell University Press, 1971, p. 1.

⁴⁴ *Ibid.*, p. 86.

⁴⁵ *Ibid.*, pp. 73–107.

⁴⁶ *Ibid.*, p. 107.

fruitful than that of *respect for property and property owners*. It further followed from the second principle that those ‘who produce useful things’ were ‘the only useful members of society’ and that ‘they alone should agree upon how society is to be managed’; only productive, useful members of society paid taxes and only they should have the right to vote on raising taxes. Morality grew in tandem with ‘industrial improvement’. This was as true of relations between individuals as it was of those between nations. Respect for productivity was the essence of moral behaviour. ‘Mankind’, as a whole, had a ‘common aim and interest’ which could only be furthered by ‘everyman uniquely’ seeing himself as taking part in a ‘community of workers’. Given that all ‘governmental interference in industrial affairs’ was always harmful – even when it attempts to encourage industrial interests – the purpose of government was to ‘concentrate on preserving industry from any kind of disturbance or difficulties’.⁴⁷

Social cohesion and solidarity, within the context of Saint-Simon’s Industrialism, were to be renewed through the organisation of industrial life itself. Cohesion and social solidarity, however, would require the bringing of the anarchic operations of the market, particularly the market for investible funds, under the control of experts who would allocate investment on the basis of a superior morality and knowledge of social need rather than out of the motivation for profit. Social cohesion and solidarity would be renewed through the conscious fulfilment of social need.

For the followers of Saint-Simon, who elaborated his theories after his death, ‘the successive development of the human species’ recognised ‘only one single law, the uninterrupted progress of association’. Interpreting Kant’s moral law as if it were positive and historical law, the Saint-Simonians referred to this ‘single’ law as both the means and the end, the ‘final goal’ of ‘social progress’. When expressed as the ‘universal association’ or ‘the association of all men on the entire surface of the globe in all spheres of their relations’, the law was to be ‘understood only through the combination of human forces in a peaceful direction’.⁴⁸ Not only had the Saint-Simonians taken Kant’s moral law to be inherently social; they also wrenched apart his ‘unsocial’ from the ‘sociability’ of antagonism, the unsocial-sociability which was the possible way in which history might move to secure the ideal community.

In order to realise their aim of community, the Saint-Simonians proposed that property should be placed in the hands of ‘trustees’ to resolve the problem of poverty. Trustees would be chosen on the basis of their ‘capacity’ to decide where and how society’s resources should be invested. They argued that trustees already existed in an embryonic form of an institution which had the ‘instinctive endeavour’ and ‘whose manifest purpose is to restore order by leading toward an organisation of material work’. Such endeavour belonged to the bank of

⁴⁷ G. Ionescu, *The Political Thought of Saint-Simon*, Oxford: Oxford University Press, 1976, ‘Industry (1)’, pp. 107–8.

⁴⁸ G. Iggers (ed. and trans.), *The Doctrine of Saint-Simon*, Boston: Beacon Books, 1958, p. 28.

society and society's bankers, the trustees, were those who could fulfil the purpose of trusteeship.

Bankers, the Saint-Simonians argued, served 'as intermediaries between the workers, who are in need of instruments of work, and the owners of these instruments who either cannot or do not want to use them'. Moreover, 'because of their knowledge and connections', bankers were 'much more in a position to appraise the needs of industry and the ability of industrialists' than 'idle and isolated individuals'. However, in order to realise their social usefulness, it would be 'necessary to modify bankers and banks'. Banks and bankers were to be made fit for trusteeship. Banks were to be reformed in such a way as to create a 'general system of banks'. A 'central bank representing government in the material order' would be at the head of the system. The central bank would be 'the depository of all of the riches, of the total fund of production, and all the instruments of work'; or, 'of that which today composes the entire mass of individual properties'.⁴⁹

What needs to be understood here is that it has been various permutations of Saint-Simonian Positivism, itself a proposed answer to the break-up of earlier regulative community, which have informed the developmentalist project of the EC, the Community which arose post-1945 as a belated re-creation of what had been envisaged, from the nineteenth century onwards, as the need to maintain social solidarity. Now, in the last decades of the twentieth century when the Positivist project stands discredited, civil society as a project of community has re-emerged as a candidate to replace the community of Positivist inspiration and construction.

7. Civil Society

Civil society has entered the lexicon of community in Europe in two different ways. The first way in which civil society has been employed to connote community is to distance voluntary associations of persons from the involuntary source of state action which makes peoples' needs externally dependent upon a vertical source of authority. Civil society, by this reckoning, is best understood as a world of non-governmental organisations whose purpose is to meet the needs which are meant to be, and in the past were, provided by state action but which, it is believed, can better be served by making people aware of how their interests can be met through a recapitulation and reconceptualisation of the ideal of freedom. It is for this reason that Tocqueville has been revived.

State action, in serving to regulate the economy and providing public goods, is an involuntary source of action because it rests upon an enforced system of taxation and expenditure. While an elective state is forced to tax and spend, as we saw above, according to demands placed

⁴⁹ Ibid., pp. 103–10.

upon it, decisions upon both the extent of taxation and the distribution of expenditures providing public goods and services are removed from those expressing the responsibilities of self-determining persons. However much people might vote responsibly to incorporate the interests of others within their decisions, state authority makes them stand as isolated individuals in relation to each other. According to this account of what makes state action deficient, self-determination is displaced vertically upwards and incorporated within the agency of the state which thereby acts downwards and forcibly upon passively administered individuals.

De Tocqueville, especially in the United States, but with reference to both sub-Saharan Africa and, most pertinently, post-communist Eastern Europe, has come to serve at the end of the twentieth century as an icon for a renewed attempt to make 'civil associations' the key for understanding why and how government does and should perform democratically and effectively. 'The most relevant social theorist', for grasping why "enlightened" self-interest serves the public domain through associations for good government', writes Robert Putnam, 'remains Alexis de Tocqueville'.⁵⁰ Putnam, whose study of what he calls the 'civic community' in Italy of the 1970s and 1980s has himself become an emblematic figure for widely inspiring, from Europe to the United States and Africa, the cause of the 'third way' of development.

National development and central government state developmentalism, whose twentieth century theory and practice has owed much to the Saint-Simonians and List, are regarded as belonging to an age of development which had run its course by the 1970s. Free market ideology, which emerged as 'neo-liberalism' in the wake of the end of the post-1945 age of development, has also been critiqued, during the 1980s and 1990s, along much the same lines as Smith and Say were dismissed during the nineteenth century by those we have recounted above. Civic community, therefore, stands for the third way between national state development and markets as what can and should bear the burden of reconstructing ties of social trust and all what is entailed for a functioning social order in which citizens both participate in society, including politics, and the economy, especially through employment.

Present day versions of communitarian thinking object most to paternalism – or trusteeship – and individualism, belonging respectively to the two post-1945 ages of state development and neo-liberalism. State 'dependence' and active self-interest, unreflected and 'unsocialised', are regarded as the twin sources of social illfare, including mass unemployment, which have beset Europe during the past two decades. Therefore, when Tocqueville has been resurrected so forcibly in the present day as he has been with reference to sub-Saharan Africa, Eastern Europe, and the United States, it is due to the belief that his writing offers the precepts for counteracting the illfare of the age. Tocqueville, it is presumed, provides the proper reflective

⁵⁰ R. Putnam, *Making Democracy Work: civic traditions in modern Italy*, Princeton: Princeton University Press, Princeton, 1993, p. 89.

wherewithal, that of 'self-interest properly understood', of persons who relate to each other horizontally through voluntary association rather than by 'myopic' self-interest. Myopic interest is that of individual interest either abstracted from any interest in others or whose only social interest is instrumentally expressed through an individuated vertical relation, of each separately below, to state authority and apparatuses above. In either case, the individual is said to be 'isolated'. Tocqueville provides the antidote to isolation.

Tocqueville

To make sense of the way and the difficulties with Tocqueville's re-habilitation, a rudimentary account of some key components of his thought is necessary. What is of central importance here are Tocqueville's ideas about what is now called 'social cohesion', the threats to its existence, and how it might be recreated and preserved.

Tocqueville, writing in the aftermath of the French Revolution, believed that the great and unstoppable historical force of equality – democracy – had been let loose across humanity. Democratic movement, however, was devoid of moral guidance. As an unguided revolution, the forward march of democracy would stumble across the danger of democratic tyranny – despotism – via the centralisation of political and economic power in the hands of the state. Paradoxically, the danger of despotism arose, for Tocqueville, out of the individualism which was spawned by equality and democracy. For France, Tocqueville argued, the despotic march of equality had been evident even before the French Revolution. The residential relocation of the nobility away from its rural seats, the distancing of the rural clergy from its flock, and most significantly, the adoption of laissez-faire economic theories had all destroyed the morally regulative economy and society of France. In doing so, these historical forces had also destroyed the social cohesion of French society, thereby making it ripe for despotism. In particular, Tocqueville argued, the isolation of the aristocracy and atomisation of social classes had resulted in the 'unlimited social power' of the French central government. Those holding state power not only believed their powers to be greater than 'any power they ever beheld' but differed from 'every other power by its origin and nature':

It did not flow directly from the Deity, it did not rest on tradition; it was an impersonal power; it was not called the King, but the State; it was not the inheritance of a family, but the product and the representative of all. It entitled them to bend the right of everyman to the will of all the rest.

During the eighteenth century, Tocqueville continued to argue, 'central authority' in France already had

*succeeded in destroying all intermediate authorities, and left only a vast blank between itself and the individuals constituting the nation, it already appeared to each of them from a distance as the only spring of the social machine, the sole and indispensable agent of public life.*⁵¹

Intermediate authorities had been destroyed as a result of political and geographic centralisation throughout French society. According to Tocqueville, French towns and villages, which were previously administered by locally elected officials, had become subject to central control through the appointment of centrally appointed *intendants*. He claimed that central government usurpation of local government was the culmination of a two-hundred year process through which European sovereigns 'had carried on a clandestine or an open warfare' against the privileges of 'Provincial liberty'.

Unlimited social power became the 'peculiar form of tyranny' which Tocqueville called 'Democratic Despotism' in whose name 'the State was not only to reform men, but to transform them'.⁵² For Tocqueville, the growth of unlimited state power continued with the French Revolution itself, and threatened to grow stronger still with the rise of post-revolutionary French Positivism, whose advocates sought state control of the economy. Critics of both twentieth-century communism and the welfare state clearly find resonance in Tocqueville's chief concerns and this is why he inspires them. For the critics, as for Tocqueville himself, the fear was of overarching state power. The voluntary association of civil society, for both the latter-day critics and their nineteenth century icon, was what could check the growth of state power.

Unemployment

Tocqueville argued that while democracy was favourable to the promotion of manufactures, the development of large-scale industrial production also carried the hidden threat of despotism. Echoing Adam Smith, Tocqueville also maintained that where a worker was 'unceasingly and exclusively engaged in the fabrication of one thing' he achieved a 'singular dexterity' but lost the 'faculty of applying his mind to the direction of the work'. Thus, 'as the principle of the division of labour' was 'more extensively applied', workmen became 'narrow minded and more dependent'. The minds of the 'masters' of manufacture, however, became, through the same process, 'enlarged in proportion as that of the 'labourer' was 'narrowed'. Workers acquired 'physical strength without intelligence'; their bosses the 'science' and 'genius' necessary for success.⁵³

⁵¹ A. de Tocqueville, *On the State of Society in France before the Revolution of 1789; and on the Causes which led to that Event*, London, John Murray, 1856, p. 124.

⁵² *Ibid.*, p. 298.

⁵³ A. de Tocqueville, *Democracy in America*, New York: Schocken Books, 1961 [1840], Volume 2, pp. 190–92.

*The master and the workingman have then here no similarities, and their differences increase every day. They are only connected as the two rings at the extremities of a long chain. Each of them fills the station which is made for him, and out of which he does not get: the one is continually, closely, and necessarily dependent upon the other, and seems as much born to obey as that other is to command. What is this but aristocracy?*⁵⁴

Therefore, it was that 'aristocracy should naturally spring out of the bosom of democracy'. However, the new class of manufacturers was a 'kind of aristocracy' that bore no resemblance to 'those kinds which preceded it'. The members of this new aristocracy of manufacturers were neither 'fixed', nor 'compactly united among themselves'. Most importantly, while 'the territorial aristocracy of former ages was either bound by law, or thought itself bound by usage, to come to the relief of its serving-men, and to succour their distresses', now the manufacturer asked 'nothing of the workman but his labour' while the worker expected nothing in return 'but his wages'. One outcome of the exchange relation of labour for the wage was that the 'manufacturing aristocracy of our age', which Tocqueville described as 'one of the harshest which ever existed in the world', 'first impoverishes and debases the men who serve it, and then abandons them to be supported by the charity of the public'.⁵⁵ Pauperism and crime were the results of industrial development.

Interestingly enough, then, we find in Tocqueville a sharp awareness of how unemployment could vitiate social solidarity. However, it needs to be noted that this aspect of Tocqueville's thought is little remarked upon by those who routinely appropriate him for the purpose of late twentieth-century debates on social security and welfare provision. It had been the purpose of charity to alleviate the evils of pauperism and crime. Charitable 'gifts' appeared in European society as 'two kinds of welfare'. The first kind of welfare, which was 'as old as the world', led 'each individual, according to his means, to alleviate the evils he sees around him'. Christianity had turned private charity into a virtue, the form of altruism predominant in Catholic countries. The second kind, 'modern' and 'born of Protestant societies' led 'society to concern itself with the misfortunes of its members and is ready systematically to alleviate their sufferings'.⁵⁶ England was the prime example of the second kind of welfare.

For the case of England, Tocqueville offered an appraisal which has continued to the common coin of welfare, namely a 'good principle' which had the 'fatal consequences' of increasing the number of the poor through relief for the poor. Tocqueville, however, pointed to several other consequences of welfare. State-directed poor relief, he argued, since it imagined poverty as a remediable condition, ultimately required that society 'inquire into the causes of need before

⁵⁴ Ibid., p. 192.

⁵⁵ Ibid., pp. 193–94.

⁵⁶ S. Drescher (ed.), *Tocqueville and Beaumont on Social Reform*, New York: Harper and Row, 1968, pp. 11–24. Tocqueville's 'teacher' in all things economic was Nassau Senior, author of much of the English Poor Law Reform of 1834.

giving assistance'.⁵⁷ More than the need for enquiry, state-directed welfare replaced the voluntary association of those altruistic donors who would give charity without state compulsion. Therefore, for the poor and their benefactors, state relief again opened the door to despotism. And, in a passage which foreshadows a perennial critique of welfare, Tocqueville concluded that he was deeply convinced that any permanent, regular, administrative system whose aim will be to provide for the needs of the poor, will breed more miseries than it can cure, will deprave the population that it wants to help and comfort, will in time reduce the rich to being no more than the tenant-farmers of the poor, will dry up the sources of savings, will stop the accumulation of capital, will retard the development of trade, will benumb human industry and activity, and will culminate by bringing about a violent revolution of the State, when the number of those who receive alms will have become as large as those who give it, and the indigent, no longer being able to take from the impoverished rich the means of providing for his needs, will find it easier to plunder them of all their property at one stroke than to ask for their help.⁵⁸

However, it was not in England but in France where revolution broke out in 1848 and where Tocqueville, now as a member of the Provisional Government, was faced with demands from below for the institution of the *le droit au travail* or 'right to work'. Those who had been thrown out of employment, by the political turmoil of that year, demanded that 'national workshops' be established according to the templates of the revolutionary years of 1789 and 1830. Faced by demands from the unemployed, the revolutionary Provisional Government that came to power in the days following the overthrow of Louis Phillipe committed itself, by decree, to 'guarantee labour to all of its citizens'. From the mid-1830s on, the French left had argued that the state was obliged to set up government-run workshops to employ the impoverished and unemployed. Such was the precedent that the state had an historical obligation to guarantee *le droit au travail*.⁵⁹

Amidst the crisis of 1848 *A Government Commission for the Labourers* was introduced in order to study the means of resolving unemployment – 'a problem posed today', the Commission's authors then wrote in strikingly contemporary tones, 'in all the industrial nations of Europe'. Tocqueville's response to the demand for 'the right to work' was to raise the difficulty of sorting out those capable and incapable of work. To determine those capable of work would require, in Tocqueville's own words, the skill of a 'great magistrate' or 'overseer' who would also have to 'possess the talents, the energy, the special knowledge of a good industrial entrepreneur'. Moreover, the overseer would 'need to find in the feeling of duty alone what self-interest itself would be powerless to create – the courage to force the most inactive and most vicious part of

⁵⁷ Ibid.

⁵⁸ Ibid., p. 25. For Tocqueville's own account of his role during the events of 1848 and their aftermath, including his direction of troops suppressing the rising see his *Recollection*, (J.P. Mayer and A.P. Kerr (eds.), G. Lawrence (trans.), London: MacDonald, 1970).

⁵⁹ Sewell, pp. 245–72.

the population into sustained and productive effort'. Tocqueville asked: 'Would it be wise to delude ourselves?' He predicted that pressured 'by the needs of the poor', the overseer 'will impose make-work', or 'pay wages without demanding labour'. Non-productive or non-work, de Tocqueville argued, would be economically calamitous for the taxpayer and, thereby, again open the door to despotism. Despite his views on state poor relief, in the face of the demand for the right to work, Tocqueville argued that poor relief was the lesser evil. His reason was that recognition of the right to work, by virtue of estimated administrative costs alone, would be far more expensive than simple, albeit flawed charity. Strikingly, Tocqueville denounced the right to work as 'socialism'. By 'socialism', Tocqueville included the Saint-Simonians in the other than social-reforming currents.⁶⁰

The demand for the right to work and the allied call for state-organised work, for Tocqueville, was merely the old bugbear of despotism now re-appearing in a new guise to meet new ends. Contrawise, the new potential of voluntary associations was epitomised by what he called the 'American System of Townships and Municipal Bodies' as was exemplified, for him, by the New England case of the United States of America. The 'village or township', Tocqueville insisted, was 'the only association which is so perfectly natural, that wherever a number of men are collected, it seems to constitute itself'. As 'the smallest division of a community', the village 'necessarily existed in all nations' regardless of 'laws and customs'. In contradistinction to man-made republics or monarchies, the village was 'the first association of mankind', seemingly 'constituted by the hand of God'. Municipal 'freedom', according to Tocqueville, was 'not the fruit of human device' but 'secretly and spontaneously engendered in the midst of a semi-barbarous state of society'.⁶¹

Crucially, for Tocqueville, these 'local assemblies of citizens', when composed of properly mannered people, 'constituted the strength of free nations'. Local government authority provided the framework within which it was possible for the citizenry to establish the social and physical infrastructure of schools, churches and roads without centralised administration. The habit of association, as practised in America, not merely in local government but in a myriad of forms to different ends, also provided a check against both political conspiracy and the tyranny of the majority by which democracy might be endangered.⁶²

If association in America worked to forestall the evil of despotism, it also provided a check against the related evil of 'individualism' to which democracy was also vulnerable. When 'the members of a community', Tocqueville maintained, were 'forced to attend to public affairs', they were 'necessarily drawn from the circle of their own interests'. Through involvement in public affairs, a person understood that it was 'not so independent' of its fellows as it had first

⁶⁰ Ibid.

⁶¹ Alexis de Tocqueville, *Democracy in America*, vol. 1, Schoken Books, New York, 1961, pp. 54–55, 90–99.

⁶² Ibid.

imagined'. In order to successfully gain their support, he needed to 'lend them his co-operation'.⁶³

Civil Associations

As has been mentioned above, for Tocqueville, local level government was one key association. He praised the 'legislators of America' for restricting the Federal Government's realm, arguing that it was partly through popular involvement in local level affairs that political association was generated and liberty guaranteed. These local level governments operated to 'infuse political life into each portion of the territory'. Local governments multiplied 'to an infinite extent opportunities for acting in concert, for all members of the community'. Members of the community were made to 'constantly feel their mutual dependence'. This need of one for the other became a 'habit', individualism was circumscribed and 'many of the passions, which congeal and keep asunder human hearts' were 'obliged to retire and hide below the surface'. Local level politicians, 'under a free government', learned 'to think of their fellow men from ambitious motives' and frequently found it, 'in a manner' that it was in 'their interest to forget themselves'. In order to perpetuate their positions, local level politicians found it necessary to 'earn the love and respect' of the population which surrounded them through 'a long succession of little services rendered' and not through a few big, brilliant deeds. A 'constant habit of kindness and an established reputation for disinterestedness' was what mattered for Tocqueville.⁶⁴

Therefore, it was out of self-interest, 'properly understood', that political association in conjunction with 'liberty' mitigated equality. *Democratic nations associations* stood 'in lieu of those powerful private individuals whom the equality of conditions has swept away'. Political and civil associations were mutually interdependent. If people were 'to remain civilised, or to become so' then, Tocqueville opined, 'the art of associating together must grow and improve, in the same ratio in which the equality of conditions is increased'.⁶⁵

Religion was one of the main, if not central, means to reinforce the habit of association. Democracy, because it encouraged the pursuit of 'physical gratification', was susceptible to 'materialism'. According to Tocqueville in the temper of age, materialism was 'a dangerous disease of the human mind' in that it induced a contentment with material objects. The pursuit of objects led to a brutishness that was itself a fertile field for despotism. Religious belief, on the other hand, was a 'most precious bequest' from the aristocratic age which, by positing an end beyond mere physical existence, encouraged people in a democracy to cultivate their 'sublimest faculties' and thereby mitigated the evils of materialism. However, Tocqueville opposed the re-establishment of state religion because of the 'almost inevitable dangers that

⁶³ Ibid.

⁶⁴ Drescher, pp. 124–25.

⁶⁵ Ibid., pp. 129–31.

beset religious belief whenever the clergy (took) part in public affairs'. Thus, religious belief, while it was to be encouraged because 'only by scrupulous conformity to religious morality in great affairs' could the 'community at large' come to 'know, to love, and to observe it in the lesser concerns of life', it too was best left to association without state interference.⁶⁶

If Tocqueville has been the dominant source of widespread quotation in the contemporary literature on community, much wrenched from what his later interpreters might have wished to say rather than what he then intended, then there is another nineteenth-century figure whose fate seems to have been almost submerged by the icon of the present age. G.W. Hegel is the earlier nineteenth-century figure whose name, as in British Hegelian Idealism, came to have a profound effect upon the turn of century social thinkers and reformers throughout Europe and who played a part in inspiring British radical reform during the early twentieth-century. Hegel represents the second way of thinking about civil society. Jürgen Habermas is one foremost later twentieth-century representative of thinking about civil society in the Hegelian tradition.

Habermas, probably more intellectually influential within Europe than Robert Putnam, after Tocqueville, on the constituting of a civic community, has intervened in the *Question of Europe*. In responding to an academic explanation given by a justice of the German Constitutional Court for the Maastricht decision, Habermas brought his theory of communicative action into play by arguing that a future European Community could only be envisaged as one from below. From a 'normative perspective', Habermas argued,

*there can be no European federal state worthy of the name of a democratic Europe unless a Europe-wide, integrated public sphere develops in the ambit of common political culture: a civil society with interest associations; non-governmental organisations; citizens' movements etc.; and naturally a party system appropriate to a European arena. In short, this entails public communication that transcends the boundaries of the until now limited national public spheres.*⁶⁷

Dieter Grimm, the justice of the Constitutional Court, had argued that there was, as now, no such civil society of Europe. In default of the possibility of developing a European civil society independently of the state, so Grimm contended, the present tendency for an administrative 'elite' to become more distant from the 'mass' would grow rather than lessen. As such, it would be dangerous for a European administrative apparatus to be extended in the name of a non-existent state, or political community, of Europe.⁶⁸

Habermas agreed with Grimm's 'diagnosis' but not his prognosis that the EU remains as a special supranational arrangement between nation states whose means of government

⁶⁶ Ibid., pp. 172–81.

⁶⁷ J. Habermas, 'Reply to Grimm', in Gowan and Anderson, 1997, p. 263.

⁶⁸ D. Grimm, 'Does Europe need a constitution?', in Gowan and Anderson, 1997, pp. 239–257.

continues to be based on sovereign power and interest. Any idea of *the* European Community, according to Grimm, would be 'fictitious'.⁶⁹ For Habermas, however, there is no intrinsic reason why political institutions for Europe cannot be developed to induce the development of a European civil society. 'Europe', he claims, 'has been integrating economically, socially and administratively for some time and in addition can base itself on a common cultural background and the shared experience of happily overcoming nationalism'.⁷⁰

We turn to Hegel since he has not been completely subsumed by what Tocqueville in America is meant to now represent as *the* nineteenth century source of authority for 'the civic community'. It is Hegel who produced an original synthesis of *civil society*, the concept for voluntary association which is often confused with that of community. Unlike Tocqueville, Hegel makes no bones about the logic of his reason why civil society is structured in and through state authority. And yet, paradoxically, Hegel's version of enlightened self-interest is also far more in tune with a modern conception of what a socially informed individuality, that of 'freedom' or 'self-determination' in community, might mean.

Hegel

When Habermas referred to the public sphere of civil society, he might have had Hegel very much in mind. According to one side of Hegel's concept of civil society, society is an arena in which egocentric individualism, involving the subjective clash of wills, takes the place of the concept of the family. Representing what is 'natural' about human relations, the family disintegrates in the face of the development of market relations between self-interested individuals. Particular needs are met through the market but there is no social intention which systematically meets all personal needs during the course of economic development as it happens. Poverty, the deprivation of need, and luxury, the surfeit of need, are experienced as part of the same pathological condition of the market economy. Hegel's account of civil society is to provide the deliberate intention to compensate for, and ameliorate, the system of needs which are unintentionally, but incompletely, met through the market economy.⁷¹

By this reckoning, civil society is about social space in which relations between persons arise with respect to economy and the development of capitalism. Associations of individuals, such as trade unions, business and professional groupings, now called 'social partners', may well enter into public space to defend particular interests but an abiding question is whether action

⁶⁹ Ibid., p. 257.

⁷⁰ Habermas, 1997, p. 264.

⁷¹ For Hegel and development, see M.P. Cowen and R.W. Shenton, *Doctrines of Development*, London: Routledge, 1996, ch. 3.

transcends the 'collective self' of particular interests to become the general interest of the civil society.⁷²

On the other side of civil society, for Hegel, stands the administered authority of what he called the 'state external', since it stood for the political state, or government, when enclosed within civil society. Logically, the state as a whole is necessary for the development of the market. Both the legal system, for the security of the person and property, and the civil service, what Hegel generally called '*the public authority*' or 'the police', were of civil society and the political state. Hegel, called civil servants the '*universal class*', because they were constituted, of the public authority, by a universal interest in that they were devoid of any particular, private self-interest other than finding 'satisfaction in the work for the universal'. Their task was 'the universal interests of the community'.⁷³ And what had created the class, the *Bildung* of rearing and education *within*, and logically only of, civil society, it was the responsibility of the class to inculcate in society. 'In its character as a universal family', wrote Hegel, 'civil society has the right and duty of superintending and influencing education, inasmuch as education bears the child's capacity to become a member of society'. Society, Hegel claimed, had the right to stand in place of parents with regard to the education of children since it was through civil society that individuals were generally to become 'self-subsistent persons'.⁷⁴ And, without saying so directly, though Hegel was here mindful of the problem of poverty, it is reasonably clear that the work of developing dependent individuals into self-subsistent persons rested, in part, on the class of civil servants.

When Hegel wrote that 'society has the right and duty of acting as *trustee* to those whose extravagance destroys the security of their own subsistence or their families',⁷⁵ it can be inferred that Hegel meant that civil servants were to act as trustees. When substituting 'for extravagance the pursuit of the ends of society and the individuals concerned',⁷⁶ civil servants acted as trustees because they had brought the ethical ideal of community within their corporate being. As part of the Executive, according to Hegel's constitution of the whole state,

⁷² Some recent interpretations of Hegel on civil society include Z.A. Pelczynski (ed.), *The State and Civil Society: studies in Hegel's political philosophy*, Cambridge: Cambridge University Press, 1984; T. Pinkard, *Hegel's Phenomenology: the sociality of reason*, Cambridge: CUP, 1994; K. Westphal, 'The basic context and structure of Hegel's *Philosophy of Right*', in F.C. Beiser (ed.) *The Cambridge Companion to Hegel*, Cambridge: CUP, 1993; S. Houlgate, *Freedom, Truth and Logic: an introduction to Hegel's philosophy*, London: Routledge, esp. ch. 3; M.O. Hardimon *Hegel's Social Philosophy: the project of reconciliation*, Cambridge: CUP, 1994; A.W. Wood, *Hegel's Ethical Thought*, Cambridge, CUP, 1990, esp. ch. 14. Also at a tangent to the above, G. Rose, *Hegel Contra Sociology*, Athlone Press, London, 1981. Likewise, for various different reasons, C. Taylor, *Hegel*, Cambridge: CUP, 1975 and *Hegel and Modern Society*, Cambridge: CUP, 1979; J.L. Cohen and A. Arato, *Civil Society and Political Theory*, Cambridge MASS: MIT Press, 1992, pp. 95–116; S. Avineri, *Hegel's Theory of the Modern State*, Cambridge: CUP, 1972.

⁷³ *Hegel's Philosophy of Right* (T.M. Knox trans. and ed.), London: Oxford University Press, 1952, paras 202, 205.

⁷⁴ *Ibid.*, paras 238, 239.

⁷⁵ *Ibid.*, para 240. Emphasis added.

⁷⁶ *Ibid.*

the public authority of civil servants were pivoted in the interstices between civil society and the political state. Of the 'middle class, the class in which the consciousness of right and the developed consciousness of the mass of the people is found', the significance of trusteeship was clear:

*The sovereign working on the middle class at the top, and the Corporation-rights working on it at the bottom, are the institutions which actually prevent it from acquiring the isolated position of an aristocracy and using its education and skill as a means to an arbitrary tyranny.*⁷⁷

If trusteeship of the middle class of civil servants was so necessary for the general development of civil society, then its authority had to be sandwiched between the sovereignty of the political state and that of the corporation from below. Or, in other words, the authority of trusteeship worked within the social space containing both the ethical idea of community, as made concrete in the political organs of the state, and the 'communities' of corporate associations so necessary for making conscious the duty of one individual to another.

Without public authority, abstract market relations between self-interested persons would culminate in the disintegration of society and economy. More than preventing criminality, it was the public authority, of 'the police' or civil service, which was to regulate the economy, through price and other market controls, including consumer protection, and maintain public health and general infrastructure. Above all, the task of public authority was to secure social security by administering to the need of the poor. State regulation, according to Hegel, is necessary for the development of civil society. But, regulation through the public authority of civil servants was only one particular means by which civil society developed.

It was what Hegel called the *corporation*, as mentioned above, which was another particular means by which individuals found themselves and their needs recognised in civil society. Corporations, as associations, social bodies or institutions, fulfil the role of the pre-market orientated family in sharing the meeting of need between individual members of the body. Unlike the family, however, membership of the corporation is not ascribed but voluntary. Through active participation in the corporation, membership realises individual self-determination and personal recognition for the meeting of need. For Hegel, local government municipalities, churches, universities, professional and trade associations all had the potential to be corporations. And, as the name indicates, the business company was most certainly a corporation, but one in which both employers and workers participated for the public interest in, and the purpose of, meeting the social need of all its members.⁷⁸ Corporations, for Hegel, developed immanently and without intention.

⁷⁷ Ibid., para 297.

⁷⁸ Ibid., para 252.

Hegel's intentional construal of a directed public authority sat uneasily within the development of the ethical ideal of community. Corporations, as 'the circles of association in civil society' which are 'already communities',⁷⁹ developed immanently. As such, communities were to give, to the modern 'situation' the form of a pre-modern association which, as we saw above, possessed privileges. However, in the new situation of civil society, the corporation was not intended to be the institution through which particular interests of trade and manufacture were to be privileged.⁸⁰ Rather, the corporation universally associated its members by bestowing social recognition upon them all. The 'Corporation member', Hegel proposed,

*needs no external marks beyond his own membership as evidence of his skill and his regular income and subsistence, i. e. as evidence that he is somebody. It is also recognised that he belongs to the whole which is itself an organ of the entire society, and that he is actively concerned in promoting the comparatively disinterested end of this whole.*⁸¹

And, *recognition*, for Hegel, was the antidote to his, and what he purported to represent as the social fear of *isolation*. It was the 'isolated position' of the aristocracy, by way of his *Phenomenology of Spirit*, which spelt both tyranny and invalidated, on its terms, the norms by which a pre-modern European ethical ideal of community was both regulated and constituted.

Then, during the early nineteenth century, isolation of all members of a potential civil society was the threat which faced the authority which could be freely bestowed upon, and for, a new ethical ideal of community. Public authority, as mentioned above, was 'relative' to the political state and the corporation. The corporation, in completely actualising 'the unity' of the political community of the state, did so 'only in a whole which, while concrete, is restricted' because it could not embody the real ethical community.⁸² While under surveillance by the public authority, on the ground of trusteeship, the corporation was that association of community from below which acted as 'the counterpoise to officialdom which independent and self-subsistent bodies create'.⁸³ In turn, the community from below was where duties and rights of individuals consciously cohered to prefigure the possibility of the ethical ideal of community wherein 'rules' of duty were followed according to every person's situation.

Duty, for Hegel, involved the individual making 'his account' of attaining 'his personal interest and satisfaction' and thereby finding her or his right to be given personal recognition. Without recognition, the individual was isolated:

⁷⁹ Ibid., para 303.

⁸⁰ Ibid., para 252.

⁸¹ Ibid., para 253.

⁸² Ibid., para 229.

⁸³ Ibid., addition to para 297, (p. 291).

*The isolated individual, so far as his duties are concerned, is in subjection; but as member of civil society he finds in fulfilling his duties to it protection of his person and property, regard for his private welfare, the satisfaction to the depths of his being, the consciousness and feeling as a member of the whole; and in so far as he completely fulfils his duties by performing tasks and services for the state, he is upheld and preserved.*⁸⁴

It was in this full conception of duty, with the content of duties differing according to whether the individual conceptually is a member of family, civil society and the state, that the official Hegelian fear of isolation was meant to find its philosophical basis as set out in Hegel's *Phenomenology*. And, only thus, Hegelian community can be said to be one which is both from above and from below.

Bearing in mind the idea of community from below which has been so closely associated with that of Tocqueville, we should note that Hegel also pointed to the lack of 'Corporations and local government' in post-revolutionary France. More generally, he pointed out, associations 'have been framed' to control 'particular spheres from above'. However, the 'lower classes, the mass of the population have been left more or less unorganised'. Hegel continued:

*And yet it is of the utmost importance that the masses should be organised, because only so do they become mighty and powerful. Otherwise they are nothing but a heap, an aggregate of atomic units. Only when the particular associations are organised members of the state are they possessed of legitimate power.*⁸⁵

Hegel's fundamental problem was that if 'the masses', especially the poor, were to be organised in the corporations of civil society, as if in community without a state, then it is difficult to see how they would be 'civil' in all the above-mentioned meanings which Hegel construed for the necessary socialisation of individuals as persons. And, if the masses were to be of the political community of the state, the distinction between civil society and the political state would not only collapse but also the political state would be turned upside down.

8. Conclusion

From the above readings of Tocqueville and Hegel, it was the social fear of the privately isolated person which had commonly grounded so much of the pleading for the association and corporation as the bedrocks of a communitarian and civil society. Furthermore, as we also saw above, virtually all modern debates about the form and construction of community in Europe took their bearings from the perceived break-up of pre-industrial regulative communities. The

⁸⁴ Ibid., para 261.

⁸⁵ Ibid., addition to para 290 (pp. 290–1).

current lexicon or vocabulary of governance, insofar as it contains the use of the terms such as *community*, *civil society*, *social cohesion and solidarity*, harkens back to debates that have their origin in the late eighteenth and nineteenth centuries. It was during this period that the break-up of the pre-industrial regulative community became evident to observers who understood that the spontaneous generation of community through the operations of free markets would remain incomplete. From this point on, much of European intellectual endeavour and debates over state policy was framed around the problem of reconciling individual liberty, itself seen as dependent on market freedom, with the re-construction or maintenance of community, rooted in the meeting of social needs through regulation of the market.

Late nineteenth and early twentieth century European writings are replete with proposals of how to reconcile freedom with social regulation. German neo-Kantianism, English New Liberalism or British neo-Hegelianism, and the neo-criticism of Renouvier and other writers of the French Third Republic return again and again to this conundrum. All sought, through various reworkings and combinations of Idealism, Positivism, and Liberal thought, a way out of the puzzle posed by the need to reconcile individuality and community. Each of these trajectories could be discussed in detail if space and interest permitted.

The trauma of the First World War marked a watershed in these debates. The destruction of European society and the threat of Bolshevism led, most notably through Keynes' *Economic Consequences of the Peace* and his other writings, to a call for the conscious construction of European community and, later, amidst the trauma of fascism and renewed European warfare, for the project of the regulation of market demand in the name of social stability. It was as a part of this project of market regulation that the European Community was born and elaborated for the first several decades of its existence.

Now, at the end of the twentieth century, the elimination of the Bolshevik threat has not only removed the major inspiration for economic regulation in the name of community but, in the face of an increasingly competitive market for investment, has made such regulation more and more costly. In this context regulation, both at the Union and component state levels has been re-oriented toward the removal of obstacles to competitiveness. It is for this reason that the language of governance now contains a significant business management component.

However, as this re-orientation in the content of regulation has taken place, the older issues of social cohesion and solidarity, subdued during the era of Community construction, have now resurfaced as the social conflicts attendant upon the shift toward an increasingly competitive regime themselves reappear. Faced with the reappearance of what, in the mid nineteenth-century, was known as the 'social question', the vocabulary of the social question has also reappeared as a part of the language of governance. Once more, discussions of community and civil society occupy a central position in European thought and writing. Towards the beginning of this paper, we indicated the extent to which the 1990s focus on social inclusion

through the idea of community has coincided with an emergent problem of popular legitimacy for the EU. Two concluding points can now be made about the connection between legitimacy and community.

The first point is that the commonplace reaction against the EU regulative regime, to regulate competition within the European Economic Area, is often couched in language which conjoins liberty with custom. Regulation, it is often asserted, is an unwarranted interference with the accustomed practices of activity, ranging from self-employed to large-scale business enterprise in virtually all sectors of the economy. Through enforcing common practices in economic activity through rules and regulations, which are set in train through the Commission and Council of Ministers, the EU is seen as a centralising bureaucratic agency which makes little or no allowance for the local and regional variations in locality throughout the common economic area. And, in acting bureaucratically, it is claimed, the EU acts as a source of social exclusion by forcing the loss of enterprise, and attendant jobs, which would otherwise be free to compete according to accustomed practice.

Yet, as it is also well known, what normally goes by the name of accustomed practice has been made possible historically, especially during the twentieth century, according to the same ground of regulatory regime which has underpinned that of the EU. It has been on the basis of the administered order of state authority, through different layers of national, regional and local government, that economic activity has been regulated. By this reckoning, therefore, it is the change in locus of regulation rather than some substantial shift in its meaning which is what made the EU so associated with the name of a regulative community. For all which is entailed by the public accountability of the *demos*, it is a moot point whether tax and subsidy policies, which underpin a regulatory regime, have also rested historically on not so much more than that of the permissive consensus which has been said to have governed EU legitimacy. And, administered authority of the public sphere is public precisely because regulation is enacted by rule and not by the particular, private, and individual circumstances of those who are subject to administration.

This first point may be exemplified by pointing to the difficulties that British New Labour has encountered in attempting to give content to its third way of governance. Here, there is some intent to realise individuality, as opposed to individualism, by giving recognition in principle to one or other conception of personal need. Yet, in also searching for a new means regulation, one metaphor which has been summoned up is the conception of a 'mutualist' spirit of society. As generally understood, mutualism suggests that the obligation to labour by those who do not work for wages is to be matched by an obligation of those with investment capital to create the conditions under which the need to work can be met while at the same time direct state regulation can be reduced in the name of market competitiveness. It is this kind of intended change in regulation within member states of the Union which has accompanied the attempt to

find legitimation for the EU regulative community to resolve one troublesome problem of late twentieth century governance.

However, to exemplify the problem at hand, the would-be theorists of the British third way have repeatedly, if often seemingly unwittingly, ransacked late nineteenth and twentieth century social thought – from T.H. Green to Peter Kropotkin – in an attempt to find some coherent philosophical basis for their endeavour. We would argue that the difficulties in formulating the third way of governance in Britain are, bearing in mind the different national idioms of European philosophy and social thought, a harbinger of the difficulties that will increasingly be faced as an enlarged Europe characterised by a unified monetary regime continues in its attempt to reconcile the competing needs of social cohesion with international competitiveness.

The second and last point is more precisely about how the public of policy can confront the private of social experience. ‘Although people remain ignorant or hostile to Europe’s institutions’, the 1998 report on European identity argued, ‘they are becoming more and more open and receptive to the continent of Europe. Every year more people go on holiday to European destinations, eat European food, watch European films and do business with companies from other European countries’.⁸⁶ Whatever the merit of these examples, the point about this interpretation of what constitutes a commonality of Europe is that it is ‘far away from the Europe of regulations and institutions’.⁸⁷ But if a virtuous communality of Europe is not supposedly a regulative community, it has been constituted by regulation. The paradox, as recounted above and merely reiterated here, is that the end of regulation is meant to serve the means by which the community is to be constituted. Individual persons may decide to travel, eat, watch, and do business according to some socially informed idea of Europe. But the material means by which persons are not to be socially excluded from doing so are meant to be constructed according to the regulative idea of community.

⁸⁶ Leonard, 1998, p. 26.

⁸⁷ *Ibid.*, p. 27.