



Webpapers on
Constitutionalism & Governance
beyond the State

Year 2006 | No 4

A New Kind of Europe? Democratic Integration in the
European Union

James Tully, University of Victoria

ISSN: 1756-7556

conWEB – webpapers on Constitutionalism and Governance beyond the State

www.bath.ac.uk/esml/conWEB

A New Kind of Europe?

Democratic Integration in the European Union

James Tully¹

University of Victoria

jtully@uvic.ca

Abstract:

The most urgent problem facing the European Union is to develop the best approach to conflicts over integration in the fields of culture, economics and foreign policy. The paper argues that a particular form of democratic integration is better than the two predominant approaches. This approach draws on the actual practices of the democratic negotiation of integration that citizens engage in on a daily basis but which tend to be overlooked and overridden in the dominant approaches.

Keywords: economics, democracy, law, diversity/homogeneity.

Introduction

Critical reflection and debate on the forms of integration of the diverse members of the European Union have always been a part of the integration processes since the beginning of the European Community. However, since the global war on terror and the explosion of conflicts over immigration, economic policy, and foreign policy the question of integration has become the most urgent challenge facing Europeans: the epicenter of struggles on the ground and of critical reflection and rival solutions in the popular media, policy communities, and academic research. In response to this complex and unpredictable terrain of integration conflicts and disintegration trends, I, as an outsider, would like to propose for consideration a new answer to the question

¹ Professor James Tully, Department of Political Science, University of Victoria, P.O. Box 3050, Victoria, B.C. Canada, V8W 3P5. jtully@uvic.ca.

of integration; an answer appropriate to today's problems. This is not a specific answer in the sense of a set of policy recommendations, but, rather, a more general *form of orientation* to the conflicts over integration for citizens, policy makers and academic researchers.

The form of orientation to the problems of integration of the diverse members of the European Union that is both practically effective and normatively legitimate is a specific kind of democratic integration. By 'diverse members' I mean the culturally diverse citizens and minorities (multiculturalism), the 25 member states with their diverse national cultures (multinationalism), and the diverse civilizations of individuals, minorities and majorities (multicivilizationalism). 'Integration' refers to three main areas of EU integration: cultural, economic and foreign policy. The specific kind of democratic integration that I propose is not predominant today in either policy or theory. However, my argument is not only that this alternative form of democratic integration is *possible* in some abstract sense that another world is possible. Rather, I wish to suggest that this democratic orientation to integration is *actual* but *overlooked*, and, as a result, *overridden*. It is a way of integration that actually takes place in practice in the everyday activities of Europeans, but which the prevailing policy communities and theoretical schools overlook. These evolving everyday practices of integration are overlooked perhaps because they are so commonplace that they go without saying, but also because even policy makers and researchers who try to see them tend to predicate the prevailing forms of representation of them, and thus misrepresent and overlook them, thereby exacerbating the very problems they seek to address. If this invisible form of democratic integration was rendered visible and given more prominence in the official institutions of integration, the European Union would be a new and different form of association. It would be an association resting on the democratic practices of integration of its diverse members and thus always open to new voices, responsive and creative experimentation, and renewal as a shared way of life – a living democracy.²

² The general orientation of turning critically to the everyday in order to begin anew, against the tendency to project an abstract form of representation over everyday activities, often in the form of ineluctable processes, procedures and rules of modernization, is of course a orientation of a wide range of scholars, such as Hannah Arendt, Talal Asad, Veit Bader, Pierre Bourdieu, Stanley Cavell, Michel Foucault, Bruno Latour and Ludwig Wittgenstein (whom I paraphrase in this paragraph). For recent work in this tradition see Kompridis 2006a.

Three Approaches to Integration

The general definition of ‘*democratic* integration’ is that the individual and collective members who are integrated into the European Union must have an effective democratic say over the norms of integration to which they are subject. The norms of integration must be ‘open’ to the democratic negotiation of those who are subject to them. Those who are subject to them must be ‘free’ to enter into these negotiations, in the sense of actually being able and encouraged to participate, either directly or indirectly through trusted representatives who are held accountable in turn by practices of democratic negotiation by those they claim to represent. We can put this by saying that the legitimacy and effectiveness of norms of integration rest on their grounding in two ongoing types of ‘discursive practices’: of interpreting and following the norms differently in practice without challenging the norms directly; and of questioning, challenging, agreeing and disagreeing, negotiating modifications or reaffirming the existing norms, implementing and experimenting with a modified regime of integration norms, acting in accordance with it, and testing it in turn. This is the traditional meaning of ‘democracy’ – rule by and of the people – and the traditional meaning of ‘democratic citizenship’ or ‘democratic freedom’ – that citizens have a participatory say over the laws to which they are subject – as applied to rules of integration.

Although this general definition of democracy is widely shared, there are three very different approaches to integration that claim follow from it. The first approach is democratic in the most attenuated of senses and should be called anti-democratic. This is the approach that bypasses the democratic condition and imposes integration regimes on immigrants and other diverse members without their say, on the grounds that technical elites know best about culture, economics and foreign policy, complex modern systems integrate members ‘behind their backs’, the situation is too volatile and dissonant for democratic procedures, immigrants are subjects but not yet citizens so they do not have a say, the demos comes after integration, and so on. I think most Europeans would agree that this anti-democratic approach is both illegitimate (democratic deficit) and ineffective (it fails to cultivate attachment to norms through participation and elicits disintegrative responses over its imposed integration policies). Yet this is the paramount form of integration today. Moreover, the propaganda around terrorism, security, and the clash of civilizations strengthens this anti-democratic

approach and the reactions its policies cause are then used to justify its extension (Halliday 2006). According to the European Monitoring Centre on Racism and Xenophobia the prevailing forms of integration increase discrimination and segregation. And in this atmosphere of ignorance and fear the interior ministers of the six largest member-states (France, Italy, Germany, Poland, Spain and Britain) meet privately to devise even more offensive citizenship tests, integration contracts and other policies of coercive assimilation. This approach is clearly part of the problem rather than a solution (Engström 2006).

The second and third approaches both claim to be opposed to the anti-democratic approach and to embody the democratic ideal. Yet they are very different. I will call the second a 'low intensity' or 'restricted' democratic approach and the third an 'open-ended' or 'non-restricted' democratic approach. The open-ended approach is the one that is overlooked and which I recommend. I think that the central question today in Europe and elsewhere is which of these three orientations to integration is to prevail in the twenty-first century.³

The major differences between the restricted and non-restricted approaches can be seen clearly by comparing them across four aspects of democratic negotiation of integration regimes.

The restricted approach is 'restricted' in that it places limits on all four aspects of democratic negotiation:

1. The democratic negotiation of norms of integration takes place only in what we might call the official institutions of the public sphere. Second, usually official representatives of the people subject to the norm in question partake in the negotiations.
2. Democratic negotiation takes place within a set of pre-established procedures, and having a say within them usually consists in saying YES or NO to a proposed norm developed elsewhere (as for example in the vote on the constitution).
3. The general outline of what a norm of integration must look like at the end of the negotiations is given at the beginning. It is usually given as beyond question by some

³ The distinction between low intensity democracy and a more open-ended and participatory democracy emerged in the early 1990s in area studies of the non-European world. In the early years of this century it began to be applied to the study of the restricted and elite character of representative democracies in Europe and North America and to the narrow definition of democracy in policies of global democratization in international law. See, respectively, Gills et al. 1993, Sousa Santos 2003: 104-115, Marks 2000.

grand narrative of global processes of modernization, good governance, democratization, human rights, or civilization.

4. The discursive practices of norm negotiation are seen as a discrete step in a larger process of norm generation that comes to an end. Democratic negotiation is one phase in the development of acceptable and final norms of integration.

The open-ended or non-restricted orientation to democratic integration opposes this restricted model on all four limits that it places on democratic negotiation:

1. The democratic negotiation of norms of integration takes place not only in the official fora of the traditional public sphere, but also *wherever* individuals, groups, nations or civilizations in the EU come up against a norm of integration they find unjust and a site of disputation emerges. What makes a norm of integration 'democratic' on this view is precisely that those subject to it have the right to call it into question here and now, to present reasons for interpreting it in different ways, or, if necessary, for changing it; and to enter into democratic negotiations over being able to act differently under it or, if this is not possible, to negotiate its amendment or transformation. Second, it is not only the official representatives of constituencies who have a right to enter into the multiplicity of public spheres, but, in principle, every member represented by an official spokesperson who is affected by the norm in question. The democratic principle of *audi alteram partem* - always listen to the other side - is applied all the way down so everyone who speaks for another is held accountable.

2. Since the procedures of negotiation are themselves just another set of norms of integration, they cannot be set beforehand and placed beyond question by some dubious argument or another about their meta-democratic status. They too must be open to different interpretations, to question and modification by those subject to them in the course of the negotiations. This is often the main dispute. It is also not sufficient that those subject to a norm be constrained simply to take a YES/NO position on a proposed norm that has been drafted elsewhere and handed down from on high. The formulation of the norm and the interpretation of its various meanings and ways of acting in accord with it must pass through democratic negotiations of the culturally diverse subjects who are subject to it.

3. The general form that the norm of integration must take cannot be imposed beforehand by an appeal to allegedly universal, necessary, or self-evident processes of

modernization, democratization, juridicalization or Europeanization, for, in many cases, it is precisely these framing discourses that are being called into the space of questions and challenged in the deeply diverse Europe of today. There are alternative ways of living modernity and a multiplicity of cultures and civilizations of Europe today that need to be acknowledged and accommodated if Europe is to be democratically and effectively integrated. We know from recent experience that attempts to integrate undemocratically, through the imposition of partial, assimilative and inflexible integrative regimes, only leads to the worst kinds of reaction on both sides.

4. Finally, the dialogues or, rather, *multilogues*, of negotiating the terms of integration are not some discrete step towards a final end-point. They are ongoing, open-ended and non-final constituents of a democratic way of life.

On the open-ended view, a multicultural, multinational, and multicivilizational association is not held together by some definitive set of public institutions of discussion, procedures of negotiation, shared narratives, or final norms of integration on which all must agree and which set the limits to democratic negotiation. While the restricted approach allows for inclusion in democratic negotiations over norms of integration, in contrast to the anti-democratic exclusionary approach, it places four assimilative limits on democratic negotiation precisely where disagreement is most likely to irrupt in diverse societies, and thus displaces rather than faces the urgent conflicts over integration today. Rather, the answer is found in the contrasting and quotidian democratic attitude that none of these four features is ever beyond question or the subject of unconditional agreement. What holds the diverse members together and generates bonds of belonging to the community as a whole across ongoing differences and disagreements is that the prevailing institutions, procedures and norms of integration are always open to free and democratic negotiation and experimentation with alternatives by those subject to them.

Finally, the term 'democratic negotiation' comprises two distinct forms of negotiation involved in integration. The first involves the activities of challenging a prevailing norm of recognition and integration, calling it into question, entering into negotiations, and, if successful, modifying the prevailing norm, and implementing and experimenting with the modified norm. This form of democratic negotiation, at least in its more public and official instances, has received the lion's share of attention by researchers of deliberative and agonistic democracy.

The second form of democratic negotiation occurs where diverse members share the same norm of integration yet act differently in accord with it. They interpret and practice norm-following in a variety of different ways, yet all can be seen, from their diverse cultural, national, civilizational or creative perspectives, to be acting in accord with the norms of integration they share with others. We might call this diversity of *practices within* a field of shared rules diversity of ‘ethical substance’ or ‘democratic *ethos*’. This distinct form of diverse integration under shared norms has received less attention and it is often overlooked altogether. The vast landscape of the diversity of human practices within the shared rules of any complex association is overlooked because of the dominant yet nevertheless false view that norms are applied and followed in only one right way: that is, a rule determines rule-following behaviour. On this false view of rule following (rules as rails), if members want to change anything or act differently they have to change the rules of the game, and so theory, research, policy and political practice tend to focus exclusively on the rules and procedures, thereby disregarding diverse practices of rule following (Tully 2003). Yet, as Antje Wiener shows in her empirical and theoretical study, aptly titled The Invisible Constitution, diverse members of the European Union negotiate the shared rules and procedures (the visible constitution) through their culturally, nationally and improvisationally different *practices* of rule-following on a day-to-day basis (the invisible constitution) (Wiener 2007).

Cultural Integration

I will now survey three overlapping and interrelated areas of integration (culture, economics, and foreign policy) to see, first, which of the two democratic integration approaches presents a more effective and democratic alternative to the anti-democratic approach; and second, which establishes a non-coercive relationship of reciprocal elucidation between policy communities and makers on one side and the overlooked everyday integration practices of the people. These two questions are closely related, for it is my thesis that official integration will be effective and legitimate only if it is internally related to and shaped by popular practices of integration, rather than running roughshod over them. This is to say that there is not a ‘no demos’ problem in the European Union. There are multiple *demoi* but they tend to

be overlooked and so either excluded from official integration processes or included in them and subordinated to elite-driven and assimilative procedures.

Cultural integration comprises the culturally diverse citizens and minorities (multiculturalism), the member states with their diverse national cultures (multinationalism), and the diverse civilizations of individuals, minorities and majorities (multicivilizationalism). The prevailing policies of integration tend to be based on the anti-democratic and restricted orientations. The integration of immigrants, cultural, linguistic and religious minorities, Indigenous peoples (Sami), sub-state nations and non-territorial nations (Roma), the national traditions of member states, and different civilizations tends to follow two general approaches:

1. Either integration consists in assimilation to a set of norms of membership that is said to either transcend cultural, national and civilizational differences or to encode essential western values, and thus democratic negotiation consists solely in ratifying this transcendent or essential set;
2. Or, there is said to be scope for the expression of cultural and minority nation differences, but this is usually limited to regimes of minority rights and exceptions to the rule of various kinds that are more or less given beforehand, and again, require democratic negotiation primarily for purposes of ratification or minor modification.

The global protests over the caricatures on the subject of Islam, Muslims and the Prophet Mohammed in the Danish newspaper Jyllands-Posten (30 September 2005) has tended to polarize and narrow the debate over norms of integration even further. The choice comes down to one between a highly assimilative (and often offensive) set of norms of membership, not uncommonly couched in the nineteenth-century imperial terminology of 'civilization', as in the debate over Turkey, or a minimal and non-negotiable regime of minority rights, as if this represents a generous defence of the aspirations of multiculturalism and multinationalism (Devji 2006, Halliday 2004).

As the democratic theorists and social scientists of struggles over recognition have shown, these options bypass or co-opt the active engagement of the members affected in the processes of working up the conditions of integration, of debating them, and of negotiating modifications of them over time. But, it is precisely these democratic activities that create a sense of attachment to the larger community even when members do not get all their demands. Conversely, it is exclusion from or

subalternization within these discursive practices that ratchets up ignorance of the other, xenophobia, extreme positions, and the predictable outpouring of *ressentiment* (Breda 2006, Tierney 2004, Bader 2005, Kompridis 2005, 2006b).

For example, Vito Breda applies an open-ended approach to European Union constitutionalization and suggests that the NO votes in France and the Netherlands can be explained in part in these terms (Breda 2006: 341-2):

“The European Convention, which prepared for drafting the Treaty Establishing a Constitution for Europe, aimed to rationalize the existing system of treaties and to set a blueprint for a new model of European Governance. Because of its institutional structure and mission, the Convention was not a suitable democratic arena for a process of recognition of national identities and their claims, which were depicted as an obstacle in the process of European integration.”

In another exemplary context of failed integration, the riots of Muslim youth in the poor neighbourhoods of French cities in 2005 (and which continue today) may also be based in part on not having any democratic forum in which to express their grievances and influence policy.

The tragedy is that we do not even know why peoples voted NO in one case and rioted in the other because discursive practices of having a say were not part of either. There has been much speculation about the reasons and aspirations of those involved in both cases, but the open-ended approach, which would have provided the answer, was not tried. It is difficult to see, for example, how the well-documented racism, discrimination and economic inequality suffered by Muslim youth can be addressed unless the people who are subject to it have an effective say from the bottom up. As Breda points out, most of the member states already have the legal and political means to establish discursive practices of democratic negotiation for various forms of cultural integration (2006: 340).

Nevertheless, despite all the deep difficulties of cultural integration, in everyday life Europe is one the most convivial intercultural, international and intercivilizational associations on the planet. The diverse members negotiate their interactions on an everyday basis (in both senses of ‘negotiation’). A new kind of diversity-savvy solidarity across cultural differences is emerging out of these interactions that Paul Gilroy calls ‘conviviality’, that is, ‘the processes of cohabitation and interaction that have made multiculturalism an ordinary feature of social life in Britain’s urban areas and in postcolonial cities everywhere’ (Gilroy 2004: xi). These practical arts of peaceful interaction and dispute resolution among diverse partners are

learned and practiced in the daily activities of work, school and play, in not-for-profit organizations, in immigrant and refugee organizations, and so on. As Gilroy, Breda, and Wiener show in different ways, they exist throughout the European Union. The ethical arts of grass roots conviviality in working against racism, discrimination and inequality fall beneath the threshold of most social scientific research, policy making and theory, for, as we have seen, they tend to focus on the explicit norms rather than the implicit diversity of democratic ethos within them. Yet, for all that, these ordinary practical abilities and informal arts are the ground of an alternative and democratic integration.

Finally, cultural integration cannot be addressed in isolation from the other two fields of integration in the following sections (economic and foreign policy). A promising example of a democratic approach that tries to take into account all three fields is the Alliance of Civilizations. It was set up last year by the leaders of Spain and Turkey through the United Nations to deal with civilizational integration holistically and through multilevel dialogues among Muslims and non-Muslims. Thomas Mastnak, the Director of the Secretariat for the Alliance of Civilizations, explains that Muslims will not be successfully integrated in Western societies until civilizational inequalities are addressed and the continuing imperialism of the foreign policy of Western powers in Muslim countries is abolished. For starters this means the end of war in Afghanistan and Iraq and the resolution of the Israel-Palestine conflict (Mastnak 2005, Naumkin 2006, Al-Hadidi 2006, Gregory 2004).

Economic Integration

If we turn to economic integration, which is probably the primary field of integration, affecting the other two in complex ways, we see an analogous situation. The paramount form of economic integration today is the neo-liberal model. Of course there is considerable dissatisfaction with this. However, when the question is asked 'what is the nature of this dissatisfaction with neo-liberal economic integration?' the leading answer is not to bring the dissatisfied into the official discussions. Rather, the preemptory answer is that the dissatisfaction is the expression of support for a rather familiar alternative, namely, a social-democratic economic model with a traditional

public sphere for the European demos.⁴ And, when this alternative model is advanced by the counter-elites of the ‘core countries’ of the Union, it further divides rather than integrates. Many of the economic and policy elites in the core countries are clearly more comfortable with the neo-liberal (or Anglo-American) model and do not wish to threaten their economic relationship with the United States by confronting it with an alternative economic model and entering into a rivalry. And the United Kingdom and many of the ‘non-core’ or ‘new Europe’ countries refuse to take the role assigned to them by the core counter-elites and support the neo-liberal model (Deppe 2005). As with cultural integration, the debate over these two pre-packaged models of economic integration is accompanied by speculative interpretation of the periodic outbreaks of popular dissatisfaction: the NO votes on the constitution may have been an expression of dissatisfaction with neo-liberal integration, the demonstrations of French students, union members and concerned citizens probably was, the election of social democratic governments in Spain and Italy may be a sign of something, and so on.

However, what tends to be bypassed or subordinated by these two dominant models is recourse to discursive practices in which members could have a say on the conditions of economic integration. Yet, there is already a multiplicity of alternative forms of economic integration that exist in practice in the civil societies of Europe *within* the norms of the two contending elite models. The immensely successful European cooperative movements, the grass-roots movements for associative democracy, voluntary simplicity, the rapidly growing network of ‘fair trade’ within-and-against the norms of free trade, a plethora of ecological economic networks, ecosystem management experiments, ecological certification networks and other alternative trade systems, Food Security and Food Sovereignty, Sustainable Consumption, Green Consumerism, and the fledging European Social Forum are all examples of alternative economic organizations within Europe and internationally that do not conform to the two elite models, but, rather, manifest actual alternatives.

⁴ See J. Habermas & J. Derrida 2006 for a statement of this alternative approach, first published 31 May 2003. Although primarily concerned with European foreign policy, it recommends building the key features of social democracy, the welfare state and a European-wide official public sphere into the European Union as a basis for a counter foreign policy to the United States. The manifesto is closely associated with the project of Joschka Fischer, the German Foreign Secretary, in May 2000 to renew the core countries of Europe. For the divisive effects of this alternative integration model and the rapid decline in support for it see Deppe 2005. For the foreign policy side of the proposal, see the following section and Habermas 2007, Walker 2007. For a defence of the classic assimilation model of European social democratic integration, including the claim that it is valid for the ‘human race’, and the dismissal of the kind of open-ended and multicultural democratic approach I propose, see A. Honneth in Fraser & Honneth 2003: 110-197, 237-268 (For a critical introduction to this debate see Thompson 2005).

There is a growing body of academic research on these populist alternative economic networks across Europe and globally. In addition, the European Union and its member states are probably the world leaders in beginning to establish relations between them and policy communities, especially in areas such as the environment, the Kyoto Accord and sustainable consumption. However, the nurturing of democratic relationships of reciprocal elucidation, in which people involved in alternative economic practices have an open and effective say in official economic policy discussions without being constrained to speak within the limits of neo-liberal or Keynesian economics, is still a novelty and faces all the well-known obstacles that entrenched interests can place in its way. Yet, if there is to be an orientation to economic integration in Europe that does not destroy the environment, deepen inequalities both within Europe and globally, remain alienated from the people who are subject to its effects, and so lead to deeper divisions and disintegration, then there is no alternative to a more open-ended democratic approach.⁵

Foreign Policy Integration

The integration of the European Union and its partners into a new foreign policy regime is one of the most discussed and contentious issues today. On the one hand, a number of member states support the coalition headed by the United States and the United Kingdom, their global war on terror and their continuing wars against and occupations of Afghanistan and Iraq. Even those who have disagreed with the United States over the war in Iraq have not deviated that far from United States foreign policy in other respects. Moreover, Europe has followed the United States in the implementation of massive regimes of securitization and surveillance since 9/11/2001. On the other hand, millions of European citizens have protested the coalition and especially the war in Iraq. The anti-war demonstrations are the largest protests in the history of the European Community. Yet, when one asks what the protestors might propose as an alternative, the dominant response is not the democratic one of actually asking the protestors. Rather, a ready-made alternative foreign policy is given as the answer, and it is often presented as the answer that the protestors themselves would give. Thus, as in the case of economic integration, the discussion in the official public

⁵ For a critical survey of the literature on alternative economic and environmental futures I am indebted to Quastel 2006.

sphere is dominated by two hegemonic models of foreign policy integration, coupled with a corresponding disregard of a more dialogical and democratic approach grounded in a wider and more open array of public spheres.

The main features of this alternative foreign policy under which the European Union should be integrated are usually the following. It is presented as a point-by-point alternative and counter-weight to the imperial foreign policy of the United States. It would be multilateral rather than unilateral; work through the United Nations and international law rather than bypassing or undermining them, and aim to constitutionalise the existing Charter of the United Nations as the constitution of the international society. It would also promote the building of other continental transnational constitutional regimes on the model of the European Union throughout the world, advance a more social-democratic alternative to global neo-liberalism through the World Bank, International Monetary Fund and World Trade Organization, and support humanitarian intervention and international individual human rights. Versions of this elite alternative have been advanced by Jurgen Habermas and Ulrich Beck, among several others (Habermas & Derrida 2006, Habermas 2007, Beck 2003, 2004). Peter Swan describes it with approval as a 'counter-empire' to US imperialism and finds the prototype of it in a proposal by Carl Schmitt in 1955 and especially a plan for a new European empire presented by Alexandre Kojève to the French government in 1945 (Swan 2006).

It is difficult to see how this alternative foreign policy would be any more integrative and less contentious than joining the United States' coalition. Its formulation has not passed through any kind of open democratic negotiation of the people of Europe, let alone of the non-Europeans peoples who are supposed to welcome it with open arms, and nothing more than a low intensity form of restricted democratic negotiation, with all four limits in place, appears to be envisioned. The central difference from current United States' imperial foreign policy is that the European Union and other great powers (the G8) would work together rather than unilaterally and through transnational and international law rather than outside the law. But, the present Charter of the United Nations is hierarchical and exclusionary; many features of international law have been criticized by the former colonies since decolonization as continuing western imperialism by juridical means; the Bretton Woods' institutions are seen by millions of protestors as establishing an informal type of post-colonial imperial governance; and none of these institutions has ever been

subject to the democratic negotiation of the billions of people who are subject to their laws and policies.

The European global juridicalization of the massively unequal institutions of the present international order and remaking the major regions in the image of the European Union would be no less imperial and anti-democratic than the foreign policy it is designed to challenge. It is not very different from the liberal imperialism of the last two centuries (Koskenniemi 2001, Anghie 2004, Simpson 2004, Deppe 2005). Neil Walker's conclusion to his judicious critique of this alternative is that there is 'one final and perhaps fatal objection.' The project rests on a grand narrative of a particular set of teleological processes of modernization and juridicalization that are presented as universal but which are deeply embedded in historical phases of Western domination. The very peoples who have been historically disempowered and disadvantaged by these processes are then asked to trust in their eventual democratization-to-come when they have no reason to do so and every historical reason to dissent (Walker 2007).⁶

The hegemonic debate between the two elite models of foreign policy integration in their various iterations either disregards the open-ended democratic alternative altogether, or, if it is noticed, treats it as beyond the pale of public reason, since the limits of public reason are defined by the four types of restriction these two models uphold. As a result, the open-ended alternative is construed as some form of unreasonable 'radical' democracy, whereas, once the hegemonic orientation is seen as simply one limited orientation among others in a broader field of creative arts of public reasoning, the open-ended approach appears as a reasonable and indeed practicable alternative (Toulmin 2001, Tully 2005: 207-217). As in the cases of cultural and economic integration, the open-ended approach recommends a wider and deeper discussion of a possible European foreign policy. This would bring to light what the official debate overlooks: there are already a multiplicity of local-global relationships between Europeans and non-Europeans that do not conform to either of the elite models but which exist in practice among distant neighbours in the global village. Millions of ordinary, concerned Europeans are deeply involved in networks of the international peace and non-violence movements, alternative dispute resolution initiatives, support networks for local forms of democratic empowerment rather than

⁶ Walker 2007 is a response to Habermas 2007, which is a concise statement of Habermas 2004. I have drawn on Tully 2007 in this section.

the imposition of structural adjustment, western law and low intensity democracy, fair trade rather than free trade, mutual aid rather than a race to the bottom, the World Social Forum, and so on (Seabrook 2003, Dunkley 2004, von Sponeck 2006).

The distinctive feature of these local-global alternative foreign policy networks is that they are democratic and anti-imperial. They are based on dialogical relationships that are worked up and continuously negotiated democratically by European and non-European partners over generations. They thus exemplify in concrete practice, in actuality, the basis of an open-ended democratic foreign policy for the European Union; one that would pass through the democratic negotiation not only of Europeans but also of non-Europeans who would be both subject to and co-authors of it. The foreign relations that Europe would establish with others would not be pre-structured around one western model of modernity and cosmopolitan order, but through dialogues of many existing civilizations, alternative modernities and cosmopolites (Latour 2004). These pacific foreign relationships are not based on the fear-based presumption that the other exists in a lawless 'state of nature' and is ill-disposed towards us, and so on the imposition of western law and order *before* a 'civilized' dialogue can begin, as in the case of the two dominant Western models (with their roots in Hobbes' and Kant's articulation of this structure of argument). They are based on the opposite, trust-engendering presumption of disarming openness to diversely cultured others and the primacy of critical dialogue. In most of the great religions, ethical traditions and peace-making practices of the world, this Gandhian path has always been seen as the real means to peace on earth (Ackerman & Duvall 2000). One can hope that initiatives like the Alliance of Civilizations and the World Social Forum are means of bringing these actual alternative practices of democratic and peaceful foreign relationships into critical dialogue with the two dominant approaches to foreign policy integration (Mastnak 2005, Sousa Santos 2003). For, as Nietzsche argued perceptively in response to the crisis of European historical and political culture in the 1870s and as the critics of the same ruling ideology of 'democratic peace' argue today, the last thing the two dominant approaches will ever bring is peace (Nietzsche 1986, Emden 2007; Alvarez 2001, Lawrence 2007).

Conclusion: Linking communities

I have proposed a more democratic and open-ended approach to cultural, economic and foreign policy integration in the European Union. I have also suggested that this approach already exists to some extent in the daily practices of democratic negotiation and conviviality among millions of Europeans and non-Europeans within the field of the dominant norms of integration. These practical arts of democratic integration are often overlooked, but they could be an actual source of legitimate and effective integration if they were given prominence in the official policies of integration.

The central problem is one of overlooking and overriding these sources of democratic integration. James Scott diagnoses this type of problem as ‘seeing like a state’: overlooking the multiplicity of existing practical arts of interaction and integration of diverse citizens, involving non-theoretical embodied *savoir faire*, by seeing them as an unorganized field that needs to be organized in accordance with a master plan of abstract rules and procedures (Scott 1998). This type of ‘seeing’ is not restricted to states and large entities like the European Union. It also informs ‘seeing like a corporation’, where the activities of citizens are seen as inchoate patterns of production and consumption open to organization under a system of contract and commodification rules (Quastel 2006). Unfortunately, the main tendency of the European Union at present seems to be a combination of these abstract rationalities – legal juridification, governmental planification and corporate commodification – across all three areas of integration.

If this diagnosis is correct, then the task for researchers is, first, to study the practices of cultural, economic and foreign policy integration that exist beneath the paramount way of looking at and organizing citizen activities, and, second, to link these practices to official policies of integration by means of democratic negotiation fora, in which citizens, policy-makers and researchers can work together and learn from each other without the subordination inherent in the restricted model. The traditional forum for linking citizen practices with policy makers has been the political party, but, as Peter Mair argues, political parties are failing at this task, not only in the European Parliament, but more generally (Mair 2005). One explanation for this might be the thesis advanced by Manuel Castells. He argues that over the last thirty years societies and their institutions have undergone a transformation in their form of organization that he calls networkization. The dominant ‘social morphology’

of almost all organizations now, from multinational firms, military-industrial complexes, European Union and global governance to the smallest volunteer organization is the network form (Castells 1998). If this is correct, then one of the reasons for the crises of political parties may be that, while citizens' grass-roots democratic practices of integration have made the transition to networkization, parties have not. The task then is to networkise European political parties so they can mediate more effectively between citizens and policy makers, but also to invent new types of democratic networks of negotiation that are tailor-made to mediate in an open-ended democratic way in the network age (Bellamy & Warleigh 2001).

I think we need to turn to the everyday practices of democratic integration for guidance here as well, for there are already creative experiments in such mediating networks available in the practices I have referred to across the three fields of integration. Furthermore, one of the most promising research methods in Europe today can be used to study existing networks from the critical perspective of open-ended democracy, namely the actor-network approach of Bruno Latour and his colleagues, and related approaches (Latour 2005, Law & Hassard 1999, Quastel 2006). Actor-network research shows that most of the existing networks that link citizens with policy makers are composed of unequal relationships of hegemonic actors who set the conditions of negotiations and subalterns who are constrained to comply (Bernstorff 2003). Notwithstanding, research also shows that the multi-layered networks of communication, power and law are not closed structures of domination. Rather, they are, to varying degrees, open to the negotiation and modification, and even occasional transformation, of the subaltern actors who are subject to them yet also actors in them (Walker 2002, Wiener 2006, Tully 2005, 2006). So, here again - in linking everyday practices of democratic integration with official policies at multiple levels by means of networks - there are good reasons for applying the open-ended approach and some modest grounds for hope.

A European Union that had the courage and humility to turn to the practical wisdom of its sovereign citizens for guidance in this critically reflexive and experimental way would be a new and democratic Europe. It would not be a union that brought its demos into being at the end of the day but one that brought itself into a conversation of reciprocal elucidation and co-articulation with the *demoi* who have

been there since daybreak. This, if I am not mistaken, *is* the democratic relation between the people and their governors.⁷

Acknowledgements: *I would like to thank Oliver Schmidtke, President of the European Community Studies Association Canada, for inviting me to give this lecture to the 2006 Biennial Conference, What Kind of Europe? Multiculturalism, Migration, Political Community and Lessons from Canada, Victoria, B.C. (19-20 May, 2006) (www.ecsac2006.com). I would also like to thank the audience for the lively discussion, and Richard Bellamy, Quentin Skinner, and Antje Wiener for their helpful comments. This article will be published in the Critical Review of International Social and Political Philosophy (CRISPP) in the Fall or Winter of 2006 and I am most grateful for the editors' permission to publish it with ConWeb as well.*

References

- Al-Hadidi, D. (2006) Alliance of Civilizations Urges "Action not Talk", *Islam Online*, (26 February), www.islam-online.net/English/2006-02/26/article05.shtml.
- Ackerman, P. & J. DuVall. (2000) *A Force More Powerful: A century of non-violent conflict* (New York: St. Martins Press).
- Alvarez, J. Do Liberal States Behave Better? A critique of Slaughter's liberal theory, *European Journal of International Law* 12(2) pp. 183-246.
- Anghie, A. (2004) *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press).
- Bader, V. (2005) Against Monism: Pluralist critical comments on Danielle Allen and Philip Pettit, in M. Williams & S. Macedo (Eds), *Political Exclusion and Domination*, pp.164-178 (New York: New York University Press).
- Beck, U. (2003). American Empire, Cosmopolitan Europe, *Europe Review* (Spring 2003), http://www.times-publications.com/publications/ERSpring03/ER_28.htm.
- Beck, U. (2004) The Truth of Others: A cosmopolitan approach, *Common Knowledge* 10(3) (Fall), pp. 430-449.

⁷ For the deep problems in conceptualizing this relationship between the people and the European Union I am indebted to Christodoulidis 2003, Lindahl 2003, 2007.

- Bellamy, R. & A. Warleigh. (2001) Introduction: The Puzzle of EU Citizenship, in Bellamy & Warleigh (Eds) *Citizenship and Governance in the European Union* (London: Routledge) pp.
- Bernstorff, J. von. (2003) Democratic Global Internet Regulation? Governance Networks, International Law and the Shadow of Hegemony, *European Law Journal*, 9(4), pp.511-526.
- Breda, V. (2006) A European Constitution in a Multinational Europe or a Multinational Constitution for Europe?, *European Law Journal*, 12(3), pp.330-344.
- Castells, M. 1998. *The Information Age: Economy, Society and Culture*, 3 Vols. (Oxford: Blackwell).
- Christodoulidis, E. (2003) Constitutional Irresolution: Law and the framing of civil society, *European Law Journal*, 9(4), pp. 401-432.
- Deppe, F. (2005) Habermas's Manifesto for a European Renaissance: A critique, *Socialist Register*, 313-323.
- Devji, F. (2006). Back to the Future: The cartoons, liberalism and global Islam, *Open Democracy*, (13 April), www.openDemocracy.net.
- Dunkley, G. (2004) *Free Trade: Myth, reality and alternatives* (Bangalore: Books for Change).
- Emden, C. (2007) *Friedrich Nietzsche and the Politics of History: Historical Thought and Political Culture in Nineteenth-Century Germany* (Forthcoming).
- Engström, M. (2006) The Fear Haunting Europe, *Open Democracy*, (26 May), www.openDemocracy.net.
- Gills, B., J. Rocamora & R. Wilson. (1993) 'Low Intensity Democracy', in Gills, B., J. Rocamora & R. Wilson (Eds), *Low Intensity Democracy: Political Power in the New World Order* (London: Pluto), pp. 1-21.
- Gilroy, P. (2004). *After Empire: Melancholia or convivial culture?* (London: Routledge).
- Gregory, D. (2004) *The Colonial Present: Afghanistan, Palestine, Iraq* (Oxford: Blackwell).
- Fraser, N. & A. Honneth. (2003) *Recognition or Redistribution?* (London: Verso).
- Habermas, J. (2004) *Der gespaltene Westen* (Frankfurt am Main: Suhrkamp Verlag).
- Habermas, J. & J. Derrida. (2006) February 15, or What Binds Europeans Together: A Plea for a common foreign policy, beginning in the core of Europe [2003], in L.

- Thomassen (Ed) *The Derrida-Habermas Reader* (Edinburgh: University of Edinburgh Press) pp. 270-278.
- Habermas, J. (2007) The Kantian Project of the Constitutionalism of International Law: Does it still have a chance?, in O.P. Shabani (Ed) *Multiculturalism and the Law: Critical Debates* (Cardiff: University of Wales Press).
- Halliday, F. (2004) Turkey and the Hypocrisies of Europe, *Open Democracy*, (16 December), www.openDemocracy.net.
- Halliday, F. (2006) Terrorism and Delusion, *Open Democracy*, (12 April), www.openDemocracy.net.
- Kompridis, N. (2005) Normativizing Hybridity / Neutralizing Culture, *Political Theory*, 33 (June) 318-343.
- Kompridis, N. (Ed). (2006a) *Philosophical Romanticism* (London: Routledge).
- Kompridis, N. (2006b). The Unsettled and Unsettling Claims of Seyla Benhabib, *Political Theory*, 34 (June) pp. 389-396.
- Koskenniemi, M. (2001) *The Gentle Civilizer of Nations: The rise and fall of international law 1870-1960* (Cambridge: Cambridge University Press).
- Latour, B. (2004) Whose Cosmos, Which Cosmopolitics? Comments on the Peace Terms of Ulrich Beck, *Common Knowledge*, 10(3), pp. 450-463.
- Latour, B (2005) *Reassembling the Social: An introduction to actor-network theory* (Oxford: Oxford University Press).
- Law, J. & J. Hassard. (Eds). (1999) *Actor Network Theory and After* (Oxford: Blackwell).
- Lawrence, A. (2006) Paradigm Wars and the Democratic Peace, in R. Lebow & M. Lichbach (Eds) *Political Knowledge and Social Inquiry* (Ann Arbor: University of Michigan Press).
- Lindahl, H. (2003) Acquiring a Community: The Acquis and the Institutions of European Legal Order, *European Law Journal*, 9(4), pp. 433-451.
- Lindahl, H. (2007) Constituent Power and Reflexive Identity: Towards an Ontology of Collective Selfhood, in M. Loughlin & N. Walker (Eds) *Constituent Power and Constitutional Form* (forthcoming).
- Mair, P. (2005) Popular Democracy and the European Union Polity, *European Governance Papers*, C-0503, www.connexx-network.org/eruogov/pdf/egp-connex-c-0503.pdf.

- Marks, S. (2000) *The Riddle of All Constitutions: International law, democracy and critique of ideology* (Oxford: Oxford University Press).
- Mastnak, T. (2005) Working Paper for the High Level Group, *Alliance of Civilizations Meeting*, Palma De Mallorca, (27-29 November) (unpublished).
- Naumkin, V. (2006) Taking the First Hard Steps to Civilization Alliance, *RIA Novosti*, 27 February), <http://en.rian.ru/analysis/2006222/43712744.html>.
- Nietzsche, F. (1986) The Means to Real Peace, in F. Nietzsche, *Human, All Too Human: A book for free spirits*, (Tr.) R.J. Hollingdale, s.284, pp. 380-381 (Cambridge: Cambridge University Press).
- Quastel N. (2006) *Contract, Sustainability and the Ecology of Exchange* (LLM Dissertation, Faculty of Law, University of Victoria).
- Seabrook, J. (2003) *The No-Nonsense Guide to World Poverty* (Toronto: Between the Lines).
- Scott, J.C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed* (New Haven: Yale University Press).
- Simpson, G. (2004) *Great Powers and Outlaw States: Unequal sovereigns in the international legal order* (Cambridge: Cambridge University Press).
- Sousa Santos, B. de. (2003) *The World Social Forum: A User's Manual*, http://www.ces.us.pt/bss/documentos/fsm_eng.pdf.
- Sponek, H. von. (2006) The Conduct of the UN before and after the 2003 Invasion, in A. Bartholomew (Ed) *Empire's Law: The American Imperial Project and the War to Remake the World*, pp. 71-76 (London: Pluto).
- Swan, P. (2006) American Empire or Empires? Alternative Juridifications of the New World Order, in A. Bartholomew (Ed) *Empire's Law: The American Imperial Project and the War to Remake the World*, pp. 137-160 (London: Pluto).
- Thompson, S. (2005) Is Redistribution a Form of Recognition? Comments on the Fraser-Honneth Debate, *CRISPP*, 8(1), pp.85-102.
- Tierney, S. (2004) *Constitutional Law and National Pluralism* (Oxford: Oxford University Press).
- Toulmin, S. (2001) *Return to Reason* (Cambridge MA: Harvard University Press).
- Tully, J. (2003) Wittgenstein and Political Philosophy: Understanding practices of critical reflection, in C. Heyes (Ed) *The Grammar of Politics: Wittgenstein and Political Philosophy*, pp. 17-41 (Ithaca: Cornell University Press)

- Tully, J. (2005) Exclusion and Assimilation: Two forms of domination in relation to freedom, in M. Williams & S. Macedo (Eds), *Political Exclusion and Domination*, pp.191-230, 250-258 (New York: New York University Press).
- Tully, J. (2006) Communication and Imperialism, *100 Days of Theory*, *CTheory*, www.ctheory.net/articles.aspx?id=508.
- Tully, J. (2007) On Law, Democracy and Imperialism, in E. Christodoulidis and S. Tierney (Eds) *Political Theory and Public Law* (Forthcoming).
- Walker, N. (2002) The Idea of Constitutional Pluralism, *Modern Law Review*, 65(3), pp.317-359.
- Walker, N. (2007) Making a World of Difference? Habermas, Cosmopolitanism and the Constitutionalization of International Law, in O.P. Shabani (Ed) *Multiculturalism and the Law: Critical Debates* (Cardiff: University of Wales Press).
- Wiener, A. (2006) The Dual Quality of Norms: Stability and Flexibility, *CRISPP* (forthcoming).
- Wiener, A. (2007). *The Invisible Constitution: Making meanings accountable for democratic politics* (forthcoming).