Book Review - Building a Polity, Creating a Memory? EUrope's Constitutionalization and Europe's Past:

A Review of Georges Mink and Laure Neumayer, eds., *L'Europe et ses passés douloureux* (2007) and Christian Joerges, Matthias Mahlmann and Ulrich K. Preuß, eds., *"Schmerzliche Erfahrungen der Vergangenheit" und der Prozess der Konstitutionalisierung Europas* (2008)

By Stefan Seidendorf[*]

[Georges Mink, Laure Neumayer, eds., *L'Europe et ses passés douloureux*, (2007) La Découverte: Paris, ISBN 978-2-7071-5197-1, pp. 268]

[Christian Joerges, Matthias Mahlmann, Ulrich K. Preuß, eds., *'Schmerzliche Erfahrungen der Vergangenheit' und der Prozess der Konstitutionalisierung Europas* (2008), VS-Verlag: Wiesbaden, ISBN 978-3531154145, pp. 353]

By a (perhaps not so) amazing coincidence, within hardly half a year's time, three books on the relationship between the process of European integration and the different modes of commemorating Europe's 'painful pasts' have been published. Two of these books are reviewed here, with a focus on the social 'puzzle' behind this apparent conjuncture[1].

The two studies take different approaches. For Joerges, Mahlmann and Preuß, the debate on Europe's painful experiences in the past turned virulent as a result of the ongoing process of 'constitutionalization' in Europe. The creation of a polity and

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[1] The third one, L'EUROPE ET SES REPRESENTATIONS DU PASSE – LES TOURMENTS DE LA MEMOIRE (Marie-Claude Maurel & Françoise Mayer eds., 2008) could not be included in this review.

democratic decisions within a common framework require some common understanding of basic norms and values. To claim normative 'legitimacy', such an enterprise requires the support of the citizens, recognizing each other as members 'equal of rights' of the polity. This of course seems hardly the case if they continue to maintain a hostile or antagonistic relationship towards each other, reconfirmed by suppressed collective traumata, exploited in nationalist or extremist narratives of politicians who are all-too-quick to confer to (imagined and real) 'others' their own incompetency to deal with ever more complex situations. Politicians and scholars have pointed out time and again that constitutionalizing the European Union (EU) goes along with the existence of a "community environment"[2] or of a 'community of values and norms'. It seems less sure that the same politicians (and scholars) always understand the inherent consequences of such a claim.[3] The authors in Joerges, Mahlmann and Preuß accordingly deplore a marked absence of political debate around, let alone critical analysis of, the importance of Europe's historical burden for today's EU. Yet, this burden will have to be addressed if Europe transforms from a 'regulatory state' into a political project. Tackling this *problématique*, Joerges et al. build on an interdisciplinary approach, bringing together lawyers, historians and social scientists from eight European countries, from the United States and Australia. Whilst all of them are renowned scholars in their respective disciplines, the reader follows their struggle to find a common language and a common ground that allow them to 'measure' the different social dimensions of the acclaimed 'historical burden' for the European integration project. Throughout the study, the ambivalence and at times inconsistencies that characterize Europe's relationship with its past(s) become clear – and more than once, the perplexity of the authors confronted with these findings emerges.

Instead of imposing new homogenizing narratives, doomed to fail in the presence of the continuing strong appeal of national narratives, especially in Eastern Europe, the authors recommend alternative strategies to legitimize Europe's political order. Bo Stråth in "Die politische Ambivalenz des Sozialen"[4], for example, points to the potential social consequences if the identitarian ('we against them') way of dealing

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[2] DIE EUROPÄISCHE UNION AUF DEM WEG IN DEN VERFASSUNGSSTAAT (Berthold Rittberger & Frank Schimmelfennig eds., 2006). THE CONSTITUTIONALIZATION OF THE EUROPEAN UNION (Berthold Rittberger & Frank Schimmelfennig eds., 2007).

[3] Stefan Seidendorf, *Geschichtlichkeit und Gemeinschaftsumwelt – Was strukturiert den Konstitutionalisierungsprozess?*, in DIE EUROPÄISCHE UNION AUF DEM WEG IN DEN VERFASSUNGSSTAAT, 101 (Berthold Rittberger & Frank Schimmelfennig eds., 2006).

[4] Bo Stråth, *Die politische Ambivalenz des Sozialen*, in "SCHMERZLICHE ERFAHRUNGEN" DER VERGANGENHEIT UND DER PROZESS DER KONSTITUTIONALISIERUNG EUROPAS, 128 (Christian Joerges, Matthias Mahlmann, Ulrich K Preuss eds., 2007).

with the past, that allowed for social peace and identification with the nation domestically, but created a dangerous potential for conflict *amongst* European nations, is no longer acceptable: replacing the 'identitarian way' would not only require new ways of 'coming to terms' with the European past, but would also require a EU-ropean answer to the *social* question. While the study obviously cannot answer this question, its approach in dealing with Europe's historical burden is shared by the authors of the second book under review. Against the attempts to create an "aseptic" European memory[5], the authors forward a mutual acceptance of differing narratives of the past. Habermas' "inclusion of the other"[6] should encompass the individual's memories and traumata – while insisting on their individual, not national rootedness, in order to find 'unity in diversity'.

Mink and Neumayer's book, resulting from a collective research project on "Les grammaires internationales de la reconciliation" ("the international grammar of reconciliation") and bringing together researchers working in six European countries, starts out by establishing an analytical framework that enables them to scrutinize the European (and international) variances of dealing with "painful" past(s). This allows for a systematic approach and the study enormously benefits from Georges Mink's masterly drawn synthesis on "L'Europe et ses passés 'douloureux': strategies historicisantes et usages de l'Europe" ("Europe and its 'painful' pasts: historicizing strategies and utilization of Europe").

The concept outlined by Mink and applied by most of the authors demonstrates that the interpretation and re-interpretation of the past is a *political act* with consequences relevant to the present day. It is in politically 'salient' moments that an apparently settled memory of a traumatic past can resurge and develop political impact. A striking example of this are the debates around the Turkish mass-murder of Armenians in the early 20th century: Whereas a strenuous Armenian diaspora had to struggle for a long time in order to remind the world of this forgotten tragedy, it is only recently that their campaign can claim some success (e.g. recognition as 'genocide' by parliamentary acts in France and Switzerland). For the French researchers, the answer to the puzzling question of *why* the Armenian community finally succeeded in its quest for recognition lies in the debates that developed around the question of a Turkish entry into the European Union. This has created a politically salient situation where the emotional potential contained in

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[5] Valérie Rosoux, *Mémoire(s) européenne(s)? Des limites d'un passé aseptisé et figé*, in L'EUROPE ET SES PASSES DOULOUREUX, 222 (Georges Mink, Laure Neumayer eds., 2007).

[6] JÜRGEN HABERMAS, DIE EINBEZIEHUNG DES ANDEREN: STUDIEN ZUR POLITISCHEN THEORIE (1996).

the Armenians' painful past turns out to be an interesting (discursive) resource for the opponents of Turkey's EU-entry – be they Armenian or not.

With this social mechanism in mind, reading the following empirical chapters becomes an enlightening experience, as it so often is in French sociological and political analysis. The case-studies span from Southern Europe (France and Algeria, Spain, Italy) to Central and Eastern Europe, with Germany obviously occupying a central place. Confirming Joerges et al., the authors of the French study settle the current debates within the process of enlargement and constitutionalization of the EU. Whereas, accepting the EU-ropean corpus of law, the *acquis communautaire* has been a precondition for entering the EU, it turns out that amongst the 'old' member states something like an "*acquis communautaire historique*"[7] has come into existence, recognition of which seems a further pre-condition for entering EU-rope not only *de jure*, but politically.

Yet, the existence of this *acquis communautaire historique* does not translate into the existence of a unique EU-ropean meta-narrative that could be imposed on the new member states. It rather describes a certain *façon* of narrating the past, notably built on a reflective stance that allows for the existence of different alternatives next to the national master narrative(s). The underlying norms of the *acquis communautaire historique* define three main areas of East-West contention, translating into a range of historical debates that take place between 'old' and 'new', but also amongst the 'new' member states. They can be found both in Joerges et al. and in Mink and Neumayer's study:

(1)   All Central and Eastern European countries are experiencing an at times painful re-appropriation of their own embroilment into the Holocaust. Whilst their self-understanding is, understandably, first and foremost that of 'victims' of the German aggression, they discover that more than one 'perpetrator' lived amongst them, keen to exploit the criminal facilities opened up by the German occupants' exterminatory anti-Semitism. Struggling with the resurgence of these painful remembrances, the new member states learn that within the western world's attempts to seize the all-encompassing monstrosity of the *Shoah*, a non-negotiable sensitivity for the particular Jewish suffering during World War II has developed. Non-negotiable for the 'old' member states, acceptance of the particular Jewish

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[7] Fabrice Larat, *Vergegenwärtigung von Geschichte und Interpretation der Vergangenheit. Zur Legitimation der Europäischen Integration*, in REICHWEITEN DER VERSTÄNDIGUNG. INTELLEKTUELLENDISKURSE ZWISCHEN NATION UND EUROPA, 240 (Matthias Schöning, Stefan Seidendorf eds., 2006).

suffering becomes a pre-condition for entering the *acquis communautaire historique*.

(2)   As the second area of contention, the new member-states have to learn, sometimes the hard way, about Western Europe's (alleged) way of dealing with minorities. These debates are of particular vivacity when they meet – as in the German-Polish and German-Czech case – the attempts of the (German) 'perpetrator-victim's' to de-contextualize the historical conditions of the Second World War and to re-write parts of the European history. Especially, the analytical frame developed by Mink and Neumayer allows focusing on the political 'salience' of these attempts and their impact on the German-Polish and German-Czech relations.

(3)   The third area of contention highlights the fact that a democratic political debate in historical-normative dimensions cannot be a one-way process. In applying the newly interiorized norms, the new member states can oblige their Western European *Lehrmeister* (instructors) to respect the common normative environment of the *acquis communautaire historique*. This implies that the 'old' member-states have to re-examine their 'western' understanding of the past. An illustration of this is the meaning of the communist dictatorships for EU-rope. In Eastern European memory, soviet style communism equals with a 'second totalitarian experience', after the first one of Nazi occupation. By applying the underlying norm of the EU-ropean *acquis communautaire historique* ('no more totalitarianism in Europe'), they can oblige the 'old' member states to integrate *this* representation of the past into their memories: While an equalization of the 'two dictatorships' (national socialism and communism), and notably the assimilation of the Nazi Holocaust with Soviet occupation of Eastern Europe, meets with Western incomprehension, the Eastern European claim to delimitate EU-rope from the totalitarian Communist past seems to have every chance to be integrated into the common *acquis communautaire historique*. Especially, the study on Latvia[8] in Mink and Neumayer reveals this point.

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[8] Pascal Bonnard & Markus Meckl, *La gestion du double passé nazi et soviétique en Lettonie. Impasses et dépassements de la concurrence entre mémoires du Goulag et d'Auschwitz*, in L'EUROPE ET SES PASSES DOULOUREUX, 169 (Georges Mink, Laure Neumayer eds., 2007).

Yet, reading the two books not only highlights European divergences. The two books are also classic examples of the existence of a common European political and scholarly debate. The great number of European topics, the participation of different academic disciplines and the European background of the authors make both books worth reading. Experiencing the intellectual richness of these studies translates into a passionate journey into Europe's past that can be highly recommended to anyone who has the linguistic means that are necessary for the comprehension of the at times abstract French and German academic prose.