

GARRET FITZGERALD MEMORIAL LECTURE

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EUROPEAN INTEGRATION AND THE TAMING OF NATIONALISM

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Garret FitzGerald's defining characteristic was his humanity. This was demonstrated by his great kindness to all. This innate quality that he had in such abundance helped to shape his contribution to policies on a wide range of issues.



Intellectually his interests and influences were famously diverse. Although not generally known these included an interest in science but also, particularly, in philosophy and theology.

A friend, who accompanied Garret for many years on his intellectual journey, described Garret to me as a “universalist”. This description has a particular resonance for this

evening's lecture. The religious terms that particularly inspired this moral universalism are based on the acceptance of universal values and ethics. I believe that he had in mind the fact that he did not believe in distinction based on race or national identity.

The Catholic philosopher Jacques Maritain, whom he met in his childhood, was sometimes mentioned to me by Garret in this context. A Thomist, Maritain had been a friend of Garret's father as a result of their joint connection to Notre Dame University in the 1930s. Maritain was to be extremely influential in the post World War II period particularly in framing the Universal Declaration of Human Rights of the United Nations (surely the apogee of universalism). So underpinning moral universalism is the concept of the natural law that interested Garret throughout his life. He always seemed justifiably wary of nationalism and sought to channel it into a path that rather than being divisive had integration as its aim.

So in many ways he measured his political philosophy against moral principles that he believed to be universal. The practical conclusions that he drew were ones from which he never deviated. These were expressed in the autumn 1964 edition of the Jesuit journal *Studies* where he wrote "we have to look to more universal philosophies and wider traditions, first of all to the Christian tradition from which we derive the basic structure of our thought to such traditions as British liberalism whose emphasis on tolerance provides a new insight into the meaning of Christian charity; and to the socialist tradition which has helped to develop the sense of social consciousness inherent in Christian thought.." As appears from this quotation, while his ultimate

political home was to be within the Christian Democrat party grouping, his political inspiration came from the socialist tradition for which he retained an abiding affection.

Garret's view on interdependence, European integration, sharing sovereignty and even globalisation were influenced by this belief in the oneness of mankind transcending all other divisions. At a time of recrudescence of extreme nationalism in parts of the EU his views have a particular relevance.

But first a historic vignette: throughout the 1960s Garret lectured in UCD on the economic aspects of European integration in particular and, in 1964, when I started my university studies in law, I also took economics as an optional subject. I was prompted to make this choice because he was to be one of my lecturers. His enthusiasm for Europe was infectious to young people because it was related to more than mere national interest and this was at a time when Ireland was opening up to the world. His belief in the process of European integration through the sharing of sovereignty was later to be demonstrated by practical leadership when he was both Foreign Minister and Taoiseach. It was also illustrated in his writings at an early stage in his political career when he advocated the supranationalist development of Europe.¹

The "universalism" to which I have referred was reflected also in the thinking of the early leaders of the process of European integration. For example, at an important meeting, when Adenauer and Monnet met in 1950 under the auspices of the Geneva Circle, they spoke of the forthcoming European construction as having a "general moral purpose".

¹ On which he commented in his autobiography

So Garret's belief in European integration was driven by a belief in the cause of integrating Ireland in a Europe based upon shared and universal values, particularly associated in his mind with Judeo-Christian thinking. This moral case for uniting our old continent sang in unison with his humanity and Christian beliefs and heritage. This was a sentiment that he shared with many of the Founding Fathers of the European project, most of whom were Christian Democrats. For example it is more or less exactly what Adenauer wrote in a letter to Robert Schuman on the 23 August 1951. In Adenauer's view this heritage provides all Europeans with common values based upon the principles of the dignity of man and the equality of man. Fundamentally, that is why European integration was and remains a truly noble project transcending economic calculations of its value to particular participants. Others such as the great German humanist philosopher and sociologist Jurgen Habermas have reached similar conclusions about its moral value coming from a different intellectual base.

In a famous speech in November 1981 in the Westminster parliament, Geoffrey Howe said that European integration was essentially about the "taming of nationalism". Thus, at its creation in the immediate post World War II period, it was intended to provide a means to foster the reconciliation between former enemies that had been so strikingly absent in the period following the end of the First World War. This approach particularly appealed to Garret.

His own family background, though intimately connected with republicanism through both his parents, was emphatically not tribal in the sense of being exclusively Catholic. He not only opposed irredentism throughout his life but he was even uncomfortable for the philosophical reasons already described with distinctions based in any way on race or religion. He was much more an internationalist than a nationalist. This antipathy to a tribalist approach to international relations remained constant in his approach to both Irish and European matters. This did not reduce his sense of his own national identity but was an expression of it. He was in this conscious of our differences from our large neighbour and in this he approved of Tom Kettle's counsel to Ireland, though expressed in a different context, that in order to become deeply Irish she must first become European.

George Orwell wrote that a nationalist is essentially someone who thinks that his people are better than others. It is as good a definition as any and, if one is truthful, a great many of us harbour such delusions from time to time. Regrettably this delusion appears to be growing again in its appeal around Europe. That kind of nationalist however thinks on lines with which a supremely rational liberal like Garret could never agree. Like Jean Monnet (whom he greatly admired), he saw European integration as a step on the road not merely towards more global governance but also to the defeat of what Jacques Delors described, in an important speech in the European University in October 1989 in Bruges, as "triumphant nationalism". Garret did not agree essentially with the Hegelian view that, in principle, sovereignty must be preserved by traditional States. He saw a brave new world of interdependence partially based on international

institutions that had a real role in governance. He did not see such institutions as a threat. He believed that a small country like Ireland in particular expanded its influence over its own destiny by sharing sovereignty and, by doing so, could also contribute a positive influence in international affairs. For example, he never accepted the proposition that we had a sacrosanct “neutrality” that inhibited our engagement in European integration in defence or foreign affairs matters in principle. In the context of Northern Ireland too he looked for institutional means to involve the different communities in sharing influence in which he was ultimately to succeed with the Anglo Irish agreement. I even remember too advocating with him the concept of all Ireland courts to overcome difficulties regarding extradition in the early 1980s (as recent documentary releases in Britain testify).

As he wrote in *Towards a New Ireland* in 1972, European integration had for him an additional value and relevance as a means that might help to resolve the conflict in Northern Ireland by bringing both communities together. The essentially tribalist nature of the divisions there are based of course on perspectives on history and perceptions of identity intimately connected with race and religion. They are manifestations of forms of nationalism. Garret believed that just as the sharing of sovereignty, promised at the foundation of the European project by the Schuman Declaration, would help to remove the hatred demonstrated over centuries by wars between Germany and France so too the joint membership of Ireland and Northern Ireland of the then EEC would help to dissipate our differences and transform our relationship on this island over time. Regrettably in this he was to be proved too optimistic. It is not irrelevant to this relative

failure that both Unionists and Sinn Fein appear to be adamantly and consistently opposed to European integration (albeit for different reasons). They cleave to their separateness even in the context of Europe.

As it did in the 1930s, the economic turmoil of recent times has provided fertile ground in many parts of Europe for the growth of extremism based on racism. It is increasingly evident that this has assisted the rise of parties propagating an angry, xenophobic and anti-immigrant message. No doubt this will be evident in the results of the forthcoming European elections and seasoned observers suggest that over 25% of the vote across Europe may go to such parties. In the United Kingdom and France UKIP and the Front National both oppose the EU and are finding support in surprising quarters. (55% of students in France, for example, say that they are considering voting for the Front National). This rise in support is associated with two interlinking trends: these are increasing Euro scepticism and anti-immigrant nationalism. Each feeds off the other. Recent polling evidence shows the strength of both the EU issue and migration on the rise of extremist parties. In the Netherlands Geert Wilders the leader of the Freedom Party describes the Koran as “a fascist book”. In Hungary the emergence of fascism has even given rise to some debate about how its membership of the EU may be at risk. The True Finns party on the extreme right are gaining significant support in Finland. Denmark too has its issues with extremism. On the left the Syriza Party in Greece and the Five Star Movement in Italy are separatist insurgency parties presenting very anti-EU policies.

To its credit Ireland has not yet evidenced any marked degree of similar xenophobic reactions. Nor have the considerable number of immigrants that have come to Ireland in recent years given rise to significant organised racist reactions.

Even though Ireland has not yet shown opinion poll evidence of tendencies of rising substantial support for anti-European views, it may be said that, over the years, our role in the political process of developing European integration has been curious in its occasional ambivalence on some issues of sharing sovereignty. Indeed, as a result, our engagement with the constitutional development of the process has not always been a happy one. We have had nine referenda since 1972 in order to ratify the Treaty of Rome and six subsequent treaties. Garret FitzGerald fought all of them. Having failed on two occasions (namely the Nice Treaty and the Lisbon Treaty) to pass referenda on treaties that most others found inoffensive (thereby necessitating a second plebiscite) fundamental questions have been raised across Europe from time to time about our real commitment to European integration. After all when we joined the European Communities, the preamble to the Treaty of Rome stated its intention to lay “the foundation of an ever closer union of the peoples of Europe”. It sometimes remains unclear as to whether we believe it.

Indeed we have not often been in the forefront of a debate advocating greater integration. In the case of the Euro we were in the avant garde however in other cases to which I shall refer we were not. But briefly in Garret’s time we were. His appointment of Jim Dooge in 1985, and the report of the Dooge Intergovernmental Committee on

Institutional Affairs which he influenced, led to the negotiation of the Single European Act (as Brendan Halligan set out in his excellent FitzGerald lecture in May 2013). This Treaty was to enact some of the most important constitutional changes in the history of the European project. Amongst its provisions, which Garret actively advocated, was the introduction of greater majority voting in the Council of Ministers for the passage of important European legislation relating to the Single Market. This was therefore a significant practical expression of the sharing of sovereignty. It caused some traditional nationalists, such as Mrs Thatcher, some grief at the time and indeed later. Importantly the Single European Act also led, as part of a political process that it provoked, to significant increases in the structural funds. This example of a “transfer union” of funds from richer to poorer states also challenged traditional nationalists elsewhere as it still does. In particular, it challenges those who see the European Union as being no more than a market. No doubt the recognition of how much we have gained from the structural funds, and indeed from the CAP, has influenced Irish public opinion positively. It is worth mentioning also that during his period as Foreign Minister Garret had played a significant role in developing the Regional Fund that came into existence earlier in 1975.

According to Euro barometer surveys over the years, since the late 1980s the Irish people have remained extremely positive in their general views on the European Union and even on economic and monetary union in particular. (On EMU, 70% are in favour of EMU in Ireland with only 19% in favour in the United Kingdom according to the most recent Euro barometer poll).

On the other hand, attitudes in the United Kingdom have been consistently almost the polar opposite to those in Ireland. There, the electorate remain the most consistently sceptical of the EU and this is, as we shall see, relevant to our position in the British renegotiation talks. The genesis of British negativism can be ascribed to various causes. Hugo Young, the late author, has written that “Britain struggles to reconcile the past she could not forget with the future she cannot avoid.” The United Kingdom is not alone in this.

I believe that where we have voted against European treaties this it has largely been the result of misinformation and confusion about their effects rather than deep-seated opposition to the whole project. Who can even remember today the apocalyptic arguments of opponents to treaties on issues like neutrality? We were told that we were going to have European armed forces conscription for example. These often grossly distorted interpretations of complicated treaties contributed greatly at the time to people voting “no” in referenda. Those who advanced some absurd arguments were never held to account afterwards. Erroneous assessments of the possible effects of a new treaty are sometimes delivered from unlikely and apparently authoritative quarters. For example, the majority judgment of the Supreme Court in the Crotty Case on Part III of the SEA relating to foreign policy (which, in turn, wrongly led, in my opinion, to a belief that some other referenda were required when they were not) presented a picture of the meaning and effect of that part of the treaty that was quite wrong. It postulated damage

potentially being caused to national sovereignty in foreign policy matters that had no substance.

It is clear yet again that the EU as a whole and Ireland now face serious challenges to the process of European integration. These include: firstly, the imminent likelihood of significant votes for extremist anti-European parties in the forthcoming European elections. This may result in a powerful disruptive and anti-European force in the European Parliament and later in national parliaments. Secondly, the continuing crisis of the Euro and, thirdly, the attempted renegotiation of the British bargain with the EU to be followed perhaps by its withdrawal and the negotiation of a new relationship. All of these challenges are connected and are linked by the rise of nationalism.

I will discuss the Euro crisis first because it is the backdrop to and influences public reaction to the other issues. This crisis has been correctly characterised by Mrs Merkel as an existential threat to the Union (and therefore by definition a major threat to Irish interests). The crisis is not over. A number of States, including Ireland, notwithstanding its considerable success in dealing with the crisis, still face formidable challenges. The debt to GDP ratio of Greece is 182% with that of Portugal, Ireland and Italy between 120 and 130%. New shocks are not to be discounted in handling these massive overhangs. Taken in conjunction with the continuing difficulties with the reduction of budget deficits much remains to be done. Greece is currently a case apart with Ireland already accessing the markets. Portugal too is proceeding towards the exit from the bailout. But all three are small economies. Spain, Italy and even France are

dimensionally much larger and more difficult issues to handle should political problems become manifest. Then market reactions could be considerable to any serious political turbulence. In this context Italy and France still have to make the necessary structural adjustments to increase competitiveness and these, such as freeing up labour markets, may meet with resistance. The internal devaluations have been largely made both here and in Spain, and Ireland in particular has been justly applauded by the markets for what it has achieved. We are undoubtedly the current success story of the EU even though we have some distance still to travel.

Of course the consequences of a failure of the currency would be so terrible that many analysts conclude that it would not at any price be permitted to happen. A recognition of these catastrophic consequences has been reflected in comments by Mrs Merkel and Mr Draghi in particular. A failure of the currency would almost inevitably destroy the Internal Market because of the rapid devaluation and revaluations that would occur with the national currency to follow. But dreadful consequences do not always deter accidents occurring particularly in politics. The means at our disposal to deal with such events are limited notwithstanding Mario Draghi's undertaking to "do whatever it takes" to save the Euro.

The fundamental problem is that virtually the only route to the massive debt reductions required appears to be paying them off. I say virtually because it is worth mentioning that the Programme countries have benefited from a material reprofiling of their central government liabilities that amounts to a present value restructuring through the

replacement of maturing debt with long term loans. I do not believe that this provides an adequate policy without other alternatives. But the general and simultaneous rejection of inflation, default or debt forgiveness (combined with the impossibility of devaluation) as a means to achieve the necessary debt reduction leaves the highly indebted Eurozone countries with the prospect of years of potential difficulty. The limited ECB mechanisms now put in place to maintain market stability though vital, have not been truly tested. I refer to the Outright Monetary Transactions and the European Stability Mechanism. Reliance on debt reduction alone combined with these instruments is not enough. Germany (and the Troika) have of course been correct in principle in requiring the national administrations in the Programme countries to take measures to recalibrate their economies both through restructuring to increase competitiveness and deficit reduction. Countries within a single currency area simply cannot live beyond their means without damaging others in the area. However both pragmatism and the understanding of history that should influence it, should now prompt the Member States in general, that solidarity must also play an increasing role in solving the crisis. The use of the balance sheet of the ECB and the systematic intervention that it has provided is only one part of the solution. More active steps can and should also be taken to expand spending in the stronger economies through the expansion of domestic demand there. In Germany now the minimum wage and proposed pension increases should raise consumption but perhaps too modestly to have a substantial effect. Furthermore more fundamentally President Barroso has spoken of the need for “genuine mutualisation of debt redemption and debt issuance” and he was correct to do so. Of course any such mutualisation may well be subject to

conditionality but refusing to even contemplate the issue seems quite wrong. Full banking union also needs to be concluded rapidly involving not merely a unified regulatory and oversight mechanism but a resolution capacity also. In this we are moving however slowly in the correct direction but it will require an acceptance of an ultimate funding capacity that is dependent on mutual assistance and not merely national resources. However this is the adhesive that investors were looking for to become more comfortable with the notion of EMU holding together.

However even though more needs to be done it is clear that we have moved a considerable distance to put in place a system that increases the federal aspects of the EU. This was absent from the Maastricht Treaty, and should ensure that what happened in the past does not happen again in the future. As a result the European Commission can now monitor and eventually veto national budgets before they are approved by national parliaments. If this power were not given, the currency could not be sustained simply on the basis of trust. We also have new commitments by the Member States relating to the implementation of national policies such as labour markets, pensions and taxation. We have too the Fiscal Compact with its monitoring and sanction powers. These various steps and others included in the so called “six pack” and the “two pack” have taken a major step towards an economic union.

An economic union to be sustained also however requires a political union and part of that is a functioning democratic system trusted by the people. This will entail greater

engagement by national parliaments. Otherwise the resurgent nationalism that we now see will fatally undermine the whole project over time.

The conclusion that one can draw from this is that Ireland's interests and role in policy formulation in future can best be advanced from the position of being a Member State unambiguously committed to further integration of the EU. Ireland should maintain the intention of being in the leading group of countries committed to political union. We have not always done so. This will require us to argue for more not less Europe in different areas and not just debt mutualisation or other relief to our advantage. We have to be seen to protect what has already been achieved not merely in this area of economic and monetary policy but more generally across the different policy areas.

Solidarity is of course, as I have said, a key element in a more united Europe but, in order to successfully develop the concept we have to simultaneously advance integration more or less across the board in other areas including foreign policy. Opt-outs should not be seen as a desirable option.

In this context Ireland's attitude to developing competences within the EU in the areas of foreign policy, defence and in justice and home affairs has been, to put it mildly, reticent and tentative. The inclusion of a sub-article in the Constitution prohibiting the State from adopting a decision taken at the European Council to establish common defence including Ireland, in my view contradicts a true belief in political union. This is now effectively irreversible and I for one regret it. Ireland's reluctance on this subject

seems to me to result in part from ill-informed debates in the past. We have been reluctant Europeans it seems even in an intergovernmental process.

In the area of foreign policy and defence the spectre of neutrality as some kind of immutable but ill-defined aspect of our political identity has, I believe, inhibited our legitimate support for cooperation on military matters although efforts have been made successfully from time to time to engage. When questioned on this before we joined the EEC the government of the day made it clear that, when the time came, we would not be reticent about being part of a European defence project. But we certainly have been. In the past an important element of this reluctance was linked to a binary analysis of world affairs. That world is no longer with us and the very concepts of non-alignment or military neutrality no longer have the meaning they once had. With whom are we non-aligned? Between whom are we militarily neutral? Events over recent years in the Balkans have demonstrated how a united European response as the European Union may be required to avoid terrible events taking place. The White Paper to be issued on defence is to be welcomed as a basis for informed discussion.

The policy response in Ireland to the area of EU Justice and Home Affairs policy when introduced by the Maastricht Treaty (and developed by the Amsterdam Treaty) was also tentative and reticent. This exclusion provides another reason for Ireland not being considered in the avant garde or inner core of Member States committed to integration. Ireland's special position here (shared by two often reluctant Europeans, Denmark and the UK) has detached Ireland from the main group of countries. The fact that we have a

common travel area with the UK does not provide a complete answer as to why we have opted out from much that others have agreed. Ireland's position is described by Laffan and O'Mahony in their excellent book on Ireland and the EU as "detached and conditional" with a complex list of opt-outs in place. Until Minister Shatter (who has been very constructively engaged) took office moves toward further integration in the fields of internal security and harmonisation of legal systems were "viewed with extreme caution" by Ireland.² Some other members of our legal confraternity seem predisposed to believe (like their counterparts in Britain) that there is something inferior in the Continental position although this may be based more on prejudice than actual knowledge. We must not allow this policy to provide another signal to other Member States of a reluctance about integration that undermines our protestations of support for the process or indeed our demands for greater federalisation in other areas. Hopefully the current policy review in this area of Justice and Home Affairs will be positive in its outcome.

The gradually unfolding drama of the British demand for "renegotiation" of its relationship with the EU is a further threat that we now face. In policy terms this question may raise a conflict between two national objectives namely, keeping the United Kingdom in the EU on the one hand, and avoiding any steps that might be taken that would damage the character, essential competences or rights and obligations of membership of the EU on the other. One such is the free movement of people or rights enjoyed by EU migrants but no doubt there may be others that will only become apparent when we have a fuller disclosure of the British position.

² *Laffan and O'Mahony*

To amend any element of the treaties will require unanimity. This in turn may necessitate a referendum in some countries including Ireland because taking something out from an adopted treaty may be as problematic as putting something in.

I do not believe that any further treaty change is desirable at this time but clearly, from what the Chancellor of the Exchequer said two weeks ago the British most definitely do. He said then that the treaties were “not fit for purpose”. But only the United Kingdom knows what treaty change in its opinion is necessary to make the EU “fit for purpose”. In principle, there is unlikely to be much support for any treaty change but in this the Germans have been unclear. The new Coalition agreement there does state “we will adapt the Treaty bases of the Economic and Monetary Union” but of course this, whatever it means, is related only for the Eurozone. In any event Germany is not Europe. All twenty eight Member States will have to agree. Also even if treaty change is agreed by the twenty eight Member States to British demands it is hard to believe that whatever is agreed will be enough to resolve the British problem. For one thing whatever happens is unlikely to assuage the 95 declared Eurosceptic Tory MPs. Their objective clearly is to either so change the character of the EU as to destroy its essence and legal authority or to leave it altogether.

As to Ireland’s position on this as yet unclear situation, on the 16th January the Minister of European Affairs, Paschal Donohoe, in an excellent speech delivered in London to a eurosceptical audience, put down a clear marker. He referred to the Irish view of the

great value of the Union as it is. He said that it offers “the best chance for us to create a more prosperous, secure and open Europe”. He also said that our desire to improve the Union is “explicitly based within existing treaties”. The message was clear. The United Kingdom is our friend and we share a great deal of common interests with it but there is a fundamental difference in our position on the EU.

Consistent with this position I believe that our national policy should compel us to oppose treaty changes which weaken the European project or undermine its core competences, its institutional prerogatives (such as the power of initiative of the Commission) or the values reflected in the rights that are central to its character. We must however seek to constructively engage where possible with proposals intended to improve the efficiency of the institutions or European competitiveness. One change that some argue for in Britain is the reduction in the size of the Commission that we opposed at an earlier time. Then others including Germany were prepared to accept rotating membership. I think that we were wrong in our position then. The Commission is now too large to function as a College as it should. In any event it should not be comprised of individuals who see themselves as national representatives as our earlier position implied.

Unfortunately my fear is that the United Kingdom has an unchanging and unchangeable perspective on sovereignty and that this may precipitate a crisis. Its prevailing political position has constantly been to reduce the EU to little more than a free trade area and, even then, one with an essentially intergovernmental character. By this I mean

specifically an entity that merely entails cooperation between sovereign nation states. For example the competences and authority of the European Commission and the European Court of Justice which are supranational are now being put in question by many parliamentarians even more vociferously than ever before. This is particularly clear from the position of the 95 Tory rebels but it is more general than that and there are few voices expressing a different view. In addition, and consistent with this, the United Kingdom has generally sought to diminish the budget of the EU and attack the Common Agricultural Policy.

I regret therefore that it has a radically different position to Ireland's on the EU and its development. While Europe badly needs all the qualities that the United Kingdom brings to the table such as its profound democratic credentials, its devotion to the rule of law and to an open market trading position, the price for its retention should not be the undermining of the very essence of the EU as it is. We have to be clear on this. One aspect of this relates to the concept of free movement of people that is particularly in the sights of eurosceptics.

The basic silence of other Member States regarding this British debate is being interpreted by some in the United Kingdom— wrongly in my view – as a willingness to move further by way of accommodation than will prove to be the case. The relative silence is because there is as yet nothing to debate.

If the British fail in the negotiation then it is hard to see any referendum on membership being passed. Nor should anyone take consolation from the assumption that Labour, if elected, will not hold a referendum. They have been studiously silent on the matter.

This is not the place to consider how matters will develop if Britain decides to leave the EU. Suffice it to say that in such an eventuality negotiations under Article 50 will be conducted regarding the post membership situation. It seems inevitable that Britain will adopt a model on Swiss or Norwegian lines that will retain market access to the British market and vice versa. I feel sure that the mutual interest of keeping this access to markets reciprocally would mean that our export markets would not be damaged by a withdrawal. It is less clear that the financial services in the City would emerge unscathed as they certainly have not in Switzerland.

In conclusion let me say that this uncertain future now demands approaches that go beyond short term self-interest. The Irish Commissioner, Máire Geoghegan-Quinn, has accurately described Ireland as being “conditionally integrationist”. We need less of the “conditionally” and more of the “integrationist”. We cannot simply pick and choose the bits of the EU that we like and discard others. If we can do so, then others can do the same. Ireland should be part of the group that sees Europe as the answer rather than the problem.