A CRISE DA UNIÃO EUROPEIA: APO-CALYPSE NOW?

THE CRISIS OF THE EUROPEAN UNION: *APOCALYPSE NOW?*

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Resumo: Este artigo pressupõe a dissolução da União Europeia. Não obstante as muitas teorias da integração europeia, há uma notável falta de teorias da sua desintegração. Inspirado por um filme recente, este artigo discute o debate público emergente em torno da crise da UE. Defende que, no caso de uma eventual e lenta desintegração da UE, não devemos prever um regresso à soberania anterior dos Estados-nação, mas um reforço das redes de cidades globais. Essa visão alternativa tem suas raízes nos diferentes campos da geografia política e da sociologia da comunicação e da tradição do federalismo municipal.

Palavras-chave: União Europeia, Desintegração, Federalismo, Municipalismo, Cidades globais, Redes

Abstract: This paper imagines the dissolution of the European Union. Notwithstanding the many theories of European integration, there is a conspicuous lack

1   Possui doutorado em Ph.D. pela Università degli Studi di Roma La Sapienza (2001).

of theories of its disintegration. Inspired by a recent film, this paper discusses the emerging public debate surrounding the crisis of the EU. It argues that, in the case of a possible, slow disintegration of the EU, we ought not to envision a return to the prior sovereignty of the nation states, but rather a strengthening of the networks of global cities. This alternative vision draws its roots from the different fields of political geography and the sociology of communication, and from the tradition of municipal federalism.

Keywords: European Union, Disintegration, Federalism, Municipalism, Global Cities, Networks

I.   The symptoms of a possible EU dissolution

As a project for the construction of a supranational institutional order, the European Union was animated from the outset by the *telos* of integration. From its original aim of resolving the conflict between France and Germany, to the more recent goals of establishing a single market and shared institutions for an expansive community of states, the EU has always sought integration. Even in our common speech, the expression "European integration" took form in the second half of the twentieth century as an inseparable binomial. Disciplines ranging from economic theory, to international relations and constitutional theory have all conceived of European integration as a project for the unification of markets, constitutions and legal systems. At the turn of the millennium, the attempt to provide the EU with a constitutional treaty signaled the promise in taking the path leading away from the classical internationalist and intergovernmental logic towards a more constitutional system instead. However, the failure of the constitutional

project of 2005 did not produce a retreat to the *status quo ante*, but rather the onset of a much deeper crisis. The late twentieth century had seen the relatively tame political and cultural rivalry between Eurosceptics and Europtimists. The end of the constitutionalization process, by contrast, has been followed by the devastating economic crisis of 2008, the tension with Greece (both victim and executioner of the EU), the return of an anti-European politics in many national public spheres, the concrete possibility of a Brexit, the explosion of international conflicts like those triggered by the Arab Spring and the escalation of tensions in Syria, Iran and Saudi Arabia, the intensification of massive and uncontrollable migratory movements, the strengthening of ISIS with terrorist attacks on European soil and a newly aggressive Russia.

Instead of taking their cues from the immanent danger of a new European catastrophe, our political leaders have holed up in their national spheres, hoping to bring us back to a nineteenth century economy, law and international relations. The current crisis facing European integration is not its first one, but it is its most serious. We are beginning to fear that, for the first time in our history, the process of European integration has reached an impasse at best, and may even be shifting quickly into reverse. Some observers are starting to speak openly about Greek tragedy, de-constitutionalization and, yes, disintegration.

The argument that I am putting forward is that the vast body of theory on European constitutional integration does not fathom the possibility of an end to integration, followed by the dissolution and breakdown of the institutions that have been gradually built up over the last 50 years. I belong to a generation steeped in Europeanist rhetoric and ideology. We are coming to realize for the first time that the great

project of our parents' generation may have failed. As a European federalist and Italian comparativist, I think that we can view the current crisis as a generational one; the founding mothers and fathers of post-war Italy and Europe are all dead. And Europeans of today find ourselves in what we could call a "Jeffersonian moment," in which we rightfully question our allegiance to constitutional rules, whether national or supranational, made by the dead.

Convinced of the need to revitalize the European constitutional and federal project, I will examine the claim that the current political condition foretells a new European catastrophe. Looking ahead, I can imagine three possible future scenarios. In the first one, the current stagnation continues, while the elites go on as if nothing is wrong. Call it the *Titanic* scenario. A second possibility is that there could be a sudden and violent collapse, in which EU institutions are overwhelmed by the intensification of internal and external pressures. We can call it the *Apocalypse Now* scenario. Finally, we can imagine a future in which European institutions carry on, buoyed by resilient national institutions and European bureaucrats, but are unable to stop a slow dissolution and a shifting of power from the current center in Brussels-Strasbourg towards a plurality of networks energized by the global cities of Europe. Call it the *Metropolis* scenario.

II.   *The Great European Disaster*: just a film?

Before looking at the political writers now starting to dwell on disintegrative processes, I will discuss the apocalyptic scenario put forward in the excellent 2015 film, *The Great European Disaster Movie*. This film was directed by Annalisa Piras and produced by Bill Emmott, former editor of *The Economist*. Sometimes the visual and literary arts are

better attuned to social transformations than the analyses of experts and academics, who may be more motivated by logics of power and belonging than by a responsibility to warn us of a catastrophe that risks sweeping everything away.

The film revolves around an imaginary future dialogue between and Italian girl and an English architect, on board a flight to Berlin: the archeologist is heading to a conference where he will tell the Germans what the European Union was, and why it failed. The film foresees a Russian attack against the Ukraine, the triumph of the English anti-European Nigel Farange in the European elections (both of which indeed happened), the victory of Marine Le Pen in the French presidential elections, and the consequent declaration of a state of emergency (proclaimed instead on 14 November 2015 by the Valls government, followed two days later by President Hollande's speech asking Parliament to amend Articles 16 and 36 of the constitution). The film also envisions an intensification of attacks by ISIS on European soil and the rise of anti-European political parties in Greece, Spain and Italy, leading to the abolition of the Euro in 2020, and then the European Council's declaration of the abolition of the European Union itself.

This apocalyptic scenario, anything but unrealistic (it lacks only a vision of the Orbanization of Hungary and Poland unfolding in Eastern Europe), aims to provoke a debate around the question of whether Europe is sleepwalking towards disaster. The perfect storm, shocking the political, economic, social and constitutional structures of European societies, has in fact paralyzed the European ruling classes. The film presents the implosion of the European Union as the result of the failure of European institutions and leadership. The lack of charismatic politicians at the

European level appears as the deliberate choice of national political élites, afraid of the competition threatened by the emergence of viable European leaders.

The filmmakers agree with the economic analysis advanced by *Podemos* in Spain and *Syriza* in Greece: the massive tax evasion in Europe, together with the bailouts that only benefited British, French and German banks, have definitively undermined any collective belief in a European solidarity. They have instead pitted northern and southern Europeans against each other in a potentially lethal war between the poor. The filmmakers agree with Comte that demography is destiny, and that Europe needs immigration in the long run to regenerate an aging population. But they observe that almost every European country has responded to migration in a regrettably nationalistic way. They call for a *Merkel Plan* instead. Inspired by the post-war Marshall Plan, they would like to see the hegemonic power in Europe provide aid to the other Member States of the EU. They also note how the most recent European elections in 2014 manifested a strong generational divide: in the face of an overall voter participation of 43%, 51% of persons over the age of 55 participated, compared to only 28% of those between 18 and 24.

According to the English archeologist, the European Union had two great problems: a generational one and a democratic one. The first refers to the growing gap between the younger generations and the European institutions they perceive as foreign, if not actually hostile. The second regards the eternal democratic deficit, metastasized from a problem of political and constitutional theory into a dramatically concrete political one. Given the impossibility of institutionalizing political responsibility, to shed light on those determining European public policy, and the

consequent lack of procedures for replacing one government with another one, the only alternative to unsatisfactory European institutions was the dissolution of the European Union itself.

In the film, the plane has to be redirected, first to Amsterdam, then to Paris, and finally to Glasgow. This sets off a collective anxiety about passport validity and entry visas, highlighting one of the first problems that a return to a Europe divided into many (pseudo) sovereign statelets would bring. In a final warning, the plane starts a descent that suggests its immanent crash.

III.   The political theory of the disintegration of the EU

The vision of the dissolution of the European Union is not only the fantasy of cinematographic fiction, but has also been hypothesized by the investor George Soros[2] and the political scientist Jan Zielonka. Zielonka has proposed dissociating the process of European integration from its consolidation in supranational European institutions: "the EU in this moment does not favor integration, but rather impedes it. I therefore propose a radically different idea of European integration, with less EU or without the EU altogether"[3]. According to Zielonka, everything points to an

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2   G.Soros, The Tragedy of the European Union: Disintegration or Revival?, New York, 2014, p.19: "the prospect is for long-lasting stagnation. That is my main concern and worry. Europe, which is in many ways the most developed part of the world – and the biggest influence on the rest of the world as the cradle of our global civilization – is in a state of economic and political disintegration".

3   J. Zielonka, Is the EU Doomed?, Polity, 2014. Italian Translation: Disintegrazione. Come salvare l'Europa dall'Unione europea, Bari, 2015, XII.

institutional collapse of the Union. This collapse will not be followed by the rise of the national states to take its place; the states will instead remain unable to face the political challenges of the globalized world. He envisions a kind of "neomedieval" scenario, characterized by the fragmentation of actors, allegiances, jurisdictions and administrative competences. "The weakening of the EU will not reinforce the national States. On the contrary, it will have the opposite effect. The EU has helped the Member States to generate economic growth through a single market and projects to bring in new members, and it has provided an easy excuse for many political failures. With a weakened EU, the Member States will reinforce other political actors, like cities, regions and non-governmental organizations."[4] Zielonka's diagnosis does not auger catastrophe, but it invites us to reflect upon the possible scenarios that could follow EU dissolution: "in recent years, the EU has exercised its integrative functions poorly. Now it seems incapable of reforming itself. There will come a moment in which an integration animated by autonomous functional networks, without a strong European center, will be seen as the most appropriate one to pursue. The European Union may be condemned to disappear, but Europe and European integration are not."[5]

Zielonka's diagnosis provides an original reformulation of the theory of functional spillovers. The classical theories have laid the ground for political action aimed first at the integration of the sectors of a common market, then monetary union, the Schengen Treaty and the crowning glory of a constitutional upgrade. Zielonka observes instead how the current crisis of one sector, the financial one, has called into question the free movement of persons, and is casting doubt

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4   Ibidem, XIII.
5   Ibidem, XV.

on both monetary and political union: "it seems that the winds of interdependence have changed: interdependence no longer generates integration. One observes a process of progressive involution, more than positive relapse, in the sense that the disintegration in one sector provokes the disintegration in another."[6] From this point of view, the end of the European Union could look more like a gradual process of closing up shop, rather than sudden collapse. Zielonka imagines the near future as "neomedieval,"[7] mosaic- like or polyphonic, in which multiple actors integrate according to vital functional criteria in global cities, which stand alongside traditional, but politically downsized, national states.

Zielonka's analysis, original and persuasive, leaves open three basic questions. First, his argument that the disintegration of the European Union would be a reaction to the crisis of the paradigm of territorial integration caused by the national States, and would be curable only with increasing doses of functional integration,[8] seems vulnerable as a matter of genealogy: the European crisis can be interpreted on the contrary as the failure of the functionalist and confederal paradigm, and perhaps could be remedied by greater territorial, democratic and federal integration, carried out by non-national, sub-national, or trans- national political actors.[9] Furthermore, the vision of

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6   Ibidem, 46.

7   From this point of view Zielonka's analysis follows the description of Saskia Sassen of the political role of European cities in building the Westphalian system. Cfr. S. Sassen, Territory, Autonomy, Rights, Princeton, 2006, p. 73: "I posit that cities and intercity mobilities constituted a larger networked territorial formation, one arising form the ground up, which eventually functioned as a built-in capability for the emergent territorialities of national states."

8   Ibidem, pp. 91-92.

9   German sociologist Claus Offe observed that "in sociological terms it could be said that the scope of functional integration is much wider than that

global cities as new centers of political power in the post-disintegration scenario leaves open the question of the specificity of European cities with respect to other global cities: if what counts are only flows of finance, research, technological innovation and a qualified labor force, then why should Rome, Paris, Berlin, London or Madrid be any more important than New York, Rio de Janeiro, Tokyo or Shanghai? The models of global cities developed thus far oscillate between the modernist megalopolis that Gottman saw in the urban-suburban continuum along the East Coast of the United States[10] and the metropolises of southern China (the province of Hong Kong-Guandong) characterized by an internal spatial discontinuity, with rural and industrial areas, and underdeveloped urban spaces[11] In the face of these two models, the European cities have entered the information age having inherited very different spatial structures; the suburban space is socially diversified, segmented into peripheries orbiting around a clear center. The European urban tradition reflects a different kind of constitutional sociality from that of both American and Asian megalopolises.

In the end, the networked cities theory overlooks the problems of dimension and of the new social exclusions that would be created; what would be the destiny of small and medium- sized cities, of the towns that give life to so

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of social integration; we are passively affected from something that goes beyond our capacity for collective action. Europe is perceived (at best) by its citizens as a community of destiny, but not as a control on one's own destiny", in C.Offe, L'Europa in trappola, Bologna, 2014, p.65.

10 J. Gottmann, Megalopolis, New York, 1961.

11 M. Castells, The Rise of the Network Society, Malden, 2000, p. 439: "the Southern China metropolis, only vaguely perceived in most of the world at this time, is likely to become the most representative urban face of the twenty- first century".

much of the European territory? Will the new functional, digital and communicative networks be able to hold together populations that continue to live in marginal places, according to analogous codes as the urban dwellers? Will the new networked European Empire be able to govern the provinces?

IV. The crisis of the statist paradigm and the return of the municipalist federalizing process

Both the process of European integration as we have known it, and the unfolding process of its dissolution, have been the focus of conflicting analyses. According to the leading account, the creation of the supranational organization has progressively eroded the sovereignty of its Member States. The crisis of the EU ought therefore to trigger a return to a Westphalian situation, in which the national states can reconquer their lost territory. In fact, Eurosceptics on both the right and the left have told this story of the rise and fall of the European Empire. Another story celebrates the contribution of European integration (material, economic, geopolitical and of an international nature) to the reconstruction of the European States vanquished in the Second World War. It traces the roots of the current crisis back to 1989, when two of the basic premises upon which the European Union was built – the German question and the Soviet threat – disappeared. If we look at the process of European integration through the lens of methodological nationalism, we can see that the Euro was conceived as a check upon the German Mark, and that France derailed political unification (from its rejection of the European Defense Community in 1954 to its rejection of the Constitutional Treaty in 2005). However, with the rise of an aggressive Russia, and with Germany in a position

of reluctant hegemony, we might exit the current crisis by abandoning methodological nationalism and observing that "the world has become cosmopolitan not by choice but rather by condition."[12]

This alternative interpretation opens the door to a more constructive vision of the outcome of a process of EU disintegration, in which the national States do not regain the absolute, internal sovereignty that they (might have) had in the nineteenth century.[13] Instead, the main loci of power will be found in the webs of global cities, functional associations and along the paths of a dematerialized communication, typical of the twenty-first century.

From the constitutional point of view, the cultural foundations of the *Metropolis* scenario spring from the European federalist tradition, and from the Italian municipalist tradition in particular: the great Italian federalists Cattaneo[14] and Salvemini[15] describe a network of federated cities, which existed prior to national integration in Italy and was able to resist both national and regional centralism. From the standpoint of a general theory of federalism, this is a vision of a new, social, cybernetic federalism,[16] particularly suited to describe the development of a communicative and political web, centerless and procedural.[17] It is not a matter

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12 U. Beck, La Crisi dell'Europa, Bologna, 2012, p.13.

13 J. Zielonka, op.cit., p.58: "sovereignty is a notion that has meaning only when the legal-political boundaries of a state coincide with the edges of its commercial outlets, its military borders and its migration characteristics. And this is no longer the case '".

14 C. Cattaneo, La città considerata come principio ideale, in Una Teoria della Libertà, Torino, 2011,p. 169.

15 G. Salvemini, Movimento socialista e questione meridionale, a cura di G. Arfé. Milano, 1963, pp.628-34.

16 Cfr. D. Elazar, Exploring Federalism, Tuscaloosa, 1987. It. Tr.: Idee e forme del federalismo, Milano, 1998, p.189.

17 C. Friedrich, L'uomo, la comunità, l'ordine politico, Bologna 2002, p.291.

of revitalizing the statist federalism of a United States of Europe, nor the intergovernmental confederalism that has been dominant up until now: both of these visions have fed off the methodological nationalism that has distorted both the diagnosis and the search for possible federal cure for the failure of functionalism.[18]

The European *Sonderweg* denotes both the peculiar institutional framework which is neither federal nor confederal and the particular normative framework by which the supremacy of European law over national law does not correspond to a supremacy of the powers of European Union institutions over national ones.

The first aspect of the EU's peculiarity recalls the never ending dispute of the proper legal classification of this *sui generis* international organization. Insisting on the federation/confederation dichotomy means remaining inside positivistic formalism that favors rules over processes and aims at identifying the 'place' of sovereignty, the first category to have been questioned by Europeanization and globalization of constitutional law. As a matter of fact, the distinction between federation and confederation was historically built by legal theorists elaborating the implications of the shift from the Articles of Confederation of 1777 to the US Federal Constitution of 1787, and the process of establishment of the German Reich in 1871. Consequently, the distinction between

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18 Cfr. U. Beck, La Crisi dell'Europa, Bologna, 2012, p.11. "a national vision encompasses two and only two interpretations of contemporary European politics and integration: federalism, leading to a federal super-state, or intergovernmentalism, leading to a confederation of states. Both models are empirically inadequate, because they fail to grasp neither contemporary Europe nor the nations that compose it". V. anche J. Habermas, Nella spirale tecnocratica, Bari, 2014, p.24: " there is no need to understand this jump in supranational democracy as a transition to the 'United States of Europe'. Confederation of Independent States, or European federal state is a false alternative (a legacy of nineteenth century German state law)".

federation and confederation corresponded to the distinction between Constitution and Treaty and, symmetrically, between national and international plane. According to the traditional approach (positivistic and dominant) the federal constitution is a national act that confers sovereign powers only to the federation, amendable by a qualified majority of member states, while the confederation is a treaty under international law that leaves untouched the constituent units' sovereign prerogatives, which can only be changed respecting the unanimity principle. Now, using conceptual categories of state institutions of the eighteenth and nineteenth century in order to describe a twenty-first century confederation of national constitutions means to compare very different institutional settings, with incommensurable powers, existing in extremely different historical and economic circumstances.

The second aspect of the European's *Sonderweg*, on the other hand, points toward a post-democratic executive federalism. In my opinion, it cannot work in the long term, because it erodes the very democratic substrate from which executive power needs to draw its political legitimacy. National systems of executive federalism, such as Germany's, always rest upon a foundation of constitutional federalism, which gives the Federation the power to amend the constitution. In Germany, federal law prevails over state (*Länder*) law, and federal law is implemented by the state governments, but Federal bodies may amend the constitution. In the EU, by contrast, the supremacy of community law over national law, and the principle by which national governments implement community law, are not accompanied by the power of EU bodies to amend the treaties. The Member States remain the "Masters of the Treaties," and even need to reach unanimity (which can take

from five to ten years) in order to amend them.

This asymmetric federalism, legal and administrative on the one hand, but not political and constitutional on the other, illustrates the impasse at which we find the EU institutions today.[19] If, as Friedrich[20] tells us, federalism and constitutionalism are inseparable processes of social transformation, the European constitutional crisis is also a crisis of its federalist aspirations. It is only by reanimating these federalist aspirations that we might address the constitutional crisis. As it has been wisely observed "European federalism ought not therefore represent the conquest of sovereignty by a 'European people,' but a new form of political union, horizontal, pluralist and based on the deliberation among citizens who share this innovative project tethered to a web of fundamental protections, both individual and collective. We thus call for an understanding of federalism as a process for the distribution of powers between the different levels of government, in which citizens exercise a reciprocal democratic check, underwriting common agreements that do not sacrifice their basic differences, but are instead the motor of an integration achieved through diversity."[21]

The paradox of the statist paradigm of European federalism is that the more we need it, the more it becomes impracticable. The actors that ought to initiate a federalizing process for the constitution of a United States of Europe are the very national states that get in its way. One recalls

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19 V. R. Schütze, From Dual to Cooperative Federalism, Oxford, 2010, 69; European Constitutional Law, Cambridge, 2012, 47. Cfr. A. Vespaziani, "L'Unione Europea: Federazione o Confederazione?", in PrimaFacie, vol.3, n.25, 2014, http://periodicos.ufpb.br/ojs2/index.php/primafacie/article/view/26754/14259

20 C. Friedrich, L'uomo, la comunità, l'ordine politico, Bologna 2002, p. 309.

21 G. Allegri e G. Bronzini, Sogno europeo o incubo?, Roma, 2014, pp.126-127.

Einstein's famous adage, that we cannot solve a problem by using the same mentality that created it in the first place. The passage from a statist mentality to a municipalist one could allow European federalism to avoid both the *Titanic* scenario and the *Apocalypse Now*. It could enable us to move towards a social integration on the European scale, powered by European *Metropolis(es)*.

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