The Post-enlargement European Order: Europe 'United in Diversity'?

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Abstract

The enlargement of the European Union has led to an increase of diversity within the European area. While the project of enlargement can be understood as one in which the European Union has sought to defend an exclusive understanding of European identity (a 'Fortress Europe'), the combined process of enlargement and constitutionalisation can be seen to have ultimately contributed to an opening up as well as a rendering more contingent of the European project. The theoretical argument of the paper holds that the tendency towards this diversity and contingency is not reflected and difficult to deal with in some of the major theories on European integration. The argument is flanked by a substantive account which analyses the actual transformation of the European project. I conclude that the post-enlargement situation can indeed be more adequately described as one of diversity and openness rather than homogeneity and increasing unity. Nevertheless, the incorporation of diversity still leaves much to be desired, not in the least because of a 'procedural' interpretation of the deliberative mode. In order to effectively take difference into account, deliberation should include the recognition of difference and an emphasis on mutual understanding, rather than being focused on consensus-building.

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Key words

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1. Introduction

Even if the political integration of Europe came to a (temporary) halt with the negative votes on the European draft constitution by the French and the Dutch in the summer of 2005, the fundamental questions confronted in the debate on the future of Europe – democratic legitimacy, power relations, and European identity – have not lost their pertinence. This is so not in the least because of the eastern enlargement of the European Union, which incorporated ten new member states in May 2004, eight of which from former Soviet-dominated Eastern Europe. The enlargement entailed not only a widening of the EU, but also a diversification. Different historical experiences and trajectories, multiple civilisational backgrounds, and culturally diverse and multi-ethnic societies constitute merely some indication of the diversity of the new Eastern European member states with regard the old ones.[1] The ongoing enlargement of the European Union with three South-East European countries (Bulgaria and Romania most likely will join in 2007, Croatia expects to do so in 2009) further adds to the substantial increase in diversity within the European project. Two of the new members will reinforce the Orthodox Christian component within the EU, bring with them the alternative European legacies of a Byzantine and Ottoman kind, and will be among the less prosperous of the enlarged Union. Croatia will be the second state (after Slovenia) to pass from the federal Yugoslav state to the European supranational project, reminding one once again that Europe's common history is full of deep conflict and that a common European identity is challenged by national, local, and supranational identities, often perceived as mutually exclusive.

A major problématique of the post-enlargement Union is indeed the question of political-cultural diversity, on the one hand, and the perceived

[1] See Thomas Boje, Bart van Steenbergen and Sylvia Walby, *European Societies. Fusion or Fission?* (Routledge, London, 1999); Jan Zielonka and Peter Mair, "Introduction: Diversity and Adaptation in the enlarged Union", 25(2) *West European Politics*, Special Issue, "The enlarged European Union. Diversity and Adaptation" (2001), 1-18.

need of a common European identity and set of values, on the other.[2] The necessity of a common identity is derived from a number of assumptions with regard to European integration and its relation to democracy. First, Europe is understood as some kind of answer to the eroding consequences of globalisation for the nation-state and democratic decision-making. In this sense, the identification of a distinct set of European values would mean the demarcation of Europe as a polity in the world and the defense of specifically European values in terms of democracy, human rights, and social democracy. Second, a common set of values is deemed a *conditio sine qua non* for the emergence of a European public sphere and democratized European order. As the traditional elitist approach towards European integration is increasingly challenged, the need for authentic democratic influence of the European 'people' is seen as the only way of creating a democratic order on a supra-national level. But, in analogy with the homogenous political culture of the nation-state, in order to function European democracy is seen as in need of a common politico-cultural framework. At the same time, third, the negative and dark experience with European nationalisms induces the European Union to endorse cultural diversity and mutual respect and tolerance within a common European framework.[3]

The paper approaches cultural diversity on the European level on both a theoretical and substantive, empirical level. First, in theoretical terms, I discuss three theoretical approaches (descriptive as well as prescriptive) to the European order, and conclude that they mostly lack in instruments for dealing adequately with the problématique of diversity. Second, in substantive terms, I discuss the enlargement process of the European Union and its relation to the diversity of the new and prospective members. Third, I introduce the concepts of assimilation and multi-culturalism to understand both enlargement and the future position of the new member states. Fourth, I explore the increased possibility for meaningful participation and articulation of diversity within the Convention on the Future of Europe. Fifth, I will conclude with some preliminary remarks on approaching diversity in the post-enlargement order.

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[2] The substitution of the earlier emphasis on 'integration' with the current one on 'identity' in the European project reflects changes in its legitimating basis. This substitution was marked by the 1973 report on European identity, which was launched exactly when the welfare state was in a deep crisis, see Bo Strath, "Multiple Europes: Integration, Identity and Demarcation to the Other", in *id.* (ed.), *Europe and the Other and Europe as the Other* (Peter Lang, Brussels, 2000), 385-420. A period of European integration by means of a political consensus in political economic terms was followed by the attempt to provide social cohesion by cultural means, in the wider context of the crisis the welfare state.

[3] Even if the promotion of diversity remains paradoxically confined to 'multi-national' diversity, see Peter A. Kraus, "A Union of Peoples? Diversity and the Predicaments of a Multinational Polity", in Lynn Dobson and Andreas Follesdal (eds.), *Political Theory and the European Constitution* (Routledge, London, 2004), 40-55.

2. Political Theory, European Studies, and Diversity

Even if the diversity of the new and prospective member states is widely acknowledged, it is mostly not deemed a fundamental challenge to the direction of the European project itself. The idea that the enlargement does not constitute a major challenge to Europe seems, however, erroneous to me. The incorporation of the former communist societies implies that Europe re-addresses and in a way redefines its *finalité* and acknowledges persistent diversity as a structural element of Europe.[4] Nevertheless, diversity and its implications have neither been at the centre of attention of European policy-makers nor of those implicated with the study of the emerging European order. Whereas among the first one can find both the evolutionary optimism of those that adhere to functionalist and federalist visions of Europe, which is to result in an 'ever closer union', and those sceptic of Europe who tend to confine diversity mostly to the national level, therefore understood as without implications for Europe as such ('Europe of the Nations').

The ever-growing scholarly community that studies Europe has largely taken three different views of integration, without necessarily problematising diversity on the European level. The increasing significance of diversity and contingency for the European project is not reflected and difficult to deal with in some of these theories. One such a reading, Europe as a supra-national state, argues that a European state-like structure will emerge at the detriment of national entities. Such a reading implies the emergence of a singular, homogenous European identity à la the nation-state, defined against globalisation and the United States; in other words, a 'Fortress Europe'.[5] A second - increasingly popular – reading of Europe, i.e., Europe as a polity, takes various guises but its common denominator is that Europe operates as a form of governance (on multiple levels) rather than as a state, without reproducing the territorial, societal, and political unity of the nation-state. In this reading of Europe, different assumptions are made: a common set is presupposed to be already in place, a common European identity is expected to be a by-product of governance, or, an identity is derived from the national level. In this, a pluralized European identity and the active role of cultural diversity in the emergence of a European identity are not problematised. The third reading, most prominently reflected in Habermas' idea of a European

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[4] The complex diversity that is the result of the enlargement and its consequences for European integration has been recognized in the new motto introduced in the European Draft Constitution, 'united in diversity', but the emphasis seems so far to be more on unity than diversity, see Gabriel Toggenburg, "Unification via Diversification – what does it mean to be 'united in diversity'?", *EUMAP Online Journal*, Feature E-day (2004), at http://www.eumap.org/journal/features/2004/bigday/diversity/.

[5] Gerard Delanty, *Inventing Europe: Idea, Identity, Reality* (MacMillan, Basingstoke, 1995); *id.*, "The Making of a Post-Western Europe: A Civilizational Analysis", 72 *Thesis Eleven* (2003), 8-25; Gerard Delanty and Chris Rumford, *Rethinking Europe: Social Theory and the Implications of Europeanization* (Routledge, New York, 2005).

polity founded on constitutional patriotism, seems to assume the emergence of a 'thin', procedural allegiance of citizens to the European project. In this, it confines the cultural to the private sphere, i.e., as not being of import on the political level. This cosmopolitan reading of European identity does not take potential political conflict on the basis of culture sufficiently into account.

2.1. 'Europe of the Nations' and 'Fortress Europe'

In most political theoretical approaches that analyze the European project, the nation-state looms large as either the underpinning of the European order or as a model for understanding the emerging European structure. Two (implicit) assumptions are often made here. The first consists of the idea that Europe is ultimately based on a union of nation-states, in which the former is structurally incapable of assuming the political and democratic competences of the latter. A second assumption that can be found is that the emerging European structure will ultimately (need to) follow a similar logic as the historical development of the nation-state. Approaches informed by these assumptions thus analyze the European project in close analogy with the West-European nation-state.

Apart from ignoring or failing to problematise a range of developments that seem to indicate the emergence of a more complex European constellation,[6] the normative equation of the European project with an emerging nation-state on a supra-national level or 'superstate' (either in the negative form of indicating the failure or indesirability of a European state or in the positive form of the analysis of its emerging contours) is often accompanied by a number of concomitant assumptions directly derived from the historical experience of the nation-state. In such readings, the EU would need to live up to the political and democratic achievements of the nation-state in order to be viable and legitimate. A significant example of this is the idea that a European order can only be legitimate if a European people or demos is formed, sharing a set of commonly held values, or a sufficient level of social trust between European citizens is developed.[7] A further instance is the 'strong' conception of a European cultural commonality which risks lapsing

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[6] Increasing complexity can be seen as the consequence of continuing political, economic, and cultural diversity in the context of convergence, the development of mixed forms of governance on various levels, an emerging European public sphere based on entangled and overlapping national spheres, the undefined nature of the European project's borders, see Delanty and Rumford, *Rethinking Europe … .*

[7] See, most prominently, Dieter Grimm, "Does Europe need a Constitution?", 1 *European Law Journal* (1995), 282-302; and Claus Offe, "Demokratie und Wohlfahrtsstaat: Eine europäische Regimeform unter dem Streß der europäischen Integration", in Wolfgang Streeck (ed.), *Internationale Wirtschaft, nationale Demokratie* (Campus, Frankfurt am Main, 1998), 99-136; see for a critique, Heidrun Friese and Peter Wagner, "Survey article: the nascent political philosophy of the European polity", 10(3) *Journal of Political Philosophy* (2002), 342-364.

into essentialist understandings of a singular European collective identity.[8] This can be seen in concomitance with a definition of Europe as a 'Fortress Europe' that is defined in opposition to the East and needs to be defended against incompatible external influences.[9]

The historical analogy with the nation-state is clearly problematic in that such a reading of the European integration process seems not able to indicate how the emerging European polity might deal with the substantial increase of political and cultural diversity of its members. Such diversity is evermore prominent as a result of the recent, and immanent, waves of enlargement, and the approaches mentioned above seem not able to offer any mechanisms to deal with diversity other than indicating a necessity of assimilation[10] of the new members and their distinct cultural characteristics.

2.2. Europe as a Polity

A second understanding of Europe, i.e. Europe as a polity, takes various guises but its common denominator is that Europe has a more contingent and flexible form than a superstate, without therefore necessarily reproducing the territorial, societal, and political unity of the nation-state. The most popular version of this reading is Europe as a form of governance (on multiple levels, including supranational and subnational ones). The approaches that attempt to understand the European order as a form of multi-level governance or as a polity or political community have significant merits in that they argue against a statist vision of Europe, in which the European order either does not live up to the nation-state and its capacities or is taken as the ultimate role-model for the European order. In this sense, Europe as a 'regulatory state'[11] or 'multi-level governance'[12] moves away from the idea of a hierarchical central state that integrates a territory and population, and rules over both.[13] Instead, it is acknowledged that many different actors, both public and private, participate in rule formation.[14]

Despite such obvious merits, the idea of Europe-as-a-polity seems to portray important short-comings when confronting expanding diversity in political and cultural terms, in particular in the form of the challenge put up

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[8] Friese and Wagner, "Survey article …", 352; Martin Kohli, "The Battlegrounds of European Identity", 2(2) *European Societies* (2000), 113-137, at 117.
[9] Delanty, *Inventing Europe* … , 149-155.
[10] See below for an elaboration of the concept of assimilation in the European context.
[11] Giandomenico Majone, *Regulating Europe* (Routledge, London, 1996).
[12] Liesbeth Hooghe and Gary Marks, *Multi-level Governance and European Integration* (Rowman and Littlefield, Lanham, MD, 2001).
[13] Delanty and Rumford, *Rethinking Europe* … .
[14] Zielonka's notion of Europe as a 'neomedieval Empire' seems to fit in the category of Europe understood as a polity, Jan Zielonka, *Europe as Empire. The Nature of the Enlarged European Union* (Oxford University Press, Oxford, 2006), 165-166.

by enlargement. Rather than integrating extensive and persistent diversity in a theory of multiple levels of regulation and policy-making, and in particular with regard to the participation of various actors, including civil society, most approaches seem to avoid its role. The question of differences in values, political power, and possible political conflict over fundamental values – that might, for instance, stem from the enlargement of the EU which has incorporated members with a highly different political and cultural history, or from the different positions that emerged in the debate on the constitutionalisation of Europe – are mostly neglected in a theory that takes a predominantly technocratic approach to European integration in which 'output legitimacy' plays a prominent role.[15] In this sense, one could say that approaches of Europe-as-a-polity take (the emergence of) a certain European-level 'background consensus' for granted and presume a singular European community of values. In this reading of the European structure, it is either expected that a European-level commonality already exists, that an emerging common European identity will or should be the by-product of governance,[16] or, that such an identity and legitimacy is ultimately derived from the national level.[17] As such, therefore, a pluralised European identity and the active role of cultural diversity and conflict over value in the emergence of a European identity are not problematised.

2.3. 'Deliberative Democracy' or Democracy 'Confused with Procedures'

A third reading, that of 'constitutional patriotism' and 'deliberative democracy', is most prominently reflected in Habermas' idea of a polity founded on a popular allegiance to the values of the (national) constitution. Habermas has on various occasions suggested the relevance of such a model for the emerging European political community.[18] Habermas' idea of a formal allegiance of citizens to the polity through adherence to the constitution, in

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[15] Majone, for instance, argues that the European 'regulatory state' does best by limiting itself to regulatory practices, and by avoiding redistributive functions which would raise more profound questions of democratic participation and 'input legitimacy', see Friese and Wagner, "Survey article …"; Mark Jachtenfuchs, "The Governance Approach to European Integration", 39(2) *Journal of Common Market Studies* (2001), 245-264. In a recent work, Majone has argued in favour of a limited, confederal model rather than a full-fledged, but according to him impossible, federal Europe, Giandomenico Majone, *Dilemma's of European Integration* (Oxford University Press, Oxford, 2005).

[16] Daniela Piana, "An Evolutionary Approach to the Constitutionalisation of the Enlarged EU. Why Cognitive Boundaries Matter", paper European Forum "The constitutionalisation of the European Union", European University Institute, Florence (2003). Also Zielonka, even if he seemingly argues in favour of 'multiple cultural identities' cannot but perceive of a 'minimum level of common European identity' which is necessary for 'any political project to be seen as legitimate in the long term', Zielonka, *Europe as Empire* … , 167, 175. Here, he seems to be running in similar problems as the statist paradigm he argues against.

[17] Kohli, "The Battlegrounds …", 113-137.

[18] See, for instance, Jürgen Habermas, "Why Europe Needs a Constitution", 11 *New Left Review* (2001), 5-26.

concomitance with the notion of a – procedurally instituted - public sphere based on unrestricted deliberation in which citizens debate on questions of common significance, is unquestionably a major step forward in the political theoretical imagination of a European polity in which political and cultural diversity can be accustomed.

In such a deliberative model, it seems that problems of the denial or suppression of cultural diversity are effectively transcended, as, for instance, problems of essentialistic nationalism are avoided. The contextualism or essentialism of nationalistic, homogenous approaches to European culture and a collective identity, as can be found in the visions of 'Fortress Europe' and (in some readings of) a European supra-national state which I discussed above, is avoided as the model of deliberative democracy is based on a universal morality in which issues of identity and cultural difference are best left to the private, pre-communicative sphere.[19] It is acknowledged that 'national myths' have had both liberating as well as discriminating and aggressive features. As such, however, collectivist and exclusivist visions should be left to the private sphere, in order to avoid political instrumentalisation and domination of part of the population by the national majority. According to Habermas, politics cannot be confined to cultural identity, but rather needs to be grounded in widely shared constitutional principles. Such a republican, universal vision which seeks to transcend the ambivalent features of nationalisms and collectivisms fits clearly very well with one of the main rationales of European integration, in which Europe is a primary means of overcoming the horrors of the nationalisms of the World Wars.

Habermas' idea of constitutional patriotism is, however, not without problems and seems to be too limited exactly in the field of cultural diversity and political conflict over values.[20] It has been argued that, even if Habermas

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[19] "The level of a common political culture needs to be detached from the level of subcultures and their pre-politically formed identities", Jürgen Habermas, *Die Einbeziehung des Anderen: Studien zur politischen Theorie* (Suhrkamp, Frankfurt am Main, 1999), at 142. The argumentation of Habermas is twofold. On the one hand, he points to the historically ambivalent function that nationalism has had in Western Europe, i.e., as a socially integrating but at the same time exclusivist force. In this sense, he argues for the 'shaking off' of its ambivalence. On the other hand, Habermas designates 'national myths' as a 'non-secularised remainder' in secularised states, which prevents rational deliberation of the citizens, as the pre-political nature of an organic nation or *Volk* constitutes an element that is formed independently of the political forming of opinion and will of the citizen, Habermas, *Die Einbeziehung …*, at 138-139, 141-142. Nevertheless, with regard to the role of religion in secularised societies, Habermas has recently argued that it would be "unreasonable to brush in a way those 'strong' traditions [religion, pb] to the side as an archaic remainder, instead of investigating the internal connection which relates these [traditions, pb] with modern forms of thought", Jürgen Habermas, *Zwischen Naturalismus und Religion. Philosophische Aufsätze* (Suhrkamp, Frankfurt am Main, 2005), at 13.

[20] Paul Blokker, "Populist Nationalism, Anti-Europeanism, Post-Nationalism, and the East-West Distinction", in "Confronting Memories: European 'Bitter Experiences' and the Constitutionalisation Process", Special Issue, Paul Blokker and Christian Joerges (eds.), 6(2) *German Law Journal* (2005), at http://www.germanlawjournal.com/article.php?id=562. Gerard Delanty, "Habermas and Occidental Rationalism: The Politics of Identity, Social Learning and the Cultural Limits of Moral

is able to avoid a number of important problems with the imposition of a majority culture on minorities of various kinds, his universalist model ultimately is unable to deal with cultural diversity and value-conflict. His theory has "difficulty in answering new cross-cultural challenges, such as Islamic modernity, the politics of identity associated with new social movements, and, above all, the politics of reconciliation in deeply divided societies".[21] This line of argument is particularly pertinent with regard to the new EU member states, which indeed experienced a historical development different from that of the West and an attachment to different fundamental values, and which often have to confront deeply divided multi-ethnic societies. The solution offered by constitutional patriotism is ultimately based on a 'background culture' of proceduralism,[22] which does not leave sufficient space for fundamental differences on the cultural plane, which need to be shed before the citizen (or the member state for that matter) enters the (European) public sphere.[23] In this, it confines the cultural to the private sphere, i.e., as being of a pre-communicative kind which has no place on the political level.[24] This cosmopolitan reading of European identity does not take potential political conflict on the basis of culture and fundamental values sufficiently into account.[25]

3. Eastern Enlargement and Fortress Europe

The presupposition of a common set of European principles and values on the level of theory finds a reflection in the attitude and behaviour of the EU towards societies that seek to join the European political community. The most recent and significant instance of how the EU deals with otherness and difference can be found in the enlargement process to incorporate the former communist countries of Eastern Europe. The enlargement strategy of the European Union towards the former communist countries consists roughly of a framework based on the Copenhagen criteria (which can be seen as the

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Universalism", 15(3) *Sociological Theory* (1997), 30-50; Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (University of Notre Dame Press, Notre Dame, London, 1994).

[21] Delanty, "Habermas *…*", 30.

[22] See Blokker, "Populist Nationalism …"; Cornelius Castoriadis, "Democracy as procedure and democracy as regime", 4(1) *Constellations* (1997), 1-18; Delanty, "Habermas …"; Walzer, *Thick and Thin … .*

[23] Cf. Friese and Wagner: "…in terms of political theory this [national, PB] culture assumes a form of group privacy so that it does not interfere when issues of European-wide political relevance are at stake." They continue: "The common European political culture, in turn, may prove to be so thin that it can hardly be distinguished from a commitment to proceduralism." Friese and Wagner, "Survey Article *…*", 354.

[24] Delanty, "Habermas *…*", 50.

[25] *Ibid.*; see also Chris Brown, "Democratic Paradigms and the Horizons of Democratization", 6 *Contretemps* (2006), 43-58.

operationalisation of one particular version of European identity[26]) and a screening process in which the accession states were (and are) assessed with regard to their fulfilment of these criteria.

The enlargement can be understood in various ways. In one perspective, it might be seen as a predominantly liberal approach towards the former communist states in which membership of official Europe is based on liberal-democratic as well as capitalist norms and values. If understood in this light, the European Union has merely sought to retain its foundational values in the face of an enlargement towards states with a radically different, and potentially undermining, background. At the same time, and from a slightly different perspective, one might see the enlargement policy as a way to favour those countries that both geographically and historical-culturally seem to be closer to the Western core. In such a perspective, the enlargement strategy has clearly led to divisions within the New Europe, i.e., favouring those countries that are deemed to have been always been part of Europe and which were never dominated by forces from the 'orient', in other words, Central Europe. In such a reading, the idea of 'united in diversity' is less characterized by diversity and more so by a unity based on a particular set of ideas that characterize one Europe.[27] This reading seems close to the idea that Europe is based on a specific set of cultural values, which includes (Roman Catholic) Christianity. This would also imply that some countries of what was known as 'Eastern Europe' (as opposed to Western Europe) or post-communist Europe have been unevenly touched by Soviet, oriental communism and that therefore these countries are (and have been from the start) in a better shape to join Europe as such.[28] The historical dimension to the argument is that the countries belonging to Central Europe have a long-term experience with liberty, autonomy/self-rule, and law, acquired *inter alia* in the context of the Habsburg empire, whereas those countries that cannot build on such experiences, and, even worse, suffer from negative legacies (Byzantine and Ottoman domination), are deemed to be in a much less favourable position in 1989. Whereas the Central Europeans can fall back on European traditions that have merely been distorted by Communist rule,

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[26] The European identity as emerged and promoted in the enlargement process seems to be based on the 'founding values' of the European integration process (continent-wide freedom, social welfare, and ever closer union, see Gabriel Toggenburg, "The Debate on European Values and the Case of Cultural Diversity", 1 *European Diversity and Autonomy Papers - EDAP* (2004), at http://www.eurac.edu/edap), while the particular operationalisation of these values in the Copenhagen criteria and the adoption of the *acquis communautaire* seem to opt for certain translations of these values rather than others (for instance, a market-based model of capitalism rather than a coordinated model, the emphasis on a majoritarian-based democracy rather than federal models). What is more, the actual application of these criteria in the accession negotiations can be criticised for its arbitrary and politicised nature, and indeed as favouring some countries over others.

[27] Toggenburg, "The Debate …".

[28] Cf. Merje Kuus, "Europe's Eastern Enlargement and the Re-Inscription of Otherness in East-Central Europe", 18(4) *Progress in Human Geography* (2004), 1-18.

the East does not dispose of such traditions but has to deal with longstanding and reinforced cultural inferiority, so the argument goes.[29] The argument that communism had a less strong hold on some countries than others in the region that became dominated by the Soviet Union after the Second World War is not without foundation. It was in particular in Poland, Hungary, and Czechoslovakia that virulent dissident cultures emerged and that at various points in history (1956, 1968, 1981) the communist regime was contested by means of political action.[30] At the same time, though, one should not forget that also in other countries of the region maverick cultures versus the Soviet Union were developed, in their case 'from above' (Yugoslavia, Romania), and with very different results.

The process of accession to the European Union could be, and has predominantly been, perceived in a spirit of assimilation,[31] in which the Eastern European countries shed their non-European or not-yet-fully-European status or Easternness in favour of Europeanness.[32] In this process, it is clear that some countries have been favoured from the start on the basis of their alleged vicinity to Europe, in an economic, political, and cultural sense.[33] This unilateral strategy of the European Union did, however, find a

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[29] Habermas' notion of 'rückspülende Revolution' conveys this idea rather well, Jürgen Habermas, *Die nachholende Revolution* (Suhrkamp, Frankfurt am Main, 1990). Similarly, Sztompka's notion of 'cultural-civilizational syndrome' seems to have a stronger impact on some countries than on others, Piotr Sztompka, "Cultural and Civilizational Change: The Core of Post-communist Transition", in Bruno Grancelli (ed.), *Social Change and Modernization. Lessons from Eastern Europe* (Walter de Gruyter, Berlin, New York, 1995), 233-248.

[30] Johann Arnason, "Introduction. Demarcating East Central Europe", Introduction to Special Issue on 'East Central European Perspectives', 8(4) *European Journal of Social Theory* (2005), 387-400.

[31] I use here, *mutatis mutandis*, the concept of assimilation as defined by Jeffrey Alexander, "Theorizing the 'Modes of Incorporation': Assimilation, Hyphenation, and Multiculturalism as Varieties of Civil Participation", 19(3) *Sociological Theory* (2001), 237-249. An alternative and imaginative way of depicting the accession process is the portrayal of the EU as a family, and the accession process as the adoption of "second cousins with lesser rights", who "must undergo a probationary period of Europeanization before being ostensibly adopted by the family", John Borneman and Nick Fowler, "Europeanization", 26 *Annual Review of Anthropology* (1997), 487-514, at 496.

[32] Kuus, "Europe's Eastern Enlargement …" The idea of acquiring Europeanness through the adoption of the right institutions and norms and values, and, in general, the increased approximation of a constructed European ideal has constituted the core of academic research. The specialised strand of 'transitology' has predominantly analysed the wide-ranging transformations in the post-communist societies by comparing Eastern achievements with constructed Western standards. In this, it not only reproduced a highly problematic legacy of the social sciences in the form of modernisation theory, but it also forewent the opportunity to research increasing variety within the modern world, rather than identifying those societies that approximate the known West most as success stories, while the rest is deemed 'terra incognita' and therefore in need of civilisation (see Blokker, "Post-communist Modernization …"; for a wider claim with regard to the – widely ignored – consequences of 1989 for social theory, see William Outhwaite and Larry Ray, *Social Theory and Postcommunism*, (Blackwell, Malden, MA, 2005).

[33] The enlargement 'rite', in which the applicant states shed their non-Europeanness and the European Union monitors progress in sameness through screening and regular reports does not necessarily lead to comprehensive convergence, which comprises, for instance, political cultures, collective identities, and perceptions of Europe (Wade Jacoby, "Talking the Talk and Walking the Walk: The Cultural and Institutional Effects of Western Models", in Frank Bönker, Klaus Müller and Andreas Pickel (eds.) *Postcommunist Transformation and the Social Sciences: Cross-Disciplinary*

ready resonance in at least some of the post-communist countries. As Iver Neumann, among others, rather convincingly argues, those countries that most successfully portrayed themselves as the true inhabitants of Central Europe in the run-up to membership of the European Union were able to swiftly become the focus of the most immediate attention of Western Europe.[34] As Neumann shows, those countries that had been already unevenly represented in the debate on Central Europe in the 1980s (the Czech Republic, Hungary, and Poland) continued their strategy of separating Central Europe from non-European Russia.[35] The regional integration project of Poland, Hungary, and Czechoslovakia in the Visegrad-three and then Visegrad-four had a clear reference to the Central European past.[36] This particularly strategy was further underpinned by area specialists such as Timothy Garton Ash, who argued for the naturalness of giving these countries priority in the enlargement of the Europe Union. By prioritising those countries deemed closer to European 'normality' in the enlargement, the EU clearly favoured the promotion of a homogenous set of common European values, rather than a confrontation with the differences that the post-communist countries bring with them.

4. Unity in Diversity and Multiculturalism

The enlargement of the European Union has undoubtedly increased diversity – in economic, political, and cultural terms - of the Union itself. As the Report "The Spiritual and Cultural Dimension of Europe" of the Reflection Group of the Institute for Human Sciences in Vienna argues:

> *The Union's expansion, bringing in ten new member countries, also brings into the Union people who are often much poorer and culturally vastly different from the majority of the citizens in the older member*

Approaches (Rowman & Littlefield, Boulder CO, 2002), 129–152; Kuus, "Europe's Eastern Enlargement …").

[34] Iver B. Neumann, *Uses of the other: "The East" in European Identity Formation* (University of Minnesota Press, Minneapolis, 1999).

[35] Such a distinction is further reproduced in economic analyses of the post-communist region. In a recent – very sophisticated - contribution of King and Szelenyi, for instance, three ideal-types of post-communist capitalism are identified (liberal capitalism, hybrid capitalism, and patrimonial capitalism). The only viable capitalist model that has emerged in post-communist countries - liberal capitalism – is identified with Poland, the Czech Republic, and Hungary, whereas patrimonial capitalism, deemed to be a non-dynamic, deviational case promoted by incorrigible former communists is identified with Romania, Russia, and the Ukraine, see Larry King and Ivan Szelenyi, "Post-Communist Economic Systems", in Neil J. Smelser and Richard Swedberg (eds.), *The Handbook of Economic Sociology* (Princeton University Press, Princeton, 2005), 205-232.

[36] Kristian Gerner, "A Moveable Place with A Moveable Past: Perspectives on Central Europe", in 45(1) *Australian Journal of Politics and History* (1999), 3-19, at 16. The Visegrad-four stated in 1999 that "Visegrad co-operation is a political, economic and cultural co-operation of four countries in Central Europe striving for Euro-Atlantic integration" and "historical traditions and common Central European cultural roots provide for a firm foundation of this co-operation" (cited in Sami Moisio, "EU Eligibility, Central Europe, and the Invention of Applicant State Narrative", 7(3) *Geopolitics* (2002), 89-116, at 93).

states. The vast majority of these new EU citizens, many of whom endured decades of subjugation to Communist regimes, hold thoughts and values indelibly marked by experiences unfamiliar to long-time EU citizens. As a result, economic and cultural differences within the Union have, at a stroke, become much greater and more intense. The constitutional process to define the Union in a more ambitious way fuels this intensity to an even greater degree.[37]

This statement points to two of the most salient aspects of the process of European integration since its departure: the enlargement that was analysed above and the process of political integration by means of a European-wide constitution.

It is not a coincidence that the process of constitutionalisation, that was elaborated in the period 2002-2004 and halted by the negative votes in the popular referenda in France and the Netherlands, emphasised the notion of 'united in diversity'[38] to confront the most significant increase in diversity since the beginning of the European integration project. Nevertheless, as established above, the Europeanness as expressed in the accession process seemed to portray less sensitivity towards diversity and divergence from the European identity, as was expressed in the Copenhagen criteria and the subsequent assessment of the candidate countries. Its primary rationale seemed (and seems) to be that of assimilation rather than a European-level multiculturalism. It underlines the expectation that the prospective member states shed their non-Europeanness for an imposed Europeanness, rather than promoting tolerance of and engagement with difference. One can thus identify a clear difference in rationale between the enlargement process designated by the idea of diminishing difference in the East as a precondition for membership and the new motto of the European Union as codified in the draft Constitution, which understands 'unity in diversity' as the Union's *Leitmotif.* The enlargement rationale creates a layered Europe, in which distinctions are made between European, not-yet-fully European (Central

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[37] IWM (Institut für die Wissenschaften vom Menschen), Reflection Group, *The Spiritual and Cultural Dimension of Europe* (Institut für die Wissenschaften vom Menschen, IWM, Vienna, 2004), at http://www.iwm.at/index.php?option=com_content&task=view&id=79&Itemid=286.

[38] As the Treaty Establishing a Constitution for Europe mentions in its preamble: "BELIEVING that Europe, reunited after bitter experiences, intends to continue along the path of civilisation, 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, CONVINCED that, 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, CONVINCED that, thus 'United in diversity', Europe offers them the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the Earth, the great venture which makes of it a special area of human hope[.]" (OJ C 310/2004, 16 December 2004).

European), Eastern European, and the East.[39] This portrayal of diversity is highly similar to the tradition-modern dichotomy of classical modernisation thinking, which moulds difference in a singular and linear narrative of progress.[40] In contrast, the 'united in diversity' motto and the idea of 'forging a common destiny' imply interaction and dialogue between diverse cultures.

The whole ritual of the assessment of the accession countries' status, in terms of the screening process that scrutinizes the observance of the Copenhagen criteria and the adoption of the *acquis communautaire*, could be understood as a process of what Jeffrey Alexander has called assimilation in the context of the incorporation of out-groups into the public sphere within modern societies.[41] Alexander distinguishes three modes of incorporation of out-groups: assimilation, hyphenation, and multiculturalism. I propose here to lift Alexander's set of heuristic devices - *mutatis mutandis* - to the pan-European level in order to gain further understanding of the enlargement process and the construction of a trans-national political community. Assimilation means in his view that "out-group members are allowed to enter fully into civil life on the condition that they shed their polluted primordial identities. Assimilation is possible to the degree that socialisation channels exist that can provide 'civilising' or 'purifying' processes – through interaction, education, or mass mediated representation – that allows *persons* to be separated from their primordial *qualities*".[42] The out-groups are in our case constituted by the accession states, while the assimilation process is guaranteed through the 'learning process' of the enlargement policy[43]. The accession states need to internalize the dominant set of norms and values of the in-group through a 'ceremony' or 'ritual' of screening, but this process can never be complete. As it is indeed a ritual certain remainders of the 'polluted' identities of the not-yet-fully European past are likely to remain, even if only in the private national spheres of the new member states. Similarly, the stigmatisation of the Internal Other (as with regard to its communist past, the distortion of its European heritage by oriental communism, all those elements that necessitated the enlargement ritual) remains.

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[39] Kuus, "Europe's Eastern Enlargement ...".

[40] Cf. Janos Matyas Kovacs, "Zur Metamorphose des Traums von Mitteleuropas", 21 *Transit – Europäische Revue* (2002), at http://www.iwm.at/index.php?option=com_content&task=view&id=328&Itemid=491.

[41] Alexander, "Theorizing the 'Modes of Incorporation' ...".

[42] *Ibid.*, at 243; emphasis in the original.

[43] Frank Schimmelfennig, "International Socialization in the New Europe: Rational Action in an Institutional Environment", 6(1) *European Journal of International Relations* (2000), 109–139. Enlargement as assimilation is well-captured in a statement frequently uttered by Commission officials: "The CEE [Central and Eastern European] states are joining us; we are not joining them" (as reported by Jacoby, "Talking the Talk ...", 134).

Alexander's concept of multiculturalism[44] allows us to identify potentialities for inclusion, intercultural understanding, and mutual recognition in post-enlargement Europe. According to Alexander, "[in] sofar as outsider qualities are not seen as stigmatising but as variations on civil and utopian themes, they will be valued in themselves. 'Differences' and particularity become sources for cross-group identification, and, in this apparently paradoxical manner, increasingly common experiences are created across the particular communities that compose civil society".[45]

The multiculturalist way of dealing with diversity as defined by Alexander brings out in sharp relief, on the one hand, the assimilationist way of incorporation of the Eastern other in the enlargement process. On the other hand, the ideal-type of multiculturalism might help recognising tendencies in the integration process that indicate potential moves away from assimilationism or a singular definition of Europe. In addition, multi-culturalism could be seen as related to tendencies in European integration that are moving away from the power politics, intergovernmentalism, and majority/ingroup culture that characterised the EU until recently to a more open-ended, diversified, equal, and deliberative approach. One indication of such a move is the notion of 'unity in diversity' as introduced in the Draft European Constitution (art. I-8) in which it is recognized that Europe is built on lasting diversity. In this notion one could read the idea of diversity as a fundamental principle of the European integration process.

The concomitance of the enlargement process with the attempt to construct a political community on a European level reflects the recognition of diversity and apparently "fuels this intensity [of difference] to an even greater degree".[46] It is particularly in the politicisation of Europe and in the emerging post-enlargement order that the recognition of diversity seems to gain importance. As I have argued elsewhere,[47] the new member states might benefit from membership status in two important ways. First of all, by way of accession the new (and prospective) member states gain effective means for the articulation of difference and an alternative vision of future Europe. Even if the new member states find themselves in an asymmetrical relationship

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[44] I do not use Alexander's second mode of incorporation here, which could be understood as an in-between mode, in which the outsider's difference is 'hyphenated', that is to say, is partly tolerated, but not put on the same level as the dominant in-sider's culture. Alexander classifies hyphenation – just as assimilation - as a "highly unstable social form" (Alexander, "Theorizing the 'Modes of Incorporation'" ..., 245). Another major contribution to the debate on multi-culturalism is Charles Taylor. He, for instance, defines an important aspect of multi-culturalism and the politics of recognition as the demand 'that we all *recognize* the equal value of different cultures; that we not only let them survive, but acknowledge their *worth*' (Charles Taylor (ed.), *Multiculturalism* (Princeton University Press, Princeton, NJ, 1994), at 64 (emphasis in original).

[45] Alexander, "Theorizing the 'Modes of Incorporation' " ..., 246.

[46] IWM, Reflection Group, *The Spiritual ...,* 5.

[47] The rest of this section consists of a concise restatement of the argument I made in Blokker, "Post-Communist Modernization ...".

with the old, Western European, members, accession most importantly means the realisation of effective sovereignty (i.e., the full recognition as a European state), and gives them the right to co-decide on European matters and on the future direction of integration.[48] Secondly, since the late 1990s the European project itself is in a process of qualitative change that in many ways might sustain the articulation of political and cultural diversity in Europe as well as different visions of the European project. The entity of which the former communist states became members is thus itself changing in substance. This gradual metamorphosis is the result of the dynamic of political integration relatively independent of enlargement, and the political integration generated by the enlargement process itself.[49] The gained momentum in the process of constitutionalisation since the Council of Nice in 2000 clearly attests to the fundamental change the European project is undergoing. Whereas constitutionalisation includes a redefinition of the *finalité* of the European project, without obtaining a definite result, the widening of the EU has *de facto* meant a considerable reshuffle of power within the EU in favour of the periphery, i.e., towards an increasingly *post-Western* Europe.[50] Moreover, and in spite of an asymmetric participation of the new (and prospective) members, the open-ended nature of the European Constitution means that the current codification of the European foundations is by no means a 'closed book'.[51] New members will have ample future opportunity to defend national idiosyncrasies as well as distinct visions of future Europe. In sum, through the process of enlargement, but in particular in the post-enlargement situation, the European project has definitely drifted away from its earlier restricted (predominantly economic) and exclusivist raison d'être as it is in a process of redefining its *finalité* which introduces elements of polity-formation and increased participation and can hence be seen as possibly moving towards a more open-ended form of integration, less dominated by a singular reading of Europe.[52] If anything, the experience of deliberation within the context of the Convention on the Future of Europe might indeed point to a changing relation between centre and periphery, as the prospective member states took part in the deliberations and could, at least to a certain extent, shape the direction and content of the debate.[53]

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[48] Jiri Priban, "European Constitution-Making, Political Identity and Its Central European Reflections", 11(2) *European Law Journal* (2005), 135-53; Neil Walker, "Constitutionalising Enlargement, Enlarging Constitutionalism", 9(3) *European Law Journal* (2003), 365–85.

[49] See Walker, "Constitutionalising Enlargement …"; Antje Wiener, "They Just Don't Understand? Finality and Compliance: Opposing Rationales in the European Constitutional Debate", in Helene Sjursen (ed.), "Enlargement and the Finality of the EU", 7 *ARENA Report* (2002), 49-76.

[50] Delanty, "The Making of …".

[51] Walker, "Constitutionalising Enlargement …"; Antje Wiener, "They Just Don't …".

[52] Delanty, "The Making of …".

[53] See, e.g., Christine Landfried, "Difference as a Potential for European Constitution Making", 4 *EUI Working Paper RSC* (2005); Priban, "European Constitution-Making …".

5. The Constitutionalisation of Europe, the 'Convention Method', and Unity in Diversity

In the theorisation of European integration, the constitutionalisation of Europe has been interpreted in mainly two ways. Constitutionalisation has been understood as a contractual undertaking, that is, taking the form of an international treaty between the different member states, basically reorganising existing treaties.[54] Here, the upshot is that the so-called constitutionalisation process is not a recent process but has been proceeding in the form of international treaties since the early days of European integration instead. In this sense, it is not expected that a European Constitution will substantially alter the existing form and content of the European project. A second interpretation is the understanding of the constitutionalisation process as an - at least partial - step towards constructing a common European identity and a commonly shared set of values and principles, in order to democratically underpin the European project.[55] Whereas the former interpretation (mainly held by instrumental rationalists or intergovernmentalists) seems to conclude that the European project will not be fundamentally altered by constitutionalisation as it basically regroups the existing treaties into a new one, the latter view (held, for instance, by those favouring a multi-level governance approach) indicates a normatively positive evaluation and expectation of the emergence and consolidation of a supra-national common frame of values through the constitutionalisation process. Constitutionalisation involves 'mobilising politics and society' in order to create a European public sphere and a common identity.[56]

The latter, normative, anticipation coincides with the description of the constitutionalisation process *qua* process as a form of 'deliberative democracy', that is, as being based on public debate and deliberation on matters of common concern, within the frame of a set of common values, rather than on elite bargaining behind closed doors, based on strategic interests (as in intergovernmentalism or the 'Community method').[57] The reading of the Convention on the Future of Europe as a form of 'deliberative

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[54] Anna Michalski and Matthias Heise, "European Convention on the Future of Europe: An Analysis of the Official Positions of EU Member States, Future Member States, Applicant and Candidate States", *Clingendael Working Paper* (2003). Grimm, for instance, argues that the Constitutional Treaty is legally speaking a treaty and not a constitution. Constitutionalism would thus be a wrong term for a designation of the current post-national constellation, see Christan Joerges, "Working through 'Bitter Experiences' towards Constitutionalisation. A Critique of the Disregard for History in European Constitutional Theory", 14 *EUI Working Paper LAW* (2005).

[55] See Piana, "An Evolutionary Approach …".

[56] Sonia Lucarelli and Claudio M. Radaelli, "The European Convention: A Process of Mobilization?", 9(1) *South European Society & Politics* (2004), 1-23.

[57] Daniela Piana, "Constructing European Constitutional Discourse? Arguments for Common Values in the European Convention", 9(1) *South European Politics & Society* (2004), 24-40.

democracy' is based on its following of the so-called 'Convention method' that was first applied with the European Charter of Fundamental Rights. This reading coincides indeed with the argument made above that the accelerated political integration of the EU potentially provides the new member states with a more substantial voice in the shape and future of the European project than one would expect from the EU's record towards the new members in the enlargement process.

The argument that the new and prospective member states seem to gain in participative rights and possibilities for articulating difference is particularly convincing when compared with the much less participative and open dynamics of the enlargement process. However, the understanding of current political integration, in particular in the form of the Convention, as an increasingly deliberative process encounters a number of difficulties, i.e., four of an empirical, and one of a theoretical nature. Empirically, the 'Convention method' has indeed led to a more inclusive and open mode of deliberation on significant matters pertaining to the future of the European order. This includes the wider participation of civil society actors and a more open and public mode of discussion in the Convention on the Future of Europe. At the same time, though, it has become clear that, first, not all participants were equal in terms of the import of their arguments for the debate[58], therefore compromising equal and undistorted participation and the emergence of the 'force of the better argument', which should be at the heart of 'authentic deliberation'.[59] Moreover, there was the tendency to 'socialise' the newcomers (the prospective member states) into an existing 'epistemic community'.[60] This meant that the prospective member states kept a relatively low profile and followed the mainstream of positions in Europe, rather than putting forward many new propositions.[61] Second, the deliberative mode gave way to a much less deliberative mode at the end of the Convention. As Oberhuber argues, a number of highly significant issues (such as the Common Foreign and Security Policy, Qualified Majority Voting) were only introduced at the very end of the Convention, necessitating the rapid bringing about of consensus and the foregoing of ample deliberation.[62] Third, and with direct importance for the articulation of diversity on a European level, it were in the end the nation-states that gave expression to and were

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[58] For instance, the prospective member states could participate in the Convention, but were not allowed to hinder any consensus emerging among the old member states (Lucarelli and Radaelli, "The European Convention …"; see also Ana Maria Dobre, "The Potential Role of the New Comers in Shaping the Future of Europe", 12 *IIEB Working Paper* (2004), 5.

[59] John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford University Press, Oxford, 2000), 2.

[60] Florian Oberhuber, "Deliberation or 'Mainstreaming'? Empirically researching the European Convention", in Rurth Wodak and Paul Chilton (eds.), *A New Agenda in (Critical) Discourse Analysis: Theory, Methodology, and Interdisciplinarity* (J. Benjamins, Amsterdam, 2005), 165–187.

[61] Cf. Franck and Pyszna-Nigge, "Full players …", 11.

[62] Oberhuber, "Deliberation or 'Mainstreaming'? …".

perceived as the embodiment of diversity, while subnational, regional, or transnational forms of identity and cultural diversity had far less space for consideration and, therefore, recognition, in the European order.[63] Fourth, the central place of reaching consensus in the Convention and the focus on manageable and technical problems was accompanied by the removal of a set of normative issues from the agenda, thus effectively limiting the substance of debate. Not only was the Convention to follow existing treaties (in the formulation of which the prospective member states had not participated) and had a *road map* stipulating a number of key points been defined at the Nice Summit, but the Convention itself was understood as an incrementalist and mostly technical exercise,[64] rather than a 'constitutional moment' in which the 'ground rules' of the new polity are reflected and decided upon.[65]

Regarding the theoretical problems with regard to the deliberative mode, the emphasis is on the creation of a situation in which a wider and more representative range of political and social actors is included in the constitutionalisation process, while the process itself is characterised by open deliberation. The emphasis is thus on the guarantee of participation and formal deliberation as fundamental elements of constitutionalisation.[66] In this, however, the focus is on the procedures through which the constitution is given shape, that is, through guaranteeing equal inclusion and openness, while legitimacy is derived from the fact that the process is driven by deliberation.[67] But the extent to which deliberation actually leads to the incorporation and recognition of significant difference is not sufficiently appreciated. A number of problems can be identified. First, the model of 'formal deliberation' – as a method of decision-making - emphasizes the procedures which allow for open debate and transparency, but does not incorporate conflict over basic values and cultural diversity at the centre of the deliberative model.[68] Second, and related to the first problem of 'proceduralism', the assumption of common

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[63] Kraus indeed refers to 'multinational' diversity, Kraus, "A union …".

[64] Oberhuber, "Deliberation or 'Mainstreaming'? …".

[65] The Convention predominantly dealt with issues of the division of power, institutional set-up, and voting arrangements, whereas symbolical and identity issues were much less prominent. In this, diversity has not been a major theme, foregoing cultural diversity and divergent historical memories. For the significance of the recognition of diversity and of different pasts for the European project, see Joerges, "Working through …" and a special issue of *German Law Journal*, Paul Blokker and Christian Joerges (eds.), "Confronting Memories: European 'Bitter Experiences' and the Constitutionalisation Process", Special Issue, 6(2) *German Law Journal* (2005), at http://www.germanlawjournal.com/article.php?id=554. As Castiglione argues: "the underlying imperative of European constitutionalism is to find a way of recognising diversity and of regulating normative conflicts without suppressing them", Castiglione, "Are those …", 24.

[66] Landfried identifies four prerequisite conditions that would guarantee the full incorporation of differences in constitutionalisation: the recognition of difference, structures of decision-making and implementation of political decisions take difference into account, differences are dealt with in a democratic way, and differences are dealt with in a communicative way, Landfried, "Difference as a Potential …", 4.

[67] Piana, "An evolutionary approach …"; *id.*, "Constructing European …".

[68] Indeed, "deliberation is grounded in common values and normative arguments…", Piana "Constructing European …", 26.

values as undergirding the deliberative arena can be criticized for its homogenising effects, i.e., imposing a common understanding – the majority culture - on all participants. The procedural focus implies that a common 'deliberative culture' based on shared norms and values, in the form of a 'minimal morality' that binds the participants,[69] is deemed as not part of the deliberation, and therefore beyond the deliberation process. This means that the 'ground rules' are set and not open for reconsideration from the side of the new members. Third, the legitimacy of the outcome of deliberation, in our case a European Constitution, is problematic if a reasonable inclusion of differences has not been realised. For a sufficient degree of loyalty to the constitutional values to come about, some 'discursive embeddedness' of the arguments in wider social and cultural traditions (including those of Eastern Europe) seems necessary.

In sum, the driving force behind deliberation seems the achievement of consensus and the identification of the 'better solution', but not necessarily the recognition of difference and mutual understanding between basic differences in value orientation.[70]

6. Conclusions

My argument has been that current theorising of the emerging European polity takes insufficient account of basic differences in value orientation and potential conflict on the basis of cultural identities within the European space. There is a widespread tendency to analyse the emerging polity from a statist perspective, often (even if implicitly) accompanied by assumptions of the necessity of a collective identity and a homogenous set of common values of Europe. The most promising alternative to such a view, embodied in Habermas' deliberative model, regards questions of cultural identity and different value orientations too much as 'distorting' the rational deliberation that underpins his model and are therefore best left to the private, i.e. non-public, sphere. In this, basic differences seem downplayed and the problématique of difference that has gained new importance with enlargement is not sufficiently recognised.

I have tried to show that such a diversion from difference can equally be observed in the enlargement politics of the EU. The enlargement process and the relations between the existing and prospective members can best be characterized as one of assimilation, in which the latter need to shed their Otherness in favour of a common Europeanness. The revisiting of the actual

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[69] See Walzer, *Thick and Thin …,* 12.
[70] Delanty criticises Habermas' deliberative model for removing such basic differences in value orientation from the public sphere and focussing on the transcendence of such values, in order to facilitate consensus on a basis of communicative rationality, Delanty, "Habermas …".

politics of difference of the EU with regard to the new member states in the process of constitutionalisation – with reference to the idea of multi-culturalism as understood by Alexander - indicates, however, that there is an existing potential for a more inclusive and recognitive European politics as exemplified by the 'Convention method', even if the realisation of this method in the Convention on the Future of Europe leaves much to be desired, in particular in terms of the presupposition of an already existing set of common values and the lack of consideration for basic differences in value orientation (in particular those of the newcomers). Nevertheless, the Convention method seems to have the potential to stimulate a more open and inclusive political order. Admittedly, so far it has focussed primarily on procedural elements of participation while substantial and substantive elements have been mostly neglected. Substantial issues include the actual rather than the formal participation of a wide range of actors in European policy-making, while substantive issues involve the promotion of dialogical and deliberative modes of interaction which include the recognition of diversity and intercultural understanding, rather than a predominant focus on consensus-building based on a common set of European values.

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