

## An Empire of Law and Consensus

A call for a Europe—and Europeans—beyond the nation-state

by Ulrich Beck

**Europe can become neither a state nor a nation—and it won't. Hence it cannot be thought of in terms of the nation-state. The path to the unification of Europe leads not through uniformity but rather through acknowledgment of its national particularities. Diversity is the very source of Europe's potential creativity. The solution to national problems lies only in European interaction.**



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More than two centuries ago, Emmanuel Kant wrote that we live side by side, "so violations of the law at one place of the earth are felt everywhere." Some 150 years ago, Nietzsche declared that "Europe will have to make up its mind...so that the long spun-out comedy of its petty-statism, and its dynastic as well as its democratic many-willed-ness, might finally be brought to a close. The time for petty politics is past; the next century will bring the struggle for the dominion of the world—the compulsion to great politics."

Karl Marx predicted that it would be globalizing capital, not the politics of the states, that would break through national political axiomatics and open the game of great politics. "In place of the old global and national seclusion and self-sufficiency, we have intercourse in every direction, universal interdependence of nations. And as in material, so also in intellectual production. The intellectual creations become common property. National one-sidedness and narrow-mindedness become more and more impossible, and from the numerous national and local literatures, there arises a world literature."

Lastly, Max Weber drew the conclusions for the historical sciences. "But at some point the color changes. The meaning of the unthinkingly espoused views becomes uncertain, the path gets lost in the twilight. The light of the great cultural problems has moved on. At that point science, too, prepares to change its position and conceptual equipment and to look from the heights of thought down to the flow of events."

What Kant, Nietzsche, Marx, and Weber prophesied is our present. A new cosmopolitanism is in the air.

What is enlightenment at the dawn of the 21st century? Surely it includes the courage to make use of your "cosmopolitan viewpoint"—to avow your diverse identities, to take ways of life stemming from language, skin color, nationality, or religion and join them with the awareness that, in the world's radical uncertainty, all are equal and each is different.

Applied to Europe, the cosmopolitan viewpoint acknowledges that Europe still suffers not only from its many-willed-ness but even more from its national ontology of politics and society, which undervalues its historical uniqueness and causes political impasses. The paradox that one must fathom is that thinking of Europe as a great nation kindles the primordial national fears of the Europeans. It is either Europe or the European nations; a third alternative is out of the question. In the end, this national self-misunderstanding makes Europe and its member countries into archrivals threat-

ening each other's existence. Misconceived in this manner, Europeanization becomes a diabolical zero-sum game in which Europe and its nations ultimately all lose.

The other side of the paradox is the necessity of parting with the national mindset of society and politics, of rethinking Europe in cosmopolitan terms in order to relieve the member countries of the fears that accepting the European constitution means committing cultural suicide. A cosmopolitan Europe is, first and foremost, the Europe of difference, of acknowledged national particularities. From the cosmopolitan viewpoint, this diversity—whether of languages, economic systems, political cultures, or forms of democracy—appears primarily as an inexhaustible source, perhaps as the source of Europe's cosmopolitan self-concept and not, as the national perspective would have it, as an obstacle to integration.

Europe, however, is still perceived in national terms as an “unfinished nation,” an “unfinished federal state,” as though it ought to become both a nation and a state. Europe's actual distress consists not least in precisely this inability to grasp and understand the historically new kind of reality that Europeanization represents. That lack of comprehension is also a major reason why the institutions of the European Union (EU) come across as unapproachable, unreal, and often menacing to the citizens they are intended to serve.

#### The EU in Conventional Thinking

Even advanced research on Europe has scarcely dared venture beyond the conventional basic pattern of nation-state thinking. The European Union is considered in terms of territoriality, sovereignty, jurisdictions, and demarcation. Even at higher levels of complexity, when speaking of “governance” or a “multilevel system,” the legal and academic parlance of research on Europe remains biased toward organizational and regulatory systems designed to conceive of and cast the EU in the image of the nation-state.

Sociology's failure with regard to Europe is particularly conspicuous. The discipline developed its instruments in the waning nineteenth century from the analysis of national societies. Because those instruments are ill suited to analyzing European society, the conclusion in sociology is that, obviously, there exists no European society at all worth mentioning. This opinion has many causes, but one in particular deserves criticism: The concept of society is the crystallization point of sociology's methodological nationalism. In sociological analysis, Europe must therefore be understood as a plural—as societies; it must be understood in additive or, at best, comparative terms. In other words, the society of Europe overlaps Europe's national societies. This methodological nationalism practiced by social science is becoming historically fallacious, because it filters out Europe's complex realities and space for interaction. In a nutshell, it is blind to Europe and blinds us to Europe.

A similar thought pattern stems from the statement that there is no European demos, or populace. What populace is meant—that of the ancient Greek city-states, the Swiss cantons, or the nation-states? What about the present-day societies of our intertwined countries? Do the nation-states themselves still even have a homogeneous populace or citizenry?

Sociology's instruments are ill suited to analyzing European society; sociology therefore denies any European society.

The nation-state is seen everywhere as the tacit conceptual measuring stick that makes the realities of Europeanization appear deficient: no populace, no people, no state, no democracy, no public. In addition to disinterest and sheer lack of understanding for the debates of other member states, there is a steadily increasing number of transnational communication processes about common challenges, such as the recent responses to the war in Iraq, to the democratic revolt in Ukraine, and to European antisemitism. Instead of making stereotyped assertions that there is no European public, people should expand the concept of “public” beyond its fixation on the nation-state and open it up to a cosmopolitan understanding that realistically accommodates the dynamics from which the transboundary forms of the European public sphere are developing.

Europeanization is initiating a historically new positive-sum game of joint solutions.

What is “European” in this sense are co-national forms of identity, ways of life, means of production, and types of interaction that pass right through the walls of states. It is about forms and movements of ceaseless border-crossing. Horizontal Europeanization is giving rise to new shadow realities that are lived in the blind spots of the aliens’ registration office: multilingualism, multinational networks, binational marriages, multiple residences, educational mobility, transnational careers, and linkages between science and the economy. These spots are spreading and are being taken for granted by the upcoming generation. Contemplating these developments, I see three lines of thought.

#### A Historically New Positive-Sum Game

The first is that Europeanization is initiating a historically new positive-sum game. Joint solutions serve the national interest. Europe’s crisis is a mental one. National governments are struggling with seemingly national problems in a national setting and are trying to solve them by going their own national ways—and are failing. The export of jobs is an example, as is the attempt to control the taxation of corporate profits. Mobile business organizations operating within global networks are able to play individual states against each other and thereby weaken them. The more the national perspective predominates in the thinking and action of people and governments, the more these businesses succeed at expanding their own power. That is the paradox that must be understood. The national frame of reference violates national interests because national interests can be pursued better in consort with the rest of Europe.

No matter where one looks in Europe, it is the same situation. The ratio of old people to the total population is rising to uncomfortable levels and pension systems no longer function, but the necessary reforms are thwarted by the organized resistance of the groups affected. To escape this trap, the connection between decline in population growth, the aging of societies, necessary reforms of social-security systems, selective migration policy, the export of jobs, and the taxation of corporate profits could be defined and cooperatively worked on as a European problem. This approach can and would benefit all governments currently contenting themselves with sham solutions in the dead-end of the nation-state.

However, Germany's center-left federal coalition between the Greens and the Social Democrats that is now leaving office headed again down the "German path" to that dead-end last spring. The head of the Social Democratic Party (and Vice Chancellor in the incoming Social Democratic-conservative coalition), Franz Müntefering, said at that point that he did "not want any more cheap eastern European labor in Germany's slaughterhouses," and the then government decided to increase the minimum wage. The message that Europe creates evil neoliberals and Berlin provides for the weak members of society is a disastrous lie. Tens of thousands of German jobs exist solely because the new eastern EU countries import far more goods from Germany than they export to it. The national mindset, whether partial to the right or the left, be it in favor of capitalism or critical of it, is always blind to the gains in domestic prosperity and the losses of welfare in poorer areas abroad.

Worse yet, perhaps, is that the German job protectors harm the country's national interest and torpedo the meaning of the draft EU constitution, the very document that would have brought the new logic of cosmopolitan realism to bear. The constitutional draft stressed that joint solutions go further than independent national approaches. The urgent national problems are especially those whose solutions require cooperation across boundaries. The national problem of Germans—wage dumping, for example—can be tackled only by Europe as a whole through European-wide minimum wages. Lasting cooperation between states increases rather than constricts their ability to act. Paradoxically, surrendering sovereignty enhances sovereignty. That is the secret of success for the European Union.

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Looking at everything from the national perspective jeopardizes national prosperity and democratic freedom. Ensuring the health of the nation and the economy, effectively coping with unemployment, and promoting a lively democracy all require the cosmopolitan viewpoint. Transcending national and post-national sympathies, cosmopolitan Europe does not threaten the nation-state but rather prepares, facilitates, modernizes, changes, and opens it for the global age.

### The Need for a Border-Spanning Memory Culture

The second line of thought is that Europeanization requires a memory culture that spans borders. In the words Thomas Mann wrote in anguish about World War I, "Alas, Europe"—by which he meant the calamity of the Western world over two and a half millennia of being shredded by war and bled to death. At the center of every village in Europe stands a large monument engraved with the names of those killed in action—1915, 1917. On the wall of a nearby church one then finds three more names from the same family on a stone tablet listing the casualties of World War II—killed in action, 1942; killed in action, 1944; missing in action, 1945. That was Europe.

How long has it been? Not very. Until the late 1980s the peoples of this belligerent Europe faced off in a nuclear stalemate. The policy of drawing East and West closer together seemed possible only through recognition of

the seemingly eternal division of Europe. And today? A European miracle has taken place. Enemies have become neighbors! That wonder is historically unique, actually even inconceivable. At precisely the most wanton moment in the history of states, a political invention comes along that makes possible what is almost unimaginable—states themselves transform their monopoly on power into a taboo on violence. The threat of violence as a political option, whether between member states or against supranational institutions, has been banished once and for all from the horizon of the possible in Europe.

That change became possible because Europe has experienced the advent of something qualitatively new—national horror about the murder of European Jews. The national wars and expulsions are no longer remembered only within a national compass; the national space for commemoration is bound to broaden to a European scope. A Europeanization of perspectives is occurring (at least the first signs of it).

Such cosmopolitanism in the opening of communication, in the acceptance of interdependence through inclusion of the stranger for the sake of common interests, and in the historical exchange of perspectives between perpetrators and victims in postwar Europe is something other than multiculturalism or

Such cosmopolitanism is not multiculturalism or post-modern non-commitment.

post-modern non-commitment. Although this cosmopolitanism is intended to rest upon cohesive and reciprocally binding norms that can help prevent a slide into post-modern particularism, it is not simply universal. For an entity like Europe, interacting with the range of cultures,

traditions, and interests in the weave of national societies is a matter of survival. As Hannah Arendt argued, only the infinitely difficult forgiveness granted and received through remembrance creates the necessary trust in the relationship between states and nations and empowers them.

#### A European Empire of Law and Consensus?

The third, concluding line of thought is a question: How will a European empire of law and consensus become possible? In the final analysis, understanding the concept of cosmopolitanism in this way is also the key to understanding and shaping new forms of political authority that have emerged in Europe beyond the nation-state. But globalization, specifically the problems with the flows and crises of global finance, and the neglected European dimension of current sociopolitical exigencies show that the opposite is breaking over our heads for now. A nationally circumscribed labor market no longer exists. Even if we point the gun barrels at foreigners, well-educated Indians or Chinese can offer their services in Germany and the rest of Europe with a click of the mouse.

Reality is becoming cosmopolitan. The Other whom borders can no longer keep out is everywhere, but in a way that no cosmopolitan philosopher had anticipated and that no one willed—surreptitiously, unintentionally, without political decision or design. The real process of becoming cosmopolitan in this world is taking place through the back door of secondary effects; it is undesired, unseen, and usually occurs by default.

How can anyone counter distortions of this sort? Through power? By means of the ability to shape sovereignty transferred to Europe? Do steps toward integration like the European Monetary Union make it possible to parry

the erratic fluctuations of international currency exchange and waves of speculation? Who has what leverage in Europe? And most important, what context of political rule is appropriate for it?

Edgar Grande and I have proposed for it a redefinition of the term “empire.” Spoken in French, that word carries Napoleonic and colonial connotations and thus differs from the term when pronounced in English. The British empire was something other than imperial America claims to be. The term “European empire” attempts to place Europe on a par with the unlike empire of the United States. We Europeans are, in Kant’s words, crooked timber and pretty provincial. That aspect of us has endearing sides. For all the similarities with the complex confederation or empire that emerged from the Middle Ages, the European empire of the early 21st century is built upon the existing nation-states. To that extent, the analogy with the Middle Ages does not hold. The cosmopolitan empire of Europe is notable for its open and cooperative character at home and abroad and therein clearly contrasts with the imperial predominance of the United States. Europe’s undeniably real power is not decipherable in terms of nation-states. It lies instead in its character as a model of how Europe succeeded at transforming a belligerent past into a cooperative future, how the European miracle of enemies becoming neighbors could come about. It is this special form of soft world power that is developing a special radiance and attraction that is often as underestimated in the nation-state mold of thinking about Europe as it is in the projections of power claimed by American neoconservatives.

But what impact does that have on European integration? For a long time, that key concept consisted primarily in the abolition of national and local differences. This “harmonization policy” confounded unity with uniformity or assumed that uniformity is required for unity. In this sense uniformity became the supreme regulatory principle of modern Europe, transferring the principles of classical constitutional theory to institutions at the European level. The more successfully EU policy operated under this primacy of uniformity, the more resistance grew and the more clearly the counterproductive effects surfaced.

#### Diversity Is Not the Problem, But the Solution

By contrast, cosmopolitan integration is based on a paradigm shift in which diversity is not the problem but rather the solution. Europe’s further integration must not be oriented to the traditional notions of uniformity inherent in a European “federal state.” Integration must instead take Europe’s irrevocable diversity as its starting point. That is the only way for Europeanization to link two demands that at first glance seem mutually exclusive: the call for the recognition of difference and the call for the integration of divergencies.

Understood as a historically tested political model for a postimperial empire of consensus and law—“the European dream” (Jeremy Rifkin) of a soft world power—Europeanization is fascinating as an alternative to the American way, and not least to Americans critical of America. Ultimately, it is about something completely new in human history, namely, the forward-looking vision of a state structure firmly based on recognition of the culturally different Other.

So what is my cosmopolitan vision of Europe? We Europeans are, in Kant's words, crooked timber and pretty provincial. That aspect of us has endearing sides, too. Individual populations—the British and the French, for example—have the reputation of being cosmopolitan, but the attribution applies to them as French or British, less so as Europeans. Expansion can either cause the EU to roll up like a hedgehog or lead it to embrace cosmopolitanism and thus enhance the awareness of its responsibility in the world.

The national idea is unsuitable for unifying Europe. A large European superstate frightens people. I do not believe that Europe can issue from the ruins of the nation-states. If there is an idea capable of uniting Europeans today, it is that of a cosmopolitan Europe, because it stills Europeans' fear of losing identity, makes a constitutional goal out of tolerant interaction among the many European nations, and opens new political scope for action in a globalized world. The more secure and confirmed Europeans feel in their national dignity, the less they will shut themselves off in their nation-states and the more resolutely they will stand up for European values in the world and take up the cause of others as their own. I would like to live in this kind of cosmopolitan Europe, one in which people have roots and wings. It is an outright necessity to fight for a cosmopolitan Germany of this nature, where, as Heinrich Heine once jested, many people's "corns are aching" again:

Stretch out your progress-minded legs,  
Stride onwards once again—  
He sighs, though, wrings his hands, protests:  
My progress-minded legs, I fear,  
Are weary of old Europe's quests.  
My corns are aching.  
It's from my German shoes, you see,  
And where those German shoes do pinch  
I know myself, so let me be!