The Transformation of Europe Revisited:
The Things that Do Not Transform

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*The Transformation of Europe*, published in 1991 in the *Yale Law Journal*, was ten years in the making. Its infant version was in EUI Working Paper No. 2 from 1981 titled ‘Supranationalism Revisited: Retrospective and Prospective – The European Communities after Thirty Years’. It went through various iterations such as ‘The Community System: The Dual Character of Supranationalism’, which appeared in the recently born *Yearbook of European Law*, later in *Il Sistema Comunitario Europeo – Struttura Giuridica e Processo Politico* (Il Mulino, 1985), and then, in its final and mature version in 1991 as *Transformation*, after which I had had enough and moved on to other themes.

Given the immodest ambition of that project, to revisit *Transformation* is to revisit the European system and in a sense to revisit the transformation of my own thinking of that system.

*Transformation* has had no shortage of critics – Daniela Caruso’s spectacular *The Missing View of the Cathedral* being a memorable early legal critique, and ending with Alec Stone Sweet and Dan Kelemen’s very generous critique in this volume. No one to circle the wagon, my own work subsequent to *Transformation* could be read as a slow dismantling of what was left of cathedral. Even on such foundational notions such as how to read *Van Gend en Loos* I have come to understand (and teach) things differently.

1. I recall being sorely disappointed that it did not win the prize that Oxford University Press awarded to the best paper published in the *Yearbook. Vanitas Vanitatum*. It did become the most cited article in the history of the *Yearbook* – *Vanitas Vanitatum Omnia Vanitas!*
3. I think the real difference between Alec, Dan and me has to do with the methodology of ‘proof’ in the social sciences than in our understanding of Europe.
But some things have remained untransformed in my own thinking and, I believe, in European integration.

Transformation posited as its foundational explanatory key to understanding the success of the European construct, the equilibrium between legal structure (as a proxy for the institutional edifice of European integration) and legitimization rooted in national polities.

When in subsequent work I proposed a normative theory of European integration (‘To Be a European Citizen’; 5 ‘Constitutional Tolerance’6), the robust ‘survival’ of the of the national demos in a system of multiple demois, and legitimization in national polities and politics was posited not as a necessary evil, but as the defining element in the normative originality and nobility of European integration, and its distinguishing feature from all other federalisms in which the federal demos tends to dominate legally and oftentimes even to obliterate culturally and socially all others.

I still believe that that woefully underspecified concept of ‘legitimacy’ is an indispensable element of any understanding of the European construct since it is the indispensable oxygen, the political reservoir to which we reach out in times of crisis for it is that which allows the adoption of policies which are not popular and go outside the normal cycles of democratic politics.

The quest for understanding legitimacy in the context of European integration is thus another untransformed element in my intellectual wanderings. In my current work I have come to understand the tragic nature of the European construct. A satisfactory democratic legitimization will, I have come to think, necessarily come at the expense of the normative nobility of constitutional tolerance.

Turning then (yet again7) to legitimacy, European discourse employs two principal concepts: input (process) legitimacy and output (result) legitimacy. I wish to add a third, less explored, but in my view central legitimating feature of Europe – political messianism. I propose to explore, in turn, each of these forms of legitimacy in their European context, and in relation to each show why, in my view, they are exhausted, inoperable in

the current circumstance. The current crisis overwhelms current thinking of European integration. A larger perspective may, thus, be of some utility. But even in the context of the current crisis, whereas Europe requires European solutions, if these are to be successfully adopted, they will require an employment of legitimacy resources to be found within national communities. To the extent that these national resources will be found to be depleted, the crisis we are facing will remain not only insoluble but existential.

I On Two Genres and Three Types of Legitimacy

There are two basic genres – languages, vocabularies – of legitimacy: normative and social. The vocabulary of normative legitimacy is moral, ethical, and it is informed by political theory. It is an objective measure even though there will be obvious ideological differences as to what should be considered legitimate governance. Social legitimacy is empirical, assessed or measured with the tools of social science. It is a subjective measure, reflecting social attitudes. It is not a measurement of popularity, but of a deeper form of acceptance of the political regime.

The two types of legitimacy often inform each other and may even conflate, but not necessarily so. A series of examples will clarify. By our liberal pluralist normative yardstick, German National Socialism of the 1930s and 1940s was a horrible aberration, the negation of legitimate governance. Yet, socially and empirically, for most Germans almost until the defeat in 1945 it was not only popular, but considered deeply legitimate leadership. By contrast, Weimer democracy would pass our normative test of legitimate government, yet for a very large number of Germans it was not merely unpopular, but considered illegitimate leadership, a betrayal of Germany.

However, in less extreme situations, we do expect some measure of conflation between the two. One hopes that if a regime is normatively legitimate, because, say, it practises constitutional democracy, it will enjoy widespread social legitimacy, and that the opposite will be true too: in a regime which fails the normative tests, one hopes that the social legitimacy will be low too. One can imagine complicated permutations of these parameters.

Legitimacy, normative or social, should not be conflated with legality. Forbidding blacks to sit in the front of the bus was perfectly legal, but would fail many a test of normative legitimacy, and with time lost its social legitimacy as well. There are illegal measures which are considered,
normatively and/or socially, as legitimate, and legal measures which are considered illegitimate.

For the purpose of this chapter, it is worth exploring briefly the relationship between popularity and legitimacy. If I am a lifelong adherent of the Labour Party in the UK, I might be appalled by the election of the Tories and abhor every single measure adopted by the government of the Tory prime minister. But it would never enter my mind to consider such measures ‘illegitimate’. In fact, and this is critical for one of the principal propositions of this chapter, the deeper the legitimacy resources of a regime, the better able it is to adopt unpopular measures critical in the time of crisis when exactly such measures may be necessary.

There is something peculiar about the current crisis. Even if there are big differences between the austerity and immediate growth camps, everyone knows that a solution has to be European, within a European framework. And yet, it has become self-evident that crafting a European solution has become so difficult, that the institutions and the Union decision-making process do not seem to be engaging satisfactorily and effectively with the crisis, even when employing the intergovernmental methodology, and that it is governments, national leaders, of a small club, who seem to be calling the shots. The problem is European, but Europe as such, its own Institutions, is finding it difficult to craft the remedies.

I would like to argue that in the present circumstance, the legitimacy resources of the European Union – referring here mostly to social legitimacy – are depleted, and that is why the Union has had to turn to the Member States for salvation.

Alan Milward famously and convincingly wrote on the European rescue of the nation-state. The pendulum has swung, and in the present crisis it will be the nation-state rescue of the European Union. The complicating factor, which makes the present crisis unprecedented, is the legitimacy crisis in which several of our Member States find themselves, with large sectors of the electorate turning to populist/extremist parties on the left and right. These parties often offer policies which are of limited credibility to an objective observer. Their appeal is precisely in that they give an outlet to a deep dissatisfaction with the institutions of democracy and with democracy as an institution. National democratic legitimacy is also reaching crisis levels.

Moving from the genres of legitimacy to a typology of legitimacy, I would like to suggest the three most important types or forms of legitimacy which have been central to the discussion of European integration. The most ubiquitous have been various variations on the theme of input and output legitimacy.\(^9\)

Process (or Input) Legitimacy – which in the current circumstance can, with some simplification, be synonymised with democracy. It is easier put in the negative: To the extent that the European mode of governance departs from the habits and practices of democracy as understood in the Member States, its legitimacy, in this case both normative and social will be compromised.

Result (or Output) Legitimacy – which, again simplifying somewhat, would be all modern versions of Bread and Circus. As long as the Union delivers ‘the goods’ – prosperity, stability, security – it will enjoy a legitimacy that derives from a subtle combination of success \textit{per se}, of success in realising its objectives and of contentment with those results. There is no better way to legitimate a war than win it. This variant of legitimacy is part of the very ethos of the Commission.

Telos Legitimacy or Political Messianism whereby legitimacy is gained neither by process nor output but by promise, the promise of an attractive Promised Land. I will elaborate on this later.

I will now try and illustrate the collapse of all three forms of legitimacy in the current European circumstance.

\section*{II \quad Europe, the Current Circumstances}

This is an interesting time to be reflecting on the European construct. Europe is at a nadir which one cannot remember for many decades and which, various brave or pompous or self-serving statements notwithstanding,\(^{10}\) the Treaty of Lisbon has not been able to redress. The surface manifestations of

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crisis are with us every day on the front pages: the Euro crisis\textsuperscript{11} being the most current. Beneath this surface, at the structural level, lurk more profound and long term signs of enduring challenge and even dysfunction and malaise. Let us refract them through the lens of legitimacy.\textsuperscript{12}

First, as regards process legitimacy, there is the persistent, chronic, troubling democracy deficit, which cannot be talked away.

First, although the ‘no demos’ thesis seems to have receded in recent discourse, its relevance is suddenly more acute than ever. The difficulties, as will be seen, of constructing all manner of ‘fiscal union’ type solutions for the Euro crisis are in no small measure the result of – yes, ‘no demos’ – a lack of transcendent responsibility for the lot of one’s fellow citizens and nationals. Germans and Dutch and Finns are not saying: ‘A bailout is the wrong policy.’ They are saying, why should we Germans, or Dutch, or Finns help those lazy Italians or Portuguese or Greeks? A very visible manifestation of the no-demos thesis of Europe’s democracy crisis.

Second, there are failures of democracy which simply make it difficult to speak of governance ‘by and of’ the people. The manifestations of the so-called democracy deficit are persistent and no endless repetition of the powers of the European Parliament will remove them. In essence it is the inability of the Union to develop structures and processes which adequately replicate or, ‘translate’,\textsuperscript{13} at the Union level even the imperfect


habits of governmental control, parliamentary accountability, and administrative responsibility that are practised with different modalities in the various Member States. Make no mistake: it is perfectly understood that the Union is not a State. But it is in the business of governance and has taken over extensive areas previously in the hands of the Member States. In some critical areas, such as the interface of the Union with the international trading system, the competences of the Union are exclusive. In others they are dominant. Democracy is not about States. Democracy is about the exercise of public power – and the Union exercises a huge amount of public power. We live by the credo that any exercise of public power has to be legitimated democratically and it is exactly here that process legitimacy fails.

In essence, the two primordial features of any functioning democracy are missing – the grand principles of accountability and representation. As regards accountability, even the basic condition of representative democracy that at election time the citizens ‘can throw the scoundrels out’ – that is, replace the government – does not operate in Europe. The form of European governance, governance without government, is, and will remain for considerable time, perhaps forever, such that there is no ‘government’ to throw out. Dismissing the Commission by Parliament (or approving the appointment of the Commission president) is not quite the same, not even remotely so.

Startlingly, but not surprisingly, political accountability of Europe is remarkably weak. There have been some spectacular political failures of European governance: the embarrassing Copenhagen climate fiasco;
the weak (at best) realisation of the much-touted Lisbon Agenda (aka Lisbon Strategy or Lisbon Process);\textsuperscript{21} the very story of the defunct ‘Constitution’;\textsuperscript{22} to mention but three. It is hard to point in these instances to any measure of political accountability, of someone paying a political price as would be the case in national politics. In fact, it is difficult to point to a single instance of accountability for political failure as distinct from personal accountability for misconduct in the annals of European integration. This is not, decidedly not, a story of corruption or malfeasance.\textsuperscript{23} My argument is that this failure is rooted in the very structure of European governance. It is not designed for political accountability. In a similar vein, it is impossible to link in any meaningful way the results of elections to the European Parliament to the performance of the political groups within the preceding parliamentary session, in a way that is part of the mainstay of political accountability within the Member States.\textsuperscript{24} Structurally, dissatisfaction with ‘Europe’ when it exists has no channel to affect, at the European level, the agents of European governance. The Spitzenkandidaten exercise has only marginally corrected this anomaly. Depressingly, Parliament has reverted to its ‘rotation exercise’ among the two big centre-left, centre-right blocs, and the European Council has made its dissatisfaction with the Spitzenkandidaten exercise quite clear with a determination not to allow a repetition of the exercise.

Likewise, at the most primitive level of democracy, there is simply no moment in the civic calendar of Europe when the citizen can influence directly the outcome of any policy choice facing the Community and Union in the way that citizens can when choosing between parties which offer sharply distinct programmes at the national level. The political


The political deficit, to use the felicitous phrase of Renaud Dehousse, is at the core of the democracy deficit. The Commission, by its self-understanding linked to its very ontology, cannot be ‘partisan’ in a right-left sense, neither can the Council, by virtue of the haphazard political nature of its composition. Democracy normally must have some meaningful mechanism for expression of voter preference predicated on choice among options, typically informed by stronger or weaker ideological orientation. That is an indispensable component of politics. Democracy without Politics is an oxymoron. And yet that is not only Europe, but it is a feature of Europe – the ‘non-partisan’ nature of the Commission – which is celebrated. The stock phrase found in endless student textbooks and the like, that the supranational Commission vindicates the ‘European Interest’, whereas the intergovernmental Council is a clearinghouse for Member State interest, is, at best, naïve. Does the European Interest not necessarily involve political and ideological choices? At times explicit, but always implicit? Again, the formidable Mr. Juncker has been able only marginally or in a Machiavellian way (I use this term in the best sense of the word) to redress this problem in the selection of his Commission. He could allocate portfolios with imagination but could not choose candidates of Member States based on programmatic commitment.

Thus the two most primordial norms of democracy, the principle of accountability and the principle of representation, are compromised in the very structure and process of the Union.

The second manifestation of the current European circumstance is evident in a continued slide in the legitimacy and mobilising force of the European construct and its institutions. I pass over some of the uglier manifestations of European ‘solidarity’ both at governmental and popular levels as regards the Euro crisis or the near abandonment of Italy to deal with the influx of migrants from North Africa as if this was an Italian problem


\[27\] Follesdal and Hix, ‘Why There Is a Democratic Deficit in the EU’, op cit., 545.

and not a problem for Europe as a whole. I look instead at two deeper and longer-term trends. The first is the extraordinary decline in voter participation in elections for the European Parliament. In Europe as a whole the rate of participation is below 45 per cent, with several countries, notably in the East, with a rate below 30 per cent. The correct comparison is, of course, with political elections to national parliaments where the numbers are considerably higher. What is striking about these figures is that the decline coincides with a continuous shift in powers to the European Parliament, which today is a veritable co-legislator with the Council. The more powers the European Parliament, supposedly the *Vox Populi*, has gained, the greater popular indifference to it seems to have developed. The past elections saw the lowest turnout of voters in the history of direct elections. It is sobering but not surprising to note the absence of the European Parliament as a major player in the current crisis. But the institutional crisis runs deeper. The Commission has excelled as a creative secretariat and implementor and monitor, but neither as the sources of ideas or veritable political leadership. It has been faithful and effective as His Master’s Voice. But most striking has been the disappearing act of the Council. No longer the proud leader of Europe according to the Giscardian design, but an elaborate rubber stamp to the Union’s presidents – Merkel and whomever else is around. A double failure of institutional legitimacy, of Parliament and of Council. Of supranationalism and inter-governmentalism. The resort to an extra-Union treaty as a centrepiece of the reconstruction is but the poignant legal manifestation of this political reality.

The critique of the democracy deficit of the Union has itself been subjected to two types of critique. The first has simply contested the reality of the democracy deficit by essentially claiming that wrong criteria have been applied to the Union. The lines of debate are well known. For what it is worth, I have staked my position previously. But


I am more interested in the second type of critique, which implicitly is an invocation of result or output legitimacy. Since the Union, not being a State, cannot replicate or adequately translate the habits and practices of statal democratic governance, its legitimacy may be found elsewhere.33

In analysing the legitimacy (and mobilising force) of the European Union, in particular against the background of its persistent democracy deficit, political and social science has indeed long used the distinction between process legitimacy and outcome legitimacy (aka input/output, process/result etc.).34 The legitimacy of the Union more generally and the Commission more specifically, even if suffering from deficiencies in the state democratic sense, are said to rest on the results achieved – in the economic, social, and, ultimately, political realms.35 The idea hearkens back to the most classic functionalist and neo-functionalist theories.36

I do not want to take issue with the implied normativity of this position – a latter day Panem et circenses approach to democracy, which at some level at least could be considered quite troubling. It is with its empirical reality that I want to take some issue. I do not think that outcome legitimacy explains all or perhaps even most of the mobilising force of the European construct. But whatever role it played it is dependent on the Panem. Rightly or wrongly, the economic woes of Europe, which are manifest in the Euro crisis, are attributed to the European construct. So when there suddenly is no bread, and certainly no cake, we are treated to a

different kind of circus whereby the citizens’ growing indifference is turning to hostility and the ability of Europe to act as a political mobilising force seems not only spent, but even reversed. The worst way to legitimate a war is to lose it, and Europe is suddenly seen not as an icon of success, but as an emblem of austerity, thus in terms of its promise of prosperity, failure. If success breeds legitimacy, failure, even if wrongly allocated, leads to the opposite.

Thus, not surprisingly, there is a seemingly contagious spread of ‘anti-Europeanism’ in national politics. What was once in the province of fringe parties on the far right and left has inched its way to more central political forces. The ‘Question of Europe’ as a central issue in political discourse was for long regarded as an ‘English disease’. There is a growing contagion in Member States in North and South, East and West, where political capital is to be made among non-fringe parties by anti-European advocacy. The spill-over effect of this phenomenon is the shift of mainstream parties in this direction as a way of countering the gains at their flanks. If we are surprised by this, it is only because we seem to have airbrushed out of our historical consciousness the rejection of the so-called European Constitution, an understandable amnesia since it represented a defeat of the collective political class in Europe by the *vox populi*, albeit not speaking through, but instead giving a slap in the face to, the European Institutions.

### III Europe as Political ‘Messianism’

At some level, the same could have been said ten and even twenty years ago. The democracy deficit is not new – it is enduring. And how did Europe legitimate itself before it scored its great successes of the first decades?

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41 See, for example, European Commission, ‘European Governance: A White Paper’, COM (2001) 428 final, Brussels; V. Bogdanor and G. Woodcock, ‘The European Community and
As I hinted previously, at the conceptual level, there is a third type of legitimation which, in my view, played for a long time a much larger role than is currently acknowledged. In fact, in my view, it has been decisive to the legitimacy of Europe and to the positive response of both the political class and citizens at large. I will also argue that it is the key to a crucial element in the Union’s political culture. It is a legitimacy rooted in the ‘politically messianic’.

In political ‘messianism’, the justification for action and its mobilising force derive not from process, as in classical democracy, or from result and success, but from the ideal pursued, the destiny to be achieved, the ‘Promised Land’ waiting at the end of the road. Indeed, in messianic visions the end always trumps the means.

Mark Mazower, in his brilliant and original history and historiography of twentieth-century Europe, insightfully shows how the Europe of monarchs and emperors which entered World War I was often rooted in a political messianic narrative in various states (in Germany, and Italy, and Russia and even Britain and France). It then oscillated after the war towards new democratic orders, that is, to process legitimacy, which then oscillated back into new forms of political messianism in fascism and communism. As the tale is usually told, after World War II, Europe of the West was said to oscillate back to democracy and process legitimacy. It is here that I want to point to an interesting quirk, not often noted.

On the one hand, the Western states, which were later to become the Member States of the European Union, became resolutely democratic, their patriotism rooted in their new constitutional values, narratives of glory abandoned and even ridiculed, and messianic notions of the State losing all appeal. Famously, former empires, once defended with repulsion and blood, were now abandoned with zeal.

And yet, their common venture, European integration, was in my reading a political messianic venture par excellence, the messianic becoming a central feature of its original and enduring political culture. The mobilising


force and principal legitimating feature was the vision offered, the dream
dreamt, the promise of a better future. It is this feature which explains not
only the persistent mobilising force (especially among elites and youth),
but also key structural and institutional choices made. It will also give
more depth to explanations of the current circumstance of Europe.

Since, unlike the democracy deficit which has been discussed and
debated *ad nauseam* and *ad tedium*, political messianism is a feature of
European legitimacy which has received less attention, I think it may be
justified if I pay to it some more attention.

### IV The Schuman Declaration as a Manifesto of Political Messianism

The Schuman Declaration is somewhat akin to Europe’s ‘Declaration of
Independence’ in its combination of vision and blueprint. Notably, much
of its text found its way into the preamble of the Treaty of Paris, the sub-
stance of which was informed by its ideas. It is interesting to re-read the
Declaration through the conceptual prism of political messianism. The
hallmarks are easily detected as we would expect in its constitutive, mag-
isterial document. It is manifest in what is in the Declaration and, no less
importantly, in what is not therein. *Nota bene*: European integration is
nothing like its European messianic predecessors – that of monarchies
and empire and later fascism and communism. It is liberal and noble, but
politically messianic it is nonetheless.

The messianic feature is notable in both its rhetoric and substance.
Note, first, the language used – ceremonial and ‘sermonial’ with plenty of
pathos (and bathos).

*World peace cannot be safeguarded without the making of creative efforts
proportionate to the dangers which threaten it….*

*The contribution which an organised and living Europe can bring to civilisa-
tion is indispensable…*

*… a first step in the federation of Europe [which] will change the destinies of
those regions which have long been devoted to the manufacture of munitions
of war….*

*[A]ny war between France and Germany becomes not merely unthinkable,
but materially impossible.*

*This production will be offered to the world as a whole without distinction
or exception….*

*[I]t may be the leaven from which may grow a wider and deeper community
between countries long opposed to one another by sanguinary divisions.*
It is grand, inspiring, Churchillian one might even say with a tad of irony. Some old habits, such as the White Man’s Burden and the missionary tradition, die hard:

*With increased resources Europe will be able to pursue the achievement of one of its essential tasks, namely, the development of the African continent.*

But it is not just the rhetoric. The substance itself is messianic: a compelling vision which has animated now at least three generations of European idealists where the ‘ever closer union among the people of Europe’, with peace and prosperity an icing on the cake, constitutes the beckoning promised land.\(^{44}\)

It is worth exploring further the mobilising force of this new plan for Europe. At the level of the surface language it is its straightforward pragmatic objective of consolidating peace and reconstructing European prosperity. But there is much more within the deep structure of the Plan.

Peace, at all times an attractive desideratum, would have had its appeal in purely utilitarian terms. But it is readily apparent that in the historical context in which the Schumann Plan was put forward the notion of peace as an ideal probes a far deeper stratum than simple swords into ploughshares, sitting under ones’ vines and fig trees, lambs and wolves – the classic biblical metaphor for peace. The dilemma posed was an acute example of the alleged tension between grace and justice which has taxed philosophers and theologians through the ages – from William of Ockham (pre-modern), Friedrich Nietzsche (modernist) and the repugnant but profound Martin Heidegger (post-modern).

These were, after all, the early 1950s with the horrors of war still fresh in the mind and, in particular, the memory of the unspeakable savagery of German occupation. It would take many years for the hatred in countries such as The Netherlands, Denmark, or France to subside fully. The idea, then, in 1950, of a community of equals as providing the structural underpinning for long-term peace among yesterday’s enemies represented more than the wise counsel of experienced statesmen.

It was, first, a ‘peace of the brave’ requiring courage and audacity. At a deeper level it managed to tap into the two civilizational pillars of

Europe: the Enlightenment and the heritage of the French Revolution and the European Christian tradition.45

Liberty was already achieved with the defeat of Nazi Germany – and Germans (like their Austrian brethren-in-crime) embraced with zeal the notion that they, too, were liberated from National Socialism. But here was a project, encapsulated in the Schuman Declaration, which added to the transnational level both equality and fraternity. The post-WWI Versailles version of peace was to take yesterday’s enemy, diminish him, and keep his neck firmly under one’s heel, with, of course, disastrous results. Here, instead was a vision in which yesteryear’s enemy was regarded as an equal – Germany was to be treated as a full and equal partner in the venture – and engaged in a fraternal interdependent lock that, indeed, the thought of resolving future disputes would become unthinkable.46 This was, in fact, the project of the Enlightenment taken to the international level as Kant himself had dreamt. To embrace the Schuman Plan was to tap into one of the most powerful idealistic seams in Europe’s civilizational mines.

The Schuman Plan was also a call for forgiveness, a challenge to overcome an understandable hatred. In that particular historical context the Schumannian notion of peace resonated with, was evocative of, the distinct teaching, imagery, and values of the Christian call for forgiving one’s enemies, for love, for grace – values so recently consecrated in their wholesale breach. The Schuman Plan was in this sense, evocative of both confession and expiation, and redolent with the Christian belief in the power of repentance and renewal and the ultimate goodness of human-kind. This evocation is not particularly astonishing given the personal backgrounds of the founding fathers – Adenauer, De Gaspari, Schumann, Monnet himself – all seriously committed Catholics.47


47 A. Fimister, ‘Integral Humanism and the Re-unification of Europe’, in S. Schirmann (ed.), Robert Schuman et les pères de l’Europe: cultures politiques et années de formation (Brussels: Peter Lang, 2008), 25; ‘Schuman was an ardent Roman Catholic, and his views about the desirability of political unity in Western Europe owed much to the idea that
The mobilising force, especially among elites, the political classes who felt more directly responsible for the calamities of which Europe was just exiting, is not surprising given the remarkable subterranean appeal to the two most potent visions of the idyllic ‘Kingdom’ – the humanist and religious combined in one project.\textsuperscript{48} This also explains how, for the most part, both right and left, conservative and progressive, could embrace the project.

It is the messianic model which explains (in part) why for so long the Union could operate without a veritable commitment to the principles it demanded of its aspiring members – democracy and human rights. Aspirant States had to become members of the European Convention of Human Rights, but the Union itself did not. They had to prove their democratic credentials, but the Union itself did not – two anomalies which hardly raised eyebrows.

Note, however, that its messianic features are reflected not only in the flowery rhetoric. In its original and unedited version the declaration is quite elaborate in operational detail. But you will find neither the word

\begin{quote}
it was above all the continent’s Christian heritage which gave consistence and meaning to the identity of European civilization. And the Europe he knew and loved best was the Carolingian Europe that accorded with his religious faith and his experience of French and German cultures; M. Sutton, ‘Chapter 1: Before the Schuman Plan’, \textit{France and the Construction of Europe, 1944–2007: The Geopolitical Imperative} (New York and Oxford: Berghan Books, 2007), 34; ‘It is with deep faith in our cause that I speak to you, and I am confident that through the will of our free peoples, with your support and with God’s help, a new era for Europe will soon begin.’ Extracts from a speech by Alcide De Gasperi at the Consultative Assembly of the Council of Europe in Strasbourg on 16 September 1952 - Volume 3, 1952 of the \textit{Official Reports of Debates of the Consultative Assembly of the Council of Europe}.
\end{quote}

\textsuperscript{48} One should add that the transnational reach of the Schuman Plan served, as one would expect, a powerful internal interest the discussion of which even today meets with resistance. The challenge of ‘fraternity’ and the need for forgiveness, love, and grace was even more pressing internally than internationally. For each one of the original Member States was seriously compromised internally. In post-war Germany, to put it bluntly, neither State nor society could function if all those complicit in National Socialism were to be excluded. In the other five, though ostensibly and in a real sense victims of German aggression, important social forces became complicit and were morally compromised. This was obviously true of Fascist Italy and Vichy France. But even little Luxembourg contributed one of the most criminally notorious units to the German army and Belgium distinguished itself as the country with the highest number of indigenous volunteers to the occupying German forces. The betrayal of Anne Frank and her family by their good Dutch neighbours was not an exception but emblematic of Dutch society and government who tidily handed over their entire Jewish citizenry for deportation and death. All these societies had a serious interest in ‘moving on’ and putting that compromised past behind them. If one were to forgive and embrace the external enemy, to turn one’s back to the past and put one’s faith in a better future, how much more so, how much easier, to do the same within one’s own nation, society, even family?
democracy, nor human rights, a thunderous silence. It’s a ‘Lets-Just-Do-It’ type of programme animated by great idealism (and a goodly measure of good old state interest, as a whole generation of historians such as Alan Milward and Charles Maier among others have demonstrated).

The European double helix has from its inception been Commission and Council: an international (supposedly) apolitical transnational administration/executive (the Commission) collaborating not, as we habitually say, with the Member States (Council), but with the governments, the executive branch of the Member States, which for years and years had a forum that escaped in day-to-day matters the scrutiny of any parliament, European or national. Democracy is simply not part of the original vision of European integration.

This observation is hardly shocking or even radical. Is it altogether fanciful to tell the narrative of Europe as one in which ‘doers and believers’ (notably the most original of its institutions, the Commission, coupled with an empowered executive branch of the Member States in the guise of the Council and COREPER), an elitist (if well-paid) vanguard, were the self-appointed leaders from whom grudgingly, over decades, power had to be arrested by the European Parliament? And even the European Parliament has been a strange vox populi. For hasn’t it been, for most of its life, a champion of European integration, so that to the extent that, inevitably, when the Union and European integration inspired fear and caution among citizens (only natural in such a radical transformation of European politics), the European Parliament did not feel the place citizens would go to express those fears and concerns?

The political messianic was offered not only for the sake of conceptual clarification, but also as an explanation of the formidable past success of European integration in mobilising support. It produced a culture of praxis, achievement, ever expanding agendas. Given the noble dimensions of European integration, one ought to see and acknowledge its virtuous facets.

But that is only part of the story. It also explains some of the story of decline in European legitimacy and mobilising pull which is so obvious

49 Milward, The European Rescue of the Nation State.


in the current circumstance. Part of the very phenomenology of political messianism is that it always collapses as a mechanism for mobilisation and legitimation. It obviously collapses when the messianic project fails. When the revolution does not come. But interestingly, and more germane to the narrative of European integration, even when successful, it sows its seeds of collapse. At one level the collapse is inevitable, part of the very phenomenology of the messianic project. Reality is always more complicated, challenging, banal, and ultimately less satisfying than the dream which preceded it. The result is not only absence of mobilisation and legitimation, but actual rancour.

Democracy was not part of the original DNA of European integration. It still feels like a foreign implant. With the collapse of its original political messianism, the alienation we are now witnessing is only to be expected. And thus, when failure hits as in the Euro crisis, when the Panem is gone, all sources of legitimacy suddenly, simultaneously collapse.

This collapse comes at an inopportune moment, at the very moment when Europe of the Union would need all its legitimacy resources. The problems are European and the solution has to be at the European level. But for that solution to be perceived as legitimate, for the next phase in European integration not to be driven by resentful fear, the architects will not be able to rely, sadly, on the decisional process of the Union itself. They will have to dip heavily into the political structure and decisional process of the Member States. It will be national parliaments, national judiciaries, national media, and, yes, national governments who will have to lend their legitimacy to a solution which inevitably will involve yet a higher degree of integration. It will be an entirely European phenomenon that at what will have to be a decisive moment in the evolution of the European construct, the importance, even primacy of the national communities as the deepest source of legitimacy of the integration project will be affirmed yet again. And yet, what do we do if we find that those national reservoirs are running low and in some cases even depleted?