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**The expanding EU:
Ever more diversified people
become "united ever more
closely"**

Dr. Wolfgang Zank

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Ever more diversified people become "united ever more closely"

Dr. Wolfgang Zank[*]

Abstract

In this paper I try to explore whether the EU can go on expanding and thereby become culturally ever more diversified, and at the same retain its stability. The answer is, in principle, affirmative. Europe has always been much diversified, and therefore it is not possible to define a European identity in terms of particular cultural traditions. However, in spite of their diversity, the EU-member countries are united by their adherence to the principles of democracy, rule by law and human rights. Countries which do not share this basic consensus would not be accepted as members, nor is it likely that they would apply for it. An essential part is the willingness of member states to accept a reduction of national sovereignty on some important policy fields. The EU project is basically about lifting the principles of democracy and rule by law on the international level, most and foremost among the member states, but also as to the outer world. *This* endeavour can be seen the core of the European identity. It provides mechanisms which allow handling cultural differences, and in principle, it is open to other countries. Furthermore, theoretical reasoning and empirical evidence has convincingly shown that economic modernisation leads to a set of predictable cultural changes, among them exactly the spread of democratic ideals. Modernisation is thereby a powerful ally of the European project. Further geographical expansion and an intensification of the cooperation are the most likely scenarios, and so is the existence of many conflicts. But this is simply EU-normality.

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The expanding EU: Ever more diversified people become "united ever more closely"

1. An ever more diversified EU and the "Turkish spectre"

After the fifth enlargement, the European Union counts 25 member states with a population of 454 million inhabitants. This is more than the USA and Russia together. Most likely, Bulgaria and Romania will join in 2007 or 2008, followed presumably by Croatia. Turkey (70 million people) has begun membership negotiations, 2015 being a likely entry date. Also the remaining West-Balkan states have been recognised as candidate countries. It is unlikely that the row will stop there. At least, the governments of Ukraine, Moldavia and Georgia have already declared their wish to join.

Each enlargement has increased the diversity of the Union: Geographically, socially, and culturally. It is, of course, a legitimate question to ask whether the EU can remain stable under such conditions. In particular Turkey's future membership has been discussed very controversially. Former European top-politicians such as Valéry Giscard d'Estaing or Helmut Schmidt have objected vigorously.[1] Giscard formulated the problem as follows:

> Progressive enlargement has led to increasing unease. Europeans need to strengthen their identity. No "European patriotism" can exist until European citizens realise they belong to a single entity … Turkey has developed its own history and its own culture, which deserve respect. However, the foundations of Europe's identity, so vital for the cohesion of the EU today, are different. Turkey's accession would change the nature of the European project … Morocco would probably be tempted to follow Turkey's example. This could result in a process of permanent enlargement, destabilising the operations of the European system and removing its original rationale … If the only solution Europe can come up with is allowing entry to the union or antagonising its partners, the EU is doomed to slide into a regional version of the UN…

From my point of view, Giscard analyses the problems convincingly in many respects. Enlargement has produced unease (and will do so in the future); the prospect of permanent enlargement is a realistic scenario; Turkey's accession will alter the nature of the European project; and certainly, European patriotism cannot develop without the feeling of belonging together. However, his conclusion, namely that Turkey ought not to become a member, is not justified. Nor will further enlargement make the EU degenerate into a kind of UN. I postulate that the EU will go on enlarging and at the same time *strengthen* its

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[1] Giscard, 2004; Schmidt, 2004.

cohesion. The fields of cooperation will presumably extend, also in a supra-national form. The cultural differences will not undermine the EU, and the feeling of European belongingness will presumably spread. However, also the unease among many citizens as regards the EU will presumably remain at a significant level. This will create problems for the functioning of the union. But it will not dissolve it. It is my aim with this paper to provide substance to these postulates.

At the core of the problem lies perhaps the point that Giscard (and many others) have an idea of European Identity which I think is inappropriate. Furthermore, he (and many others) take a mistaken view on the implications of diverse cultural traditions for the political stability of the EU. Certainly, culture is important. But it is important to specify *which* cultural characteristics are politically important in our context. Simply pointing at the existence of some cultural differences is not enough. We notice *en passant*, that Giscard does not specify which aspects of Turkish culture will make this country an EU-misfit also in the future. He underlines, not very convincingly, that for him religion is *not* the issue. Many others, however, have stated that Islam and EU's normative basis are incompatible. Samuel P. Huntington in 1996 even fancied an unavoidable *Clash of Civilisations*, not the least between the West and Islam with its "Bloody Borders"[2]. From this point of view, incorporating a big Muslim state into the EU must be like placing dynamite at the foundations of the whole structure. In opposition to these views, I will argue that Turkey will become EU compatible, her Islamic traditions not being an obstacle. By contrast, the predominantly Christian USA are culturally not EU-compatible, at least not for quite some time to come.

Giscard did not explain what he actually means by "identity". But he tried at least to specify its "foundations":[3]

> The European Convention [*under Giscard as its president, W.Z.*] sought a clearer definition of the foundations of this identity: the cultural contributions of ancient Greece and Rome, Europe's pervasive religious heritage, the creative enthusiasm of the Renaissance, the philosophy of the age of Enlightenment and the contributions of rational and scientific thought. Turkey shares none of these.

This statement is surprising in many respects. For instance, he seems to be of the opinion that there never have been scientists in Turkey, or e.g. engineers in the Ottoman Empire. Giscard seems also to be unaware of the fact that in medieval times Islamic scholars, who became part of the Ottoman heritage, worked on the

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[2]   Huntington 1996, esp. p 254-259.
[3]   Giscard.

basis of classic antique philosophy; others contributed significantly to the progress of e.g. mathematics. However, the most important point in this context is the fact that the European Convention under his presidency exactly *did not succeed at finding* a definition of a cultural European identity. Some Convention members, e.g. from the German Christian Democratic Union or from Polish parties, various religious groups and even Pope John Paul II lobbied actively for an explicit reference to Christianity or God.[4] But this proposal could not muster a majority. It would indeed have been strange to build a European Constitution on Christianity, given the point that such a statement would have symbolically excluded the Jews, the millions of Muslims who are already citizens of EU member states, or atheists. Besides, the question whether the EU is a Christian club has politically been answered *negatively* a long time ago. *Already in 1963*, when signing an Association Agreement, the EU[5]-leaders recognised Turkey as eligible for membership.[6] And in December 1999, at the European Council meeting in Helsinki, the heads of states and governments declared solemnly: "Turkey is a candidate State destined to join the union on the basis of the same criteria as applied to the other candidate States."[7] At the Copenhagen summit on 12/13 December 2002, when finalising the negotiations as regards the eastern enlargement, the EU leaders explicitly recalled their decision from Helsinki. The European Council strongly welcomed "the important steps taken by Turkey towards meeting the Copenhagen criteria" and acknowledged "the determination of the new Turkish government to take step on further reforms." In case Turkey fulfilled the Copenhagen political criteria by 2004, the EU was set to "open accession negotiations without delay".[8] Consequently, when Giscard, Schmidt and many others in 2004 voiced principal objections against Turkey's membership, they came many years too late.

Furthermore, in the context of the Stabilisation and Association Process (SAP), in 1999 the EU promised candidate status to the West-Balkan countries, among them Albania, provided that the conditions were met.[9] It follows that the EU, by promising or actually giving candidate status to predominantly Muslim countries, by implication has rejected the idea of referring to Christianity as a defining identity of the Union.

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[4] Norman, 83,

[5] For the sake of convenience I write consistently EU (and not e.g. EEC, European Economic Community, as would be appropriate for 1963.

[6] Gomez, 27. Giscard erroneously states that the declaration in 1963 contained only a promise to Turkey to be integrated into the Common Market, something which in his view became fulfilled by the custom union of 1995.

[7] European Council (1999), paragraph 12.

[8] European Council (2002), paragraph 18 and 19.

[9] Vachudova, 151.

2. Culture and Political Identity

From my point of view, it is presumably no coincidence that Giscard talks about "foundations of European identity" without being able to specify this "identity". The debate on these matters, also in academia, is often remarkably nebulous.

Let us start with some conceptual clarifications. I define culture in this context, in this point exceptionally following Samuel P. Huntington, "as the values, attitudes, beliefs, orientations and underlying assumptions prevalent among people in a society."[10] A subset of culture is collective identities. The most relevant in our context are National and European Identity. In this and the following section I will try to gain some clarity as regards those concepts.

Also National Identity has often been discussed in an often rather nebulous way. As with the term "nation", a commonly accepted definition does not exist.. I propose, in a first step, to distinguish between "national" and "ethnic identity" and use the term nation or national identity *only in connection with a modern state*, or to put it slightly differently, with a land which is organised as a political community. For the sake of simplicity I restrict the discussion to Europe in the first place. We can state that the citizens of a modern European state, or at least their vast majority, share a *group-feeling*. This group feeling becomes usually *symbolically expressed* by items such as the flag or by persons such as the monarch or the national football team. In many cases the citizens of a modern European state are also united by a national standard language which, apart as a means of communication, becomes also a national symbol. The examples of Switzerland or Finland show, however, that a common standard language is not a necessary condition for this group-feeling. This group-feeling and its symbols can be conveniently summarised under the term National Identity. It should perhaps be emphasised: According to this definition, national identity covers *only* a group feeling (and the related symbols). This group feeling is not based on common values or norms or other cultural features. I will revert to this point below.

The reference to a state is important in this context because historically states have formed national identities and merged various groups into (new) nations. The modern state with its institutions, not the least the education system, has created and continuously supported this national group feeling. As the modern state, also national identity in this sense is historically a rather recent phenomena.

In particular border changes have often produced situation where people can identify with a land and have a feeling of belonging to this national group,

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[10]   Huntington 2000, xv.

although they are not actually living there (any more). Indigenous minorities such as the Danes south of the German-Danish border or Hungarians in Romania can serve as examples. Multiple identities are possible, and actually frequent. To revert to the case at the German-Danish border, a person can e.g. feel as loyal German citizen and nevertheless feel attached to Denmark and e.g. speak Danish at home. Historically, however, a mismatch between the actual border of a country and the borders of group-feelings has often created severe conflicts. During the interwar-period Europe there were dozens of conflicts of this kind. They still exist in the Europe of today, but at a much smaller scale. Also migration movements have often produced situation where people came to live in a country, but identifying with another. I propose to treat these cases as modifications of the general definition of national identity as the group feeling which has been uniting the citizens of a country with a state.

There are numerous other groups with feelings of belonging (i.e. identity) who do not have a country and state on their own. We can point at e.g. Basques in Spain or Sorbs, an indigenous Slavonic minority in Germany. For these cases I propose to use the term "ethnic identity", and not national identity. Multiple identities, e.g. feeling as Frisian (an ethnic identity in this definition) and as German (national identity) are possible and frequent. Particular ethnic identities are usually politically rather unproblematic in contemporary Europe, an exception being the Basques (rather: a section of the Basque-speaking population in three Spanish provinces).

The matter is a completely different one huge parts of Africa: The African states are rather young and were until now not properly able to socialise their citizens into national identities. Instead, ethnic identities from pre-colonial times, which divide the citizens of the state in question, and which often cross state borders, are more important in peoples' minds.

Returning to Europe: For roughly two hundred years, the idea of a nation has been surrounded by powerful mythological constructions. One has been that the nation (in particular one's own) has been "very, very old", another being that the members of the nation have been culturally united by a set of common values, beliefs, or orientations. The idea that nations have been culturally homogeneous has been widespread. But it is plainly mythological. Rather elementary historical knowledge shows that all nations, without exception, have exhibited a huge variation of values, norms and orientations.[11] This has, of course, led to numerous conflicts. But the existence of conflicts is no tragedy. The important point is that they ought not to escalate. Nation states have exactly been able to develop mechanisms to regulate conflicts in a peaceful way. To these mechanisms belong explicit legal norms, independent courts, the monopoly of

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[11]   I have tried to show this in the case of Germany, Zank 1998.

force for the state, and, more recently, democratic rules which have provided modern states with a hitherto unparallel level of political legitimacy. I shall return to this point.

Interestingly, the mythology of the culturally-homogenous nations is also widespread in academia. Not seldom is it possible to encounter authors who have won high acclaim by works on nationalism where actually essential tenets of nationalist mythology become reproduced uncritically. In some cases, even crude national stereotypisations can be sold as studies on "national identity".[12] Small wonder that many people talk and think in terms of national stereotypes and generalisations, the "best" one perhaps being: "The Danes are awful generalisers."[13]

I presume that much of the current unease about "European Identity" and the cultural diversity within it stems from a mistaken comparison with nation states. If someone *erroneously* is of the opinion that nation states have culturally been homogeneous, then the EU might *erroneously* be seen as something completely new because of its diversity. But it is more a question of optics and myths, given the simple point that nations never have been culturally homogenous. Once this elementary point is understood, the cultural diversity within the EU appears much less dramatic. And the basic question is not so much of "how much diversity can the EU tolerate", but rather: "What kind of arrangements must be in place so that we can cooperate in spite of diversity."

A problem which is related to the mythological perceptions of nations is what I would call the *structuralist fallacy*: The uncontrolled assumption that cultural patterns always form a coherent and well-connected entity. But at least for modern times, this is patently not the case. People might e.g. speak the same language and have nevertheless completely divergent values and beliefs. Or conversely, people might share the same religious beliefs, e.g. Catholicism, and speak completely different languages.

People might even have very similar religious beliefs and nevertheless are on practically all other fields culturally very different, culture, to repeat, to be understood "as the values, attitudes, beliefs, orientations and underlying assumptions prevalent among people in a society." For instance, Christianity is a case in point. There has never been such a thing as one "Christian culture", or specific "Christian values". The Bible is an extremely heterogeneous text, containing exhortations such as "Love thy enemies!", or conversely: "Happy shall be that taketh and dasheth thy little ones against the rocks" (Psalm 137).

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[12]   Zank 2004.

[13]   "Danskerne er slemme til at generalisere", as said by the Greenlandic member of parliament Ellen Christensen in a newspaper interview.

Today, most Christians will presumably answer that the New Testament is the relevant part of the Bible. But historically Christians have more often than not used exactly parts of the Old Testament. And by selecting appropriate parts of the Bible and interpreting them, it has been possible to justify whatever kind of behaviour. And historically, Christians *have* displayed all kinds of behaviour. Suffice perhaps to mention that Christians have conquered cities and butchered all inhabitants (as happened to Jerusalem in 1099), or that Christians have traded slaves for many centuries. Also today being a Christian in itself does say anything about values and norms and behaviour. For instance, a president can pray daily and nevertheless find it legitimate to start an unprovoked war of aggression. Giving this diversity, one might speak of "Christian cultures", plural, and pointing at some uniting elements such as a belief in Jesu resurrection. But when it comes to values and norms and attitudes and behaviour, such an aggregation is meaningless. The same is true about Islam.

Therefore it would have been empty from a content of view, had the Convention introduced a reference to god or Christianity in the Preamble. Virtually the *only* effect would have been to exclude Jews and Muslims (and Buddhists and …).

Of course, it is possible to find a rather consistent set of norms and values if we refer to particular Christian institutions, for instance the official doctrine of the Catholic church. Had the Convention included a passage to "Christianity, as interpreted by the leadership of the Catholic church" into the preamble, this would have given a clear meaning. However, giving an unelected religious body a power of interpretation would have been in striking contrast to elementary constitutional principles. It has exactly been *secularisation*, the separation of political decision-making and legislation from religious authorities, which has been one of the key characteristics of European history during the last centuries.

Secularisation has intellectually been a produce of Enlightenment. Could one identify a European Identity by referring to the ideas of this movement? Giscard, above, did so, and Liberals and Social Democrats at the Convention actually proposed to insert such a reference into the preamble of the Constitution.[14] But this proposal could neither muster a majority. This made sense because violent reactions *against* Enlightenment belong to Europe's cultural heritage as much as Enlightenment itself. Europe has always been culturally much diversified.

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[14] Meyer, p. 14f.

3. A Definition of European Identity

Of course, *something* unites the EU. We may look at the Constitutional Treaty and find out what actually *could be agreed* upon.[15] We quote the Preamble at length:

> DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,
> BELIEVING that Europe, reunited after bitter experiences, intends to continue along the path of civilisation, progress and prosperity, for the good of all inhabitants, including the weakest and most deprived; that it wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world,
> CONVINCED that, while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their former divisions, and united ever more closely, to forge a common destiny,
> CONVINCED that, thus "United in diversity", Europe offers them the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the Earth, the great venture which makes of it a special area of human hope,
> DETERMINED to continue the work accomplished within the framework of the Treaties establishing the European Communities and the Treaty on the European Union, by ensuring the continuity of the Community acquis, …

As we can see, Europe's "cultural, religious and humanist inheritance" remains unspecified, and it is only a source of inspiration. No one becomes excluded. And right in the very first sentence reference is made to *universal* values such as democracy, equality and rule by law. This is exactly not a regional, geographically-bordered identity, but an open one which in principle allows for the permanent enlargement which Giscard dreaded. Explicitly the union is "open to culture and learning", which I interpret as meaning: open to the culture *of others* and learning *from others*. Of course not unconditionally, the emphasis on democracy or rule by law implicitly precludes "learning" from religious fundamentalists (see below). But apart from this point, the text carefully, as EU

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[15] The reader might object that at national referenda in France and the Netherlands a majority rejected the Constitutional Treaty, which therefore is something which is *not* agreed upon. But the member state governments, all of them democratically-elected, signed the treaty, so at least at elite-level there is agreement. Furthermore, the "non"-voters in France presumably did not reject the Preamble, but rather voted "non" because in their view the treaty favoured certain policies which they disliked. Thus 46 per cent of the French no-voters declared that the treaty allegedly "aggravates unemployment in France", making this consideration the main reason for the negative decisions (Le Cœur, 2005). But this has nothing to do with the principles of the Preamble.

declarations in general[16], does not contain a border to others. There is no cultural "Othering" which previously has been such a frequently-used tool when it came to creating e.g. national identities. If there is a hint of the "other" in the preamble, it is Europe's own pre-1945 past ("Europe, reunited[17] after bitter experiences").

The universal character of the project is hammered out in the sentence that the EU strives for peace and justice "throughout the world." In this endeavour the peoples of Europe are determined to become "united ever more closely" and to forge a "common destiny". However, no cultural homogenisation is intended, on the contrary, the catchword is "united in diversity."

But how can the "peoples of Europe" (plural!) forge a common destiny and embark on ambitious endeavours such as striving "for peace, justice and solidarity throughout the world" if they are culturally so diverse? After all, previously ambitious projects such as the Tower of Babylon had to be abandoned as soon as significant cultural differences (mainly linguistic ones) had emerged. But the EU is not a Tower-of-Babylon community. Point one, foreign-language capacities are so widespread by now that linguistic diversity does not impede cooperation any more. Currently, language differences are a cost-creating factor (e.g. translation costs inside the EU institutions), and sometimes they create misunderstandings, but these are rather low-level problems.

Much more important, despite all their cultural differences in numerous spheres, the peoples of Europe in their vast majorities have reached a consensus *on certain procedural questions*. These formalities are essential. The first important formality is democracy. Not only, but first and foremost, democracy is a political system based on a set of certain rules. To these belong the principles of freedom of speech and organisation, equal franchise for the adult population and regular elections to representative bodies. The majorities in these representative bodies are entitled to make the laws. However, the power of the majority is not unrestricted, basic rights or human rights protect everyone. Laws which are generated through these mechanisms of representative democracy are perceived as legitimate. Also executive power becomes invested with legitimacy when it is based on a similar mechanism. "Rule by law" is the twin of democracy, understood the way that independent courts decide when democratically-generated laws have been violated, and it is the democratically-invested

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[16] Wæver, 210.

[17] Here the prefix "re-" is interesting. Actually, Europe was never united before, so it can become "united", but not "reunited". Here, for once, an element coming from nationalist mythologies might have entered the text. It has been a standard myth in nationalist movements that their aim was to "re-establish" a kind of natural order of things. For instance, Italian nationalism labelled itself as "risorgimento", re-emergence. But prior to 1861 Italy was never united, the unified Italy was a completely novel construction.

executive which enforces the laws. This kind of legitimacy, in Max Weber's words, derives from 'a positive statute in whose legality one believes'.[18] Historically, there have been many forms of political legitimacy, e.g. based on tradition or/and religion. For many centuries, European rulers invoked religious legitimacy ("We, by the grace of God, king xy of country z") and claimed obedience by referring to St Paul's teaching that there is no authority on earth which is not invested by God. But modern democracy has broken this nexus between legitimacy and religion. God became replaced by the above-mentioned rules.

Democratic legitimacy is historically a rather young phenomenon. But on numerous occasions it has already proven its ability to generate strong support among the population at large, and it could produce much more political and social stability than alternative systems. And here we have a cultural feature which is common for the peoples of the European Union: All the member states are democracies, so *this* is an essential part of European commonness. We might say, of European identity. But this aspect is not something exclusively European; Japan or Australian or Indonesia are democracies too. Measured along this yardstick, in principle they could become EU members.

However, the European Union is historically something completely unique in as such as the principles of rule by law and democratic legitimacy also govern the relations *among* the member states to a substantial extent. On important policy fields decision-making and legislation became even transposed to the supra-national level, making the member-states *subordinate* to the EU-level. Laws and decisions of the EU are mainly done by three bodies, the Council of Ministers, the European Parliament and the Commission. All three bodies become invested through democratic procedures, either directly (the parliament) or indirectly; the Commission gets appointed by democratically-elected governments. Seen from this formal point of view – and to repeat, formalisms are essential – there is no such thing as a "democratic deficit".

The body of EU-legislation is very large by now, some 80,000 pages. And as the European Court of Justice (ECJ) has made clear early on, the EU-legislation is superior to national legislation; in case of contradiction the national laws have to be altered. This is actually formulated rather strongly, namely that *every* EU-norm trumps any national norm (i.e. even constitutional law).[19] Furthermore, EU legislation has "direct effect", it provides the citizens directly with rights which they can invoke at the courts, both against the national administrations

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[18]   "Legitime Geltung kann einer Ordnung von den Handelnden zugeschrieben werden: a) Kraft Tradition: Geltung des immer Gewesenen … d) kraft positiver Satzung, an deren Legalität geglaubt wird." Weber, 26.

[19]   Haltern, 181.

(vertically) and towards other citizens (horizontally).[20] Due to these characteristics, EU law is completely distinct from International Law and akin to the constitution and legislation of a federal state. We recall in this context that the ECJ has "constitutionalized" the treaties a long time ago, i.e. given them the juridical quality of a constitution. Calling the newest treaty a "Constitutional Treaty" or even "Constitution" has therefore been quite a misnomer. It is just another treaty in a long row, and when it comes to institutional changes, not the most revolutionary one.

Many political scientists have been quite bedevilled by the fact that the ECJ could formulate such dramatic principles as "primacy of EU law" or "direct effect". Some talked about a 'judicial rewriting of the Treaties' or *de facto* amendment;[21] others wondered why member states have tacitly accepted such a development. I adhere to a more "legalistic interpretation": If some basic legal principles are incorporated into the treaties, they have a wide range of implications because legal systems have to be consistent. The ECJ did not "rewrite" the treaties but made their implications overt. The room for discretion has been rather limited. Could the ECJ have decided otherwise in principle? Is it possible to make a treaty that e.g. establishes the principle of free trade in goods and transfers decision-making on this field to a supra-national level, and thereafter allow member states to introduce national legislation which impedes this free movement? Is the principle of superiority of EU law not an unavoidable consequence of the Rome Treaty? Supposed, of course, you really want to make this arrangement to work. Denying the principle of superiority of EU-law would be tantamount to letting the whole construction unravel, letting it "degenerate into a kind of regional UN", to use Giscard's expression. But this exactly did not happen, and no influential actor has any intention to ever let it happen.

By now the EU possesses a huge body of legislation which formulates a consistent set of rules and norms which regulate the behaviour of the citizens in a wide range of fields. The term consistency in this context refers to the juridical quality, not necessarily to the content. If can e.g. be questioned whether the Common Agricultural Policy (CAP) and its concomitant agrarian protectionism is consistent with the aims of EU's development policy. But juridical, the norms which have allowed allotting money to the CAP and to the development policy are consistent.

Above we encountered the problem that we cannot recur to e.g. Christianity if we want to find a body of consistent norms and values. Nor could we find it in

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[20] Technically, there is one difference, namely that only regulations have immediately direct effect both horizontally and vertically; directives only have vertical effect. However, they provide citizens with horizontal effect when they become transposed into national law. And if a country fails to transpose the directive into national law, the citizen can go to court in order to demand transposition.

[21] Haltern, 181.

the Koran, or whatever traditional cultural heritage. But we can find it now in the body of EU law. The EU institutions and the EU legislation is a rather new cultural construction. But it is a common European construction, constructed by applying rules and principles which are common to all EU member states.

Quantitatively, the bulk of EU legislation regulates economic matters. But this should not obscure the fact that the basis of EU law is Human Rights. Interestingly, originally the treaties did not mention Human Rights. It was again the ECJ to make it overt that all legal acts of the EU have to respect them, given the point that the constitutions of the member states have been based on them.[22] Human Rights are something common for EU-Europe, they are part of a common cultural identity. However, there were some ambiguities because the national constitutions did not define Human Rights in exactly the same way. The Charter of Fundamental Rights has removed these ambiguities. Formally, it is not yet legally binding given the point that the Constitutional Treaty, which contains them, is not yet ratified. But it was unanimously accepted by the member states and the European institutions in December 2000. And the Commission and the ECJ have declared that they will take it as the basis for their future proposals and decisions. Furthermore, the Nice Treaty introduced a provision that a member state can be expelled if it does not respect Human Rights. Therefore, in a concrete and legally-binding way Human Rights are at the core of the European Identity. Conversely, a country can look back to almost 2000 years of Christianity, or it can be located right in the geographical centre of Europe, and still its EU membership could get suspended. What counts is whether the country respects Human Rights. Today.

This allows us finally to define European Identity: "The common adherence of the peoples of Europe (or at least their vast majority) to the principles of democracy, rule by law and Human rights, and the common endeavour to establish a set of consistent and explicit norms which cover the whole community and regulate a substantial part of human behaviour inside the community. Older political units such as nation states voluntarily subordinate themselves to the new community."

The willingness to let *national sovereignty* to be *subordinate* to the common law, at least in some fields, is an essential part of this European identity. Also this is a cultural rather new phenomenon, and it makes the European Union unique, until now at least. And exactly this point reveals a basic difference between EU-member states and membership-hopefuls on the one side, and the USA on the other side: In the US the idea of unrestricted national sovereignty and the concomitant refusal to sign binding commitments which might compromise it, still commands wide support among the American public at

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[22]   Haltern, 185.

large, and it became also a clearly-expressed policy axiom of the Bush administration. *This* feature makes a country such as the US a cultural misfit as regards a union such as the EU. The supreme political values of the EU and the US pointing in different directions: The EU is about overcoming anarchy in international relations; the US (at least the current administration) wants to perpetuate anarchy and secure for herself a dominating position within it.

Of course, with a view to the stability of the EU it will only be positive if the feeling of belongingness does not only rest on abstract agreements but also finds more emotional support. The prospects are not bad in this respect. One important point, the construction of common institutions have created a commonness of fate and experience. Whether you like them or not, decisions taken in Brussels affect your life across the Union. There is also already a substantial amount of common European political discussion, political controversies have for long trespassed the borders of the national arenas. And perhaps most important, in daily life and work the patterns of cooperation and division of labour have become Europeanised. This is mainly the case for the elite, but increasingly also for non-elite people. And finally, history is in a process of revision. At the beginning of the 19th century history started as a predominantly national discipline where the (imaginary) roots of the nations were "detected" in a very distant past, this way giving food to the above-mentioned national mythologies. But now new traditions become invented, books on *European* history begin to flood the bookshops. This will strengthen the feelings of European belongingness.

Certainly, there have been many historical developments which in former centuries have crossed the political borders inside Europe: The coming of Christianity, Reformation, Enlightenment, Industrialism, Liberalism, Socialism, also Nationalism. This gives a huge reservoir of historical experiences which have been common to many people throughout Europe. But it should not make us forget the diversity and conflicts. And politically, the detection of common European "roots" can serve quite different purposes. Suffice perhaps to mention that the recourse to Carolingian "traditions", so important for the EU in the 1950s, was actually invented by the Nazis. A division of the *Waffen-SS*, composed of French volunteers, was called *Charlemagne*. The misuse by the Nazis did not make it politically wrong after 1945 to point at the Carolingian heritage as something uniting (or to find other uniting experiences). And presumably, the common historical experience which was the most important one in the EU context, was exactly not something "uniting", but the Second World War. As mentioned above, the Preamble explicitly refers to Europe's "bitter experiences".

But pointing at these common experiences might *support* a European identity. But it does not *rest* upon it. The *foundation* of European identity is the common acceptance of some abstract principles.

4. Making Diversity Possible

The paradox that the peoples of the EU become culturally ever more diversified, and at the same time "ever more united" becomes solved this way: A *consensus* on the basic principles of democracy and rule by law is indeed indispensable for the stability of the union. But apart from these comparatively few basic principles, the EU-citizens can culturally be as diverse as they please. For instance, the EU can be the home for an infinite number of religions and confessions, exactly because the legitimacy of its laws and decisions does not depend on religion. Provided that the adherents of these religions adhere to the democratic consensus as sketched above, there is no problem if people act politically out of religious inspirations. Countries such as Italy or Germany have been governed by religiously-inspired parties for decades, and currently such a party is in charge in e.g. Ankara.

Being a home for a rich variety of cultural and religious currents does not make the EU a singular case. Suffice perhaps to look at the USA, a country of enormous cultural diversity, which nevertheless is rather stable and successful in many respects. Another interesting case is the Indian Republic, ethnically, religiously and culturally divided by deep horizontal and vertical cleavages, with some 110 spoken languages, 17 of them having official status. There are sometimes eruptions of violence, but comparatively, for a developing country, the amount of democratic stability is remarkable. Or, following Thomas Meyer: Political Identity does not presuppose cultural identity.[23]

In addition to the general principles of democracy and rule by law, the EU has created a huge body of economic legislation. When the Preamble speaks of "ensuring the continuity of the Community acquis", I see this as a common pledge to safeguard and perhaps enlarge this legislation. We might call the basic principles underlying the economic legislation "regulated competition" and "equal opportunities". This implies not to obstruct the possibilities of others by retorting to means such as tariffs, hidden state-subsidies or non-tariff barriers. This basically creates a win-win situation. If you cannot protect your producers against competition from another EU-member, other government can neither obstruct the market access for your producers. According to dominant beliefs

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[23]   Meyer, 52. Basically I share Meyer's ideas as to this point, but I think his often strict juxtaposition of the concepts of political identity and cultural identity is not appropriate. I prefer to see e.g. the basic consensus on democratic principles and the we-feeling of a community as cultural variabels too. Seen this way, political identity requires *some* shared cultural identity, but it can otherwise be stable also in the presence of a high amount of cultural diversity.

(which became dominant because of overwhelming experience), this is conducive to economic prosperity. But it is much more, and it is profoundly political. A consensus on these principles neutralises a huge source of potentially destructive conflicts. History is littered with tariff wars and escalations of the kind "if-you-hurt-my-wine-producers-I-will-hurt-your-coalmines." Regulated competition increases confidence, stability and predictability.

Of course, implementing it in practice is difficult, and the EU has not been successful hundred percent. But it has rules and independent arbiters to decide controversies, and this prevents the escalation of conflicts because it is neither necessary nor advisable to build up retaliatory measures. And it should perhaps be emphasised: A consensus on regulated competition and equal opportunity *does not imply* unrestrained neo-liberalism or demolishing welfare states. As in particular the Nordic countries have shown: You can have a very open economy and a stable currency and at the same time build up ambitious welfare-state arrangements.[24] Never before have the Nordic welfare states been so well-equipped as today, and at the same time exactly these countries are economic top-performers. Just to give one example, recently the Economist Intelligence Unit compiled a world-wide list of "business environment". Denmark and Finland are on places number one and two.[25] Whether ambitious welfare-state arrangements are desirable or not remains politically contested, and the questions still remains essentially to be decided on the national level. There is no EU-wide consensus on this, and apart from very general remarks such as, in the Preamble, to strive for prosperity, for the good of all inhabitants, "including the weakest and most deprived", there is no common EU-policy, neither explicit nor implicit.

According to dominant belief open markets are beneficial for all in the long run, but there have been many losers in the short run: Shipbuilders, coalminers, textile workers and many more. Again according to dominant beliefs, it does not make sense artificially to prolong the lifetime of uncompetitive industries by subsidies or tariffs; it is better to use the money instead for creating new employment and retraining laid-off workers. However, in a system such as the EU it is even *forbidden* to give subsidies or to use tariffs in order to protect industries. Small wonder that many people who fear for their jobs look with unease at the EU system. I subscribe to the view that it is an illusion to think that a government, whether inside or outside the EU, could save uncompetitive jobs for a longer time span. But this illusion, at least implicitly, is presumably rather widespread, and in the light of this illusion the EU can be seen as job-killer. This was presumably the main reason behind the French "no" to the

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[24]   I have tried to demonstrate this as regards the case of Denmark, Zank 2002.
[25]   The Economist, April 8th 2006, p. 106.

Constitutional Treaty.[26] And for the same reason, for many years to come the EU will be watched with suspicion by large sections of the population.

5. The Prospects of Stability

History is littered with examples of unions which broke apart. Could this happen to the EU? I do not think so. My view is grounded, point one, simply on the fact that membership in the Union is voluntary. Conditions for membership are clear, and if a country cannot subscribe to them, then no one forces it to join. This is a substantial difference to e.g. the Soviet Union. Furthermore, if the majority in a country changes its mind at want to withdraw from the EU, then the Article I-60 of the Constitutional Treaty contains a procedure to regulate this eventuality. In my view, it will presumably never be applied (see below), its main function is to underline the voluntary character of EU membership. The voluntary character can be seen as part of the defining cultural identity of the EU. But it is also a practical device as regards political stability: New members might disagree on many details, but it is unlikely that they are hostile to the bearing principles. In this case they would not have joined.

Until now, at least, the problem has been the reverse one: More countries want to join than the Union is willing to accept. No member wants to leave, many more want to join: Why has the EU been so attractive, for old and new members alike? Because the basic principle of the Union, namely the replacement of anarchy in international relations by a voluntary, negotiated and democratically-legitimised legal order has been in the interest of every one. This legal order is a "public good" of immense value. Not only is war among the member states excluded. It is also excluded that, say, Germany, can use e.g. tariffs against her neighbours in order to extort concessions. The EU has become an area of unprecedented stability, peace and calculability, and this is a great benefit for every one. And no one has the slightest interest in putting the achievements at risk. And leaving the Union would make the position of a country very precarious in every respect. Some costs would become visible immediately. If e.g. Italy would leave the EU and EMU, the insecurity about economic policy would almost immediately entail steeply rising interest rates on the financial markets, and this would be very expensive, giving the country's public debt at 104 percent GDP.

It is therefore *not only* the cultural consensus on democracy, human rights and rule by law which makes the union attractive and provides her with cohesion: Also the powerful forces of self-interest in stability, calculability and economic benefits work in this direction.

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[26] See above, footnote 11.

Countries which want to join the EU have to fulfil certain conditions. At the Copenhagen Summit in June 1993, which opened the way to eastern enlargement, they became formulated this way:[27]

> Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well s the capacity to cope with competitive pressure and market forces within the Union. Membership presupposed the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries.

The last criterion – capacity to absorb – has sometimes been overlooked in the academic literature. But currently the concern for the absorption capacity is presumably the main factor which explains why the EU-leaders are so reluctant to talk about further enlargement; it is also used as argument to delay the accession of Bulgaria and Romania to 2008.[28]

The criteria are formulated in a rather general way, but they provide orientation. And in the course of eastern enlargement the Commission, which was charged with the task of monitoring the progress of the candidate countries, formulated a huge set of specifications. Seen in the light of the criteria and the close monitoring by he Commission prior to any accession, the controversy about Turkey's membership and her alleged "otherness" seems to be vastly exaggerated: Either Turkey will fulfil the criteria, or she will not. All member states, by then presumably 28, will have to agree, and the European Parliament must give its assent. On repeated occasions the Turkish government has declared its wholehearted support for the values and principles of the Union, and as the EU-leaders have declared, Turkey has made substantial progress. If someone like Giscard voices principles objections against Turkish membership, he must base his judgement on the following assumptions:

1) "Something" will unavoidably prevent Turkey to become consolidated as regards democracy, human rights and the other conditions, *and at the same time*,

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27 European Council (1993), paragraph 7.A.iii.
28 In March 2006 a group of members of the European Parliament adopted a report compiled by Elmar Brok, German Christian Democrat according to which the absorption capability under present conditions is "insufficient" (Minder and Parker).

2)   all European heads of state, all national parliaments and the European Parliament in say, 2015, would accept Turkey's accession in spite of serious shortcomings as regards the membership criteria.

In fact, I regard both assumptions as untenable. This leaves the simple alternative: Either Turkey will fulfil the criteria, or she will not. If the latter is the case, she will remain outside. But this is not likely. Most probably, Turkey will be ready and the EU will expand once again.

6. Modernisation as a powerful ally of the EU project

There is one strong set of theoretical arguments which gives reason to be optimistic as regards Turkey's (and other countries') democratic qualities in the future: According to modernization theory, democracy and the level of economic development are strongly connected. This view gains plausibility by the simple fact that most democratic countries are economically highly developed. There are also good theoretical reasons to believe that this connection is not just a casual correlation. In the words of Ronald Inglehart, economic development "tends to transform a society's social structure, bringing urbanization, mass education, occupational specialization, growing organizational networks, greater income equality, and a variety of associated developments that mobilize mass participation in politics."[29] In particular rising specialisation and more education produces a workforce that is independent minded. Economic development is also conducive to cultural change which stabilize democracy, e.g. by promoting interpersonal trust, tolerance and post-material values. Seen in this light, economic development leads to a syndrome of predictable cultural changes and thereby, as to some key values, to an increasing *cultural convergence*. The convergence happens exactly on those variables which are the most relevant ones as regards the stability of the EU.

We can add that this cultural convergence also implies gender roles. Still a few decades ago also in Western and Northern Europe most women had to accept motherhood and housewife as their main roles, with at best temporary periods on the labour market. Powerful political forces such as the Christian Democrats tried their best to perpetuate this state of affairs. Nevertheless, the picture has changed dramatically. And if these countries have not yet implemented the principle of equal opportunities for both sexes completely, they have at least progressed a long way. The same tendencies, with a time-lag, can be observed in Turkey and even, at a beginner stage, in countries such as Iran and Saudi-Arabia. This can be seen, on the one hand, as an aspect of ideational modernization where the principle of equal rights and equal opportunities occupy a central place. But it can also be seen as simply functional: If a society

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[29]   Inglehart, 92.

prevents half of its population from entering the labour market, it obstructs economic growth. Consequently, if forces such as the Taliban try to petrify traditional gender roles, they can be successful for some time, but they cannot have a strong economy. But the governments of most Islamic countries want to have economic growth, and consequently sooner or later they are forced t follow the West also on the field of gender roles. This point is quite important for the stability of the EU, given the point that the principle of equal opportunities and the abolishing of discrimination mechanism figures prominently on the political and juridical agenda of the EU. A member country which would resort to, say the politics of the Christian Democrats of the 1950s, would surely burden the cohesion of the EU. But again, EU ideas as regards what is desirable and economic self-interest (and observable trends) combine nicely. Besides, a government which systematically follows a policy of discrimination of women on the labour market would not fulfil the membership criteria.

Modernisation theory is not uncontested in academia. I believe it is a rather strong theory, if not used schematically, and if seen as describing long-term developments. And it seems to fit quite well to Turkey: This country has been developing economically, it became more urbanized, more specialized, and better educated. And if currently her democratic credentials are still imperfect, one can also say, relatively speaking: Turkish democracy is stronger than ever.

Some societies have started modernization much earlier or much faster than others. In this context I regard it as an extremely important research topic, following Lawrence E. Harrison, to focus "on the role of cultural values and attitudes as facilitators of, or obstacles to, progress."[30] It is perfectly possible that cultural factors have retarded Turkey's way to modernity. These cultural factors can then contribute to our understanding why Turkey came relatively late. But on the other hand it is obvious that no cultural factors can possibly have prevented Turkey *entering* the road to modernity because the country has already progressed substantially, and currently the Turkish economy, in contrast to many African or Arab countries, develops at a high growth rate. This, to repeat, entails further cultural change.

We can refer to representative material in this context. Jürgen Gerhards and Michael Hölscher have used the data of the "World Values Survey" to fathom cultural differences in the EU, plus Bulgaria, Romania and Turkey. We concentrate on support for democracy. Measured by acceptance rates to questions such as "we should have a democratic political system" or "democracy is better than any other form of government", there is wide consensus. Actually Turkey, with rates of 92 and 88 percent, lies very close to the average of the old EU-15, and higher than most of the countries of the 2004

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[30] Harrison, xxi.

enlargement. Interestingly, on this measure, support for democracy is weaker in the United Kingdom (87 and 78 percent) than in Turkey.[31] However, people do not always answer consistently, and support for democracy can be controlled by an alternative question: Should the military govern? 25 percent of the Turks agree, thereby revealing a preference for authoritarian rule. But the Turkish value is still below Romania (28 percent) and not too distant from Poland (18 percent). Again, the United Kingdom scores relatively high, 7 percent.[32]

Gerhards and Hölscher have also applied multiple regression analysis on these data. As it turns out, the degree of modernization[33] is a factor which can strongly explain the variations in the answers. By contrast, the influence of religion or confession is weak and ambivalent. Also the duration of democratic rule does not play a role. As hinted at by the remarks about the UK, the idea that support for democracy should be particularly strong in countries with long democratic traditions, is not supported by the data.

Modernization theory gives reason not only to see with some optimism on Turkey's possibilities to fulfil the EU-membership criteria. A similar logic works also in the case of say, Ukraine or Georgia, or other membership-hopefuls. Morocco included. We can therefore expect that an increasing number of EU's neighbours will reach the level to fulfil the membership criteria. I find it likely that they then also would like to become members. I therefore also find it likely that in the long run, the EU will go on expanding, and that it will get new neighbours. Therefore it also has to formulate new "neighbourhood policies". In this perspective, it does not make sense to speak about a *finalité* of the process, or of the "borders" of the EU. The borders will remain variables. And this is also a reason why many citizens will regard the EU with some unease: Most people prefer stable frames around them. But the EU will go on changing, spatially and institutionally, and therefore it cannot expect ever to become heart-warmingly popular everywhere. But it is likely that it will be seen as something acceptable, without any real alternative.

Ernst Haas, some fifty years ago by giving his formal definition of political integration, made in fact a remarkable prognosis:[34]

> *Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and*

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[31] Gerhards and Hölscher, 210.

[32] Gerhards and Hölscher, 211. Authoritarian propensities can also be measured by the question: "We should have a strong leader who doesn't have to care about parliament and elections." However, I regards this formulation as ambiguous. Is this strong leader supposed to be a dictator? Or is it a democratic politicians whose support is so strong that he can concentrate on governing, without constantly having to look at election dates? Due to these ambiguities, I do not regard this question as properly appropriate.

[33] Measured by the Human Development Index and the level of education.

[34] Haas, 16.

political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones.

Given the point that co-operation and interaction presumably will increase across the national borders, I find it likely that the shifting of loyalty which Haas observed will spread to larger sections of the population. I interpret the rather articulated elite-population divide as regards European integration, which we currently can observe in practically all member states, as a time-lag: First the elite changed, the population at large will follow. And as within national systems such as the US: There will be many controversies about how to develop the community further. But abolishing or leaving the union will not be on the agenda.

At the same time, we should not carry the analogy with traditional nation states too far. Certainly, in a way the EU can be regarded as a federation. It has transferred substantial policy fields to the federal level, there is a decision-making and legislative system in place, and national administrations and police forces are obliged to secure compliance. But the idea of a federation might create the impression that the EU is heading towards a kind of equilibrium, with a constitution which clearly defines the competencies of the various levels for a long time to come, with clear outer borders, and with symmetric rights and obligations for every citizen. But it is not likely that the EU will ever reach such a state.

Currently, we have a rather "messy" state of affairs, a union in various circles and power structures: There is a core of countries which belong both to the EMU and to the Schengen space. Some EU members are inside Schengen but outside EMU, others are outside both. Three countries are part of the European Economic Space but not of the EU. Four countries have entered membership negotiations and receive particular aid and support programmes, whereas others are subject to the Stability and Accession Programme (for the West Balkans). Bosnia is currently a kind of EU protectorate. The European Neighbourhood Policy is constructing a set of dialogue mechanism, marked accession and aid programmes, and so, in yet another way, does the EU policy towards ACP-countries in the frame of the Cotonou Agreement. All these aid programmes are subject to conditionality and therefore represent a kind of (hopefully beneficial) interference. The currencies of the 14 African CFA countries are formally tied to the euro. Also the current institutional structure of the EU is "messy". There seems to be agreement on the elite level that it should be altered, and the Constitutional Treaty contains a blueprint for change. But even in the case that this treaty will be ratified, as a whole or in part, it is not likely that this will be

the last alteration. Also the EMU will probably evolve further institutionally. For instance, the eurogroup, i.e. the deliberation forum for the EMU minister of finances might partly become a decision-making body, for instance as regards bodies such as the IMF, the World Bank or the G-8 summits.

Consequently, instead of selecting a fine Thucydides quotation on democracy as a motto for the EU in the Draft Constitutional Treaty, Giscard might have better chosen Heraclit's sentence : *Panta rhei* - Everything is in flux. As said above, this is a main source of unease, but it is also the characteristic of a learning institution in a changing world.

7. Conclusion

As every political community which issues laws and makes binding decisions, the EU needs a common cultural identity which unites its citizens and provides the system with legitimacy. This cultural identity of the EU consists of comparatively few principles, namely democracy, human rights, rule by law and the common endeavour to replace anarchy on the international arena by a system of explicit and binding rules among nation states. Apart from such a consensus on some principles, the EU can be a home for wide-ranging cultural diversity. In particular, religious diversity is no problem, provided of course that the religious citizens respect the above-mentioned principles. Religious fundamentalism which places religious texts (or rather: certain interpretations of religious texts) above democracy and human rights is not EU-compatible. But neither in Turkey nor in Albania is fundamentalism a major political force. The freedom of wide-ranging cultural diversity is even a condition for the stability of the EU. Attempts at cultural homogenisation would provoke bitter tensions.

Making prognoses is of course problematic. But modernisation theory predicts that we can expect a set of predictable cultural changes on some fields when societies develop economically. This cultural convergence happens exactly on these fields which are essential for the stability of the EU.

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