The Moral Case for Europe

Prof Sir David Edward
Professor Emeritus
University of Edinburgh University of Edinburgh, School of Law
david.edward@dileas.net

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Abstract

This paper addresses two questions, "What is Europe?" and "Can there be a moral case for what is, after all, only a geographical expression?" In the paper, the word 'Europe' is used in a wide sense, not confined to the European Union.

Keywords

Europe, EU, European history, subsidiarity
THE MORAL CASE FOR EUROPE

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The title I have chosen for this lecture begs two questions, “What is Europe?” and “Can there be a moral case for what is, after all, only a geographical expression?” So let me explain. I use the word ‘Europe’ in a wide sense, not confined to the European Union. I do so because I believe it is essential to view our small continent as a whole.

As events have shown all too clearly, the problems of the continent can have a devastating effect on the lives of ordinary individuals, their prosperity and their aspirations for themselves and their children. They raise issues of morality, as well as politics, economics, law or strategy.

I must at once enter two disclaimers. First, I do not intend to discuss whether this country should, or should not, leave the EU, the Council of Europe or the ECHR. No doubt my answer to that question will be apparent reading between the lines, but that is not my primary purpose. Second, I will not say anything about strategic issues of defence or security – not because I underrate their importance but because I have not studied them and time is, in any event, limited.

Last November, Allan Little gave the Neil MacCormick European Lecture at the Royal Society of Edinburgh. It was a profound and moving lecture, full of the insights that only a journalist of Allan’s skill and experience can give. The recording is available on the RSE website and I urge you to listen to it. [www.royalsoced.org.uk - then events>pastevents>2012events>November 2012.]

Towards the end of his lecture, Allan quoted the foreign minister of Poland, Radosław Sikorski:

The integration process was fuelled by memories of the Second World War. That petrol is spent. Europe has to find a new raison d’être.

I accept that, seventy years later, memories of the War are no longer sufficient. But I shall argue that the raison d’être remains the same. We should concentrate, not on the barbarities, horrors and destruction wrought by the Second World War, but rather on the long-term historical conditions that gave rise to them.
In his history of MI5, Christopher Andrew says:

Short-termism has been the distinguishing intellectual vice of the late twentieth and early twenty-first centuries. For the first time in recorded history, there has been a widespread assumption that the experience of all previous generations is irrelevant to present policy.

This is particularly important in Europe because, as Allan Little said,

In Europe history is the unseen guest at every table.

When I started to teach European Institutions at this University at the age of 50, I had to remember that the Second World War was as remote from the personal experience of my students as the closing decade of the reign of Queen Victoria was to mine. So I began by explaining what were the causes of the War and the significance of the Schuman Declaration in 1950.

By the next year, I realized that the causes of the Second World War couldn’t be understood without understanding the causes and immediate aftermath of the First. I said this to a friend from undergraduate days who had become a history teacher. He replied, “Not at all: you can’t begin later than 1783”.

We tend nowadays to assume that the Europe shown here – a Europe of nation states with defined and accepted frontiers – is stable and will continue.
We assume that we have, in that notorious phrase, reached the end of history. That is an unsafe assumption.

John Maynard Keynes was one of the British experts at the Peace Conference during the first six months of 1919. He devoted the rest of the year to writing *The Economic Consequences of the Peace* – an exception to the late Lord Cameron’s dictum that Professor Youngson’s book on *The Making of Classical Edinburgh* is the only readable book written by an economist.

Keynes began with this warning:

> The power to become habituated to his surroundings is a marked characteristic of mankind. Very few of us realize with conviction the intensely unusual, unstable, complicated, unreliable, temporary nature of the economic organization by which Western Europe has lived for the last half century. We assume some of the most peculiar and temporary of our late advantages as natural, permanent, and to be depended on, and we lay our plans accordingly. On this sandy and false foundation we scheme for social improvement and dress our political ambitions.

The warning is still valid. The experience of previous generations is *not* irrelevant to present policy. And history is still a guest at every table.

So, as I was advised to do, I begin with Europe in the eighteenth century, and I ask you to look particularly at the evolution of Central Europe and Eastern Europe.
- The United Kingdom, France, Spain and Portugal are much the same as they are now, apart from the partition of Ireland.
- Nothing else is the same.
- Norway and Iceland are part of Denmark.
- Finland is part of Sweden.
- Germany and Italy are an assortment of small kingdoms, principalities and duchies.
- Middle Europe is divided between the Austrian Empire and the Kingdom of Poland.
- Eastern Europe and the Balkans are divided between the Russian Empire and the Ottoman Empire which, as you can see, stretched right across North Africa.

This map shows the extraordinary patchwork of what are now the Netherlands, Belgium, Germany and the Czech Republic.

This map shows Italy after some rearrangement by Napoleon
After the Congress of Vienna in 1815, the picture is more organized, but quite different.

- Norway has been assigned to Sweden, and Finland to Russia.
- The newly-created Kingdom of the Netherlands includes Belgium and Luxembourg (as a personal Grand-Duchy of the King)
- Prussia has become the main power in northern Europe.
- Austria has absorbed Lombardy as well as what are now the Czech Republic, Slovakia and Croatia.
- Poland has totally disappeared, partitioned between Prussia, Russia and Austria.
- The Ottoman Empire still holds the Balkans stretching up to Romania, Moldova and the Ukraine.

A century later, just before the First World War began in 1914, the picture has changed again:

- Western Europe has taken broadly the same shape as it has today, except that Germany has taken Alsace-Lorraine from France.
- Belgium, Luxembourg and Norway are now independent states.
- Germany is united as the German Empire, stretching right along the south coast of the Baltic, past Königsberg (now the Russian enclave of Kaliningrad) as far as Memel (now Klaipeda in NW Lithuania).
- Italy has become united and has gained Lombardy from Austria.
- The Ottoman Empire has lost the Balkans.
- Greece, Albania, Bulgaria, Serbia, Montenegro and Romania are independent states.
- Romania is like a capital L written backwards because Transylvania is still part of Hungary.
- Bulgaria stretches down to the north coast of the Aegean, including most of Thrace.

The smaller, coloured map shows how Central and Eastern Europe are dominated by the three Empires of Germany, Austria-Hungary and Russia.
Compare that rather simple arrangement of States with this map of Linguistic Europe before 1914. The frontiers of States did not coincide with linguistic or ethnic differences.

Indeed, it is sometimes said to have been one of the merits of the old Empires that they could accommodate such a varied linguistic and ethnic mixture. The Slovene Commissioner to the EU told me that his grandfather maintained that nothing had been quite the same since the end of the Austrian Empire because the administration was so efficient.

By comparison with what we know today, the ethnic mix was extraordinary. For example, half the population of Salonika (now Thessaloniki) was Jewish and the remainder was a mixture of Greeks, Turks, Albanians and Armenians. Atatürk, the founder of modern Turkey, was born there.

The domination of Middle and Eastern Europe by the three Empires of Germany. Austria-Hungary and Russia had significant economic advantages which Keynes describes:

The interference of frontiers and of tariffs was reduced to a minimum, and not far short of three hundred millions of people lived within the three Empires of Russia, Germany and Austria-Hungary. The various currencies, which were all maintained on a stable basis in relation to gold and to one another, facilitated the easy flow of capital and of trade to an extent the full value of which we only realise now, when we are deprived of its advantages.
Over this great area there was an almost absolute security of property and of person. Round Germany as a central support the rest of the European economic system grouped itself, and on the prosperity and enterprise of Germany the prosperity of the rest of the Continent mainly depended.

As a result of the War and the Peace Treaties, Middle and Eastern Europe assumed what is, very broadly, their present shape.

But they differ from Europe today in four important respects.
First, in South-eastern Europe, Yugoslavia (the Kingdom of the South Slavs) emerged as a new State dominated by Serbia, taking in all of what are now Croatia, Slovenia, Montenegro, Bosnia & Herzegovina, Kosovo and Macedonia.

Second, Greece gained Thrace, cutting Bulgaria off from the Aegean.

Third, Romania gained from Hungary the major prize of Transylvania as well as what is now Moldova.

Fourth, after more than a century, Poland was reborn as a new State with frontiers very different from those of Poland today.

Initially, the Peacemakers awarded the new Poland what they believed to be the core of old Poland, but with access to the Baltic through the so-called Polish corridor up to the Free City of Danzig, separating East Prussia from the rest of Germany. That is the white area in the centre of the map.
Poland’s eastern frontier was intended to be the so-called Curzon Line (the blue line on the map) - so-called because it had been proposed by Lord Curzon, the British Foreign Secretary, as the cease-fire line between the Poles and the Bolsheviks.

As a result of the Polish-Soviet war of 1920, Poland gained a substantial slice of what are now Lithuania, Byelorussia, Russia and Ukraine (the grey area on the map). This included the cities of Wilno (now Vilnius, the capital of Lithuania) and Lwów (formerly Lemberg and now Lviv in Ukraine).

[The pink areas on the map relate to Poland after the Second World War. I will come to them later.]

The settlement of Middle and Eastern Europe in the Peace Treaties was intended to be based on President Woodrow Wilson’s Fourteen Points, Five Principles and Four Particulars. These included the principle of self-determination of which Mrs Thatcher is reported as saying:

Self-determination is a principle wholly malign for the peace of the world. States just cannot be made to coincide with nations. It is Woodrow Wilson, of course, who is ultimately responsible for the damaging myth of the single nation-state. Such states cannot work. He is the one to put in the dock of history.

An exaggeration, but to some extent a permissible one. Margaret MacMillan’s superb book on the Peace Conference of 1919 (Peacemakers) shows how Woodrow Wilson had to compromise his principles in order to secure the creation of the League of Nations which he believed would resolve all outstanding problems.

The truth was that, from the beginning, the principle of self-determination was honoured as much in the breach as in the observance, notably as regards Germany and her neighbours – with particularly malign consequences for the peace of the world.

It would not be true or fair to suggest that the League of Nations achieved nothing. Minorities still represented more than 25% of the population and the League sought to protect their position within the new states by treaties known as the Minority Treaties.

But the new world order established by the Treaties of 1919 survived less than a decade.

- In 1923, following the expulsion of the Greeks from Asia Minor, notably from Smyrna (now Izmir), the Treaty of Sèvres, concluded with Ottoman
Turkey three years earlier, had to be replaced by the Treaty of Lausanne with Atatürk’s new Turkey.

- The German economy slid to financial disaster.
- The position of minorities became increasingly threatened, uncomfortable and, in some cases positively dangerous.

In the states that were subject to the Minority Treaties the League of Nations was entitled to exercise control over their national, religious and educational policies. The States objected to this because it limited their sovereignty and infringed their right to self-determination and implied that they were not competent to deal with domestic matters.

No such obligations had been placed on the established states of Western Europe, nor indeed on Germany (possibly because it had lost its former ‘minorities’ in Alsace-Lorraine to France, in North Schleswig to Denmark, and in Posen and parts of Silesia to Poland, and Jews had full rights of citizenship and religious freedom until 1933).

By 1937, the League of Nations had become effectively impotent, and more than half the states of Europe were ruled by authoritarian governments or outright dictatorships (pale yellow, pink and brown).

Czechoslovakia (pale blue) was by that time the only working democracy left in Middle and Eastern Europe.
Spain (coloured bright yellow), although nominally democratic, was in the grip of its civil war. Portugal had already fallen under the autocratic rule of Salazar – incidentally a professor of economics.

One year later, Czechoslovakia came under attack for purportedly denying the rights of the minority German community in the Sudetenland. Faced with Hitler’s threats which led to preparations for war, the Prime Minister, Neville Chamberlain, spoke to the British people on the radio in plaintive tones:

How horrible, fantastic, incredible, it is that we should be digging trenches and trying on gas-masks here because of a quarrel in a far-away country between people of whom we know nothing!

So Czechoslovakia was sacrificed. A year later Hitler invaded Poland and the Second World began.

Why was it that all the hopes and expectations that accompanied the Peacemakers to Paris in 1919 had dissolved in disaster twenty years later? And why is it that, almost seventy years later, Europe appears to have achieved stability in its present shape?

I suggest that the key word is “stability”. Throughout the whole of the period we have surveyed, the settlement of Europe was inherently unstable.

Keynes set out his criticism of the Peace of 1919 in his chapter on *Europe after the Peace*. He began:

This chapter must be one of pessimism. The Treaty includes no provisions for the economic rehabilitation of Europe – nothing to make the defeated Central Empires into good neighbours, nothing to stabilise the new States of Europe, nothing to reclaim Russia; nor does it promote in any way a compact of economic solidarity amongst the allies themselves.

It is an extraordinary fact that the fundamental economic problem of a Europe starving and disintegrating before their eyes, was the one question in which it was impossible to arouse the interest of the Four [Woodrow Wilson, Clémenceau, Lloyd George and Orlando].

Keynes proposed three changes to the provisions of the Peace Treaties

- A more realistic scheme of Reparations. The Treaty of Versailles required Germany to pay reparations while depriving it of the resources necessary to generate the money required to pay them;
- Strengthening of the Coal Commission to give fair and equal access to the Europe’s resources of coal and iron – including for Germany;
– Removal of barriers through the establishment of a Free Trade union under the auspices of the League of Nations.

In the course of the Conference, the French Minister for Industry and Commerce, Étienne Clémentel, had proposed to Clémenceau a scheme for sharing of resources and the removal of tariff barriers. One of his close advisers was – who else? - Jean Monnet. But the scheme came to nothing.

Fast forward to 1945

This time there could be no question of a Peace Conference or Peace Treaties on the lines of 1919, because most of Europe, West, Middle and East, lay in physical and economic ruins.

Central and Eastern Europe had already been carved up at Yalta and Teheran.

Germany, as a state, ceased to exist and its territory was divided into four zones of occupation by the United States, Britain, Russia and France.

Apart from the millions who had been killed during the War, more than 10 million people were expelled from their homes and from what, for them and
their families, had been their homeland. They became, in the bureaucratic terminology of the time, “displaced persons” and in some cases stateless persons.

Such expulsions - now known as “ethnic cleansing” - reduced the minorities from more than 25% of the population to less than 10%.

That is the main reason why the political frontiers of most of Middle Europe today coincide, more or less, with the linguistic frontiers.

Very soon thereafter, the Iron Curtain descended, and for the next forty years, the parts of Europe coloured grey on the map became, for most of us, “far away countries of which we knew nothing”.

The frontiers of Poland became what they are today.
The Curzon line became the eastern frontier, and the loss of the eastern provinces was compensated by establishing the western frontier on the Oder and Neisse rivers, depriving Germany of the rest of Silesia, Pomerania and Prussia, including East Prussia. But the loss of the area round Wilno in the north did not benefit the Baltic Republics, since their sovereignty had been decisively lost to the Soviet Union at Yalta.

However, on a more positive note, in the five years after the War measures were taken to do what had not been done in 1919 to bring stability to the continent.

First, to the eternal credit of the United States, the Marshall Plan made it possible to deal with the immediate effects of hunger, displacement and physical and economic ruin. Remember Keynes: “It is an extraordinary fact that the fundamental economic problem of a Europe starving and disintegrating before their eyes, was the one question in which it was impossible to arouse the interest of the Four”.

Second, the Convention on Human Rights addressed the most fundamental problems of a world of sovereign nation-states – how to protect minorities and prevent a repetition of the gross barbarities that had been committed during and after the War.

Third, the Schuman Plan addressed the problem of economic reconstruction and sharing of resources.

I will now say more about the second and third points, the Convention and the Schuman Plan. I repeat my disclaimer that I will not say anything about defence and security – notably the creation of NATO – which is not to say that they do not matter.
You will remember that one of the objections to the Minority Treaties was that they interfered with the autonomy of sovereign states. For a long time, it had been an article of faith for international lawyers and diplomats that States must be sovereign within their territory. States, they said, and States alone, are the “subjects” of international law. Individuals are merely its “objects”.

During the Second World War, this dogma was challenged by Hersch Lauterpacht, Professor of International Law at Cambridge. In a series of lectures, and in a book entitled *An International Bill of the Rights of Man*, he addressed what he saw as the problem:

The sovereign State, in an exclusive and unprecedented ascendancy of power, has become the unsurpassable barrier between man and the law of mankind.

An enforceable International Bill of Rights would not be a break with what is truly permanent in the legal tradition of western civilisation but it would be in accordance with the purpose of the law of nations. That purpose cannot be permanently divorced from the fact that the individual human being – his welfare and the freedom of his personality in its manifold manifestations – is the ultimate unit of law.

Lauterpacht’s book became a corner stone of the work of Eleanor Roosevelt’s Committee that drew up the Universal Declaration of Human Rights under the aegis of the newly-created United Nations. The Universal Declaration was followed by national Bills of Rights and some regional Charters of Rights.

The first of these was the European Convention on Human Rights. Remember that Hitler came to power in Germany through democratic election. One of the problems for judges in Nazi Germany was that the legislation depriving the Jews of civil rights had been passed by an elected legislature. Judges who could not bring themselves to apply it had no alternative but to resign and lose their salaries and pensions.

The purpose of the post-war Bills of Rights was, as Lauterpacht had said, to limit the exclusive sovereignty of states and therefore to limit the power of democratically elected assemblies to enact laws inconsistent with the agreed minimum standard of human or basic rights, and to require judges to enforce them.

It is important to be straight about this: the European Convention was and is intended to limit the powers of parliaments, politicians, administrators and judges.

I will come back to the Convention in a minute or two. At this stage, I would like to speak about the Schuman Declaration of 9th May 1950.
Robert Schuman was born and brought up in Luxembourg. His father was a German citizen and Schuman studied at Bonn, Munich, Berlin and Strasbourg (then in Germany). He became Mayor of Metz (then also in Germany). After the First World War, Alsace-Lorraine returned to France. Schuman became a French citizen and was elected to the National Assembly. During the Second World War he was active in the Resistance and was imprisoned by the Germans. After the War, he was briefly (on two occasions) Prime Minister of France and for five years Minister of Foreign Affairs. He was one of the authors of the NATO Treaty, and a signatory of the Treaty of London establishing the Council of Europe. In the light of his own experiences, he was a tireless advocate of the need for mutual understanding, especially between France and Germany. In a speech on 9th May 1950 he said:

Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany. Any action taken must in the first place concern these two countries.

With this aim in view, the French Government proposes that action be taken immediately on one limited but decisive point. It proposes that Franco-German production of coal and steel as a whole be placed under a common High Authority, within the framework of an organization open to the participation of the other countries of Europe. The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible.

In essentials, the Schuman Plan met precisely the conditions that Keynes had found wanting in the settlement of 1919. It led, as we know, to the creation of the Coal and Steel Community, followed by the European Economic Community and, in due course, the European Union with its three pillars, now brought together by the Lisbon Treaty.

This system was, and is, based on mutually agreed and legally enforceable texts, with institutions capable of implementing and, within limits, enforcing them. As Jean Monnet said:

Nothing is possible without people; nothing is lasting without institutions.

So, by the time of the next great upheaval – the Fall of the Wall and the collapse of the Soviet system at the end of the 80s and beginning of the 90s - Western Europe had achieved a state of relative, though not complete, stability, economic and political.
What differentiated the situation after 1989 from the situation in the 1920s and 1930s were two things (or two aspects of the same thing):

- The existence of an institutional structure offered the newly liberated countries of Middle and Eastern Europe a prospect of stability to which they could aspire; and

- It provided the framework within which the countries of Western Europe could co-ordinate their approach to the aspirant countries and their problems.

One can, of course, speculate on what might have happened if the institutions of the ECHR and the EU had not been there. But it is legitimate to ask:

- Would East Germany have been absorbed into the Federal Republic with so little commotion, bearing in mind that President Mitterand and, initially at least, Mrs Thatcher, were vehemently opposed?

- Would Germany have accepted with so little argument the Oder-Neisse Line as the permanent frontier between Germany and Poland? And would the German people have been prepared to abandon all claims on former German property beyond that frontier?

- Would the Baltic States have been able to achieve their freedom from the Soviet Union? Remember that the Helsinki Accords on 1975 had been deliberately vague about incorporation of the Baltic States in the Soviet Union. As late as 1991 Soviet troops were killing civilians on the streets of Vilnius.

In the same year (1991), I was a member of the Foundation Senate for a new University at Frankfurt-on-the-Oder (the “other Frankfurt”) – renewing the ancient Viadrina University where the Scottish reformer Alexander Ales (Alesius) took refuge in 1539. The aim was to create a university where students from west and east could study together.

The bridge over the Oder at Frankfurt is the crossing point for lorries bound for Warsaw and points east. In 1991 they sat for days in queues waiting for their turn to cross. Frankfurt itself was still a dismal ruin, but the town on the Polish side was worse. The only place that was large enough for us to meet the Polish representatives was the truckers café. I was deeply struck by their grey faces which matched their drab grey suits.

In the first year Viadrina had a few hundred students. There are now over 6,000 from all over Europe and beyond. The President is the former German Ambassador to the United Nations. His predecessor was Gesine Schwan,
who was twice the unsuccessful SPD candidate for the Presidency of Germany.

When we met in 2011 for the twentieth anniversary celebrations, the atmosphere had totally changed. The very clear message from Germans and Poles alike was, “This is where Europe is being built – no longer in the tired countries of the west”.

This is happening in quite small personal ways too.

One of my colleagues on the Foundation Senate, the son of a Lutheran pastor in Pomerania, was one of those who, as a child, had had to make the trek west at the end of the War. He has created a friendship society for the German families who were forced out of their homes in his native village and the Polish families who moved into them. They had themselves been forced out of their homes further East by the Russians.

A German lawyer who came to Edinburgh in the 1970s with the British Council scheme for Young European Lawyers is devoting his retirement to creating a friendship society with the Russian community in Kaliningrad – old Königsberg – where his mother was born.

It is true that, by 1989/91, the problem of minorities had been substantially diminished – not by greater tolerance, but by forcible expulsion, or ethnic cleansing, during the German and Soviet occupation. All the same, minority problems have not gone away.

This is a supporter of the ice-hockey team of Miercurea Ciuc in the middle of Romania. But his T-shirt does not say Miercurea Ciuc; it says Székelyföld – a Magyar word, also written in the ancient Hungarian script below. The ice-hockey team members are all ethnic Hungarians and claim to be discriminated against by the authorities of Romania.

Even if minority problems have diminished in the countries of the EU, they remain acute in the Balkans and the countries round the Black Sea which are,
after all, members of the Council of Europe and aspiring members of the EU. Churchill once remarked that “The Balkans produce more history than they can consume” and the same might be said of all these countries.

This is a map of the ethnic mix of the Caucasus.

CAUCASUS – ETHNIC PLURALITY

The outstanding problems of these areas – not least in the light of the renewed ambitions of Russia – are immense. They affect the lives and aspirations of millions of people. They are Europeans like us, and they deserve more than to be treated as people in a far-away country of which we know nothing.

Robert Marjolin, one of the negotiators of the EEC Treaty, was both more sceptical, and I think more clear-sighted, than Monnet:

A treaty is just a piece of paper. One or more signatories can tear it up, admittedly, but that is equally true of any organisational formula: any legal construct is perishable. The only answer is the existence of a will to live together, the realisation by nation-states that, whatever the disadvantages of the Community, they are better off in it than out of it.

That is the moral case for seeking to build stable institutions in Europe. We must, of course, be realistic. Our institutions are not perfect. Luuk van
Middelaar is a historian who is a special adviser to Mr Van Rompuy, President of the European Council. At a conference last year, he said:

The EU is a rule-based system, with attributed competences. It is not built to deal with fundamental shocks.

This was demonstrated by the crisis in the former Yugoslavia, which reflected no credit on “old Europe”, and more recently by the financial crisis and the crisis of the Euro.

The search for uniform, comprehensive solutions to new and multifaceted problems, which the Treaty-makers could never have envisaged, runs the risk that the institutional structures of the EU and the ECHR will be stretched beyond their capacity and lose credibility.

There must be scope for the peoples of Europe to be different, and a continuing will to live together depends on the conditions on which we are asked to do so. So the Lisbon Treaty was wise to insist on subsidiarity.

Subsidiarity – the obligation to ask, Do we really need to do this in this way? – is a necessary condition of continued stability. It is also a moral principle.

Robert Schuman was right:

Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.

But our journey will, as always, be like the Dance of Echternach – two steps forward, one step back.