

Liberal  
perspectives

*on*

European  
integration

## Liberal perspectives on European integration

The European Liberal Forum, asbl (ELF) is the non-profit European political foundation of the liberal family. ELF brings together liberal think tanks, political foundations and institutes from around Europe to observe, analyse and contribute to the debate on European public policy issues and the process of European integration, through education, training, research and the promotion of active citizenship within the EU.



## Preface

Liberal political parties and organisations throughout Europe traditionally have a strong pro-European profile. Over the course of the development of the EU, we have stressed how important cooperation and coordination among its Member States is to defending and enhancing the freedom and prosperity of their citizens. For a long time, the integration process was able to proceed relatively unchallenged. However, the time of this 'permissive consensus' is over. Especially as a result of the economic and financial crises that have plunged the EU into disarray, the feasibility and desirability of further European integration have recently come under pressure in both the public and the political debate.

From the perspective of democracy, this is a positive and necessary development. At the same time, it makes our job as a liberal voice within these debates more challenging. The urgent need to respond to the various European crises with concrete policy choices also requires us to consider much more fundamental questions. What do we want to achieve by the creation of a European polity? What do we want it to look like? How do we view its relationship with other, existing levels of government – first and foremost, the national state?

The burgeoning politicization of the discussion on the future of the EU forces us liberals to address these questions. We need to position ourselves within this changed debate by formulating a clear, distinctively liberal perspective on European integration. In 2014, in the Dutch town of Soesterberg, the European Liberal Forum therefore organised the seminar 'Liberal perspectives on European integration'. The goal of this seminar was to open a dialogue through which liberals,

drawing from the diversity of insights existing within ELF, could come closer to the formulation of common views on this issue.

All participating organizations were invited to write a brief discussion paper in response to a paper by the host organization, the Mr. Hans van Mierlo Foundation, in which they could introduce their key thoughts on the issue. These discussion papers were circulated among all participants before the start of the seminar.

The seminar discussions themselves were organised around a number of key dilemmas: the possibility of committing to a European sense of belonging while respecting the reality of multilayered identities; the extent to which we can discern – and need – a set of communal European values; finding a balance between clarity on division of competences in the EU and maintaining institutional flexibility; and weighing the practical constraints of ‘fait accompli’ against the need for democratic consensus to move forward. These dilemmas were identified as key potential pitfalls for liberals when it comes to their views on the EU, based on an earlier study conducted by the Mr. Hans van Mierlo Foundation, and therefore a fruitful starting point to discover our commonalities and differences. To kick off the debate, each discussion round started with an introduction by a guest speaker with specific expertise regarding the topic of the discussion.

This publication contains all discussion papers written in preparation for the seminar, as well as a recap of the key arguments put forward by the speakers and participants during each discussion round. When reviewing these arguments, it first of all becomes clear that we liberals cannot be accused of being uncritical of the functioning of the EU. There was a broad consensus among the participants that the EU at this time does not work as well as it could – and should. Above all, we are concerned about the accountability of European decision-making. We recognize a lack of public involvement in EU matters that is not due to a lack of interest among European

citizens, but rather the result of insufficient transparency of decision-making and a lack of clarity about who can be held responsible for what decision.

## ‘For a liberal, a democratically legitimate EU must allow its individual citizens to shape their own views and values in free and open debate with each other’

Many possible solutions to this problem were brought forward during our discussions. The common theme underlying these suggestions was clearly the need to politicize the public debate and the decision-making process. For a liberal, a democratically legitimate EU must, like any polity, allow its individual citizens to give shape to their own views and values in free and open debate with each other. Thus, we approach the notion of a ‘European demos’ inclusively and looking forward: as a sense of solidarity and a common destiny. Likewise, on the matter of subsidiarity, we argue that the solution should not be sought in a rigid division of competences, but in creating the structure within which we can debate competences as an ongoing political process. When it comes to the functioning of the EU institutions, measures like a stricter separation of powers between institutions, direct involvement of national parliamentarians or creation of a European senate, increasing transparency of decision-making and scaling down the Commission may contribute to making the integration process subject to political dispute and more democratic control. In this way, we may take steps towards a Europe in which people are truly in control of their own – individual and common – destiny.

**Frank van Mil**

*Executive Director of the Mr. Hans van Mierlo Foundation*

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## **Liberal perspectives on European integration**

### **Soesterberg seminar**

### **16 / 17 October 2014**

Liberals across Europe tend to be in favour of ongoing European integration. But what does the EU mean to us, exactly? Where do we want it to go? And what is specifically liberal about our European ideals? The aim of this seminar was to see to what extent we can formulate a common liberal view on the EU, and equally relevant, on which topics our perspectives diverge.

Our discussion was guided by four dilemmas liberals commonly face when thinking about and debating European integration. These dilemmas were inspired by an earlier study by the Mr. Hans van Mierlo Foundation into the relationship between liberalism and a pro-European perspective.

### Participants

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*Movimento Liberal Social*

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**Žilvinas Šilėnas**

*Lithuanian Free Market Institute*

**Hans Stein**

*Friedrich Naumann Foundation*

**Csaba Toth**

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### Guest Speakers

**Laurens Jan Brinkhorst**

*Former professor University of Leiden,  
former Minister for Economic Affairs &  
former leader D66*

**Robert Farla**

*International Secretary, D66*

**Marietje Schaake**

*Member European Parliament for ALDE*

### Moderators

**Frank van Mil**

**Inge van der Leeuw**

### Organizers

**Manon Graafland**

**Gosse Vuijk**

Key  
Dilemmas

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European  
integration

## European identity politics: a liberal pursuit?

**It is a common belief, also among liberals, that a successful and legitimate polity cannot exist without some sense of community or belonging among its citizens – usually based on a communal past or a set of shared values. Does such a shared identity exist on a European level? And if not, can any conscious effort to create one ever be acceptable from a liberal point of view, given our commitment to respecting plural and multidimensional identities?**

The notion that there is no such thing as a European community of values on which to base a common sense of belonging flies in the face of the very basis of the European Union – the Treaties. This point was stressed by this discussion round’s introductory speaker, former Dutch vice prime minister, who reminded us that, despite the emphasis often placed on the economic dimension of integration, Europe is “about politics and values first”. He pointed to, amongst others, Article 2 of the Treaty on European Union, which states: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States”.

It seems, then, that there is a rich foundation for fellow-feeling among Europeans – at least on paper. The reality of identity creation and self-identification is, however, more complex. The formal adoption of abstract ideals by original and new Member States cannot be interpreted as proof that these ideals are widely (let alone universally) subscribed to by their people, if only because there are many different reasons for new



Members to want to join the Union, and thus comply, enthusiastically or reluctantly, with the Copenhagen criteria. In addition, there are great differences in how Member States as well as individuals interpret ‘common’ values; a fact that is obscured when we talk about them in the general, legalistic terms used in the Treaties.

Another major problem is that the implementation of the vaguely formulated shared European values is falling short, not only in the way the EU relates to the wider world, but also within Member States. Formally, the Treaties give the Union the authority to force Member States to implement these values (Art. 7 TEU), but it is lacking concrete mechanisms to do so.

In exploring possible solutions to these problems, liberals run into a dilemma. On the one hand, due to the value we attribute to democracy and people’s right to shape their own lives, we tend to think that a legitimate European polity requires some level of popular identification, with the European institutions and with our fellow European citizens. On the other hand, we believe strongly that the power to create and shape identities belongs with individuals, and should not be the result of any kind of state-controlled identity politics. European citizens should be allowed to identify with any and all levels of government and value systems, and decide which of their identities is most important to them in each context.

Thus, we as liberals are sceptical about the possibility and desirability of European institutions, such as the Courts, enforcing common values. At the same time, we recognize that the Courts can play a vital role in alleviating the most serious rights violations by Member States – for instance by withholding funds from net receivers who do not comply with the Charter. We will need to walk the line between letting the European institutions dictate what should be decided in the political arena, and allowing Members to violate the rights and values that liberals view as paramount and universal.



## Who does what in Europe?

**As EU decision-making seems to have an increasing impact on the daily lives of its citizens, calls for delineating the division of competences between Europe and national states have come to dominate the public and political debate on the EU. Liberals struggle to position themselves with regard to this issue. On the one hand, there is clear democratic merit to the clarity of a fixed division of tasks: it allows citizens to determine which level of government is responsible for what decisions, and thus to hold the appropriate institutions or parties accountable for them. On the other hand, removing the question of ‘who does what’ from the political debate severely limits the ability of institutions to adapt to new needs and circumstances. How can liberals navigate this tension?**

In this discussion, we were in agreement that the solution cannot be to carve into stone which level of government does what. This is a matter that needs to be constantly reviewed in order to adapt to changing circumstances. Rather, more institutional clarity should be achieved by the creation of a structure within which we can debate European competences as an ongoing political process.

At the same time, we should clearly distinguish between liberal ideas about the setup and functioning of the institutions through which political decisions are made, and our ideas about the most desirable content of these decisions. Within an open debate about the tasks of European and national governments, liberals naturally do and should take positions and promote their ideals.

For example, we can discern a distinctly liberal interpretation of the principle of subsidiarity – namely, one in which ‘closeness to the people’ is not defined in terms of geography but

accountability. We believe that at the core of popular dissatisfaction with power-hungry ‘Brussels’ and calls for ‘reclaiming’ national competences lies a lack of clarity about who can be held responsible for which decision. To an extent, national governments are to blame for this confusion: all too often, they exploit popular ignorance to take credit for what the EU does well, while blaming it for unpopular decisions, even those they agreed to behind closed doors. Here lies a task for politicians as well as the media and civil organisations to call national governments out on these misleading tactics and demand they be open about their position, for instance where it concerns the funding of national projects from the EU budget.

There are other ways in which we can try to make the division of competences between the European and national levels more transparent, and therefore, less suitable to serve as ammunition for eurosceptics. There is, for instance, a widespread perception that the EU mainly occupies itself with seemingly frivolous issues, like regulating the curvature of cucumbers or banning certain types of vacuum cleaners, while not dealing with the big issues such as the financial crisis or the situation in the Ukraine. If we were to instead identify a more limited number of key issues for Europe to tackle and focus its resources on, this may produce more visible European successes and thus challenge the notion that the EU cannot be trusted with major policy fields. When the European and national levels are both viewed as legitimate choices in allocating different competences, we can have an open and productive debate about who should do what.

A way to make the effects of different divisions of competences concretely apparent would be to allow subgroups of Member States to experiment with closer forms of cooperation if they wish to do so. In such a ‘multi-speed Europe’, Members who are reluctant to pool sovereignty with others on certain issues can see whether doing so benefits the front runners and learn from their example. We should, however, be wary of such a setup devolving into a ‘two-speed Europe’ with a fixed core and periphery, as such a division would threaten the basic sense of solidarity underlying the Union.

## Europe as a community of values: reality or wishful thinking?

**As we saw in the first discussion round, the notion of Europe as a community of values is often seen as the basis of a common European identity or a European demos. But do liberals agree that Europeans share a specific set of values – both concrete enough and held by enough people to provide a meaningful bond? And if not: what else may bind us to the political project of European integration?**

It seems that the answers given by liberals depend on how precisely these common values are defined. We may all more or less agree that Europeans share a commitment to freedom, equality, democracy and the rule of law, but when asked how these are interpreted throughout the EU, we recognize that differences in culture and historical experience often mean that these similarities are superficial at best. This is how it can occur that Member States with very different agendas all declare their commitment to the same principles, each believing that they alone understand them correctly.

This internal perspective may seem to not bode well for the creation or spontaneous emergence of a European demos. However, we should keep in mind that if we look at the issue on a European scale, we are bound to focus on what divides us. From an external perspective, it is much easier to identify commonalities among the people of Europe, if only by differentiating ourselves from non-Europeans and asserting what we do not stand for.

A point of contention is whether we believe these values we share to be uniquely European in nature, or rather Western,

democratic, or even universally human. There are certain values that can be said to have special significance in Europe, such as socioeconomic solidarity, but it is difficult to isolate values that are both shared by all (or most) Europeans and not prevalent outside Europe – respect for human rights, democracy, freedom, rule of law all fail this test.

The question is whether this is really a problem for liberals. If we were to rely on the pre-existence of a widely shared set of values as an anchor point for a European demos, the answer would probably be yes. However, liberals by definition believe that people's beliefs and attachments are multilayered and fluid, and that communal values should always be developed and negotiated through societal and political discussion. Thus, a rigid or broad consensus about shared values is not a requirement for successful political identification – on the contrary: for a liberal, a demos should not be based on an ethnos.

The most fruitful way to approach the question of what binds us as Europeans may be one that looks forward instead of backward: do we experience a sense of common destiny or solidarity? Guest speaker Robert Farla aptly compared membership of a European community to that of a family. Our behaviour within a family is not just determined by how long we have been a part of it, but also by how long we want to continue to be part of it. This is what a European demos should be about: a sense of a common purpose, common goals and hopes for the future, and the realization that we are all in this together.

## 'Moving forward' with European integration: still the right path?

**Liberals have traditionally been very committed to the European project. We like to emphasize what it has brought us in terms of peace, prosperity and freedom, and remain convinced of its ongoing purpose and relevance. In doing so, we run the risk of taking 'the next logical step forward' without pausing to think whether our goals and the best means to pursue these goals haven't changed. Such *fait accompli* thinking does not sit well alongside our commitment to ensuring that ongoing European integration is supported by a solid democratic consensus. How can we balance this commitment with our belief in the necessity of closer and more effective cooperation with in Europe?**

Moving 'forward' with the integration process based on *fait accompli* thinking is opposed to the notion of liberal democracy. Liberals can certainly argue that moving in a specific direction would be more (or less) feasible due to the way the Union has developed over the years as well as the global context in which it must position itself. However, such an argument must be made within a public debate and compete with other viewpoints for democratic legitimacy – it does not make such a debate unnecessary. Politics always involves a weighing of not just facts, but also values, principles and interests. When we say that a course of action is 'inevitable', what we mean is that it is inevitable if we want to achieve a certain end under certain circumstances. The quality of the political debate would greatly benefit from making these considerations explicit.

Moreover, in line with our previous conclusion about the meaning of a European demos, a liberal blueprint for the

future of Europe should be based on some forward-looking notion of what we want to achieve with the EU. To simply say ‘this is how it was meant 60 years ago’ is not enough. The EU is still taking shape now, and in the 21st century we cannot deny people a say in the workings of the political system by which they are governed.

## ‘The next step is to come up with ways to improve the democratic legitimacy of the integration process’

The next step, then, is to come up with ways to improve the democratic legitimacy of the integration process. As was stressed by this round’s guest speaker, MEP Marietje Schaake, increasing accountability and transparency is key here. The idea that Europeans don’t care about the EU, and that is why election turnout is low, is incorrect. On the contrary, the increasing popular discontent about Europe shows that people do care. They know the EU influences their lives, and therefore, want to influence the EU. If they do not vote, one of the reasons is that they do not see what result their vote has. Politicizing decision-making would show European citizens that they have something to choose. Choice fosters interest, not the other way around.

In order to get these citizens on board, we should not frame the debate in terms of ‘more’ or ‘less’ integration. Instead, we should focus on making the system we have work better where possible, and reforming it where necessary. This can also mean doing less, getting rid of regulations or red tape. Also, we need to realise that dismissing all EU-sceptics as ‘Europhobes’ is counterproductive. Many sceptics want to change how the EU works, not abandon it altogether. Not stereotyping them as Eurosceptics or Europhobes allows them to formulate their concerns as proposals for improvement

within the EU. Those sceptics that oppose the current setup of Europe on liberal grounds should not be our opponents, but our allies and potential voters.

While liberals mostly agree that the accountability of the EU institutions needs to be improved, they do not agree on the best methods to do so. Most of this disagreement can be traced back to differing views on the nature of the EU as a polity: those who favour a more centralised Europe stress the importance of EU-wide elections and the creation of a European political sphere, whereas those who see more merit in federalism view Member State involvement in decision-making as inherently valuable and worth preserving.

Accordingly, federalists favour the idea of enhancing the role of national parliaments in European decision-making. A benefit of this measure is that it requires no Treaty change: the Lisbon Treaty already leaves room for such involvement. The most important changes would have to be implemented on the national level: in the relationship between national parliaments and governments. In most Member States, the executive does not effectively have to answer to the parliament about the decisions it makes on the European level. Where official procedures and political culture do mandate such control (for instance in Denmark), the debate on the EU is significantly more open. An additional measure could be to align the agendas of national parliaments with that of the European institutions, so that European developments can be discussed nationally while they are ongoing, rather than after the fact.

Another would be to create an assembly of national parliaments or parliamentarians. Such an assembly, which one could see as a European senate or second chamber, could even replace the Council or, less radically, the Committee of the Regions or the Economic and Social Committee. Thus, it would ensure that the Member State voice came from the national legislatures rather than the executives. This option, however, requires significant institutional change, and is unlikely to be approved of by the Council.

More community-oriented liberals are sceptical about these proposals, because they do not contribute to, and may actually undermine, the creation of a truly European political arena. Instead, they argue for the creation of EU-wide political parties and ballots, so that all citizens form one electorate and can vote for candidates from other Member States. While there is agreement that the current party groups in the EP are not transparent or uniform enough to provide clear choices to voters, some worry that European ballots would cause parties to focus their campaigns and resources solely on large Member States, and that citizens are simply not ready to put their trust in 'foreign' politicians.

When it comes to the role of the Commission, opinions are equally divided. First, we could politicize the right of initiative by taking it away from the Commission (and perhaps also the Council) and giving it to the EP and/or senate. Second, reducing the number of Commissioners may provide the EU with more focus and a more decisive image. However, this may shift the balance of power further towards large Member States, since having 'one's own' Commissioner is cherished as a symbol of equal standing by smaller Members. Third, the Commission could be directly elected. This would increase its democratic legitimacy, but undermine its role as technocratic guardian of the communal interest.

Finally, it is not just the political institutions that are seen as insufficiently accountable, but also the European bureaucracy. While this is mostly a matter of popular perception, it is our responsibility to explain how the EU bureaucracy works, and in particular the large role that national and local bureaucracies play in the implementation of EU policy. This further prevents national governments to unfairly place the blame for unpopular measures on 'Brussels'.



Discussion  
papers

*on*

European  
integration

## European integration: a requirement for individual freedom

### The liberal case for European integration

A central element of liberal thought is not only that people should be free to choose their own way of life, but also that this gives them the responsibility to help other people achieve this freedom as well. A liberal society consists of free individuals taking responsibility for each other. However, in order for people to be free, some conditions have to be met. For liberals, the state has a responsibility to ensure these conditions exist. All liberals will concur with this, but classical liberals mainly focus on negative freedom (as famously formulated by Berlin). Negative freedom comes down to not being interrupted in your attempts to create your own life in the way you want it by the government, companies or other people. However, many other liberals think people also need positive freedom. Positive freedom comes into being thanks to people's own actions, for instance education or other development of one's own capabilities. People often need support in developing the ability to shape their own lives. To be free, people need to be left alone, but they also often need some support. To many liberals, a balance between those two should be found within a liberal government. However, the State tends to claim more influence on people's lives than it should. That is why government should be controlled by the people and that is why the subsidiarity principle is of great importance to liberals. The closer the level of government is to the people, the better the people can make sure the government provides tailor-made solutions that fit individuals – individuals who are the focal point of liberals. ■

■ For more on this, also see: [Governing Governance, ELF 2013](#).

Yet, there is also the question of effectiveness of policy making. A local government is believed to be better at providing support and protection that fits the need of the people. A local government could nevertheless be less effective than a higher-level government. For example, organizing public transport only at city level would not be effective because a lot of transport takes place between cities and a higher-level government would be better at organizing the boundary conditions for public transport. Hence, when deciding at which level the positive or negative freedom of people should be secured (in this case the positive freedom of mobility), there is always a trade-off between effectiveness of policy and the desire to keep the policy level as close to the people as possible.

This is also the reason for liberals to support European integration: for a number of policy areas, they see the European level as the level that is best suited to contribute to the freedom of individuals. European integration is therefore not a goal in itself, but a necessity in our globalizing world, with rising powers like China and Brazil, and global problems like climate change and migration. These problems cannot be appropriately met at a local or even national level, despite international cooperation between national governments. At the same time, it is imperative that measures on a European level have a sound democratic legitimacy.

As European citizens we share a lot of interests in these global issues. That is why liberals support European integration. The EU is a vehicle through which citizens who share interests can collectively protect those interests and secure their ability to shape their own lives. To do this, the EU must be powerful enough to protect its citizens against other states or against private organizations. European integration is the only way we can assure that the EU can fulfil its purpose of protecting the individual freedom of its citizens in our globalized world.

#### European dilemmas for liberals

In the past decade, there has been a rise of euroscepticism in the Netherlands, and all over Europe. Eurosceptics present a completely different view from our liberal view on Europe.

They argue that European integration is anti-democratic because it is a *fait accompli*. In other words: *The next step in European integration is presented as necessary because earlier steps have been taken – this is the last straw, here we draw the line*. People feel like they have no say in the way Europe is shaped, in the way their society is shaped. This is a dilemma for liberals because it is a conflict between two means through which we try to secure individual freedom: democracy and European integration. Therefore, a *fait accompli* argument for European integration would never suffice for liberals as it disregards the importance of democratic legitimacy. Every next step is a political choice, which should be debated and legitimized democratically. Of course, past choices and external force limit the range of choices that can be made, but every new step should be underpinned. Liberals should stress the importance they ascribe to Europe for individual freedom and make clear that through European integration we can stay in control of our own lives.

To make clear what Europe can do to protect and enhance our freedom, liberals will have to make clear which policies should be dealt with at the European level and how much influence the European level can have on national issues. We would argue for a solid institutional framework with strong and diverse democratic checks and balances, to make sure that citizens are properly protected against too much governmental influence and an unclear division between the levels of government, while at the same time the European level can adequately defend our shared interests and thus protect our individual freedom. In the Netherlands, eurosceptics have attacked the EU time and again for trying to influence policies that they consider national issues. The best example being Olli Rehn warning the Netherlands to stay within the 3% norm for the annual budget deficit. Even though the Netherlands took the initiative to give Rehn the power to make all Euro countries stick to the rules, Dutch eurosceptics argued that the Netherlands should not stay within this norm just 'because Europe said so'. These kinds of discussions lead to a call for a clear and definite plan regarding which policies should be European policies and



which should stay national issues. For liberals, this is a difficult position because of our adherence to the subsidiarity principle.

Liberals prefer some institutional flexibility. In a changing world, an issue can at one point best be organized at the national level, while over time it could be more effective to organize it more locally or on a European level. Liberals have a pragmatic attitude towards the division of institutional responsibility and power between the different levels of government. That is why liberals would rather choose an institutional structure that defines what kind of issues should be dealt with on each level of government than one that dictates which specific issues should be dealt with on each level.

The call for a clear division of responsibilities between the national and European levels in the Netherlands is often accompanied by claims that Europe is fundamentally undemocratic, and that it can never be democratic because there is no European *demos* or people. Supposedly, there is no European community of values, because of the great diversity in Europe. Just as often the need for and existence of a European community of values is expressed by people who support European integration. For liberals however, a community of values is not necessarily the same as a *demos*. First and foremost because we think people should be free to formulate their own values and that this happens through free interaction between people. Thus, a State can never formulate values and force them upon people top-down.

Furthermore, we would argue that people do not need to share all values to be one *demos*. There needs to be a solid legal framework within which a couple of fundamental rights are anchored to protect individual freedom. In Europe there are big differences between people's values, but we seem united on the fundamental rights that guarantee a free, democratic and equal Europe. These rights allow people to participate in European democracy and are thus the minimum that people in Europe need to share in order to be a European *demos*. A liberal *demos* would come together in their respect for individual freedoms, for example to choose your own values, and is united by a set of rights that ensure these freedoms.

Another element that is supposedly lacking in the European *demos* is that people do not feel European. The national identity is the most important identity for people in Europe rather than the European identity. The national or European identity are often related to, respectively, the existence of a national culture and the lack of a shared European culture (or a European community of values). However, when people in the Netherlands oppose European integration, they usually express the fear of losing their ability to shape the society they live in as a Dutch citizen rather than expressing a fear of losing their culture. This indicates that we are dealing with more of a civic than a cultural fear, which ipso facto must be met with civic answers. The liberal ideas about democracy and subsidiarity could offer a way out of this fear. We explicitly argue for as much influence for citizens as possible, on all levels of government. So rather than focussing on having this ability only on the national level because it happens to be the most prominent political identity at this point in time, liberals would argue that identities can be layered and thus that people are not limited to relating only to one level of government.

**‘Liberals would argue that identities can be layered and thus that people are not limited to relating only to one level of government’**

The formation of identities is first and foremost a matter of individuals and it is a process based on interaction between individuals. This means that liberals respect and defend the national identity because at this point in time it seems to be a very important part of peoples layered identity and we think it is the government's responsibility to protect those identities rather than to try to change them. This also means that we need to address the criticism of European integration related to this identity. The only way to overcome these criticisms is



through dialogue. We need to profess to people why European integration leads to another level on which we strive to protect individual freedoms. We need to explain why we think there ought to be several levels of government, which kind of issues they should control and why they should all be a representation of the people. By taking people's national identity seriously and using it to increase their involvement in democracy, we can strengthen democracy at every level of government. We think that people don't necessarily have to feel European first, in order for a European democracy to exist and function.

## 'Liberals support a united Europe to effectively protect and enhance individual freedom'

### The liberal goal

We believe that the State can enhance people's opportunities to be free in both the positive and negative sense of the word. We need a State that can effectively protect and enhance our individual freedom by addressing our shared interests. That is why liberals support a united Europe. We think that in this changing world the national states are no longer capable of offering enough protection and freedom to European citizens. Even though there are problems in Europe, these problems are no reason not to support European integration. We need Europe to be more integrated to effectively protect our individual freedom and we need to work hard to make sure that Europe works for our freedoms. That is why we need to take critics of Europe serious – in a way, we agree with them. Yet we see the negative sides as proof of an EU that is a work in progress, rather than as proof that Europe cannot work. As shown above, a liberal view on Europe gives us a solid basis to face the challenges of further European integration successfully, but we need to keep working to create a Europe that works better for individual freedom.

## A response to the position paper 'European integration: a requirement for individual freedom'

### On negative vs. positive freedoms

It is true that there is a discussion among certain individuals and groups about the differences between or the importance of negative and positive freedoms. But to merely conclude that this is some sort of trivial argument would grossly undermine the nature of this debate. To conclude that positive and negative freedoms are different sides of the same coin would be untrue. We can agree that, empirically speaking, all countries develop a balance between positive and negative freedoms. But this balance is neither one of harmony, nor does it show mutualism of positive and negative rights

A right is something that is just and it presupposes a harmony of interests. The mere creation of a 'positive right' does not establish it as a legitimate right. Positive rights are the opposite of negative ones; therefore they cannot both be called rights in the same system of classification. The shift to positive rights usually comes at the expense of negative rights. Of course, the philosophical discussion is far wider and deeper than reflected upon in the original position paper or this response. Yet this introduction and portraying issues in the light of positive and negative freedom allows us to narrow the debate to a tangible point – scarcity of resources.

If we lived in a world of unlimited resources and no scarcity, then we could most likely have our negative freedoms and positive freedoms, and there would be no conflict between them. In such a world, the part of the socialist maxim 'to each

according to his needs' would not be a grotesque caricature of what socialist economy looked like in reality.

However, we live in a real world of unlimited wants and limited resources. Therefore, positive rights, especially the ones dealing with economic transactions regarding economic goods, create a real, tangible burden on individuals. Positive 'freedom of mobility' (the example given in the position paper) means that someone has to pay for a bus, fuel and a driver. There is no logical way of getting around this problem, because buses, fuel and labour of drivers are all economic goods, owned by their respective owners (a bus company, a gas station, and a driver). Moreover, all these resources can be utilized in some other endeavour. No manner of wishful thinking or ignorance can solve this problem of limited resources. Therefore, uncontrolled, unwarranted expansion of positive freedoms inevitably creates an ever increasing need for resources, to be taken from the owners of resources (usually via taxation) and given to the bearers of positive rights. Take a so-called 'positive right to housing'. It is not a mere wish along the lines of 'wouldn't it wonderful if everyone had their own house', but a legal claim that he who does not have a house has a right to receive a house from a government agency through means other than a transaction in the market, i.e. purchase, lease, rent.

#### **On local vs. European governance**

The position paper proposes the criterion of 'effectiveness' when choosing what approach – European or local – should be taken. Furthermore, it posits that there is trade-off of effectiveness when designating decisions to local governments. It further proposes that European government is better positioned to protect individual freedoms

First, this is not necessarily true from a theoretical or practical point of view. This supposed loss of efficiency experienced when decisions are taken at local level might depend on many factors, including but not limited to the quality of people making the decision, the information available etc. The example of public transportation between two cities does not prove or

even illustrate this point. For comparison's sake, private companies have logistic operations of much higher complexity and manage them without interference from government at all.

Second, what does one mean by 'effectiveness'? The ease of enforcement? The selection of the best means for the best ends (or some sort of cost-benefit analysis)? The most informed decision? There are so many variables that generalization about inherent effectiveness of decision making on a European level vis-a-vis decision making on a local level is questionable at best.

Third, acknowledgement of the fact that international issues exist does not prove in any way that European-level decision making is the right (or 'effective') decision. If individual EU companies are losing competitiveness against Brazil or China, the correct response would be to look at the causes and eliminate the ones that can (and should) be eliminated by political decisions. In other words, if European companies are losing competitiveness due to red tape and regulation (i.e. factors resolvable by political decisions), red tape and regulation should be cut regardless of the level of government at which they originated.

#### **Is an EU mandate possible?**

If one were to look at the fruits of European integration (or European decision making), the realization (albeit partial) of the four freedoms brought the largest benefits to Europeans. And still larger benefits can be reaped if we stop restricting movement of people, goods, services, and capital completely.

If one were to look at the four freedoms, one would easily realize that those are negative freedoms. Freedom of movement of labour means that governments will not forbid people from other member states to live and work in their country. It does not mean that governments must take an active role in making people immigrate or emigrate. Free movement of capital means that governments will not forbid companies and people from other member states to invest in their country. It does not mean that governments have to force investors to invest in other member states.

Thus, decision making on a European level is possible and desirable if and only if it allows the European level to overrule national governments that are suppressing or obstructing the realization of people's negative rights. Thus European-level decision making is needed only as a last resort, to overrule national or local governments (and even here it should be used sparingly).

All this brings us to several crucial points. First, the realization of negative freedoms has a huge positive impact on Europeans. Second, protecting or enabling negative rights requires inconceivably less resources than enabling positive rights.

#### Closing remarks

Obviously, European liberals do not live outside of politics or public discussions, especially if they want to play a bigger role in politics. The question from a pragmatic point of view is this: do liberal parties need to support further consolidation of power in Brussels if it is unsound ideologically, unpopular among the electorate and costly to the taxpayers? Wouldn't liberals gain more if they were to stick to core ideas and beliefs on the right side of the political spectrum instead of trying to muddle in the centre or even in centre-left?

## A common European vocabulary: understanding and communication as a requirement for European integration

There is a great term in translation, called 'false friends'. This term denotes pairs of words or phrases in two languages or dialects (or letters in two alphabets) that look or sound similar, but differ significantly in meaning. A great example of this is the term empathy, which has Greek roots: in Greek, it denotes strong negative feelings and prejudice against someone, which is the opposite of its meaning in English. Even more fundamental than this linguistics problem, is that often words have different cultural and social significances, bringing to mind different things to different people, especially across national divides.

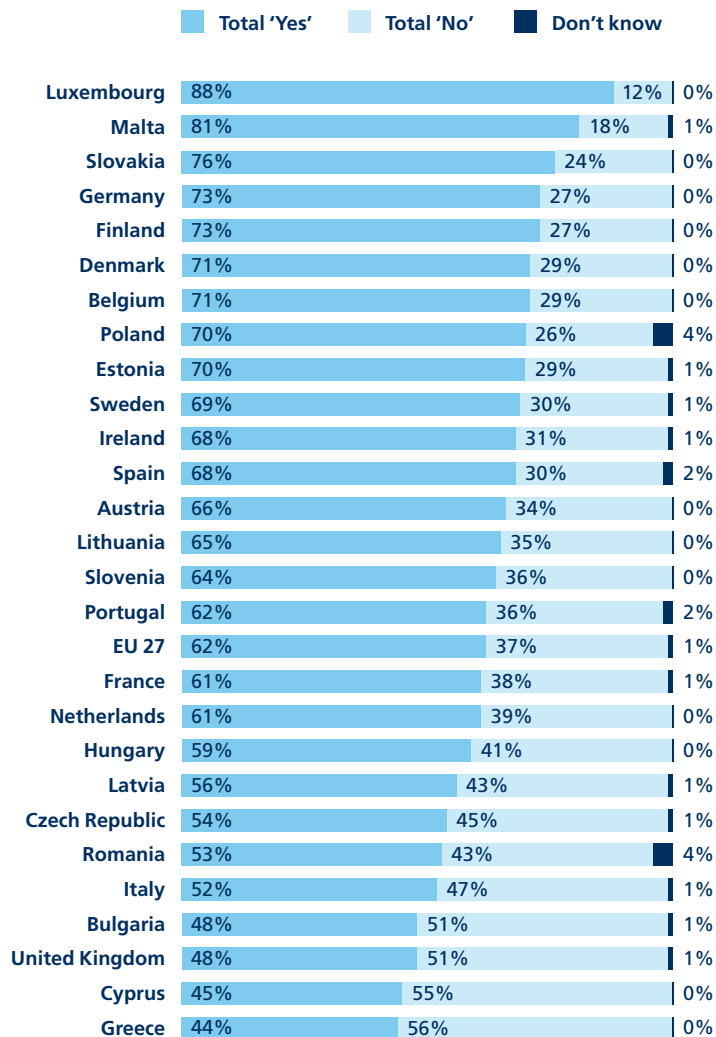
The reason I start with this in regards to European integration is that in certain respects, this is something we are now suffering from both in Greece and in Europe. Terms such as European integration, federalism and even the European Union mean different things to citizens in the south of Europe than they do to their counterparts in the countries in the centre and north of Europe, and while it might seem that we are in agreement when using these terms, in actuality the difference in what we believe these terms to mean makes reaching a consensus and moving forward that much more difficult. In the north and the centre of Europe, the benefits of European integration are everywhere: in the common borders shared, in the cross border workers and commutes, in governments working in tandem with the EU and in the way EU policies and programs resonate with the work of everyday citizens. The same does not apply in Greece.

Greece has traditionally been a pro-EU country. From the 1980s onwards, the European integration dream was a vague but tantalizing one, focusing on geopolitical safety (mainly in regard to tensions with Turkey and the Iron Curtain, and the prospect of Cyprus joining the EU) and economic growth. Political leaders communicated this vision to the people in terms of fiscal growth. This trend was further enhanced when Greece joined the Euro, with Greeks associating the EU with subsidies and luxury import goods. Given the fact that Greece at the time had no common borders with EU countries, and that there was a certain appeal to the success story of Greece of that time, Greece did not put much effort into strengthening bonds with the rest of Europe. In fact, even highly regarded EU institutions, such as the ERASMUS program, were not closely associated with the EU by the public. Also, certain systemic problems within Greece were never addressed by the EU, such as problems with immigration, human rights, corruption, market protectionism, pollution, customer protection and other issues related to national governance. Even when these issues were addressed, this was usually in the form of fines levied against national governments, unless national interests of specific countries within the EU were being affected, in which case actions were much more drastic. Invariably, this was portrayed in a negative light by Greek national governments, creating an ongoing motif where penalties levied against Greece were portrayed as not being the actual fault of local governance, but rather of demands by EU bureaucracies or the northern or central European States which had no actual knowledge of the Greek realities. These facts, along with the subsidies which seemed to come from afar and to be disbursed by the national governments, created a culture in which Greeks thought of the EU as a distant and vague institution which provided great fiscal and geopolitical advantages, but not one that fostered a sense of belonging or a genuine feeling of wishing to create a common European culture. It is quite telling that Euro-elections in Greece were portrayed as a referendum regarding the Greek government, and MEPs quickly forgotten about.

Enter the Crisis, in which the EU stance mirrored stereotypes which had been propagated in Greek public opinion: in tandem with the IMF, the EU tackled the crisis as a purely economic problem and in purely fiscal terms. A string of measures was proposed, which were broken down into two sets: fiscal measures and reform measures. The EU once again focused on implementing these measures via Greek governments (which were hugely statist, favouring party-appointed personnel in the State, business oligopolies, closed professional groups and pensioners), allowing said governments to propose alternative equivalent measures of equal fiscal value where they wished to avoid enforcing specific measures. The result was that reform measures (related to the public sector, closed professional groups, business oligopolies, pension and tax reforms) were avoided and counterproposals were made in regard to fiscal measures (increased taxes and pension fund dues, decreased wages and other such measures which strangled any chance of economic recuperation). The result was a blistering set of fiscal measures which seemed to be horribly out of proportion and unfeasible, communicated by the government to the people as fully mandated by the EU/IMF, with the 'heroic' government trying to talk to the Europeans but invariably failing (without of course communicating that the austerity measures were so grave exactly due to the fact that the Greek government did away with almost all reform measures while counter-proposing additional austerity measures). Problems such as immigration and national security afflicting Greece also saw little EU solidarity. This was followed by a campaign of half-truths and lies by populist media and politicians regarding the fact that the EU is an institution run by specific Member States in which Greece has no representation, and the damage was done: in 2014, Greeks had the highest negative EU opinion (54%).

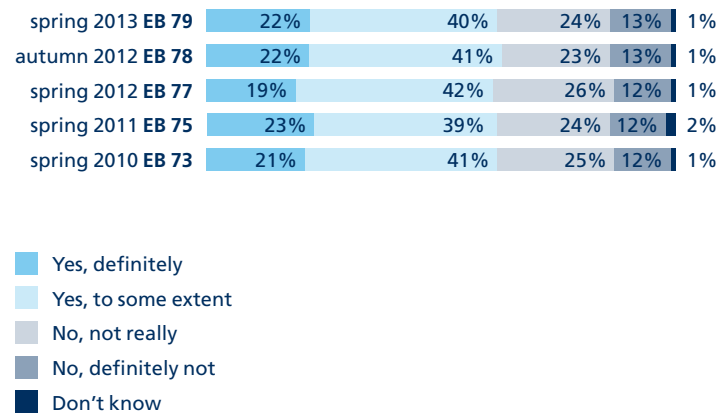
Thus, before we can talk about European integration, we need a common vocabulary on what this means, what the European Union means, and what actions are required for true convergence. We must understand the disparate opinions which exist regarding these issues, and work on reaching common grounds, wherein the concerns of all will be heard so that

**Figure 1**  
**You feel you are a citizen of the EU national**  
 Standard Eurobarometer 79 Spring 2013



together we might realize true European integration. The European Union needs to become the framework for a strong, liberal and vibrant community of nations, in which people will have a common vision and pan-European set of values. The common opinion in Greece is that there is a huge amount of negative freedom created by the EU currently, especially in fiscal terms, and almost zero positive freedom (this is mainly due to the fact that most positive freedoms currently afforded by the EU are passive in nature [i.e. open borders] or not sufficiently publicized as deriving from the EU, while some are falsely claimed as having being brought to the Greek people by the Greek governments after fierce negotiations). The EU needs to invest in creating more democratic institutions leading directly to the people. This can highlight exactly which are the benefits and responsibilities of Member States and of European citizens, and truly forge a network in which a Pan-European society can thrive.

**Figure 2**  
**You feel you are a citizen of the EU overall**  
 Standard Eurobarometer



As we can see, there are lessons which can be learned in regard to achieving greater European integration from the experiences derived from Greece, both for countries in southern Europe and for new entry countries. New entry countries for the EU will be countries from Eastern Europe, the Balkans and possibly Asia Minor. The model for Greek integration was as follows:

- A Initial period of integration, focusing on integrating the country into the economic model of the EU and the common currency, as well as the legal and administrative modus operandi of the EU.
- B After this was achieved, the country in question was considered mature enough and left to its own devices, with an assumption that national government would make a concentrated effort to propagate European ideals.
- C The offices of the European Commission/European Union (at least in Greece) have not made a concentrated effort or undertaken campaigns in mainstream media to educate and communicate the benefits and ideals of the EU.
- D The national government and populist media were allowed to create an 'us and them' mentality, in which all positive freedoms derived from the EU were outlined as products of hard negotiation by the national government against the EU, while all negative freedoms, restrictions and fines levied against Greece were publicized as the harsh effects of federalism (it is quite telling that the term federalism in Greece has wholly negative connotations, and is mostly equated with a German economic hegemony).
- E In order to continue a non-interventionist policy regarding national government policies and PR, the EU focused on the financial benefits of the Union and the growing welfare provided to the people of Greece. The downside to this is that this tactic was very successful during the years when there was fiscal prosperity, but had quite the opposite effect when the Crisis hit Greece. Given the fact that the positive connotations

of the European Union where based on economic benefits, is it any wonder that an economic downturn would lead to growing euro-scepticism? Thus, the main lesson we can learn from Greece (which is wholly applicable to both the European south and the new entry countries), is that European integration must be based not just in fiscal concepts, but also in concepts of social and personal liberties, and a process which will create a federal Europe, in which all member States and European citizens will be equal and will feel the European identity as keenly as their national identity. Also, a very important lesson is that while the EU is loath to intervene with national governments and national affairs, it must draw lines in the sand regarding national governments actively working against European integration and creating unfair propaganda against the EU.

So, given these problems and the Greek crisis, how should liberal ideals be applied in order to strengthen European integration, given that the EU imposes negative freedoms on citizens and states of the EU? The answer I think lies in the basic framework of social liberalism. Social liberalism believes in government playing a balancing role in the free market economy and in addressing economic and social issues, ensuring that the freedom of the individual is championed in tandem with the good of the community. In general, the State must be a benevolent and light-handed regulator and arbitrator of issues which affect liberty and the growth and prosperity of society, while at the same time combating the inherent inclination of government to turn to this theoretical background, and given the diversity of both individuals and nation states within the EU, could there be a better vessel for the application of the freedoms provided by liberalism than the European Union itself? The principles of liberalism (and especially social liberalism) are perfect for the EU construct, since it provides the optimum balance against corruption and statism on one hand, and on the other light-handed regulation of the free market economy for the prosperity of the people of the EU.

In order for the concept of European integration to take root, Europe must once again remind the Greeks what the EU stands

for (and not just in terms of fiscal advantages, but as a vibrant pan-European community), what it can provide to the united peoples of Europe, and how enticing and noble its vision and goal is. It also needs to provide leadership and assistance, and not just fines and/or fiscal oversight. This might seem as going backward in the process of European integration, but it is anything but: frank dialogue, direct democracy, more accountability (from national governments when they misrepresent the EU or its institutions, as well as from the EU itself) and going back to the basis of the EU. This will galvanize the south of Europe. It will create a fresher and more modern vision of the EU and it will create a bulwark against the rising tide of euro-scepticism. In this frank discourse, who else should stand ready to pick up the gauntlet for these issues other than the liberals who are champions of these ideals?

## Towards an EU for the 21st century

- 1 The process of European unification was one of the great political achievements of the 20th century. Europeans gained freedom, peace, and prosperity. Europe's unification is also a quintessentially liberal project, as liberals believe in the creativity and strength of the individual and in giving people the opportunity to make the most of their own potential. As Europeans we are experiencing the great benefits which liberal and open society harbour. Free and peaceful interactions in a flourishing European internal market have brought us unparalleled wealth. And in times of rapid globalization the EU helps to secure freedom, peace, and prosperity in Europe.
- 2 European unification and the resulting benefits were achieved by building an institutional framework based on the essential aspects of an open and pluralistic society: the rule of law, protection of fundamental human rights, and democracy and free markets. The European institutional framework we are operating in today did not come into being overnight but was developed step by step over the decades. But now we have reached a point within the EU where more and more European citizens not only feel disconnected from European institutions and the decision-making process but also seem to have lost trust in the common European project. Therefore, liberals need to answer why European integration is providing benefits for European citizens and come up with ideas on how the future of the European Union should be shaped.
- 3 In the current state of the Union, we are faced with the development that more and more policy areas and tasks have been handed over to the European level. The governments of member states have agreed on this, sometimes also actively



supported or pushed for it. But often, they do not explain and defend their motivation and Brussels' decision to their electorate. Furthermore, 'higher authorities' – i.e. European Commission, European Parliament – tend to centralize. The complex multi-level European decision-making system does not help citizens to understand who is responsible for what. This lack of transparency enlarges the distance between European citizens and the European project. The situation is worsened by national governments who – though being part of the European policy making process – back at home blame all wrong-goings on 'Brussels'.

- 4 Even though the European project seems to be in troubled water, the European Union's three goals remain unchanged in the 21st century: to ensure that Europe's citizens can live in freedom, peace and prosperity. This can be achieved neither through renationalization nor by transferring the concept of the national state to the European level. Instead it requires a continual assessment of the tension between transferring competencies and respecting subsidiarity.
- 5 Subsidiarity simply means that problems should be solved by the smallest unit (capable) of doing so. Problems are only passed on to the next higher level if the lower level cannot solve them. As a rule of thumb: 'private before state', 'local before central', 'small before large'. It would be better to check first if citizens themselves, then local or regional authorities can deal with the issue. If a decision can be made at the regional or national level, there is no reason to delegate matters to the supranational level, that is, the level of the EU. Emphasizing the principle of subsidiarity should not be seen as Euro-scepticism. It is a method of ensuring that public tasks are accomplished in a way that is most efficient and closest to citizens. Subsidiarity creates closeness to citizens. Subsidiarity creates transparency. Subsidiarity creates competition. Applying the principle of subsidiarity is the only way of ensuring that the EU remains a flexible and democratic system. That is why the principle of subsidiarity has to be given greater importance in the European institutional framework, especially with regard to shared responsibilities.

- 6 Subsidiarity is also the right instrument to address Europe's unique character. What makes Europe so special is great diversity in a small area. Its wealth of history, languages, architecture, literature, music, painting, culinary traditions etc. is extraordinary. At the same time, the European identity is a kaleidoscope of historical and cultural linkages. All of these facets are bound together by the values and the shared cultural and legal traditions that have marked Europe's history. In particular, they include the separation of worldly and spiritual authority, the separation of princely and corporate power, the victory of 'enlightenment' which is the basis of the Western understanding of freedom, individualism and pluralism. This European identity does not compete with the respective national, regional or local identities of citizens. As Europeans, we find ourselves belonging to all these levels at the same time, based on our shared values. Europe is not meant to replace other identities, but to complement them and to preserve diversity.
- 7 Like a business company that is regularly checking its fields of activity, the European Union needs a broad discussion among politicians and citizens on what policy area should be decided on which level. The appointment of a '1st Vice-President of the Commission' who is responsible for good governance and better regulation by Commission President-elect Juncker may be a chance to avoid new mistakes and to start a structured dialogue. But we also need to debate the reasoning for common European acting in all fields of politics and may sometimes cast out this or that old holy cow. Why should we continue with a common agricultural policy even though the reasoning for it has changed? Do we need a joint approach to data protection in the digital era? How to handle demographic change? Don't we need a common approach to migration in a Europe of free movement? And what is the benefit of 'rotating presidencies'?
- 8 What if 28 member states and parliamentarians on the national and European level not agree? The alternative may be that member states should be able to integrate on multiple speeds and opting out is not characterized as 'un-European' while



opting in is ‘pro-European’. Already today the EU exists of multiple flexible cooperation agreements – not every member state is a member of the Eurozone or the Schengen area.

- 9 Last but not least, the European project should become our project again, highlighting the achievements and leaving the crisis mode. That does not mean we should neglect existing problems. To demonstrate that new attitude to citizens in the media age, let’s start with a somewhat symbolic gesture: changing the European Council meetings from evening to daytime. That is the normal procedure of national governments and the European Commission; evening meetings only are tempting journalists to dramatize if a discussion is lasting until mid-night.
- 10 Europe will remain strong and attractive if it stays true to its liberal roots: by respecting democracy and the rule of law at all levels, protecting fundamental and human rights, pursuing a regulatory policy that corresponds to the rules of free markets, and by presenting a united front outwardly while utilizing and protecting its diversity internally.

\* Positions expressed in this paper are Mr. Stein’s personal positions.

## There’s a point to integration, and one which liberals should feel passionate about

Politics should always be aware of the real life impact on the smallest possible minority: the individual. As such, man is the ultimate democratic measure. This is difficult already in a small group. When dealing with unions the size of a continent, the question of the position of the individual should not be taken lightly. For liberals, to take position in favour of increasing the aggregation level must be explained.

In this paper I argue that there is indeed a valid argument for integration. However, the most heard arguments in defence of Europe, which come down to listing the benefits, are insufficient. In the first section I present the problems with these arguments. I go on by suggesting an alternative argument, one which provides a strong case in favour of integration, and conclude by operationalizing this argument.

### The problem with the traditional arguments pro-Europe

All too often, the EU is justified by listing successes as an administrative power, safeguarding individual personal interests, including consumer benefits, labour and free movement of people, environmental successes, and economic benefits. However important these achievements are, the question remains: are they sufficient to alibi current efforts of integration? Two fundamental problems make this argument doomed to fail. First, every reference to past achievements as a reason for more integration will, by its very nature, take the form of the *fait accompli* argument: the next step is necessary because earlier steps have been taken and they were successful. An argument dreaded by eurosceptics, as the Van Mierlo Foundation

demonstrates. Here, eurosceptics have a valid point. History cannot justify present action. Not even when developed into an elaborate narrative. The case against historicism was made convincingly by Karl Popper and Hannah Arendt. Second, listing successes fosters the view that politics is merely a way of delivering 'benefits' for individuals. Politics understood in terms of a natural antagonism between government and citizens in which the government has an administrative task only. This view naturally results in bookkeeper-politics, understanding the subsidiarity principle as an accounting exercise.

Trying to answer the question: "Which government can give me the most?", one can consider the type of government, and the level of government. Arguments are often combined. This is clearly the case in Belgium, where nationalists often repeat that a lower level of governance is necessary because of a different style preference between the Walloon and the Flemings. Seemingly a neutral remark, naturally following observance of election results. Existence and homogeneity of two peoples is suggested at this point. That more often than not, also within Flanders, different cities will have different coalitions, is easily ignored. The problems become even bigger when people ask for causes, explaining the differences. A different dimension is added inevitably. Constructs such as culture and identity are introduced at this point. That both are difficult to define, is rarely seen as a hindrance. These sorts of dialogue, be it historicism or bookkeeper-politics, contribute to the divide that follows many social identification processes. Transforming the individuals into in- and outgroups. For liberals, this must always be regarded with the necessary doses of suspicion. In particular when political or civil movements take this idea to the next level and try to reduce people to one 'core' group identity.

The argument must be dismissed. Not only on moral grounds. It will always be a very temporary argument for a permanent solution. Regions that have an economic advantage over others today might lose their edge in the future due to, for example, an ageing population or depleting natural resources. Culture and economic conditions also change over time.

Thirty years ago Flanders voted for a different government than it does today. Besides conservative forces, every culture has within it progressive forces that point out injustices. Not only Europe. An extreme example of this is when women rally against female circumcision. Debates inhibited by dilemmas of allegiance. In particular for migrant communities.

The concept of layered identity is an important tool for liberals. Not from a conservative perspective – the need to defend certain levels of identity – but rather from an emancipatory perspective. It provides a tool that enables us to take position towards these constructs and deconstruct them without losing our identity and sense. Only through this process the Self as an autonomous agent can emerge.

#### **The point to integration**

An independent region, be it a country or any other region, is often said to be more democratic. Besides administrative power and individual personal interests – as treated in the previous section – ideas of solidarity and an orientation towards a common good come into play here. Nationalist arguments here necessarily imply that the notion of the ethical and the common good have been determined in advance and need to be secured. If not, then why exclude people from the dialogue? A discourse-theoretic view contests this early convergence to the ideal.

Useful here is Immanuel Kant's understanding of the private, where discourse builds upon shared fundamentals, such as the vicar preaching to its church, and the public, where we are confronted with other ideas. The public sphere is then understood as bearing specific strategic importance for inclusive opinion and will formation. Through his appeal not to be lazy and to dare to think, he urges us to engage in public dialogue. In this view, a healthy democracy should be able to deal with diversity. The various forms of the subsidiarity argument (independence of the people, decision making close to the people) no longer do away with the very dream of union itself, the dream of bringing people together. It is the position that politics should always be inclusive. This is the most important argument in favour of the union.

Liberals cannot argue against inclusion of individuals based on regional or national belonging. It goes against the fundamental liberal concept of individual agency. No individual can be reduced to a group identity. The political interests and normative claims from a subgroup by definition never have the larger or the common good in mind. For liberals, the search for overarching values, elucidations, and policies as a compromise between free agents is never ending. This is only possible when the other is accepted as a free and equal partner in conversation, and all agents are fair.

One cannot easily split the way to happiness. Politics should be inclusive. People can be excluded only if it is necessary for democracy to defend itself. By definition, this is an ex-post conclusion when, for example, people join a political group aiming to install a totalitarian regime or to exclude a certain group from society. Not only for liberals, but for democracy itself, this argument against undemocratic forces can be made only when the union itself upholds its inclusive nature. All references to human rights and liberal democracy lose credibility if the union pre-empts inclusion or excludes groups for reasons other than the very survival of democracy.

Moreover, working out differences together and confronting different analyses of society can be a valuable exercise in itself. Bringing people together and making them more tolerant. Reducing stereotypes and allowing social and political models to progress. People should not be divided because it is possible. Every stakeholder must be involved in decision making. This implies moving away from the traditional understanding of political levels. People in the Netherlands can be impacted by decisions taken in Belgium, and the other way around. At the same time, this very decision might not impact all Belgian citizens.

#### Operationalizing the argument

Subsidiarity should not be understood as going as 'low' as possible, but rather as including all stakeholders. It must be an open invitation, allowing the individual to position herself towards the problem as an active citizen. Only then, democratic

values such as transparency and accountability are upheld. Subsidiarity thus becomes a valuable demarcation criterion. Only affected people should have a say in a decision. It trusts the people to be able to decide whether or not a policy decision will impact their lives. Equally, this leaves it to the individual to decide whether or not they forsake their rights.

This allows for the argument from the Van Mierlo Foundation that people can come together forming a *demos* in respect of their individual choice. However, it doesn't answer the question 'which *demos* is most important?' Rather, it becomes a variation of the multiple social identities argument, recognizing that we have many interests and belong to many *demos*.

First, in trying to answer this problem, we can treat it as a civic problem, asking which level is most important for the citizen. But the arguments there are not conclusive. Most legislation is decided on the EU level, yet the operationalization happens on the national level. In Belgium, we all go to school in regional schools. For Dutch speaking people, it will be the Flemish government that decides, amongst other things, on the end-terms. It is impossible to decide which level is more important.

Second, treating it as a cultural problem also has arguments going both ways. Should we recognize EU member states as more or less homogenous cultural entities or should we underline the importance of recognizing the heterogeneity of today's society? Europe is home to many religious groups, political groups, pressure groups, and philosophical groups, to name but the most obvious. More and more, these groups have interactions with likeminded people in other countries, forcing an understanding of society as a collection of networks upon us. It leaves us with the challenge to activate the networks, to identify and call upon the people involved.

Subsidiarity cannot be reduced to a simplistic reference to historic structures, such as countries, that need to be further developed. This is merely another version of the *fait accompli* argument – in this version, ironically, loved by eurosceptics –

and does not help us any further. Thanks to modern technology, it isn't necessary either. There are many ways to bring people together.

### Conclusion

Liberalism has faith in the individual, irrespective of nationality or socio-economic background. Rather than chasing a utopian dream, it trusts the individual to the extent that it upholds Protagoras' aphorism that 'man is the measure of all things' as the testing stone of policy. The problem becomes, where to find that 'man'? Squashed between several political levels of decision making on the one hand, and aggregate statistics on the other hand, man risks being lost on the way. No level of aggregation seems acceptable for liberals, which always have even the smallest minority in mind. Every ambition for union must be explained.

This paper argues that the strongest motivation can be found in the very notion of union itself. Europe as a dream tries to expand the borders, allowing as many people as possible to be included in the dialogue. This positive force is a strong argument, also for liberals. Not in the least since liberalism cannot argue for exclusion on grounds other than self-defence. Inclusion must be understood taking into account the moderating force of subsidiarity. It cannot be the simple ambition to include all people. Forcing them to have an opinion, even when policy does not affect them. Asking which people are stakeholders in a certain matter is the touchstone of democracy. Including them in the decision making process, plays an integral part in the notion of a union. Modern technology allows this to happen dynamically. Both forces are not mutually exclusive. Rather, when understanding stakeholders as a network, encompassing traditional borders, they are mutually enforcing and must be recognized as a whole. For many issues, if we want to include all stakeholders, we will be obliged to look across borders. Removing force as much as possible from people's lives necessarily implies expanding our horizons. It is important to recognize this if we want to be believable as a democracy and defender of human rights. Both internally and towards our international partners.

## The liberal case for Europe: to be or not to be

The most compelling liberal argument for European integration should be sought in a global and diachronical perspective. It consists in the possibly persisting influence of liberal principles in the global world – or in their future irrelevance. Liberalism today is almost synonymous with a political civilization, as opposed to other more authoritarian ones existing (and gaining momentum) in the present world. Within our countries, even the most authoritarian political movements must pay lip service to some of our basic principles. Not so in other parts of the world. We hold our values and principles to have a universalistic application, but they are far from being de facto universal.

In the few centuries of its global supremacy, Europe – and its heir 'the West' in the last century – had largely not been up to its ethical-political principles and values. Even after the birth of modern liberalism, its nation states certainly failed to implement them in their colonial possessions. The European project itself was not the outcome of a joint triumphal march, rather the remedy to previous downfall and insanity. Our, typically liberal, critical mindset leads us to spot the innumerable failures, also inside the political experience of the most virtuous and successful liberal nations, more than the achievements. For us those achievements will never really be satisfactory, as liberalism is, for liberals, a never ending work in progress.

But if we cherish the basic principles of liberalism – human rights, individual freedom, the rule of law, parliamentary democracy, open societies, equality of rights, equal social dignity, a free market economy, social mobility – we must take into serious consideration the fact that the actors that effectively

stand for liberal principles in the present global world are, after all, few in numbers. The US – the main other global Western player – has, to an extent, less demanding standards than ours (the death penalty, a different attitude towards violence and its legal use, lower standards in the protection of privacy and social security). As long as the US is the only influential Western power, the influence of liberal democracy in the global world is cut in half. In a world where single Chinese cities have the weight of entire European countries, we need all possible support for liberal values. Instead, the joint weight of liberal democracies has been proportionally decreasing.

The European pillar of the West is largely missing as long as there is no Europe capable of carrying its weight on the world stage. At the same time, the alternative to liberal democracy in the world today is no longer the prospect of universal poverty and deprivation of all individual freedom, as it was the case at the time of Soviet communism. Globalisation has been an enormous boost for the economic and human development in non-Western countries, and has also entailed a limited degree of social liberalisation and openness almost everywhere. However, an alternative model, more insidious than Soviet communism, exists in the world today, and claims to be able to provide general prosperity at the expense of political and individual freedom.

In a way, that is, although in very different forms, the common claim of the new Chinese model and that of many Western populists, who look back nostalgically on a time when our societies were less diverse and much more homogeneous: if not openly authoritarian, they used to be much more cohesive communities and much less open societies. This is also our fault. We can no longer afford to treat European voters as small children from whom it is always advisable to hide the ugly truth (even if voters do little to have somebody tell them). We can no longer afford to act as followers of the opinion polls, rather than trying to put forward our views. After all, our actual or potential electorate is in general smarter, more sophisticated and educated than average voters. We should

not be afraid to tell the voters that in our view the EU has come to a standstill; that without developing it into a real democracy and into a real subject of the international community, Europeans will increasingly have less influence on the world stage; that the world will show ever less regard for Europeans vital interests, and the global influence of liberal principles and values is bound to decrease further. This is a difficult political exercise, that requires a strong exercise of leadership.

### **Democratic deficit and anti-Europe populism**

We cannot afford the persistent democratic deficit of the European institutions. The still largely undemocratic fabric of the EU is a major argument of anti-Europe populism. It is capable of capturing even the consent of potentially non-populist voters, and is an untenable contradiction for pro-Europeans. A real democratic European decision-making process requires a real democratic European political system and this cannot be achieved by the present, still largely intergovernmental, institutions. Re-empowering the member states in their lost, unbounded competence would lead to our common obliteration.

The only possibility to achieve a real democratic decision-making process implies further limitations of the power of state governments, for all those matters that require decisions to be taken at the European level (e.g. those necessary to run a common market; but in the future also to carry out the common foreign and security policy without which Europeans have no weight and no real say in the global world). Intergovernmental decisions are taken in close-door negotiations, the result of which can only be swallowed, as it stands, by state Parliaments and by the European Parliament alike, with no normal parliamentary debate or possibility of amendments. The only alternative for the parliaments is a rejection of the compromise reached by the governments, followed either by a major crisis or by new intergovernmental negotiations behind closed doors. Liberal democracies do not work this way. They require transparency. Therefore, whatever political decisions have to be taken at the European level, they should be taken in the framework of a normal – i.e. federal European – democratic process.

It is quite obvious that such reforms are impossible without the consent of Europeans. And the awareness of this need is largely lacking. National governments and political classes have obviously no direct interest in losing further power. Indeed, they find it very useful to blame 'Europe' for unpopular choices, even if all the major European decisions have so far been taken with the unanimous approval of all state governments within the Council. Hence, a continuous de-legitimation of the EU by the national political establishments, adding to that coming from the populist 'anti-establishment' movements. No wonder the EU suffers a crisis of legitimation.

### European individuality and shared values

Obviously, we should focus on the already existing layered identity of our citizens even inside our individual states, and on the diversity inherent and typical to all open societies. But we should also stress that diversities and similarities also depend on the scale of the observation. If I considered Italy as my only object of observation, I would probably only notice the obvious and striking differences among its very diverse regions and cities. I would find it difficult to pinpoint typically Italian common and peculiar 'values'. If we look at Scandinavia from abroad, it would probably appear to most of us as a much more uniform and homogeneous part of Europe than it appears to the Swedes, the Danes and the Norwegians. But the Chinese, and perhaps the Americans, would probably find a lot of reasons to see us all as Europeans.

A couple of centuries ago, the love for one's nation (homeland or patrie) had much to do with the liberties peculiar to that individual nation. Today, Constitutional and Supreme Courts, and the European Courts, are more and more mutually recognizing a common constitutional heritage, involving common standards, legal principles, shared values. Its influence is not yet fully recognized by our citizens and even by decision makers, but this common constitutional heritage is in fact the core and the reason of the European project. It was not forced upon people top-down: rather, it is the social result and the legal systematization of a long, positive and fortunate phase of our history.

As much as it has been decisive in creating the common market, the EU has been instrumental in consolidating the rule of law and human rights in the older and new European democracies. And the EU has also been a mutual insurance on the respect of those principles. We must do more in this regard: as provided for by article 7 of the EU Treaty, the respect of the rule of law, individual freedom and human rights must not just be a necessary requisite for admitting new members, but also a real obligation, binding all existing member states.

In the centenary of the first attempted suicide of Europe, the value, and at the same time the inherent fragility, of these liberal principles should not be underestimated. The usual mistake is to take these shared principles and values for granted, and to consider them 'normal' and universal just because we would like them to actually be universal. Probably one of the reasons behind the anti-European wave is to be found in this misconception, that leads many Europeans to think that the European integration process is nothing more than a facet of globalisation – seen as a disempowering process. It is true that also many of us liberals consider this well intentioned 'cultural imperialism' a sort of cosmopolitanism. But this should not prevent us from seeing the differences, even if we liked – and with very good reasons – (these originally European or Western) liberal principles to be implemented worldwide.

Perhaps it is the success of the most extreme populist movements that should better highlight our threatened historical individuality ('identity', as we often say, even though it is not a static feature, as the word 'identity' would suggest). We should try to convey to the unaware public the idea that it is this historic individuality that establishes us as a *demos*, even if we will never be an *ethnos*. After all, none of our countries nowadays is an *ethnos*, and a country that considered its people as an *ethnos* would definitely not deserve to be considered liberal.

### Subsidiarity: a matter of controllability, and size

A final note on subsidiarity. We often repeat that the closer the level of government is to the people, the better the people



can influence and control the government. Indeed, the highest level should only deal with matters that cannot be better dealt with locally. However, human rights protection should never be made dependent on 'local traditions'. And 'closer' does not necessarily mean 'geographically nearer'. Closeness in this case has more to do with controllability and accountability, and these depend more on the level of media scrutiny than on geography. The Italian regions, for example, have an even worse record of accountability than the central power, because the scrutiny of the media is much less deep; there are fewer local media than nationally, the personal connections between media operators and politicians are usually closer, public interest in their activities is usually limited to the holders of vested interests and pressure groups. Basically, ordinary citizens do not identify with the regional level to the extent they do with the national and municipal levels. As a consequence, political life is less competitive, more consociational – and more corrupt. Moreover, it should also be taken into account that sometimes the decentralised powers of the larger EU member states are functionally more comparable to the smaller states as such than to their regions.

If a real European federation were competent on human rights standards, foreign affairs, security and the common market, it is very likely that political competition would be taken more seriously, the media scrutiny would be more accurate, Europe would be more accountable, more political and less bureaucratic. And a truly democratic form of government would certainly strengthen the sense of European individuality.

## Sovereignty to the Parliaments: Why Whiggism is still needed and how it can save Europe

From the initial paper I extract a few key points. First, European integration is presented not as a goal in itself, but as a need in a globalised world: it is a club of democratic countries, based on certain values, that exists to protect countries and individuals against foreign powers. Second, we should make clear which competences are within the scope of the European Union, and we should furthermore give it a proper institutional framework that is in itself democratic, always respecting the principle of subsidiarity. Third, the paper mentions the objective (needs, benefits) and subjective (feelings, cultural or emotional attachments) arguments that may be used against or in favour of European integration.

I agree with the first idea: I am not a European nationalist. I am not for European integration because there are some 'European' values to be protected. There are only universal values that are as valid in Helsinki, Lisbon or Nicosia as they are in Windhoek, Lima, Vancouver or Pyongyang. Protecting such values is absolutely necessary, and European countries are too small and weak to do it by themselves.

Consequently, I agree with the third point, namely that there is no need for a subjective or emotional attachment to have a political unit. In fact, such ties are social constructions. People are brought into feeling an attachment to their nationalities, and if (a) we have a real need of some kind of a European polis, and (b) such a polis is built in such a way that it respects the universal values that we hold dear, then (c) it follows that there is no violation of the only sovereignty that should really matter to a

Liberal: the moral sovereignty of the individual over himself. Furthermore, it follows that such construction (the European polis) may indeed lead to a better protection of such sovereignty.

Which leads us to the second point, where I do find a point of disagreement, not only with the paper itself, but actually with most (if not all) of the debate that we have been having on the issue of European integration. Subsidiarity is fine, but it tells us nothing. Everybody seems to agree with it, which can only tell us that it is little more than a word without content: it brings noise into the discussion because it is not a concept that can explain something, but an empty box that everyone uses, putting inside whatever one sees fit. The crux of the meta-discussion on Europe is then one between competences and the institutional framework: what we should do in the European Union, and how we should do it.

I have come to the conclusion that the only way to get out of the present crisis in the European Union is to start from the fundamentals (and forgetting as much as possible even the present institutional framework, which adds only confusion to a topic that is in itself complex). I will assert that the only Liberal approach to the European crisis is to stop talking about the policies (the competences) and start talking about the politics (the institutions).

### The Rule of Men

The 17th century brought about two events that determined the centuries to come and our modern constitutional states. One was the Peace of Westphalia. The other was the Glorious Revolution. The Peace of Westphalia instituted the principle of sovereignty. Over the lands, the people, and businesses of a given territory, only the prince was competent to judge. National sovereignty is a crucial element of modern states (but let us not fantasize about the true effectiveness of this principle, which has always been violated by larger powers). But it is far from being the only determinant one, at least surely not to Liberals and all of those who believe in liberal democracy, regardless of their specific ideological denomination. The second

event was the Glorious Revolution of 1688. The Westphalian sovereignty was not a national sovereignty. It was a sovereignty of the prince, of the crown. After decades of instability, civil war and regime changes, England laid a second brick towards modern Europe: in the fight between the Crown and the Parliament, the second won. As would later on be confirmed in the American and French Revolutions, and then in all the 19th century Liberal revolutions, the sovereignty rests not upon the crown, the executive, but upon the parliament, the legislative chamber, representative of the one true sovereign, the people.

In what way does this relate to our present discussion? When the heads of government of the United Kingdom, the Netherlands and Sweden called the chancellor of Germany to have a boat ride in a lake in Sweden to discuss the future of 500 million Europeans, I immediately thought of this problem, of the confusion that exists about the concept of national sovereignty. Sovereignty in a democratic state should rest with an elected chamber of representatives of the people. Not with the executive.

Eurosceptics like the heads of these governments (and I am using the word eurosceptic in an etymological sense, which is different from anti-European or nationalist – no, I am in no way comparing them to Marine Le Pen, Geert Wilders or Nigel Farage) think that they represent the people. They, and their acolytes, can actually say without bursting out laughing, that they are defending democracy and transparency while preferring negotiations on isolated boat trips between heads of government. This should make us think. They seriously and more or less honestly believe that they, the leaders of the national governments of four countries, better represent their peoples, and the interests of 500 million Europeans, than the many dozens of millions of European citizens that voted during the days of 22 to 25 May 2014. They – the de facto princes – think their right to continue ruling over Europe should be recognized, because they are the true holders of national sovereignty. Not an elected chamber.



Executive is the key word linking this very ‘monarchical’ concept of representation of national interests and the discussion on the competences of the European Union. We are stuck in a statist, governmentalist and interventionist concept of power. We think that we should be solving problems, without ever taking a look at how we intend to solve the problems. We want expediency. And that is where the problem lies. Expediency is the mother of many illiberal policies – for example, when we think that governments (or Europe) can solve the problem of unemployment. They cannot. They can only rush into executive decisions that will more often than not disrupt the rebalancing of the economy. That is not the task of states (or the European Union) in a liberal economy. Their task is to lay down the appropriate framework for society to solve such issues. At most, they should facilitate the solutions – not dictate them, and even less implement them. And the question poses itself: how can Europe stick to not imposing interventionist policies, and only facilitate and lay down the appropriate framework for good economic interaction, if the Union itself is not harnessed with a proper framework?

### The Rule of Law

There is a common myth nowadays within the right-wing eurosceptic and anti-European sectors (there are others within the left-wing sectors that I will not address here). The first part of the myth is that European integration has been a free trade project all along, and nothing else. The second part is, consequently, that the political aspects that are attached to it result from hijacking by the power-hungry bureaucracy of Brussels. But it is a lie that European integration was but a free trade association during its early years. To join the Union there are plenty of chapters related to human, civil and political rights that are only understandable if we view it not as a union of stomachs, but as a union of minds. As a civilization project. A federation of values. That is why a dictatorship like 1960s Portugal would never be allowed in the EEC, but was so in EFTA. That is why countries without a properly functioning democracy under the rule of law are still not accepted into the EU.

This myth perpetuates itself in a basic miscomprehension of what true free trade implies. Pro-market eurosceptics do not seem to realize that true international free trade means that no barriers can be imposed, exactly like it happens within a country. Within a country, there is normally (and this applies also to federations) common legislation on many aspects that are relevant for economic activity (which does not mean, like some left-wingers want to impose on Europe, having one single social system, one European minimum wage, or harmonized tax systems). This legislation may be sometimes positive (imposing certain safety specifications for example) but is very often also negative (forbidding protectionist measures, anti-competitive activities, etc.). This kind of legislation is the backbone of any internal market (be it a national market, or the European one). We cannot possibly have real free trade without common rules, and without the adjacent four freedoms, cornerstones of a single market – the free movement of people, goods, services and capital (it is noteworthy how unaware some free-market critics of European centralism are of the fact that when they want to forbid countries from raising trade barriers, this is in itself centralising power at the expense of national sovereignty).

If we do want to have absolute free trade (as many of us do), and if we do recognize that such free trade needs common rules (as any logical reasoning will force us to), the question that we must then answer is how we want this legislation to be decided on. Before knowing what the legislation will contain, we must know how it should be written. Who should decide? The executive or the legislative? The Crown or the Parliament? Heads of national governments or European parliament(s)? Loose free trade and international agreements can and should be negotiated by intergovernmental methods. Their low relevance and complexity make them hard to deal with in a parliamentary setting, especially because they imply the signature of agreements that have to be pre-negotiated between all parties and accepted as a block (though, following the failure of ACTA, policymakers are finally understanding that in pluralist societies citizens must be heard – see what is now happening with TTIP).

But it is not so if we want an enduring and uniform set of rules that allows for a completely unified economic community, in which legal certainty is of utmost importance. Economic agents must know which rules apply; and that these rules will not change at the whim of a government, but that all competitors (regardless of their country) will be equal before the law.

#### **Why and how Liberals must change Europe**

For decades, European legislation has suffered from the permanent pressure of national governments who try to influence it in ways that benefit this or that national lobby. To give a recent example, look at how olive oil producing countries tried to impose a European-wide ban on jugs to please their agro-industrial lobby of big companies, against the best interests of consumers and to put the small producers out of competition. This is what happens with a non-transparent legislative process, where there is no accountability (Cameron blamed the oil jugs ban on the Commission, though the British government allowed it to pass in the Council). This is what happens when the executive accumulates powers beyond the technical implementation of legislation, and instead determines what the legislation is. A conscientious defender of liberal democracy and free markets should know that legislation by the executive steers towards interventionism and bad laws.

And this is why in Europe we need a change from the rule of men – of the crowned heads of today’s Europe, the heads of government – to the rule of law. I do not mean rule of law like in the French *État de droit* or the German *Rechtsstaat* here, but as in the rule by principles. Such principles are nothing new. Ruling by principles implies a well-established separation of powers that produces legislation which does not address particular (national, social class, religious, economic sectors) concerns, but is common to all and can be used by all to better pursue their own goals. Parliaments, as representatives of the sovereign – the people – have historically been established precisely to achieve such principles. It is in that sense treason to the history of modern constitutional democracies how national governments have kidnapped national sovereignty from their parliaments.

I have stated above that we need to stop talking about competences and start talking about the institutional setup. I believe that is the case because the discussion on competences is dependent on the institutional framework. If we want a Europe of true and unrestricted freedom of trade – as Conservative euroscepticists seem to want – then we need to reproduce at a European level what we have at the national level – an elected parliament with supremacy over law and an executive that transforms general laws into technical legislation. If we prefer countries to decide if they will have freedom of movement of people, goods, services and capital, then indeed we should privilege intergovernmentalism, because in that case national parliaments can scrutinize the loose agreements that their governments will sign. This is the choice that lies in front of us. A proper institutional framework determining who will decide on our lives. The crown or the parliament. As a Liberal, I believe in free trade and free movement. As a Liberal, I believe in parliamentary democracy. As I would be a Whig in 1688, I am a Whig today.

## A liberal perspective on European integration

In order to formulate a liberal perspective on European integration, it may be helpful to refer to the fundamental question why liberals think a state – whatever form it has – is necessary.

### Why a state?

Political philosopher John Locke (1632–1704) explained the *raison d'être* of a liberal state. He used the concept of the State of Nature. In this state, everyone is free to act and acquire property according to his or her will. No one is subjected to the will of others and because of this lack of supreme authority, everyone is equal. However, exactly in absence of this supreme authority, everyone risks being oppressed by the other. A state of war is thus just around the corner. As John Locke himself reflects: “Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is properly the State of Nature. But force, or a declared design of force upon the Person of another, where there is no common Superior on Earth to appeal to for relief, is the State of War.” ■

The state comes into being when all people unite freely in a body Politick and delegate the individual right of nature to protect one's own life and property to this body. The *raison d'être* of state power, from a liberal perspective, is to protect the safety and the property of its citizens.

■ John Locke, 'An Essay Concerning the True Original, Extent, and End of Civil Government', in: *Two Treatises of Government*, Cambridge, 2000, Chapter III, §19, p. 280.

Indeed, the state ultimately exists to protect the freedom of its citizens. The importance liberals ascribe to individual freedom stems from their concept of men and humanity, the starting point of the political philosophy of liberalism. No person should ever be considered only an instrument (within society) to achieve a certain goal. The individual human being is always at least a goal in itself, he or she is ultimately valuable in itself. Freedom, according to liberals, is the state par excellence to honour that human dignity. ■

The concept of freedom creates a problem for liberals, as it can be understood as both negative and positive freedom. Negative freedom is the absence of interference from outside, by others. It is the space within which one is able to act undisturbed. Positive freedom is the extent to which one is able to take one's life into one's own hands. This may require help or support from others. Education, the guarantee of a subsistence minimum, but also having the right to participate in decisions concerning one's personal life are three examples of positive freedom being materialised. Neither negative nor positive freedom have absolute value. Liberals do not equally emphasise these two concepts of liberty, so well explained by Isaiah Berlin. Since liberalism is a family name for several variants – classical liberalism, Bildungliberalismus, social liberalism – liberals do not easily agree on the justified tasks of the state. There is a natural tension between positive and negative freedom, i.e. between fundamental rights that protect the freedom of interference from the state and fundamental rights that require state interference.

■ Although the concept of freedom is central to the philosophy of liberalism, it should be noted that the value of freedom is derived from the ultimate value of the individual, i.e. human dignity. Thus, freedom has no absolute value. It can be justly limited with a view on the freedom of others. Freedom is just one side of the coin of respect for human dignity. The other side of that coin is 'responsibility'.

Although liberals have different views on the balance between negative and positive freedom, they do not disagree on the main task – the *raison d'être* – of a state; that is, the protection of the individual freedom which allows us to live in a society that is less likely to be at war than it would be without state authority.

### European integration

The form of state that best honours individual freedom is the democratic state; a state where accumulation of power is prevented and public power is democratically controlled and legitimized. Mechanisms to separate the powers and balance the competences of the state should prevent abuse of power, arbitrariness and suppression of the individual.

At first glance, the European Union as some kind of state form beyond Europe's nation states may appeal to liberals. From a historical perspective, the EU fits well within the fundamental liberal stance as to why state power is needed. European integration started after two world wars on the European continent and clearly was intended to consolidate peace on this continent. Through liberalisation of economic activities, the first steps of European integration also appealed to the economic dimension of liberalism. Economic freedom was furthered by integration: taking away obstacles to free trade (negative integration) and setting up common standards (positive integration).

Nowadays, though, the EU has expanded competences that go far beyond the economic community it once was. Following the fundamental explanation of the liberal *raison d'être* of a state, as shown in the previous paragraphs, liberals should ask themselves a) why that European level of governance is needed and b) which kind of tasks and competences the EU should have.

As to the question why European integration is needed, the answer is clear and shouldn't differ from the answer with respect to any other level of governance (local or national).

Ultimately, from a liberal perspective, state governance should protect the individual freedom of citizens. European integration should be furthered only insofar that it serves the protection of the freedom of the individual. This means that integration should take place only in those fields where protecting the individual freedom at the national level has become nearly impossible due to the kinds of problems that have to be regulated, i.e. typical cross-border problems such as migration, environmental issues and international trade.

As to the question which kind of tasks and competences the EU should have, the answer probably depends on the variant of liberalism one approaches this question from, just as socialists or christian democrats formulate different answers to that question. The TeldersStichting does not choose one exclusive variant of liberalism, but the classical thinkers of liberalism always appear to be an important source of inspiration. We consider it essential that a free and democratic society, in which there is no accumulation of power and public power is always democratically controlled and legitimized (checks and balances), will survive. We embrace a liberalism that is vigorously opposed to socialism, religiously based politics and other kinds of communitarianism.

Reasoning from this standpoint, one should conclude that the EU has, first, an important task in consolidating the democratic rule of law in its member states. Democracy in Europe works at the national level primarily. We observe that a *demos* is lacking at the European level, and we are thus not so sure that citizens of the EU feel represented at the European level.

Second, only for those matters that by their nature require European regulation, the EU should have competences that replace or complement those at the lower – national or regional – level. In absence of a European *demos* and a properly functioning democracy in Brussels, we should be reluctant to promote European integration. Remember John Locke: the fact that giving up (delegating) one's right of nature happens with one's own consent, is fundamental for the legitimacy of the

state power. “[...] The Legislative cannot transfer the Power of Making Laws to any other hands. For it being but a delegated Power from the People, they, who have it, cannot pass it over to others.” ■ Our national legislatures cannot simply pass over their competences to an institution with less democratic legitimacy.

But even if one thinks the lack of a European *demos* should, technically, not create any problem for a functioning democracy at the European level – or even if one thinks that a democratic deficit is an illusion rather than a reality – liberals distrust state power almost by their nature. European integration per se does not further or protect our individual freedom and a liberal plea for promoting state power (in whatever form) would be a *contradictio in terminis*.

In conclusion, the answer to the second question, which kind of tasks and competences the EU should have, comes down to several core tasks, formulated with caution and with continuous reflection on the principle of subsidiarity. For now, we borrow the answer from former EU commissioner and former leader of the VVD, Frits Bolkestein:

- 1 “Remove obstacles for traffic between member countries. This concerns a significant part of the economic dimension: the internal market, competition policy, foreign trade.
- 2 Tackle common problems, such as environmental pollution, the Mafia, terrorism and energy policy.
- 3 Utilise advantages of scale, such as foreign policy and monetary union.” ■

■ Ibidem, p. 362. (§141).

■ Frits Bolkestein, ‘Europe’s core business’, in: Fleur de Beaufort and Patrick van Schie (Eds.), *Democracy in Europe. Of the people, by the people, for the people?*, ELF, Den Haag/Brussels, 2010, p. 116.

### Subsidiarity and the debate in The Netherlands

The TeldersStichting will never defend one particular stance in the debate. In fact, the staff of The TeldersStichting often does not agree on EU issues. However, we do encourage further development of critical analysis of European integration. In particular, we embrace the discussion initiated by the British Government, which initiated their Review of the Balance of Competences project in 2012 and we follow with interest Dutch ideas about the so called ‘core business’ (*kerntaken*) of the EU. Ultimately, these debates evolve around the question how the subsidiarity principle, in practice, should be understood.

The question as to what exactly is the balance of competences between EU and Member States is a pressing question – especially in the light of our doubts regarding the existence of the right preconditions for a functioning democracy in Brussels.

Whether or not there are competences that should be brought back to the national level, and if so: which ones and why, are questions that are at the heart of an ELF project the Telders-Stichting executed in 2014. The project consisted of an expert meeting with presentations on 30 October 2014 in The Hague, and the publishing of an edited volume in 2015.

## A liberal stance on European integration – from a Hungarian liberal standpoint

The VMS position paper approaches the liberal support for European integration from a theoretical standpoint – describing in detail what the negative and positive interpretations of freedom mean with regard to Europe. From a Central Eastern European perspective, however, support for integration derives from more practical, but equally fundamental, issues. Being a liberal think tank based in Budapest, the view of Republikon is also shaped very much by the debates seen in the last few years between an increasingly nationalistic government – led by Viktor Orbán – and the European institutions.

European integration brings many benefits that liberals should be proud of – free trade and economic prosperity, open borders for citizens to travel freely and a possible voice on the world stage. Nonetheless, while arguing about the specifics of policies on the European level, we should not forget the most basic advantages of the European project: providing peace and rule of law throughout Europe.

### Re-discovering the European Union as a peace project

While most European policy makers are intellectually aware that the European project started as means of integrating Germany in a peaceful way, and was first and foremost a peace project before it became an economic one, many tend to think this aspect is irrelevant today. Liberals stand for freedom, and peace is necessary for freedom.

When liberals use the ‘peace argument’ in defence of European integration, eurosceptics usually dismiss this as an outdated

concept. As an alternative the eurosceptics offer a loose cooperation of states based on free cooperation. Moderate eurosceptics wish to return to what they see as the original European integration: a free trade area with relatively open borders, but without any supranational institutions. According to the argument, in the globalised world of the 21st century, European nations would be peaceful, prosperous trading countries even without all the power being allocated to Brussels.

Recent events on the borders of the European Union provide a clear rebuttal to this argument. Wherever one looks at the periphery of the Union, conflicts emerge. In the 1990s and the early 2000s, it was the conflict in Yugoslavia that reminded everyone that peace does not emerge naturally. In the last year, the conflict in Ukraine makes this even more evident: without the protective umbrella of the European Union, conflicts arise more easily.

There are two arguments against this rebuttal, which are often voiced by eurosceptics. Firstly, that the security guarantee provided by NATO is more important. Secondly, that these countries are different from the ones already in the European Union: that even without European integration, the present members would never resort to force to settle their differences. The first argument is easily refuted by the example of Turkey: the country is a NATO member but has been engaged in a number of low intensity military conflicts.

As to the second argument, recent policies of governments in Central Eastern Europe are not reassuring. If one listens to arguments of Hungarian and, for instance, Romanian and Slovakian nationalists, it is easy to find stunning resemblances to how Ukrainians and Russians talk about each other: citing historical grievances and making claims on one another's territories. Far right extremists are getting stronger throughout Europe but the ones in Eastern Europe – think Jobbik in Hungary or Golden Dawn in Greece – are hardly peaceful in their intentions. In the rhetoric of Jobbik, for instance, it is not difficult to find allusions to a notion of 'Greater Hungary', encompassing parts of present day Slovakia, Romania and Serbia.

Indeed, after the Russian annexation of Crimea, there has been talk in Hungarian far right circles of getting 'back' the parts of Ukraine that previously were part of Hungary.

Europe does not wave a magic wand for peace; it is the very nature of the European Union with its endless meetings, interactions and compromises which makes it unthinkable for member states to settle their differences in a non-peaceful way. Liberals know very well that engagement and interaction are usually the best ways to make a society more tolerant in general – this same principle applies to nations. The present peace enjoyed in Europe is partly the result of the constant engagement of European nations with one another.

Republikon Institute has been researching euroscepticism for some time and we tend to differentiate between different types of it. In Western Europe, eurosceptics use the rhetoric of democrats and very often actually mean it. This is apparent in the VMS position paper as well: the paper asserts that the main argument of eurosceptics is the democratic argument – that Europe is antidemocratic because of the *fait accompli* nature of the integration. Many eurosceptics, especially in Central Eastern Europe, however, use a very different, nationalistic argument against Europe. They say Europe is 'attacking' their country; Europe is portrayed as a vast conspiracy of liberal elites that try to subdue nations and make their special culture disappear to promote an 'alien', globalised culture. One needs only to listen to these politicians to realise that the alternative to European integration is not the happy coexistence seen between the United States and Canada – the example of Ukraine, Russia, Georgia and former Yugoslavia is just as, if not more, realistic. Liberals need to pose forceful counterarguments against the populist eurosceptics' claims.

#### **Europe as a defender of fundamental freedoms**

The VMS position paper states that "[t]he EU is a vehicle through which citizens who share interests can collectively protect those interests and secure their ability to shape their own lives. To do this, the EU must be powerful enough to pro-



protect its citizens against other states or against companies”. From a Central European perspective, a crucial question emerges: what role should the European Union play when the citizens – and their fundamental freedoms – are threatened not by a different state but by their own?

This is not an academic question. In the last four years, there have been a number of debates between the Hungarian government and European institutions. While many – even liberals – talk about the overzealousness of Brussels, in these debates, the bureaucrats of Brussels often stood up for basic liberal principles. In the debate about media freedom, an anti-liberal Hungarian government was opposed by the Commission on liberal grounds. On questions as diverse as constitutionalism, rule of law, independence of the judiciary and the separation of powers, it was the European establishment that stood up for liberal values. While some liberals in Europe see Brussels and the Commission as too ‘regulating’ and centralising, this actually proved beneficial for Hungarian democracy as Brussels represented one of the few obstacles to the Hungarian government in its drive to centralise power. These debates brought forward two crucial questions liberals need to address. The first is the question of subsidiarity with regards to fundamental rights and freedoms. We usually assume that the EU, as a collection of democracies, has no role in this area: we assume member states protect the rights of their citizens against a central government. The Hungarian example clearly shows that this is not necessarily the case. Liberals should support the EU playing a role in this area. The possible appointment of a commissioner on human rights, as proposed by Jean-Claude Juncker, is a step in the right direction.

The second question concerns the double standards the EU has for candidate and member countries. The European Union prescribes hard criteria for countries wishing to join – the Copenhagen criteria – but has no mechanism against states once they are in. Liberals should support Brussels having some role in monitoring internal democratic practices – and intervening if necessary. As Hungary and most countries which

might follow the Hungarian example are net beneficiaries, withholding EU funds because of lack of internal democracy might be one possible solution.

#### Liberal arguments on the European level

Any power over fundamental rights or basic freedoms exercised on the European level would be severely attacked by nationalists. The VMS paper illustrated this very well with the example of how a decision originally favoured by a member state is automatically attributed to ‘Europe’ once it becomes unpopular. The Hungarian prime minister is not alone in branding all concerns about the behaviour of the Hungarian government as attacks against ‘Hungary’.

The best way to deal with this issue is to empower European agencies to ‘hit back’. Right now, we expect commissioners to be technocrats – it is the exception rather than the rule for them to be overtly political. This, however, creates an uneven situation: a nationalist politician can attack ‘Brussels’, but ‘Brussels’ can only state that it does not get involved in partisan politics.

Liberals should support changing this practice. In a democratic system, legitimacy is created by diverse political opinions and arguments. There is no reason the European Union should be an exception. Already, the nomination of the ‘spitzenkandidaten’ has resulted in a Europe-wide debate about the role of the European Parliament and nation states; as a result, Jean-Claude Juncker might be the best-known commission president ever to start a term. More political debates, more politics, clearer options and even partisan clashes make the EU more transparent and bring it closer to citizens.

■ The European Union faces very clear challenges from both outside and inside: conflict at its borders and illiberal practices in member states. These challenges question the fundamental premises on which European integration has been built. Namely, that Europe is basically at peace with no clear threat and that all member states adhere to common democratic principles. The European Union has to meet these challenges – or face a crisis far bigger than the economic or institutional problems of the last years.





# European integration

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Liberal political parties and organizations in Europe tend to be in favour of European integration. But as the time of the ‘permissive consensus’ has come to an end and the goal of European integration is no longer uncontroversial, liberals find that their pro-European position confronts them with fundamental questions, such as: what do we want to achieve by the creation of a European polity? What do we want it to look like? How do we view its relationship with other, existing levels of government – first and foremost, the national state?

In an attempt to answer some of these questions, the European Liberal Forum organised the seminar ‘Liberal perspectives on European integration’ in the Dutch town of Soesterberg in 2014. For this occasion, each participating organization submitted a discussion paper in which they could introduce their key thoughts on the issue. These discussion papers are collected in this publication. For all their disparate views on the goal and role of Europe, a common liberal argument may be found in the need to politicize the public debate and decision-making process in Europe.