

## Reshaping Europe – A view from the Kirchberg

David A.O. Edward\*

Sehr geehrter Herr Dekan,  
sehr geehrte Herren Präsidenten,  
liebe Kollegen,  
meine sehr geehrten Damen und Herren,

es ist eine sehr große Ehre für mich, dass mir heute, das heißt an diesem für diese Universität überaus bedeutsamen Tag, die Ehrendoktorwürde verliehen wurde.

Und ich bin besonders stolz, dass ich diese Auszeichnung zusammen mit Professor Doehring und Professor Everling erhalte, die beide in so herausragender Weise zur Rechtsentwicklung in diesem Land beigetragen haben.

Allerdings muss ich gestehen, dass es mir schwer fällt, mich in der Laudatio von Professor Ress wieder zu erkennen, und ich fürchte, dass seine Worte mehr mit unserer langjährigen Freundschaft zu tun haben als mit den Ansprüchen, die die Treue zur Wahrheit an uns stellt.

Ich freue mich sehr, durch die Vermittlung von Professor Ress, Professor Stein und ihren Kollegen mit der Arbeit des Europa-Instituts hier in Saarbrücken verbunden zu sein.

Wir alle wissen, dass das Europa-Institut als eine der wichtigsten Stätten der europarechtlichen Forschung und Lehre anerkannt ist.

Zukünftig werde ich meine neue, ganz besondere Beziehung zum Europa-Institut in typisch britischer Manier zum Ausdruck bringen, nämlich dadurch, dass ich die Institutskrawatte tragen werde.

Nun, wenn Sie es mir gestatten, möchte ich in meiner Muttersprache fortfahren, weil mir das leichter fällt und ich mich in dieser Sprache besser und vielleicht auch verständlicher ausdrücken kann.

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It is said that the saddest person in the world is the religious person who has lost his faith. I have not lost my faith in the European experiment. But I have to confess that it is sometimes hard to sustain the enthusiasm with which I started out some thirty years ago.

I started out along this road in the early 1970s as one of the British delegates to the liaison committee of Bars and Law Societies of the European Community.

I was some twenty years younger than almost all the others. Most of them had had direct personal experience of the miseries and horrors of the war – in some cases, of two wars. Some of them did not find it easy to forget what had happened. But they were determined to work together to build a better Europe for my generation and those that were to follow.

They were, if you like, practical idealists, and they kindled my enthusiasm for what I persist in calling the European experiment.

Today, the scars of war have almost disappeared – in Western Europe at least, and people can no longer be motivated, as I was, by the memory of events that are now passing into history. It is right that this should be so.

But it is not right that all idealism should be absent from the work we do. Without idealism we will not excite the enthusiasm of present or future generations.

“Enhanced intergovernmental cooperation” is not a dream that will stir the hearts of the young – nor, for that matter, the hearts of the old or the middle-aged. As my Professor in Edinburgh, *John Mitchell*, who was mentioned by Professor *Ress*, used to say, “Governments and governmental bodies have as many reasons for conniving among themselves as they have for opposing each other”. A Europe of cosy deals behind closed doors will not make anyone the fonder of the European experiment – least of all at a time when there is deep public disenchantment with the processes of government.

And I am afraid that experience also shows that we will not inspire much enthusiasm by producing more and more blueprints for a European constitution. Of course, we should discuss – and indeed put in place – the political structures that will be necessary for an enlarged Union. But if the result of these discussions has no more to offer to real people on the streets of Saarbrücken or Edinburgh than the cold porridge of Amsterdam and Nice, perhaps we should spend a little time going back to first principles.

The essence of the European experiment, as I learned it thirty years ago, is that we will best learn to live together, forgetting past injuries, through the freedom to go where we wish, to live where we like, and to trade and to work where we can. It is that simple freedom to choose that other *régimes*, of which Europe has had too much experience, will not, and cannot, allow. It is a freedom guaranteed to every

citizen of the Union as a personal right which neither the member states nor the institutions of the Union can abridge or take away.

And, may I add, it is a freedom we cannot afford to deny to our future citizens in the East.

The Four Freedoms – free movement of goods, persons, services and capital – are not just a technocratic recipe for economic improvement. The principal beneficiaries are not – or should not be – the big enterprises, important as they are to our economic future. The Four Freedoms were, and are, truly the Foundations of a new political experiment – a European Community or Commonwealth – composed, not just of nation states, but of that extraordinary patchwork of peoples that has grown up on our continent over so many centuries.

It is, of course, the very diversity of that illogical, unplanned patchwork that has so enriched Europe and the world, and we must not sacrifice that diversity on the altar of economic progress.

But we must not forget, either, that diversity also creates barriers. The rules and practices that one country holds dear may make it difficult or impossible for the citizens of another country to enjoy the freedoms the treaty guarantees. Diversity – or, if you prefer it, “subsidiarity” – must sometimes give way.

In the Court of Justice on the Kirchberg in Luxembourg, our most pressing and constant task is to maintain the balance between the claims of diversity and the claims of freedom. The conflict comes before us in many guises: today it may be the rules on trade marks or designations of origin; tomorrow, access to the profession of dentist or architect; and the next day, protection of the environment or of wild birds.

Ultimately, some individuals – some ordinary people – will be affected by what we judges do, in the goods they can buy in the supermarket, the career of their son or daughter, the air they breathe, or the birds they hear in the field or the forest.

What we call the Internal Market is not a theory for economists and political scientists, a task for bureaucrats or judges, or a plaything for politicians. It is about you and me in our daily life as ordinary citizens. But there is still a great deal to be done before it will be seen by most people as a tangible reality.

Perhaps the greatest danger is that people will take for granted what has been achieved and, through ignorance, oppose what remains to be done. We should not blame them for their ignorance. Technically, the problems are dry and difficult. It is our task, in the institutions and in the universities, to make them better understood – to explain what needs to be done and why.

That, at any rate, is what I believe and – hard as it sometimes is – I have not lost my faith in our common enterprise.

Lassen Sie mich Ihnen am Ende meiner Ausführungen noch einmal danken für die Auszeichnung, die Sie mir zuteil werden ließen. Ich bin sehr gerne mit meiner Frau nach Saarbrücken gekommen, und wir wünschen dem Europa-Institut, den dort Lehrenden und Lernenden weiterhin viel Spaß und Erfolg bei ihrer für die Zukunft Europas so wichtigen Arbeit.