Public Justification and European Integration

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Glyn Morgan
Associate Professor of Government and of Social Studies
Harvard University
GlynMorgan@aol.com

For proponents of European integration, the results of the French and the Dutch referenda last year were doubly disappointing. It was disappointing enough that the French and the Dutch voted the wrong way. But it was additionally disappointing, because many voted the wrong way for the wrong reasons. The post-referenda polls confirmed a suspicion—already evident from the pre-referenda debates in both countries—that voters were animated by a range of issues that had little to do either with the Treaty itself or, for that matter, with the EU as it is presently constituted. Rather than pass sober judgment on a document that does little more than formalize present arrangements and propose a very limited set of institutional reforms, many voters chose to express their grievances on such varied issues as: (i) the competence of their own national political leaders; (ii) European Enlargement and especially the admission of Turkey; (iii) globalization; (iv) the merits of a common currency and a European-wide monetary policy; and (v)—a particular preoccupation of many in France—the growing power of an Anglo-Saxon model of capitalism.

The failure of the referenda has led some observers to dismiss Europe’s constitutional efforts as a mistake that ought not to be repeated. In one interesting version of this argument—put forward, in rather different ways, by Majone and Moravcsik—the EU is successful insofar as it remains an intergovernmental organization—or what Majone prefers to call “a confederation” or “union of sovereign states”—and needs neither further democratization nor constitutionalization as a condition of establishing its own legitimacy. From this perspective, Europe’s national electorates should focus their flagging democratic energies on their own national political systems. Hopefully, they will in time come to realize that the EU is not a state but an organization that governs (if that’s even an appropriate word) by means of narrowly-defined, well-checked regulations.

Against this intergovernmentalist line of argument, this paper defends four claims: (i) the French and Dutch electorates were right to view the Constitutional Treaty as a step towards further political integration; (ii) the EU suffers less from either a democratic or a legitimacy deficit than from a justificatory deficit; (iii) the most urgent task of a political philosophy of European integration is to identify a compelling public justification for the transformative projects that political leaders seek to undertake in the public’s name; and (iv), there is a compelling public justification—namely, a security-based justification.

I

European Integration—Project, Process, and Current Product

When talking about European integration, it is helpful to draw a distinction between the project, the process, and the current product of integration. The project of
European integration refers to the efforts of intellectuals, political elites, and popular movements to create some form of European polity. The process of European integration refers to the actual step-by-step transformation of Europe’s separate nation states into a more integrated political, legal, and economic system. The product of European integration refers to the current outcome of this process, the political institutions, policies, and practices of the EU itself.

Until Joschka Fischer raised the topic in a controversial speech in June 2000, Europe’s political leaders tended to remain rather silent about the project of European integration. Thus the “changes to the Union’s basic treaties,” as Lenaerts and Desomer have noted, “have been brought about without explicit consideration of the final goal of European integration. Rather, the overall approach of European integration has been one of piece-meal engineering.” While this “piece-meal engineering” has proven remarkably successful in constructing a common European market, European integration has reached a stage where its next steps, if taken, would involve the EU taking control of many of the core functions of national governments—including defense, foreign affairs, and personal taxation. This stage of European political integration requires, so Fischer and others have rightly argued, something more than “piece-meal engineering.”

Notwithstanding a general reticence of proponents of the European project to specify and defend the telos of their efforts, it is possible to distinguish two very different possibilities: a federal Europe (a sovereign entity something akin to the United States of America) and a postsovereign Europe, which would disperse decision-making at multiple different sites on a policy by policy basis. In either version of this European project, Europe’s existing nation-states would no longer function as sovereign states. While few contemporary proponents of European political integration have cared to admit that the abolition of national sovereignty is their goal, many Eurosceptics have long feared that European integration is moving ineluctably in this direction.

The process of European integration is controversial for different reasons than the project of European integration. It is possible, for instance, to be critical of the process of integration while remaining an ardent proponent of the project (however conceived). In illustration of this point, it is helpful to keep in mind descriptive and normative understandings of the process of European integration. Descriptively, scholars have documented the actual mechanisms and procedures by which post-war Europe has adopted a more integrated economic, legal and political system. Normatively, people often assess these mechanisms and procedures against some standard of how they ought to function. For many critics of the process of European integration, these mechanisms are too elitist, too undemocratic, and insufficiently transparent.

The current product of the process of European integration is the EU itself. From a normative standpoint, it is especially important to distinguish this product—an ever-changing political, legal, and economic system—from both the project and the process of European integration. Thus someone who is deeply critical of the current product of European Integration—perhaps because of, say, the EU’s agricultural policies or because of its structural and cohesion policies—could nonetheless support various conceptions of the project of European integration, including the idea of a Federal Europe. Conversely, someone quite content with the current product could conceivably reject the very idea of
a project to construct a more politically integrated European polity, whether conceptualized in federal or post-sovereign terms.\textsuperscript{5}

It is helpful to keep in mind these distinctions between the project, process, and product of European integration, because they raise different normative issues. Clearly the project of European integration, whether conceived in a federal or postsovereign form, is a radical and transformative endeavor that involves far-reaching changes in the nature of our existing political units. Such a transformative project requires a very different type of justification from that needed to approve a modest incremental change in a specific policy or a minor reform of an existing institution. I want to suggest later in this paper that the project of European integration, whether conceived in a federal or postsovereign form, must meet the requirements of, what I call, \textit{a democratic standard of justification}.

It is also helpful to keep in mind these distinctions when thinking about the task that confronted the much-criticized Dutch and French electorates. At first glance, their task required an assessment of the EU and its core institutions and policies and a judgment about the extent to which the Constitutional Treaty was likely to improve or make worse the functioning of these institutions and policies. Much to the annoyance of some of the architects of the Constitutional Treaty, the French and Dutch electorates chose to vote on the basis of a broader range of considerations. To the extent that the electorates focused less on the EU (the current product of European integration) and more on the more open-ended project of European integration, the electorates were acting quite sensibly. Indeed, it is now implausible to expect national electorates to view the EU merely as an intergovernmental organization (or “confederation”). For better or worse, assessments of the current product of European integration cannot now be separated from assessments of the project of European integration, even when the nature and goal of that project remains obscure.

There are three reasons for thinking that the product and project of European integration are intertwined. First, the EU is in this respect a victim of its own success. In the postwar era, the EU has time and again “deepened and widened.” There is no reason to think that this process has come to an end. Presented with an opportunity to voice their opinions about Europe’s political arrangements, voters will inevitably have in mind this process of deepening and widening. Second, many of Europe’s most important political leaders see the current product of European Integration as a way station to a more politically-integrated Europe. To cite an example here, the former German Chancellor Gerhard Schroeder announced the signing of the Constitutional Treaty in June 2004 with the statement “Wir werden dieser weg weiter gehen.”\textsuperscript{6} In the light of such statements, it is unreasonable to expect national electorates to refrain from passing judgment on the EU independently of their judgment of the project of European integration. And third, the ordinary voter inevitably associate the term “constitution” with the term “state,” and, by extension, the ordinary voter will inevitably associate the idea of a “European Constitution” with the term “European State.” The Dutch and French electorates were, in short, quite right to use the referenda to discuss European Enlargement, Turkish admission, the nature of Europe’s social model and other more general aspects of the project of European integration.
II. From Legitimacy to Justification

A troubling tendency of proponents of the project of European integration is to treat that project as if it were self-justifying. Even political philosophers—who might have been expected to place the question of justification at the head of their intellectual agenda—tend to neglect the question of justification, focusing instead on the democratic legitimacy of Europe’s political institutions. The question of justification is not the same as either the question of legitimacy or the question of popularity. Briefly stated, the question of the justification of European political integration (the project of European integration) concerns the point or purpose of a European polity. The question of legitimacy, in contrast, concerns the rightful claim of European institutions to issue binding commands. Some people believe that European institutions lack this rightful claim; a further subset of these people believe that European institutions lack this rightful claim, because these institutions fail to measure up to a minimal standard of democracy. The questions of justification and legitimacy, understood in this way, are clearly different. It is logically possible to think that the European project, process, and product have no good justification, but nonetheless concede that current European political institutions are legitimate. By the same token, it is logically possible to think that Europe’s current political institutions lack legitimacy—perhaps because they are deemed insufficiently democratic—but nonetheless think that the European project to, say, construct a unitary European state has a compelling justification.

The question of the EU’s popularity—which fluctuates across countries and over time—stands in a complex relationship to these questions of justification and legitimacy. Clearly, some of this unpopularity can be attributed to the perception that the EU in its current form lacks democratic legitimacy. But it would be a mistake to exaggerate the importance of this concern, not least because the EU’s democratic credentials are not obviously any worse than the democratic credentials of Europe’s member states.7 A more important cause of Europe’s problems is that proponents of European political integration have failed to provide the European project with a compelling justification. In this respect, Claus Offe gets it right, when he notes that, “The European public needs a normatively convincing defense of the integration project, and that need grows more pressing as the project moves forward.”8

There is now a substantial literature by political theorists devoted to the task of diagnosing and remedying Europe’s problems of legitimacy. Unfortunately, we know considerably less about the question that really matters: “what is the justification for a European polity?” In recent years, a number of legal and political theorists have introduced a more differentiated conception of legitimacy that seems better able to address the more fundamental questions raised by eurosceptics about the existence of a European polity.9 Neil Walker, for instance, draws a distinction between the “performative legitimacy” of the EU, the “regime legitimacy” of the EU, and the “polity legitimacy” of the EU.10 Performative legitimacy, as he employs the term, refers to “whether the EU has the right priorities and policies and how well it pursues them;” regime legitimacy refers to the institutional framework of the EU; and polity legitimacy—which he acknowledges is of increasing significance—refers to “the overall support for and stability of the polity in question as a self-standing political community.”11
The notion of “polity-legitimacy” represents a significant advance over earlier concepts, because it recognizes the possibility that people evaluate the EU in terms other than the goods it produces and the quality of its institutions. Yet even this notion of “polity-legitimacy” does not go far enough. The reason for this is that the EU cannot vindicate its own claims to “polity legitimacy”—its status as “a self-standing political community”—without delegitimizing its conceptual rivals: the nation-state and a Federal Europe (whether conceived as a unitary European State or a postsovereign polity). All three types of polity—“the EU” (however it is described), “the sovereign nation state,” and “a Federal Europe”—cannot coexist in Europe; they are mutually incompatible. Once this point is recognized, political theorists are in a position to conduct an even-handed inquiry into the relative merits of each. Unfortunately, by focusing exclusively on the legitimacy of the EU, political theorists have tended to foreclose prematurely a debate over the merits of “a Europe of Nation-States” (the preferred option of eurosceptics) or “a Federal Europe” (the preferred option of federalists). This debate is better conducted in the register of justification than in the register of legitimacy.

Yet while recognizing that the European project is in need of justificatory arguments (“a normatively convincing defense,” in Offe’s terms), the European project is in even greater need of a prior standard of justificatory adequacy. Disagreements over the European project run deep; they extend not just to reference groups (my class, my nation, my partisan allegiance) but also to metrics of evaluation (economic, aesthetic, ethical). In light of this problem, the most urgent task facing political philosophers is to propose and defend a standard of justification that arguments in support of European political integration must satisfy. The standard of justification that I wish to defend here might be termed a democratic standard of justification, which has three component requirements—the requirement of publicity, the requirement of accessibility, and the requirement of sufficiency.

III. Justification and European Integration

Justification plays a central role in contemporary political theory partly for sociological reasons and partly for normative reasons. From a sociological point of view, the emphasis on justification represents an effort to find a basis of agreement amongst people who share different conceptions of the good. The idea of basing the social bond on a thick collective ethos—a religion, say, or a life of civic engagement—is, from this perspective, obsolete. If modern democratic societies are to forge unity out of diversity, they must look elsewhere for a common basis of agreement. The hope is that notwithstanding the fact of moral and cultural diversity, the members of a modern society can agree upon basic justificatory procedures.

From a normative point of view, basic justificatory procedures must also be fair. A normative theory of justification supplies a conception of fairness partly through a specification of these procedures and partly through a specification of the participants in these procedures. Normatively, it is not actual agreement that matters, but the hypothetical agreement of suitably situated persons. In a modern liberal society, a suitably situated person rightfully thinks of himself or herself as a free and equal citizen. A fair justificatory procedure yields outcomes acceptable to such a person.

In their efforts to specify a fair justificatory procedure, political theorists variously provide more and less detailed specifications of procedures and participants. With this
point in mind, it would be helpful to distinguish between, what might be termed, filtering and funneling approaches to fair justificatory procedures. On the filtering approach, a fair justificatory procedure restricts very few types of arguments or claims. It does not seek to produce a single fair outcome, but merely to get rid of the most unfair outcomes. In contrast to this filtering approach to justification, the funneling approach filters out a wide range of arguments and “funnels” those remaining in such a way that they yield if not a single determinate outcome then a very limited range of outcomes.

Most contemporary political theories of justification employ a mixture of filtering and funneling devices. Stuart Hampshire's procedural theory of justice represents perhaps the purest example of the filtering approach. For Hampshire—who values very highly moral and cultural pluralism—a fair justificatory procedure is so non-restrictive that it could conceivably yield outcomes unacceptable to a free and equal citizen. No liberal theory of justification could be this permissive. Some liberal theorists are, however, closer to the filtering end of the spectrum than others. Jürgen Habermas’s discourse theory, for example, is far less restrictive and thus allows for a greater range of outcomes than does John Rawls’s political liberalism.

The value of the distinction between filtering and funneling approaches to justification will become more apparent below. Suffice it here to say that the current debate over European political integration is desperately in need of a standard of adequacy that arguments in support of the European project must meet. This standard of adequacy will filter out irrelevant considerations, unfair considerations, and considerations insufficient to the task of justifying the far-reaching transformations envisaged by European federalists. With these aims in mind, I intend in the remainder of this chapter to defend, what I term, a democratic standard of justification. This standard of justification imposes three requirements on arguments seeking to justify the European project: a requirement of publicity, a requirement of accessibility, and a requirement of sufficiency.

(a) The Requirement of Publicity

A very crude justification for the project of European integration might take the form of the claim that a federal Europe would be extremely beneficial to a particular segment of European society, such as, say, “Irish pig farmers,” “Brussels real estate owners,” “Italians,” or—to mention a more impersonal segment of European society—“Europe’s multinational corporations.” Such justifications can be described as sectarian justifications. They identify a particular group that will benefit from European integration. It is possible, but unlikely, that the European project can proceed through a multiplicity of sectarian justifications. If enough powerful groups within Europe have a self-serving interest in establishing a Federal Europe, then a Federal Europe will likely emerge. The problem with sectarian justifications for European integration is that they do not appeal more broadly to Europeans in general. The opposite of a sectarian justification might thus be termed a general justification. On the face of it, the European project needs a general justification, which is to say a justification that appeals to all Europeans.

Earlier when describing the role of justification in contemporary political theory, I noted that justification has a sociological and a normative dimension. The search for a general justification for European integration corresponds to the sociological dimension. The search for, what might be termed, a public justification corresponds to the normative
dimension of justification. Most political theorists care more about public justification than general justification. A public justification seeks to identify a standpoint from which political institutions can be justified to the people who must live under and operate these institutions. In an ideal world, the political institutions that can be publicly justified would coincide with the political institutions that currently exist. But the aim of a public justification is as much transformative as reconciliatory. It seeks to identify a standpoint for identifying the institutions that ought to exist.

John Rawls’s political theory provides the most influential modern example of a theory of public justification. In his *Theory of Justice*, Rawls famously posits a hypothetical choice situation (an “original position”) that defines the standpoint from which we can justify to each other our basic political institutions. The hypothetical choice situation aims to capture the essential features of the modern individual and contemporary society. Indeed, the hypothetical choice situation owes its justificatory power solely to the fact that it has filtered out everything but these essential features. 

The critical task that confronts anyone seeking to employ a public justification is the selection of these essential features. Ideally, these features ought to capture the fundamental values of our current way of life. Thus for Rawls, “the conditions embodied in the description of the original position are ones that we do in fact accept. Or, if we do not, then perhaps we can be persuaded to do so by philosophical reflection.” Rawls’s own theory of justice captures the essential features of man and society in terms of a highly moralized conception of the person. Rather than follow Rawls’s own account of the person, it suffices here to define the essential features of man and society in terms of certain basic values that lie at the center of our current way of life. These basic values—which I intend to call public values—form the essential presuppositions of our form of social cooperation. These public values can be specified, at least provisionally, to include: the moral equality of all individuals; personal security; personal and political liberty; and material prosperity. A public justification is a justification that an individual who embraced these public values could accept. Such an individual, I call (for reasons of brevity) a bare citizen.

The account provided here of public justification remains abstract and incomplete. A lot more needs to be said both about the content and status of these public values. But before I say more about these values, I want to clarify the conditional nature of public justifications. A public justification does not provide a universal apodictic justification that all people everywhere must—on pain of contradiction or disqualification as a rational agent—accept. A public justification seeks only to justify political principles or institutions from the perspective of a hypothetical choice situation designed to capture the essential features of our situation. Thus someone could accept these principles and institutions if they adopted the standpoint of, what I termed above, the bare citizen. Whether anyone actually does accept these principles and institutions will turn on a number of further considerations. Here it would be helpful to distinguish a number of different ways that political principles and institutions can be related to the public values that define the bedrock commitments of the bare citizen. First, there are some justificatory arguments that the bare citizen is logically compelled to accept given the prior commitment to any or all of the public values. Thus it might be argued that the bare citizen is logically compelled to accept some form of democratic government given a prior commitment to personal and political liberty. Second, there are some justificatory
arguments that the bare citizen could accept given the truth of certain empirical claims connecting various states of the world to these public values. Thus it might be argued that the bare citizen ought reasonably to accept some form of market economy given a prior commitment to material prosperity and knowing what we now know about the functioning of non-market economies. And third, there are some justificatory arguments that the bare citizen could not—either logically or reasonably--accept. Thus the bare citizen could not accept slavery, feudalism, or the disenfranchisement of Welshmen.

If there is a good case to be made for the European project of political integration, it must be made out of justificatory arguments that the bare citizen is either logically or reasonably required to accept. The idea of a public justification—the requirement of publicity, in short—is designed to clarify these two types of justificatory argument. It is also designed to filter out justificatory arguments—and, by extension, political principles and institutions—that contradict or deny one or more of the public values that define the commitments of a bare citizen. Thus the requirement of publicity will filter out arguments, whether for or against European political integration, that deny the importance of equality, personal and political liberty, and other public values that define our form of social cooperation.

It must now be fairly obvious that the requirement of publicity rests upon a set of public values that are alleged to lie at the very core of contemporary European societies. Arriving at a list of these public values is a somewhat more contentious process than some political philosophers like to acknowledge. But (following Rawls again) we can begin by positing certain public values as fixed points of agreement—equality, liberty, security, and so forth—from which we can develop a provisional account of public justification. The content of these public values must, however, remain open on due reflection to modification—whether by subtraction or addition. Anyone who invokes a standard of public justification in Europe today must further be prepared to explain why the bare citizen embraces personal and political liberty but not, say, Christianity, environmentalism, or ethnocultural nationalism. This challenge is especially germane in the context of the debate over a European Constitution, because some political leaders have sought to include in the Constitutional Preamble a commitment to Europe’s Christian heritage. Others have sought to justify European political institutions on the basis of a distinctive European form of social democratic solidarity. Neither if these justifications for the European project satisfy, I think, a requirement of publicity. Indeed it is far from obvious that the European project has a justification that can meet this requirement.

(b) Requirement of Accessibility

The requirement of accessibility filters out a certain class of complex justificatory argument that could not be grasped by people who lacked training or expertise. The intuitive idea behind this requirement is that citizens ought to be able to participate on equal terms in any debate involving a constitutional transformation. In taking this approach, I follow Christopher Bertram, who captures nicely the grounds for rejecting a certain type of complex argument:

[1] If someone is committed to a certain sort of ideal of democratic community....then they ought to reject as basic constitutional principles to govern that community principles that are fully comprehensible only to those with
specialized knowledge. Moreover, there will be a strong presumption against principles which, though transparent in themselves, require for their justification arguments available only to those with specialized knowledge. Bertram himself leaves the ideal of democratic community “largely undefended,” but it is not difficult to understand why this ideal has a certain appeal in contemporary European society. Rather than speaking here of “a democratic community,” it would be better to employ the term “a democratic society,” which can be understood in the Tocquevillean sense of a society of moral, legal and social equals. A democratic society is, in this sense, the achievement of an age that has freed itself from an aristocratic social order. In the first half of the nineteenth century, Tocqueville had to leave Europe and travel to America in order to witness a democratic society in operation. Now European societies are, for the most part, democratic. Europeans rightfully think of themselves as social equals, regardless of differences in wealth, birth, or educational achievement. Democratic societies, however, remain a fragile achievement. They exist today in a socio-economic environment of increasing disparities of income and wealth. This disparity is partly a function of, and partly coincident with, the emergence of new elites made up of people whose knowledge-intensive skills are essential for the maintenance of a technologically-advanced economy. A democratic society is no longer, as in Tocqueville’s day, vulnerable to hereditary aristocracy. But it is vulnerable to this new elite. A democratic society must insist, in the face of technological and scientific experts, that the basic political and institutional rules of society are understandable to ordinary citizens equipped with the knowledge that can be acquired from, say, completing a high school education and watching the news.

To insist that justifying arguments meet some standard of accessibility is especially important in the case of the project of European integration. That project involves a fundamental transformation in the political structure of post-war Europe; it envisages the replacement of nation-states with a federal entity (whether a unitary state or a post-sovereign polity). Such a transformation must be justified in terms that the ordinary citizen of Europe can grasp. Many of the arguments employed in the justification of European integration simply fail this test. Certainly, this is the case with many of the economic and political-economic arguments used to justify European integration. No ordinary citizen could be expected to understand Hecksher-Olin trade theory, Mundell’s theory of currency, or the notion of optimum bargaining strategies under conditions of asymmetrical interdependence. Insofar as the European project depends upon arguments as complex as these, the European project will fail to satisfy the requirement of accessibility.

Like the other requirements defended here, there is room for reasonable disagreement about the level of complexity that is permitted by the requirement of accessibility. There is no unambiguous boundary that divides the acceptably difficult from the unacceptably complex. Yet if people argue about the location of this boundary, they are at least arguing about something important. Members of a democratic society ought to insist that on matters of great constitutional importance, arguments are conducted in terms that they can comprehend. This does not mean, however, that all policy decisions, all laws enacted, have to draw on arguments that meet the requirement of accessibility. To insist on such a requirement would condemn all democratic societies to the poverty of a pre-industrial era. The requirement of accessibility applies only to the
justification of a fundamental constitutional transformation. This point begs the further question of what constitutes a fundamental constitutional transformation. For some Eurosceptics, the Single European Act and the Treaty of European Union count as constitutional transformations. From their perspective, the requirement of accessibility ought to apply in all cases that involve a transfer of sovereignty away from the nation-state. Again it would be naïve to believe that a bright line boundary separates “an incremental reform” from “a constitutional transformation.” But disagreement over this issue is not unhealthy. The premise of such a disagreement is that a fundamental transformation in a political institutional structure requires an extraordinary justification. When people demand that arguments in support of any such transformation meet the test of accessibility, they are acting in the right democratic spirit.

It might well be the case that all cognitively-valid arguments could pass through the filter imposed by a requirement of accessibility. In other words, the requirement of accessibility applies to the manner in which arguments are presented rather than to any substantive class of arguments. It is, however, a possibility that some cognitively-valid arguments simply cannot be presented in a way comprehensible to the citizen of ordinary knowledge and average intelligence. If this were the case, the requirement of accessibility would force Europeans to accept a political-institutional structure that is less than optimal. If we value a democratic society, however, we should be willing to put up with this cost.

(c) The Requirement of Sufficiency

The requirements of publicity and accessibility function primarily as filters of arguments in support of the European project. Thus the publicity requirement filters out, what might be termed, inappropriate arguments; and the accessibility requirement filters out excessively complex arguments. The requirement of sufficiency plays a similar role. It filters out arguments that are empirically false or weak.

Many arguments in support of European political integration do little more than show that a politically integrated Europe is consistent with some specific political value, such as democracy or citizenship or peace or prosperity. Mere consistency is, however, inadequate. If Europe is to undergo the wrenching transformations entailed by the sovereignist and post-sovereignist conceptions of the European project, then Europe needs a stronger justification.

It is difficult, in the abstract, to describe the necessary degree of strength that arguments for European integration must possess. To gain more precision, I want to draw a distinction between a weak justification for European integration, a strong justification for European integration, and a specific justification for European integration. A specific justification, as we shall see, occupies a position in between a weak justification and a strong justification.

An argument yields a weak justification for a policy, law, or institutional arrangement when it appeals to values, interests, or normative principles that are merely consistent with—which is to say, not contradicted, nor ruled out, by—that policy, law, or institutional arrangement. Thus it might be said that liberty as a value yields only a weak justification for jury trials. This point follows from the fact that some liberal democratic states have jury trials, while others, without obvious damage to their status as liberal democratic states, do not. An argument yields a strong justification for a policy, law, or
institutional arrangement when it appeals to values, interests, or normative principles that require—which is to say, could not be present in the absence of—that policy, law, or institutional arrangement. Thus it might be said that liberty as a value provides a strong justification for the rule of law. In states that lack the rule of law—in states characterized by arbitrary government, in other words—political liberty does not exist. An argument yields a specific justification for a policy, law, or institutional arrangement when it appeals to values, interests, or normative principles that are effectively and efficiently protected by that policy, law, or institutional arrangement.

The terms introduced here—weak justification, strong justification, and specific justification—help to clarify the debate over European integration in a number of useful ways. They permit us, for instance, to identify the inadequacy of purely weak justifications. Political philosophers are particularly culpable here. They spend tremendous intellectual energy on the task of showing that a federal Europe could, given the right mixture of institutions, also be a democratic Europe. They rarely notice that this argument, even if it were valid, provides only a weak justification for the construction of a federal Europe. Democracy is, on the face of it, already effectively and efficiently protected at the national level. While it may be desirable to democratize Europe’s existing political institutions, democracy does not provide a specific justification for those institutions.

In making the condition of sufficiency, a component of the justification for European integration, a burden is placed on proponents of the European project to specify how that project is connected to its justifying values or principles. In the account offered here of the requirement of sufficiency, this effort requires an argument, first, about the efficacy of the European project, and, second, about the efficiency of the European project. The European project may offer effective protection for its justifying values—securing peace in Europe, for instance—yet fail to provide efficient protection. Effective protection is a matter of matching means to ends. Efficient protection is a matter of selecting the least costly means.

Arguments put forward in support of the European project will be ineffective, when they are based upon factually incorrect evidence or bogus causal claims. Chapter Four below argues that this problem afflicts much of the literature that attempts to justify European political integration on the grounds that it provides a solution to the alleged problems posed by globalization. Thus even if we were to allow that, say, capital-flight and competition from low-wage economies constitute “problems,” the federalist conception of the European project does not, so I argue, provide an effective solution. In this respect, the globalization argument for the European project fails the requirement of sufficiency.

Arguments put forward in support of the European project will be inefficient, when they propose effective but unnecessarily costly solutions to purported problems. Removing one’s teeth to solve the problem of toothache may be effective, but it is hardly efficient. In the case of arguments over European political integration, the problem of inefficient solutions arises most frequently in the case of arguments concerning the relationship between the European project and Europe’s success in achieving peace since 1945. There are a number of problems with this line of argument, some of which have to do with efficacy and some with efficiency considerations. Let’s assume, for the sake of argument, that the European project offers an effective solution to the problems of
insecurity in Europe. This still leaves open the issue of efficiency. A eurosceptic might contend that there are less “costly” ways of ensuring peace in Europe than the construction of a federal Europe. A Europe of nation-states allied with the United States in NATO, so this eurosceptic might further argue, provides effective security without requiring Europeans to give up anything so valuable as their national sovereignty. This eurosceptic argument makes it clear that the idea of efficient protection for a justifying value entails something akin to a Pareto optimal form of protection. The effective protection of any justifying value is efficient when it does not require the sacrifice of anything of comparable value.

The account of effective and efficient protection provided here does not resolve all ambiguities concerning the application of these terms. It is far from clear, for instance, how people are to arrive at conclusions concerning the sacrifice of comparable values. To a certain extent, some of these ambiguities will be resolved when the requirement of sufficiency is used in conjunction with the requirements of publicity and accessibility. Thus it follows from the requirement of publicity, for instance, that not all values are indeed comparable. But even allowing for the gains to precision that will come from these other requirements, people will continue to disagree about the nature of effective and efficient protection. The important point to recognize here, however, is that when they disagree about the application of these terms, they are at least disagreeing about the right things. Even if the requirement of sufficiency does nothing more than to focus these disagreements, it achieves something.

IV. The Problem of European Security

It must remain an open question whether there exists a compelling justification—which for me entails a justification capable of meeting the requirements of publicity, accessibility, and sufficiency—for the project of European integration. Without wanting to suggest that this is the only possible justification, I want to argue now in support of a security-based justification for a unitary European sovereign state.

[Improvisive Brief Version of the Security-Sovereignty Argument]

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1. Giandomenico Majone, Dilemmas of European Integration: The Ambiguities and Pitfalls of Integration by Stealth (Oxford: Oxford University Press, 2005); and Andrew Moravcsik, [Prospect Article], Fall 2005 and [paper delivered at the Frankfurt conference].
5. For an example of this line of argument, see Joseph Weiler, “Europe’s Sonderweg,” in Nicolaïdis and Howse eds, The Federal Vision.


10. Walker, “The White Paper,” 5-13; Walker, “Constitutionalizing Enlargement,” 368-370; these distinctions build, as he acknowledges, on Beetham’s and Lord’s conception of “performative legitimacy,” and Bellamy’s and Castiglione’s distinction between “regime legitimacy” and “polity legitimacy.”


14. For a revealing discussion of the pros and cons of the filtering and funneling approaches to justice, see the exchange between John Rawls and Jürgen Habermas in *Journal of Philosophy* 92 (1995): 109-180. Habermas, like Hampshire, more of a filterer than a funneller, thinks that Rawls overloads his theory of justice by incorporating a conception of the person and a list of primary goods. Rawls, a funneller, complains that Habermas's filtering approach yields indeterminate outcomes. For a helpful discussion of this debate, see Rainer Forst, “Die Rechtfertigung der Gerechtigkeit: Rawls’ Politischer Liberalismus und Habermas’ Diskurstheorie in der Diskussion,” Hauke Brunkhorst and Peter Niesen eds., *Das Recht der Republik* (Frankfurt am Main: Suhrkamp, 1999).


16. Earlier I noted that justificatory arguments can be more or less restrictive; they can act, in other words, as a funneling mechanism (leaving a single determinate justified outcome) or they can act solely as a filtering mechanism (leaving a range of justified outcomes).  


18. The status of these values as specified (rather than deduced from some more fundamental value or principle) and provisional (rather than final conclusions) is a feature of the “constructivism” that informs this approach. The acceptability of these values turns, at least in part, on the plausibility of the overall argument that takes these values as a premise. The overall plausibility of the argument thus provides an important element in the effort to make these values a plausible and persuasive point of departure.

19. For an example of a moral and political theory that claims to offer such a universal, apodictic justification, see Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1979)


22. Rawls himself has something like this point in mind, when he argues that, “A conception of justice is to be the public basis of the terms of social cooperation. Since common understanding necessitates certain bounds on the complexity of the principles, there may likewise be limits on the use of theoretical knowledge in the original position,” Rawls, *A Theory of Justice*, 142; cf also Rawls, *Political Liberalism*, 182. See also on the importance of “accessibility,” Amy Gutman and Dennis Thompson, “Just Deliberation about Healthcare,” in *Ethical Dimensions of Health Policy*, Marion Danis, Carolyn Clancy, and Larry R. Churchill eds., (Oxford: Oxford University Press, 2002), 81-83.