Europe's American Dream?

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I. Introduction:

The last few years have seen deep transatlantic rifts, brought about by events that have pitted Europeans against Americans. These rifts should not however deceive us into ignoring the great attraction that the United States has exerted, and continues to exert, on Europeans. There are deep ideational and historical bonds between Europeans and Americans. These bonds are sustained and reinforced through immigration and close contact; through direct instances of social-institutional and even constitutional sustenance and reconstruction (consider for instance American war efforts, its central role in Europe's postwar reconstruction, and the transfer of central features of its constitutional model to Germany); and through numerous other ways. Europeans have not only been *influenced* by America, as a kind of external presence or force, but the American presence is also deeply embedded in Europeans' own self-perceptions. To many Europeans, Americans are not 'they', but 'us' – reinforced by the commonalities embedded in the notion of 'the West'.[1]

Europeans even set the U.S. up as a mirror of themselves: "Observation of the American social experiment has always been a cause of reflection and self-interpretation concerning European identity."(Offe 2005:4) European scholars have discussed the potentials and pitfalls of 'American exceptionalism',[2] and have discussed what is more likely and preferable: the Americanization of Europe or the Europeanization of America (cf. Offe 2005)?

Given this historical propensity for Europeans to discuss the U.S. as a possible model for Europe it would be only logical that Europeans - now steeped in their greatest ever peaceful experiment in fashioning a continent-wide system of governance – would look closely at how Americans first managed to set up a continent-wide system and subsequently extended its influence to near-global proportions.

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[1] Gerard Delanty notes that "The idea of Europe during the greater part of the twentieth century was subordinated to the notion of the West."(1995:115)

[2] See especially Lipset 1996. He describes the American creed in the following terms: liberty, egalitarianism, individualism, populism, and laissez-faire. The religious dimension is also stressed: "Tocqueville noted, and contemporary survey data document quantitatively, that the United States has been the most religious country in Christendom."(19)

How prominently does the U.S. then figure as a model for the *European Union*? The U.S. certainly serves as a key comparative reference for students of the EU.[3] The U.S. may even be the most widely cited state that people want the EU to emulate. Simply consider the frequent invocation of the notion of 'United States of Europe'.[4] Such pleas for emulation also appear to be quite unidirectional: There are few on either side of the Atlantic that urge the U.S. to emulate the EU.[5] Many of those that underline that there is a deep gap between the EU and the U.S, insist that the gap can best be bridged by the EU becoming much more similar to the U.S. (cf. Kagan 2003).

The European Union is today often thought of as an *experiment* – in governance and polity terms. Europe, once the cradle of the states system, is today held up as the place where the nation-state as organizational form and mode of community is experiencing its greatest transformation.[6] The EU re-ignites or gives added weight to the question of the normative viability and the empirical salience of the states system as the key structuring legal-political meta-frame. This system has framed our thinking on political organization and mode of community for centuries.[7] Through its core concepts,

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[3] For a brief selection of contemporary sources, consider Nicolaidis and Howse (2001); Majone 2005; Halderstam and Maduro (forthcoming); see also contributions to "Altneuland: The Constitution of Europe in an American Perspective", April 28 – 30, 2004. http://www.jeanmonnetprogram.org/conference_JMC_Princeton/index.html

[4] The name United States of Europe is highly evocative: Jean Monnet, one of the founders of the EU, wrote: "Little by little the work of the Community will be felt ... Then the everyday realities themselves will make it possible to form the political union which is the goal of our Community and to establish the United States of Europe ... [T]he idea is clear: political Europe will be created by human effort, when the time comes, on the basis of reality...» Cited in Holland (1996: 97).

[5] The debate Robert Kagan (2002, 2003) sparked was set off precisely to underline the differences between the EU and the U.S. Those many analysts that see the EU as a kind of international organization (Moravcsik 1998, Milward 1992); transnational entity; non-state system of multilevel governance, explicitly or implicitly stress the differences between the EU and the U.S. Exceptions include Rifkin's *The European Dream*, where he does argue that Americans should look to the EU for a better future, and Manners' conception of 'normative power Europe' (2002, 2006) which is also to some extent a plea for emulating the EU.

[6] Note that with transformation is meant the change into some other form of political entity, as distinct from the withering-away of distinctive political forms which some hyper-globalists claim is taking place. f

[7] With the modern European nation-state emerged a vocabulary and a set of normative principles that greatly contributed to its sustenance and legitimacy (Oakeshott 1975, Linklater 1998:29) This vocabulary glossed over logical contradictions and ambiguities – terms such as nation "which

normative principles and institutional-constitutional arrangements, this system has offered a ready-made set of interpretations, conceptions of appropriate organizational arrangements and systems of meaning so as to make sense of and structure a complex and dynamic political reality. As the most powerful state today, the U.S. serves not only as the embodiment of core traits of this meta-frame,[8] but through situational definitions and actions it also actively sustains this frame.[9] The issue is therefore whether the EU has grown out of this frame and whether the EU might come to represent a credible alternative to it.

The purpose of this article is threefold. First, I seek to uncover which normative assumptions and constitutive frames[10] underpin the U.S. as exemplar for the EU, as seen from *a European perspective*. Note that this is not intended as an assessment of the U.S. I do identify key U.S. principles, and then justify their relevance for Europe. Since I later assess their salience for Europe, what I need to do initially is simply to document that the key principles have been considered attractive by some Europeans.

I focus on the U.S. as *polity model* (the contextualization of a set of principles in a given institutional-constitutional form) and consider this in relation to *model polity*. The latter is a theoretical construction which offers a coherent view on how normative principles are imagined to inform institutional and political reality. A model polity is therefore a heuristic device to sharpen our imagination of different principled forms of polity. A model polity of the post-Westphalian kind could for instance be a cosmopolitan entity founded on a set of universal principles which would be entrenched in a non-state-based institutional form such set up as to be able to sustain the principles.[11]

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purport to disclose conditions of association but which specify no mode of association."(Oakeshott 1975:338)

[8] This exceeds beyond the debate on American exceptionalism. Seymour Martin Lipset (1996), one of the foremost proponents of American exceptionalism speaks of the distinctive traits of the U.S. *as state*. His argument does not touch on state at the level of organizing meta-frame.

[9] Consider how the U.S. frames its onslaught on terror in statist terms: as a war on terror; terror as propounded by states (axis of evil); and as upheld by state-based regimes in Afghanistan and Iraq.

[10] Erving Goffman (1974) initially developed the notion of frame analysis, which spurned a comprehensive body of literature. I here draw foremost on Rein and Schön 1993.

[11] The distinction between model polity and polity model is intended to underline the difference between a polity that can serve as a model in normative terms on the one hand and the particular conceptual constellation that makes up our understanding of something as a polity on the other. The nation state has been held up by some as a model polity because they see it as a normatively desirable construction (communitarians underline solidaristic community). To others the nation-

What I understand to be Europeans' historical attraction to the U.S. has straddled the line between model polity,[12] polity model,[13] and contingent context. In other words, Europeans have historically speaking come to associate the U.S. with a set of important normative principles, a set of attractive institutional-constitutional features, and its global presence/influence. What do these traits say about the U.S. as model polity, do they make up a clear-cut polity model, or are they particular American responses to historical contingencies? This speaks to their transferability to the EU, and vice versa, how the EU figures on these counts.

Second, I discuss whether the traits held up as attractive about the U.S. have much real bearing on the EU. To that end, I analyze the EU along those same dimensions as were derived from the U.S. to establish whether the EU's are (a) similar to the U.S. or distinctly different from it; and (b) whether the traits that characterize the EU sum up to a distinct EU polity model that is informed by a clear conception of model polity.

Third, I briefly examine how unique the EU is. Are there other entities that fit better with the core principles that Europeans highlight – and which are more suitable to compare the EU with today than the U.S.?

A clarification and critical assessment of what I refer to here as 'Europe's American Dream' is intended to serve as a kind of mirror for Europeans to clarify whether the European project (a) is one of emulating the U.S.; (b) a unique experiment; or (c) part of a wider set of (global or cross-regional) transformations. The case that I will bring up to shed light on Europe's uniqueness is *another American* state, namely Canada. Is 'Europe's American dream' a dream Canadians share?

II. The 'dream'

It is important to remember that the U.S. played a central role in the forging of the EU. It also offloaded it through its security guarantee situated within the NATO framework. The

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state is a polity model in the sense that it represents a particular conceptual constellation (sovereign state – national community). The normative quality hinges on the quality of the principles and values that the conception highlights, as well as on how well these are reflected in actual practice.

[12] Consider Tocqueville's presenting American democracy as an ideal for Europe to emulate.

[13] Weber discussed whether the American system could be understood as a distinct polity model – that is as a viable alternative to bureaucratic instrumental rationality.

tendency for students of the EU to direct attention to the U.S. can also be understood with reference to the long-time dominance of American scholars in the field of European integration.[14] European policy making also draws on the U.S.[15]

All these and numerous other factors speak to what might amount to as a particularly strong contemporary European exposure to, familiarity with, and influence by America and Americans – standards, ideas and experiences.

Nevertheless, despite this strong *exposure*, it is perhaps not as apparent that this should also include drawing on the U.S. as the model for the EU's own development. The EU has its roots in an international organization and is formed on top of states, each of which has sought to emulate the U.S. one way or the other, but where the EU itself does not share many institutional or other traits with the U.S.[16] The EU is neither a state nor is it a nation; hence any 'natural' propensity to draw on the U.S. needs further explaining.

I have singled out three sets of attractions or lures that appear to mutually reinforce one another:

1) A NEW BEGINNING: THE US AS POLITY MODEL OR MODEL POLITY?

a) Brief description of the phenomenon:

The U.S. as independent state was born through revolution. This was a revolution in a political, as well as in a constitutional sense. The U.S.' revolutionary beginning has made an indelible mark on it (Lipset 1979, 1990, 1996; Stephanson 1995). Politically, through the revolution it sought to free itself from oppressive British rule and colonialism. The founding of the U.S. thus entailed the act of severing the link to its European origin: to be free and independent Americans had to rid themselves of the shackles of their oppressive European past. This was done through two steps: emigration and declaration of

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[14] Consider the central role of the founding generation of Europeanists such as Ernst Haas, Karl Deutsch, Stanley Hoffmann, Leon Lindberg, and not the least Eric Stein who invited Europeans to the U.S. and trained them in European law. More recent scholars include Andrew Moravcsik, Alberta Sbragia, Jeff Checkel – together with 'Americanized Europeans' or Europeans with legs in both the American and the European scholarly community such as Phillippe Schmitter, Joseph Weiler.

[15] For instance, during the 1980s and 1990s, the U.S. became a model for Europeans bent on down-sizing the state, through NPM and numerous other reforms which also fed into the European integration process (consider for instance the SEA, 1986).

[16] This is certainly the case in macroscopic terms; but varies at the level of specific institutions and policy options. Majone for instance (1996) shows the relevance of the so-called American-style regulation also to the EU.

independence (including revolutionary war). This revolutionary beginning has become an intrinsic part of the U.S. founding rationale. The American Revolution was justified by universal principles – many of those very same normative ideals that subsequently came to inform the French Revolution.

The American Revolution also heralded in a new revolutionary constitutional tradition (Ackerman 1991, Möllers 2004; Brunkhorst 2004). The constitution founded a new political order, and thus instituted a rupture or break with the past. "With this, constitution becomes an *exclusive* concept: it is striking that certain forms of order are now no longer labelled as faulty or wrong constitutions; rather, their claim to be constitutions at all is denied."(Möllers 2004:130) The American constitution thus helped establish a set of benchmarks for what counts as a constitution in the first place. The critical component here is not its formal and written character. Rather, what was critical was its focus on individual freedom and which underpinned its democratic character.

The new political system was equipped with an institutional structure that entrenched democracy and thus differed from its contemporaries. America re-invented federalism, in such a way as to turn statism on its head. Whereas Bodinian statism presupposed "a single sovereign in a highly centralized state striving for homogeneity and self-sufficiency … American federalism, by contrast vested sovereignty in the people to prevent the development of a centralized, reified state by making all governments no more than governments of delegated powers whose scope the people could define and change as they pleased through a constitutional system."(Elazar 2001:34)

This political system permitted the forging of a new nation: one based on the embrace of democratic egalitarianism, achievement, and the explicit abolition of European status hierarchies.[17] Over time, what was forged was a new kind of and sense of community: the inclusive nation or the melting-pot. This system made the U.S. seem a beacon of light to all the oppressed outside.

b) Justification for why Europeans could see this as relevant to the EU

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[17] Lipset (1979) labels the U.S. the first new nation because it was the first colony that successfully revolted against colonial rule.

The U.S.' revolutionary democratic beginning holds a certain attraction to Europeans. The American Revolution was seen not only as a rejection of the oppressive and destructive aspects of the European past; the commitment to democracy also promised to herald in a new and unique opportunity. Tocqueville's project was to draw lessons for Europe from the American idea of and experience with democratic equality. His aim was precisely to probe the notion of the U.S. as a democratic model polity: "I admit that I saw in America more than America; it was the shape of democracy itself which I sought, its inclinations, character, prejudices and passions…"(Tocqueville 1969:19)

The European integration process entices Europeans to invoke the same spirit of breaking with the shackles of *their* European past, which is one of aggressive nationalism in a Europe divided into distinctive national entities. There are some obvious parallels here between Europe and the U.S. that feed the attractiveness. First, the forgers of the EU could argue that it represented a rejection of Europe's war-prone past, a past which was extremely destructive, oppressive and divisive, precisely because it was based on national sovereignty rather than federalism.[18] Second, they could use the EU to embark on a new future of all-European democracy. Third, they could join the Americans in justifying their actions in those very same universal values that had been used to justify the American (and French) revolutions.[19] For these and other reasons it is not surprising that the initial movers and shapers of European integration sought to replicate American federalism in Europe through a 'United States of Europe', a European federation following the American model."(Elazar 2001:36)[20]

The EU to a large extend is seen to have *failed* to emulate the U.S. in this respect. Instead it developed an entity with a material constitution but without an explicit

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[18] Consider Ernesto Rossi and Altieri Spinelli 'The Ventotene Manifesto', August 1941; Jean Monnet, 'Algiers Memorandum', August 1943. Collected in Salmon and Nicoll (1997).

[19] The Laeken Declaration explicitly speaks to these three dimensions: "For centuries, peoples and states have taken up arms and waged war to win control of the European continent. The debilitating effects of two bloody wars and the weakening of Europe's position in the world brought a growing realisation that only peace and concerted action could make the dream of a strong, unified Europe come true. In order to banish once and for all the demons of the past…" The European Union is cast as the bridge over Europe's ancient divisions and as a beacon of light for all those oppressed in the East.

20 As early as in 1923 Coudenhove-Kalergi, in his, Pan-Europe', said that "The crowning act of pan-European efforts would be the constitution of the United States of Europe on the model of the United States of America."(cited in Salmon and Nicoll 1997:9).

founding *telos*. This entity has been involved in a decades-long and almost uninterrupted process of constitutional reform, which picked up added pace since Nice 2000.

Europe's Philadelphia?

Many saw the recent process of constitution-making in Europe as the new chance of re-launching the EU – this time on a course more similar to the U.S. Hence, there was talk of the Convention process as the Constitutional Moment for Europe. The very use of the term Convention evoked images of the Philadelphia Convention, and explicit parallels were drawn between the two, even by the Convention Chair, Valery Giscard d'Estaing.[21]

In sum, from a polity model perspective, the U.S. was a pioneer in that it not only appealed to universal principles but was also the first to entrench such in explicit constitutional form. There is thus a great attraction in linking up to this aspect of the American case. Given the strong normative-conceptual status of the American constitution, that is, as a benchmark for what counts as a democratic constitution, evoking this standard can lend great credence and legitimacy to the European undertaking.[22]

As is even acknowledged by skeptics, there appears to be a kind of unavoidability here. This could be summed up as follows: in a modern democratic context, once you embark on the constitutional exercise, that is to establish a formal, democratic constitution, you are almost by nature compelled to go down the American path. Is there really a viable alternative/alternative way to go than precisely that of the U.S.?

This also links up with and forms part of the next attraction, which I refer to as the 'city on the hill'.

2) 'THE CITY ON THE HILL'

a) Description of the phenomenon:

This notion is evocative of the U.S. propensity –from the very outset – to portray itself as *exceptional* from a moral point of view. There are two dimensions to American

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21 In the context of the European Convention, its chair, Valery Giscard d'Estaing even proposed United States of Europe as one possible name for the new entity.

22 This can then be touted as no less democratic than its initial American counterpart (which is most likely also the case in process terms at least given the circumstances surrounding Philadelphia).

exceptionalism which resonate with things European. The first is the puritan roots which go back especially to English Protestantism. It cast England as a bastion of true religion and saw it as spiritually separate from the European continent. The puritans who went to America broke with English Protestantism because they found it deficient - infected by Catholicism. They saw America as offering the prospect of a new beginning (Stephanson 1995). Their radical Puritanism made them well aware of the great responsibility such an assertion placed on them. It was this sentiment that John Winthrop expressed in his famous sermon, the Arbella Covenant (1630), where he said that "" ... for we must consider that we shall be as a city upon a hill, the eyes of all people are upon us; ..."[23] This was later interpreted as instantiating the notion of Manifest Destiny. The U.S. should carry on God's mission and set a shining example for the rest of the world. This puritan theme has resonated throughout American history.[24]

The second European resonance is that American exceptionalism represents a particular fusion between Puritanism and Nationalism (which is such a central concept to Europe).[25] "Visions of the United States as a sacred space providentially selected for divine purposes found a counterpart in the secular idea of the new nation of liberty as a privileged "stage" … for the exhibition of a new world order, a great "experiment" for the benefit of humankind as a whole." (Stephanson 1995: 5) Richard Hofstadter has noted that "It has been our fate as a nation not to have ideologies, but to be one."(cited in Lipset 1996:18) To Lipset, Americanism is an ideology. He also refers to Abraham Lincoln who spoke of his country's political religion. In that sense to become an American is "a religious, that is, ideological act."(Lipset 1996:18)

Americans have come to see themselves as set out for greater tasks, not only domestically but also internationally – to propound the central principles of their political

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23 http://www.csustan.edu/english/reuben/pal/append/axt.html

24 "Of course, it was Ronald Reagan who perhaps most often and most dramatically cited Winthrop in his political career. Throughout his campaigns and his presidency, Reagan loved to talk about "the shining city on the hill." In his farewell address to the nation at the 1992 Republican Convention, Reagan said, "The phrase comes from John Winthrop, who wrote it to describe the America he imagined…In my mind it was a tall, proud city, built on rocks stronger than oceans, windswept, God-blessed…That's how I saw it, and see it still."" Paul S. Sawyer, "The City on the Hill", August 8, 2004, http://www.firstparish.org/sermons/2004-08-08.html

[25] "The Puritan break would then eventually serve to invest American nationality with a "symbology" of exceptionalism or separateness that has survived remarkably intact."(Stephanson 1995:4).

system to the rest of the world, in the service of God. To many Americans the image of the US as "The city on the hill" was one that should also inform U.S. foreign policy and the role of the U.S. in the world. The U.S. had a – special – obligation to ensure democracy and human rights worldwide. This is the main hallmark of the Wilsonian school of American foreign policy (Mead 2002). But even Wilson's civilisational project had a strong religious tenor, as to him Christianity was a vital component of civilization.

b) Justification for why Europeans could see this as relevant to the EU
To integration-friendly Europeans, to inject into the Union a spirit similar to the U.S. notion of "City on the Hill" and Manifest Destiny, would rectify one of the central deficiencies in the Union, its lack of a clear *telos* (Weiler 1999, 2001). Of course, instilling into the Union a sense of the powerful notion of Manifest Destiny would certainly be akin to injecting a sense of inspiration and direction, as well as a deeper justification for the entire integration project. It would also help restore the centuries-old image of Europe as the centre of the world and the source of modern civilization.[26] This vision of Europe's past is apparent in the preamble of the Draft Constitution which states that "DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law…" If we take the notion that these values emerged in Europe literally, then the U.S. notion of manifest destiny represents an appropriation of these values by the U.S. to serve its own aims (a notion that would be greatly amplified through American unilateralism). Only by instilling a similar sense of purpose would Europe be able to retake its rightful moral leadership. But to do so it also requires the necessary means. Those the U.S. possesses. Emulating the U.S. in this respect constitutes the third part of the dream.

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[26] Europe as cradle of civilization (see Delanty 1995)
The Laeken Declaration asks: "Does Europe not, now that is finally unified, have a leading role to play in a new world order, that of a power able both to play a stabilising role worldwide and to point the way ahead for many countries and peoples? Europe as the continent of humane values, the Magna Carta, the Bill of Rights, the French Revolution and the fall of the Berlin Wall; the continent of liberty, solidarity and above all diversity, meaning respect for others' languages, cultures and traditions. The European Union's one boundary is democracy and human rights. The Union is open only to countries which uphold basic values such as free elections, respect for minorities and respect for the rule of law."

In sum, there are both reasons pertaining to the internal and the external dimension of the Union that entice Europeans to Manifest Destiny. The internal speaks to a common purpose and justification for the still highly contested integration project; the external speaks to Europe's restoration of its centuries-long and – it is widely held: rightful – role as the centre of the world.

3) THE WORDS OF POWER

a) Description of the phenomenon:

After the end of the Cold War, the U.S. ascended to the role of sole global superpower. "The United States possesses unprecedented – unequalled – strength and influence in the world…"[27] It is so powerful that former French foreign minister Hubert Védrine no longer found the notion of superpower adequate; hence he coined a new term: *hyperpower.*(Boniface 2000:6) U.S. power is now 'systemic' in the sense that the U.S., whereas formally a state, is no longer as any other state reined in by the constraints inbuilt in the system of states, or international institutions for that matter (hence the frequent references to empire and hegemony). "The peculiarity of the United States is that, because of its global presence and power, it is able to demand a kind of external sovereignty and monopoly of decision-making, which, in cases of conflict, are not seriously hampered by the restrictions of supranational regulations and factual constraints that apply to all other states."(Offe 2005:98)

According to the Reagan and Bush administrations (I and II) its might and democratic conviction enabled it to stand up to and eventually win the global value-battle against Soviet Communism (Reagan's Evil Empire). Its power has given it a degree of freedom to act that is quite unprecedented. This freedom it is claimed has been used in the global fight against evil (and now also terrorism), a fight wherein the U.S. actively propounds its values, culture, and sense of community.

The obvious attraction inheres in the unique ability that the U.S. has acquired to pursue its values and convictions over and beyond international institutional and state systemic constraints.

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[27] Bush Administration's 2002 *National Security Strategy* cited in Daalder 2005:44.

b) Justification for why Europeans could see this as relevant to the EU

The lure is for Europe and Europeans to speak in the same way, using the same words of power as does the U.S. This attraction has two facets. The first is for the EU to equip itself with the necessary tools to fulfill Europe's destiny in the world, in a way similar to that of the U.S. Power then serves to ensure that Europe be able to operate as another "City on the Hill". Note that this has a significant restorative dimension: to *recover* Europe's previous role as the centre of the world. This of course also has an explicit 'realist' side, in the sense that it presumes that ideas do not succeed unless backed by power: it evokes the all-too-familiar notion that only through might can we be sure that we will be able to pursue our convictions and fulfill our objectives.

When stripped of its idealist overtones, we see the second facet, which is for Europe to *match* U.S. hegemony and power.[28] This can be given a cooperative and a competitive twist. On the former, Tony Blair has noted that "a single-power world is inherently unstable. I mean, that's the rationale for Europe to unite. When we work together, the European Union can stand on par as a superpower and a partner with the U.S."(Reid 2004:4)

On the latter, the U.S. can also be seen as representing a potential threat and obstacle to European ambitions. The present U.S. administration sees military might as an intrinsic part of Manifest Destiny. Many Europeans argue that this sets the U.S. on a dangerous course and that the EU should amass strength so as to stymie such U.S. ambitions.

Amongst the strongest critics of the European Union's present multilateral and essentially civilian foreign policy stance is the American Robert Kagan. According to Kagan (2003), a powerful state sees the world differently from what does a weak state (here he refers to the EU). The former can decide for itself what to do and when, whereas the latter, precisely because of its weakness, has to rely on a multilateral, rules-based approach which by implication comes with a significant element of self-binding. To Kagan, the idea that one has about power is central to the amount of power that one pursues. But those that do not opt for power cannot wish it or make it go away. So for

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[28] For references to the US as a hegemon see Keohane 1980; Gilpin 1981, 1987. A major US consideration that also motivates the current administration has been to avoid imperial decline.

Europe, this means that what he sees as Europe's multilateralism and trust in international institutions ultimately depends on U.S. power. Europe is trapped and the only way to get out is to emulate the U.S. Some Europeans have also signed up to Kagan's view.

4) A COHERENT TRIANGLE?

The U.S.'s revolutionary beginning was founded on a commitment to human rights, which helped equip the ensuing American nationalism with a universalist orientation. This became wedded with a communal sense of purpose or even *telos* through the notion of Manifest Destiny. The U.S.'s eventual status as a so-called *hyperpower* has equipped it with the military-political and even economic means of power to propound its values – without having to tie itself down in multilateral or other bounds. These factors speak to a seemingly mutually reinforcing combination of motivation, moral justification, and physical ability to carry the tasks out.

But when considered more closely we shall see that these elements are not mutually reinforcing; neither are all of them as relevant or perhaps even attractive to the EU as the above has suggested.

First, the core principles that inform the U.S. revolutionary constitution are universal, not designative of a specific community. Their being universal also means that they ultimately reside in a global, not a national, conception of democracy. The core issue is whether these principles can be properly entrenched in the state form in the first place (cf. Schmalz-Bruns 2005). U.S. power is after all sustained by the U.S. state (some even label it a warrior state: cf. Smith 2004). The very raison d'être of this formation is self-preservation and autonomy, not human rights and democracy, which the core constitutional principles speak to. In the U.S. the domestic and even more so international pursuit of these principles is shaped by an American national identity with a distinctly religious – Christian – tenor, which infringes on and curtails their universal orientation. Rather than mutually reinforcing attractions, the effective pull of the first lure is clearly curtailed by the latter two.

Second, manifest destiny understood as a particular fusion of religion and nationalism is not merely a cultural and ideational phenomenon; it has also become deeply institutionalized. It has oddly enough a constitutional basis, entrenched as it has

become in the very separation of state and church. In some opposition to Europe, in the U.S. the separation of state and church was understood to *protect religion from state power*. This has been reinforced by another feature of the U.S. constitution: it protects individuals against the state but offers limited protection of the damage inflicted on individuals by *other societal actors*, hence placing obstacles in the way of public social protection. Claus Offe notes that "The suspicion of any social service provided by the state is nourished by the constitutional order and is constantly renewed in its virulence; and it means that, from the beginning and still today, political elites have felt obliged to represent the identity of the American nation as a community of free communities in 'God's own country', by means of official symbols ('God bless America', 'In God we trust', 'City on the Hill') and gestures of deference towards the religious life… (2005:36). This institutional-constitutional structure helps to sustain the religious dimension; it also contributes to crowd out alternative, entirely secular, sources of allegiance. By virtually prohibiting the development of an American welfare state, which could serve as a source of social solidarity, it renders policy stances highly susceptible to influence by organized religion.

Third, if U.S. power is to serve as a viable instrument for propounding core constitutional principles, these principles have to be coherently pursued in U.S. foreign policy. Instead of one coherent line, Mead has found strong cyclical changes between deep international engagement and isolationism, and can be understood as a centuries-old struggle among *four different* schools, labeled as Madisonians, Jeffersonians, Wilsonians and Jacksonians (Mead 2002). The differences and tensions among these reflect tensions among the three lures identified in the above. A somewhat different reading of the past would claim that the cyclical changes still resonate with the notion of manifest destiny, as they reflect a tension between a dominant impulse to serve as "an exemplary state *separate* from the corrupt and fallen world and a countervailing desire to "push the world along by means of regenerative *intervention*."(Stephanson 1995:) This latter position would speak to a closer relationship between the two latter lures but without any obvious connection to the basic principles informing the first, constitutional, one. Use of power then easily ends up becoming a mere self-serving act.

Fourth, Kagan has a point in arguing that there are important differences between the EU and the U.S., the debate he sparked has clarified some of the differences between Europe and America. But Kagan's own claim about what distinguishes them is misleading. His analysis is based on an inadequate understanding of what drives human behaviour and as will become clear below what the EU is and has been up to.

Two main conclusions can be discerned from this. The first is that the different lures are based on different polity conceptions – the principles that animate them do not easily sum up to one coherent set. What is quite apparent is that there is a greater tension than what might initially have been expected between the kind of model polity that we can discern from the core American principles, and the type of polity that makes up the U.S. The inbuilt tensions raise questions as to whether this might be understood as a coherent polity model at all. The second is that the different lures are distinctly different in their underlying normative charges. The first has a clear normative charge, whereas that cannot be said of the latter two.

Let us now consider how well these three attractions actually sit with the EU.

III. The European Union

1) CONSTITUTION-MAKING EUROPEAN STYLE

The European Union is based on many of the same universal principles that inform the democratic constitutional state and which also animate the U.S. constitution. Consider Article 6 TEU which asserts that "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States."

Nevertheless, it is quite clear that the European constitutional challenge is quite different from that of the U.S. Historically speaking, the Union has had a central role in assuring and entrenching *national democracy*. The Union only accepts as members states that are democratic and respect human rights. Through several bouts of enlargement this has itself given impetus to the other, main constitutional process, that of establishing a constitution for the Union. There is no doubt that the Union's credibility as a guarantor

for democracy and human rights would be greatly enhanced insofar as it could claim to have a democratic constitution of its own.[29]

For our purposes, three notable features of the present European constitution making process and constitutional arrangement stand out. First, the EU *already has* a constitutional arrangement. This is not a formal but a material constitution.[30] It lacks explicit democratic sanction; hence it does not qualify as a democratic constitution on a par with the U.S. constitution. Nevertheless, it should be noted that the Laeken process did reveal that the political mobilising power of the term 'constitution' does depend on its close association with the normative conception of a *democratically written* constitution (Fossum and Menendez 2005a, 2005b). Second, this process of establishing a formal constitution for the Union is taking place within a setting of *already constitutionalised entities*. This process, to obtain legitimacy, must relate to the already justified norms that are embedded in the national constitutional orders. Hence, the European process *cannot* replicate the revolutionary impetus of its American counterpart, precisely because its greatest constitutional dignity will come not from its novelty, but from its ability to *synthesize* and *fuse* the constitutional traditions common to the member states. Its *novelty* will instead likely reside in the polity form (non-state entity). Third, since European constitution-making takes place within a setting of already constitutionalised entities, it necessarily involves multiple constitutional publics. Therefore, it cannot be reduced to the image of the constitutional moment in which the will of a pre-constituted *people* is enshrined in one stroke into the law. The sheer diversity of the European setting may require an alternative conception of constitution making, that of constitution making as an ongoing process, rather than as a process which ends up in a contractual arrangement that is established or given *at a particular point in time* (Cf. Chambers 1998). This has implications for the very conception of constitution. It is neither merely a contractual arrangement, nor a founding pact between the citizens, but *in addition and in particular* a set of procedures and rights that can accommodate an ongoing process of discursive

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[29] Whereas the U.S. Constitution had a Bill of Rights almost from the outset, in Europe there is an important difference between judicial and political activism (Liisberg 2001). The former occurred early on, whereas the latter has been lagging behind greatly. A democratic constitution might bridge this gap.

[30] For this notion see Menendez 2004.

validation of the structure in place. *Reflexive* constitution making might be an apt term to designate this (cf. Bohman 2004, 2005; Fossum fortcoming).[31]

Given these distinctive traits of the European constitutional experience, the drawing of direct parallels between the Philadelphia and Laeken Conventions appears premature. Dario Castiglione notes that: "many of the comparisons [between Philadelphia and the EU Convention] are based on an idealized view of Philadelphia as seen through the eyes of successive American generations. These have often looked back at the work done by the 'founding fathers' at Philadelphia, in the light of the ongoing political process, reshaping constitutional history in their own self-image in the attempt to find a narrative for American political identity. The 'meaning' of Philadelphia is therefore a *historically* constructed meaning, which transcends the events of the time, while the 'meaning' of the European Convention is still in the making."(Castiglione 2004:397-8)

In sum, the European constitution making experience has so many distinctive traits that set it apart from the American that our effort is best spent either at clarifying the distinctive character of the European exercise or at looking for more apt contemporary examples.

2) NOT THE CITY FOR EUROPE

Europeans early on picked up on the American notion of City on the Hill and Manifest Destiny but far from all endorsed it.[32] To many Europeans the City on the Hill and Manifest Destiny are highly problematic images. Rather than vehicles to foster democracy and liberty, they can serve as justifications for American expansionism and aggrandizement, and as a religious warrant to crusade against the alleged infidels. European history is replete with destinarian projects which have drawn on religion as legitimatory device.

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[31] For a discussion of reflexive integration see Eriksen 2005.

[32] Alexis de Tocqueville for one warned of the dangers of American exceptionalism when he in 1833 wrote that, "It has been constantly repeated to the inhabitants of the United States that they form the only religious, enlightened, and free people. They see that up to now, democratic institutions have prospered among them; they therefore have an immense opinion of themselves, and they are not far from believing that they form a species apart in the human race." http://www.firstparish.org/sermons/2004-08-08.html

The European integration process is certainly animated by a search for a normative *telos.* But given that this search takes place within a setting of established, deeply entrenched, national communities, the quest for a unifying telos has been unable to adopt a distinctive community identity and instead has been left with a strong universalistic tinge. The Union is officially justified with reference to (a) general principles such as democracy, human rights and respect for the rule of law, all cast within a *secular* framework, and (b) respect for difference and diversity.

But the quest for a thicker sense of community with a religious imprint has not gone away. The last couple of years have seen very strong efforts by the Pope, several states, political parties and other organizations to insert a Christian reference into the Constitutional Treaty. Their efforts have been successfully rejected by a strong secularist front, with France in the lead. A critical factor here is the issue of Turkish membership, because Turkey is the largest and most important Muslim country within the European ambit. With Turkey in the Union, any prospect for a Christian European Union is essentially lost. The mounting opposition to Turkish membership we find in many populations in Europe also has a clear religious dimension. The Union cannot in the same way as the U.S. draw on religious imagery in its search for a common purpose.

This compels the Union to pursue a far 'thinner' mode of allegiance. The projected mode of allegiance that we can discern from the Treaties is not only thinner than nationalism; it is also often presented as an explicit rejection of nationalism. The City on the Hill image serves as a major justification for the American approach to the fostering of community, the so-called melting-pot model. Applying this model to the case of the EU is deeply problematic. Europeans recognized from the EU's very beginnings the limits inherent in the U.S. notion of melting-pot: they rejected its assimilationist assumptions and also its foundation in nationalism. The EU was from the on-start a rejection of nationalism and has drawn much of its raison d'etre from an outright rejection of nationalism. Further, the EU is based on respect for difference and diversity – to a degree that completely transcends the melting-pot notion. Some analysts have

referred to the Union as based on constitutional tolerance; others have highlighted the EU as a Union of Deep Diversity.[33]

Recent demonstrations and civic unrest notably in France but also elsewhere underline the social dimension as a distinctive trait of European communities. The Union was forged within a context wherein all the Western European Member States were committed to social solidarity, through welfare states (some with very generous social programs). Many groups and actors within Europe have also sought to invest the EU with a stronger social profile but have also been faced with strong opposition, notably from the UK (and now also from many of the new Member States). If we look at the EU's own proclamations and policy stances, we get mixed signals. The European Charter contains social rights, although these weigh in less than do economic rights (Menéndez 2003). Thus far the European integration project has not really challenged or undermined the welfare arrangements, but the recent and further enlargements will strain these. The Union's objective of making the EU as competitive as the U.S. and Asia could further weaken or undercut them. What the EU chooses here: pursue an own solidaristic course or emulate the U.S. will have great bearing on the type of polity model Europe will have.

Most Europeans are also deeply critical of the recent U.S. rejection of multilateralism, whose democracy-liberating rhetoric notwithstanding, they find to be foremost concerned with U.S. interests and also pursued by means that are not consistent with the global city on the hill notion. The U.S. appears not as a cosmopolitan guarantor of democracy and human rights, but as a national defender of sovereignty – in classical Westphalian fashion (albeit with the proviso that we here see a nation-state that is not prepared to respect the sovereignty of other states).

In sum, the American notion of City on the Hill (and Manifest Destiny), is not the bridge to the future that Europeans have yearned for. Its nationalist and religious orientation might actually more serve to remind Europeans of what they have sought to and should be leaving behind.

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[33] As Joseph Weiler notes with regard to the EU: "the Union … is to remain a union among distinct peoples, distinct political identities, distinct political communities… The call to bond with those very others in an ever closer union demands an internalisation – individual and societal – of a very high degree of tolerance."(Weiler 2001:68) For the notion of the EU as a Union of Deep Diversity see Fossum 2003a,b.

These comments suggest that the relevant standard reference for the EU has to be an entity that shares with the EU a similar *post-national* vocation.

3) THE POWER OF WORDS

The European Union has no direct recourse to military power. Military and security matters are still decided by the Member States and/or under the aegis of NATO. Nevertheless, the EU's external presence has increased greatly in the last decades, as the EU has come to play an increasingly important role in conflict prevention, such as for instance through the so-called Petersberg tasks.

With that have also come efforts to define, explain and justify its role in the world. As early as in the early 1970s François Duchêne (1972, 1973) argued that progressive civilian power was becoming more important than military power in international relations. He dubbed the European Union a Civilian Power Union which was long on economic and short on military power; relied on diplomacy in the handling of international conflicts and problems; and was willing to submit to legally-binding supranational institutions. Ian Manners, in recent work, has labelled the EU a normative power: 'the central component of normative power Europe is that it exists as being different to pre-existing political forms, and that this particular difference predisposes it to act in a normative way'(Manners, 2002, 242; 2006). To Manners, this normative propensity stems from the particular historical context within which it was forged, which highlighted the need to entrench *peace* and move beyond aggressive nationalism; the EU's hybrid and less bounded and more permeable post-Westphalian form; and its legal constitution, which highlights human rights. The presumption is that the EU as organisation is such set up as to be able to change norms in the international system. Further, it implies that it actually also acts to change such; and finally that it *should* act in this manner.

A key intention has been to try to solve the problems at the source, and to do so in a manner consistent with global cosmopolitan norms. Manners (2006:185) notes that "The term 'sustainable peace' emphasized the stress the EU placed on addressing the causes, rather than just the symptoms, of conflict and violence. Connie Peck has defined sustainable peace as involving both short-term problem solving and long-term structural

solutions to conflict prevention through the integration of human security concerns and the promotion of good governance."

The notion of normative power Europe is contested.[34] However, whatever designation is chosen it is quite clear that the European project in its internal and external dimensions has a stronger cosmopolitan – law-based - orientation than is the case with the U.S. A critical component is the attempt to have law-binding work as a restraining and enabling device both with regard to the internal and the external dimension.

These elements highlight the belief in the power of words over the words of power. Consistent with its reflexive approach to constitution making the EU has adopted a deliberative approach to conflict settlement – both internally and externally. It signals (whether sustainable or not) an attempt to develop a political entity with a far greater consistency between its domestic and its international orientations than is the case with the Westphalian-type state, which is premised on a sharp distinction between its internal and external dimensions.

How consistent and sustainable this can be is another matter; the critical issue here is that the Union has sought to develop its own way of handling problems and conflicts.

To sum up thus far, the EU is a case not of new revolutionary beginnings but of polity formation within a setting of established democracies. The particular challenge facing the European Union is to offer a polity framework that is able to resolve those problems and challenges that each state cannot do on its own; based in a set of institutions that are in compliance with established normative principles; foster a sense of solidarity and belonging strong enough to sustain the entity; and simultaneously not so strong as to raise doubts about the entity's respect for relevant forms of difference and diversity. The U.S. has faced some of these challenges but did so in a different period, at a time when the state system was still deeply entrenched. The European Union is trying to grapple with these challenges at a point in time when the Westphalian state system is undergoing profound changes.

There is far more consistency in the European stance once we also acknowledge the theoretical approach that foremost underpins the entire process: integration through

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[34] See Sjursen 2006, and the other contributions to the JEPP Special Issue.

deliberation – the core element is justification of integration within a setting of distinct democratic entities. It is this joint embrace of integration through deliberation that foremost justifies drawing on the Canadian case as a possible parallel to the EU. Strangely enough Canada as a multinational entity has far more similar historical preconditions to foster such – it has also seized upon opportunities and addressed challenges in a similar manner to the EU.

IV. Canada – similar dreams to the EU?

1) FROM COUNTERREVOLUTION TO CHARTER REVOLUTION

Seymour Martin Lipset starts his *Continental Divide* (1990:1), a comparison of Canada and the United States, by saying that "Americans do not know but Canadians cannot forget that two nations, not one, came out of the American Revolution… One celebrates the overthrow of an oppressive state, the triumph of the people, a successful effort to create a type of government never seen before. The other commemorates a defeat and a long struggle to preserve a historical source of legitimacy: government's deriving its title-to-rule from a monarchy linked to church establishment." Lipset then acknowledges that the Canadian Charter of Rights and Freedoms (1982) brings Canada closer to the American emphasis on individual protection, but to Lipset this does little to otherwise close down the distance between the two countries in terms of Canadians' greater acceptance of authority, state intervention and group and cultural – not only individual – protection.

Lipset is correct to underline that there are important differences, but he underestimates the *constitutional* changes that have taken place in Canada since the Charter was inserted in the Constitution Act, 1982. This act of patriation of the Constitution represented an explicit effort on the part of Canadians to found themselves as a people (Russell 1993). It signaled a break in constitutional-symbolic terms with the UK as the 'colonial mother', and gave symbolic constitutional credence to a process of separation that had taken place over decades. Reflecting on the effects of the Canadian Charter two decades after its introduction, Alan Cairns notes that "There is widespread agreement that Canadians have experienced a Charter revolution. The Charter has given

birth to a vigorous rights-oriented discourse and a dramatic increase in the propensity to litigate."(Cairns 2003: 105; for the notion of "charter revolution" see also Morton and Knoppf 2000). The Charter helped usher in a transformation of the Canadians' perception of the constitution from that of a 'Governments' Constitution' to that of a 'Citizens' Constitution' (Cairns 1991, 1992, 1995).

This transformation has clearly moved Canada's constitution closer to that of the U.S., but there are important differences of relevance to Europe. First is that the Canadian constitution is also a constitutional construct that seeks to accommodate different internal legal traditions (code civil in Quebec and common law in the rest-of-Canada).[35] This is also reflected in the existence of *two* Charters in Canada, one in Quebec and the other in the rest-of-Canada. Further, the Canadian constitution includes provisions for government actors to *opt out of* certain provisions of the Canadian Charter; hence introducing its own unique blend of rights-based constitutionalism and majoritarian democracy (federal-majoritarian and sub-unit/provincial-majoriarian).[36] The Canadian Charter also combines a strong commitment to individual rights with a significant recognition of group-based rights, which is a further indicator of the onus on accommodating difference and diversity. The legitimacy of the Canadian constitution therefore to a large extent hinges on its ability to reconcile different underlying visions of community and conceptions of difference/diversity. This is a core theme also in the European setting, as we have seen.

Second, Canada's constitutional development is one of a gradual and step-wise process of replacing the British-made and -operated constitution (BNA-Act 1867) with a made-in Canada one, through the patriation of the constitution in 1982 (the Constitution Act 1982, which included the Canadian Charter of Rights and Freedoms). Some might consider this a failed constitutional moment (akin to Laeken), but the story is more complex. The province of Quebec failed to and has still not signed the Constitution Act 1982. Subsequent major efforts (the Meech Lake Accord and the Charlottetown Accord)

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[35] There are also *two* Charters in Canada, one in Quebec and the other in the rest-of-Canada.

[36] Section 33 of the Charter, the so-called notwithstanding clause, permits governments (federal and provincial) to opt out of sections 2 or 7-15 of the Charter, for renewable periods of 5 years each. A similar although weaker instrument is section 1, the reasonable limits clause, which provides that the rights guaranteed in the Charter are subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

failed to reach a constitutional settlement. Yet Canadians still live under the 1982 constitutional arrangement.

One way to conceptualise this is to argue that Canadians share with Europeans a more complex conception of constitution: it is neither merely a contractual arrangement nor a founding pact between the citizens, but *in addition and in particular* a set of procedures and rights that are set up to try to accommodate an ongoing process of discursive validation of the structure in place. The absence of constitutional agreement has increased the importance of *constitutional conversation* and attention to constitutional essentials. The Canadian approach thus essentially mirrors Europe's *reflexive approach to constitution making*.[37]

We can also see this reflected in the thorny issue of secession. Canada is the only country to have spelled out a set of *democratic procedures* for separation or break-up.[38] The Canadian Supreme Court handed down its advisory opinion on Quebec secession in 1998.[39] It stated that Quebec has no legal right – under Canadian or international law – to unilaterally secede from Canada. But it went on to note that:

> Our democratic institutions accommodate a continuous process of discussion and evolution, which is reflected in the constitutional right of each participant in the federation to initiate constitutional change. This implies a reciprocal duty on the other participants to engage in discussions to address any legitimate initiative to change the constitutional order. A clear majority vote in Quebec on a clear question in favour of secession would confer democratic legitimacy on the secession initiative which all of the other participants in Confederation would have to recognize.[40]

What Canada and the European Union apparently have in common is a significant modification of their previous largely evolutionary (and elite-run) approaches to constitution making and their supplementing with more open, democratically reflexive

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[37] Canadians have debated their constitution far more intensely than have Europeans. During the early 1990s Charlottetown Accord process "Canada surely had a lock on the entry in the Guinness Book of Records for the sheer volume of constitutional talk."(Russell 1993: 177)

[38] Note that the Draft Treaty establishing a Constitution for Europe contains a provision (Article I-60) that permits voluntary withdrawal from the Union. Cg00087/en04.

[39] *Reference Re Secession of Quebec*, [1998] 2 SCR 217.

[40] *Ibid.*

approaches. Having said that both entities are struggling with how the various components here can be properly balanced out, as both entities also have (de facto in Canada's case) amending procedures that give veto to sub-units (EU: member states, Canada: provinces).

In overall terms, there is a Canadian – European parallel: both are marked by ongoing processes of constitution-making, which seek to handle well-entrenched modes of difference and diversity within complex rights-based frameworks. These are ongoing processes – such set up as to be highly sensitive to difference and diversity - precisely because they deal with issues and challenges that are unlikely to find permanent resolutions and instead require ongoing handling and balancing off.

2) CANADA'S FUTURE IS ALSO POST-NATIONAL AND MULTICULTURAL

To many analysts Canada has historically speaking figured as a rather unlikely polity model, since it has been frequently cast in terms of a failed nation-state, constantly faced with break-up or dismantling.[41] Canadian particularism (fed by the acknowledgement that Canada was made up of *two founding nations*), notes Lipset, was "rooted in the decision of the Francophone clerical elite to remain loyal to the British monarchy as a protection against Puritanism and democratic populism across the border."(Lipset 1990:172) The BNA Act 1867 was also to no small measure an effort on the part of the British to prevent a Civil War from taking place in Canada. Accommodation of group-based difference and diversity was considered essential to that end.

In a post-Westphalian context, where the nation-state frame is being questioned, Canada's initial 'failure' to comply with the nation-state mould can be turned into its

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[41] A small selection of titles of books and research reports would include: *The Secession of Quebec and the Future of Canada; Deconfederation: Canada Without Quebec; Must Canada Fail?; Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec; One Country or Two? The Struggle for Quebec; Quebec-Canada: What is the Path Ahead?; The Collapse of Canada?; Dividing the House: Planning for a Canada without Quebec; Sovereign Injustice: Forcible Inclusion of the James Bay Crees and Cree Territory into a Sovereign Quebec; Tangled Web: Legal Aspects of Deconfederation; Breakup: The Coming End of Canada and the Stakes for America; Misconceiving Canada: The Struggle for National UnityThinking about the Rest of Canada: Options for Canada without Quebec; 'Cooler Heads Shall Prevail': Assessing the Costs and Consequences of Quebec Separation; Is Quebec Separatism Just?; Looking into the Abyss: The Need for a Plan C; La reve de la terre promise: Les couts de l'independance; Quebec-Canada: What is the Path Ahead?; Beyond Quebec: Taking Stock of Canada*; *Beyond the Impasse: toward reconciliation.*

subsequent success, as it can now pose as a kind of a vanguard. Today "The Canadian approach to diversity strengthens Canada's reputation as a just and fair society. Canada is renowned for its rich cultural mosaic and the Canadian model has become an example for the rest of the world."[42] The general principles that are used to depict Canada are cultural and linguistic tolerance, inclusive community, federalism, interregional sharing, democracy, rule of law, and equality of opportunity, as well as respect for and accommodation of difference. To cite one of the strongest defenders of 'the Canadian model': "Canada is a world leader in three of the most important areas of ethnocultural relations: immigration, indigenous peoples, and the accommodation of minority nationalisms. Many other countries have one or more of these forms of diversity, but very few have all three, and none has the same wealth of historical experience in dealing with them."(Kymlicka 1998, 1, 2-3.)

The failure to establish a coherent sense of national identity has led Canada to adopt principles and policies that are based on more complex and composite conceptions of belonging and community than that of nationalism. This approach does not only pertain to the domestic community: Canada's domestic commitment to multiculturalism co-exists with a global commitment to peace-keeping and human security. These two doctrines speak to the domestic and international dimensions of the Canadian community – and do so in a manner that sees the two dimensions as closely related and as mutually reinforcing. An important component in Canada's justification for its strong peace-keeping effort is precisely Canada's experience with accommodating complex domestic diversity (Thomsen and Hynek 2006)

The diversity of Canada has long been officially recognised and propounded through minority rights and *multiculturalism*. The country is officially bilingual and multicultural.[43] It offers official recognition of immigrant ethnicity. Multiculturalism *as*

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[42] "Foreword by the Prime Minister", in Department of Canadian Heritage 1999, *10th Annual Report on the Operation of the Canadian Multiculturalism Act*, Ottawa: Minister of Public Works and Government Services Canada.

[43] The Canadian multiculturalism policy was introduced in 1971 and in 1988 it became officially enshrined in the Multiculturalism Act. The policy had four objectives: "to support the cultural development of ethnocultural groups; to help members of ethnocultural groups overcome barriers to full participation in Canadian society; to promote creative encounters and interchange among all ethnocultural groups; and to assist new Canadians in acquiring at least one of Canada's official languages" (Kymlicka 1998, 15).

doctrine is premised on the notion of integrating immigrants from diverse cultural backgrounds into society - without eliminating their characteristics. It seeks to avoid the twin evils of assimilation and ethnic separation or ghettoisation. It is also an ideology that speaks to interethnic tolerance and the benefits that accrue to society from its diversity (Norman 2001). This doctrine is premised on the notion that integration or incorporation of people from different backgrounds is *a two-way process*, which places requirements on those that integrate, but also on those who are already there. The essence is to heighten social inclusiveness as well as self-reflection on the part of both the arriving minority(ies) and the receiving majority, to ensure a process of mutual accommodation and change. Analysts find that the Canadian multiculturalism program has been informed by these notions, although it is contested how well it has done.[44] They also claim that it has contributed to heightening awareness of difference and the need for accommodating difference and diversity (Kymlicka 1995, 1998). Multiculturalism's approach to socialisation and incorporation is clearly different from that of nationalism, which is far more attuned to integrating people into a set mould, or into a community with a clear sense of itself and its national identity.

A critical issue is the character of the relationship between ethnic diversity and social solidarity. Some analysts hold the American experience up as evidence to the effect that ethnic diversity erodes redistribution (Goodhart 2004). The U.S. has been held up as offering a kind of 'master narrative' in this sense. Keith Banting holds Canada up as a kind of 'counter-narrative' when he argues that "the evidence to date about public attitudes in Canada stands as a challenge to assertions that ethnic diversity inevitably weakens support for social programs; and the evolution of Canadian politics suggests that immigration, multiculturalism policies and social redistribution can represent a stable political equilibrium."(Banting 2005:11).

We can understand Canada as an experiment in devising a particular balance of social solidarity and accommodation of difference/diversity – within a communal frame with a clear *post-national* orientation.

3) CANADA – ALSO PROPOUNDS THE POWER OF WORDS

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[44] It should also be noted that the very doctrine of multiculturalism is debated and challenged.

Canada is no major military power and largely depends on favourable geography and the U.S. and NATO for its security. Canada's foreign policy tradition has been identified with conceptual inventiveness, coalition building and multilateralism (Bosold and von Bredow 2006), in other words, the need to talk and try to settle conflicts by mediation and deliberation rather than through unilateralism and force. This tradition has fed into and helped in Canada's adoption (and Canadianisation) of the UN-sponsored notion of *human security*. "For Canada, human security is an approach to foreign policy that puts people – their rights, their safety and their lives - first. Our objective is to build a world where universal humanitarian standards and the rule of law protect all people; where those who violate these standards are held accountable; and where our international institutions are equipped to defend and enforce those standards. In short, a world where people can live in freedom from fear."[45] This doctrine bespeaks a notion of global responsibility and has an explicit cosmopolitan dimension to it. It highlights the need for a *consistent pursuit* of justice, a pursuit that does not stop at the state's borders. The same commitment is found in that one of the core aims of Canadian foreign policy since 1995 has been to project Canadian values and culture abroad. These values are: "respect for democracy, the rule of law, human rights, and the environment."[46]

These foreign policy doctrines and policy orientations reflect a willingness to consider the needs and plight of others and to do this within a global system made up of binding rules – a clear element of self-bind. In practice the strength of the commitment has varied and the ability to carry it out is far from assured. Nevertheless, it matters whether a state is willing to submit to a system of self-bind or not.

Canada's pioneering legal framework for democratic secession can also be understood within a cosmopolitan frame (Fossum forthcoming). The Canadian Supreme Court, in its 1988 ruling stated that "The ultimate success of [an unconstitutional declaration of secession leading to a *de facto* secession] … would be dependent on recognition by the international community, which is likely to consider the legality and

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[45] DFAIT Human Security Programme. http://www.humansecurity.gc.ca/psh-e.asp, 16.07.02. Canada was active in the development of ICC. The president of the International Criminal Court and its chief architect, Phillippe Kirsch is also a Canadian.
[46] Canada, *Canada in the World: Government Statement* (Ottawa, 1995). See also Nossal (2003) http://www.cdfai.org/PDF/The%20World%20We%20Want.pdf

legitimacy of secession, having regard to, amongst other facts, the conduct of Quebec and Canada, in determining whether to grant or withhold recognition."[47] The emphasis on legitimacy can be seen as a powerful reminder of the need to act in a manner consistent with international standards of legitimacy.

Insofar as there is a divide between Europe and America, as Kagan suggests (2002, 2003, Canada's foreign policy orientation has a neo-Kantian orientation and is far closer to that of the majority of states in Western Europe than it is to that of the United States.

V. Conclusion

This article has revealed that when we try to think of the U.S. in model polity terms, there is no coherent underlying model. It should also be added that even the polity model we can discern from the U.S. is imbued with deep internal contradictions. This in itself might make the U.S. less attractive as a polity model for the EU to emulate than what many analysts and policy-makers appear to think. Once we disentangle the components of the U.S. system, we clearly find traits with a strong foundation in universal principles. Notable among these is the American constitution, which enjoys unique status as the pioneering edifice of the modern democratic state, and whose normative salience is obvious. But in concrete terms, this constitution was framed at a time in which the state system was consolidating, becoming democratized and being framed to suit the spirit of nationalism. Today's challenge for constitution makers is quite different. At the European level, constitution making has to take place within a setting of already constitutionalised entities. These have all been inspired by the basic principles that inform the U.S. constitution and now also feed into the European constitutional edifice; hence in Europe there appears to be no need to abandon the normative standards that the U.S. constitution played such a central role to propagate. Today the challenge appears to be to properly entrench these in post-Westphalian political entities. The other two components singled out as attractive about the U.S. are far more explicitly steeped within a national and even statist mould and are far less amenable to and even acceptable to Europeans.

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[47] Canada, Supreme Court *Reference Re Secession of Quebec*, [1998] 2 SCR 217.

The U.S. global role is quite instructive: its role was essential in establishing components of cosmopolitan law (Habermas 2004), yet has recently veered from cosmopolitan self-bind to moralistic unilateralism in defiance of those very rules. Hence, we see a still strong imprint of the statist and nationalist components. In this sense, the U.S., steeped as it still is within a Westphalian frame, is hardly the most suitable polity for the EU to emulate - partly because it is too much of a state (in its external role) and partly because it is too little of a state (in its internal, social role)

The European Union represents the most explicit attempt thus far to break out of the nationalist mould and to foster a different – post-national – sense of allegiance within a structure that is more permeable and reflexive than is any nation-state. One core question is whether this also offers prospects for the EU to fashion an alternative to the prevailing democratic nation-state model polity. There are some promising trends but the polity model we can discern from present-day EU would not be able to sustain such a role.

The future prospects of the European experiment hinges on favourable patterns, internally and externally. It matters whether the EU is something apart from the rest of the world, an idiosyncrasy and reflection of unique European patterns, or whether European developments resonate with developments elsewhere. Obviously, if we talk about the prospects for changes in constitutive frames then isolated developments in one corner of the world need not amount to much.

In this article I looked at *the other of North-America* as a possible parallel to the EU. Canada's commitment to the rule of law both in its internal and in its external orientations speaks to a more 'cosmopolitanized state'. Such a state seeks to uphold core democratic principles, both internally and externally; it propounds a post-sovereign commitment to human security; has lower thresholds between its internal and external orientations; and seeks to foster a post-national and thinner-than-nationalism mode of allegiance. Such an internationally permeable state holds traits in common with the EU. Both Canada and the EU hold traits with considerable promise in terms of fostering new constitutive frames – the really important challenge is to find out if these can serve as self-sustaining models.

Europeans might then usefully set up Canada as a mirror of themselves, as Canada is the state that comes closest to the EU in critical respects. Canada might be a useful mirror also because it speaks to how far we can 'stretch' the state form in diversity accommodation terms. If Canada can demonstrate that the state form is so flexible and so accommodating of difference, and still manages to retain a fundamental commitment to rights and democracy, then this suggests that the state form of political organization could still work for Europe. Then a further and equally demanding challenge could be addressed, whether a cosmopolitanised state could uphold law's sanctioning force, internally and externally.

What matters today, it seems, is to establish *how* we might wed the great ideals espoused by the American Revolution with the experiences and efforts that Canada and the EU currently go through.

References:

Ackerman, B. (1991) *We the People: Foundations*. Cambridge: The Belknap Press of Harvard University Press.

Banting, K. G. (2005) "Canada as counter-narrative, Multiculturalism, Rcognition and redistribution", paper presented at the seminar *The Ties that Bind: Accommodating Complex Diversity in Canada and the European Union* (Brussels, Belgium 17-19 November 2005).

Bohman, J. (2004) "Constitution Making and Democratic Innovation: The European Union and Transnational Governance", European Journal of Political Theory, 3(3): 315-337.

_____. J. (2005) "Reflexive constitution-making and transnational governance" in Eriksen, E. O. (eds.): Making the European Polity. London: Routledge. 30-58.

Boniface, P. (2000) "Reflections on America as a World Power: A European View" in *Journal of Palestine Studies* 29 (3): 5-15.

Bosold, D. and W. von Bredow (2006) "Human Security: A Radical or Rhetorical Shift in Canada's Foreign Policy?", *International Journal,* forthcoming.

Brunkhorst, H. (2004) "A Policy without a State? European Constitutionalism between Evolution and Revolution" in Eriksen, E.O., J.E. Fossum and A.J. Menéndez, (eds.) *Developing a Constitution for Europe.* London: Routledge, pp.88-105.

Cairns, Alan C. (1991) *Disruptions: Constitutional Struggles from the Charter to Meech Lake*. Toronto: McClelland and Stewart.

_____. (1992) *Charter versus Federalism: The Dilemmas of Constitutional Reform.* Montreal and Kingston: McGill-Queen's University Press.

_____. (1995) *Reconfigurations: Canadian Citizenship and Constitutional Change*. Toronto: McClelland and Stewart Inc.

_____. (2003) "The Canadian experience of a Charter of Rights" in Eriksen, E. O., Fossum, J. E. and Menéndez, A. J. (eds.): *The Chartering of Europe: The Charter of Fundamental Rights and its Constitutional Implications*. Baden-Baden: Nomos Verlagsgesellschaft. 93-111.

Chambers, S. (1998) "Contract or Conversation. Theoretical Lessons from the Canadian Constitutional Crisis" in *Politics and Society* 26 (1):143-72.

Castiglione, D. (2004) "Reflections on Europe's Constitutional Future", *Constellations,* 11,3: 393-411.

Daalder, I.H. (2005) "The End of Atlanticism", in T. Lindberg (ed.) *Beyond Paradise and Power,* (New York: Routledge), pp.39-59.

Delanty, G. (1995) *Inventing Europe – Idea, Identity, Reality*. London: MacMillan.

Ducheˆne, F. (1972) 'Europe's role in world peace', in R. Mayne (ed.), *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana/Collins, pp. 32–47.

Ducheˆne, F. (1973) 'The European Community and the uncertainties of interdependence', in M. Kohnstamm and W. Hager (eds), *A Nation Writ Large? Foreign-Policy Problems Before the Community*, London: Macmillan, pp. 1–21.

Elazar, D. J. (2001) "The United States and the European Union: Models for Their Epochs" in Nicolaidis and Howse (eds.): *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union*, OUP 2001, 31-53

Eriksen, E.O. (2005) (ed.) *Making the European Polity – Reflexive integration in Europe*, London: Routledge

Fossum, J. E. (2003a) "The European Union – In Search of an Identity", *European Journal of Political Theory*, Volume 2, No.3: 319-340.

_____. J. E. (2003b) "The European Charter – Between Deep Diversity and Constitutional Patriotism" in Eriksen, E. O., Fossum, J.E. and A. J. Menéndez (eds.): *The Chartering of Europe: The Charter of Fundamental Rights and its Constitutional Implications*, Nomos Verlagsgesellschaft, Baden-Baden. 228-255.

_____. J. E. "The transformation of the nation-state: the EU and Canada compared", in Maduro, M. and D. Halberstam (eds.): *The Constitutional Challenge: People, Power and Politics in Europe and America*. Cambridge: Cambridge University Press, forthcoming.

Fossum, J. E. and A. J. Menéndez (2005a) "The Constitution's Gift? A Deliberative Democratic Analysis of Constitution Making in the European Union", *European Law Journal*, Vol.11, No. 4: 380-410.

_____. J. E. and A. J. Menéndez (2005b) "Democratic constitution-making – Reflections on the European Experiment", *Austrian Journal of Political Science,* Vol. 2005/3: 249-262.

Gilpin, R. (1981) *War and Change in World Politics*, Cambridge: Cambridge University Press

Giplin, R. (1987) *The Political Economy of international Relations*, Princeton: Princeton University Press.

Goffman, E. (1974) *Frame Analysis: An Essay on the Organization of Experience*. Cambridge: Harvard University Press.

Goodhart, David (2004). "Too Diverse?" *Prospect,* February, pp. 30-37

Habermas, J. (2004) "America and the World – A Conversation with Jürgen Habermas" with Eduardo Mendieta.

Holland, M. (1996) "Jean Monnet and the federal functionalist approach to European unity" in Murray, P. and Rich, P. (eds.): *Visions of European Unity.* Boulder, Colorado: Westview Press.

Kagan, R. (2002) "Power and Weakness", *Policy Review* 113; June/July 2002 http://www.policyreview.org/jun02/

_____. R. (2003) *Paradise and Power: America and Europe in the New World Order*, New York: Knopf.

Keohane, R. (1980) "The Theory of Hegemonic Stability and Changes in International Economic Regimes", in O. Holsti, R.M. Siverson and A. George (eds.) *Change in the International System*, Boulder, Colo.: Westview Press.

Kymlicka, W. (1995) *Multicultural Citizenship. A Liberal Theory of Minority Rights*. Oxford: Clarendon.

_____. (1998) *Finding our Way*. Oxford: Oxford University Press.

Liisberg, J.B. (2001) "Does the EU Charter of Fundamental Rights Threaten the Supremacy of Community Law?". Harvard, Jean Monnet Working Paper 04/01

Linklater, A. (1998) *The Transformation of Political Community*. Cambridge: Polity Press.

Lipset, S.M. (1979) *The First New Nation*. New York: Norton & Company, Inc.

_____. S.M. (1990) *Continental Divide – The Values and Institutions of the United States and Canada*. New York: Routledge.

_____. S.M. (1996) *American Exceptionalism – A double-edged Sword.* New York: Norton & Company, Inc.

Majone, G. (1996) *Regulating Europe*. London: Routledge.

_____. G. (2005) *Dilemmas of European Integration : The Ambiguities and Pitfalls of Integration by Stealth*. Oxford: Oxford University Press.

Manners, I. (2002) "Normative Power Europe – A Contradiction in Terms?" in *Journal of Common Market Studies*, 40(2): 235-58.

_____. I. (2006) "Normative power Europe reconsidered: beyond the crossroads". *Journal of European Public Policy* 13 (2): 182-199.

Mead, W.R. (2002) *Special Providence – American Foreign Policy and How it Changed the World*. London: Routledge.

Menendez, A. J. (2004) "Three Conceptions of the European Constitution" in Eriksen, E. O., J. E. Fossum and A. J. Menéndez, (eds.): *Developing a Constitution for Europe*. London: Routledge, pp. 109-128.

Milward, Alan. S. (1992) *The European Rescue of the Nation-state*. London: Routledge.

Moravcsik, A. (1998) *The Choice for Europe.* London: UCL Press.

Morton, F. L. and R. Knopff. (2000) *The Charter Revolution and the Court Party*. Peterborough, O.N.: Broadview Press.

Möllers, C. (2004) "The Politics of Law and the Law of Politics: Two Constitutional Traditions in Europe" in Eriksen, E. O., J. E. Fossum and A. J. Menéndez, (eds.): *Developing a Constitution for Europe*. London: Routledge, pp.129-139.

Nicolaidis, K. and Howse, R. (eds.) (2001), *The Federal Vision : Legitimacy and Levels of Governance in the United States and the European Union*, OUP 2001, 31-53.

Norman, W. (2001). "Justice and Stability in Multination States". In *Struggles for Recognition in Multinational Societies* (J. Tully and A. Gagnon, eds). Cambridge University Press.

Nossal (2003) "The World We Want? The Purposeful Confusion of Values, Goals, and Interests in Canadian Foreign Policy". Available at: http://www.cdfai.org/PDF/The%20World%20We%20Want.pdf

Oakeshott, M. (1975) "The vocabulary of the modern European state", *Political Studies* 2--3: 319-_341, and 4: 409-415.

Offe, C. (2005) *Reflections on America – Tocqueville, Weber & Adorno in the United States,* Cambridge: Polity Press

Reid, T. R. (2004) *The United States of Europe*, New York: The Penguin Press

Rein, M. and D. Schön (1993) "Reframing Policy Discourse", in Fisher, F. and Forrester, J. (eds.): *The Argumentative Turn in Policy Analysis*. Durham: Duke University Press. 145-66.

Rifkin, J. (2004) *The European Dream*, Cambridge: Polity Press)

Russell, Peter H. (1993) *Constitutional Odyssey: can Canadians Become a Sovereign People?*. (Second edition) Toronto: University of Toronto Press.

Salmon, T. and Nicoll, W. (1997) *Building European Union – A documentary history and analysis*. Manchester: Manchester University Press.

Scmalz-Bruns, R. (2005) "On the political theory of the euro-polity" in Eriksen, E. O. (eds.): *Making the European Polity*. London: Routledge. 59-83.

Sjursen, H. (2006) "The EU as a 'normative' power – how can this be?" *Journal of European Public Policy* 13, nr. 2:235-51.

Smith, M. (2004) "Between Two Worlds? The European Union, the United States and World Order", *International Politics*, 41:95-117.

Stephanson, A. (1995) *Manifest Destiny, American Expansion and the Empire of Right*. New York: Hill and Wang.

Thomsen, R. and N. Hynek (2006) "Keeping the peace and national unity: Canada's national and international identity nexus", *International Journal,* forthcoming.

Tocqueville, A. de (1969) *Democracy in America*, 2 vols. New York: Harper & Row Publishers

Weiler, J. H. H. (1999) *The Constitution of Europe: "do the new clothes have an emperor?" and other essays on European integration.* Cambridge: Cambridge University Press.

_____. J. H. H. (2001) "Federalism without Constitutionalism: Europe's Sonderweg" in Nicolaidis, K. and Howse, R. (eds.): *The Federal Vision.* Oxford: Oxford University Press. 54-70.