

# Working Notes

facts and analysis of  
social and economic issues

**Issue 61 September 2009**

Jesuit Centre for Faith and Justice  
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## Perspectives on Europe

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# Editorial

With the Referendum on the Lisbon Treaty just weeks away the build-up has been gathering momentum. Various civil society groups including those comprising some of our best known arts and sports celebrities, farmers, lawyers, ‘women for Europe’ have publicised their support for a Yes vote. Whatever the outcome of the vote on October 2nd, it seems reasonable to suppose that we know more than we did last time. Voting Yes or No cannot be reasonably based on the claimed ignorance of the content of the Treaty. This edition of *Working Notes* presents various perspectives on Europe, – not solely on the Treaty – with emphasis on some of the less publicised underlying values.

How do others see us? From Brussels, Frank Turner’s article comprises a report and a personal view. He gives a broad spectrum of political views and comments on the Treaty itself, accompanied by some very insightful observations on the Irish Process. He explores the ever-present tension between shared sovereignty and exclusive national sovereignty and its impact on an EU that seeks social justice. Political views and comments on the Irish Process are more astutely if gently stated than we are accustomed to and the more challenging for that. Is the fundamental game ‘my country versus the other 26’?

Brendan Mac Partlin’s article *Libertas to Caritas* includes a succinct discussion of the European Social Model, its values and how it has fared as the European Union has developed. Mac Partlin focuses on the social rights of people, particularly workers, and how these are delivered, or not, in the context of the Charter of Fundamental Rights and its interpretation by individual member states. He points out that the values of solidarity and gratuity, present in non-profit organisations, have a place also within economic activity generally.

Edmond Grace recalls the positive values of confidence, respect and a new liberty which membership of the European Union has brought to Ireland. As Director of a new Jesuit venture, *Conversation on Democracy in Ireland*, he brings an important awareness and realism about the problems of bureaucracy in modern politics and Government. He notes the need for new ways of

interaction between the structures of the ‘iceberg’ of public administration and the citizens of the EU, suggesting that Ireland might take a lead in developing a process of reflection within our political structures whereby the administrative state might become more accountable.

Shared values strongly connect the social doctrine of the Catholic church and the treaties of the European Union. Cathy Molloy suggests that if the goal of human flourishing is to become real in a globalised world it will be achieved in union with others. Solidarity and subsidiarity, fundamental principles of both the social teaching and the European Treaties, including Lisbon, can inform policy at European and local level – increasingly important in matters that cannot be handled by countries acting alone such as climate change or trafficking in persons.

Is Europe a Continent out of touch with its roots? James Corkery, presents a clear account of Pope Benedict’s thinking on Europe understood as a cultural and historical concept rather than in geographical terms. The abandoning by Europe of its heritage of the mutual ordering of faith and reason, in favour of a perceived emancipation from its Christian moral traditions, has led to a constricting of reason and freedom. Rather than seeking a return to something that is past, he calls for the building together, as Europeans, of a culture based on our authentic heritage.

Whether or not the referendum on October 2nd is carried, the search for social justice and participation will continue. If EU citizens were to reconsider the specifically Christian aspects of its heritage, including solidarity and gratuity in economic activity, it could prove decisive for the shared sovereignty on which the European Union is built, and which will be needed to justly address the effects of the worldwide recession on those most severely harmed by it. What is certain is that the citizens of the EU who happen to be Irish will have had an unparalleled opportunity to consider the values at stake and to influence the effective working of the democratic structures of the Union which, although imperfect, mark a significant advance in the development of human cooperation.

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# Europe: What is Pope Benedict Thinking?

*James Corkery SJ*

It may seem strange, as Ireland prepares for its second vote on the Lisbon Treaty on October 2, 2009, to focus on the vision of Europe of the current pope. After all, are his views not essentially religious and are Ireland's concerns with Lisbon not, in the main, economic, social and political? At first glance, this may appear to be the case, but on closer inspection it becomes evident that Irish people are concerned about a very wide range of issues with which the Treaty of Lisbon is, or is perceived to be, connected. And the pope is concerned, as he observes the growth and development of the European Union, with the principles and the vision of humanity that underlie the advance of the EU and with how these are related to the religious and cultural heritage of the continent of Europe as a whole. Popes, and not only the present one, have a pastoral interest in Europe – and thus in the values, freedoms, opportunities, possibilities and challenges that it presents to its peoples. Indeed, before homing in on Benedict XVI's vision of Europe, it will be instructive to glance back at the approach to Europe taken by his predecessor, John Paul II, who dominated the papal scene for over a quarter of a century, from 1978 to 2005.

## Europe As Conceived by John Paul II

John Paul II was the first Slav pope ever and the first non-Italian pope in 455 years. He was not a *Western* European; but he had no doubt that he was European. In his early years as pope, he saw his country cast off the shackles of communist rule. In his final years he saw Poland acquire membership of the European Union. Speaking in those early years (when the Soviet bloc was still just about intact but its fate increasingly evident), in May 1987 at Spire in France, John Paul II referred to the continent of Europe, geographically, as reaching 'from the Atlantic to the Urals'.<sup>1</sup> But he had already made it known earlier, when addressing members of the European parliament in 1979, just a few months after becoming pope – and he reiterated the point in 1988, when addressing them again – that he did not equate Europe with *Western* Europe, and certainly not just with the nations represented in

the European Parliament on those occasions, but considered Europe to include also the states of the East and saw those states as legitimate and worthy aspirants to membership of the European Economic Community (as it was still called at that time). If the members of the European parliament who were listening to John Paul II were inclined to think of Europe in political and economic terms – more or less as a legal entity constituted essentially by the member-states that composed it – the pope made it clear that he was thinking of Europe not only in broader geographical terms, but also in much wider historical and cultural dimensions.

In his speech, in 1988, to the European Parliament, John Paul II referred to the Slav peoples as "that other 'lung' of our common European motherland", expressing the hope that Europe "might one day extend to the dimensions it has been given by geography and still more by history".<sup>2</sup> From these words it is clear that to speak of Europe was, for him, to go behind, or to go deeper than, the European Union (as a relatively recent creation) to a more fundamental reality: to what Europe is as a continent, to what makes it distinctively itself – historically, culturally and religiously. In other words, it was the overall identity of Europe, the entire historical and cultural heritage of Europe, that was the pope's main concern.

This was already evident from remarks addressed by him to the Polish bishops in his home country at the very start of his pontificate. He said that Europe still needed to seek its fundamental unity and had to turn to Christianity in order to do so. Included in his words were these: "Christianity must commit itself anew to the formation of the spiritual unity of Europe. Economic and political reasons alone are not enough. We must go deeper to the ethical reasons".<sup>3</sup> These words form an easy bridge to the thought of the present pope, Benedict XVI, on the subject of Europe, since he too focuses on European identity – on the cultural and spiritual foundations on which it rests – and seeks to articulate what Europe is in order to tease out the contribution it can be expected to make to the future of its peoples.

## Europe As Conceived by Joseph Ratzinger/Benedict XVI<sup>4</sup>

Europe, Joseph Ratzinger has written, “is not a continent that can be comprehended neatly in geographical terms; rather it is a cultural and historical concept”.<sup>5</sup> To think of it simply as an economic, political or legal community is mistaken. “It constitutes, for its citizens, an entire living space, a way of being together by different peoples that is founded on a mutual ordering of faith and reason”.<sup>6</sup> What exactly is that? Well, Europe arose, in Ratzinger’s view, through the encounter of Christian faith with the heritage of reason coming from Greek (also Roman) thought. This encounter, through which faith became oriented to philosophical reason and reason found its moorings in faith in God (and in Christian moral values), provided a basis for living, a cultural-spiritual foundation, that served – and must still serve – as the criterion for judging whether something may be deemed authentically European or not.<sup>7</sup> This mutual ordering of faith and reason expresses the distinctive feature of European identity and is identified by Ratzinger through his consideration of four heritages that are each said to embody it in their own way: the Greek heritage; the heritage of the Christian East; that of the Latin West; and the heritage of the modern period.

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These cannot be explored in detail here – in any case this has already been done elsewhere<sup>8</sup> – but Ratzinger’s illustration of how the second, the heritage of the Christian East (that is, the early Christian heritage) arose and flourished is given expression, beautifully, in what he says about the New Testament text from the Acts of the Apostles (Acts 16:9), in which the Macedonian says to Paul: ‘Come over to Macedonia and help us’. The Macedonian embodies the Greek spirit of rationality and Paul incarnates early Christian faith; and here the two are drawn into fruitful relationship. Reflecting on this, Ratzinger points out: “Christianity is the synthesis mediated in Jesus Christ between the faith of Israel and the

Greek spirit”.<sup>9</sup> And he sees Europe as being inextricably bound up with (and unthinkable apart from) this same synthesis:

*Europe became Europe through the Christian faith, which carries the heritage of Israel in itself, but at the same time has absorbed the best of the Greek and Roman spirit into itself.*<sup>10</sup>

Joseph Ratzinger knows that Christianity’s immediate origins do not lie in the west but in the east. Nonetheless he is convinced that what occurred when the faith of the Christian East encountered the rationality of the Greek (and Roman) West was what might be called ‘culturally providential’ and enabled Christianity to acquire a distinctive expression and Europe to acquire a distinctive identity that it is incumbent upon it to cherish. Here the thought of Ratzinger/Benedict XVI and John Paul II come so close as to suggest that what the latter wrote in his encyclical *Fides et Ratio* owes something, surely, to the influence of his (then) Prefect of the Congregation for the Doctrine of the Faith, Cardinal Ratzinger. John Paul II said:

*... in engaging great cultures for the first time, the Church cannot abandon what she has gained from her inculturation in the world of Greco-Latin thought. To reject this heritage would be to deny the providential plan of God who guides his Church down the paths of time and history.*<sup>11</sup>

Ratzinger is distressed about Europe today because he considers that it *has* rejected its authentic heritage. Like John Paul II in his words (quoted earlier) to the bishops of his own country in 1979, Ratzinger looks also to Christianity to provide Europe with the spiritual unity that it needs; and he sees it as failing in this task today by abandoning the heritage of the mutual ordering of faith and reason upon which it has been founded. Present-day Europe is a continent that is out of kilter with its true self.<sup>12</sup> It has abandoned its heritages that orientate reason to faith and has embraced a radicalized concept of reason that betrays even the Enlightenment, leaving reason (and human freedom) without compass or guide. In other words, as I shall now show, Europe has replaced a Christian culture that is characterised by a mutual ordering of faith and reason with an entirely secular culture that is marked by a radical separation of the two. This results in the destruction of Europe.



## Europe Today: A Continent Out of Touch with its Roots

Joseph Ratzinger, in an evening forum on January 19, 2004, at the Catholic Academy of Bavaria with the philosopher Jürgen Habermas, argued that there exist today “the two great cultures of the West, that is, the culture of the Christian faith and that of secular rationality.”<sup>13</sup> While neither is universal, each contributes in its own way to various cultures throughout the world. Each is rooted in Christianity; the first is an authentic expression of Christian tradition, the second is a departure from it, even though its starting-point is Christian Europe. In the first, the mutual ordering of faith and reason, of religion and law, is maintained; in the second, there is a radical severing of reason from faith that claims total autonomy for reason and that relegates faith entirely to the margins of life. The former retains key elements of Europe’s heritages, its fourth – the modern, or Enlightenment, heritage – in particular, which Joseph Ratzinger enumerates as follows: “the relative separation of state and Church, freedom of conscience, human rights and the independent responsibility of reason”<sup>14</sup> (‘independent’ does not mean ‘absolutely autonomous’). The latter radicalizes Enlightenment principles in a manner antithetical to Europe’s Christian heritage, giving birth, basically, to a now post-Enlightenment – indeed, post-European – culture that is silent about God and that

*excludes God from public consciousness, whether he is totally denied or whether his existence is judged to be indemonstrable, uncertain, and so is relegated to the domain of subjective choices, as something in any case irrelevant for public life.*<sup>15</sup>

To exclude God and the voice of Christian faith from public life seems, at first glance, to express an openness to multi-culturalism and a great tolerance for the religious traditions of Europe’s many non-Christians. But Ratzinger thinks it shocks them, since no Muslim, for example, or no other believer has attempted to exclude God and the things of God from public life in the way that Europe has (recall the debate on mentioning God in the attempted draft European Constitution a few years ago).<sup>16</sup> To totally separate reason from faith and the exercise of human freedom from responsibility towards Europe’s Christian moral traditions seems, at first glance, to constitute a major emancipation; but what kind of reason and

freedom does it leave? If human reason and freedom become supreme values in themselves, with nothing to guide or orient them; if human beings become the sole measure of their own thoughts and arbiters of their own actions, with no greater truth or good to guide them; then what results from this is a narrowing of reason and freedom, the former to a purely scientific, positive, experimental reason and the latter to a freedom of pure form, empty of content, expressed solely in terms of *absences*: absence of constraint, relational ties, etc. This constricting of reason and freedom, carried out in the name of a radically desired emancipation, achieves the very opposite of what its architects apparently intended. Only when they are joined to the great religious traditions of humanity – Ratzinger often stretches the canvas broader than the Christian heritage – do they find space to put out into the deep, posing the questions and discerning the directions that correspond with the depths of our humanity.

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The radical, post-Enlightenment, *post-European* culture that has developed in Europe in recent times does not accept any standard or measure beyond itself to which it is answerable in the making of its laws and the fashioning of its freedoms. Yet it has long been clear that pluralist democracies cannot ever be entirely self-referential, indeed relativistic, in character but need, as a foundation for the values that they espouse – for example, freedom of worship for all their citizens – a non-relativistic standard or measure that has to be found beyond themselves. Ratzinger holds that Europe’s fourth, or Enlightenment, heritage not only sees, but espouses, this, thus making possible “‘a fruitful dualism of state and Church’ in tandem with fundamental Christian humane values supporting, indeed implying, inter alia, a pluralist democracy for Europe, built on its own non-relativistic kernel”.<sup>17</sup>

So Joseph Ratzinger calls – not for a return to something that is past – but rather for the building together, as Europeans, of a culture based on our authentic heritage(s) that refuses the total decoupling of reason from faith that leaves us prey to the pathologies on the side of reason and of religion that arise from doing so. He makes a proposal instead. Recognising that the dominance of religion and religious authority prior to the Enlightenment led thinkers of the Enlightenment, understandably, to propose an exercise of reason that proceeded ‘as if God did not exist’ (*etsi Deus non daretur*), he proposes that, at a time when the dominance of the secular and the setting aside of Europe’s Christian roots reign so supreme that Europeans should live again ‘as if God exists’ (*etsi Deus daretur*). And they should attempt to have confidence in that essential core of Christian Europe’s heritage – the mutual ordering of faith and reason – to contribute towards constructing a humane future for this continent (and from which such a project is still expected and necessary).<sup>18</sup> Here the relevance of these reflections for Ireland and its vote on the Lisbon treaty starts to emerge, since Ireland too, with its own rising, often strident, secularism, will need to recover in imaginative ways the spiritual foundations of Europe that can guide its choices and help its citizens to build a future for their country and for Europe that is really just and good – in accordance with non-relativistic standards that transcend its own mere interests and offer criteria for correct political action.

### **Conclusion: What about Ireland and Lisbon Round Two?**

Thinking out “the criteria for correct political action against the background of the present European and global situation” has been the main concern of Joseph Ratzinger’s later writings on Europe, according to himself.<sup>19</sup> In his earlier essays, his focus was more on Europe’s identity. In fact, the two go together: the identity of Europe as a synthesis of faith and reason points its architects – and this includes those responsible for shaping the EU also – towards the importance of returning to public consciousness the moral heritage of Christianity and the voice of Christian faith in God.

The issues that research has shown to have been important in the NO vote to Lisbon recently were: military neutrality and defence responsibilities; the family, education, and-right-to life issues;

taxation; and social policy and the rights of workers. All of these have ethical dimensions and need to have moral criteria brought to bear upon them. Persons of all religious traditions, and sometimes even of none, recognise the importance of bringing criteria and perspectives from the great ethical and religious traditions of humanity to bear upon such questions; it is only contemporary, post-Enlightenment, post-European, radical secularists who deny this. No pope could be expected to support their views; and indeed Benedict XVI and John Paul II vigorously oppose them. Instead Joseph Ratzinger/Pope Benedict XVI proposes that we dare to wager again upon the possibility that God *is* there and that the Christian vision of humanity as loved beyond all telling by a God who self-empties on its behalf should act as a guide and orientation for the decisions that we make about our lives together.

Pope Benedict does not tell people *what* to decide about the Lisbon Treaty (even though it is clear enough that he supports, in an overall sense, European integration); but he does point to what he considers should be included in, should inform, the making of our decisions. In other places, such as in his new encyclical about integral human development (*Caritas In Veritate*), he provides principles from the tradition of Catholic Social Teaching – often explored perceptively in the pages of this journal *Working Notes* – that offer guidance on economic and social matters.

Whatever is decided about Lisbon, he is saying to the citizens (and to the government!) of Ireland, let it be informed by Europe’s Christian roots – and thus by Christianity’s vision of the dignity of the human person and the responsibilities that arise when caring for this dignity in communities with limited resources and with a special duty towards those who are most vulnerable. Europe has little to contribute to the future of humanity, and to rest of the world that sees it as being, historically, the Christian continent, if it rejects the very thing that, despite all its own shortcomings, still has the power to ennoble it.

### **Notes**

1. See Michael Walsh, “From Karol Wojtyla to John Paul II: Life and Times”, in Gerard Mannion (ed.), *The Vision of John Paul II: Assessing His Thought and Influence* (Collegeville, MN: Liturgical Press, 2008), 10-28, at 21.
2. *Ibid.*
3. *Ibid.*, p. 20. Walsh is quoting the speech published in the

collection, John Paul II, *Return to Poland* (London: Collins, 1979).

4. Since almost all of Benedict XVI's writings on Europe date from before his election as pope on April 19, 2005 (even if many were re-published after that date), I shall refer to him in these pages mostly as Joseph Ratzinger.
5. Joseph Ratzinger, *Europe Today and Tomorrow*, English Translation, San Francisco: Ignatius Press, 2007, p. 11.
6. James Corkery, S.J. *Joseph Ratzinger's Theological Ideas: Wise Cautions and Legitimate Hopes* (Dublin: Dominican Publications and Mahwah, NJ: Paulist Press, 2009), p. 117.
7. *Ibid.*, see pp. 117-118.
8. See James Corkery, S.J., "The Idea of Europe according to Joseph Ratzinger" in: *Milltown Studies* 31 (Spring 1993): 91-111, at pp. 93-97; also J. Corkery, *Joseph Ratzinger's Theological Ideas*, pp. 110-113.
9. Joseph Ratzinger, *Church, Ecumenism and Politics: New Essays in Ecclesiology*, English Translation, New York: Crossroad, 1988, p. 230. See also J. Corkery, *Joseph Ratzinger's Theological Ideas*, p. 111.
10. Homily of Ratzinger (13 September 1980), "Wahrer Friede und wahre Kultur: Christlicher Glaube und Europa" in *Christlicher Glaube und Europa. 12 Predigten* (Munich: Pressereferat der Erzdiözese München und Freising), pp. 7-18, at pp. 8-9.
11. Pope John Paul II, *Fides et Ratio*, Encyclical Letter, para. 72, accessed at [www.vatican.va/edocs/ENG0216/\\_PE.HTM](http://www.vatican.va/edocs/ENG0216/_PE.HTM) on 29 July 2009. See also Tracey Rowland, *Ratzinger's Faith: The Theology of Pope Benedict XVI* (Oxford, UK: Oxford University Press, 2008), p. 111.
12. Corkery, *op. cit.*, pp. 113-116.
13. Ratzinger's talk at the forum was entitled "That Which Holds the World Together: The Pre-political Moral Foundations of a Free State" and is available in the collection *Europe Today and Tomorrow*, pp. 67-81 (here see p. 79, also p. 81); see also Ratzinger's essay "Europe in the Crisis of Cultures," section 1 ("Reflections on today's contrasting cultures"), pp. 345-350, especially pp. 348f., in: *Communio* 32 (Summer 2005): 345-356.
14. "Europe: A Heritage with Obligations for Christians", p. 232.
15. Joseph Ratzinger, "Europe in the Crisis of Cultures", p. 347.
16. *Ibid.*, see pp. 348-349; also J. Corkery, *Joseph Ratzinger's Theological Ideas*, p. 114.
17. See J. Corkery, *Joseph Ratzinger's Theological Ideas*, p. 113, and J. Ratzinger's essay, "What is Truth? The Significance of Religious and Ethical Values in a Pluralistic Society" in: Joseph Cardinal Ratzinger, *Values in a Time of Upheaval* (New York: Crossroad and San Francisco: Ignatius Press, 2006), pp. 53-72, at p. 55.
18. See "Europe in the Crisis of Cultures", pp. 354-355; also p. 348.
19. Ratzinger, *op. cit.*, 2007, p. 7.

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# Ireland, Europe and Catholic Social Teaching: Shared Values?

*Cathy Molloy*

## **No Irish in EU?**

In May this year, on the last stretch of the ancient pilgrim route to Santiago de Compostela in Spain, etched on a large stone, for all to see, were the words 'No Irish in EU'. The pilgrim route celebrates St James the Apostle and has been walked by Christians for well over a thousand years, and by Kerry men since the 1400s!<sup>1</sup> Given the history of Irish Christianity, and its importance in the founding of Europe from the 6<sup>th</sup> century, it shocks to realise that in 2009 there are people who do not want us in the European Union.

In the recent European elections voters in the 27 member states elected 736 members of the European Parliament. This exercise in multi-national democracy must surely be a beacon and chart a path for human progress into the future, according to John Bruton, former Taoiseach and present EU Ambassador to the United States:

*The direct election of a European Parliament may be a sign of things to come in global governance. Most political and economic developments that affect our daily lives nowadays are shaped by global forces, forces which are beyond the full control of even the largest national democracies. If rules made to govern global forces are to have democratic legitimacy we will have to extend democracy above the level of the nation state.<sup>2</sup>*

An important question for Irish people opposed to participation in the European Union has been the fear of loss of identity. This fear is very human and operates at many levels, from the group of two and fear of loss of self that can be destructive in a marriage or other intimate relationship, to the fear of loss of identity or autonomy that we see in discussions of mergers, of companies or banks, children's hospitals or Universities. And yet we do not gravitate towards others because we believe cooperation to be harmful, or because we want to be less efficient or impede progress, (understood as the well-being and flourishing of ourselves and others) but because experience has shown that cooperation and working together acknowledges and articulates shared values and goals, and is essential in achieving and living out of them.

What is true of the individual is also true of the group, and indeed the nation and the nations.

In the 1950s Pierre Teilhard de Chardin, French philosopher, scientist and Jesuit priest, wrote in *The Phenomenon of Man*:

*To be fully ourselves we must advance in the opposite direction, in the direction of convergence with all other beings, towards a union with what is other than ourselves. The perfection of our own being, the full achievement of what is unique in each one of us, lies not in our individuality but in our personality; and because of the evolutionary structure of the world we can find that personality only in union with others.<sup>3</sup>*

## **Values of the European Economic Community**

After the devastation of two world wars, those who set up the European Economic Community envisaged a new way of being European, in which unity and difference would be reflected and lived out. It was a practical cooperation that sought an end to wars and to benefit the member states at the economic level, while promoting peace between the nation states. The principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, guided the first phase of what is now the European Union. The older among us can remember the excitement and the novelty of the concept even if Ireland was simply looking on at that stage. Peace has been achieved along with progressive improvement in international relations and standards of living for the peoples of that first community of nations. Now, new questions have emerged and issues such as globalisation, climate change, sustainable development, call for new cooperation at European level and between Europe and the world.

When Ireland joined in 1973 there had been much debate as to what we might lose in terms of our hard-won independence and newly-found sovereignty *vis a vis* the gains of actively participating in the construction of Europe and

European affairs. Our first elected European politicians were a source of pride to the vast majority of the Irish people and the gains at the economic level – for example access to markets for our goods and services that relieved us of our over-dependence on Britain – became quickly evident across many areas of Irish life. Perhaps the biggest gain was at the level of national pride and self-esteem. There was a palpable sense of a new equality that taking our place among the democratic nations of Europe afforded, even if no one suggested that the EU was the answer to all our ills – as reports of radical injustice perpetrated on individuals and groups in our society by our most trusted institutions continue to show. Our own systems and structures, across a range of areas, still impede the achievement of our stated aims.

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*The strong connection between Catholic social teaching and the EU is probably little known in Irish society ...*

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But there are areas where improvements are directly related to our being a European Member State – consumer and environmental protection, standards in building and food production, improved roads and public transport. Maybe even more significant is the developing legislation on gender equality. Equality between men and women was one of the founding articles of the Treaty of Rome, and the achievement of gender equality became a central task of the EU under the Amsterdam Treaty.

It is interesting to recall some of the basic things that have been achieved for women, now taken for granted by a younger generation, through our belonging in the EU. The right to remain at work after marriage, to have infant children named on a mother's passport, to take out a bank loan subject to the same conditions as others, to equal pay (although a gender-related pay gap of 13-17 per cent shows the distance to go), maternity leave, etc have all come about in a relatively short time. Conditions and terms of employment generally are greatly improved and many have availed of exchange programmes for study or work within the EU.

## **Catholic social teaching, Ireland and the EU**

The strong connection between Catholic social teaching and the EU is probably little known in Irish society, church members included. The Christian roots of Europe are strongly present in the founding and subsequent Treaties of the Union. In a 2005 article 'The Real Third Way', David Begg, General Secretary of the Irish Congress of Trade Unions, noted that Catholic social teaching had a major influence on the European Union, and that most social policy development in Ireland in the last thirty years was driven by the European Union. 'It is a measure of the extent to which the domestic interpretation of that teaching was out of line with mainstream European Catholic opinion'. Begg cites Garret FitzGerald, in *Reflections on the Irish State*:

*The traditional concern of Roman Catholic teaching with excessive emphasis on individualism has in many ways been a very constructive force in the world. But in the context of the Irish Constitution this concern can be argued to have led in practice to a new imbalance in the other direction, that is to a situation in which the right to private property is given a higher value than the right to personal liberty, and in which the ultimate right of the family (defined in a very specific and exclusive way as the family based on marriage), is given a priority over the rights of children.<sup>4</sup>*

For a strongly Catholic country the social teaching of that faith has come to us by a circuitous route. Those who question the particular nature of Irish Catholicism in the light of the present situation certainly have a point, and reference to Catholic social teaching as the Church's best kept secret' is particularly apposite in relation to Ireland. Its basis is belief in the equal dignity of each human person, and in the right of each one to share in the goods of the earth.<sup>5</sup>

Each human person is in the 'image and likeness of God', who is source or origin and end of all.<sup>6</sup> Our being is gift – given and received, reflected in the relational and social dimension of human nature, meaning that in our most fundamental being we are oriented towards God and our fellow human beings.<sup>7</sup> Giving and receiving is part of who we are, and, in spite of our lapses and shortcomings, greed and self-interest, the tendency towards generosity will not be extinguished.

Desire for the common good, ('the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily') may be blocked, frustrated or indeed fulfilled, by individual and collective action, but it is an essential element of human being.<sup>8</sup>

This is a very particular view of the human person whose innate dignity means that she or he may never be objectified, but must always be a subject with inalienable rights. It is to state the obvious to note that the Ryan Report is evidence that not alone were these fundamental tenets of Christianity not practised, but it would seem that neither were they taught – to the so-called faithful in general nor to those who would be the future leaders of the Irish church. *A la carte* Catholicism did not begin with the controversy over contraception, and the relatively recent emphasis on social justice in the church will need to be widened and broadened by the teaching church if it is to have credibility in the Ireland and the world of today and tomorrow.

### **Solidarity and Subsidiarity**

Two important principles, **solidarity** – that we are all really responsible for all, and **subsidiarity** – that decision making should happen at the lowest practicable level, underlie this body of teaching which stretches from the late nineteenth century to the present.<sup>9</sup> Both principles are operative in the working of the EU. Today there are issues of global importance which cannot be adequately addressed by individual nations, small or big, and our hope lies in finding ways to cooperate. The enlarged European Union, with all its settling down processes, represents a major step-change in the attempt to bring about peace and justice and improved social and economic conditions for the member states, while looking also to the responsibility of the EU to developing countries.

**Solidarity** in Catholic social teaching means something quite specific:

*... it is a firm and persevering determination to commit oneself to the common good, that is to say to the good of all and of each individual because we are all really responsible for all.*<sup>10</sup>

The solidarity at the heart of European integration involves commitment to reducing the differences in conditions between the various regions. The

Regional Policy, channelled money from wealthier to poorer member states to the great benefit of Ireland. New member states, Poland for example, are experiencing for the first time some of the benefits we have had for many years, and, despite recession and increasing levels of unemployment, there is no suggestion that we might revert to pre EU membership conditions. But EU solidarity extends beyond the borders of Europe. The EU as the world's largest donor is responsible for more than 50 per cent of global development aid, and, in 2000, trade barriers were lifted to permit access to European markets for products from some of the world's poorest countries. Solidarity in the Lisbon Treaty means also that member states are committed to helping one another in a situation of terrorism threat, or natural or man-made disaster, but only at the request of the individual Government. This illustrates the exercise of subsidiarity, another basic principle of Catholic social teaching, and an important element in the governing of the EU.

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*The financial recession here and elsewhere clearly illustrates the incapacity of individual nations to 'go it alone' ...*

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The principle of **subsidiarity** finds significant place in the EU Treaties, including Lisbon which contains a specific Protocol on the Application of the Principles of Subsidiarity and Proportionality. This Protocol aims at ensuring that decision-making within the community is brought as close to the citizen as possible and involves a stronger role for national and regional parliaments in the EU legislative process. For example, Article 4 of the protocol states that legislative drafts should be shared with national parliaments at the same time, so that they can consider the subsidiarity implications of each draft, regional and local. This puts an onus on local parliamentarians to get more involved than heretofore. The aim of allowing the Community to act if a problem cannot be adequately settled by Member States acting on their own has to be held alongside that to uphold the authority of the Member States in areas that cannot be dealt with more effectively by Community action. And there are mechanisms for subsidiarity to be monitored.<sup>11</sup>



The ongoing financial recession here and elsewhere clearly illustrates the incapacity of individual nations to ‘go it alone’, or to solve this multi-faceted crisis. Albeit the causes carried predictable outcomes, and could be traced to specific individual and group actions, there is general agreement that there is systemic failure. Repairing, or indeed transforming, the system, to bring about just solutions, will require a degree of cooperation needing the complexity and creativity of some of the best thinkers at home and abroad. The interconnectedness of people and peoples demands nothing less. But there are other matters requiring an unprecedented degree of cooperation which cannot be adequately dealt with by individual countries. Examples are Environmental Protection and Climate Change, and International Crime, such as Trafficking in Persons.

### Climate Change, Catholic social teaching and the EU

There is growing concern across the world about the potentially catastrophic effects of climate change caused by methods of production and models of consumption which went unchallenged for too long. We see the results in disturbed weather patterns, drought, crop-failure, and displacement of people.

On July 10<sup>th</sup> 2009 the leaders of 8 major economies (at the G8 Summit) agreed the target level for climate change. This marks a major breakthrough in international cooperation, with Russia, the US and Japan now party to the agreement. It had been hoped that China and India, as two major developing countries, would sign up to cut global emissions by 50 per cent by 2050. Instead they want the developed states to first pledge hundreds of billions of euro in aid to help them cope with the effects of climate change and to introduce new technology to cut emissions.<sup>12</sup>

The social teaching, focusing on the centrality of the human person, speaks of development and the duties arising from our relationship to the environment.<sup>13</sup> The Christian perspective is that we may responsibly use the gifts of nature to satisfy our legitimate needs, material or otherwise, while respecting the intrinsic balance of creation. The reminder that projects for integral human development must be marked by solidarity and intergenerational justice, particularly regarding non-renewable sources of energy, involves a call

to international leaders to act jointly, and to a serious review of contemporary life-style. The justice issues involved are not just for the future – the economic and social costs of using up shared resources must be borne by those who incur them, not by other peoples or by future generations.



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Solidarity here takes on new and urgent meaning as scientists have warned that the consequences of irreversible climate change will be devastating for global food supplies and ecosystems. The fact that some of the poorest and most fragile communities will be worst affected in the short term is already evident and there are issues of global justice to be addressed in that the richest countries are causing the greater part of the problems, for which the poor are paying in lack of food security and displacement resulting from drought. There are apparent contradictions in wealthy countries allocating money for aid to developing countries without seriously reducing their own part in causing the need for that aid.

In his pamphlet *Three challenges Only Europe can take on*, Pierre Defraigne, (Economist and Honorary Director-General at the European Commission), notes:

*our excessive dependence on fossil fuels has exposed us to a triple threat: climate deterioration, a shortage following the interruption in energy supplies which would paralyse Europe, and conflicts over sources of hydrocarbon energy and control of their access routes, be they maritime or pipeline.*<sup>14</sup>

He calls on the EU, to lead in the area of energy savings and renewable energies, and to show a greater solidarity: ‘Profound changes in our way of life are inevitable as our models of production and consumption are incompatible either with the ecological equilibrium of the planet or with the

economic development of the South, or both’.

Defraigne points out that the EU needs to consider and to come up with some answers as to whether future sharing of increasingly rare energy resources is to be managed by way of either the market, which favours the wealthiest who would continue to waste while others would be deprived of the indispensable, through conflict and military control of wells, shipping lanes and pipelines, or, through negotiation and cooperation leading to agreements on distribution and solidarity, including transfer of technology. The benefits, indeed the absolute necessity, of being part of international policy making on climate change are self-evident. Less evident is how our EU membership affects the modern day slave trade called Trafficking in Persons, in which Ireland is now a player.

### Trafficking in Persons: Ireland and the EU

High-profile cases have raised awareness of trafficking in Ireland, both for sexual exploitation and cheap labour purposes. Recent research on the trafficking of women into Ireland for sexual exploitation looks at the incorporation of a highly lucrative global sex industry into Ireland, where organisers are linked to international criminal networks and facilitate the marketing of women for prostitution.<sup>15</sup> The findings in relation to the harms done to the physical, mental, emotional and spiritual health of trafficked women and girls would be the focus of a different article, as would the findings in relation to the men who buy sex. Pertinent to the topic here is the change in conditions since Ireland has begun to cooperate at European and International level on this issue.

The Criminal Law Human Trafficking Act 2008 has roots in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and also the EU Framework Decision on Combating Trafficking in Human Beings, and the EU Framework Decision on Combating Sexual Exploitation of Children and Child Pornography. These Decisions are binding on Ireland as a Member State. Ireland had signed the UN Protocol in 2000 yet it took several years and considerable pressure before it became law. Now we have the Anti-Human Trafficking Unit in the *Garda Síochána* and are members of the G6 Human Trafficking Initiative to ensure that the EU becomes a hostile environment for criminals engaged in trafficking – alongside Poland,

Netherlands, Italy, UK. and Spain.<sup>16</sup>

Until recently in Ireland victims were often criminalised as illegal immigrants, imprisoned and deported, and traffickers went free. Now there are obligations on Member States to protect and promote the rights of victims including the right to a period of recovery, medical care, counselling. Initiatives in some Member States address the demand side of prostitution and Sweden has shown a lead in criminalising the purchasers of sex rather than the victims of trafficking and prostitution.

### Conclusion

If the common critique of the EU, as not living up to its own rhetoric, being a ‘rich men’s club’, overly bureaucratic and with an obvious democratic deficit is to be proved wrong there is much to be worked at both in real terms and in perception.

We take for granted European cooperation in many areas today. The Jesuit Centre for Faith and Justice is a member of SCRIBANI, a European group of Jesuit Social Centres, the benefits of which are considerable in terms of social analysis and reflection on issues of significance for their work. Not to cooperate and pool knowledge, resources and information becomes unthinkable in the light of the local and global problems we face today. What is good at micro level is even more important at the level of Governance where norms and laws reflecting shared values, recognising interdependence and governing cooperation can work to bring about a Europe based on democracy, and a sustainable future rooted in peace with justice which is desired by the growing number of Member States.

### Notes

1. Gerald O’Carroll, *The Pocket History of Kerry*, Tralee: Polymath Press, 2007, p.12.
2. Weekly message from Ambassador John Bruton, June 2nd 2009, [http://www.eurunion.org/eu/index.php?option=com\\_content&task=view&id=3410&Itemid=57](http://www.eurunion.org/eu/index.php?option=com_content&task=view&id=3410&Itemid=57)
3. Pierre Teilhard de Chardin, *The Phenomenon of Man*, tr. Fontana Books, 1965, p. 289.
4. David Begg, ‘The Real ‘Third Way’’, in Jesuit Centre for Faith and Justice, *Catholic Social Teaching in Action*, Dublin: Columba Press, 2005, p. 30.
5. It is perhaps precisely this that makes so shocking the revelations of the destruction of human dignity of so many people at the hands of those who professed to be their

carers in the name of Christianity.

6. See Gerry O'Hanlon SJ, *The Recession and God*, Dublin: Jesuit Centre for Faith and Justice and Messenger Publications, 2009, part 5, God Matters, pp. 31-50, for implications of God/human relationship.
7. *Compendium of the Social Doctrine of the Church*, Pontifical Council for Justice and Peace, Veritas, 2005, pp. 54-55.
8. *Ibid.*, p.79.
9. Catholic social teaching is considered to begin with Pope Leo XIII in *Rerum Novarum, On the Condition of Labour*, 1891, addressing inhuman working conditions of the industrial revolution.
10. John Paul II, Encyclical Letter *Sollicitudo Rei Socialis*, The Social Concerns of the Church, 38, 1988.
11. The Lisbon Treaty, Protocol on the Application of the Principles of Subsidiarity and Proportionality, Article 4. See: <http://eur-lex.europa.eu/en/treaties/dat/12007L/htm/C2007306EN.01015001.htm>
12. Jamie Smyth, Various Articles, *Irish Times*, July 9/10 2009. (For example, 'G8 Leaders Agree on Target Level for Climate Change')
13. Encyclical Letter, *Caritas In Veritate*, Pope Benedict XVI, Vatican, June 2009, 49-50.
14. *Three Challenges Only Europe can take on*, Pierre Defraigne, La Libre Belgique/Madriaga – College of Europe Foundation, May 2009, p. 26.
15. kelleherassociates in association with Monica O'Connor and Jane Pillinger, *Globalisation, Sex Trafficking and Prostitution: the Experiences of Migrant Women in Ireland*, report of research funded by the Religious Sisters of Charity, published by The Immigrant Council of Ireland, 2009.
16. Framework Decisions are used to align laws and regulations of the member States. Proposals are made on the initiative of the Commission or a member state and they have to be adopted unanimously. They are binding on the member States as to the result to be achieved but leave the choice of form and method to the national authorities. See: [http://europa.eu/scadplus/glossary/framework\\_decisions](http://europa.eu/scadplus/glossary/framework_decisions).

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# Taking Our Rightful Place Ireland, the Lisbon Treaty and Democracy

*Edmond Grace SJ*

## **A Basis of Right**

The Irish electorate has voted in favour of many European treaties since the original treaty of accession in 1971. Until the Nice Treaty any deal struck by Irish negotiators with their European partners included generous financial incentives. These incentives are indisputable and easily grasped. They have been our point of entry into Europe up till now and no other vision has been offered by our political leaders, who now have left it too late to redeem their failure of leadership. They have appealed too often and too eagerly to narrow self-interest and, as a result, they have lost the ability to inspire any generous sentiment.

The time has come for straight-forward if unfamiliar questions. What is this entity, the European Union? How have we Irish benefited from membership? What are we willing to contribute? And why?

## **The Experience of Total Warfare**

There can be no understanding of the movement for European union without reference to the experience of France and Germany after the second world war. They shared an experience which ran deeper than victory or defeat. In neither Britain nor America, and certainly not in Ireland, did the entire population have to face that horrific feature of the modern industrial age – total warfare. This experience goes beyond grief at the death of loved ones or bewilderment at the slaughter of millions. The true horror of total warfare brings people face to face with the unpredictable and universal human capacity for wanton destruction and with the indiscriminating sense of shame which it leaves in its wake.

Only against this background can the opening words of the Schuman Declaration, the founding document of the European Union, be fully appreciated: ‘World peace cannot be secured without creative efforts equal to the dangers which threaten it’. In signing this document on 9 May, 1950, France and Germany, later joined by Italy and the Benelux countries, set out to make warfare both ‘unimaginable’ and ‘materially

impossible’. Their express goal was ‘a wider and deeper community between countries long opposed to one another by bloody conflict’ and they saw this European enterprise as a model for the world. This is the founding vision of the European Union.

## **The Story Moves On**

We Irish have become part of that story and part of the achievement. While our point of entry was economic interest rather than political reconciliation, the interaction of Irish and British politicians and public servants which EU membership brought about certainly contributed to a building up of trust between both governments which made the Irish peace process possible. The man who is, more than anyone else, responsible for initiating that process, John Hume, consciously modelled his approach on the European experience.

Few would seriously deny that our interests have been served by our participation in Europe, but we have yet to grasp that there is more at stake, even for us, than ‘our national interest’. The founding of the European Union only became a possibility when those involved came to see that national self-interest, however ‘enlightened’, failed to do justice to the challenge they all faced. They had reached that point of human solidarity which only a shared sense of vulnerability can bring.

We in Ireland will have to find our own answers to questions which first arose for others in the midst of warfare and carnage. The challenge of solidarity cannot be met by clichéd moralising. Before we claim to be looking beyond our own self-interest there is no way around that honestly self-centred question: What is our interest? What has Europe done for Ireland? What are the benefits? And how might they best continue?

## **Confidence, respect and...**

The most obvious, if transitory, benefit is money. We Irish became wealthy. Financial transfers from other Member States certainly played a part in this



achievement, but they do not come anywhere near explaining it. No amount of money poured into a depressed area will guarantee that such an area will prosper. Indeed, any attempt to explain Ireland's relationship with Europe in terms of money radically underestimates the nature of that relationship and the benefits which have come from it.

Yet these benefits are seen in their clearest light when, paradoxically, we look at the experience of poverty and its effect on the human spirit. John Adams, successor to George Washington as President of the United States<sup>1</sup>, wrote of how poverty precludes people from the joy of participation in society. 'The poor man's conscience is clear... Yet he is ashamed... He feels himself out of the sight of others, groping in the dark... He is not disapproved, censored or approached; he is only not seen... To be wholly overlooked and to know it are intolerable'.<sup>2</sup>

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*Part of the Irish achievement in Europe is to have built up a network of trust which ... cannot be sustained by ingenuity or slickness.*

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Ireland's experience as a member of the European Union is one of overcoming this 'shame' of isolation, which John Adams attributes to the 'poor man'. Before joining the European Union Ireland's poverty and 'invisibility' went hand in hand and it had a real effect on our self-confidence as a people. One great benefit which Europe has brought to Ireland is the joy of participation in a political process which is bigger than this small island. Far from being overwhelmed by what we found, we thrived on it. Even those financial transfers did not just happen. We had to argue our case. We had to make ourselves heard.

By working with people from other countries on shared problems we have grown in international respect and influence. This is the case not only in the policy making forums of the European Union, but in business, the arts, education and professional life. Through this joy of participation we have become a confident assertive people, in a way which would have been unimaginable only a

few decades ago.

Confidence grows in response to the winning of respect from others. To be respected in this way is to enjoy the trust of others and, as a result, to be in a position to command attention when we need a hearing for our concerns. Part of the Irish achievement in Europe is to have built up a network of trust which, while it depends on good judgement, cannot be sustained by ingenuity or slickness. That fund of goodwill, which we have come to enjoy, has been damaged by the inability of our political leaders to present Ireland's participation in Europe from any perspective other than self-interest. The result is that both our own confidence in ourselves and the respect which others have for us have been undermined. We will only rebuild that confidence and regain that respect by constructive participation in the European project.

### **...liberty**

There is another benefit. We have become a freer society because of the European Union. Political freedom – or liberty, a word with greater emotional resonance – is never simply present, never merely observed. It is celebrated because it is fragile and needs the kind of nurturing which is only to be found in human solidarity. Liberty presupposes the presence of others and interaction with them in a spirit of goodwill. Without such interaction, particularly in the realm of political life, the structures which sustain liberty cannot survive. The fullest expression of liberty is the readiness of people to deal with each other in a spontaneous, inventive and playful manner. The first people in history to call themselves democrats – the citizens of ancient Athens – noted as much about their distinct system of government: 'And just as our political life is free and open, so is our day to day life in our relations with each other'.<sup>3</sup>

Travel, both to and from Ireland, is one area where a growth in freedom has been particularly evident. While we used to travel in order to escape hardship, in recent years we have made our way to every part of the world for the sheer enjoyment of it, confident that our Irishness is a badge of goodwill, bringing real opportunities for human contact. Whatever the future holds, that experience will be part of our memory. Those who have come to live in Ireland in recent years have certainly been attracted by our higher standard of

living but also, as with many who left Ireland in the past, by a less inhibited way of life which goes hand in hand with prosperity.

This playful and spontaneous aspect of liberty is only possible when fear and distrust are minimised. When people are unafraid, they speak their minds freely, they engage in conversations, exchange views, make plans and commit themselves to projects. Liberty and prosperity are interdependent. Only when people are unafraid are they willing to take the calculated risks which make economic development possible, but if those risks become reckless to the point of undermining credit, levels of fear rise and personal options are constrained, as is now the case throughout the world, but particularly in Ireland.

### Learning from achievements

Amidst the uncertainty created by the current economic downturn, we need to remember that there have been some enduring achievements. The move from protectionism towards an open economy, which began with the First Programme of Economic Expansion as far back as 1958, finally put a halt to the decline in population which had undermined this country since the Great Famine. This move was copper-fastened by the decision to join the European Economic Community in 1972.

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*Throughout Europe there is a growing gap of incomprehension and distrust between politicians and people.*

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It has clearly been in Ireland's interest in recent decades to turn outwards. We have always seen this in terms of advancing our national self-interest, but that perspective is itself limited. The intelligent promotion of self-interest certainly plays a significant part in human affairs, but the perspective is one of trade – the striking of good and mutually profitable bargains. The underlying framework which makes the pursuit of self-interest profitable, however, is that element of trust and goodwill which underpins both liberty and credit. There comes a point where that underpinning cannot be taken for granted. This

point had been reached between France and Germany when they decided that they had to share sovereignty. This point has also been reached for Ireland in its relationship to the world economy. It simply no longer makes sense for us as a people not to see global issues as an ethical challenge which, if ignored, will bring grief not only to ourselves, but to the world in which we live.

### Political drama, public knowledge

In less than one year Ireland's relations with our European neighbours have changed from being full of possibility to being fraught. We can react by retreating into an aggressive nationalism or we can wearily fall in line with the craven 'pragmatic' leadership offered to date by the pro-European parties. But there is a third option. We might consider the welfare of the European Union as bound up with our own. We might consider the value, to both ourselves and others of making a contribution to this project.

The fact that our stocks may be low in the eyes of many at this moment is immaterial. To be fair to our politicians, they are faced with a challenge which their counterparts in other countries have successfully avoided. The original Constitutional Treaty was rejected by the electorates of both France and the Netherlands; the Lisbon Treaty was cobbled together in the aftermath of this setback. Throughout Europe there is a growing gap of incomprehension and distrust between politicians and people. Ireland is distinguished by the fact that this gap has come unambiguously into public view twice in the past ten years – in the first referenda for Nice and Lisbon respectively.

The resulting vulnerability of our politicians could turn out to be an opportunity for Ireland to make a real contribution. It would not be the first time that, as a people, we would overcome weakness with ingenuity. The first grass roots mobilisation of ordinary people in a campaign of peaceful protest for equal rights was organised here in Ireland, lead by Daniel O'Connell. The modern party political machine, which gave the working classes a voice in government throughout the western world, was first devised here in Ireland by Charles Stuart Parnell.<sup>4</sup>

O'Connell and Parnell, in their time, saw power being exercised in a manner which placed the powerful beyond the reach of justice. The old strategies which they put in place have become a

celebrated part of our political culture. Yet we can march in the streets till we are blue in the face and we can vote parties in and out of office, but we know that there is something beyond our reach, something which no one is able to call to account. The complexity of government in the modern world has become a barrier between politicians who have been elected to govern and the people who elect them.

### The role of the bureaucrats

This situation is in no one's interest. It is facile to dismiss those who go to the trouble of getting elected and their attempts to make the democratic process work in a world which modern technology has made increasingly complex and vulnerable. They have inherited, from an earlier age, a system of government which has brought great benefit to the world, firstly, by granting every citizen the vote, and then by developing elaborate administrative structures to respond to their demands. Without these structures much of what we take for granted in modern life would turn from being a benefit to being a menace – road, air and sea travel, electricity, electronic communication, employee and consumer protection etc.



*Bureaucracy in Europe*

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The resources of the legislature, which established the administrative structures of modern democracies in the first place, are now dwarfed by those same structures and dependent on them. In other words, public representatives are now dependent on unelected public servants if they are to function effectively. At the same time those who stand must behave as though they are in charge and have real power over this complex web of organisations which they have inherited.

To do otherwise would be to undermine the legitimacy of existing structures without offering any viable alternative.

Parliament did not always dominate popular attention. For many centuries the drama of public life was played out in the court room. That drama still continues and at times it can command considerable attention. The rise of parliament went hand in hand with the vote and the party political machine. What people seek today is not the vote, or some mass movement, but a greater say in their own lives and, in particular, in the way their lives are affected by the many and confusing agencies of government. The growing complexity of our technological world makes this development inevitable because technology has a potential for evil as well as good. It needs regulation, and that in turn needs greater cooperation between national governments. Without this cooperation, of which the EU is by far the most effective example, international trade would have to deal with a myriad of differing sets of national rules and regulations.

The result of all this is that the traditional role of parliament has been sidelined. Our politicians are aware of this and they are also aware that there can be no going back. Two years ago the leaders of five Irish political parties put their names to the following statement: *The elaborate bureaucracy of the modern state has become a barrier between elected leaders and ordinary citizens, yet within that perceived barrier lie the means of restoring popular trust in public life.*<sup>5</sup> If this 'restoration' is to happen, however, leadership will be required and it will have to come from within existing structures.

We need to explore new ways of interaction between the structures of public administration and the citizen. In recent years a vibrant civil society has emerged in Ireland. It plays a growing role in the formulation of policy and not only within an Irish context. In particular it has enabled groups who are marginalised by existing political structures to find a real voice. That voice remains tentative, but it is growing in confidence and in skill. The current recession certainly represents a set-back for those campaigning groups which have emerged at the margins of traditional politics but, in the long run, the underlying legitimacy of their role cannot be ignored without imperilling one of the cardinal principles of democratic government – that no group in society be excluded from a say in government.

The underlying challenge of marginalisation is all the more significant in that it is far from being unique to Ireland. Indeed it is a challenge which the European Union is singularly well equipped to meet. The European Commission in many ways represents the tip of an iceberg of public administration which can be clearly recognised in all the member states and which, because it is hidden, is increasingly resented. It is in the interests of both politicians and public administrators that this iceberg be made visible. Ireland has, up until recent events, enjoyed a high standing among its fellow EU Member States. While our standing clearly has been damaged, perhaps we could redeem ourselves by developing a process of reflection within our political structures whereby the administrative state can become, and be seen to be, more accountable.

The makings of this process are already in place with the Conversation on Democracy in Ireland, an initiative of the Irish Jesuits. The underlying purpose is to promote a more reflective and effective democracy by inviting citizens, politicians, and public servants to reflect together on public life and, in this way, to develop new insights to be made accessible for wider discussion and debate. We need a national conversation on the future of the democratic process with a view to both adapting our own institutions and challenging our fellow Europeans to do likewise. The underlying challenge which we all face will not go away and if we in Ireland back away from it, and from the implications for our role in Europe, we will be condemning ourselves to a future in which we will have no say because we are too timid to take our rightful place.

## Notes

1. See Hannah Arendt, *On Revolution*, London: Penguin 1990, p. 126ff.
2. *Ibid.*, p. 69.
3. See Thucydides, *History of the Peloponnesian War*, Bk. 2. 37, London: Penguin Classics.
4. See Edmond Grace, *Democracy and Public Happiness*, Institute of Public Administration, Dublin, 2007, p. 129.
5. *Ibid.*, p. iv.

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# Working Notes

facts and analysis of  
social and economic issues

**Issue 61 September 2009**

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## Perspectives on Europe

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# From LIBERTAS to CARITAS

*Brendan MacPartlin SJ*

Euro barometer surveys consistently show that Irish people have a positive attitude towards the European Union. Research on how people voted in the referendum on the Lisbon Treaty found that this positive attitude was the strongest single factor affecting people's voting decisions.<sup>1</sup> It also found that a low level of knowledge of what was in the treaty had a powerful effect on increasing the 'no' vote. People who perceived things to be in the treaty that are not there, tended to vote no. On the other hand, people who had a correct perception of what was in the treaty tended to vote yes. So it is a good move for the Department of Foreign Affairs to publish its excellent White Paper<sup>2</sup> even though devotees of *The Sun* and *News of the World* may not read it.<sup>3</sup>

We live in interesting times. No sooner had we cast our No vote from our high seat on the back of the Celtic Tiger than Fannie Mae and Lehman Brothers triggered a credit crisis and general depression. The position we find ourselves in now is an invitation to think again about the basic questions like market regulation, the role of the state and the path to socio-economic development. In this article I want to think again about these very basic ideas in the context of the Lisbon Treaty and where we go from our present impasse.

## Market Individualism

*Libertas* rode into town for the debate on the ratification of the Lisbon Treaty. Declan Ganley did a very competent job on persuading us against the treaty, and then rode off into the sunset. Where had he come from, what did he represent and where did he go? I believe that he came from the free market, was an icon of the entrepreneur, and is now investing his talents in the next project leaving the rest of us standing around in shock and awe.

Freedom, *libertas*, is rightly acknowledged by many systems of thought as a foremost priority. Despotism preferred to rule by command and control but eventually enlightened philosophers and glorious revolutions identified and asserted freedom as the first value of political and economic systems. In a republic the role of

the state was to secure an area of freedom and order for its citizens, and leave them get on with the pursuit of their interests. Freedom from want required the right to ownership and exchange. Liberal thought held that the best way to develop a people is to let them act freely as consenting adults in the market place. Each one must work, bring the product of his labour to the market, and exchange it for an agreed price. If each individual looked after his own interests and acted fairly the common wealth would grow. Acting fairly meant no fraud, no deceit, observe freely agreed contracts and make restitution in case of default.

Market individualism was such a success that it was the engine of the Victorian boom, and, in their time, the Progressive Democrats were able to claim that they were the true promoters of justice. The claim is arguable if they had left it at 'fairness' (commutative justice) but Mary Harney's 'social justice' went beyond the perspective of market liberalism. Unfortunately the stock market crash of 1929 and the depression of the 1930s revealed the dysfunctional aspect of the *'laissez faire'* approach to economic and social development. Perhaps the theory of the free market was too abstract, the concept of the individual too ideal and the notion of freedom too attenuated to approximate to the real world, so that this form of development proceeded through boom and bust.

This approach was abandoned in favour of market interventionism, for the following forty years, and when this approach hit the buffers in the 1970s people turned again to classical economics in a neo-liberal movement. The findings of Milton Friedman's Chicago School of economics were applied in practice by Margaret Thatcher and Ronald Regan in the 1980s. The 1990s saw the extension of deregulation and market freedom to the financial sector at global level. George W. Bush and the Neo Cons of the 21st Century thought to enforce democracy and market freedom as the way to world development. Declan Ganley's *Libertas* appears to have come from this stable. One curious similarity with Bush's politics was his alliance with anti-abortion groups. But his main success was the campaign against the Lisbon

Treaty. This was soon followed by the banking crisis and credit crunch of Autumn 2008, and then the failure of *Libertas* as a European party in the European Parliament elections of 2009. Why did the neo-liberal project, begun in the 1970s, finally stall in 2008? One consideration is that a central neo-liberal policy was to push down wage costs and to increase the incomes of elites. Households need roofs over their heads. The elites earned more income by selling mortgages to poor households who eventually could not make repayment. The deregulated market, which was supposed always to find equilibrium, tripped up over its own freedom.

Free market theory clings to the idea that there are only individual economic exchanges, and no such thing as society. It fails to recognise that myriads of individual exchanges evolve into patterns, trends and systems. Even though each transaction is fair the system that evolves has other outcomes such as inequality. The fairness of the system is evaluated by different criteria such as system justices. The individual, the *homo economicus*, is now in relation with other market actors who may act for social reasons beyond market calculation.

### **The European Social Model**

The European Social Model, derived from the interventionist approach to the market, began in the depression of the 1930s.<sup>4</sup> This model values equality (or at least, reduced inequality) as a system outcome and takes more account of the social needs of people. The actors in the system are social and economic citizens rather than abstract individuals. It views the market as a means to social and economic development rather than an end in itself.

A new political consensus emerged after the Second World War between the forces of the left (trade unions, social democrats and communists) and right (Christian Democrats and Gaullists) that had opposed fascism. They rejected both authoritarian dictatorships and *laissez-faire* capitalism. The state would intervene in the market to increase productivity and employment. It would consult with business and labour to maintain a stable evolution of prices, wages and money supply. It would raise taxes to provide social protection that would meet the rights to education, health and social security services of its citizens. It legislated for social protection in the labour market with rights to information,

consultation, co-decision making and representation in the workplace. Employment rights protected people from exploitation at work and institutions of social partnership involved labour, producers and state in social and economic policy making.

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*The European Social Model ... values equality as a system outcome and takes more account of the social needs of people.*

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European countries developed their social models nationally at the same time that the 'common market' was installed at European level. It was not until 1974 that social measures were actioned in the Common Market by means of three directives that outlawed gender discrimination in pay, employment and social insurance. During the 1980s the concept of the 'European social model' began to develop when, at the same time, the Anglo-American neo-liberal counter revolution was beginning. The drive to create the 'single European market' led Jacques Delors, in the early 90s, to draw up a charter of social rights to protect people who would be exposed to European-wide competition. This was supported by social action that produced directives on many aspects of economic citizenship and employment rights. The United Kingdom and Ireland, with some exceptions, true to their neo-liberal tendencies transposed the directives into minimalist national legislation.

Without the European Union it is likely that Ireland would not have enacted protective legislation in the labour market. Where the European Union has directed the enactment of equal employment rights for all workers Ireland has managed to install a loophole which enables the differential treatment of temporary agency workers and other workers, thus opening the way for lower pay for equal work and all that follows from this.

Nevertheless there are some concerns about how the common market can be both competitive and fair at the same time. One concern centres on 'social dumping' whereby business is attracted to the countries with less regulation and taxation and thus contributes to 'a race to the bottom' unless

the Union can agree a system of rules. The issue of Ireland's low corporate tax rate can be viewed in this context. Taxation, we are assured, is a competence that only the State has, unless it agrees with other States, to confer it on the Union.



*Temporary agency workers protesting.* © D. Speirs

The achievement of an integrated market would relativise the issue of social dumping. There are two aspects of the route to integration. On the one hand negative integration involves the removal of barriers, mostly national, to freedom of trade. On the other hand positive integration creates supports and rules at a European level rather than at country level. To date there has been more focus on the removal of barriers to trade. This is partly due to effort put into the establishment of the single European currency, largely by the work of the Finance Ministers. They and the Court of Justice of the European Communities (ECJ) have been concerned with the removal of barriers to business and free trade. The Commission has also been more focused on Competition Policy. On the other hand the Parliament which is more likely to be concerned with protection remains in the background.

In the end of 2007 and the first half of 2008 the ECJ ruled on the relationship between the economic freedoms conferred by the Treaty (freedom of establishment and freedom to provide services) on the one hand, and social protection (minimum wage) and trade union rights (collective action and collective agreements) on the other. The decisions in four cases (Laval, Viking, Rueffert and Luxembourg) favoured liberalisation and upset trade unions. Against these concerns the European Council agreed a solemn declaration that highlights, among other things, the Union's aim of achieving full employment and social progress, its recognition of the rights, freedoms and principles of the Charter of Fundamental Rights, its commitment to combating

social exclusion and discrimination. This is where the issue now stands, a yet unfinished project.

How does it measure up to Paul VI's vision of development, proposed in his 1967 letter on the progress of peoples?<sup>5</sup> Its initial goal is freedom from ignorance and want. At the economic level it meant participation in the international process; at the political level it implied citizenship in peaceful democracies; and finally a solidaristic social system of educated people. The developing European social model does justice to this vision. Paul, however, wanted the development of all peoples and of every person across the world to which Benedict now gives the name 'integral human development'.

### **Integral Human Development**

Freedom was the almost exclusive priority of classical liberalism. The European social model embraced equality as well as freedom. The European Union describes itself, first of all, as a community of values that is, a body of people united by a shared concept of what is good and desirable.<sup>6</sup> The goods they desire are named human dignity, freedom, equality, and solidarity. Solidarity, or as the French Republic terms it, fraternity, is a value that has been enacted by the European social model in parts but that has yet to find its decisive embodiment. The Treaty acknowledges that key values are derived from the cultural, religious and humanist inheritance of Europe.

Benedict represents a part of this inheritance and he treats of fraternity in his latest letter on doing the truth in love.<sup>7</sup> His concern is with the unification of all people through globalisation, but, in view of the fact that the European Union is the foremost body in developing transnational rules for the cooperation of sovereign states, it might be useful to explore some of his ideas in that context.

To understand the path of integral human development Benedict recommends that we break from Enlightenment individualism and explore the category of relation. It is in relation with others, and not in isolation, that we establish our worth and mature our personal identity. Human community does not absorb the individual nor annihilate autonomy, and in the same way the unity of the human family does not submerge the identities of individual peoples and cultures. On the contrary it makes them more transparent to



each other in their legitimate diversity. Integral human development is the inclusion in relation of all individuals and peoples in solidarity.

## Citizenship

In the Preamble to the Social Charter the European Union places the individual at the heart of its activities by establishing the citizenship of the Union and by creating an area of freedom, security and justice. The individual is the subject of its activities, and the object for whose sake the Union exists. The area of freedom etc is a system, like a political order, that is set up by individuals to enable them to act as citizens. Similarly the internal market facilitates them to act as economic citizens. At yet another level they are a community that enables them to act for a set of shared values. These individuals are included in relationship by being elements of an order, a system, a community, at the political, economic and social levels. The individuals are the subjects of their own set-ups and the beneficiaries for whose sake the set-ups are established. The set-up is bad if it does not benefit the individual or good if it helps her achieve her fulfilment. The use of the term 'person' is noticeable in the Treaty, a term that is used to distinguish the individual in relationship from the '*homo economicus*' of liberal economics.

Each person must do his part in contributing to the system (contributory justice). Each person is entitled to what s/he needs for her own fulfilment from the system (distributive justice). The system itself is a reservoir of the common good generated by its being a system, which adds value over and above the inputs of individuals. What the system has over and above the sum of individual transactions is the common good. What prevents the system from determining and oppressing the person is that its purpose is to serve the fulfilment of the person.

When economics focuses on the calculated exchange in the market place it abstracts from the fact that other non-calculable exchanges take place. People have fun when doing business, they enjoy the human interaction. They retire to the pub where the norm is liberality and there is no calculation of the gift that comes in rounds. Benedict, however, rather than focus on the pub, is keen to have us find authentic human relationship, and the qualities of reciprocity and solidarity, within economic activity, not only

outside it or "after" it. Solidarity between people, participation and gratuity are a form of giving that contrast with giving in order to acquire (the logic of exchange) and giving through duty (the logic of public obligation, imposed by State law).

By definition there is no entitlement to gift; gift is freely given. The logic of the gift is an economy of gratuity and fraternity. He is saying that there is space for liberality and gratuity alongside market relations, but also that works of gratuity should also emerge. In fact he seems to suggest that civil society, that space of non-profit and non-government organisation is the place where gratuity can be found. There is no doubt that there is a rapidly growing space of people dedicated to justice, to protecting the environment, to accompanying indigenous people and in general, of people seeking change and another way.<sup>8</sup> A striking innovation in socio-economic policy making in Irish Social Partnership was the incorporation of the social and voluntary sector as partner alongside the state, business and trade unions.

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*Globalisation ... should not be a deterministic process of which we are the victims. Instead we should be proactive knowing how to steer it towards the humanising goal of solidarity*

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Bodies of thought on the different levels of human activity, the economy, polity, social, ethical and theological need to interact if we are to find the path to integral human development. This is all the more urgent because of the explosion of worldwide interdependence, commonly known as globalisation. It represents a great opportunity but also has potential for damage, division and harm. It should be understood as a socio-economic process but it also has other dimensions. Through it humanity is becoming increasingly interconnected. The proper outcome should be the unity of the human family and not the marginalisation and exclusion that we see in the world today. It should not be a deterministic process of which we are the victims. Instead we should be proactive knowing how to steer it towards the humanising goal of solidarity. We must steer the globalisation of humanity in

relational terms, in terms of communion and the sharing of goods if the increasing sense of being close to one another in today's world is to be transformed into true communion. It requires political governance, global economic and financial institutions to give teeth to ensure the common good, distributional justice and fair exchange. It requires the construction of a social order with interconnection between the moral and social spheres, and links with the political, economic and civil spheres.

## Conclusion

The Victorian theories of individualism, market freedom and technology have been powerful motivators of progress. But advancement has been marked by catastrophic setbacks and failure as well as the current economic depression. Reflection on that experience leads to the conclusion that the Victorian vision of progress is limited and attenuated. The experience of the European social model and its extension in the European Union is of a more complex path to development with a richer conceptualisation of social and economic values that include an orientation to the well being of its peoples.

Moreover it has potential to offer direction to the broader process of globalisation. It is not without its aberrations and contradictions but it includes processes of dialogue, negotiation and decision making through which dilemmas can be intelligently resolved. It is a compelling vision and practice that offers hope to our deep desires for a better world. Issues that the Irish electorate have had with the Lisbon Treaty have been addressed reasonably to the extent that this stage of development allows. It would be a step into a defensive and hopeless *cul de sac*, rather than a prophetic stand against the rise of a great evil, if we were to resist the integration of the treaties on the Union and on the Community that will give a legal *persona* to the European Union. Endorsement of the Lisbon Treaty is in line with our calling to integral human development.

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# Taking Our Rightful Place Ireland, the Lisbon Treaty and Democracy

*Edmond Grace SJ*

## **A Basis of Right**

The Irish electorate has voted in favour of many European treaties since the original treaty of accession in 1971. Until the Nice Treaty any deal struck by Irish negotiators with their European partners included generous financial incentives. These incentives are indisputable and easily grasped. They have been our point of entry into Europe up till now and no other vision has been offered by our political leaders, who now have left it too late to redeem their failure of leadership. They have appealed too often and too eagerly to narrow self-interest and, as a result, they have lost the ability to inspire any generous sentiment.

The time has come for straight-forward if unfamiliar questions. What is this entity, the European Union? How have we Irish benefited from membership? What are we willing to contribute? And why?

## **The Experience of Total Warfare**

There can be no understanding of the movement for European union without reference to the experience of France and Germany after the second world war. They shared an experience which ran deeper than victory or defeat. In neither Britain nor America, and certainly not in Ireland, did the entire population have to face that horrific feature of the modern industrial age – total warfare. This experience goes beyond grief at the death of loved ones or bewilderment at the slaughter of millions. The true horror of total warfare brings people face to face with the unpredictable and universal human capacity for wanton destruction and with the indiscriminating sense of shame which it leaves in its wake.

Only against this background can the opening words of the Schuman Declaration, the founding document of the European Union, be fully appreciated: ‘World peace cannot be secured without creative efforts equal to the dangers which threaten it’. In signing this document on 9 May, 1950, France and Germany, later joined by Italy and the Benelux countries, set out to make warfare both ‘unimaginable’ and ‘materially

impossible’. Their express goal was ‘a wider and deeper community between countries long opposed to one another by bloody conflict’ and they saw this European enterprise as a model for the world. This is the founding vision of the European Union.

## **The Story Moves On**

We Irish have become part of that story and part of the achievement. While our point of entry was economic interest rather than political reconciliation, the interaction of Irish and British politicians and public servants which EU membership brought about certainly contributed to a building up of trust between both governments which made the Irish peace process possible. The man who is, more than anyone else, responsible for initiating that process, John Hume, consciously modelled his approach on the European experience.

Few would seriously deny that our interests have been served by our participation in Europe, but we have yet to grasp that there is more at stake, even for us, than ‘our national interest’. The founding of the European Union only became a possibility when those involved came to see that national self-interest, however ‘enlightened’, failed to do justice to the challenge they all faced. They had reached that point of human solidarity which only a shared sense of vulnerability can bring.

We in Ireland will have to find our own answers to questions which first arose for others in the midst of warfare and carnage. The challenge of solidarity cannot be met by clichéd moralising. Before we claim to be looking beyond our own self-interest there is no way around that honestly self-centred question: What is our interest? What has Europe done for Ireland? What are the benefits? And how might they best continue?

## **Confidence, respect and...**

The most obvious, if transitory, benefit is money. We Irish became wealthy. Financial transfers from other Member States certainly played a part in this

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## Perspectives on Europe

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# Towards the Lisbon Treaty Referendum

## The View from Europe

*Frank Turner SJ*

The title proposed to me implies a double focus: actually, a **double** double focus. If the rest of this edition of *Working Notes* offers perspectives **on** Europe, my task is to discuss perspectives **from** Europe. Two doublets are implicit in the title:

- ♦ ‘The view’: but whose view? The view of the political establishment in Brussels? (There is no single view, but a whole set of overlapping or contrasting views.) Or rather the view of a Jesuit organisation, or of the author?
- ♦ ‘The view’ – but of **what**? Of the merits and demerits of the Treaty of Lisbon itself? Or of the process of the Irish Referendum I (lost), through the subsequent inter-governmental negotiations to secure national concessions in view of Referendum II on October 2nd?

The following quadrant below therefore frames this essay.

<b>1a. Political views of the Treaty of Lisbon</b>	<b>1b. Comments on the Treaty of Lisbon</b>
<b>2a. Political Views of the Irish Process</b>	<b>2b. Comments on the Irish Process</b>

1a and 2a amount to a selective **report**. 1b and 2b are a personal view, or a report of those views of colleagues that I find persuasive.

### 1a. Political Views of the Treaty of Lisbon

The principal changes proposed by the Treaty include the extension of ‘qualified majority voting’ in the EU Council (that is, a differentiated majority of both states and citizens), the enhanced involvement of the European Parliament in determining legislation alongside the Council of the EU, and the legally-binding status given to the Charter of Fundamental Rights (subject to negotiated opt-out, as by Poland and the UK – which has no written Constitution, and did not wish to import one from outside).<sup>1</sup>

For our purpose, I take the locus of euro-politics

to be the European Parliament. The European Commission is a civil service, and the opinions of civil servants, officially irrelevant, make themselves felt only indirectly. The Council of the EU hardly represents the ‘view from Brussels’ but rather the **views, argued in the Brussels context**, of the member states, typically in competition.

Within the Parliament – I mean the previous Parliament, since we now have a new one as of June, with 54 per cent of its members new – there was indeed a prevailing view of the Treaty of Lisbon. Some parties within the Parliament, such as the UK Independence Party, argue not only against the Treaty as such, but even in favour of national withdrawal from the EU itself. These parties form a kind of hospitably-hosted fifth column within the Parliament. However, in campaigning for the elections of June 2009, the then four largest party groups all endorsed the Lisbon Treaty. I take two examples: the Party of European Socialists (PES) and the broadly conservative group of Christian Democrat heritage, the European People’s Party (EPP).

The PES, dismissing opponents of the institutional reforms as ‘reactionary’, started from the premiss that ‘in today’s increasingly inter-linked world, no one country can solve global problems by acting alone’. Given the urgency of the socio-economic challenges, and given the PES’s core insistence that the market cannot be left to itself, ‘the entry into force of the Lisbon Treaty, subject to ratification by all EU Member States, would make Europe better able to tackle common challenges democratically, transparently and effectively’.

The EPP coincides with the PES in endorsing the main thrust of the Treaty of Lisbon: that is, its enabling of institutional changes intended to promote a closer European co-operation, in order to meet the challenges of the time. Where the groups differ is in the **rationale** for co-operation. Whereas for the PES, the main purpose is to control those features of the free market seen to have been culpable for our economic crisis, the EPP proclaims its belief in a common cultural identity (rooted in the Judaeo-Christian heritage, classicism, and the Enlightenment humanism) that is confidently called ‘our civilisation’. The EPP

wishes the deepening of the EU, but is reticent about enlargement.<sup>2</sup>

Electoral manifestos aside, the Parliament hesitated to debate the Treaty, fearing to ‘interfere’ with the second Irish referendum. However, in May it overwhelmingly approved certain key internal reports on the Treaty,<sup>3</sup> especially the following elements:

- ♦ The community method (that is, the procedure by which Commission initiates, but the decision in almost all matters is taken jointly, by ‘co-decision’, by the Council and the Parliament). The Parliament would gain equal status with the Council in additional areas, such as agriculture, and justice / home affairs:<sup>4</sup>
- ♦ The Parliament would also gain equal authority with the Council in terms of the EU’s expenditure. However the Parliament ‘deplores’ that, in the crucial matter of setting the ‘Multi-annual Financial Framework’ – that is, the five-year budget – the Council’s **own** authority must be exercised in unanimity. In a Union of twenty-seven members, unanimity is a formidable hurdle, encouraging all kinds of political obstructionism.

### 1b. Comments on the Treaty of Lisbon

The stated aim of the Treaty of Lisbon, according to the Preamble, is ‘to complete the process started by the Treaty of Amsterdam (1997) and by the Treaty of Nice (2001) with a view to enhancing the efficiency and democratic legitimacy of the Union and to improving the coherence of its action’. Accordingly, it promises pragmatic improvements to the functioning of the EU, and offers advances in democratic transparency (such as an increased supervisory potential for national parliaments) and in accessibility to citizens (any citizen’s initiative with 1 million signatures from ‘a significant number of member states’ will now compel the Commission to propose some relevant initiative).

These innovations are hardly the stuff of political passion. Remember how the President of the Commission, José Manuel Barroso, hailed the **signing** of the Treaty in 2007. Now that the institutional impasse seemed resolved for the time being the EU was free to address what ‘the people of Europe really care about’: for example, climate change, migration, globalisation, economic

growth, and security in the face of terrorism. In other words, not even Mr Barroso expected the people of Europe really to ‘care about’ the Treaty itself!

This very modesty means that the Treaty, the so-called ‘Reform Treaty’ has failed to achieve – but could not possibly have achieved – the ‘reform’ that is most necessary. Since ‘reform’ connotes fundamental changes of vision or ethos, perhaps it ought to have been termed the ‘Rationalisation Treaty’. The fact is that any such reform would have been unacceptable to the member states, for the very reasons that render it so necessary. I need to step back to explain.

The EU combines two complementary modalities, always in tension: **shared** sovereignty – not sovereignty surrendered, as some would have it – and **exclusive national** sovereignty. These tensions have long been managed through a careful institutional balance:

- ♦ The European Commission expresses the common life of the EU. Officials of the Commission serve the EU itself, **not** their own country.
- ♦ The 750 members of the European Parliament are elected by their constituents – that is, citizens of their own member state – and are accountable to those constituents.
- ♦ The Council of the EU represents the ‘inter-governmental’ dimension of the EU. It exists at two levels (The ‘European Council’ of Prime Ministers and Heads of State, and the ‘Council of Ministers’ of other government ministers, those with thematic portfolios). In each case, members represent their own mandating governments.

The Treaty of Lisbon in no way dissolves this tension, though it makes important amendments. The Presidency of the EU will no longer rotate every six months, building in discontinuity. A new post, elaborately titled ‘High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union’ will combine the present roles of the Commissioner for External Affairs (i.e. a member of the Commission) and the Secretary General of the Council. Even so, this official, currently Javier Solana, will be far from ‘Foreign Minister of the EU’ since foreign policy remains the competence of the member states.

The Treaty stresses **subsidiarity** as a core EU principle: the EU may only act in areas that are not better tackled at the national level. National parliaments are given a stronger ‘watchdog’ role than before – including the responsibility to warn when draft legislative acts of the EU might weaken national sovereignty! Few critics of the Treaty have discussed this innovation. Similarly, it is nowhere claimed that EU law takes precedence over national laws. Those areas where EU law has exclusive competence are by definition **cross-border** – such as the customs union and the management of the competition rules of the internal market.

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Mr Barroso’s reaction, quoted above, indicates his belief that people ‘really care about’ Europe’s willingness to co-operate to stave off urgent global threats. Implicitly, he recognises that they do not care about constructing a deeper shared identity. This lesson has been learned all too well by the EU.

Here lies my regret: less about the Treaty as such, but about the inevitability of its lack of ambition. At its best the EU enables states to transcend (**not** to abandon) their national independence, identity and interests by exercising political authority together with other states; and by establishing economic arrangements that embody a transnational care for weaker states. The Treaty of Lisbon fails to challenge what seem to me the twin impediments to any form of Europe-wide (not to say global) social justice: that is, economic individualism and exclusive national sovereignty.

### ***Economic individualism***

The last two centuries are unique in positing individual prosperity, with the corresponding hegemony of the market, as the prime indicator of the good life. The EU reflects this hegemony in its very institutional structure. The aspiration to render the EU an effective and competitive **market force** is well-supported, by structures that

are ‘federal’: the Trade Commissioner is effectively Trade Minister for the EU. But the declared objectives concerning social inclusion, and social solidarity (that is, market-correcting or market-supplementing mechanisms) are reserved entirely to the competence of member-states. This damaging asymmetry is manifestly willed by several member states.

A Brussels colleague, Pierre Defraigne has recently argued cogently that the social shortcomings of the EU are becoming ‘intolerable and dangerous’. It was originally understood that subsidiarity would allow the member states themselves to assure ‘the pillars of solidarity – progressive taxation and social security’. Now however, the ambition to tax progressively is far less: what is more, ‘the sovereignty of countries in social and fiscal matters has become a fiction’.

Unless the EU is awarded some authority and helps set a common framework, ‘the Member States will increasingly lose their ability to act and the social crisis will deepen and spread in Europe’. Yet no significant progress has been made [in the Treaty] in terms of the social and fiscal harmonisation that is necessary especially because of the EU’s enlargement to include countries that are economically and socially less advanced. In other words, the Treaty has failed to deliver on its pretension of addressing the new situation of the EU.

*The rule of unanimity for these matters in an EU of 27 continues to prevail. The treaty changes nothing. The risk of a race for the lowest common social and fiscal denominator is therefore no longer a political fantasy; the facts already show that this is happening in both the new Member States, despite the catching-up process, and in the old Member States.<sup>5</sup>*

### ***National sovereignty***

The second obstacle to an EU that seeks social justice is the doctrine of exclusive national sovereignty, the bane of the twentieth century, and the disease for which the EU was originally seen as the cure. A character in a novel by that most European-minded of English novelists, Nicholas Freeling remarks, ‘We [Europeans] do not find it easy to abandon several hundred years of nationalist propaganda; of having it drummed into us at school that we are French, or English, or Czech’. That goes for the present author, too: my school years were passed in a Catholic system that proclaimed a ‘universal community’ – yet

somehow combined this with unabashed nationalism.

As national sovereignty becomes an economic fiction (the economic downturn in Germany, as in Japan, is caused by the inability of **other countries** to afford their exports) it retains its political prestige. Lisbon changes nothing in this respect. It could not be expected to, depending for its signing and ratification on the support of governments which live by the ideology. What I hope for, in the longer term, is not at all the substitution of national sovereignties by a European super-nationalism, of the 'Fortress Europe' type (that would be no better), but a subtler conception of sovereignty, one that finds plural expression.

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*All political entities, whether national or continental, need to be open to goods deeper and broader than their own.*

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To take analogies from the world of sport, the multinational 'British and Irish Lions' rugby team seems to inspire as much partisan passion as the teams of its component nations: at local level, football supporters of Arsenal or Liverpool or Preston North End often care more about the fate of their club than about the England team. Yet in politics, the national dimension purports to be all.<sup>6</sup> Every week, some Westminster MP will demand what effect European policies have on the UK. Imagine one's asking with concern what impact British policy might have on Europe. But why not? All political entities, whether national or continental, need to be open to goods deeper and broader than their own.

## **2a. Political Views of the Irish Process**

This section will be brief, since most politicians outside Ireland have wisely held their tongues: less through fear of interfering in Ireland's business (since Ireland's vote is obviously, in this case, everyone's business) but in order not to allow the impression of 'bullying' from the strong majority of states (18 as at June 2008, 23 in July 2009) that have ratified the Treaty.

After the first Referendum, Mr Barroso reported the assurance given him by Irish PM Brian Cowen that this vote was not a 'vote against Europe'. He commented simply, 'The "No" vote in Ireland has not solved the problems which the Lisbon Treaty is designed to solve': namely that the provisions of the Treaty of Nice were inadequate for the Union of 27 members, with more in the queue.

Summits of the Council, therefore, have accepted amendments to encourage Ireland's acceptance, with little comment from the Parliament. Only when Mr McCreevy, the Irish Commissioner, recently raised the stakes was there an explicit response. He spoke, in a talk to accountants, of the reactions in Europe ranging from 'shock to horror, to aghastness and temper and vexation'. He added: 'I think all the politicians of Europe would have known quite well that if a similar question had been put to their electorate in a referendum the answer in 95 per cent of countries would have been "no" as well'.<sup>7</sup>

This 'shock' etc. was a construct of Mr McCreevy's own imagination, and the 95 per cent statistic, too, is fanciful. This intervention (which could be regarded as 'interference' in the affairs of all other states!) did provoke irritation, even 'vexation', given Mr McCreevy's responsibility for the EU as a whole. The principal fear in 'Brussels' is that of opening the whole Treaty to renewed bargaining. This is not, I think, because the Treaty is bad, but because hearts sink everywhere at the thought of pushing it again through so many parliamentary and popular processes, in each of which it becomes hostage to extrinsic political infighting.

## **2b. Comments on the Irish Process**

I comment not about the pros and cons of referenda in 'representative democracies', nor about the hazards, in such referenda, of conflating national and international controversies: but to what the 'Irish process' reveals about the fundamental relationship between member states and the EU.

Outside Ireland, some politicians have, like Mr McCreevy, represented the first Irish rejection as the tell-tale verdict of a country where a referendum is, uniquely, a clear constitutional obligation. Opponents of the EU in the UK, for example, have done this by claiming an equivalent 'right to a referendum' on the Treaty even though the UK lacks Ireland's constitutional imperative.<sup>8</sup>



If the second referendum approves the Treaty, these opponents will quickly discard Ireland as a model.

However, other states view the Irish experience ruefully: a negative vote was followed by the securing of special concessions essential (as Mr Cowen persuaded his European colleagues) to promote a favourable vote second time round. The Irish process illustrates the incentive for intransigence, and might reasonably irritate countries who ratified quickly and therefore wrung out no such concessions. To reward such bargaining is, in the long term, a risky strategy. More fundamentally, such last-ditch demands fuel a destructive sense, one that too many national politicians love to cultivate, that the fundamental game is 'my country versus the other 26'.

From this viewpoint, the turmoil surrounding the Treaty of Lisbon and the Irish referendum reveals something wrong with the EU, rather than something wrong with the Treaty or with Ireland. Member states claim maximal benefits from the EU while minimising their commitments to anything that they, individually, find uncongenial. Since such an attitude is quite difficult to acknowledge publicly, a certain dishonesty is built into the whole debate. What is hidden from the public is not the presence of some supposed stipulation of the Treaty that would insidiously erode national sovereignty, but the nationalist solipsism that wants things both ways.

I appreciate the fundamental project of the EU, because it embodies, however imperfectly (political achievements are never total) a rich set of solidarities: within and between the countries of the EU, and Europe's with the wider world. But if, particularly at this time of global economic crisis, the EU cannot stand together to prioritise the needs of those members as hard hit as Estonia, Latvia or Hungary – and if it closes itself off to the even more immense needs of the developing world – I do not know why we should value it.

## Notes

1. Other changes are noted below.
2. This EPP position explains why the British Conservative Party left the EPP group. From July 2009 they are founder-members of a new 'anti-federalist' group, the European Conservatives and Reformists Group, of 55 members (7.5% of the Parliament). It remains to be seen whether this group can gain much independent political influence.

3. By three influential MEPs Jean-Luc Dehaene, Elmar Brok and Jo Leinen - two EPP members and one PES.
4. In EU jargon, 'justice' refers to criminal justice and policing, not to 'social justice'.
5. Pierre Defraigne, 'Social Europe, the key issue for EU unity', Europe Infos, Jan 2008.
6. Symbols of European identity, the flag, the hymn, were stripped from the Treaty text, so as not to offend nationalists. Other and more significant symbols show that EU identity is **not** a fiction: the Euro-zone, the European Court of Justice, and the Schengen 'space'. Note the distinction at entry through EU airports, **not** between nationals and non-nationals, but between **EU citizens**, who pass through without formality, and others.
7. The online journal *EuroActiv*, June 29, 2009.
8. Whether or not the British Government 'promised' a referendum is naturally a different issue.

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