FEATURES

THE FUTURE OF THE EUROPEAN STATE:
SOME HISTORICAL REFLECTIONS ON THE GERMAN CASE*

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“A picture held us captive. And we could not get outside of it, for it lay in our language and language seemed to repeat it to us inexorably.”

Wittgenstein, Philosophical Investigations, No. 115

Any historian rash enough to put the word “future” in his title owes his audience an explanation—if not an apology. As Dieter Langewiesche has recently warned us, historians’ credentials become invalid as soon as we leave the past. “Historians,” he writes, “are competent only for retrospection. As experts they are fundamentally incapable of predicting—nicht prognosefähig.”¹ I shall try to keep Langewiesche’s prudent admonition in mind; this essay makes no predictions. But while I do not intend to predict what the future of the sovereign state will be, I will attempt to suggest how we should think about it. In this somewhat more modest project, history is a helpful companion and sometimes an indispensable guide.

The great French historian Marc Bloch once wrote that the “solidarity of the ages is so effective that the lines of connection work both ways. Misunderstanding of the present is the inevitable consequence of ignorance of the past. But a man may wear himself out just as fruitlessly in seeking to understand the past, if he is totally ignorant of the present.”² I think that what Bloch called “the solidarity of the ages” may reach in the other direction as well, connecting not only the contemporary world with its past, but also past, present, and future. However imperfect and tentative the result, we must struggle to imagine what lies ahead, and we must do so in the light of what we know about both past and present.

A great deal has been written about the future of the state—and here it is time to emphasize that my subject is the European state, although my remarks may have wider applications. Some observers have declared that
the European state’s days are numbered, indeed that it may have already passed from the historical landscape. For example, Carl Schmitt, that deeply disagreeable but sometimes insightful theorist, wrote that “the epoch of the state [Staatlichkeit] is now coming to an end . . . The state as the model of political unity, as the bearer of that most astonishing of all monopolies, the monopoly of political decision, this brilliant example of European organization and western rationalism, has been displaced.” More recently, the historian John Pocock remarked that “Europe, the cradle of the state, may be about to discover what it is like to do without it.” Others insist on the state’s durability. The influential political sociologist Michael Mann, for instance, maintains that “the nation-state is not in general decline anywhere.” Adding, “where countries lack an effective nation-state, they would dearly love to have one.” The lack of consensus about the state’s future is nicely captured in a collection of essays published a few years ago that was entitled Abschied vom Staat, Rückkehr zum Staat—leaving the state, returning to the state.3

This title also points toward a central difficulty in thinking about states: It is contained in the simple definite article the (I often think that the most problematic words in any statement are usually the shortest and simplest, words like the, in, or and.) There is, as I shall argue at length, no such thing as the state, a historically necessary phenomenon that we can abandon or recover. States are not objects, destinations, agents; they are persistently changing ways of thinking and acting, idioms and practices, ideologies and institutions. To think about states’ past, present, or future, we must resist the urge to turn them into things, with a set character and normative existence. “The obvious escape from reification,” Philip Abrams once wrote, “is historical. The only plausible alternative I can see to taking the state for granted is to understand it as historically constructed.”4

In this essay, I will examine three visions of the European state’s future: first, that individual states will become part of a federal “United States of Europe”; second, that states will be dissolved into a post-sovereign (sometimes called—although not by me—a postmodern) new order; and third, that states will continue to pursue their self-interest and security, much as they have in the past. I will deploy materials from German history to test each of these versions of the state’s future. The German historical experience strikes me as particularly appropriate, because from Hegel through Max Weber to Carl Schmitt and beyond, Germany has been both setting and model for some of the most powerful and influential thinking about the modern state’s past, present, and future. For more than two centuries, there has been something exemplary about the German state and, as I will try to suggest, this remains the case.
Part One: A United States of Europe?

Will Europe evolve from a federation of states like the European Union into a federal state like the United States, that is, a state in which the sovereign power of each member will be subordinated to a central authority, a super-state that would, for example, have the capacity to formulate and implement a common foreign and security policy?

The possibility that Europe might—and in the minds of some, should—become more than a collection of states was present from the beginning of the process of European integration. In 1957, the signers of the Treaty of Rome declared that they were determined “to lay the foundations of an ever closer union among the peoples of Europe.”

International organizations—the United Nations, for example—create connections among states, while individual states create connections among people. The European community, therefore, tried to be both at once. It was run by a council, composed of heads of governments, but it also had a parliament—which was at first indirectly, then directly elected—that was supposed to reach across state boundaries to represent the peoples of Europe.

For its advocates, the most important expression of European political unity would be a common foreign and security policy that could be created and implemented by European institutions. Beginning with the Hague Summit of December 1969, members of the European Community have continually called for greater cooperation in foreign affairs, which—in the words of the Davignon Report issued in 1970—would “show the world that Europe has a political vocation.” From then on, proclamations of the aspiration and intention to construct a common foreign and security policy have been a recurrent theme in the life of the European Community (and now European Union). They can be found in the Single Europe Act, the Maastricht and Amsterdam treaties, the ill-fated constitutional project of 2005, and current efforts to implement a new reform treaty. Considering the gap between these proclamations and Europeans’ actual ability to cooperate on the international scene, this long campaign has been—to borrow Dr. Johnson’s famous description of second marriages—a triumph of hope over experience.

The drive for political unity rests on the assumption that the creation of a European superstate is somehow the natural, logical outcome of economic integration. Many have argued that by failing to follow the path to statehood, Europe is incomplete, unfinished, its true destiny unfulfilled. As a French strategic expert wrote in 2000, it is “less and less logical for an economic, commercial, and technological power . . . to remain a minor power on the strategic plane. It amounts to a historical incongruity.” Words like “logical” and “historical incongruity” alert us to the fact
that we are, once again, in the presence of assumptions about the normative character of the state and the teleology of its evolution.

The historical experience that is often cited to support the idea that Europe must necessarily evolve into a federal state is the nineteenth-century German Customs Union, or Zollverein, conventionally regarded as the foundation on which a unified German nation-state was built. On the surface at least, there are some striking parallels between the Zollverein and the European Union. Both were created by states; both began as essentially economic organizations designed to facilitate trade, although in both cases some of the organization’s advocates also had political aspirations. But does the transformation of the German Customs Union into a united German nation-state support the notion that Europe’s evolution toward statehood is both necessary and inevitable? I don’t think so. Let’s look more closely at the evolution of the Zollverein: In the first place, most of the governments in the Customs Union opposed national unification, as did—so far as we can tell—a majority of their populations. Political unification did not grow naturally or logically out of economic cooperation: It was imposed by a single powerful state—Prussia—by force, first in the civil war of 1866, then in the war against France four years later.7

Far from showing that economic cooperation must bring political unity, the example of German unification reminds us that in the process of state-making, war has almost always played a critically important role. (This was, of course, equally true of the American case, the other historical example often cited as a model for European federalism.) In Charles Tilly’s one-sentence summary of the history of state formation: “Wars make states, and vice versa.” War, Tilly writes, “wove the European network of national states, and preparation for war created the internal structures of states within it.”8 Without the impetus of international competition and often the deployment of both foreign and domestic violence, few sovereign states would have come into existence—and, one might add, a number of them (including the United States) needed additional wars to remain together. The European Union, on the other hand, was created not by and for war, but by and for peace—that is, by the creation of a security environment that made economic and eventually other forms of cooperation possible. In this environment, the primary impetus to state-making was missing. It is often assumed that because Europeans have created a peaceful society of states, they will eventually form a unified state. I think it is much more accurate to say that precisely because Europeans have figured out how to live in peace with one another, they do not need—and most likely will not create—a European superstate. What historically has been the primary impetus to state-building is missing. Peace made the postwar European state, and vice versa.
It would be a mistake to underestimate the political implications of European integration, but it is fundamentally misleading to view these implications from the perspective of nineteenth-century state-building. The persistent inclination to do so is one reason why so many people have had trouble understanding what the European Union actually is—much as historians in the nineteenth century had trouble understanding the Holy Roman Empire. When measured against a normative image of the state, both the EU and the Empire appear odd, incomplete, unsuccessful. In fact, they are simply different—in origin, character, and purpose—from the way we usually understand states.\(^9\)

**Part Two: Beyond Sovereignty?**

Like the federalists, the second vision of the European state’s future that I want to consider also imagines a decline in the importance of existing states, but in a much more radical way. While the federalists imagine a transfer of sovereign power from the member states to some kind of European super-state, the advocates of a new post-sovereign order imagine that the sovereign state will eventually dissolve, or at least play a decreasingly important part in international life.

The scholars who apply these ideas to the study of European integration are conventionally called functionalists or neo-functionalists. They argue that the process of economic interaction among individuals and enterprises creates an increasingly dense set of connections across sovereign boundaries, which necessarily encourage political cooperation and institutional coordination. The roots of these theories reach into the eighteenth century; they were given influential formulations by thinkers like Richard Cobden and Herbert Spencer in the nineteenth century and by Norman Angell and David Mitrany in the twentieth.\(^10\) These ideas were very much on the minds of some of the founding fathers of European integration, especially Jean Monnet. Functionalist ideas were clearly reflected in the famous Schuman Declaration of May 1950, which set the process of European integration into motion by calling for joint control of Europe’s coal and steel production: “Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.”\(^11\) At least in retrospect, this seems to be exactly what happened: first cooperation on coal and steel production, then an extension of commercial agreements in the Treaty of Rome, then an expansion of the community, as well as a deepening of its institutional basis. Europe, therefore, can be seen as the most vivid example of what the Princeton political scientist Anne-Marie Slaughter calls a shift in the meaning of sovereignty, from an emphasis on “autonomy from outside interference to the capacity to participate in transgovernmental networks of all types.”\(^12\)
If Europe is the best example of a post-sovereign international order, then the German Federal Republic would seem to be the best example of a post-sovereign state. From its founding in 1949, the sovereignty of the Federal Republic was qualified in several important ways. The second section of Article 24 of the Republic’s Basic Law reads as follows: “To maintain the peace, the Bund can join a system of mutual collective security; it will thereby accept limitations on its sovereignty which introduce and insure a peaceful and stable order in Europe and between the nations of the world.” Until 1955, the occupying powers retained a substantial amount of control over west German affairs. And even after achieving formal sovereignty in 1955, the Federal Republic’s autonomy was limited, both by self-imposed restraints (on the manufacturing of certain kinds of weapons, for example) and by restraints imposed by its allies, who retained the right to station troops on German soil. Because these limitations became such an accepted part of the German political landscape, it was easy to lose sight of how radically they broke with the sovereign state’s traditional insistence on independence and autonomy.13

The genius of West German foreign policy was to make a virtue of these necessities, which, among other things, meant eagerly participating in European institutions.14 From Konrad Adenauer to Helmut Kohl, German leaders played a key role in the process of European integration, becoming thereby the model for what one scholar has called an “open state,” that is, a state that was economically, legally, and territorially open to external forces and influences. At the same time, economic and commercial policies (which were, of course, the central elements in functionalist theory) dominated the Federal Republic’s foreign and domestic politics: Germany became a “trading state,” skillfully using its economic power to define a place for itself within the new Europe.15 Significantly, this political strategy did not change in September 1990, when the occupying powers formally abandoned the rights they had retained since the end of the Second World War, thereby granting a united Germany “full sovereignty over its domestic and foreign affairs.” By then, most Germans agreed with President von Weizsäcker’s response to these events: “Today,” he said on October 3, 1990, “sovereignty means participating in the international community.”16 This definition of sovereignty was, you will have noticed, much the same as the one given in Anne-Marie Slaughter’s New World Order.

While the history of the Federal Republic is, in many ways, the best example of a post-sovereign state, it also suggests some of the limitations of this vision of Europe’s future. In the first place, it is important to notice that Germany is “open” to some external forces and not to others. A great many of the state’s most significant functions—internal security, education, taxation, welfare, to name just a few—remain largely free of external
influence. Last year’s government paper on the future of German security policy, for instance, underscored the importance of international cooperation, but also insisted that only German institutions could decide whether to deploy German troops.\textsuperscript{17}

It is clear that neither the German public nor its leaders are prepared to abandon all claims on national sovereignty. This issue was raised, but by no means resolved in the Constitutional Court’s famous decision in the Brunner case of 1993. Rejecting a complaint by Manfred Brunner, a former official in the European Commission, that the Maastricht treaty violated the Basic Law, the court opened the way for the Federal Republic to join the European Union but at the same time set certain limits on the fusion of German and European institutions. Essentially, the court insisted that the Bundestag must keep the right to decide what power could be transferred to the Union. The Union’s members were to remain what the court called “masters of the Treaties,” retaining sovereign authority, including the right to withdraw from the Union.\textsuperscript{18}

In its 1993 decision, the Constitutional Court emphasized the European Union’s frequently lamented “democratic deficit,” which continues to have profound implications for the political future of states. The institutional weakness of the European parliament both reflects and reinforces the lack of an authentic European political culture—that is to say, the absence of a European public, a European Demos. This means that the only effective instruments of democratic decision-making and sources of democratic legitimacy remain within the states. There is, I think, very little sign that this will change in the foreseeable future. And this will remain the single greatest impediment to the creation of a European foreign or security policy.\textsuperscript{19}

What I have called the functionalist vision of the European experience provides some useful insights into the process of integration. In many ways, Robert Schuman’s “concrete achievements” did gradually build a “de facto solidarity” among European states, often in ways their leaders did not fully understand or intend. But functionalism’s explanatory and descriptive powers are limited. Like the federalist vision with which I began, there is a teleological thrust in functionalism—although obviously it posits a very different, indeed diametrically opposed telos. But both suppose there is some necessary logic at work: for the federalists, a logic of state formation; for the functionalists, of state dissolution. Neither, I think, stands up to rigorous historical examination.

\textbf{Part Three: The Persistence of the Sovereign State?}

If neither the federalist nor the functionalist scenario seems likely, are we left with a third alternative, that European states will persist? I think the
answer to this question must be a qualified yes, although this answer raises important questions about just what kind of states will persist.

Despite the apparent success of European integration, there have always been those who vigorously opposed both the creation of a European super-state and the dissolution of state sovereignty through some gradual process of functional cooperation. Charles de Gaulle famously insisted that a stateless Europe was neither possible nor desirable: “It is only the states,” he declared in 1962, “that are valid, legitimate, and capable of achievement. I have already said, and I repeat, that at the present time there cannot be any other Europe than a Europe of states.”

For him, Europe would have to remain a community of separate states with the capacity to define and defend their essential interests. No European power—and certainly not France—could ever surrender this capacity to its neighbors. The Euroskeptics have never found another leader as eloquent or as obdurate as de Gaulle, but they remain a formidable presence, formidable enough to defeat the European constitution in 2005 and, in my opinion, to threaten the success of the new reform treaty officially signed in Lisbon in December 2007.

The Euroskeptics can take comfort from those scholars who emphasize the persistent importance of state policies and national interest in the integration process. Alan Milward, a British economic historian, makes the strongest case for this position in a book appropriately entitled The European Rescue of the Nation-State. Milward begins—in his words—“from the realist position that the modern nation-state is still the arbiter of its own destiny.” Behind the rhetoric of European values and cooperation, he detects the powerful pull of national interests. The bargaining that produced the key agreements in Europe’s formation was driven by careful calculations about national advantage and produced stronger, more prosperous and effective nation-states. Statesmen may have justified their policies by evoking European values and goals, but their motivation came from a commitment to the interests of their states, not to some vague dream of European unity.

Andrew Moravcsik’s The Choice for Europe—again, the title points us toward the thesis—develops Milward’s analysis in a slightly different direction. Here is how Moravcsik summarizes his argument:

My central claim is that the broad lines of European integration since 1955 reflect three factors: patterns of commercial advantage, the relative bargaining power of important governments, and the incentives to enhance the credibility of interstate commitments. Most fundamental of these was commercial interest. European integration resulted from a series of rational choices made by national leaders who consistently pursued economic interests—
primarily the commercial interests of powerful economic producers and secondarily the macroeconomic preferences of ruling governmental coalitions—that evolved slowly in response to structural incentives in the global economy.\textsuperscript{22}

The German case provides some powerful evidence for both Milward and Moravcsik. Adenauer’s European credentials are authentic enough, but it is also clear that he saw participation in multinational institutions as the best, perhaps the only, way to recover German independence after the disaster of Nazism. As is so often the case, in the intense debates over Adenauer’s foreign policy, international and domestic politics were inseparable. Germany also plays a large role in \textit{The Choice for Europe}, where Moravcsik is able to trace in compelling detail the complex interaction of political calculations, economic interest groups, and diplomatic maneuver.

My doubts about Milward’s and Moravcsik’s analyses do not come from their emphasis on the motivations of European statesmen. Of course, these statesmen acted according to what they thought were national interests and made what they believed were rational choices—how could it be otherwise? It does seem to me, however, that interests and rationality are not fixed categories, but are shaped by the domestic and international environment. What changed after 1945, therefore, was not policymakers’ commitment to their state’s self-interest or the fact that their motives were rational: What changed were the values, perceptions, and assumptions that gave these interests new meaning and expanded the range of rational choice.

The most important of these changes takes us back to the historical environment in which the postwar European state was created. This environment was the product of the Cold War division that created a new kind of security community in Europe. War among the European powers became increasingly unthinkable since the two superpowers enforced two internationally guaranteed security structures that may have threatened one another, but stabilized and secured the members of each. Then, and only then, was it possible for European statesmen to make the kind of concessions necessary for the integration process to begin and eventually to flourish. It is often said that European integration—the creation of new kinds of European states—brought peace to Europe. I think the reverse is closer to the truth: Because of the international architecture imposed by the superpowers, the process of integration in Western Europe became possible. Then, and only then, could it seem to be in the national interest to share resources, open boundaries, accept external limitations on budgetary powers, become part of a transnational legal system—in short, to qualify the state’s sovereign autonomy in ways that
would have been unthinkable to an earlier generation of European leaders. To repeat the point made earlier: peace made the new European state, and then and only then did these states abandon war as an instrument of policy.23

Earlier in my remarks I quoted Charles Tilly’s comment that in the process of state formation, war “wove the European network of national states, and preparation for war created the internal structures of states within it.” After 1945, it was the gradual disappearance of war that wove a new kind of international network in Europe, and it was the growing irrelevance of military preparedness that created new kinds of internal structures of European states. Milward is right: the unification of Europe did rescue and in many ways strengthen the national state, but in the process these national states were transformed, often in ways that policymakers had neither anticipated nor intended. The result is a Europe in which states are still ready and willing to pursue their interests, but do so enmeshed in a set of international rules and institutions that would be extraordinarily difficult to break.

Conclusion

Let me conclude with some general observations about the past, present, and future of European states. I have tried to show that the German case should make us skeptical about two prominent versions of the state’s future: that it will become part of a federal Europe or that it will be dissolved into a post-sovereign order. As we have seen, both visions presuppose a normative view of the state and a teleological view of its development. From this perspective, states must either ebb or flow, disappear or persist, grow stronger or weaker.

The European state is not going away, sovereignty will not disappear, the era of what Carl Schmitt called Staatlichkeit has not come to an end. After all, can we really say that the Federal Republic is somehow weaker than its predecessors, less secure, less willing and able to provide order and services for its citizens, less willing to raise revenue and impose regulations? Has the meaning of security, the nature of order and the kind of services to be provided, the purpose and scope of revenue and regulation changed? Of course they have.24

In fact, the key element in the history of states is their persistent capacity for change. This capacity for change—and the rich variety of institutions that changing circumstances have produced—is surely a prominent feature of German states’ long history: from their mixed and qualified sovereignty within the Holy Roman Empire (suggested by some as a useful model for understanding the European Union), to the German Confederation’s federative structure, the federal structure of the Kaiser-
reich and republic, the Nazis’ racial dictatorship, the two German states between 1949 and 1990, each enmeshed in a set of supranational systems, and finally the contemporary Federal Republic, with its secure sovereign status but deep connections with a European set of institutions.

The habits of mind and action, the idioms and institutions that make up states will continue to evolve as they interact with the world around them, shaping and being shaped by internal demands and external conditions. There is no end to this process, no telos to give it shape and determine its trajectory. The history of states is open-ended, driven by a complex blend of continuities and innovations, contingencies and necessities, dangers and opportunities. That is the lesson that the German past teaches us as we struggle to think about the next chapter in the long, complex, and often troubled life of European states.

Notes

* I want to dedicate this essay to the memory of Gerald D. Feldman, a treasured friend for more than forty years and a tireless supporter of the German Historical Institute.


2 Marc Bloch, The Historian’s Craft (Manchester, 1954), 43.


7 For more on this, see James Sheehan, German History, 1770–1866 (Oxford, 1989), Chapter 14.


9 According to Jan Zielanka, “the union is on its way to becoming a kind of neo-medieval empire with a polycentric system of government, multiple and overlapping jurisdictions, striking cultural and economic heterogeneity, fuzzy borders, and divided sovereignty.” Europe as Empire: The Nature of the Enlarged European Union (Oxford, 2006), v.

10 For an introduction to this body of thought, see Charles Pentland, International Theory and European Integration (London, 1973). The classic contemporary analysis is Ernst Haas, Beyond the Nation State: Functionalism and International Organization (Stanford, 1964).

11 For the context of the Schuman declaration, see John Gillingham, European Integration, 1950–2003 (Cambridge, 2003), Chapter 2.

12 Anne-Marie Slaughter, A New World Order (Princeton, 2004), 34.
13 Ludolf Herbst, “Wie souverän ist die Bundesrepublik?” in Sieben Fragen an die Bundesrepublik, ed. W. Benz (Munich, 1989), 72–90.

14 This is the theme of Helga Haftendorn’s excellent synthesis of West German foreign policy: Coming of Age: German Foreign Policy since 1945 (Lanham, Md., 2006).


20 Quoted in David Calleo, Rethinking Europe’s Future (Princeton, 2002), 140, n. 2.


23 For an expanded version of this argument, see Sheehan, Where Have all the Soldiers Gone? The Transformation of Modern Europe (Boston, 2008), Part III.

24 A forceful statement of this view can be found in the essays edited by Jonah Levy, The State after Statism: New State Activities in the Age of Liberalization (Cambridge, Mass., 2006).