#### Centre for European Legal Studies (CELS)

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# The European Union and the Decline of European Civilisation

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1. From *ethos* to *pathos* to *bathos*. Two centuries of European history

Progressive European civilisation – 1815-1914. Multi-speed. Suffering European civilisation – 1914-1945. Self-destroying. Exhausted European civilisation – 1945-20?? Sleep-walking.

2. After 1945, spiritual crisis.
Having given birth to modern civilisation, exhaustion.
Having almost destroyed modern civilisation, shame.

- 3. After 1815, what had gone wrong in European history?
  - manic *intra*-national cultural and social progress propelled by the relentless energy of economic development;
  - unequal and faltering *intra*-national political development (neurotic revolutionism);
  - the catastrophic confusion of pathological *nationalism* and crude *statism*;
  - *inter*-national atavism (the great and ancient game of diplomacy and war).
- 4. *After 1945*, European integration was designed to abolish all these geological faults at a single stroke a monolithic *Aufhebung* of inherited contradictions.
- 5. *Unification* would be propelled by the overwhelming energy of the economy. *Political structures* would be made uniform (peaceful revolution-from-above). *Rational statism* would overcome nationalism. *Communal government* would replace diplomacy.
- 6. So what has caused *the permanent crisis* of post-1945 European integration? We may think that its authors overlooked several *other lessons of European history*, when European history is seen in a *much longer and broader perspective*.
- (1) The historical *unification* of the separate nations, whatever its economic aspect, was far from natural, and repeatedly required *the threat or use of force by governments*.
- (2) The masters of European integration say that it can prevent new *wars*. But it is the political, military, economic, and intellectual ruling classes, not the people, who caused the wars. What *they* needed, after 1945, was tighter control by the people, and cognitive therapy.
- (3) The passionate attachment of the peoples of Europe to their countless *personal and cultural/ethnic identities* has been repeatedly used and abused and defiled by the manipulators of public power. Such identities are still deeply felt.

- (4) The governed are rather sensitive to the conditions under which they will *tolerate* law and government especially in *liberal democracies*, where immense volumes of public power must be justified and controlled through dense and subtle systems of *political accountability*.
- (5) The people are rather sensitive to *the true nature of the economy*, that is, the way in which their energy and their property and their aspirations are organised in the common interest of society especially in *capitalist societies*, where the so-called division of labour is a totalitarian integrating of labour, ruthlessly determining everyone's everyday life.
- (6) The *economy* is not a natural social phenomenon, a natural source of transforming socialised energy. It is an intricate system of social struggle made possible by oceans of law and government and administration and politics.
- (7) The people have near-horizon and far-horizon *individual and shared interests* in the societies in which they find themselves, interests distinct from the short-term self-interest of politicians and the professional rationality of public officials.
- (8) The people have *collective and personal values*, inherited from diverse histories and cultures, transcending and judging the functioning of society as a communal enterprise.
- (9) For the ordinary citizen, to live within the iron cage (M. Weber) of one *modern state-system* is alienating enough, with its manic regulation of every detail of daily life through law, government, and administration. To live within two competing and overlapping and poorly integrated modern state-systems is the stuff of nightmares.
- (10) The people know that *the extra-European world* has changed fundamentally since 1945. They know that their survival and prosperity are at risk as never before, except in time of war, determined by the crude realities of a globalising world, with new and menacing balances of power, and almost uncontrollable global social, cultural, and economic systems.

PJA, *The Health of Nations* (2002), chaps. 6-9.

- 7. We have all asked ourselves, again and again, the question: can we find a way to rescue European integration *from inside*? I want to ask two much wider questions. What is now *the state of European civilisation*, given the reality of post-1945 European integration? Can *a new idea of European civilisation* rescue the EU Union from its permanent crisis?
- 8. At its best, the European mind had been a source of ceaseless and unlimited creativity. The ethos of European civilisation, at its best, had been an ethos of *broadband human progress* social, political, economic, intellectual, artistic cultural in the widest sense.
- 9. Post-1945 European integration sought to overcome post-1815 European history by freezing the social co-existence of European nations in a rationally constructed, internally changing (motion without locomotion), *constitutional stasis*.

(In ancient Greek, stasis: 'a posture of standing still'.)

- 10. The primary *engine of social change* was to be an integrated economic system. Broad European progress, if any, would be incidental, within the central organising model.
  - (Briand v. Stresemann French Prime Minister v. German Foreign Minister.)
- 11. Such an idea is an arbitrary negation of the nature and potentiality of European civilisation. Europe civilisation has paid a high price for an *Aufhebung* of its recent history.

#### 12. Six maladies of the contemporary European mind.

### (1) Narcissism of public power.

Institutions of public power are obsessed with their own powers and their *inter-se* power relations. The narcissism of the four EU institutions meets the narcissism of the constitutional institutions of the member states in clumsy cooperation and conflict. Society should aim to maintain a *balance of power* of people, government, and economic interests.

But the 'European project' gives a false, quasi-natural-law charisma to rational bureaucratic domination. The self-imperialising of the European people.

A schism in *the psychology of public power*. (In ancient Greek, *schismos*: 'a splitting, dividing, cleaving'.)

# Examples 12(1).

## (2) Constitutional ignorance.

One of the clearest lessons of history is that constitutions are *organic*. They grow from the deepest psycho-social layers of the societies that they constitute. They do not survive and prosper if they are simply imposed and conserved by a ruling class.

A deep-seated fault in *European constitutionalism*. (In geology, *fault*: 'a destabilising fracture in a rock formation'.)

## Examples 12(2).

#### (3) Mass alienation.

Almost 500 million people are 'citizens of the EU'. That legal status is *not internalised* either in cultural/ethnic subjectivity or in personal identity. *National institutions* acting in the EU system are seen as aliens in that system. *EU law and administration* are seen as alien in the member states. *National representatives* in EU institutions are not seen as authentic.

The revolution of European integration, which was not a people's revolution, seems unnatural, unhistorical, illegitimate. The age-old and delightful existential diversity of the countless different peoples of Europe cannot be overcome by ukase or sleight-of-hand.

A schism in *European social consciousness*. (In classical Latin, *alienus*: 'belonging to another'.)

## (4) Accidie meets melancholy meets nombrilisme.

After 1945, the European mind turned in on itself, in a form of collective clinical depression. *Accidie* (in late-Latin, *acedia*) was identified by medieval religious psychologists as a pathology characterised by listlessness, failure of will-power, spiritual emptiness. *Melancholy* was originally seen as an essentially physical pathology (bad state of the bile) which casts a negative and hopeless aura on everything that the mind experiences. *Nombrilisme* (in French, *le nombril*: the navel) is a form of self-obsession that sees and judges everything that is 'other' only in relation to the self.

# Examples 12(4).

#### (5) Fear of the future.

Confidence in its own future is the determining characteristic of a thriving civilisation. The amazing historical achievement of the United States of America as a social system has been due, above all, to the internalising, in the depth-psychology of its very diverse people, of a powerful sense of the potentiality of their shared future.

In Europe, history seems to have left us behind, the sun of European civilisation set in the winter of our discontent, the owl of Minerva flown, the future painted in grey on grey.

## **Example 12(5).**

(6) Abdication of global responsibility.

Such a view of European civilisation is a shocking dereliction of a duty owed to humanity. It is largely Europe that has made the world as it is – **for better and for worse** – through imperialism, through imitation of social forms, and through exporting the forming ideas of *the future* and *progress*. Many countries outside Europe (not least China, India and Brazil) seem now to have acquired a powerful sense of their future.

(The risk now is that the headlong rush into the future may produce new *spiritual* wastelands everywhere – a leading psychopathological potentiality of modern civilisation.)

Many of the societies based on the ideas of *democracy* and *capitalism* are works in progress, as they are in Europe itself. In many countries, they are a mask for governmental criminality. Europe has a responsibility to *contribute creatively* to the healthy development of social, political, economic, and cultural forms at all levels, including the global level.

(The continuing tragedy of the Middle East is the suffering of peoples held in the grip of the past, with no invigorating sense of a shared future.)

- 13. *Cognitive therapy for a suffering civilisation.* From bathos to logos to eros.
  - (1) Depose the EU system from its dominant position in European consciousness.
  - (2) Re-install European civilisation in a central place in European consciousness.
  - (3) Re-focus the idea of European civilisation in relation to the new world-situation.
- 14. Like variable stars, nations and civilisations have lighter and darker phases of their existence. *Yin* and *Yang*. The European mind has *re-enlightened* itself at regular intervals. There is no reason to suppose that the European mind's amazing power of self-creating and self-ordering and self-perfecting (*logos*) has simply been irretrievably lost.

Pour changer la façon commune de penser. Un nouvel ordre des choses est naît. D. Diderot (1713-84).

## Examples 14.

15. European history, national and international, gives plenty of cause for retrospective *shame*. But there is also cause for justified *pride* – in Europe's role in transforming the human world and the human condition, by the energy of European thinking and inventing and creating and adapting, over the course of three thousand years. Prometheus Europe.

Before the EU, Europe was a worldwide presence. The EU is a pragmatic, evolving socio-economic system. It is not *Europe*. There is no reason to suppose that our *inherent capacity* to contribute to human self-evolving and self-perfecting is any less than it ever was. Our *world-situation* should now be the focus of European civilisation (and also of the EU).

## Example 15.

16. We should feel pleasure and excitement (*eros*) in responding to the challenge of a new enlightening of the *human mind*, acting as pioneers in a new epoch in *human self-evolving* – exploring *new ways of being happy*! Happier humans! A new species! *Homo sapiens beatus*. **Examples 16.** 

### **EXAMPLES**

12(1). 'Natural law has thus been the collective term for those norms which owe their legitimacy not to their origin from a legitimate lawgiver, but to their immanent and teleological qualities.'

M. Weber (1864-1920), Max Weber on Law in Economy and Society (1954), 287.

'There are some nations in Europe whose inhabitants think of themselves in a sense as colonists, indifferent to the fate of the place they live in. The greatest changes occur in their country without their cooperation. They are not even aware of precisely what has taken place. They suspect it; they have heard of the event by chance. More than that, they are unconcerned with the fortunes of their village, the safety of their streets, the fate of their church and its vestry. They think that such things have nothing to do with them, that they belong to a powerful stranger called "the government".'

A. de Tocqueville (1805-59), Democracy in America (1835-40), Li.v.

12(2). 'No system is also a system, but nicer (*plus sympathique*).' Tristan Tzara (1896-1963), a founder of Dadaism.

'The task confronting the lawgiver, and all who seek to set up a constitution of a particular kind, is not only, or even mainly, to set it up, but rather to keep it going.'

Aristotle (384-322BCE), The Politics, vi.5 (tr., T. Sinclair).

'The science of constructing a commonwealth, or renovating it, or reforming it, is like every other experimental science, not to be taught a priori. Nor is it a short experience that can instruct us in that practical science, because the real effects of moral causes are not always immediate;...In states there are often some obscure and almost latent causes, things which appear at first view of little moment, on which a very great part of its prosperity or adversity must most essentially depend.'

"...it has been the uniform policy of our [British] constitution to claim and assert our liberties, as an inheritance derived to us from our forefathers, and to be transmitted to posterity...This policy appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it."

'[Our political system] moves on through the varied tenor of perpetual decay, fall, renovation, and progression.' E. Burke (1729-97), *Reflections on the Revolution in France* (1790), 58, 31, 32 (in the Everyman ed.).

**12(4).** 'Kingdoms, provinces, and politic bodies are likewise sensible and subject to this disease [melancholy], as Boterus in his politics hath proved at large. As in human bodies (saith he) there be divers alterations proceeding from humours, so be there many diseases in a commonwealth, which do as diversely happen from several distempers, as you may easily perceive by their particular symptoms.'

R. Burton (1577-1640), *The Anatomy of Melancholy* (1621/38) (1972), 79.

Boterus is Giovanni Botero (1544-1617), Italian political philosopher, whose *Della ragion di stato* (On the Reason of State) (1589) is a response to Machiavelli's *Prince*.

'If the development of civilization has such a far-reaching similarity to the development of the individual and if it employs the same methods, may we not be justified in reaching the diagnosis that, under the influence of cultural urges, some civilizations, or some epochs of civilization – possibly the whole of mankind – have become "neurotic"? An analytic dissection of such neuroses might lead to therapeutic recommendations which could lay claim to great practical interest.'

S. Freud (1856-1939), Civilization and its Discontents (1929/30) (tr., J.Riviere), ch. vii.

**12(5).** 'When philosophy paints its grey in grey, one form of life has become old, and by means of grey it cannot be rejuvenated, only known. The owl of Minerva takes its flight when the shades of night are gathering.' G.W.F. Hegel (1770-1831), *Philosophy of Right* (1821), preface (*tr.*, H. Nisbet).

'Whither is fled the visionary gleam? Where is it now, the glory and the dream?' W. Wordsworth (1770-1850), *Ode: Intimations of Immortality* (1804/07).

De posse ad esse non valeat consequentia.

If something could exist, it does not follow logically that it does exist (God).

De non esse ad non posse non valeat consequentia.

If something does not exist, it does not follow logically that it could not exist (a new European civilisation).

'Once Chuang Chou dreamt that he was a butterfly, fluttering here and there just as if he was a butterfly, conscious of following its inclinations. It did not know that it was Chuang Chou. But he does not know now whether he is Chuang Chou who dreamt he was a butterfly or a butterfly dreaming that he is Chuang Chou. Now Chuang Chou and the butterfly are in relation, so that there must be a distinction between the two. This is what is meant by "things being transformed".'

Chuang Chou/Tzŭ (?3<sup>rd</sup> cent. BCE). Taoist philosopher.

"Psyche" is a Greek word and its German translation is "soul" [Seele]. Psychical treatment hence means "treatment of the soul". One could thus think that what is meant is: treatment of the morbid phenomena in the life of the soul. But this is not the meaning of the term. Psychical treatment wishes to signify, rather, treatment originating in the soul, treatment of psychical and bodily disorders – by measures which influence above all and immediately the soul of man.'

S. Freud, 'Psychical Treatment (Treatment of the Soul)' (1905).

In ancient Greek, *psyche*: life, soul, spirit, mind, self, butterfly.

The above is a re-translation by B. Bettelheim, in *Freud and Man's Soul* (1983), arguing that the standard English translation of the passage is wrong in using the word 'mind' rather than 'soul'.

### Allott's Law of Tricentennial European Enlightenments

3 <sup>rd</sup> cent.	- Greek, Roman, and Judeo-Christian ideas come together, determining the future of the
	European mind and European civilisation, responding to the decay of the Roman Empire.
6 <sup>th</sup> cent.	- Benedictine and Celtic monasticism saves European civilisation from extinction, responding
	to the movement of extra-civilisational tribes ( <i>Völkerwanderung</i> ). (Benedict: <i>c</i> .480-547).
9 <sup>th</sup> cent.	- First consolidation of new political and intellectual cultures - especially Frankish
	(Charlemagne: 747-815) and Anglo-Saxon (Alfred: 849-899).
12 <sup>th</sup> cent.	<ul> <li>Re-integration of Greek and Roman culture in the European mind. Universities –</li> </ul>
	Bologna: 1088/1158; Paris.1170/1200; Oxford: 1096/1231; Cambridge: 1209/1307.
15 <sup>th</sup> cent.	– Italian Renaissance – re-re-integration of Greek and Roman culture; humanism; re-take-off
	(political, economic) of nations in diverse forms, responding to a new world order (1492).
18 <sup>th</sup> cent.	- French Enlightenment - philosophy and natural science and expanding economies
	revolutionise the European mind and European societies, responding to a new world order.
21 <sup>st</sup> cent.	- Revival of the self-confidence of European civilisation. Re-focusing of the European mind,
	responding to a new world order.

- 15. 'Those who follow that part of themselves which is great are great men.' Mencius / Meng K'e (?4<sup>th</sup> cent. BCE), Confucian philosopher.
- **16.** 'When we justly find fault with the present state of our civilization for so inadequately fulfilling our demands for a plan of life that shall make us happy, and for allowing the existence of so much suffering which could probably be avoided...we are undoubtedly exercising a proper right and not showing ourselves enemies of civilization. We may expect gradually to carry through such alterations in our civilization as will better satisfy our needs and will escape our criticisms.'
  - S. Freud, Civilization and its Discontents (1929/30), v.

'Democritus wrote: "Happiness and misery are properties of the mind" and "Happiness does not dwell in cattle or in gold: the mind is the dwelling-pace of the guardian spirit". He calls happiness "contentment" and "wellbeing" and "harmony" and also "concord" and "composure".'

John of Stobi (5<sup>th</sup> cent. CE) (*tr.*, R. Waterfield).

Democritus (c.460-370 BCE) was the first of those ancient Greek philosophers who discussed the idea of 'the pursuit of happiness' – meaning an integral psycho-physical condition – compare: *beatus*, in Latin – contrast: *hilarus/hilaris*, 'cheerful', 'merry'.

Qui beatus est non intelligo quid requirit, ut sit beatior. ('I don't understand what more a happy person needs in order to be happier.')
Cicero (106-43 BCE), Tusculan Discussions, bk.v.

'Every nation has its own core of happiness, just as every sphere has its centre of gravity.' J.G. Herder (1744-1803), *Another Philosophy of History for the Education of Humanity* (1774).

'A spark flew off Arnold and shook me, like a child I wanted to cry; I felt very odd. I had fallen into a new way of being happy.'

S. Plath (1932-63), on first discovering poetry, reading Matthew Arnold's 'The Forsaken Mermaid'. Letters Home by Sylvia Plath. Correspondence 1950-1963 (1975), 32.

 $HEARREADTHINK^{TMO} = HRT = UNPOWERPOINT$ 

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