Literary Review

JULY 2013

www.literaryreview.co.uk

Kafka's Metamorphosis

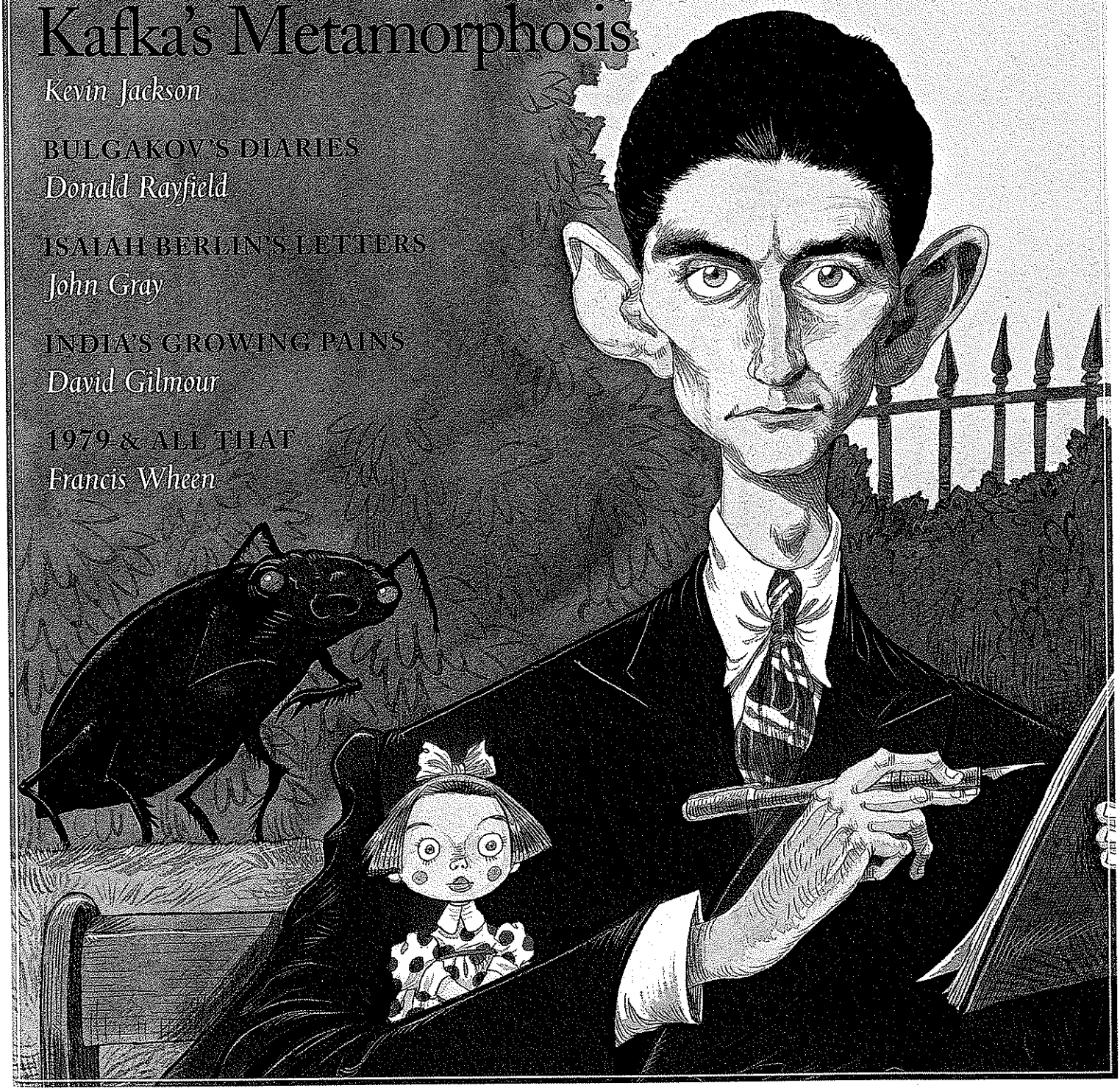
Kevin Jackson

BULGAKOV'S DIARIES
Donald Rayfield

ISAIAH BERLIN'S LETTERS
John Gray

INDIA'S GROWING PAINS
David Gilmour

1979 & ALL THAT
Francis Wheen



THE HUGUENOTS • MACHIAVELLI & US • BROTHERHOOD IN ARMS
NAZI ART THEFT • SULTAN OF JAZZ • CHILLAXING WITH HORACE

9 770144 436065 07

MARTIN WESTLAKE

Ever Closer

The Passage to Europe: How a Continent Became a Union
By Luuk van Middelaar
(Translated by Liz Waters)
(Yale University Press 372pp £25)

On 21 June 1788, New Hampshire ratified the draft US Constitution and, as the ninth of nine states necessary, thus formally established it. A thousand men paraded through the streets of Philadelphia, 'bearing aloft a Greek temple with thirteen pillars; solemn speeches were delivered and cannon fire sounded'. But it had not been all plain sailing, as Luuk van Middelaar reminds us in this enjoyable analysis of how a European Union has gradually come into being. In the case of both the United States and the European Union, in his view, states have been the crucial players. Van Middelaar looks to the Philadelphia Convention and the ratification process because of the wizardry (he calls it a 'magic spell' – a mixture of statecraft, oratorical prowess and sense of destiny that brought the American people, as a concept, into being) that allowed for a majority of the founding states to impose a federal constitution over the previous Articles of Confederation, despite the latter's requirement of unanimity. (All 13 states eventually ratified the new constitution but, as van Middelaar points out, the more recalcitrant states had, in the end, little choice.)

European states have chosen to do things differently – at least, so far. There has also been plenty of wizardry, but of a different kind. That is because of the double unanimity (of governments and of states) required for any constitutional developments in the EU. Things need always to be given time. Instead of the American leap, there has been the European transition. 'Europe's founders', van Middelaar writes, 'understood this and resolved to harness time. They made the long wait bearable by emulating the feat of the apostle Paul: he transformed the present into a time of transition.' In the first half of his analysis van Middelaar focuses on the crucial steps in that transition. The 1957 Treaty of Rome put governments, through the Council, in the driving seat. The 1963 *Van Gend & Loos* judgment led the collective of founding states to accept that the then EEC's jurisdiction took precedence over their individual jurisdictions. The 1965 'empty chair' crisis, when de Gaulle boycotted the Council, and the subsequent Luxembourg Compromise in January 1966 gave states the assurance that they would not be outvoted on important issues, but also imposed on them all the mutual obligation to find solutions and consensus (relying on 'the inexhaustible creativity of the European compromise factory'). The creation in 1974 of what would ultimately become the European Council enabled the states to speak on behalf not only of governments but also of peoples. In Milan in June 1985, the member states decided by majority vote in favour of an intergovernmental conference – a decision that would lead ultimately to the 1986 Single European Act (gladly signed by Margaret Thatcher) and the explicit introduction of majority decision-making. Billed by Brussels circles as a 'return to the Treaties', this was, as van Middelaar cogently argues, a 'brilliant lie': 'This was a return to a place where Europe had never been. The journey to terra incognita that de Gaulle had refused to undertake on 1 January 1966 was sold by Mitterrand eighteen years later as a return to a home port.'

The high-water mark, to date, of the transition to majority decision-making for treaty change (which would effectively represent the breakthrough to a true foundational constitution) came during the Convention on the Future of Europe in 2001–3, when, inspired by the Philadelphia Convention, European federalists unsuccessfully sought a 'veiled founding moment' (that is, a constitution for the EU dependent on future ratification by majority vote). The federalist waters have since receded, but van Middelaar makes us feel they will probably return in due course.

The second half of his analysis looks at the evolutionary phases of the Union – the European Coal and Steel Community (1950–7), the European Economic Community (1958–89), and the self-styled

Union (1989 to the present day) – and the way its states have interacted to an increasing extent. He then moves on to consider three strategies for facilitating union: namely, creating 'companions in destiny' (a common binding narrative); 'securing clients' (through the evident benefits of union); and 'seducing the chorus' (giving people a say and a sense of ownership). Central to van Middelaar's analysis throughout is the concept of three spheres. The outer sphere is the geopolitical arena of wider Europe, populated with sovereign states – a modern concert of Europe. The inner sphere is the Europe of the Community, governed by the treaties. But it is above all the intermediate sphere, composed of the member states and their representatives, that is, according to van Middelaar, the primary motor of the transitional integration process, achieved through the 'secret of the table':

> the shared conference table where the bond of the treaty is more important than formal rules on decision-making. Finding a solution to every problem is a joint responsibility, which means that as soon as a rule exists, whatever it may be, about how to reach a decision, that rule will promote decision-making. Under pressure, consensus can always be achieved.

Van Middelaar's state-centric analysis leaves little room for other actors. Yet, just like the Supreme Court in the USA, the European Court of Justice has periodically acted as a significant federalising agent. The European Parliament, an inveterate federaliser, if only recently a powerful one, is only properly mentioned here when the 'chorus' needs to be seduced. The European Commission is, in van Middelaar's scheme of things, more an executor than an instigator (what would Jacques Delors think of that?). Van Middelaar's selective approach can lead to omissions. There is, for example, no mention of the Union's brief renewed flirtation with the Luxembourg Compromise at Ioannina in March 1994, and his focus on the Council and the European Council leads him to neglect the role of the Committee of Permanent Representatives, which has enabled the Council to work even when it was not supposed to be working (such as during the empty chair crisis and John Major's 1996 policy of non-cooperation). And, as an omniscient narrator, van Middelaar sometimes falls into the error of seeing design where it would be more accurate, if less exciting, to identify trends. But these are relatively minor flaws that certainly do not detract from the grand sweep.

Beautifully written (and translated from the original 2009 Dutch edition by Liz Waters), *The Passage to Europe* has deservedly won several prizes and been translated into four languages (and counting). A 35-page prologue written for the English-language version coherently ties the analysis to more recent events. It is well worth digging through the 44 pages of notes, commentary and bibliography which van Middelaar has banished to the back of the book. His wit (he memorably compares the current transitional process to purgatory) and his training as a philosopher shine through (though he wears his learning lightly). His aphoristic, provocative but always entertaining analysis is richly garnered with metaphors and illustrative anecdotes that make what could have been a dry read a colourful pleasure.

The Passage to Europe's counterintuitive central argument is fundamentally optimistic. Jean Monnet, as he made clear in his memoirs, believed that nation states were always the problem. The Court and the Council were only grudgingly accepted additions to his purist vision, imposed by Italy and the Benelux countries, who were afraid that Franco-German hegemony would be expressed through the supposedly supranational High Authority of the Coal and Steel Community. For Luuk van Middelaar, those same states and the Court and Council have consistently generated momentum and solutions and hence progress. Far from being villains, they are pragmatic and unassuming heroes inching ever closer to a transformational moment whose full significance will probably only be realised retrospectively.

To order this book for £25, see the Literary Review bookshop on page 50

FREDERIC RAPHAEL

Scapegoats

Anti-Judaism: The History of a Way of Thinking
By David Nirenberg
(Head of Zeus 610pp £25)

'The jew is underneath the lot,' wrote the poet. Fundamental and excremental have something in common. The charge of anti-Semitism has been laid with voluminous regularity against the great thinkers and artists of the Western tradition. The Christian world has wrestled, ever since AD superseded BC, with the debt (seemingly indistinguishable from the curse) of the primacy of Judaism. Moses, it has been said, led a disparate rabble out of bondage in Egypt and graced it with community by the invention (or imposition) of monotheism. Those who prayed together stayed together, pretty much, during those years in the wilderness and, eventually, found a resting place, restless as it proved to be, in what it is convenient to call Palestine. After the fall of Jerusalem in AD 70, the Jews who avoided enslavement (only 180 in some belated accounts) were said to have dispersed from Judea and remained forever homeless.

In fact, Jews remained in Palestine, if not in Jerusalem itself, in large numbers: how otherwise would Bar Kochba have led a mass uprising against the Emperor Hadrian in AD 132? Much has been made of the dislike of Jews expressed by ancient writers, before the specific venom of the Church Fathers, who vaunted themselves on the distinction between the carnal grossness of the Synagogue and the spiritual finesse of the Church, but there are few expressions of affection for aliens in any ancient literature. Tacitus made a show of admiring the Germans, but to a large degree he invented a folklore that would allow him to pass scornful comment by contrasting it with contemporary, degenerate Rome. He never went to Germany and knew no Germans.

In converse style, the most virulent anti-Semitism has often been mounted – by Voltaire, for instance – against a virtually non-existent segment of society (less than