

'This is my EUtopia ...': Narrative as Power*

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Abstract

The original comparative mission of *JCMS* testifies to the propensity of the EU, since its inception, to project its model on to the rest of the world. This article argues that narratives of projection are indeed key to the EU's global influence and that, in this particular sense, the idea of Europe as a civilian power is more relevant than ever. But such narratives require our engagement with their reflexive nature: what is usually projected is not the EU *as is*, but an EUtopia. At a time when both the EU and the international trade system are undergoing crises of legitimacy, EU actors can learn a lot from the remedies suggested for the global level by such an EUtopia.

'we would share and listen and support and welcome
be propelled by passion not invest in outcomes
we would breathe and be charmed and amused by difference
be gentle and make room for every emotion'

(*utopia* by Alanis Morissette, 2002)

Introduction

The projection of Europe's Utopia on to the rest of the world has a long history and many labels, from enlightenment to colonialism, civic imperialism, or 'civilian power'. So it is little surprise if many believe today that the European Union holds some of the answers to the challenges posed by globalization. As early as the 1950s, the French-Russian Hegelian philosopher, Alexandre Kojève, would suggest (in a letter to his friend Leo Strauss) that

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the world state (socialist not libertarian) might be realized through the gradual expansion of the European approach to integration across the entire globe (Strauss, 1991, p. 256). Kojève was no mere dreamer – he participated, as a senior French official, in both the construction of the European Economic Community (EEC) and in the first efforts to adapt the General Agreement on Tariffs and Trade (GATT) regime of free trade to the needs of developing countries (Auffret, 1979).

The notion of the EU as a model usually refers to the propensity of the EU to seek to reproduce itself by encouraging regional integration around the world. Indeed, this vision inspired the creation of the *JCMS* 40 years ago – there were to be many common markets comparable to the EEC. And while the *Journal* itself has come to be equated with the European project, its founding assumption has been increasingly put into practice by EU bodies themselves in endless *tours de reconnaissance* from Asia, to Latin America and Africa. In spite of their loss of military might, Europeans would be able to act collectively as a ‘civilian power’ and export their liberal vision of peace through democracy, and democratization through trade. And indeed, the notion of Europe as a more advanced model on a linear trajectory has pervaded not only European discourse but often that of those who seek to emulate it. Hence, the African Union, resurrected in July 2002 from the defunct Organization for African Unity, modelling itself on all counts on the EU (except for making democratization an objective, not a prerequisite, of membership).¹

But the heart and ambitions of many in the EU are actually still with Kojève, with the ultimate frontier of civilian power. We can export our model, they believe, not only horizontally but also vertically to the world level, to global institutions. Why not see the EU as a *micro-cosmos*, a laboratory for the world at large and explorer of new kinds of political deals between and beyond states? Is not the upcoming EU enlargement, with its dramatic increases in the differences of size, wealth and political systems within the Union, added evidence of the expansionary potential of the EU model?

In particular, in recent scholarship, the ‘EU model’ is increasingly projected on to the multilateral trading system, here again as if the two trajectories were the same, with the EU merely somewhat farther advanced on the path to liberalization and supranational economic governance. ‘In many ways’, sums up one author, ‘the EU provides a role model of trade liberalization, a miniature template to which the global organisation might aspire and from which it might learn in policy areas as diverse as competition, agriculture and the environment’ (Walker, 2001, p. 55). But the terms of the comparison are

¹ See Keohane, pp. 745–67 in this issue for a variant on this theme, i.e. that the concept of limited sovereignty refined by the EU may be the best hope in reconstructing troubled countries and regions.

increasingly debated and contested (Farrell, 1999; Howse and Nicolaïdis in Porter *et al.*, 2001; Weiler, 2001; de Búrca and Scott, 2001).

In this article, we visit and question some of the assumptions underlying the latest of the EU's 'narratives of projection'; specifically, the 'WTO (World Trade Organization) as EU'. We identify some of the actors whose interests and beliefs are reflected therein. We also propose our own version of the narrative, a narrative which has become the core of EU power.

As we see it, both the EU and the WTO currently face crucial challenges – dare we say crises? – of legitimacy. One speaks in both cases of the 'democratic deficit' and the need for legitimate governance; in both cases, political elites are accused of letting the social fabric fall victim to the forces of markets and globalization. We argue, first of all that, in this context, 'narratives of projection' are potentially extremely fruitful. The WTO can learn from the EU, given its accumulated experience in multi-level governance and its emphasis on justice and solidarity beyond the nation-state. But, secondly, there may be important synergies for Europeans in attempting to address both internal and external crises at once – synergies that are not presently harnessed. Such exercises in projection often lack the kind of self-awareness that would lead to recognize how 'what' is being projected is not the EU *as is* but an 'EU-topia'. And that utopia itself is necessarily a contested one, and not everyone's vision of the EU's future. *What EU* is being projected becomes critical, an insight usually overlooked in the civilian power scholarship. Ultimately, we conclude, the EU can best learn about its own flaws and potentials and become a meaningful utopia for its own citizens by 'bringing the outside world back in'.

The article has four parts. In keeping with the overall tenor of this special issue, the next two parts revisit the fundamentals: first, on narratives of projection and civilian powerhood; second, on the concurrent 'legitimacy crises' in the WTO and EU. We then analyse a specific and recent narrative which, unfortunately, was sacrificed on the altar of the Commission's White Paper on Governance (2001), namely the report of the Commission working group on world governance (for a critique of the White Paper itself, see Wincott, 2001). In the conclusion, we highlight the promise of a new post-national political ethics, and call for a debate on attenuated visions for the EU, their respective 'exportability' to the global level and their character as operational 'utopia' for the EU itself.

I. Narratives of Projection: Reinventing Europe as a Civilian Power

The notion of Europe as a vanguard that may have something to teach the rest of the world is not new. In the nineteenth century, political boundaries within

the European space, self-conceived as the centre of the world, were also the basis for dividing the rest of the world. European nation-states exported the very idea of the border – the geography of the European regional order – beyond Europe's boundaries as a means of creating a world order in their own image. Paradoxically, in the era of the EU, the reverse dynamic has become true. Europe has, to a great extent, become an importer, a reflection, on a regional scale and perhaps in more acute form, of global realities – from the projection of global diversity and inequalities on to the European space to the regional management of the multi-faceted constraints and opportunities of globalization (Nicolaïdis and Lacroix, 2002). But this reversal does not dampen Europeanists' propensity for universalizing. Narratives of projection can rest on the presumption of antecedence or simultaneity, differences or similarity, superiority or equality. Their function, however, is always to assert some form of control over the rest of the world: normative power as the ultimate form of soft power.

Post-Cold War Civilian Power

One of the main conceptual anchors for debate over the sources of EU influence in the world has been that of 'civilian power'. Observers of the EC in the 1960s and 1970s saw it as evolving into a significant international actor of a different type than the two 'superpowers'. As Francois Duchêne famously argued:

Europe as a whole could well become the first example in history of a major center of the balance of power becoming in the era of its decline not a colonised victim but an exemplar of a new stage in *political civilisation*. The European Community in particular would have a chance to demonstrate the influence which can be wielded by a large political co-operative formed to exert essentially *civilian forms of power*. (1973, p. 19, emphasis added)

The ambivalence of this concept accounts for both its longevity and its contestation. First, 'civilian power' was both descriptive and prescriptive – valid even if the EC, then the EU, did not conform. Second, it could refer alternatively to means or ends – *civilian* as *civil* (e.g. non-military) and as *civilizing*. Thus even if the alleged 'sea-change in the sources of power' from military to economic was in doubt, perhaps Europe's power would be sustained by the message itself. But, third, that message too was ambiguous or at least multi-dimensional. On the one hand, it was about *values* – 'the values held by all its Member States and promoted by the EC' both internally and externally. On the other hand, it was about *process*. When Francois Duchêne described the Community's 'civilian form of influence and action', he not only referred to its economic rather than military strength, or to the democratic credentials of

its Member States, but also to its precious and transferable experience in inter-state co-operation. Fourth, civilian power rests on the synergies between the EC's *being*, its political essence, and its *doing*, its external actions, or what some later referred to as the contrast between its simple presence and its agency or 'actorness' (Hill, 1990, 1994; Bretherton and Vogler, 1999). Finally, and perhaps most importantly, there is the very ambiguity of the concept of power itself. How can it be a characterization of the EU's external role when so many of its exponents believe that 'in truth, the ambition of European "power" is something of an anachronism. It is an atavistic impulse, inconsistent with the ideals of postmodern Europe, whose very existence depends on the rejection of power politics' (Kagan, 2002).

Thus, the notion of the EU as 'model', the naked Eurocentrism that it conveys is too simplistic, too uni-dimensional to capture the imperatives of civilian power. What matters most is consistency between the internal and external planes, a consistency requiring a constant checking of the EU's narratives of projection on to its own internal goals and, we must add, deficits. 'The EC will only make the most of its opportunities if it remains true to its inner characteristics. They are primarily: civilian ends and means and a built-in sense of collective action, which in turn express, however imperfectly, social values of equality, justice and tolerance' (Duchêne 1972, p. 20). Narratives of projection in this context acquire a self-reflexive quality. The EU's real comparative advantage, its 'power', lies less in showing off its outcome than its process, less in engineering convergence among its members towards higher standards of human rights and more in its capacity to manage enduring differences within a normative and institutional framework that reflects a commitment to democracy, the rule of law, and peaceful settlement of disagreements, contracts instead of power politics, positive sum instead of zero sum games. Pushed to its ultimate logic, the EU is less a 'model' to be emulated than a 'laboratory' where options for politics beyond the states are generated, for the taking. To come back to an early insight, the EU's gift to the world is less its humanist traditions than its political creativity, in Sampson's (1968) words, its 'overflowing inventiveness in devising new kinds of society, new political ideas and new philosophies'.

There are, of course, grounds for scepticism. Even minimalist claims by EU officials to have mastered the *process* of governance beyond the state must be scrutinized. Is not the very way in which preferences get 'aggregated' a function of power imbalances and dominant understanding of what kind of differences are acceptable or not between groups or countries? In any case, as Europe's response to the Statue of Liberty, comitology may not be quite as inspiring. And the whole civilian power discourse with its adjacent

eschewing of traditional power politics may simply be Europe making the most of its military weakness (Kagan, 2002).²

Moreover, the end of the cold war, combined with the new politics of globalization has led to a profound rethinking of the civilian power concept, stretching its elasticity to its limits. Has the EU's venture into the security realm spelled the end of civilian power Europe (Smith, K., 2000; Whitman, 1998, 1999; Edwards, 2000)? Or can military means coexist with civilian ends (Stavridis, 2001; Hill, 1998)? More importantly for our purposes, the tension has sharpened between different philosophies of the relationship between order and justice in international relations, and the desirability of pursuing justice beyond the state in Europe and beyond Europe, that is the ends of civilian power (Foot *et al.*, 2002).

Since the game is now open, there are those among European elites, especially in Britain and France, who extrapolate from today's incipient 'common defence' and envision the EU moving beyond the confines of civilian power to *l'Europe-puissance*. If not an oxymoron, civilian power has at least been a second best type of power. Arguably, the call by Bull and others to drop the pretence is now vindicated (Galtung, 1973; Bull, 1983). The EU can learn to behave like a military power, magnifying the power of its Member States, and balancing that of the US.

For defenders of civilian power thinking, what is contestable here is not necessarily the will of European countries to pool some of their military resources; this can be done outside or at the periphery of EU institutions. Nor is it only whether the use of military means could actually be considered as increasing Europe's capacity to pursue its civilian goals, as witnessed by the Kosovars and Afghans (Stavridis, 2001; Smith, K., 2000). The deeper question is how such state-centric thinking affects the EU itself and therefore its projection. Indeed, it is hard to see how the projection of credible military power would not entail the kind of power hierarchies and unified centralized leadership eschewed by the European project. As Christopher Hill (1994) has argued, the very idea of such a role assumes that an actor should find 'a distinctive, high profile and coherent identity'. Hill may be overly pessimistic in assuming that 'if all were to seek this in international relations, then nationalism inexorably follows', but there is little doubt that the superpower logic calls for a radical separation between internal polity and external environment. Under this logic, order is an external goal while justice should be pursued mainly inside state-like borders (whether at the national or European levels) (Schnapper, 1994; Miller, 1995; Debray, 1999; Gnesotto, 1998; Todd, 1999).

² More generally, Kagan (2002) is right to stress that the Europeans would not have been able to develop their model of 'transcendence of power' were it not for the very real power underlying the United States' security guarantee. Indeed, what more useful division of labour than the bully and the mediator?

Under the contrasting, post-national paradigm, hard power is not an end in itself, and the 'EC does not need and has not needed to acquire state-like qualities to exert an important influence in the world' (Hill, 1994). Instead, the contingent equation between the state, social justice and democracy is questioned, and the grounds for pursuing justice and democracy outside the confines of the nation-state are explored (Habermas, xxxx; Linklater, 1998; Maduro, 2001; Shaw and Wiener, 1999). Solidarity is grounded in shared projects not in shared history. And Europeanness ought not to mean a shared identity but rather the sharing of identities (Nicolaidis and Howse, 2001). This vision speaks against the reification of the European boundary (whatever it may be) as we move from our relationship with the other European to our relationship with the non-European 'other'. There is no radical separation between a national, European and universal community of fate, only a gradation in the amount and range of common uncertainties to be faced and managed. Thus, consistency between the EU's pursuit of justice aims within its borders and beyond should be of paramount concern.

The EU may not have become the first 'post-Westphalian' international society as some cosmopolitan analysts argue (Linklater, 1998). But it has explored and refined new forms of solidarity beyond the state and thus, some would claim, can be seen as a beacon for the rest of the world, highlighting ways in which the pursuit of justice can break the bonds of the homogenous community. However, to believe that the EU 'model' holds the key to the current crisis of legitimacy of global institutions is not only to commit a sin of Euromorphism, but more importantly to ignore the interests at play in shaping the practices attached to various narratives of projection in the EU.

At a most basic level, the EU's credibility rests on what it can do unilaterally; that is, to seek greater consistency between internal practices and proclaimed external objectives. If what is needed is a radical imperative of 'other-regardedness' in EU external policy-making, how has such a political ethics been practised inside the EU? Beyond very basic WTO commitments, there is no standard operating procedure in the community method for the 'external impact assessment' of the standards or directives it routinely adopts. Is simple WTO compliance enough if the EU is to lead by example? Obviously, the EU cannot be responsible for all the external 'effects' of its internal policies. But there is no denying the negative external spillover of many of the EU's internal policies, from agriculture to standardization, competition or the movement of people.

Moreover consistency would imply adjusting internal ambitions and politics to external ones, thus demonstrating that the two emanate from the same values. In stressing the pitfalls of the EU's human rights policies, Alston and Weiler have argued:

At the end of the day, the Union can only achieve the leadership role to which it aspires through the example it sets to its partners and other States. *Leading by example* should become the *leitmotif* of a new EU human rights policy. ... Our analysis thus makes no fundamental distinction between the internal and external dimensions of the Union's human rights policy. To use a metaphor, it is clear that both must be cut from a *single cloth*. (Alston and Weiler, 2000, emphasis added)

The same image can be applied across many fields, including the international trade arena and more generally global economic governance. Our understanding of 'a single cloth' means not necessarily sameness in identity but rather consistency given underlying differences. Interestingly, the most proactive actor in this regard has been the current European Parliament under the leadership of Pat Cox.

Nowhere is the self-serving nature of narratives of projection better illustrated than through the politics of enlargement. In October 1989, Jacques Delors was faithful to civilian power thinking when he proclaimed that the very existence and *example* of 'a Community based on the rule of law, a democratic entity and a buoyant economy' acted as a catalyst for the changes in the east (cited in Aldred and Smith, 2001). But inspiration and catalysts became condition and model when the Copenhagen criteria spelled out what the EU is (or is supposed to be) and therefore what candidate countries should become. There would have been, in theory, many roads to transition and to greater compatibility with the EU, as the World Bank, NGOs and numerous others have repeatedly pointed out (Eatwell *et al.*, 2000; Grabbe and Nicolaïdis, 2000). But the European Commission chose to emphasize certain institutional priorities over others – even while Member States themselves exhibit many different approaches to market management or state–society relations, such as the role of the state in sustaining social development. To put the point perhaps overly crudely, the narrative of projection may be a Utopia (not all Member States comply with the accession blueprint), but it is an operational one. Because it involves fostering the creation of domestic bodies in their own image, its implementation in the Member States-to-be will significantly increase the leverage of EU supranational institutions over political outcomes in the new Member States.

Turning to the vertical narrative of projection, that is from the EU to the design of global trade governance, the picture is yet more complex. We have commented elsewhere on the misguided advocacy by a growing constituency of trade lawyers of a constitutionalization of the WTO inspired too directly by the EU (Petersman, 2001; Howse and Nicolaïdis, 2001; Walker, 2001). Nevertheless, some elements of the recent EU experience can inspire a model of global subsidiarity and political ethics adapted to the constraints and reali-

ties of the international community. The key here is to develop, in Neil Walker's words, a philosophy for the whole, the transnational system, from the perspective of the parts (for example, the EU). To this extent, constitutionalism is a second order debate: while we argue that a political ethics (the contours of which we will only suggest here) can serve as an alternative or at least a stepping stone to constitutional design, we will not take on this specific argument in this article. Here, we want to explore the underpinnings of any such narratives of projection from the EU to the WTO.

II. EU v. WTO: Divergent Trajectories, Convergent Crisis

A Tale of Two Post-War Projects

Both the multilateral trading system and the European Union are projects that arose out of the ashes of World War II – the experience of the *summum malum* produced by fascism, and the experience of the Allies in fighting and defeating fascism. The multilateral trading system is a product, mostly, of the Anglo-Saxon mind – in the first instance, Keynes and the Americans. The European project on the other hand is an invention of the continental spirit, especially the French tradition of *dirigiste* economics and the German tradition of bureaucratic and juristic rationality. In the first decades after the war, the mutual co-existence of these projects saved each from its own potential excesses. The more ambitious project of a global regulatory authority for trade (the International Trade Organization: ITO) failed to obtain the necessary legislative support in the United States, and so the multilateral arrangement that emerged from the Bretton Woods negotiations was a stand-alone framework for the bargained reduction of government-imposed trade restrictions, the GATT. The consequent risk of a built-in deregulatory or libertarian bias for the trading regime was countered (in part) by the perceived need to tolerate a more interventionist, *dirigiste* approach to economic reconstruction in Europe (as well as Japan). The outlook that came to underpin political support for a multinational trading regime has been characterized by John Ruggie as 'embedded liberalism', a conception of the complementarity between bargained trade liberalization, on the one hand, and the evolution of the domestic welfare and regulatory state, on the other. This outlook tolerated significant national differences in the manner of delivering the social welfare function. Those differences (taxes, transfers and macroeconomic intervention in the Anglo-Saxon world; corporatism, microeconomic intervention and indicative planning in Europe and Japan) did not need to threaten increasingly liberal co-operative equilibria in the trading regime.

Meanwhile, the European Community did not become the 'fortress' that Anglo-Saxons might have feared. Within the GATT framework, the Euro-

pean project was to be embraced only as an *exception* to the most favoured nation cornerstone of the GATT; this exception required that trade within the union be substantially liberalized (GATT Article XXIV, on Free Trade Areas and Customs Unions). In other words, from the outside as it were, GATT helped to lock in internal free trade as an essential part of the European trajectory, reinforcing the economic liberal faction in Europe, and moderating the *dirigiste* spirit that so predominated, for example, the initial blueprint of the Coal and Steel Community. This countered, to some extent, the danger of a parochially statist European project – one that served *only* the interests of the governmental elites; internal economic mobility engaged a broader set of interests, immediately those of the economic and commercial elites, ultimately and by implication, those of all citizens.

Synergies of Crisis?

Today both the EU and the WTO face crucial challenges of legitimacy. But the relationship of the multilateral trading regime to democratic politics has developed in a fundamentally different manner than the case of the European Union. In the former case, the outlook of embedded liberalism suggested that all politics was really domestic. Bargained reduction of trade restrictions posed the political economy challenge of dealing with the influence of protectionist, rent-seeking interest groups, and more generally paying off the ‘losers’ from trade liberalization. But liberalization made every country better off in the aggregate – under such circumstances, considerations of justice did not seem pressing.

Institutionally, the management of the multilateral trading system involved not only the negotiation of new concessions, but also the task of interpreting or evolving rules that distinguished between policy interventions that fell within the embedded liberalism understanding of tolerated regulatory diversity and those that constituted ‘cheating’ on bargained concessions, thus threatening the co-operative equilibrium. It was this task that brought the institutions of the trading system closest to ‘governance’, and into an entanglement with domestic politics in the grand, Weberian sense.

Yet, the sensibility that informed these exercises of regime management was technocratic and economistic, not political or even juridical. The best minds in politics and public policy were preoccupied by the political and strategic challenges of the cold war; trade issues were largely left, domestically, to a single part of the government, and to trade specialists – the trade policy elite (Weiler, 2001).³ For its members, there is no reason, apart from

³ The sensibility of this trade policy elite was fundamentally that of the Anglo-Saxon *petit bourgeois* – pragmatism, belief in that which can be seen and counted rather than felt and imagined, suspicion that behind claims of idealism or justice there lurks simply another brute material interest cloaking itself in fine

the impact of protectionist, rent-seeking groups, that countries should ever choose a policy tool more restrictive of trade over one less restrictive, since the less restrictive policy tool can achieve the same result (and usually more efficiently). The complexity of multiple objectives is hardly recognized – the 'real' objective can usually be reduced to the more or most material and self-interested and the least idealistic of the two or more objectives stipulated.

The capacity of this (pragmatic) trade policy elite to manage the system depended, however, on the relative stability of 'embedded liberalism' as a grand political bargain; they might have thought that their management of the interface between the trade liberalization bargain and the welfare regulatory state was based on economic science and diplomatic savvy (Ostry, 1997; Keohane and Nye, 2001) – in reality it presumed, and was highly dependent on, a particular shared post-war understanding between the major polities about the parameters of acceptable regulatory diversity (Howse, 2002). For various reasons that understanding became unstable in the 1970s and was rejected by the political leadership of the Anglo-American world in the 1980s in favour of economic conservatism or neo-liberalism, the spirit of which is reflected in many aspects of the Uruguay round agreements and the new WTO system they created. Disputes about health regulations affecting trade were to be solved by recourse to science, intellectual property rights (the key to innovation and growth in the neo-liberal outlook) were to be protected on pain of trade sanctions; deregulation of service industries would be encouraged through a framework for services trade liberalization that emphasized the lock-in of regulatory reform and privatization. Such rules thus raise the issue of distributive justice quite pointedly – which countries and which human values win and lose as a result of this new global contract.

With the official guardians of the rules, the trade policy elite, possessing a sensibility unsuited to the balancing and brokering of different claims of justice, and in the absence of any new agreed technical or scientific paradigm of growth and development that would provide a legitimate blueprint for readjusting the rules, the multilateral trading system seemed to have been heading for a decisive crisis. However, a major factor in moderating the crisis was the new institution of the WTO's Appellate Body (AB), created in the Uruguay round of negotiations. The judges of the Appellate Body mostly have not had the sensibility of the trade policy elite. As generalist jurists, they have felt comfortable from the outset with the kinds of legal interpretation appropriate

and fair colours; distrust of too much passion *and* of too much logical design. This is a mentality that, generally speaking, likes to respond to pressure for change by readjusting bargains rather than building or rebuilding institutions, that likes rules for their regularity but resists their transformation into a normative system that constrains the messy methods of 'ad hoc' and 'muddling through'. Public policies are viewed as sets of alternative means to fixed, single objectives or ends, not as expressions of social and cultural norms.

where rules reflect the balancing of conflicting or competing values, and have been sensitive to the meanings about justice that are communicated in the interpretation of such rules.⁴

It seems increasingly obvious that any reconstruction of the multilateral trading system must be based on some kind of transnational political dialogue, directly engaging the constituencies whose values and interests are affected by the rules. Now that the eyes of the public in much of the world are opened to the fact that these rules engage issues of justice and ethics, domestic and global, the idea that the discourse can be controlled or managed by expert elites is simply untenable. But where to find the common ground on which a transnational democratic dialogue is possible? It cannot be located in an institution – *pace* David Held a global parliament is not a realistic possibility (Held, 1995, 1999; Eric Stein, 2001). It cannot be found as it might have been once in a shared core notion of the welfare state and its appropriate functions. Nor is there an agreed conception of global distributive justice which, at the level of principle, could provide a common starting point for the required democratic dialogue (Rawls, 1999; Pogge, 2001).

Of course, if things are so dire, one could well ask how the Doha round was launched at all. One factor was of course the remarkable atmosphere produced by the events of 11 September 2001 – in the shadow of those events, having Doha fail would have been to appear to give chaos another victory over order. But, more importantly, at Doha the multilateral trading regime already started to grope towards the needed transnational democratic dialogue, with practice, as it were, now at least one step ahead of theory. The most dramatic moment in this respect was the adoption of the declaration on TRIPs and access to medicines – an agreement of the WTO membership to manage and evolve the rules in this area in accord with a certain conception of human justice and human values.

When we turn to the European Union, we find a quite different path towards a crisis of democratic legitimacy. While European integration bears all the marks of a top-down project, driven and designed by elites and reflecting their sensibility (Milward, 1992; Moravcsik, 1998; Magnette, 2000; Howse, 2001), this sensibility is in important ways quite different from that of the trade policy elite (including its European ‘members’). First of all, EU elites themselves never conceived the project as driven by a single value of economic mobility or freedom – their intuitions were often more *dirigiste* than libertarian. Second, and related to this, the project never engaged only one part of the state – many ministries and entities within the Member States were

⁴ At the same time, the apparent effectiveness of the Appellate Body, in this regard, has created additional pressure for explicit readjustment of the rules, and has given rise to a critique that the Appellate Body has already gone further than a judicial entity should do in attempting through interpretation to respond to the legitimacy crisis of the WTO (Barfield, 2001; Mavroidis, 2002).

involved, even in the early days, and increasingly as the project evolved. Third, executive federalism or elite accommodation, rather than direct democratic participation, was the driving force of the European project. However, unlike the WTO, elected politicians were actively engaged on a day-to-day basis in the management and development of the regime. The Brussels mandarins may have wanted to insulate themselves from the more demotic features of Member State politics, but their vision of governance could never be characterized as contempt for politics or deification of technique in the manner of the trade policy elite.

Fourth, while (after Keynes) the multilateral trading regime engaged few of the best political and bureaucratic minds of the post-war world, the European project, at least at several of its stages, has done just that – perhaps dangerously, in the sense that one cannot always have Delors-like figures running the Commission, for instance. Fifth, among the Europeanist elites there has always been a fairly high level of idealistic passion for the project; one should not mistake the myopically stubborn faith of the trade policy elites that free trade will make everybody better off almost all the time for idealistic passion. Sixth, among the European institutions there was a *Court of Justice*. The Court, even in its most integrating rulings, never understood itself as engaged in the technical management of a regime oriented to a single value of economic freedom; its rulings always expressed an awareness of the centrality of justice and political sensitivity in legal interpretation. Unlike the trade policy elite, European elites understood and accepted the kind of juridical or ‘rule of law’ legitimacy that the Court conferred on the project of European integration. Finally, although intergovernmentalism remains central to the European project, ‘direct effect’, the existence of a European Parliament (however weak), the growing involvement of sub-state agents (cities, regions, NGOs) in the shaping of policies which affects them, the multiplication of the social or civic dialogues at the Union level all reflect the sense that the project would never really fulfil its potential without the possibility of some kind of direct, unmediated (by Member States) relationship between the citizens of Europe and European institutions. While current institutions may not be adequate for such a relationship, they reflect what is still denied by the trade policy elite in its atavistic repetitions of the shibboleth that the WTO is a ‘member-driven organization’: namely that intergovernmentalism is compatible with institutional arrangements that provide for some degree of direct engagement with citizens.⁵

When one looks, then, at the European project in contrast to the multilateral trading regime, one is inclined to wonder whether the European ‘demo-

⁵ NGO participation at the WTO, *amicus* briefs at the Appellate Body, etc. are all anathema to the trade policy elite, even though they are quite compatible with intergovernmental decision-making.

cratic deficit' is that serious. Clearly, as Moravcsik argues (pp. 605–25 in this volume), the EU's democratic credentials are not much worse than those of the Member States themselves, especially given that it hardly handles welfare state functions where public preferences are most intense. The European project has never truly become detached from politics, pluralism and the problem of justice. Indeed, the European example suggests that one could still have an elite-driven, intergovernmental trading regime, and yet that such a regime could be a great deal more sensitive to plural public values, and much more open to the 'political' in its full meaning, than the GATT/WTO system.

Where the democratic deficit in Europe looks more serious, is where one imagines Europe as itself a political community, rather than a structure of intergovernmentalism. Even if it did not entail (and it should not) any kind of merger into a 'European people', the formation of the identity or associative basis of such a community would arguably entail a foundational act of democratic will, in order to achieve adequate democratic legitimacy. Top-down exercises in creating Europe as a political community – the flag, the hymn, the passport – seem self-contradictory, or at best inconsequential.

But why bother trying to imagine Europe as a political community at all, rather than the world's most functional and successful system of intergovernmentalism? One answer is that functionalist intergovernmentalism has resulted in the expansion of European jurisdiction into areas such as money, migration and justice, and is beginning to affect so many citizen interests, that Europe is now running up against some kind of hard limit of how much governance can be done at the level of intergovernmental institutions, without bringing into being a new political community. Indeed, one could argue that precisely because it seeks to aggregate much more diverse preferences, the EU could and should aspire to be even more democratic and just than its nations of origin; an equally reasonable reaction would be a modest retreat from the most expansive ambitions for intergovernmentalism. However, for European politicians to call for such a retreat (aside from ad hoc repatriation of restricted policy areas like competition enforcement) would be an admission of defeat. Rather, European elites cannot seem to resist the temptation imaginatively to reconstruct Europe as a political community, despite the dangers to their beloved *acquis communautaire* of inviting such hopes.

Why? One kind of explanation, like Marx's account of 'bourgeois rights' in *On the Jewish Question*, is that the elites are merely trying to invent a needed legitimating ideological superstructure, with the reality remaining that of an expansionist intergovernmentalism. If Europeans can believe that they are a political community, such expansionist intergovernmentalism will be more tolerable – the loss of national democratic self-determination to the intergovernmental elites, less painful.

We believe this kind of reductionist explanation to be erroneous. The need to imagine Europe as a political community reflects instead a crucial, often hidden, subterranean current in the European project – there even from the very start. The project of Europe was built from an extraordinary act of ontological will by the best and the brightest in Europe who survived the war – the rejection of nihilism. The political meaning of this nihilism could be articulated as follows – with the self-destruction of European culture in the war, one is left with only Anglo-Saxon materialism and pragmatism, spiritually empty if comfortable, or Soviet communism, bankrupt by 1956 even for the intellectual left-wing. But what if the European ideal of political humanism faltered not because of its intrinsic groundlessness, but rather on account of the Schmittean state, that is the closed and exclusive nation-state, locked permanently into the *Freund/Feind* relation with other polities?⁶

Thus there is a hidden utopianism – although in Monnet and Schumann not so hidden – behind the pragmatic project of building Europe, the possibility that Europeans could assert again a distinctive ethos, a culture in Schiller's sense of transcending the fate offered by nihilism or the celebration of *Volk*. In democratic terms, this aspiration would imply the creation of a European polity, through an act of self-constitution, of *autopoiesis*. Such a foundational image would in turn constitute the necessary myth for the progressive constitution of a European *demos*, or if not a single *demos*, at least a European political community invested with its own communicative space separate from that of its constituting nations (Habermas, **xxxx**). But the founding fathers – although some among them wanted a founding act through a constituent assembly (Magnette, 2000) – did not proceed this way. Instead, they proceeded through a thousand compromises and bargains with the nation-state, and through the co-optation of 'enlightened' elements within the national political and administrative and juridical elites' (Milward, 1992).⁷

On account of this complex choice, the actual institutions of European integration always fall short of the underlying utopian vision, which leads some to dismiss the vision as largely irrelevant dreaming. This gap *is* in some sense the legitimacy crisis of the European Union. But the attempt to close the gap has enormous risks. What exactly does constitute the European level of governance as a political community, what common projects, ends or values? Many would argue that the very fact of asking the questions denies the open-ended, experimental essence of the European project. Equally problem-

⁶ Nietzsche had chillingly predicted that any political project with spiritual or moral greatness would, in Europe, be destroyed by the forces of nationalist extremism, unless it were undertaken above the level of the state.

⁷ Such a method can easily be understood when one considers the images of 'mass' politics from the 1930s – it was a rejection of Bonapartist/Stalinist social engineering or constructivism as a path to utopia (which had generally led to the opposite of utopia).

atic, an explicit answer to this question would risk defining much more explicitly than today insiders and outsiders within Europe and raise the possibility of what must be most avoided – drawing new exclusionary boundaries, this time around ‘Europe’ itself. This would in turn deny, for better or for worse, the EU’s biggest project of all, its *mission civilisatrice*, to export its miracle to the rest of the world.

But what if one could instead move from an elite-driven conception of Europe to a more democratically grounded one more incrementally through the refining of policy instruments and political frameworks conducive to dialogues across polities based in a common political ethics – rather than a new founding moment, where one would risk everything by putting a stark ontological question to mass opinion? It might in fact be that just such a common political ethics is what is required similarly to address in the first instance the legitimacy challenge facing the multilateral trading regime, a context where an act of self-constitution of democratic community seems even more impossible. As Ralf Dahrendorf suggests, one might not be able to have democracy at the global level, but one can certainly have democrats, people who operate, advocate and decide, informed by a political ethics inspired by democratic ideals.

Such a political ethics – defined by values such as inclusion, participation, transparency, attentiveness to distributive effects, tolerance of diversity and of other levels of legitimate governance – may already be implicit in the utopian projection of the European elites; even if their natural instincts as elites often cause them to act at odds with that utopian projection. If this is the case, it may be easier to describe this utopia in a mirror as it were, as the image that could inspire the rest of the world.

III. ‘From a Single Cloth’? An EU-topia for Global Governance

A recent example of such a proposition is to be found, extraordinarily, in a relatively unnoticed appendix to the well-publicized European Commission White Paper on Governance, a study written under the auspices of DG External Relations and entitled, Report of the Working Group ‘Strengthening Europe’s Contribution to World Governance’ (Commission, 2001).⁸ Although Europe’s external trade policy has not been very favourable to inclusion, participation and transparency, this document goes further than any other statement in articulating the kind of political ethics in question. It was itself written in a non-hierarchical, participatory way, even if little of its content made it into the Commission’s final White Paper.

⁸ In the interests of full disclosure, we were participants in a ‘consultation’ with outside ‘experts’ on the drafting of this report, and therefore had the opportunity, however modest, to attempt to shape its contents.

The narrative of projection exemplified by this document cannot easily be categorized in terms of its degree of 'Euro-centrism'. At times it seems that the EU is indeed a model of political co-operation, albeit still to be perfected, that can and should be implemented at the global level. The solutions proposed are already implemented in the EU – or if not are about to be. At other times, strategists are more humble: the EU may not be a readily transferable model, but it does provide 'many useful pointers' and a 'tool box for governance'. It can be seen as a laboratory where approaches to inter-state problems are tested, refined or rejected and where notions of justice beyond the state are progressively and tentatively operationalized. As Pascal Lamy, Commissioner for External Trade, put it, 'the EU is the entity in the world that has the longest and deepest experience in aggregating collective preferences' (interview). In its conclusion, the report recognizes that 'it is also clear that there are aspects of the EU's own governance which could be improved, both for their own sake and in order to strengthen the EU's input to better governance elsewhere' (Commission 2001, p. 44). But the report falls short of engaging in this self-reflexive dimension.

Indeed, the EU that serves as the basis for such extrapolations to the world level is part analysis of existing realities, part prediction about their development, but also part utopia. These features, we believe, are in keeping with what we and others have highlighted as characterizing an EU 'federal vision' (Nicolaidis and Howse, 2001). While there are those who believe in a more 'classical' federal model for the EU, with centralized institutions and accountability, a clear hierarchy of laws, and autonomous EU bodies, the federal vision we recognize in this report is more certainly a revisionist kind. It is not one shared across EU institutions, nor indeed within the Commission itself. Let us explore some of the relevant themes of the report.

A main thread running through the document is the need to promote and manage diversity at the global level, as the EU has been learning to do in the last 40 years. The report states emphatically:

Without falling back on moral relativism or complacent inaction, governance seems to us to require a new modesty and more nuance concerning possible action and likely consequences. This implies a world where we not only accept, but also seek to manage better, diversity, thereby achieving greater coherence in the long term than we have managed in the past. This seems to us to be the description of a world where the EU can feel more comfortable than other players and therefore play a strong role. (Commission 2001, p. 16)

In this narrative, 'feeling comfortable' with diversity (rather than, for instance, showing a united front) becomes the basis for the EU's world influence. Do EU decision-makers really feel comfortable, however, when this means re-

sisting at times, 'the charms of the global approach', for example, the temptation to create new global bodies?

The report rejects the utilitarian dictatorship where the greatest good of the greatest number can be pursued regardless of the cost to minorities, but is not that the very logic of trade liberalization? Would applying such a philosophy not require a collective transnational responsibility to compensate the losers from free trade rather than relying on domestic deals imposed from above?

Diversity is indeed at the core of the EU-topia. Yet, such a statement of faith would be music to the ears of applicant countries and indeed, in some instances, to Member States and EU citizens. Has the 'utilitarian dictatorship' genuinely been revisited within the EU? Who decides when the imperatives of coherence trump 'the right to diversity'? The report cites the move from harmonization to the new approach, but is not mutual recognition still far from being the dominant single market paradigm, if not in theory at least in practice (Nicolaidis and Egan, 2001)?

More generally, the tension between unity and diversity is at the core of the post-national paradigm. Solidarity in political contexts beyond the nation-state requires a double commitment: towards a shared allegiance to (universal) values and to the mutual engagement of (diverse) political cultures, values, priorities and institutions without merging them. It may be the case that the quasi-impossibility of sustaining the 'right' balance between these two requirements is responsible for the utopian character of much cosmopolitan political theory and in practice of this European utopia. So 'the right to be different' – rather than protectionism, unilateralism or hegemony – justifies foreign film quotas or 'moving first' and pre-empting the field, as with financial services or climate change. But isn't such a 'right' more available to more powerful players? Isn't it subject to bargains within the EU itself? Europeans and Asians, we are told, share 'the principled rejection of attempts by outsiders to define how far the EU can be different from somebody else's expectation' (Commission, 2001, p. 17). Let us study how such a principle guides EU conditionality policies within and without. Are we yet 'charmed and amused by difference', as in Alanis Morissette's song?

Along with the promotion of diversity comes a resistance, echoing the so-called anti-globalization movement, to a hierarchical organization of world or regional governance, the notion of a *polycentric* or multi-centred governance (Hourtart and Polet, 2001; Hine, 2001; Gills, 2000). Notions of horizontal subsidiarity, transnational federalism, constitutional tolerance, mutual recognition, mutual inclusiveness all come under this rubric. The report is more prosaic, eschewing most of the EU's remaining emphasis on legislation and institutions in favour of flexible models of co-operation and democratic gov-

ernance: 'The complexities of a multi-polar world allow the EU and its partners elsewhere to be more sceptical about centralisation, more open to a broad definition of institutionalisation, i.e. creating rules rather than organisations, and readier to limit harmonisation to those, often rather few, issues where it is needed' (Commission, 2001, p. 17). In particular, the more flexible recent policy approaches of the EU and the open method of co-ordination (OMC) should be translated to work at the global level. But is it not the case that even the OMC is based on the presupposition that convergence needs to be pursued, albeit less coercively, between domestic rules, policies and standards, and indeed constitutes a more subtle and perhaps more effective form of positive integration than the classical legislative Community method? Is it not looked at with suspicion by many in the Commission and other supranational bodies as a game for the princes, the executives, impervious to the traditional safeguards of judiciability and accountability?

Implicit in the tone of the report is a sense that the EU cannot define *a priori* the substantive standards of global justice that it should seek to promote globally. Indeed, Pascal Lamy (2001), readily admits that the EU's own participation in agreements at Doha that reflect elements of global justice was very much spurred on and sustained by NGOs, often against powerful Member States or lobbies within them (see also Abbott, 2002). But can diverse Europe, plural in its values if not in core fundamental principles, even aspire to agree on any guiding principle of global justice? As Lamy recognizes, 'We cannot have an international position on value-related issues where Europe has not articulated its own common values'. Indeed the definition of 'just' solutions or 'just' instruments to address specific problems ought to be the product of politics, alliance politics and the politics of persuasion at the global level. It would be hard for European politicians to deny this.

Thus, beyond a limited substantive agenda, we believe that the most significant progress can be achieved in promoting 'just' processes of governance at all levels. We consider that processes are 'just' when they exemplify some of the elements of a 'political ethics' as suggested below, and when agents such as politicians, bureaucrats or judges make decisions and deliberate in a manner informed by these ethics. Here again the EU manifesto provides lead-ins.

Global governance, like regional governance ought to focus on empowerment, especially of actors that do not have enough voice within the confines of the nation-state, from regional minorities, to economically and culturally vulnerable groups, migrants and the socially excluded. Such an ambition has indeed constituted the Achilles heel of the EU itself. To be sure, functionalist logic led to regional and structural funds, which helped empower local communities. The Convention on Human Rights has emboldened advocates of

women, gays or migrants. Perhaps the classic example of successful empowerment by the EU has been that of consumers, who have found in EU rules and institutional mechanisms a counterpoint to their relative weakness at home. Most importantly, in the wake of the Maastricht Treaty, social policies have progressively been directed, at least rhetorically towards social exclusion (Atkinson and Davoudi, 2001). But the empowerment strategy only goes so far: it has not to this day significantly encroached on Member States' prerogatives in this vein. Most importantly, while new forms of social consultation were developed in parallel with this social agenda, the formulation of these policies has, unsurprisingly, been a top-down affair. In short we may have minimal policies for the socially excluded, but certainly no polity for them.

Procedural justice also extends to the way global policy is conducted within each polity. The report thus advances the possibility of giving a greater voice to foreign 'stakeholders' in its own policy process. But the very notion of horizontal inclusiveness is radical even within the EU (see Howse and Nicolaïdis, 2001). Where has the EU succeeded internally in generating such degrees of mutual inclusion between its Member States, democratic institutions, administrations or media? When do parliamentary or public debates linked to elections at national or European level include more than the token 'foreigner' – other European that is?

Whether the normative vision expressed in the report has actually begun to shape Europe's WTO policy regarding transparency and participation can be gauged to some extent by the recent communication of the EU concerning reform of the WTO dispute settlement understanding (DSU). Symbolically, at least, one of the most important openings of the WTO system to stakeholders was the ruling of the Appellate Body of the WTO that it had the discretion to accept *amicus briefs* submitted independently of governmental delegations by non-governmental stakeholders, a decision that ultimately led to outrage on the part of the governmental officials on WTO delegations in Geneva. Not only did the EU oppose the acceptance of *amicus briefs* in the *Lead Bars* dispute, it did not defend the Appellate Body's actions in *Asbestos*.⁹ Moreover, the EU has persistently supported secrecy in WTO dispute settlement proceedings, including the parties' submissions.¹⁰ The recent communication on dispute settlement reform (March 2002) suggests some modest evolu-

⁹ Only the United States and Switzerland defended the actions of the Appellate Body, especially when it sought (in the *EC-Asbestos* case) to provide a formal procedural structure for submission of such briefs to ensure due process.

¹⁰ One of us, writing a study of the *Asbestos* case with a European co-author, was refused access by the Commission to the EC submissions in the case, while the Canadian submission was readily available, and the US third party submission posted on the internet. Only when the co-author began to take steps to invoke European freedom of information laws was the document eventually provided.

tion of the EC policy towards the WTO. The EC now accepts that *amicus briefs* may be considered by either a panel or the Appellate Body. However, it continues to support secrecy in WTO proceedings, a position defended on the grounds of bargaining efficiency but clearly inconsistent with a normative commitment to transparency as part of the political ethics of global governance.¹¹

Finally, there is much in the report on the need for coherence between policy areas at the global level. It is no secret that, after, 40 years, the EU itself is still struggling to find ways of reforming its decision-making apparatus to achieve such a goal. Could its own failings in this regard provide inspiration for global architects? A global Coreper would imply that substantive ministries, not only trade, be represented at the global level at the time of trade deals. Finally, the report develops the notion that only when the EU speaks with one voice can it aspire to be an actor with 'real world wide influence'. Is there not a contradiction between, on the one hand, observing that the EU provides a harmonious example of integration with diversity and, on the other, that it should suppress this diversity on the external front?

Perhaps the report's greatest merit is to bring the spotlight on to the EU itself and inspire us to think about 'how gentler forms of governance could be embedded within the EU itself' in the words of its rapporteur. To come back to our initial premise, while both the EU and the WTO currently face crucial crises of legitimacy, the crisis faced by the WTO and other symbols of global economic governance like the G8 or IMF has been more visible, dramatic and populist. The EU has not had its Seattle, Genoa or Gothenburg, or its multilateral investment agreement fiasco. Even the lost referendums in Denmark or Ireland have not had the dramatic quality of the anti-globalization campaign. So in some sense, EU actors involved in governance beyond the EU borders have had to think faster and further than their internal counterparts. The latter should listen.

Conclusion: Towards a Political Ethics of Transnational Governance

Against the backdrop of its growing internal legitimacy crisis, Europe's external role has expanded. It has also become one of the last and few areas where public opinion consistently supports strong EU competence and action. The Laeken Convention of December 2001 called for a more explicit definition of Europe's role in the world. Yet, most observers of the EU as a

¹¹ The EC proposes that panel or AB proceedings could be open to the public by the consent of the parties, which at first glance would seem an improvement on the *status quo*. At the same time, this position reflects the view that it is the interests of the parties that are exclusively important, and does not recognize a stake of affected non-governmental constituencies in the way in which cases are argued before the WTO.

global actor continue to stress the gap between its promise and performance on the external front or what has alternatively been referred to as expectation and capability (Hill, 1994; Miall, 1994). The culprit is alternatively seen in terms of resources, military or otherwise, at the EU level, the inability of Europeans to agree on external strategies and speak with a single voice, or the competition and lack of co-ordination between the foreign policies of Member States and that of the EU. What if, however, a major source for such a gap and the key to its world influence lay in the credibility of the narratives and reality of projection weaved by EU elites?

We have argued that, in order to address this question, the notion of Europe as a civilian power needs to be revisited in at least two ways. First, the opposition between military and civilian power does not need to be an absolute one. Second, while the relationship between internal and external goals and policies is a complex one, consistency is crucial. Third and relatedly, the goals that the EU sets itself externally need in turn to constitute the main benchmarks for internal policies. Ultimately, the EU would need to model itself on the utopia that it seeks to project on to the rest of the world.

In this light we believe that a federal vision for Europe compatible with if not systematically replicable at the global level calls for 'a move beyond hierarchy' from vertical paradigms of multi-layered governance to more horizontal ones of multi-centred governance where the legitimacy of the system as a whole is grounded in mutual tolerance, recognition and empowerment rather than in the design of common structures and the pursuit of homogenous practices' (Nicolaïdis and Howse, 2001). Under such a vision, *integration* can be more about diffuse governance than about centralization, horizontal mutual inclusiveness rather than vertical delegation of authority, and managing differences rather than engineering convergence. *Federalism* can be about exploring the boundaries of sustainable differences between individuals, communities and polities under a profound commitment to living together. Paradoxically perhaps, the lessons one can draw from the trajectories of 'federal' systems such as the US and the EU provide an alternative paradigm to world government and the multiplication of global institutions.

Our discussion of and support for the ideas developed in the Commission's report on global governance suggest that a more promising way of thinking about the challenges of governance beyond the state is to resist the temptation of pure institutionalist or legalistic thinking. Instead, change may come from the progressive development of a political ethics applicable across these contexts, albeit in different shapes and emphasis. Such an ethics would be under-determinative of outcomes (it does not provide immediate solutions) and would not solve the issue of 'identity', yet it would provide a way of proceeding. It would reflect justified scepticism towards any utopian

normativity that demands absolute principles of substantive justice, regardless of context, or fetishizes any particular set of policy instruments or institutions, asserting their legitimacy independently of the inclusiveness and openness of the process by which they have been chosen. It is more concrete than constitutional patriotism, more universalist than notions of *Volk*, culture and historical underpinning of political community. It would be part of what some have referred to as 'international public space' giving content to the attitudes, discourse and action of the people within it. While it is not predicated on the existence of community, it provides more substantive grounding than pure communities of association; that is, commonalities of people bound by shared projects. That such a political ethics provides a basis for how Europe behaves towards others helps to save it from collapsing into an exclusivist concept of European 'standards of civilization'. It is concrete, emerging from the experience of building and re-imagining the European Union as a political community; but it is also universalist or at least open in aspiration.

In sum, the EU's very own crisis of legitimacy and institutional limitations have created an imaginative reconstruction by some of its elites which then serve as a basis for narratives of projection. This reconstruction repackages and magnifies real, ongoing, progressive reforms. Yet, it assumes away the lack of visible democratic underpinning for this progressive venture within the EU itself. It is time that EU elites recognized the synergies of crises that affect their construct at the regional and global level. In doing so they would, we would suggest, perhaps at least recognize the utopia for what it is and thus re-imagine how ...

'we'd gather around all in a room ...
 disagree sans judgement ...
 stay and respond and expand and include ...
 divulge and open and reach out and speak up ...
 all coast down into safety nets ...
 share and listen and support and welcome ...
 be propelled by passion not invest in outcomes
 breathe and be charmed and amused by difference ...
 be gentle and make room for every emotion ...'

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References

- Aldred, K. and Smith, M. (1999) *Super-Power in the Post-Cold War Era* (New York: St. Martins Press).
- Alston, P. and Weiler, J.H.H. (2000) *The European Union and Human Rights* (Florence: European University Institute).
- Atkinson R. and Davoudi, S. (2000) 'The Concept of Social Exclusion in the EU: Context, Development and Possibilities'. *Journal of Common Market Studies*, Vol. 38, No. 3, pp. 427–48.
- Aufret, D. (1990) *Alexandre Kojève: La philosophie, l'Etat, la fin de l'histoire* (Paris: Bernard Grasset).
- Bretherton, C. and Vogler, J. (1999) *The European Union as a Global Actor* (London: Routledge).
- Bull, H. (1983) 'Civilian Power Europe: A Contradiction in Terms'. In Tsoukalis, L. (ed.) *The European Community – Past, Present and Future* (Oxford: Basil Blackwell), pp. 150–70.
- Bulmer, S. and Scott, A. (eds) (1994) *Economic and Political Integration in Europe: Internal Dynamics and Global Context* (Oxford: Blackwell).
- Búrca, G. de and Scott, J. (2001) *The EU and the WTO: Legal and Constitutional Issues* (Oxford: Hart).
- Commission of the European Communities (2001) Report of Working Group No. 5, 'Strengthening Europe's Contribution to World Governance', May (pilot: R. Madelin, rapporteurs: R.W. Ratchford, D. Juul, J. Jorgensen).
- Davidson, I. (1993) 'Europe between Nostalgia and Utopia'. In Story, J. (ed.) ? , pp. 475–92.
- Debray, R. (1999) *Le Code et le glaive. Après l'Europe, la nation?* (Paris: Albin Michel).
- Duchêne, F. (1973) 'The European Community and the Uncertainties of Interdependence'. In Kolistamm, M. and Hager, W. (eds) *Nation Writ Large: Foreign Policy Problems Before the European Communities* (London: Macmillan).
- Eatwell, J. et al. (2000) *Hard Budgets, Soft States: Social Policy Choices in Central and Eastern Europe* (Southampton: IPPR).
- Edwards, G. (2000) 'Europe's Security and Defence Policy and Enlargement: The Ghost at the Feast?' Florence, EUI Working Paper RSC No. 2000/69.
- Farrell, M. (1999) 'The EU and WTO Regulatory Frameworks: Complementarity or Competition?' (London: Kogan Page).
- Foot, R., Gaddis, J. and Hurrell, A. (eds) (2003) *Order and Justice in International Relations* (Oxford: Oxford University Press).
- Galtung, J. (1973) *The European Community: A Superpower in the Making* (London: Allen & Unwin).
- Gills, B. (2000) *Globalisation and the Politics of Resistance* (Basingstoke: Palgrave).
- Gnesotto, N. (1998) *La puissance et l'Europe* (Paris: Presses des Sciences-Po).
- Grabbe, H. and Nicolaidis, K. (2000) 'Fostering Social Inclusion in Central and Eastern Europe: The Role of EU Accession Conditionality'. World Bank Working Paper 39.

- Habermas, J.
- Held, D. (1995)
- Held, D. (1999)
- Hill, C. (1990) 'European Foreign Policy: Power Bloc, Civilian Model – or Flop?'. In Rummel, R. (ed.) *The Evolution of an International Actor – Western Europe's New Assertiveness* (Boulder, CO: Westview).
- Hill, C. (1994) 'The Capability–Expectations Gap, or Conceptualizing Europe's International Role'. In Bulmer, S. and Scott, A. (eds).
- Hill, C. (1998) 'Closing the Capabilities–Expectations Gap?' In Peterson, J. and Sjursen, H. (eds) *A Common Foreign Policy for Europe?* (London/New York: Routledge), pp. ?.
- Hines, C. (2001) *Localization: A Global Manifesto* (London: Earthscan).
- Hourtart, F. and Polet, F. (eds) (2001) *The Other Davos: The Globalization of Resistance to the World Economic System* (London/New York: Zed Books).
- Howse, R. (2002) 'From Politics to Technocracy – And Back Again: The Fate of the Multilateral Trading System'. *American Journal of International Law*, Vol. 1, pp. 94–117.
- Howse, R. and Nicolaïdis, K. (2001) 'Legitimacy and Global Governance: Why a Constitution for the WTO is a Step Too Far'. In Porter, R. *et al.* (eds).
- Kagan, R. (2002) 'Power and Weakness'. *Washington Policy Review*, No. 113.
- Keohane, R.O. and Nye, J.S. (2001) ? . In Porter *et al.* (eds).
- Lamy, P. (2001) 'Global Policy without Democracy?.' Speech given to the Conference on the Participation and Interface of Parliamentarians and Civil Societies for Global Policy, Berlin, 26 November.
- Linklater, A. (1998) *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polity Press).
- Maduro, M. (2001) 'Europe and the Constitution: What if this is as Good as it Gets?'. In Weiler, J.H.H. and Wind, J. (eds) *Rethinking European Constitutionalism* (Cambridge: Cambridge University Press).
- Magnette, P. (2000) L'Europe, l'Etat et la démocratie (?:?).
- Miall, H. (ed.) (1994) *Redefining Europe: New Patterns of Conflict and Co-operation* (London: Pinter/RIIA).
- Miller, D. (1995) *On Nationality* (Oxford: Clarendon Press).
- Milward, A. (1992) *The European Rescue of the Nation-State* (London: Routledge).
- Moravcsik, A. (1998) *The Choice for Europe* (Ithaca: Cornell University Press).
- Nicolaïdis, K. and Egan, M. (2001) 'Regional Policy Externality and Market Governance: Why Recognize Foreign Standards?'. *Journal of European Public Policy*, August (to be reprinted in Mattli, W. (ed.) (2002) *Political Economy of Standardization* (Cambridge: Cambridge University Press).
- Nicolaïdis, K. and Howse, R. (2001) *The Federal Vision: Legitimacy and Levels of Governance in the US and the EU* (Oxford: Oxford University Press).
- Nicolaïdis, K. and Lacroix, J. (2002) 'Order and Justice Beyond the Nation-State: Europe's Competing Paradigms'. In Foot, R. *et al.* (eds), pp. 125–54.

- Ostry, S. (1997) *The Post-Cold War Trading System* (Chicago: University of Chicago Press).
- Petersman, E.U. (2001) 'European and International Constitutional Law: Time for Promoting "Cosmopolitan Democracy" in the WTO'. In de Búrca, G. and Scott, J. (eds).
- Porter, R., Sauve, P., Subramanian, A. and Zampetti, A. (eds) (2001) *Equity, Efficiency and Legitimacy: The Multilateral System at the Millennium* (Washington, D.C.: Brookings)
- Rawls, J. (1999) *The Law of Peoples* (London: Harvard University Press).
- Schnapper, D. (1994) *La Communauté des citoyens: sur l'idée moderne du nation* (Paris: Gallimard).
- Shaw, J. and Wiener, A. (1999) 'The Paradox of European Polity'. Jean Monnet Working Paper Series, No. 10/100.
- Smith, K. (2000) 'The End of Civilian Power Europe: A Welcome Demise or Cause for Concern?'. *International Spectator*, Vol. 35, No. 2, pp. 11–28.
- Stavridis, S. (2001) 'Why the Militarising of the European Union is Strengthening the Concept of "Civilian Power Europe"'. Florence: EUI Working Paper Series RSC No. 2001/17.
- Strauss, L. (1991) *On Tyranny*. Revd and exp. edn edited by Gourevitch, V. and Roth, M.S. (New York: Free Press).
- Todd, E. (1999) *Essai sur la stagnation des sociétés développées* (Paris: Gallimard).
- Walker, N. (2001) 'The EU and WTO: Constitutionalism in a New Key'. In de Búrca, G. and Scott, J. (eds).
- Weiler, J.H.H. (1999) *The Constitution of Europe* (Cambridge: Cambridge University Press).
- Whitman, R. (1998) *From Civilian Power to Superpower? The International Identity of the European Union* (Basingstoke: Macmillan).
- Whitman, R. (1999) 'Developing Capabilities Reducing Expectations: The Rebirth of Civilian Power Europe?'. Paper presented to the ECSA-USA Biennial Conference, Pittsburgh, 2–5 June.
- Wincott, D. (2001) 'The Commission and the Reform of Governance in the EU'. *Journal of Common Market Studies*, Vol. 39, No. 5, pp. 897–911.