



Unity and diversity - European style

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Abstract

This paper argues that contemporary European developments provide a window of opportunity for learning about how political community and authority is possible in spite of enduring diversity. The paper explores sources of political unity and how institutions mediate between diversity and unity. The theoretical discussion is then applied to two European puzzles and it is asked whether there is a “European way” to manage unity and diversity and, more generally, what lessons can be drawn from the European case.

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The possibility of political community and authority

Students of politics and government have wondered how political community and authority is possible among component units that are different in many respects. It has been asked: What ties the component units together: what are the sources of relatively enduring collective commitments to serve common purposes and follow shared rules and avoid disorder, violence and capricious rule? How is political unity and allegiance fostered, maintained and lost: through what processes are actors (individuals, groups, organizations, states) with diverging ideals and interests transformed into a politically organized cooperative community with common purposes and rules? Which factors influence the rise and decline of political authority and promote political unity or diversity? How do (eventually) political institutions, and in particular democratic institutions of government as a particular type of normative integration, mediate between diversity and unity? How do institutions help develop and maintain unity in diversity and contribute to peaceful co-existence and a well-functioning society?¹

Most of the time, integration into a larger organized system competes with the desire for autonomy among the system's components.² It is difficult to find and maintain a proper balance between system integration and sub-unit autonomy. System coordination and coherence tends to foster efforts to protect the identity and distinctive character of the components. Likewise, differentiation of sub-systems and integration of each component, are likely to generate demands for system coordination and control, coherence and consistency. Processes of political integration, therefore, can trigger disintegration and processes of disintegration can trigger reintegration and coordination. Hence, all systems are facing the questions of how much and what forms of unity the components can tolerate and how much and what forms of diversity the system can tolerate.

Understanding the dynamics of political orders then depends on how well we understand how system coordination and sub-unit autonomy are reconciled and the degree to which political systems are able to act in a coherent and purposeful way *and* respect and accommodate legitimate diversity and conflicts; their ability to make, execute and enforce collective decisions *and* sustain a political community in the face of enduring differences. To understand such processes, and possible cycles between integration and disintegration, we need to examine the number and types of bonds that constitute and stabilize political entities and create coordination, consistency and coherence. We also need to examine the factors that keep the component units apart and create diversity and clarify to what degree system integration and becoming part of a larger system require that component units give up constitutive characteristics.³

A window of opportunity is opened when new polities emerge or old ones disintegrate and arguably the European Union, in its expressed determination to transcend former divisions, to unite ever more closely, and to forge a common destiny, represents such an opportunity (European Union 2005: 9). What can be learnt from the European case? Is there a “European way” to manage unity and diversity, and what is the role of political institutions in mediating between diversity and unity?

Sources of political unity

Three standard interpretations see political community and order as respectively an outcome of calculated utility, an expression of socio-cultural community, and allegiance to specific constitutive political principles.

An outcome of calculated utility. A commonplace answer to why individual or collective actors voluntarily become part of a larger system is that they organize because they together can solve some problem better, or with less effort and

expenses, than they can each for themselves. This view portrays changes in the unity-diversity balance as a result of voluntary exchange and contracts among self-interested and calculating rational actors. Change can be driven by economies of scale or by external threats. Modernization, furthermore, implies instrumental effectiveness and efficiency rather than traditional identities and belongings. The existence of other relations than the purely functional, e.g. a feeling of human bonding, trust and loyalty, is seen as hindering the mechanism of free exchange. For example, the claim that nation states are functionally obsolete and unable to cope with current challenges and opportunities, and that the glue that have held them together no longer work, echoes the old idea that "the law of progress" makes states and nations unviable and that they are doomed to disappear (Hobsbawn 1992).

An expression of socio-cultural community. Historically it has been argued that political community and order depends on social and cultural homogeneity that makes the members understand, and have an understanding for each other. The polity has to be founded upon, and be an expression of, a homogeneous socio-cultural community with a distinct collective identity that differentiates clearly between members and non-members. Members are to be unified by cultural values and self-understanding, ethnicity, nationality, language, religion, customs, habitual modes of thought and behavior, life-styles or a common history and experiences, as illustrated by the demand for one-nation-one-state. Standard arguments have been that a polity composed of strangers and enemies who diverge on basic moral and religious precepts is unviable. A polity constituted solely on expediency, calculated expected utility and power balance, so that the legitimacy of the political order depends completely on its contribution to achieving immediate policy benefits, will be too contingent on circumstance.⁴ In contrast, a polity is likely to be more stable if it is glued together by a shared cultural identity and emotional attachment, i.e. a shared conception of who the members are and what community they belong to. This is so because identities

will buffer fluctuations in comparative efficiency, resources and alliances. Change in the unity-diversity balance will be a result of long-termed processes of reinterpretation of collective identity, except under extreme conditions (wars, crises) that may produce more immediate change.

Allegiance to constitutive political principles. “Constitutional democracy” exemplifies a polity founded on proper institutions and rules of political cooperation and association and not a community of cultural values or substantive goals. *Verfassungspatriotismus*, for example, signifies that the primary loyalty is to Constitutional principles and rules rather than to the nation understood as a specific ethno-cultural group (*Volk*) or to specific political goals.⁵ Democratic institutions of government legitimize socio-cultural diversity as well as political opposition and conflict. Institutions are organized ways of dealing with diversity – making joint decisions while maintaining social cohesion – and legitimate conflict is a precondition for political unity and peaceful co-existence. Change in the unity-diversity balance is influenced by shifting political coalitions and projects but shifts are constrained by constitutive principles, such as equal political rights and obligations for all citizens. Self-restraint and following common rules are part of being a member of a democratic community and taking on roles such as citizen, elected representative, bureaucrat, expert and judge (March and Olsen 1995). Institutions are assessed on the basis of their specific properties and consistency with constitutive political principles, and not solely as instruments for achieving immediate policy benefits or in terms of their consistency with broader socio-cultural values (Olsen 1997a).

Together, the three interpretations suggest that the attractiveness of political institutions can be assessed by their comparative efficiency, goodness or rightness; that is, by the degree to which they promote desired substantive consequences, or are consistent with valued cultural beliefs or foundational political principles. While the functionally best solution does not necessarily coincide with politically

or culturally feasible solutions (Merton 1938), the three interpretations and their respective standards of assessment co-exist in contemporary democracies. They are supplementary, not exclusive.⁶ Both agents of unification and their opponents are likely to appeal to utility calculations as well as cultural values and political principles. Actors are motivated by instrumental concerns as well as by constitutive identities, principles and rules. Political institutions are tools for achieving policy benefits, as well as carriers of constitutive identities or principles (March and Olsen 1998, 2006). There are shifting combinations and each of the three standards create an independent test of acceptable behaviors and outcomes, based on historical experiences (Cyert and March 1963). Each standard may in different time periods generate change, while the others constrain what is considered viable and legitimate behaviors or outcomes (Simon 1964).

Political projects of unification may aim at reducing the diversity, or the perceived diversity, among the component units, or at strengthening the system's ability to manage and live with enduring diversity. There may, for example, be efforts of cultural standardization and homogenization, or attempts to rediscover or construct a common heritage in terms of cultural values or political principles. Nevertheless, such processes are unlikely to be completely successful and contemporary polities have to cope with extensive diversity. There may be political, economic, social, linguistic, ethno-cultural and religious diversity. There may be differences in historical experiences and habits of heart and thought. Like in the case of the European Union, there may also be differences in the size of the population and territory, in economic and military strength, and in the political and legal traditions of the component units.

The challenge of integration for the larger system and the component units is least daunting when they are constituted on functional expediency and utility alone. No constitutive identity, commitments or emotions are involved. To join or not, and to allow in component units or not, are solved through the calculation of the

comparative benefits of existing alternatives. The dilemma of safeguarding autonomy and identity will be more conspicuous when both the larger system and the component units are held together by strong constitutive cultural or political identities and a loss of identity can not be compensated by policy gains. Examples are polities with a strong sense of nationhood, language and culture, religious community, or political ideology and tradition.

Possibly, extensive diversity may generate specific forms of unity. For instance, diverse and interdependent entities may accept integration in terms of common rules even if they are unwilling to transfer massive discretion and joint decision making to a single political center. It is also imaginable that extensive diversity does not hamper unity. It has, for example, been suggested that the larger and more heterogeneous the polity the better the protection against internal tyranny. This is so because it is more likely that there will be shifting majorities in large-scale systems and because knowing that one may be in a minority in the next round will promote tolerance and willingness to compromise (Hamilton, Jay and Madison 1787-88, No 51 and No 14, James Madison).

How, then, does the organization of political institutions affect the unity-diversity balance? To what degree, and under what circumstances, are institutions likely to mediate successfully between diversity and unity and have an integrating capacity (*Bindungskraft*)? What types of unity safeguard or endanger the identity and autonomy of the component entities; and what kinds of diversity are consistent with or threaten system coherence?

Institutional mediation between diversity and unity

In contemporary democracies, a viable accommodation of unity and diversity requires a successful combination of: (a) effective problem solving and adherence to common rules and (b) the accommodation of diversity, that is, coercion and

tyranny are avoided and legitimate individual and group differences and freedoms are protected. Political institutions mediate between diversity and unity through formal-legal regulation of conflict, organizational buffering and experiential learning.

A standard assumption in what may be called a *Constitutionalist perspective* is that political community and authority are possible in heterogeneous and pluralistic societies only if basic conflicts are resolved through a constitutive process generating a foundational agreement (“contract” or “pact”) embedded in formal-legal institutional arrangements. There is a strict distinction between two types of processes (Paine 1984, Ackerman 1993). One involves “founders” and constitutional politics. Here “We the people” constitute a government and give the foundations of the polity in terms of the tasks, purposes, principles, institutions and the form of government citizens want to share. The second involves “ordinary” governing and politics – the making, execution, adjudication and enforcement of laws. Constitutional conflicts are solved by the courts of law, as the interpreters and guardians of the constitution.

For example, more than 300 years ago Paine claimed that a constitution is antecedent to and distinct from government. “A constitution is not the act of government, but of a people constituting a government; and government without a constitution, is power without a right” (Paine 1986: 185). There is a point in time when “government begin”, when an assembly elected by the people expressively for the purpose of forming a constitution, draft a proposal for public consideration. There are also explicit rules for changing the constitution, making it possible to benefit from experience. Yet these are rare occasions.⁷

The more diverse is the society, the more important to have a Constitution delineating authority, power, responsibilities, rights and obligations, including guarantees for individuals and minorities. One organizational remedy is to

institutionalize checks and balances in terms of limited government and division of power between branches of government and between government and non-governmental actors and institutions. Another is to institutionalize requirements for strong majorities or giving the component entities a veto in case of conflict (Weaver and Rockman 1993).

In the Constitutionalist perspective political behavior will be governed by constitutions, laws and formal-legal institutions. If judicially enforceable rules are changed, behavior and outcomes will also change. In contrast, what may be called an *organizational-behavioral* perspective assumes that studies of constitutions, laws and organizational charts can not replace analysis of how institutions work in practice and how people actually behave. While the Constitutionalist interpretation has been seen as “a typically European way of looking at politics” (Easton 1964: 154), the lesson of the behavioral revolution in political science was that the impacts of formal-legal rules are modified by peoples’ resources, motivation and ability to do what rules prescribe.⁸

The argument is not that constitutions are unimportant. Rather, it is that the conditions for their importance have to be specified. For example, while rules create unity under some conditions, they are divisive under other conditions. There are also a variety of non-legal practices and rules of appropriateness, embedded in specific institutions, organizations, professions, or territorial and social groups (March and Olsen 2005). Furthermore, it is questionable whether political community can be engineered “by a stroke of the constitutional lawyer’s pen” (Harrison 1974: 48) and a focus solely on constitutional moments may underestimate how incremental steps with a consistent direction can produce transformative results (Streeck and Thelen 2005). Institutions learn and change through a variety of processes. Actors argue and struggle over what the rules are and what they mean, and sometimes “constitution-making” is primarily a codification of already changed practices.

Generally, contemporary democracies seem to operate with relatively weak rules of coordination, consistency and coherence (Orren and Skowronek 2004). A polity is a collection of institutions based on different practices, standard operating procedures and rules of appropriate behavior (March and Olsen 2005). Ambiguity, and not clear goals and rules, is sometimes a decisive part of organizational decision making (March and Olsen 1976) and several buffering mechanisms enhance the ability to live with diversity and conflict (Cyert and March 1963). There is quasi-resolution of conflict. Most organizations most of the time exist and thrive with considerable latent conflict. Except at the level of non-operational objectives, there is no consensus or consistency. Goals are not reduced to a consistent preference function. Instead, goals are independent aspiration-level constraints that together define a space of viable solutions. There are also local rationality and identification. Organizations factor decision problems into sub-problems and assign the sub-problems to subunits. Each subunit deals with a limited set of problems and goals. Furthermore, there is sequential attention to goals. Organizations resolve conflict by attending to different goals at different times. Finally, slack resources cushion and absorb a substantial share of the variability in the environment and buffer inconsistencies and contradictory requirements (Cyert and March 1963: 164-166).⁹

Constitutional regulation and institutional buffering tend to de-politicize diversity. Yet institutional collisions are commonplace (Orren and Skowronek 2004) and collisions are likely to politicize diversity. Then it is re-discovered that institutional forms, such as competitive markets, functional networks around specific policies, majority decision making arrangements, hierarchies, and bureaucratic rules, have different effects, not only in terms of comparative efficiency but also in terms of the distribution of advantages and disadvantages and who-gets-what. For example, in polities characterized by a high degree of diversity, competitive markets may benefit those who have preferences that

deviate from the majority (that is, if the holder also has resources or abilities desired by others). In majority systems, equality in terms of one-person-one-vote does not guarantee outcome equality or protection of those who hold strongly deviating preferences (March 1988). Political institutions may, however, provide rights and guarantees for individuals and minorities that safeguard against inequalities and injustices generated by market competition as well as majority decisions.

In polities struggling to accommodate unity and diversity, sequential attention and politicization create cycles between periods when focus is on shared concerns and sentiments, cooperation and consensus-building and periods when focus is on what divides people, contestation and power struggle. Diversity can be a source of destructive conflict but also of creativity and innovation and a successful reconciliation of diversity and unity depends on how conflicts are coped with and the ability to learn from experience.

The basic logic of a learning model is that there are efforts to protect and repeat successes by encoding the experiences of glorious moments into rules and institutions. Likewise, there are efforts to avoid repeating failures and traumatic events and the rules and institutional arrangements that are seen to have caused them. Institutions influence experiential learning by the way they promote or hinder interaction and communication; by their emphasis on exploitation of established routines or exploration of new options, with exposure to and search for new information; and by their impact upon interpretation, memory-building, retrieval of information, and adaptation (March 1991, March, Schulz and Zhou 2000).

Learning and change takes place through the mundane processes of everyday life as well as through the rare transformations at constitutive moments and breaking-points in history (March and Olsen 1995: 184).¹⁰ Everyday-learning is going on in

a variety of specialized institutional settings and institutions routinize some types of learning and change and resist other types. The former is typical when change is consistent with an institution's identity and the latter when change threatens an existing identity. Learning also takes place through politicization, debate, contestation, justification and will-formation in the public sphere with broader access for participants, issues and concerns.

Lessons from experience go beyond learning about available opportunities, rules, incentives and strategies. Lessons also involve modification of peoples' preferences, identities and allegiances, and democratic politics has a larger transformative potential when it is seen to impact peoples' preferences and conceptions of themselves and others than when politics is conceived as the aggregation of predetermined preferences, beliefs and resources (March and Olsen 1986). Within a transformative perspective a key question is how institutions fashion human actors and affect the quality and attitudes of citizens, including the degree to which they exercise self-restraint, follow rules and accept others who are different from themselves (Kymlicka and Norman 2000).

One may share the *Federalist Papers'* lack of trust in disinterested behavior and altruistic motives - the belief that conflict and not consensus will prevail and that groups always struggle to secure self-benefits.¹¹ One may assume that thoughts and behavior are governed by an ethnic-national identity and culture. Or one may assume that everyone can be socialized into a unifying democratic culture and citizenship, and be a carrier of post-national cosmopolitan principles. In each case there is a need to account for how the relevant attitudes, roles and identities are learnt and the conditions under which actors will be motivated and able to act in accordance with their prescriptions. For example, in what institutional contexts are actors socialized into understanding their identity and unity in terms of expected utility, socio-cultural belonging, or democratic political principles?

European puzzles

What can be learnt about such issues from the European case? Like other political systems, the European Union is struggling to reconcile unity and diversity, the whole and the parts, coordination and autonomy. A refashioning of the political organization of the continent is taking place, with an emerging common system of government, but it is contested how much unity and diversity there is and how much unity and diversity the Union can live with. Nevertheless, three tendencies are clear: The EU and its forerunners have continually attracted new members, its agenda has expanded, and stronger institutional capabilities have evolved at the European level. These developments present two puzzles.

The first (long-term) puzzle is that the European Union is the most extensive and developed example of supranational political integration based on voluntary cooperation in the world, in spite of the fact that Europe for a long time period has been characterized by a strong differentiation among political entities with different histories and traditions. The territorial nation state has been the predominant political framework and actor, with considerable overlap between territorial, political, legal, administrative, economic, social and cultural boundaries. While the correspondence has never been perfect, European states have combined a capacity to control their territory and boundaries with nation-feeling, democracy, social solidarity and nationalization of many social risks.¹² Therefore, it is a puzzle how powerful states have come to initiate and extend change that presumably represents a new phase in the development of the European political order - a political de-structuring of the state that challenges its unity and disjoins its coinciding borders (Bartolini 2005).

The second (short-term) puzzle is that while continuous enlargements have increased the political, economic, social and cultural diversity of the Union, unification has taken place in terms of both an expanded agenda and a stronger

institutional capacity for joint policy making. Historically, widening and deepening have come together.¹³ Enlargement has increased diversity without preventing further cooperation and integration. The combination is surprising because it has been claimed that a stable European unity-diversity balance is unlikely due to a steady arrival of new member states (Redmond and Rosenthal 1998) and because it is commonplace to argue that there is an inherent contradiction between enlarging and deepening the Union.

The answer to the two puzzles is not that integration has eliminated diversity and conflict. The enlargement to EU-25 (May 2004) increased diversity along most dimensions and the Convention drafting the *Treaty Establishing a Constitution for Europe* (European Union 2005) illustrated that the Union has to cope with a variety of unresolved conflicts. Some conflicts are territorial (e.g. between big and small, rich and poor countries) others are non-territorial. Europeans, and not only states, divide over attitudes to integration. Some hold a federative vision of unity. Others hold an intergovernmental vision or they are outright negative to integration. Europeans disagree about the proper role of democratic politics in the economy and society, including social rights and economic redistribution. They have different attitudes towards modernity and the role of Christianity, and towards the United States and the war in Iraq.

What agents, processes and institutions then unite member states and their inhabitants into a political community? Can the puzzles be understood in terms of how institutions of government mediate between diversity and unity? In which institutional settings are there political debates, struggles and learning organized around issues of unity and diversity? Is there a typical European way of organizing, managing and changing the relations between the whole and the parts? If so, what are its key characteristics?

Europe as a set of processes

Historically, different images of “Europe” have been mobilized. Europe has meant variety and diversity more than unity and there has been considerable variation in meaning across different national settings and over time. There have been Europhile and Europhobe positions. Europe has been seen as a threat to, as well as part of, national identity. Europe has also implied a quest for rationality, improvement and progress, and for Enlightenment philosophers Europe supplanted Christianity as “the universal civilization project” (Malmborg and Stråth 2002: 2).

Currently “Europe” has for many come to mean the European Union, and again there are rival visions and political projects when it comes to how the unity-diversity dilemma is to be coped with. European countries are, on the one hand, aware of their interdependencies and limited capabilities to control their destiny and they know that cooperation can provide mutual benefits. They are, on the other hand, also aware of their diversity and they are concerned that too close cooperation and integration can jeopardize their autonomy, national interest and identity.

“European”, then, can be conceptualized, not in the light of the ideal of one-nation-one-state, but as a dynamic and creative set of processes in which contested and competing claims are worked out. Europe is a non-essential, discursively shaped, heterogeneous and contested entity in flux (Malborg and Stråth 2002, Delanty 2003). Union, democracy, sovereignty, federation, citizenship, identity, human rights, and accountability appear as multi-dimensional, ambiguous and dynamic phenomena, and not as concepts having an agreed and static meaning (Liftin 1997). In this situation, the European Union defines itself both in terms of geography, utility, socio-cultural values and

constitutive political principles. Cooperation and integration are justified functionally and culturally as well as democratically.

Policy objectives and expediency. In the EU justification of unification has primarily been functional and a-political. The claim has been that integration creates only winners and legitimacy has primarily been based on practical results, voluntary cooperation, consensus-seeking, expertise, and indirect democracy derived from the member states. The institutional image has been one of functional cooperation among sovereign states pooling resources around limited tasks and purposes in order to solve specified problems as effective as possible. Therefore, executives and experts, markets and functional networks have been given key roles. This functional, a-political spirit is illustrated when the new European Constitution is portrayed as a necessary tool the EU-25 needs to avoid paralysis. It is “not a political program” and time should not be wasted on “partisan quarrels” (Solana 2005: 5-6).

Common cultural values: The Reflection group on “The Spiritual and Cultural Dimension of Europe” draws a different conclusion. In order to function as a viable and vital polity, the EU needs a firmer foundation than expediency. The old forces of cohesion, such as the desire for peace and prosperity and external threats are losing their effectiveness. The aims of Lisbon - making the European economy the most dynamic in the world - do nothing to bring Europe closer together. These goals do not, and cannot, establish the internal cohesion, the social solidarity, political identity and the sense of civic community that is necessary for the Union. The forces of unity and cohesion are to be found in the common culture. The political order and economic order must be embedded in the values, morals, customs and expectations of Europeans. Faced with enlargement and growing diversity the importance of Europe’s common culture will inevitably grow in importance as a source of unity and cohesion (Biedenkopf, Geremek and Michalski 2004: 5-8).¹⁴

Geist, spiritual activity, rather than *Macht* has to be at the heart of European integration, yet the common European cultural space cannot be firmly defined and delimited. There is no essence of Europe, no fixed list of European values, and no “*finalité*” to the process of European integration. Europe is a project of the future and its borders are open.¹⁵ Questions are constantly posed anew and redefined in confrontations with others. Unity can not be imposed from above. It must rest on civil society and this requires a great debate to place spiritual, religious and cultural values firmly at the center of the European venture (Biedenkopf, Geremek and Michalski 2004: 8, 10).¹⁶ It is imperative to develop new forms of cultural cooperation as a key to develop a new vision for a more coherent and sustainable European civil society (Arkio et al. 2003: 5).

Political principles. The (Maastricht) Treaty on European Union (1992) for the first time explicitly said that the Union was to be founded on the principles of democracy and fundamental human rights. It was observed that the assumed “permissive consensus” (Lindberg and Scheingold 1970: 4) had been weakened and there was a felt need to counteract the image of an elite project with limited popular information, debate and involvement. As the agenda and competences of the EU have expanded, the a-political conception of unification, the appeal to benevolent technocracy, the executive dominance, and the legitimacy of the Union, has increasingly been contested. Democratic concerns have achieved more attention and the EU has committed itself more firmly to democratic principles and institutions. Further development of the Union has also been seen to require more involvement of citizens and cooperation between civil society organizations across national borders, as well as a sense of belonging, shared mentality and European identification (European Commission 1992, 1995, 2005a).

Unity in the EU is, however, not based on a shared political philosophy (Friese and Wagner 2002). There is no shared vision of what kind of polity the EU is

becoming or should become, and how tasks, authority and power should be shared between levels of government, between government institutions at the same level, and between government and society. Euro-skeptics and believers in a stateless market see integration as having gone too far. Further integration efforts are believed to drive the member states apart, not closer together. Others want integration to continue, as long as it is based on specific, goal-directed and voluntary cooperation that generate mutual benefits. For federalists committed to a polity-building project, the aim is an “ever closer Union” with stronger common institutions and constitutionalization, giving the EU more state-like features (Chrysochoou 2001, Nicolaidis and Howse 2001). Some look for European-specific foundational principles embedded in national constitutional traditions, representative institutions and conceptions of democracy. Others hold visions of a post-national union based on deliberative democratic supranationalism and citizenship. The EU then binds itself to cosmopolitan principles and takes into account the interest and norms of non-Europeans, as a prelude to the development of an order with similar regional arrangements in the rest of the world (Eriksen and Fossum 2000, 2004). Furthermore, some also see the EU as part of a future world order founded on international law and institutions (Archibugi and Held 1995, Archibugi, Held and Köhler 1998).

Experience-based learning has been observed in relation to utility calculations as well as cultural and democratic concerns, and learning has taken place on the background of historical tragedies and glorified moments, through series of Treaty-reforms, and through experiences with everyday cooperation, problem-solving and compromising.

Collective memory has been mobilized around the *never again*-lesson: the need to avoid the tragedies and bitter experiences of rivalry, genocide, wars, nationalism, nazism, fascism, communism, and the inability of international organizations, such as the League of Nations, to prevent the atrocities. Collective memory has also

been mobilized around the *recapturing of former glory*-lesson: the need to counteract the loss of international status and power and generally strengthen Europe politically, economically and culturally on the international scene. Arguably, both lessons have contributed to a belief in the need for peaceful cooperation and a willingness to compromise.

In 15 years the Union's basic treaties have been revised four times and like earlier reforms, the drafting of the *Treaty establishing a Constitution for Europe* was an explicit attempt to (re)define unity-diversity relations in the Union. The process also illustrates how contested issues are dealt with and compromises are hammered out, as a near-consensus was reached. The Convention used an institutional-engineering language, arguing what would be the best institutional tools for common purposes and how the Union could be made more effective. Discussions, nevertheless, also involved cultural values and identities as well as political principles. The Convention aspired to represent a new approach and to avoid the failures of previous Treaty revisions; and at the opening the president, former French President Valérie Giscard d'Estaing (2002) argued that a successful drafting of a European Constitution required a process beyond the aggregation of predetermined national and institutional self-interests.

The Treaty/Constitution presents a long list of objectives (Article I-3).¹⁷ The justification of common tasks is primarily functional, also when it comes to how authority and power are to be allocated within the Council and the Commission and between institutions and levels of government. The Union shall only deal with issues that it can solve better than can the member states and their subunits, and it shall observe the proportionality principle and use the least intrusive form of intervention.¹⁸ There are also ample references to cultural values (Preamble, Article I-2) and a promise that the Union shall be open to all European states "which respect its values and are committed to promoting them together" (Article I-1, 2).¹⁹

The text balances between expressing the will to protect cultural, religious and linguistic diversity, praising the common cultural heritage, and aspiring to transcend existing differences.²⁰ Nevertheless, cultural identity and Europe's Christian heritage turned out to be divisive and the draft Treaty/Constitution does not privilege Christianity. It only says that the Union will draw "inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law" (Preamble). The Treaty/Constitution does not assume one European people and citizenship is achieved via member state citizenship. In its very first paragraph the text refers to "the will of citizens and states" (Article I-1) and there is a special section on "The democratic life of the Union". The Union shall in all its activities observe the principles of the equality of citizens, representative democracy and participatory democracy (Title VI).²¹ "United in diversity" shall be the motto of the Union (Article I-8).²²

In the Convention, Constitutional law was the common language and the importance of the Treaty/Constitution was emphasized throughout the process. This frame is consistent with a Constitutionalist perspective and legal interpretation as the common understanding of European institutions. In some of its aspects, such as the voting rules, the prescriptions are also straightforward. In other aspects prescriptions are more ambiguous, and in both cases the likely effects may be uncertain, even if the Treaty/Constitution is ratified and implemented. For example, the simultaneous use of the intergovernmental "Treaty" and the federalist "Constitution" illustrates a creative use of ambiguity in the face of disagreement. Likewise, a "Europe of states" and a "Europe of citizens" are both praised. But the relations between them are not made explicit, even if they are likely to have different effects in a Union where 6 out of 25 member states have 74 % of the population. Furthermore, it is not obvious whether a weakening of

the formal role of the larger states in the Commission will result in a reduction in their actual power or a declining role for the Commission.

The examples indicate that the accommodation of unity and diversity in the EU can not be understood simply by reading the Treaty/Constitution. A Constitutionalist perspective also tends to underestimate how legal and non-legal approaches involve different ways of coping with conflict, how they are likely to have different effects upon unity-diversity relations, and how change takes place through learning in everyday life and not only at “constitutional moments”.

For instance, the Union has, partly as a consequence of increased diversity and experiences with legal integration, been seen to rely less on law and take an interest in how policy coordination and desired effects can be achieved through non-legal, flexible and “soft” instruments such as the Open Method of Coordination (Héritier 2003). These are methods that may accommodate competing claims of system unity and member state diversity and autonomy better than obligatory “hard law”. Their use may therefore reflect attempts to reconcile claims of national autonomy and power, with Union ambitions to coordinate and control, while lacking adequate authority and resources to issue and enforce binding legal rules.

In addition to a strong element of voluntary cooperation, a key characteristic of the European way of coping with unity and diversity is that there has not been a *finalité politique* – an agreed-upon political philosophy, a coherent blueprint for a desired future and a strategy for achieving it. The EU has shown ability to live with an open-ended process and enduring inconsistencies, tensions and conflicts, not only in terms of policies but also institutional arrangements. There have been specified processes, procedures and time-tables and gradual shifts in meaning rather than clear-cut goals or rules (Hackl 2001, Kohler-Koch 2005). Even the roles of the Council, the Parliament and the Court of Justice have to a large

extent developed incrementally. It has happened with different time-scripts and rhythms, on the basis of experience, and outside the context of Treaty-reforms and the explicit choices of “founders”.

Another key characteristic is the extensive repertoire of learning and change processes in use. The complex ecology of processes can, for example, be illustrated by the attempts to reconcile linguistic unity and diversity in the Union. Huge sums of money have been spent in order to keep all national languages official EU languages. In this way the ability to live with linguistic diversity has been enhanced. Efforts to increase citizens’ proficiency in two or more foreign languages may also improve this ability, while support to minority languages within each state may contribute to maintain diversity, also within the individual state.²³ While the Commission claims that the diversity in language and culture is to be protected, it also argues that the diversity requires a minimum of European coordination.²⁴ The EU aloofness in this policy-area is partly a result of experience. Most member states have been more concerned about protecting their language than their currency, and interventions in cultural and identity-related matters have historically tended to focus attention on national distinctiveness and create conflict (Schlesinger 1993). Furthermore, EU-policies have not prevented a trend towards an “English-Only Europe” (Phillipson 2003) – a linguistic unification which to a large extent is governed by forces outside the reach of EU-policies.

Consistent with an organizational-behavioral perspective, learning and adaptation have taken place through a multitude of processes in a variety of co-evolving trans-national, intergovernmental and supra-national institutional settings. There have been calculation of utility as well as debates and struggles over cultural values and democratic principles, and competing claims have been worked out in everyday-politics as well as in constitutional contexts. Have these processes generated a typical institutional configuration well suited to reconcile unity and diversity?

Have they made it possible for the Union to make, execute and enforce policies and live with diversity, without threatening the autonomy and identity of member states and their willingness to live with the implications of integration?

Europe as an emerging polity

Answers are uncertain because there is widespread disagreement not only over political projects of integration but also over how the European polity can best be described. Disagreements are partly due to the fact that the Union is an “open institutional construction site” (Trenz 2002). The EU is a large-scale, heterogeneous, multi-level and multi-centered polity with a complex and fluid institutional power-balance (Craig 1999). The distribution of authority and power is unsettled and dynamic and in each policy field there is a constant struggle to achieve unity in diversity (Kohler-Koch 2005: 14). The outcome has been an uneven economic, legal, political, social, and cultural integration with different structural arrangements and mixes of system unity and component autonomy in different policy sectors. In the organizational-behavioral perspective, the uneven integration and the pillar system, the principles of subsidiarity and proportionality, the different time-scripts and rhythms of change, the many and complex procedures in use, flexible integration and the principle that some member states can cooperate more closely than others, institutionalized in the Amsterdam Treaty (1997), are all ways of coping with diversity. The often observed implementation deficit may also work as a conflict-reducing device, making it easier to achieve unity in diversity (Olsen 1997b, Sverdrup 2004).

For all the arguments there are elements of consent about the typical properties of the emerging European order. There is agreement that economic integration embedded in the internal market is well-developed. The same is true for legal integration, in particular in terms of producer and consumer rights, embedded in courts of law and the doctrine of the primacy of EU law and the doctrine of

direct effect. While networks organized around specific policies have flourished, relatively small staffs, budgets and slack resources increase the Union's dependence upon member states and constrain the capacity to govern and administer. A budget just above 1 % of the BNI of the member states limits the possibilities for redistribution of resources and social sharing, with the Common Agricultural Policy and regional policies as the exceptions.²⁵

There is more disagreement over the democratic quality of the Union and whether there is a democratic deficit, or not (Eriksen and Fossum 2000, Moravcsik 2002, Føllesdal and Hix 2005). In a culture where all claim to be democrats, democratic ideas have normative power. As the Union's agenda has grown, democratic ideas have increasingly challenged existing arrangements based on functional legitimacy or indirect democratic legitimacy derived from the member states. They have, however, had more impact upon the EU's rhetoric than its structures. Democracy often means government *for* the people rather than government *of*, and government *by* the people. Few argue that the EU is a political community with strong popular allegiances, participation, and a vivid civil society and public communicative sphere.²⁶ Institutions for cultural integration are also relatively weak. Less has been done to develop European citizens than European institutions. The Union has had modest influence upon education, socialization and cultural affairs and no shared European identity with a strong emotional foundation has developed, even if many Europeans now carry multiple identities (Hooghe and Marks 2001: 66, Risse 2004, Checkel 2005).

Have the member states' sovereignty, autonomy and identity been threatened, or lost, as a consequence of the European-style of political integration? Again there are different interpretations, partly due to the lack of a common yardstick to measure change, and partly because the Union is a polity in the making, and not a stable and coherent order.

A tentative observation is that there have been changes but no transformation or disintegration of the component units of the Union. While both change and continuity are observed, policy convergence, standardization and homogenization have been more prominent than change in institutions and identities. Domestic politics and policies have been influenced by European-level institutions, decisions and events, but national institutions and identities have shown considerable resilience in spite of the single market, common laws and a high degree of interaction among elites.²⁷ The quasi-constitutional status of competition policy and the free movement of capital, goods, services and people have reduced the states' capacity for self-governance (Scharpf 1999). It has also opened for judicial activism, with consequences for other policy sectors far beyond what has traditionally been the domain of competition policy in Europe. A result has been a progressive weakening of national boundaries. Mobile persons and resources have achieved better protection against national regulations and more influence upon European regulations. The less mobile have not achieved these opportunities to the same degree and therefore power balances have changed (Bartolini 2005). Nevertheless, member states are still key political actors and frameworks, even if they have been deprived of parts of their governing capacity. Nations are still capable of arousing powerful expressions of belonging (Delanty 2003) and “it would be folly to predict an early supersession of nationalism and imminent transcendence of the nation” (Smith 1995: 159-60).

As illustrated by the rise and fall of the concept of a “Europe of Regions”, member states have shown resilience towards the Commission’s attempts to build coalitions with sub-units of the member states, such as regions, cities, organized interests and businesses, research units and voluntary organizations. In the long run, however, the integration of *parts* of national governmental and political structures (public administration, central banks, courts of law, political parties, voluntary associations) may convert a political order dominated by states and cleavages between states, into an order that also involves a variety of non-

territorial cleavages and patterns of cooperation. An example is networked administrative structures where agencies are part of a European as well as national hierarchies. Agencies interact directly with the Commission in enforcing EU law and at the same time perform traditional tasks as agents of national ministries (Egeberg 2001, 2005).

Available data and theoretical frameworks do not provide a solid basis for predicting whether the EU in the future will be able to reconcile an accelerating diversity with further integration and unity, or whether there will be more differentiated cooperation. To accommodate the increasing diversity following from an EU-25 where 75 million people were added, and another 33 million will be included if Bulgaria and Romania become members, is challenging, and it is uncertain what unity-diversity relations an enlarged Union and its member states can live with.

From an organizational-behavioral perspective emphasizing sequential attention it would not be surprising if a long period of integration is followed by a period of consolidation and possibly disintegration. Yet such cycles are likely to be modified by what lessons leaders and citizens draw from their experiences. Therefore, how unity-diversity tensions are coped with will have consequences for the direction of future (dis)integration. While the growth and strengthening of European institutions are likely to reinforce integration and make inter-institutional politics supplement inter-governmental politics, politicization and democratization of the Union have uncertain effects.

Comprehending European integration presupposes understanding “its irreducible political character” and how (dis)integration is shaped by debates and struggles over how to organize political life (Hooghe and Marks 2001: 141, also 51), but competing democratic perspectives suggest different possible outcomes. Increased citizens’ involvement is in an aggregative perspective likely to slow down, or halt,

further integration. This is so because there are huge and enduring gaps between rulers and ruled in their level of information and in their attitudes towards European integration, with citizens consistently more Euro-skeptic. In a transformative perspective, politicization in terms of a mobilization of citizens in electoral politics, civil society and public debates, may open for changes in identities and preferences, bridge or transcend other identities and interests, and generate further integration.

Preliminary lessons

Are European experiences of any help in understanding how political community and authority is possible in spite of diversity; how unity is fostered and lost; and what is the relevance of democratic institutions? The unity-diversity debate and the belief that there is a negative correlation between increased diversity among the component units and integration in the relations between them, is based upon the idea that there is a connection between the kind of society there is, and the kind of government and the degree of unity a system can achieve. The argument, that the more heterogeneity and pluralism, the less likely there will be a strong political center with common institutions, has merit. This view, nevertheless, underestimates that political institutions are partly autonomous and that unity-diversity relations are shaped and reshaped in processes of co-evolving polities and societies. Political unity depends not only upon what kind of society there is, but also what kind of society there can be in a democracy.

European experiences are in accordance with the observation that great constitutional turning points have been associated with terrible wars and economic disasters (Ackerman 1993: 306). Consistent with the Constitutionalist perspective it is also observed that Treaty decisions and revisions have been important for developing the European order. Still, Treaties have sometimes primarily codified changed practices. A series of treaty revisions shows that the

“constitutional moments” have not been that rare. It has also been difficult to agree at such occasions. There have “leftovers” in terms of unresolved problems, and there have been problems of ratification.

It is more consistent with an organizational-behavioral perspective that unity and diversity have been mediated through a changing *mix* of processes and standards of assessment in a variety of institutional contexts, and not through a single dominant constitutional process in a single institutional setting. An answer to the two puzzles may be found in the fact that politically organized cooperative community has been achieved on the basis of a loosely coupled order with weak rules of consistency, coherence and coordination and without clear, consistent and stable purposes, strategies and rules, and an agreed-upon political philosophy. European-style integration has flourished with incrementalism, ambiguity, local rationality, sequential attention and quasi-resolution of conflict even in foundational questions. There have been attempts to reduce diversity and to improve the ability to manage diversity. What has been seen as useful and effective, legally prescribed, culturally appropriate, and politically feasible, has each functioned as an independent constraint on available options. Economic, legal, democratic and cultural concerns have generated change in some periods and constrained change in other periods. Together they have defined a space of viable solutions and unity-diversity balances.

Cooperation was triggered by the hard lessons of war and loss of power and status. Consequent processes of interpretation and learning have to a limited degree generated shared perceptions and attitudes, but the accommodation of unity and diversity has typically been based upon voluntary cooperation. It has happened in a context of strong norms prescribing unanimity and compromises rather than majority decisions and winners-take-all. The working out of contested and competing claims have been supported by appeals to utility and practical results,

to a common cultural heritage and shared political principles, and also by criss-crossing cleavages and increasingly stronger common institutions.

A hypothesis is that grand constitutional designs, where all issues and cleavages are aired simultaneously, are likely to overload a democratic political system that in everyday-life is able to cope with the conflicts due to institutional buffering and mechanisms such as local rationality, sequential attention, experiential learning and adaptation. Furthermore, the better developed the day-to-day ability to learn and adapt, the less the need for major constitutional designs and reforms, and the less likely there will be crises that open for “constitutional moments”.

Accommodating unity and diversity belongs to a family of challenges democracies face. They include giving elected leaders, bureaucrats, judges and experts the discretion, authority and power they need to do what is expected from them, and at the same time prevent them from misusing their positions. They also include reconciling majority rule with the protection of individuals and minorities; individual freedom and entrepreneurship with collective purposes and social responsibility; responding to public opinion with enlightening the public and cultivating citizens’ preferences and identities; and reconciling institutional flexibility and adaptiveness with institutional stability and predictability.

There are no technical or scientific, correct answers to these dilemmas. The European case suggests that attempts to camouflage them as purely functional-economic-technical expediency are likely to generate demands for democratic accountability. Then, the dilemmas are worked out through political processes in an organized context of political ideologies, cleavages, historical battles and compromises, political parties, voluntary associations, mass media, and institutions of government. The context reflects lessons of past attempts to cope with unity and diversity and an important part of the lessons is that sequential attention and partly autonomous institutional spheres based on partly competing principles and

logics of action make it easier for democracies to accommodate diversity and maintain political community and authority.

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Endnotes

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² Integration is a process which turn previously separated units into components of a relatively coherent and consistent system. Integration as a condition consists in some measure of the density and intensity (number, kinds and strength) of relations among the constituent units: their interdependence, consistency and structural connectedness (March 1999: 134–135). *Functional integration* is a measure of interdependence and relevance, i.e. the degree to which decisions and events in one part of a system have an immediate and direct impact on other parts. *Social integration* refers to connectedness and a measure of linkages, such as contact, communication and trading. *Cultural integration* implies that the beliefs of a social group fit together and make sense. Integration as *political institutionalization* refers to: (a) Structures, rules, roles and practices specifying legitimate authority relations and codes of appropriate behavior. (b) Shared purposes, identities, traditions of interpretation and principles of legitimacy that explain and justify practices and provide a basis for activating moral and emotional allegiances and solidarity, (c) Common resources which create capability and capacity to act in a coordinated way.

³ These themes, and the relevant literature, are discussed in more detail in Brunsson and Olsen 1998, March and Olsen 1998, Olsen 2003, 2004.

⁴ Wolin 1960: 88–9, Mill 1962: 31, 309, Weber 1978: 213, Rawls 1985: 249, 1987: 11, Spragens 1990: 123, 256, Habermas 1996: xi, 8, 26–29.

⁵ The expression was introduced in the discussion of German identity and community by Dolf Sternberger in 1979 (Sternberger 1990) and in the European setting by Habermas (1992).

⁶ In the *Federalist Papers* it is also argued that: “...Providence has been pleased to give this one connected country to one united people; a people descended from the same ancestors, speaking

the same language, professing the same religion, attached to the same principles of government, very similar in manners and customs, and who, by their joint councils, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence” (Hamilton, Jay and Madison 1964: 7, No. 2, John Jay).

⁷ Paine’s perspective is instrumental and equals change with improvement. For example, “In forming a constitution, it is first necessary to consider what are the ends for which government is necessary? Secondly, what are the best ways, and the least expensive, for accomplishing those ends (Paine 1984:198). He argued that “there is a morning of reason rising upon man on the subject of government, that has not appeared before”.

⁸ This view is also held by lawyers. Weiler, for example, writes: “It is a matter of legal hubris to imagine that constitutions really constitute. All these issues are just bends and dykes in the river which can channel somewhat, retard somewhat but not truly affect the course of human affairs. The future of Europe will not be decided in the true, profound sense by the Convention or the IGC” (Weiler 2002: 578).

⁹ Cyert and March (1963) developed these ideas as part of their behavioral theory of the firm. Since then, formal organizations – usually seen as the most typical expression of modernity and instrumentalism – have often been shown to be conflictual, polycentric and loosely coupled rather than coherent, hierarchical and tightly coupled units. There are competing organizing principles and organizational borders are not always firm and clear. Organizations live with unresolved conflict and decision makers act in worlds that are not easily comprehended and controlled (Brunsson and Olsen 1998: 17).

¹⁰ From an institutional perspective the transformation of the European political order, in the sense of a reconstitution of authority and power relations can be measured along two dimensions: The degree of institutionalization of government beyond the national level, and the principles on which European institutions are primarily organized and legitimized. *First*, transformation can be measured by the emergence of European institutions for joint policy making. The significance of European institutions increases the more competencies, autonomy and capacity for action European institutions achieve and the less member states give European-level actors binding instructions. Their importance also increases as decisions are made by qualified majority, rather than consensus. *Second*, transformation can be measured by the degree to which European-level institutions are organized along, and legitimized by other principles than state, territory, and nation. Such institutions provide channels for representation of a multi-dimensional conflict structure (Marks and Steenbergen 2004, Egeberg 2001, 2005). This, in turn, encourage domestic institutional adaptation and give incentives for groups to organize themselves on the basis of other allegiances than state and nation, even when political parties, interest groups and mass media remain primarily nationally organized. Transformation then takes place to the degree that there is a loosening of the links between state, nation, democracy and citizenship (Habermas 1992) and officials and citizens develop a notion of shared European identity and emotional affiliation.

¹¹ In *The Federalist papers* it is asked: “Why has government been instituted at all? “Because the passions of men will not conform to the dictates of reason and justice, without constraint” (Hamilton, Jay and Madison 1964: 43, no. 15, Alexander Hamilton). “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience

has taught mankind the necessity of auxiliary precautions” ... therefore, “Ambition must be made to counteract ambition” ... “It is of great importance in a republic, not only to guard the society against the oppression of its rulers; but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens” (No. 51, James Madison, p. 122-4).

¹² Key processes are (Eisenstadt and Rokkan 1973, Rokkan 1975, 1999, Flora 1999, Bartolini 2005):

- State-building: center formation with authority and coercive powers and the ability to penetrate the territory and defend the borders, the supremacy of a single set of hierarchically organized territorial institutions able to extract resources and govern, nationalization of law and the ability to regulate diversity and conflicts.
- Nation-building: cultural standardization and homogenization, the development of a shared identity and a “we” in terms of allegiance to the nation, language, etc.,
- Democratization: institutionalization of channels of mass participation and representation, legitimization of criticism and organized opposition, and making leaders accountable to the electorate.
- Developing national economy and markets: capitalism, the taming of class-conflicts and the institutionalization of class compromises in corporate arrangements.
- Developing welfare systems, including social and economic rights, social sharing and redistribution of resources.

¹³ Empirical studies, for example, show that candidate countries have adjusted to the EU in order to improve policy efficiency (Sverdrup 1997) and in order to “be considered a responsible and capable candidate for EU-membership” (Caddy 1998: 89). New members have also brought new concerns and demanded policies that have strengthened, not weakened integration. Enlargement decisions have been based on principled action and ideas about identity and belonging and not solely on utility calculation, and member states have accepted widening even when it has been seen as threatening to their interests (Sjursen 1997). For different perspectives on EU enlargement, see Schimmelfennig and Sedelmeier 2002.

¹⁴ The group was initiated by the President of the Commission, Romano Prodi, and coordinated by the Institute für die Wissenschaften vom Menschen, Vienna and led by Krzysztof Michalski In the introduction to the final report (Biedenkopf, Geremek and Michalski 2004), Prodi writes: “The European Union has undergone extensive enlargement in the last ten years. But at the same time the deepening process has continued. It was with this momentous sequence of events in mind that I felt it was essential for a group of enlightened thinkers, free of all constraints, to reflect on the role that the most deep-rooted values of our shared background could play as the binding agent of fellowship and solidarity” (Prodi 2004: 2).

¹⁵ Some see the ability to debate, resolve and live with conflict as a key identity-marker of political Europe - not to ignore or repress the diversity of its elements, but to be aware of internal tensions and to turn polycentrism and internal inconsistencies into a major source of change. In this perspective, the co-existence of unity and diversity marks the core of European cultural dynamics (Giessen 2002, Trenz 2005). Likewise, Biedenkopf, Geremek and Michalski (2004: 12) argue that Europe’s capacity for change and renewal was and remains the most important source of its success and unique character. This source must always be recognized anew and given an institutional form: through European politics, through civil society, and through the force of European culture.

¹⁶ It is observed that religion was removed from the political sphere in Europe because “religion was considered, with good reasons, to be divisive, not conciliatory”. Still, Europe’s religions are seen to have a potential for bringing people in Europe together, instead of separating them (Biedenkopf, Geremek and Michalski 2004: 11).

¹⁷ The use of language is, of course, not innocent. During and immediately after the Convention federalists used “Constitution” while intergovernmentalist talked about the Treaty. As it turned out that “Constitution” was associated with state-building and generated negative responses, fewer have tended to use “Constitution”.

¹⁸ The Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level” (Article I-11, 3).

¹⁹ The credo presented in the Preamble reads: “Believing that Europe, reunited after bitter experiences, intends to continue along the path of civilization, progress and prosperity, for the good of all its inhabitants, including the weakest and most deprived; that it wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world”. Furthermore, “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail” (Article I-2).

²⁰ “The Union shall respect cultural, religious and linguistic diversity” (Article II-82). The Union shall promote cohesion and solidarity and also “respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced” (Article I-3). “The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore” (Article III-280). “While remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny” (Preamble).

²¹ Yet democracy will work within the constitutional constraints of an open market economy and an independent Central Bank “The Member States and the Union shall act in accordance with the principle of an open market economy with free competition, favoring an efficient allocation of resources, and in compliance with the principles set out in Article III-177 (Article 177,178). The European Central Bank, together with the national central banks, shall conduct the monetary policy of the Union. It shall be independent in the exercise of its powers and in the management of its finances (Article I-30). The primary objective of the European System of Central Banks shall be to maintain price stability (Article III-185).

²² A Google-search on *United in diversity* gave approximately 25 800 000 hits, while “United in diversity” gave 7310 hits. Unity in diversity gave approximately 2 350 000 hits and “Unity in diversity” approximately 138 000 hits (April 15 2005). These numbers partly reflect that “unity in diversity” is an old mythos and a recurrent theme of European religious, philosophical and political thought (Giessen 2002, Trenz 2005).

²³ Toggenburg argues that the EU is primarily concerned about diversity amongst member states and protecting national identities against excessive integration. The Union is less concerned

about diversity within each member state. “Whereas the US motto [E Pluribus Unum] aims at a unity created from a diversity of states, the EU puts any further unity under the conditions of a maintained diversity among states”. It is protecting the diversity of member states’ identities more than a multi-cultural vision of the individual state and it is a warning against endangering the unity of the states (Toggenburg 2004: 4, 5).

²⁴ The Commission holds that the EU needs to remain diverse with respect to language and culture, systems and traditions, but need sufficient compatibility between national regulations and a “minimum level of organization at the European level in the form of common references and basic standards” (European Commission 2005b: 7).

²⁵ The current debate over EU Financial Perspectives 2007-2013 concerns whether the budget shall be within 1 % or 1.14 % of the European Gross National Income, and the outcome of the dispute is likely to have significant consequences for the future functioning of the Union. In contrast, the draft Constitution says: “The Union shall provide itself with the means necessary to attain its objectives and carry through its policies” (Article I-54, 1). “Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defense policy...” (Article I-41, 3).

²⁶ Scharpf is among those who see clear constraints on the Union’s democratic development: “The Union is not now, and will not soon be a unified democratic polity, and it would undermine the bases of its own legitimacy if highly salient political preferences of its member states could simply be overruled by majority votes in the Council and the European Parliament”. Common and uniform European solutions cannot be adopted in consensus in the face of the existing “legitimate diversity” of national preferences (Scharpf 2003: 103, also Scharpf 1999).

²⁷ Cowles, Caporaso and Risse 2001, Olsen 2003, Wessels, Maurer and Mittag 2003, Kohler-Koch 2005.