“Reunited after bitter experiences”.

Constitutionalization Through “Recrafting the Past”.
Konstitutionalisierung als “Erinnerungsarbeit”

Workshop in Budapest on 29 October, 2004

CEU, Budapest, 1051, Nador utca 9., Popper Room
14.00-17.00

Organised by
Central European University (Budapest)
Department of Gender Studies
I. Background of the workshop:

The present workshop is organised within the context of the project ‘Shadows of the Past over the Construction of Europe’, based at the European University Institute (EUI) in Florence, Italy, organized by Professor Christian Joerges.

The project builds upon preliminary work starting several years ago. A conference was organized by Christian Joerges on “Perceptions of Europe and Perspectives on a European Order in Legal Scholarship during the Era of Fascism and National Socialism” at the European University Institute in 2001.\(^1\) Also a panel at the Council for European Studies in Chicago in March 2002\(^2\) and a seminar series at the European University Institute in 2002/2003 were held. The series was part of the project, led by historian Bo Stråth and sociologist Peter Wagner, “The modernity of Europe – a comparative-historical and politico-philosophical reassessment”. It was co-led by Patricia Chiantera-Stutte, till July 2002 Jean Monnet Fellow in the EUI’s Political Science Department and since then assistant at the University of Bari.

In this context Christian Joerges edited a monographic issue of Law and Critique (vol. 14, n.3, 2003) on “the darker side of populist heritage” with contributions by: Thomas Mertens, P. Chiantera-Stutte; Vivian Grosswald Curran, David Fraser, and Matthias Mahlmann.

All these activities helped to build up a stable interdisciplinary and wide-ranging network on which we build and which we hope to develop further. In the academic year of 2003/04 these activities were supported by the Research Council of the EUI. The project was continued as seminar series in the academic year 2003-2004. In that framework the following lectures were held:

- Patricia Chiantera-Stutte (JM-Fellow in 2001-02), University of Bari: ‘The ambiguous heritage of Mitteleuropa: the resurfacing of Mitteleuropa as a counter-image of the EU in Austrian populism”
- Thomas Mertens (University of Nijmegen/JM-Fellow): ‘Hannah Arendts observations on the Eichmann trial’


The next step of the project was a workshop (2-3 July 2004) at the EUI in Florence. The main purpose of this workshop was the revision and further elaboration of the research agenda.

II. General conceptual framework of the project

The European integration project was designed in the early 1950s (the Schuman plan of May 1950 can be considered to be its birth certificate) as a response to Europe’s “darker past”: the heritage of nationalism and dictatorship, the cruelties of the Holocaust and the war had to be overcome once and for all. Integration implied: the giving up of national power and sovereignty, the valuing of peace, stability and welfare above national power and “glory”.

This project was of lasting success. Its new ambitions built upon this success. Currently, there are two efforts of historical importance. One is a deepened “constitutionalization” of the European Union (as envisaged by the European Convention but not necessarily depending on the adoption of the Draft Constitutional Treaty of July 2003). The other is the Union’s enlargement towards Eastern Europe. The project of a constitutional treaty and the admittance of so many new states are widely perceived as “logical” steps in an ongoing process. But they also present new challenges. To be sure, the original ideals of the post-war period are by no means outdated. But they seem to have lost their mobilizing strength, and the answers to Europe’s many dilemmas identified in the 50s have long since lost their relevance. The endeavour to secure constitutionalization indicates that the European polity has become more than just an economic project and is therefore in need of a new legitimation. Similarly, the admittance of "newcomers" is not simply about the financial and technical difficulties of adopting the existing *acquis communautaire*. It affects the European integration project profoundly, simply because the new Member States did not participate in its original design and subsequent development. That is one of the reasons we are designing the workshop at Budapest to understand the particular history of Eastern European countries from fascism to communism, i.e. from one to the other totalitarianism.

It is a core assumption of this project that the novelty of the present “constitutional moment” will require new definitions of Europe’s *finalité* and identity and that it will imply a new “ politicization” of the integration project. In these processes, Europe’s perception of its own “institutionalized” integration history and the histories of its national societies will have to be reconsidered. These histories involve many burdens: Europe cannot set aside the memories of the Holocaust and it will have to continue its confrontation with traditions that have sustained National-Socialism, fascist-authoritarian regimes and xenophobic movements. Following the afore-mentioned project on “The Darker Legacies of Law in Europe” in which many participants in the present project were also
involved, we will trace the intellectual and political origins of Euro-scepticism, anti-Europeanism and anti-liberal traditions, as well as their “Wirkungsgeschichte”.

We will therefore consider the anti European attitudes of some old and new members of the EU, trying to reconstruct the context in which they arise. In particular we will consider Austrian populism, Italian populism, eastern European movements that call back some ideas and traditions of fascism and nationalism.

Furthermore, we will look at what could be the possible solutions to the problems caused by the enlargement and by the so-called deepening of the EU integration on the legal level. In a way, the constitutionalisation of the EU could possibly contribute partially to solve the problems caused by the fear of integration, because it could fix some values and a new European identity as a basis for the common project of the EU construction.
III. Workshop at the CEU

Agenda

14.00 Introduction


Introduction of the Project: Constitutionalization Through “Recrafting the Past”. Konstitutionalisierung als “Erinnerungsarbeit” by Christian Joerges (EUI, Florence, Italy),

Round table discussion moderated by Andras Kovacs (CEU, Budapest)

Panel A: Anti Europeanism: Constitutionalism and Other Remedies
Participants: Christian Joerges (EUI, Florenze, Italy), András Sajó (CEU, Budapest), David Fraser (University of Nottingham)

Panel B: Anti-Europeanism as a Challenge to Europeanisation
Participants: Patrician Chiantera Stutte (University of Bari, Italy), Paul Blokker (EUI, Italy), and Andrea Peto (CEU, Budapest),

Reception to follow