The ability of a European Constitution to forge a European identity

M. Rainer Lepsius

Identity is an ambiguous term, which cannot be readily associated with the establishment of a constitution within the European Union. Identity means the socio-psychological process of the formation of biographical continuity, taking into account changing life circumstances, role expectations and the consequent behavioural demands. The creation of an individual personal unit encompasses role conflicts and heterogenous alignments of value, which are homogenised to a greater or lesser degree. The self-descriptions and the descriptions given by others, which individuals, groups and social structures allow to apply to themselves, form the point of departure for the establishment of their identity. A whole range of categories can be applied. These include sex and age, skin colour and origin, language and religion, profession and social status, value convictions and moral postulates, transnational, national and local frameworks. Plural identities can be formed from this complex network of categories. The significance of the value of the reference criterion and the behavioural situation determines what distinguishes behaviour at any given time. Thus even sex, which is registered as a primary feature of identity, may become secondary and even irrelevant in specific behavioural situations. Furthermore, long-standing attributions of identity may suddenly fundamentally alter, as may be the case for example in the event of religious or political conversion experiences. The combination of self-selected and attributed socio-cultural criteria that arise during the establishment of identity is in many respects ambivalent and subject to change. Consequently, identities are firstly multifaceted, they are secondly selectively activated in different behavioural contexts and are thirdly non-uniformly relevant to behaviour, dependent on the value attributed to the individual reference criteria.

Collective groups, that is to say an indeterminate number of highly different individuals, conceptualise their own character by reference to imagined communities. Such imagined communities include in particular nations, cultural groups, language communities and political entities. In such socio-cultural constructions, an objective area is described, which is ascribed an independent value and towards which behaviour is oriented. Imagined communities therefore contain first of all a named objective, secondly a normative claim to validity and thirdly a power of orientation capable of directing behaviour. National consciousness develops where a nation is categorised by being distinguished from other nations, where it is adjudged a normative value and gears itself to these moral concepts and behavioural demands. Complex cognitive constructs and socio-cultural and behavioural orientations are formed. They are not "natural", even if they frequently purport to be "objective". In the case of Japan for example, the reference object is clearly dis-

tinct from other nations through its island situation, with a very high quality rating derived from its mythological past; Japan offers its population, which is homogenous in language and cultural terms, a relevant direction in behavioural terms. However, most nations are products of successfully operating ruling edits and associations that have been able to assert a collective notion of order. Using force, modern states have managed to create nations. Costly wars were fought to secure external borders, and the homogenisation of the peoples within these borders was asserted by means of force, majorities were suppressed, national values imposed and behaviour orientated towards the sovereignty structures. In this respect, modern nation states are the product of educational, military and fiscal compulsion. In order to create legitimacy, claims were made in relation to equality of origin, a specific "cultural mission", a historical community of fate.

The prevailing national consciousness in each case is the product of the degree of institutionalisation of cognitive notions of order of the prevailing sovereignty structure, and of the behaviour directed towards these. In this way, moral concepts are defined in concrete form and their validity for specific contexts of action is standardised. In the case of Germany, the national consciousness transformed, when the *Reich* was established in 1871, from membership of a "cultural nation" in a number of different state units, into a "political nation". The Germans within the *Habsburg Reich* left the German political nation, although they remained part of the German cultural nation. During the decades of the divided Germany, the prevailing balance of power compelled the creation of two independent German states, each with their own self-image. The military, political, economic and (following the construction of the Wall) social frontiers led to different descriptions by others and self-descriptions with behavioural orientations for specific contexts of action. The concept of the German nation state faded into a memory. The reunification increasingly appeared unrealistic, and some even considered it undesirable. However, when the world political situation suddenly altered, the concept of order of the German nation state was revived both in Germany and abroad, determined behavioural orientation and legitimised the unification of two different state, political, economic and social units as "natural". In the words of *Willy Brandt*: what belonged together should grow together. The German situation demonstrates the historicity of national identification and the acutely differing value relevances of the moulding of the content of national consciousness and its normative expressive force as regards human behavioural orientations. The order concept of the nation can be based on the assumpton of an ethnic homogeneity (which was radicalised towards racial identity under National Socialism), or on the assumpton of cultural equality, defined by language or religion. It may also be established on the basis of the concept of equality of citizens, without thereby presupposing equality claims of an ethnic or cultural nature. Accordingly emphasis is placed on different values and standardisations of behaviour.

These introductory remarks are intended to give structure to the deliberations below in relation to the ability of a European Constitution to forge identity. Constitutions define in concrete terms general notions of order and give them binding force. They achieve this by determining a sovereign association, by giving it an external frontier, by defining its value relevance and by circumscribing its sphere

of validity. Constitutional standardisations represent a high degree of institutionalisation of definitions of value and behavioural standardisation, towards which behaviour is orientated.

I. Europe as a political unit

In the European Union, we have an institutionalised sovereign association, which serves as a reference object during the forging of a European identity. For the first time, a political unit has arisen alongside the geographical, cultural and historical views of Europe. Individual nations have always allied themselves with European concepts of order. Both the Germans and the French, but also the Russians, are considered Europeans. The European cultural space covers a number of different cultures: the heritage of antique Greece, Eastern and Western Rome, the Roman Catholic, Greek Orthodox and Protestant Europe, its multilingual literature and philosophy. This space is divided into many nations, who describe themselves as European. Despite major differences and varied historical development processes, wars, suppression and liberation, there developed an awareness of belonging to Europe. Many criteria may be applied to the forging of European identity. The European Union has added a new dimension to the formation of identity. The new feature is a political unit with a central opinion-forming and decision-making structure, with binding coordination of political areas and a joint legal system, in sharp contrast to the history of the European nation states, with their endless wars, differences and claims for dominance. Individual states within Europe resisted all efforts at supremacy, and emphasised their autonomy and sovereignty. Europe's political order involved a relentlessly unstable "balance of powers" with no focus. The major powers saw themselves as "world powers", and during the colonial era they did in fact rule the world. World powers are able to form tactical alliances, but cannot conclude agreements on common interests. It was only the experiences of the Second World War, which highlighted the fact that even the major nation states were no longer "world powers", that they were no longer capable of independently asserting their interests and that enduring European peace was an existential prerequisite for all European states, that led to a change in the European political order, to the concept of the formation of a supranational community. This has now developed into the European Union with far-reaching competencies, binding regulations and legislation. The old notions of Europe have been superseded by a new political order. Their interest in belonging to this new Europe led to processes of alignment with this multinational unit and to orientation of behaviour towards the laws of the Union.

The Constitution gives concrete and legally binding shape to this new reference level for the establishment of identity.

II. The indeterminate frontiers of the Union

Every object of identification is distinguished from other units, and to this end, its frontiers must be determined. When it was first formed, the European Community did not envisage binding frontiers, but remained open to the accession of additional members. As a consequence, the original Community of six has gradually become a Union of nine, twelve and finally fifteen Member States. They were all situated to the West of the "Iron Curtain", and their eligibility for membership was determined on the basis of their democratic and market economic systems and the value they attributed to human rights. The "Iron Curtain" formed the clear Eastern frontier of the Community. After it was lifted and Soviet Imperialism was swept away, the Eastern frontier opened up. Eight Central and Eastern European States have already joined the Union. The desire of these countries to join, and their appeal to old geographical, cultural and historical patterns made the expansion towards the East something of a "matter of course". As a result, the character of the Union changed, it became more heterogenous, more complex. The social and economic differences between its members have increased significantly.

But even following the latest accessions, the frontiers of the Union have by no means closed. There are a further nine more states, whose belonging to Europe cannot be disputed. These are Rumania, Bulgaria, Croatia, Serbia, Bosnia-Herzegovina, Montenegro, Kosovo, Macedonia and Albania. There are particular problems associated with the integration of the Balkan States, because some of them are far from being consolidated on a national level. Examples are Bosnia, Montenegro, Kosovo and Macedonia. The same applies to the new member Cyprus. The non-members Norway and Switzerland are special cases. As a result, the Union is not yet territorially complete, it has not yet achieved "closure". In the foreseeable future, the number of its members is likely to gradually increase, from its present level of 25, to around 35.

In addition, we are confronted by the keenly disputed planned accession of Turkey. By allowing Turkey to join, we would be including a country in the European Union which, according to the established perceptions, does not belong to Europe in either a geographical, cultural or historical sense, thus whose accession cannot be deemed to be a "matter of course". By allowing Turkey to join, the Union would be overstepping the traditional criteria of Europe. There would have to be a special reason for this, such as has not been required for the accessions to date. In Turkey's favour, it is said that as a result of its membership prospects, its democratisation process is being strengthened, that it would develop into a civil society, protecting human rights, that it could become a model for the compatibility of Islam and "Western" society. These are clearly desirable objectives. However, even if Turkey were to recognise human rights and become organised along democratic and market economic lines, would it then become part of Europe? Turkey's accession is desirable, not for reasons related to European consolidation, but with a view to configuring Europe's foreign relations with the Islamic countries. The westernisation of an Islamic society through its integration into the European Union is a goal of world politics, not specifically one of Euro-

pean politics. However, this would have far-reaching consequences. Turkey's integration would push the European frontier close to Syria, Iraq, Iran, Armenia, Azerbaijan and Georgia, its stabilisation would become more complex and problematic. However, the Ukraine is already on the list of possible accession candidates after Turkey. Russia has been part of Europe since *Peter the Great*, but it is simultaneously an Asian Empire. Is the European Union en route to becoming a Eurasian Union? What kind of identity could we then expect to be forging?

One thing is clear: although the European Union may be a defined object of self-reference, its frontier remains indeterminate. The accession criteria do not include any grounds for exclusion against a country which meets the criteria and wishes to join the Union. The frontiers are ever expanding, and new members in the form of adjacent countries give rise to new accession problems. Every unit wishing to cultivate an identity needs to be distinguished from other units, since otherwise its self-description will become unclear, and consequently the forging of identity will also remain vague. The Europe of 15 had acquired a self-description and a description by others, which also led to reciprocal identifications of the Member States. The same will apply to the Europe of 25. Established self-conceptualization and classifications by others support these processes, even as heterogeneity increases. In the case of Turkey, the historical and geographical willingness to accept breaks down. If Turkey were to be accepted as a member, European identity would have to be redefined, in a way by which increasingly more adjoining states, e.g. the countries around the Mediterranean, could be considered as possible members of the European Community.

III. The duality of the supranationality of the Union and the sovereignty of its members

The TEC determines the institutions, decision-making and competence of the European Union with precise accuracy, but duality remains a feature of the constitutional principles. Although the Member States administer important sovereignty rights jointly, their independence is safeguarded. Individually, they are members of the United Nations, but the European Union is not. Without their approval, the European institutions can make no decisions. Although unanimity is no longer necessary in an increasing number of circumstances, they remain the "Masters of the Treaties". Furthermore, the European Parliament has co-determination rights, which the Council of Ministers may not circumvent. The TEC combines elements of a confederation based on international treaties, with those of a federal state with outsourced competences for supranational legislation, and those of a parliamentary democracy. The Union has not yet established finality as a sovereign system. It remains a "project", moving towards a horizon which remains open.

The Member States determine the nature of the opinion-forming and legitimise the Union for its citizens. This is expressed for example through the fact that the European elections are determined by criteria related to individual national political situations, the parties within the European Parliament are nationally structured

and the assessment of the efficiency of the Union's decisions is based on national interests. The Member States are equally entitled partners, who are also represented in the European Commission, the Union's "Government", by their own Commissioner. On the other side, the Union has a centre, whose decisions permeate through to Member States and limit their autonomous creative force. National regulations may be repealed by the Union, and uniform rationality criteria are imposed on Member States. A composite system arises, which does not permit clear responsibility either to the Union or to individual Member States. In view of this unclear classification, despite its increasing importance, the European level has not made itself so autonomous as to have become a category for Europe's self-description which is independent of the Member States.

The institutions of the Union are entwined in complex negotiation structures, and individually they do not have adequate representational force, which could be used in a self-description of "Europe". The European Council is made up of the Heads of State and Heads of Government, i.e. the representatives of the Member States. The Council of Ministers consists of specific decision-making committees, which debate behind closed doors. The Commission, which is more or less the "Government" of the Union, only makes a full appearance on occasion, whilst the individual Commissioners have greater visibility within their individual spheres of responsibility. The President occupies an elevated position, but does not represent the Union as such on behalf of the populations of the Member States, as do their respective Premiers and Prime Ministers.

The position of the European Foreign Minister, who, as it were, wears "two hats", is new. First of all, he is the representative of the Council of Ministers for the common foreign and security policy and the permanent chairman of the Political and Security Committee of the Council of Ministers, to whom the Foreign Ministers of the Member States belong. Secondly, he is a member of the Commission and one of its Vice Presidents. This dual position will give him prominent weight, and in view of the importance and topicality of questions related to foreign and security policy, considerable personal visibility. He will represent the strongest symbol of the European Union during all conflicts of a foreign policy nature and during international negotiations. His dual role means that he will represent the Union more or less on behalf of its members. By creating the post of European Foreign Minister, the Member States are reacting to the Union's new duties in Bosnia, Macedonia and Kosovo, and also in the Near East (Palestine, Iraq, Iran). This involves institutional innovations. The Foreign Minister links the formerly partitioned relationship between the Council of Ministers and the Commission. He will also develop his own diplomatic service, which will consequently become a parallel authority to those of the Member States. This does nothing to promote the sought-after transparency of the Union's institutions.

Finally, the European Parliament remains an institution which represents the Union as a whole. It constitutes the most important platform for a European discourse, as the only body which meets publicly and discusses legislation. It is extremely important in fostering the growth of public opinion in Europe. However, the Union is not a parliamentary regime, the European Parliament has no budgetary rights, cannot levy taxes, remains as tied both to the subsidies of the Member

States as to the monopoly of the Commission in relation to the tabling of bills for resolution in the Council of Ministers and in the Parliament. As a result, the Parliament only plays a limited role in the Union's self-description. In addition, its delegates have little visibility within the national political discourses conducted in the individual national parliaments without the involvement of the European deputies. Despite their reduced decision-making powers in comparison with the European Parliament, national parliaments still have considerably more symbolic representative force.

The ambivalence of the Constitution between the principles of the "confederation" and the "federal state" also determines the perception of Europe and identification with it. No European nation exists as the true source of the sovereign rights. The European nation is made up of the nations of the Member States of the Union. The TEC does nothing to alter this. The huge step needed to overcome the dual nature of the Union has not been taken. The sovereignty of the Member States, and consequently their significance in forging an overall identity, is retained in the Union's multiple level regime.

The construction of identity is also in line with the constitutional model of the European Union. European identification cannot be clearly distinguished from individual nationally established identities. Diversity arises, within which national identifications dominate.

IV. Value relevances of the European Union

In order to develop an identification into an order, its value must be enhanced. The forging of identity is based on a commitment to moral concepts, which are to be represented and realised by this order. The stronger the value relevance, the stronger the identity which it is able to generate.

The Union relates to human rights and basic rights, with an explicit charter of human rights being incorporated into the Treaty. Peace, democracy, prosperity and validity of the law are to be achieved within Europe. These are also the criteria which apply to the constitutions of the Member States. The value relevances of the Union do not bring them any new value orientation, which could be binding in bringing a specific identification with the Union. As a result, its Constitution does not involve any fundamentally new value horizon, such as was the case with the American Constitution or even with the Constitution of the Federal Republic of Germany in 1948. In view of the very little specificity of identifications with a Europe of many languages and cultures, historical borders and differences, a higher value relevance, such as constitutions are able to provide, would be important. This applied to the immigrant society of the USA, and also applies to the new German Federal Republic, which had to constitute a new political order following the division of the country and the far-reaching corruption of national German values by National Socialism and German warfare. A "constitutional patriotism" developed on this basis. The German Constitution offered a value relevance as a means of identification with the new State and the moral orientation towards new

institutional order. In the form of the German Federal Constitutional Court, it was also given an institution for the ongoing interpretation and reinforcement of the value relevances of the Constitution.

The European Union is in a comparable position. It too needs a value relevance which bridges the nation states, with which they are able to make an emotive link. However, it is difficult to develop a separate assessment of the European constitutional values. Under the general value relevances, the European Union represents a "world model", which generates no specific European value, from which an identification can be established. The model of human rights, democratic sovereign constitution and market economy is also found in Japan, India, South America, Canada, Australia, New Zealand and in parts of Africa. What special features of the Union Constitution could give rise to separate assessment and related identification?

Three elements could be considered in this respect. The first is peace and freedom between its members that the Union guarantees. In view of Europe's history, the peace and freedom unquestionably represent the strongest value of the European Union. The history of the break-up of Yugoslavia is proof enough that wars between the successor countries, the persecution of minorities and ethnic cleansing could well have been avoided if the former Yugoslavia had been a member of the European Union. Although not all conflicts between minorities have been peacefully solved within the European Union, as witnessed by the lengthy conflicts in Northern Ireland and in the Basque Region, the guarantee of internal peace and freedom represents the core value relevance of the formation of the Union.

The second is the project forming communities out of societies constituted as independed states. This second project by the Union has a specific European character. This is linked to the development of a novel institutional structure, which coordinates a number of political areas through varying densities of unification and an informal coordination. Although the model of a European political system, which is new in comparison with the traditional central state, is not yet fully formed, its force of orientation has asserted itself, and European rationality criteria must be adhered to by the functional elite in the Member States.

The third project is the realisation of a European social model. Initial signs for this are appearing, but are being pushed into the background through the dominance of the problems associated with economic globalisation. The "Lisbon Strategy" aims to increase international competitiveness and to promote social cohesion within the Union, and is targeted at a specific European social order. Its contours are still unclear, since the Western European models of the welfare state have come under serious pressure to reform. In addition, the model of the Western welfare state hardly has pan-European validity, as a result of the expansion towards the East and in particular the prospective accession of Turkey and the Ukraine.

All three projects, namely European peace, the formation of a European "composite of nationalities" and of a European social space, are anchored in the Constitution. They also offer criteria for self-description and for supranational formations of identification based thereon. Constitutional provisions alone are not

enough, the moral concepts must be institutionalised in order to have the effect of directing behaviour. In this respect, the Union is still not a concluded project, the establishment of identification is determined by ongoing complex institution-nalisation processes. The Constitution reflects the current status of this process, it does not determine its finality. Accordingly, the value relevances towards which identification with the European Union is directed, are not yet clearly shaped.

V. Responsibilities and expectations

The nature and degree of identification with a political regime are determined by its responsibilities and competencies, and by the degree to which the expectations made of it are fulfilled. The Union acts within the framework of entitlements by its members, it has no general competence. It developed out of an economic community through the levels of the customs union, the creation of a large internal market, into an economic union and partial currency union. Its goals were freedom of cross-border traffic of persons, goods, services and capital. This was intended to save transaction costs, increase competition and finally to raise productivity. All Member States were to achieve an increase in the level of welfare through economic growth. Competences remain restricted to selected political areas. Accordingly, expectations were directed to a great extent towards instrumental goals. Cost-benefit calculations validated the Union. Based on such considerations, the Union acquired a high level of acceptance amongst its peoples and membership was considered to be beneficial. Added to this came the aid financed by the Union, from the Structural and Cohesion Funds, which were and remain important in macroeconomic terms, in particular for the underdeveloped accession countries of Greece, Portugal and Spain, but also for Ireland. It was not possible to develop an emotively tinged identification on this basis.

New spheres of activity were added with the TEU and the 1992 EC-Treaty, and competencies extended gradually. The Union was given responsibilities in the fields of environmental protection, health policy, consumer protection and research and technology policy. These were supplemented by the common foreign and security policy and cooperation in legal and internal policy and the formation of a European Central Bank. The density of regulations increased considerably, and Member States became increasingly dependent on the Union's Directives. The scope of responsibility of the old economic community was extended. The Union was to "organise, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples", "promote economic and social progress", introduce "citizenship of the Union" and "respect the national identities of its Member States" (Title I of the TEU). In 2000, the European Council adopted the "Lisbon Strategy", under which the Union was to become the most competitive and dynamic, knowledge-based economic area in the world by 2010. But growth rates fell back steadily, unemployment rose, as did debt in major Member States. It was not possible to fulfil the 2000 Agenda. In addition to economic stagnation, we have experienced demographic shrinkage, the overburdening

of the national social security systems, the globalisation of markets beyond the
frontiers of the Union, and competition from low wage countries both within and
outside the Union. The isolation of its economic policy from the other policy
areas, which was characteristic of the European Economic Community, reached its
limits. At the same time, the view of the achievements of the Union became less
positive. This is also clear from the increasing ambivalence towards the new
Union Constitution amongst the political elite in a number of Member States, and
consequently also amongst their citizens. In view of the new problems, combating
unemployment, rebuilding the social systems, demographic development and
market globalisation, the significance of Union policy became reduced, whereas
national reforming efforts became more important to citizens. In these circum-
stances, identification with the Union will not increase, but expectations will be
directed instead at the national level, with its competencies for social reforms in
the spheres of employment, social security and education. At the same time, the
density of regulations that has been reached has brought a reduction in the capac-
ity of Members to adapt, for example through the debt limits within the currency
union, or the ban on subsidies for national industrial and structural policy.

The Union's integrative force is reducing, and national preferences are becom-
ing more influential. This is clear for example from the conflicts in relation to the
Union budget contributions. The net payers want to freeze the Union's financial
funds, although its need for financing is increasing as a result of the new accession
countries. The countries who were previously the recipients of aid from the Struc-
tural and Cohesion Funds are reluctant to see their allocations reduced, and even
the former agricultural subsidy policy cannot any longer be continued in the same
way. The expectations of the new accession countries cannot be met by restricting
financial support. However, the TEC has brought no innovations in relation to the
Union's financial constitution.

The restriction of the responsibilities of the economic community, coupled with
the singular rise in welfare in Western Europe, has contributed hitherto to the
acceptance of Union competence. Its expansion will impose ever greater expec-
tations on the Union. This will generate more efforts to extend competence, which
can be justified by the functional interdependence of the political areas. The wid-
ening of the Union's competence is combined with a reduction in the competences
of the Member States. Inasmuch as the legitimacy and identity of the Union de-
pends on the complementary capacity to act of Member States, the expansion of
competence endangers the legitimacy of the Union. This problem was formerly
displaced by the belief in the effect of market expansion and an increase in pro-
ductivity brought about through competition. The division of competence between
the Union and the Member States also remains unclear within the TEC. This af-
fects both the efficiency of the Union and that of its Member States. It decides far
more than the question of opinion-forming, decision-making and the exercise of
the Union's authorities to act. It has a direct effect on the basis of the Union, its
legitimacy and identity, based on the ability of Member States to structure the
living conditions of their populations, to legitimise the inequalities in national
pacts between interest groups and parties and to secure solidarities for unequal
distributions.

VI. European identities

The European Union is a multinational political system. Its Constitution makes explicit reference to the safeguarding of the national identities of the Member States. Their governments shape the Union's configuration assignment and also determine its actual policy through the Council of Ministers. The Member States guarantee the legitimacy of the Union and the compliance of its peoples. They transpose the Directives into national law, they accept the judgments of the European Court of Justice, they have the administrative monopoly for implementation of European legislation. However, they also take responsibility for the consistent adaptation of national procedures and for action to European requirements. If decisions are taken via unanimous resolutions in the Council of Ministers, then the Member States are directly involved, in their own name, in action at Union level. The increasing number of issues which can be resolved via qualified majorities in the Council of Ministers, is slackening this direct involvement of the Member States. They can be outvoted, in which case they are no longer the guarantors of legitimacy and compliance in regard to their citizens. The governments of the Member States however represent the political and social basis of the Union.

The integration of Union policy at multiple levels produces restricted public involvement, which takes place indirectly through the governments of the Member States and the members of the European Parliament. The public are only directly mobilised to tackle European questions through occasional referenda. There was no pro-European outcome in the referenda in France and the Netherlands and in the past also in Great Britain, Ireland and Denmark. Generally speaking, people entrust the safeguarding of their national interests to their own governments. In view of the distance between the individual citizens and the European Union, their greater proximity to the Union is increasingly demanded. The introduction of Union citizenship also served this aim. However this is linked to the citizenship of a Member State, and does not give rise to any significant own rights. Symbolic projects, such as the annually alternating proclamation of European capitals of culture, city partnerships, information and study centres, are not capable of bridging the gap between the European Union and its citizens. The proposal of a referendum for a European President has failed because it is contrary to the principle of a parliamentary democracy, simulates a uniform European "national state", and personalises and consequently seemingly de-institutionalises structural problems associated with the Union construction and its social basis. This in particular is contrary to the TEC. It is a coordinating statute of extreme institutional complexity, and not a structuring of the exercise of sovereignty comparable to the national state of the 19th Century. All efforts at developing a European identity must remain free of analogies with the national state. The European Union cannot strive towards the internal homogenisation of its citizens, and thereby towards identification with a specific collective group. It pursues instrumental projects. Following the creation of a single internal market, it is now tackling the problems associated with the expansion towards the East. These are quite extraordinary, since the incorporation of the 10 new accession countries means an increase in the size of the

union by 33%, an increase in its population by 28% but an increase in its gross domestic product of only 9%. Moreover, the impending accessions increase these duties. What is needed is not a symbolic forging of identity, but an understanding of the rationality criteria of the competition and aid policy, the approximation of laws and a structural policy to reduce socio-economic imparities.

The increasing highlighting of rationality criteria for determining objectives and for the implementation of European policy are all inherent in the formation of the Union. They relate to a level on which the traditional rules of the Member States do not represent normative prescriptions, but simply variations. For example, a European water policy is based on criteria which apply to dry areas and areas with high precipitation levels, it is directed, in the form of management units, towards river basins which cross national borders, and establishes equal water quality criteria. A new spatial reference, which is subject to common criteria and replaces traditional national water management criteria, arises. Multinational experts develop such rationality criteria, towards which the functional elite strive. This applies to all the areas of Union policy, namely competition and aid policy, structural and regional policy, consumer and environmental policy. A political European consciousness is formed through the aggregation of such processes and the familiarisation of the national officials with the validity of these rationality criteria. The institutionalisation of regulations and procedures precedes the shaping of opinions. The Constitution plays an important part in this. It provides a binding framework for opinion-forming, decision-making and implementation of European rationality criteria. A European consciousness is gradually spreading. It arises initially amongst international experts and the national functional elite, and finally includes those who are directly affected by the European regulations. The greater the sphere of validity of European regulations, the more persons are covered by it, and the greater the likelihood that populations will in part describe their perception of reality as "European". A "post-traditional identity" develops from this (*Habermas*).

The European Union is a multiple level system, which covers supranational, national, regional and very many intermediate and civil interests and conflict solution processes. Identification processes arise at all levels, offering those involved references for their action based on individual situations. A post national identification with Europe develops within this composite, which moves away from traditional identifications from the nation, the culture, history and language, without thereby losing their force of orientation. Dependent on the actual situation in which action is required, and its meaning, one or other identification will direct action. We cannot expect an overriding dominance of identification with the still unfinished "Project Europe", as was formerly the case in relation to national consciousness. In any event, this would be excessive for the Union, and would only compromise its internal balance as a "state of nationalities". Flexibility of European identities would be appropriate in achieving the requisite flexibility of the "multiple level model" of the Union. To convey via this the universalistic values of the Union coupled with the particularistic perceptions of the institutions at national level, which each shape their own interests, would strengthen the Union.

Bibliography

A wealth of literature exists in relation to questions concerned with the forging of a European identity. The list below contains just a few of the books which are more directly linked with the topic of this paper.

Bach, Maurizio, Die Europäisierung der nationalen Gesellschaft?, in: *Id.* (ed.), Die Europäisierung nationaler Gesellschaften, Wiesbaden 2000 (and also other papers from the same omnibus volume).

Bogdandy, Arnim von, Europäische und nationale Identitäten: Integration durch Verfassungsrecht. Veröffentlichungen der Vereinigung der Deutschen Staatsrechtslehrer, Vol. 62, Berlin 2003, p. 156-193.

Eisenstadt, Shmuel N., Kollektive Identitätskonstruktion in Europa, den Vereinigten Staaten, Lateinamerika und Japan, in: *R. Viehoff* and *R.T. Segers* (eds.), Kultur, Identität, Europa, Frankfurt 1999, p. 370-400.

Gephart, Werner, Zur sozialen Konstruktion europäischer Identität, in: *W. Gephart* and *K.-H. Sauerwein* (eds.), Gebrochene Identitäten, Opladen 1999, p. 143-168.

Habermas, Jürgen, Geschichtsbewußtsein und posttraditionale Identität. Die Wertorientierung der Bundesrepublik (1987), and: Braucht Europa eine Verfassung? (2001), in: *Id.*, Zeitdiagnosen, Frankfurt 2003.

Korioth, Stefan, Europäische und nationale Identität: Integration durch Verfassungsrecht. Veröffentlichungen der Vereinigung der Deutschen Staatsrechtslehrer, Vol. 62, Berlin 2003, p. 117-155.

Lepsius, M. Rainer, Die Europäische Union. Ökonomisch-politische Integration und kulturelle Pluralität, in: *R. Viehoff* and *R.T. Segers* (eds.), Kultur, Identität, Europa, Frankfurt 1999, p. 201-222.

Lepsius, M. Rainer, Die Europäische Union als rechtlich konstituierte Verhaltensstrukturierung, in: *H. Dreier* (ed.), Rechtssoziologie am Ende des 20. Jahrhunderts, Tübingen 2000, p. 289-305.

Lilli, Waldemar, Europäische Identität: Chancen und Risiken ihrer Verwirklichung aus einer sozialpsychologischen Grundlagenperspektive, in: *T. König, E. Rieger, H. Schmitt* (eds.), Europa der Bürger?, Frankfurt 1998, p. 139-158.

Münch, Richard, Europäische Identität, in: *R. Viehoff* and *R.T. Segers* (eds.), Kultur, Identität, Europa, Frankfurt 1999, p. 223-252.

Sternberger, Dolf, Verfassungspatriotismus, Schriften, Vol. 10, Frankfurt 1990.

Vobruba, Georg, Die Dynamik Europas, Wiesbaden 2005.