

War in the Name of Europe. The Legitimacy of Collective Violence

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Introduction: War in Europe and European War

European construction, as we know it in the early 21st century, is arguably a late phase in a long utopian project of unification and rationalization dating back to the Roman Empire, perhaps even to Alexander and the Hellenistic period. The particularly *modern* segment of that enterprise, however, begins with the innovations in the international state system brought about by the Treaty of Westphalia in 1648. At Westphalia, war in Europe was transformed into European war.

The notion of »war in Europe« builds upon a geographical delimitation. The conflicts of the 30 Years' War were atomized conflicts played out side by side on one great battlefield of Europe. But they were fought in the name of local, even feudal interests. The new world order of the Treaty of Westphalia gave content to a universal concept of sovereignty. It thereby also gave content to a universal concept of war, a concept based on new notions of sovereignty, collectivity, recognition and political rights. War was no longer war in Europe, but rather European war. The modern European versions of the questions of just war and peace, from Hobbes to Michael Walzer, build upon the conceptual tools and political materials provided in this new international system. The purpose of this paper is to formulate a special case of the question »What is Europe?« by asking »In the name of what Europe may just war be waged?« The age old question »What is Europe?« can be reformulated in a number of ways, and answered from a number of perspectives. One may, for example, answer it by seeking out its origin, by trying to find out what it *originally* was, and by identifying with that origin, its eternal essence. Or one may adopt a psychological approach to the question by surveying and cataloging what Europeans feel when they feel European; or a more social-behaviorist approach, by studying the »impact« or change in behavior as a function of changes in the European political or social reality. Another possibility would be to adopt a simpler, geo-political approach to the question by asking what *territory* corresponds to the term Europe.

This paper will take a *pragmatic* approach (in the sense of Pierce or Dewey) to the question of what Europe is. In other words, it will reformulate

the question based on the presumption that Europe is what Europe does. More concretely, it will ask what acts may be carried out *in the name* of Europe? What institutions can be built and what concrete policies can be embarked upon in the name of Europe? Or to be brutally direct: What violence can be undertaken in the name of Europe?

Not incidentally, the Treaty of the European Union takes explicit steps toward the development of a European military, by articulating the founding terms of a Common Foreign and Defense Policy for the European Union. Just how »European« is the European Union's military policy? What is the European substrate in the notion of a European defense and security identity? Finally, and more concretely, what did the role of the European Union in the Kosovo crisis of 1989-1999 have to do with European values, culture and destiny? In many ways, this question simply boils down to a question of sovereignty in a classical sense. In other ways, however, the Kosovo crisis demands a new analysis, a new model of understanding of international relations, with new consequences for an equally new and unheard of political entity: the European Union.

What is war waged in the name of Europe? The following attempts to develop this question and provide some contours of a response through a simple and relatively conservative reasoning. I will begin by returning to the classical principles of the Augustinian just-war tradition, and extracting one of its central principles, that of *right authority*. This principle will then be put into relation with the classical principles of war and sovereignty of Grotius and Hobbes. These notions will then be confronted with the 20th century challenge of globalization and the so-called post-national constellation. Finally, I will ask under what conditions the European Union's ambition toward a unified European concept of security can satisfy the conditions of a European war. I will conclude with several comments on the European Security and Defense Identity in the context of the Kosovo crisis.

1. The Just War Tradition

There seems to be no way to avoid the notion that war is *always principled*. The theoretical problem arises with the notion of giving *order* to the principles. Even before Augustine's well-known formulations of the principle of just war, Roman law created the categories designed to associate the notion of an

ethnic or cultural collectivity with rights provided by that collectivity.¹ The *jus ad bellum* tradition articulates a number of themes concerning the ways under which one may rightly or justly resort to war. In the Thomasian rendering, these criteria are: just cause, right authority, right intention, proportionality of ends, last resort, reasonable hope of success, and aim of peace. I will focus on only one of the classical means to justify the use of violence for the attainment of political ends: *right authority*.

Right authority – which is often used synonymously with »sovereign authority« or »competent authority« – quite simply limits the right to authorize force to sovereign political entities. This core concept of right authority has the *prima facie* effect of favoring certain interventionary uses of force in the interest of internationally recognized standards of justice. From this principle, one might argue for the right to use force, if necessary, for such purposes as combating international terrorism, responding to other forms of international lawlessness such as the traffic in illicit drugs, or systematic and sustained violations of universally recognized human rights (Johnson 1999, 31-32).

The principle of *proper authority* also raises questions about intervention under international auspices. Clearly, international organizations up to and including the United Nations lack sovereignty in the traditional sense. Thus the question immediately becomes: Without sovereignty, is there any right to authorize force? Classic just-war doctrine would say no, reserving that right to sovereign states. Still, in contemporary debate, international authorization for the interventionary use of military force is often claimed, though on the basis of *consensus* (as in the Security Council resolutions relating to the Gulf War and to the United Nations protective force in Somalia) rather than sovereignty.

The question for us remains: Assuming that *right authority* is a legitimate source of moral justification for military intervention, to what extent can the European Union be said to possess right authority in some radically new sense? In order to develop our reasoning in the direction of an answer to this question, we must first turn to the conception of *sovereignty* in the classical

1 The Law of Nations (*jus gentium*) is the continental predecessor of the modern European notion of international law, providing the guidelines for the modern notion and assuming the notion of sovereignty as given (J.T. Johnson calls it the »consolidation of cultural consensus«).

tradition, and ask in what way the globalization of the late 20th century has brought changes to this conception.

2. The Classical Model of Sovereignty

2.1. Grotius

In the history of political and legal theory, the thinking of Hugo Grotius has endured by virtue of the fact that it formulated a new system of ideas at a particular conjuncture in the history of European geopolitics, namely the decline of the international order of the Middle Ages. The concept of sovereignty in the Middle Ages was based on two pillars: the ecclesiastical authority of the Church of Rome, and the political order of the emperors. But by the time Grotius wrote his principle work, *De jure belli ac pacis* (1620-1625), the economic, social, and spiritual orders which had dominated were disintegrating and the Thirty-Years War was raging across Europe.

At the conclusion of the Thirty-Years' War there was clearly no chance of recovering either of the two pillars of the medieval order. Thus Grotius set out to formulate the principles of a new, humanized order based on law. The new international order was built upon the presumption that juridical thinking was the new science of that age, and that such thinking would be capable of founding *universal* principles, principles applicable across the European geopolitical spectrum.

The foundation of that universal anchoring was twofold: on the one hand, the notion of *natural law*, on the other, the notion of *contract*. Like the Stoics, Grotius derived the principles of natural law from reason and human rationality. And, in the shadow of his master Erasmus, Grotius developed a humanized notion of the *contract* (*pacta sunt servanda*) as the highest authority within and between states.

2.2. Hobbes

The sovereign remained the anchoring point of the political and legal system. Hobbes formulates the logic of the sovereign in its most powerful form in his writings of the 1640s and 50s. Hobbes shares the two foundational principles of Grotius: the rationality of human enterprise based on the law of nature, and

the force of the social contract. Yet, as is well-known, Hobbes refused the notion that humans were *naturally* social or political. The state of nature is pre-political and pre-social.

The social contract in Hobbes' schema is thus a counter-natural moment, a rational gesture, the aim of which is self-preservation. The social contract is the agreement between the individuals founding civil society, not to resist the commands of the sovereign. The contract is rational only to the extent that the egoism from which it springs is inherently rational. The notion of justice is entirely related to the contract. It is completely humanized, independent of any transcendental authority. To be just is to heed the contract; to be unjust is to deny it. Injury is the non-performance of covenants.

This notion of justice implies a fundamental broadening of the notion of just war. Objective justification for war is no longer necessary, since it is fear of one's enemy that is the source of civil society, and thus the source of the notion of justice contained in the civil contract. In this sense Hobbes introduces an essential distinction between *justice* and *legality*. For Hobbes, it is possible to speak of the legality of war without making reference to a transcendental notion of justice. The political union, just like justice and injustice, is defined in terms of legality; that is, in terms of correspondence or non-correspondence with the contract on which the union is based.

This brings us finally to another essential innovation on the part of Hobbes: the legal fiction of the sovereign as a person. Based on his notion of the civil contract, Hobbes reasons that duty is only duty to oneself. There is no duty to any other individual. The fiction of the sovereign as a person creates a political subject with a will capable of representing the will of all. The legislation of the sovereign is the self-legislation of all political subjects. All political subjects can and should regard the actions of the sovereign as their own actions. The sovereign *is* the political union. How does the process of globalization, which has so marked the last two decades, effect the notion of the sovereign as a unified, singular political subject of sovereignty as formulated by Hobbes?

3. Globalization and Post-national Sovereignty

The European post-war period is marked by a transformation in the notion of sovereignty as a political function to sovereignty as a function of economic

variables. In the immediate post-war years, the Bretton Woods system together with the IMF and the World Bank secured a regime based on a balance between nationally determined economic interests and the ideals of international market liberalism. When this system collapsed in the early 1970s, a new constellation of transnational liberalism emerged, in which the international mobility of capital and labor, and the post-Fordist ideology of »flexibility«, were central. In this regard, multinational interests and organizations became the most well-defined competitors of the European nation-state (Habermas 1998, 119).

A new sociology of globalization has gone to great lengths to map out the changes in social structures and forms of society at the moment when *national* society becomes *trans-national* society, moving beyond the territorial boundaries and institutions of the traditional European nation-state. Ulrich Beck, for example, formulates the question of globalization as the question of what he calls »second modernity«, in which the notion of global society displaces that of national society.² A broad definition of globalization would include a consideration of the world-wide expansion of telecommunication, mass tourism and mass culture, mass technology, arms trade, and ecological overload. A more narrow definition involves the weakening of national borders and the obsolescence of national categories, values, controls, and rights.

Globalization goes beyond the displacement of sovereignty and power from one political subject to another. It involves a change in the very concept of sovereignty, that is, in the concentration of power and the legitimacy of that concentration. The ebb and flow of money, the velocity of exchange, the resistance and pressure of convertibility replace the subject-object relation of the traditional understanding of power.

Among the more radical political questions formulated in the wake of these changes is the following: Is democracy still the most relevant source of legitimization in an era of declining democratic participation, progressive detachment of the dynamics of power from democratic mechanisms of control, fail-

2 »Die Einheit von Staat, Gesellschaft und Individuum, welche die Erste Moderne unterstellt, löst sich auf. Weltgesellschaft meint *nicht* Weltstaatgesellschaft oder Weltwirtschaftsgesellschaft, sondern eine *nicht*-staatliche Gesellschaft, d.h. einen Aggregatzustand von Gesellschaft, für den territorialstaatliche Ordnungsgarantien, aber auch die Regeln öffentlich legitimer Politik ihre Verbindlichkeiten verlieren« (Beck 1997, 174).

ing correspondence between national democratic political organs and trans-national political issues, and re-structuring of the European polity?

First, we must underscore that the post-Westphalian era of the nation-state not only marks the emergence and development of modern juridical principles of rights and national sovereignty, but also inaugurates the development of the principles of international law, which expand and modernize the principles of the just-war tradition. The obsolescence of the nation-state opens a complex set of questions about the sovereignty of territorial states, about the protection of rights and laws based on cultural collectivity, and about democratic legitimacy in general.³

In the era of globalization, the nation-state is increasingly powerless with regard to the control and administrative functions traditionally based on the state. As a consequence, one can observe a general decline in the coherence of traditional systems of international collaboration, such as the UN, the OECD, NATO, etc. In their place, international »regimes« emerge, while informal international arrangements and accommodations steered by »soft power« become more dominant.

The question of the decline of democratic legitimacy in the nation-state clearly concerns the question of national legitimacy. The classical idea of the right to national self-determination is no longer supported by a collective national polity, but rather by sub-national units – that is, by a complex and composite cultural substrate – or by supra-national interests. In what way does the European Union enter the fray of globalization?

The European Union is neither an inter-governmental agency nor a complex set of trans-national interests. It does however aspire, to some extent, to displace the European nation-states. The degree to which such a displacement is desirable or even possible is, of course, a matter of considerable debate. Euro-skeptics, market-Europeans, Euro-federalists, and partisans of »global-governance« compete for legitimacy in this political, social and juridical debate.

What does it mean to make war European? In the final analysis, this question amounts to asking whether or not the European Union can in some sense

3 In the *Postnationale Konstellation* (1998, 105-122), Habermas plots out immediate consequences of such decay: a loss in (1) the effectiveness of state functions, (2) the sovereignty of the territorial state, (3) collective identity, and (4) the democratic legitimacy of the nation-state.

displace, reverse or replace the ailing nation-state as a sovereign basis for just war. Formulated in more primary terms: In what sense can the EU constitute a sovereign body in a post-national reality?

There have been various attempts at reconstructing an internally based polity as a basis for post-national sovereignty. The »return of the social« in European politics may very well prove to be the beginning of a new kind of sovereignty built upon an internal coherence of European peoples (Hoffman 2000, 193-95).

In post-Enlightenment political theory, the notion of national sovereignty is complemented by that of universal rights. Kant's *Metaphysik der Sitten* introduces a radical concept of freedom and a new concept of legality. *Legality* for Kant implies that all laws shall be simultaneously coercive (*Zwangsgesetze*) and normative in the sense of duty (*Pflichtgesetze*). In other words, a law is a duty-based coercion. It is a coercion, which I in my freedom choose for myself. Sovereignty for Kant combines the force of law (*Zwangsgesetz*) and moral obligation based on universal rights (*Pflichtgesetz*). It seems to me that this Kantian formula remains viable on the European level. The universal rights proper to the European cultural tradition (*Pflichtgesetze*) fit the bill, while the question of a monopoly on power (*Zwangsgesetze*) seems to be the final element necessary in the construction of a European cosmopolitan sovereignty. What effect can this juridical pair have on the aspiration for a European military force based on European sovereignty?

4. Evolution of the Notion of European Security

Title V of the Treaty of the European Union on Common Foreign and Security Policy (TEU) opens a new chapter in the story of European Construction. Like the tradition of just war, this innovation can be traced back to the international political order established at Westphalia in 1648. Its more immediate pre-history, however, begins in the post-WWII era of European construction.⁴

4 The evolution from the 1950s to the Treaty of the European Union is one in which the geopolitical and economic evolution has gone hand in hand with the evolution of a number of central concepts, such as *security*, *identity*, and *economics* (Magnusson / Stråth 2001). Against the backdrop of just war thinking, these terms have undergone fundamental changes.

The Schuman Plan of 1950, in its principles as well as in its intentions, is the direct predecessor of the TEU. Its aim was related to the security threat posed by the lingering tension between France and Germany, and to a desire to address the possibility for repeated conflict through political union of one kind or another. The Schuman Plan was a relatively moderate approach to the problem, based on the unification of the coal and steel industries of the two countries. Security was immediately associated with economic interests.

This association became the bulwark of European construction in the Treaty of Rome and all of its revisions up until the Maastricht Treaty, when the notion of security at last saw the light of day as a matter of geo-politics rather than as a subdivision of national and international economics.

Interestingly enough, this division in thought about Europeanization comes at a particular conjuncture in the *conceptual* history of geopolitics. At the very moment when European geopolitics and international economics are distinct in the Treaty, the very *concept* of geopolitics is completely saturated with the economic underside of globalization.

For a complex set of reasons, which we have only begun to document, the European Community from the 1950s to the 1980s evolved in the direction of an economic community. This »economization« of the early European construction, begun by the Treaty of Rome in 1957, had an important side effect in the sphere of security: It cultivated an entrenched dependence on the United States. The attempt by France to create a European Defence Community and later the Fouchet Plan were both too little and too late.

The Delors era of the 1980s re-launches a re-invigorated European Community with the Single European Act and its famous »4 liberties« based on a principled set of economic necessities for the establishment of a European common market. Riding upon the impetus of the European economic construction, the Maastricht Treaty is signed in 1991, establishing the European Union and announcing its 5 primary objectives: the standardized *acquis communautaire*, a common currency, the enhancement of a system of interior cooperation, European citizenship, and the »affirmation on the international scene of the European identity through the development of a common foreign and security policy«.

Here I would like to develop the meaning of this identity and its place in the logic of sovereign war and peace, on the one hand, and just war, on the other. My argument involves three stages. Firstly: Security presupposes iden-

tity. Secondly: Political economy is a viable identity formation. And thirdly, security, political economy and identity converge in the concept of *security identity*.

Firstly, and as we have seen, the Hobbesian model of sovereignty is based on the formation of a political identity and the transfer of the national interests in the *persona* of the sovereign. The Westphalian model of national sovereignty is impossible without this notion of the concentration of the essence of the nation on to one unified, coherent and homogeneous identity. In the post-national constellation associated with the development of the European Union, this identity remains indispensable.

Secondly, European identity has settled into a privileged form of collective expression in the discourse of political economy. Common values and interests, shared heritage and ambition, find their most pronounced articulation in the economic version of these notions: monetary value, shared monetary interest, harmonization, common economic policy, such as the Common Agricultural Policy, etc.

Thirdly, these strands of security and identity, connected and simultaneously held distinct by their mutual consolidation through the discourse of economics, have at last converged in the TEU as *security identity* (Hoffmann, 2000, 190).

The evolution of the notion of security has been further shaped by changes in the *nature* of Europe's geopolitical »others«. As Pierre Hassner and Jacques Rupnik have recently pointed out, the discourse of cultural collectivity and democratic values, in relation to which the notion of European security has evolved, assumes another aspect from the point of view of Eastern and Central Europe. From the Western European point of view, the EU is an embodiment of European democratic values. On the other hand, from the Eastern point of view, it is NATO that is the primary purveyor of democratic values, and the EU is primarily perceived as a bureaucratic-economic organism (Hassner / Rupnik 1999).

The apparently irreducible kernel of the European *troika*: European identity-economy-security plays the paradoxical role of both motor behind a common foreign and security policy and impediment.

As suggested in the above, national identity in the form of a national polity is the traditional basis for the legitimacy of military action in relation to other

sovereign nation-states. Transferring that kind of legitimacy to a European level implies reformulating the concept of polity in European terms. A clear strategy for such a reformulation was seen in the notion of a European identity. Indeed, the theme of collective interest and shared values recurs again and again in the official documents related to the construction of a common European foreign and defense policy.

To be sure, the concept of European identity has had an intriguing career in the post-WWII process of European construction. It was first launched in the Commission's 1972 Declaration on European Identity, which defines European identity based on three pillars: (1) common heritage, interests and special obligations within the community; (2) the »dynamic nature« of European unification; and (3) the extent to which the Nine were »already acting together in relation to the rest of the world« (European Commission 1973, 492). All three pillars are based on internal unity, heritage, and internal coherence with regard to the rest of the world. That 1972 Declaration was part of a tactical effort to re-launch the process of European construction, which was, however, floundering in the economic crisis of the early and mid-1970s.

In the subsequent lull in political activity from the 1970s to the late 1980s, the concept of identity went undercover, only to re-emerge later as the anchoring point for the notion of a European *defense*, in Article J (Title V) of the Maastricht Treaty, and simultaneously in the negotiations between the Western European Union and NATO, in conjunction with the ratification of the Amsterdam Treaty, in 1997.

In the Maastricht Treaty, the notion of European identity is inscribed in the discourse of the »third pillar«, the »common security and foreign policy«, attached to the logic of international strategic otherness of Article J. The Common Foreign and Security Policy includes »the eventual framing of a common defense policy, which might in time lead to a common defense« (Article J.4). This implementation should serve, according to the preamble, to reinforce European identity and its independence in order to promote peace, security and progress in Europe and in the world.

Up until Maastricht, »European identity« was used to denote the cultural unity-in-diversity of Europe, thus informing in widely divergent ways the legitimizing weave on which the European Union was to be constructed. Maastricht reduces the concept of identity in the best case to a basis for interna-

tional diplomacy or, in the worst case, to a quasi-militarized kernel, a celestial fix from which to navigate a defense policy in an increasingly complex global battlefield.

Parallel to the launching of the Maastricht Treaty, the Western European Union – the conglomerate of EU nations that belong to NATO – made its own declaration of new principles, coining the expression »European Security and Defence Identity« (ESDI), which it declared as its responsibility to develop. ESDI is conceived as a sort of conduit with the North Atlantic Alliance, and at the same time an assertion of difference, of unique interests, aspirations and capabilities, also at the military level.

The final building block in the evolution of the concept of European identity is constituted by the most recent development of the ESDI. During its meeting in Cologne in June 1999, the European Council made bold use of the post of High Representative by appointing Javier Solana, former Spanish Foreign Minister, Secretary General of NATO during the Kosovo Crisis, and later Secretary General of the Western European Union (Hannay 2000). The Kosovo crisis brought the European Union face to face with the realities of its role in its new »security identity«. A new Europe met a new concept of security.

5. The Kosovo Test

In best dialectical fashion, the Kosovo crisis was both the test of the new European security policy and the reality that created this policy. The short version of the story is that the European Foreign and Security Policy was extremely weak when put to the test. The crisis underscored, among other things, the disunity among the European nations, the discontinuity between the EU and NATO, and, last but not least, the continued dependence on the Americans, both militarily and diplomatically.

The principle facts of the crisis are well known. In 1989 Kosovo was for all practical purposes erased from the Serbian political map. With it disappeared the political rights of Kosovars. In the period 1989-1998, Belgrade refused any form of dialogue with the moderate Kosovar Albanians, provoking the formation of the UCK. By 1998, Belgrade was thus furnished with a justification for the repression of the UCK, making no distinction between partisans and non-partisans and civilians. This led to UN Resolution 1203 in October 1998, demanding that

the hostilities cease. The hostilities nonetheless continued through the negotiations at Rambouillet, which ended in February 1999. After the Raçak massacre on January 15, and repeated threats of bombing, NATO forces began bombing on 24 March 1999.

The run-up to the bombing in April 1999 was framed by a complex network of competing institutional and state competencies. This included a strange interplay of diplomacy, humanitarian reasoning, and more or less impotent military posturing between Richard Holbrooke, mandated by the UN Security Council, the OSCE mandated by the EU, and NATO, which boldly forged the new concept of »humanitarian air strikes« in order to grant legitimacy for its own military action.

All the major international bodies swiftly condemned the action by the FRY / Serbs, but no coherent action was taken to back up that condemnation. No action was found to be adequate to the *principled* charges of injustice. The question thus stands as to whether such »coherent action« to »back up« moral condemnation is at all possible. Is there a concept of *security* which adequately embraces a set of moral principles and, at the same time, a set of military tools capable of implementing them?

The Kosovo crisis is for all intents and purposes the child of the Westphalian international system. Yet, we can stretch the point further by saying that the Kosovo crisis was an *unavoidable* consequence of the Westphalian international system. For the irreducible paradox at the heart of the crisis is that both the *principles* put into practice by the Kosovar Albanians in forming the UCK, and the *principles* deployed by the Serbian leadership, were derived from that system. Both were »legal« in terms of international law. Both were based on rights and the rule of law. According to the tenets of international law, Belgrade's intervention in Kosovo was legal in the sense that it fell within the bounds of national sovereignty and of the right to exercise a monopoly of state violence within that framework. The UCK's assertion of Kosovar Albanian rights was also legally based, namely, on the tenet of »national« self-determination of peoples. It must be added, however, that the original intention of the latter principle is to protect the rights of peoples under colonization.

The NATO bombings – the »humanitarian bombings« – were considered illegal by most because they were not sanctioned by the Security Council, the only organ considered capable of providing legitimacy to such international

action. Those who ordered the bombings argued simply that they responded to the *spirit* of previous resolutions, if not to the *letter*. From another point of view, the Western allies argued that the strikes were legitimate because they were carried out with the intention of preventing humanitarian catastrophe. From the point of view of international law, this argument is simply invalid.

It is not at all clear that the Common Foreign and Security Policy, which was finally formulated in the Maastricht Treaty, will become a »defense ministry« – the legitimate military wing of a sovereign state in the classically modern form. Indeed, the more likely evolution of the post-national constellation in Europe is the further transformation of the discourse of economics as a discourse on security. Despite the fact that the European arm of NATO, the Western European Union, announces its future European military entity as an *identity*, the economic power of the European Union seems to be its primary weapon in global politics.

Long before it gave itself an official Foreign and Security Policy, the EU was involved in foreign and security policy. The tool of that policy, aside from traditional diplomacy, was economic encouragement and sanctions, humanitarian aid, promotion of dialogue, and encouragement of the respect of human rights. Yet, without a doubt, the EU inhabits a middle ground between civic power and military power. Foreign policy identity has always been articulated as economic identity.⁵

This is part and parcel of the structural logic of the European public sphere. Those with legitimacy in a certain area of policy cannot act; those without it do act. At the very moment when the European Union is eager to posit its security identity, that identity seems to belong to another plane. The interpretation of the Kosovo situation by the international community was schizophrenic in just this way. All observers considered Kosovo the »powder keg« of the

5 Still, one of the many lessons of the war has been that the military approach used was largely ineffective, and that diplomatic efforts on the European level, in the name of Europe, could have had more effect than they did. As has been suggested, the discourse of economic unity has been engaged in order to reward the respect for cosmopolitan values in a way that displaces the discourse of military power (Adam et al. 1999). A Europe of defense must also become a Europe of diplomacy (ibid., 189; Hoffman 2000, 193-95).

Balkans. Yet precisely this realization led to hesitancy (Weller 1999, 33). The emerging international constitutional system has a negative feedback loop: The need for action leads to the impossibility of action.

The classical explanation of the failures of Europe in this dark hour of its 20th century history would argue that there is only a shaky coherence in international politics because of a complex network of crossing interests. An alternative explanation would be that these inconsistencies are imminent in the very *concept* of security. The post-Westphalian concept of security, in order to be security, must harbor and even nurture the tension between the unity of interests and the disunity of the sovereign self.

Utopia is just not what it used to be – primarily because war and peace, and thereby also security, are not what they used to be. The EU failed in Kosovo, not merely because it had a bad policy, or lacked the political will or military muscle to back it up – NATO had all these, and failed anyway – but also because the post-national constellation is still forging a new understanding of what peace and security actually mean.

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