



The Centre of Excellence in Law, Identity and the European Narratives (EuroStorie)

University of Helsinki, Finland
Siltavuorenpenger 1 A, 00170 Helsinki

Liisa Bourgeot: Constructing a new reality after crisis: Gustav Shpet's philosophy of culture as an answer to the Russian revolution

The feeling of a looming crisis had already been felt and expressed in Russian culture long before the First World War, the Civil War or the revolutions of 1905 and 1917 took place. From the end of the 19th century, Russian symbolists had repeatedly expressed their contempt for the modern world along with forebodings of a coming cataclysm. What was anticipated was a total judgement of humankind, and a threshold to a new and entirely transfigured world. When the revolution finally took place, only a feeling of disillusionment could follow, as death and deprivation spread through Soviet Russia. In the 1920s, the need for a new “socialist” culture, on which to build a new vision, was acutely felt.

From the point of view of the Bolshevik regime, building a new culture was a complicated task of combining revolutionary fervour with much needed order and stability, and the radically leftist avant-garde culture could not fulfil these

requirements. In 1921, the State Academy of Artistic Sciences (*GAKhN*) was founded. With Gustav Shpet (1879-1937) as the head of its philosophical section, its goal was to formulate the founding principles of a new culture. As a whole, *GAKhN* can be perceived as an example of how the post-revolutionary experience of crisis was intended to be turned into something constructive, with the aim of opening up a new historical narrative.

Shpet's philosophical work of the 1920s is an attempt of creating a theory of culture based on Husserl's phenomenology, Dilthey's hermeneutics and Wilhelm von Humboldt's philosophy of language. It combines phenomenological introspection with the conception of the experienced reality as something shared, social and, therefore, cultural. Shpet adopts Humboldt's concept of 'inner form of the word' to analyse the structure of this social reality, and formulates a theory for interpreting, but also generating, culture. Shpet, then, comes close to the early literary semiotics of the Russian Formalists, which were influential in the development of later European structuralism. However, Shpet's philosophical attitude was deeply anchored in a particular Ontologism, a long-standing historical feature of Russian philosophy. Therefore, his questioning was time and again directed towards 'reality', its forms and foundations.

In my paper, I will address Shpet's conception of the October revolution as an "ontological fiction". "Our history is now an illusion; our past – in ashes", he wrote in 1922, and yet the revolution was, for him, just "the hours and years in between". For Shpet, the end of the old order had shaken Russian reality on an ontological level, and only an entirely new culture, constructed on a new logic, could salvage Russia. I will discuss Shpet's philosophical work at *GAKhN* as an attempt to overcome this crisis by formulating a theory of culture, which, for him, was to say a new reality.

Jan Květina: Politicization of a “national crisis narrative” in the comparative context of interwar Czechoslovakian and Polish regime: Munich agreement and May Coup

Traditionally, there is a strict dichotomous interpretation of Czech and Polish national identity; a tendency that can be deduced from the 19th century national historiographies depicting a Czech and Polish narrative as distinct Central European alternatives; one plebeian and pragmatic and the other aristocratic and romantic. However, if one focuses on the concepts applied by the political elites of both nations to emphasize their own positions, one is allowed to conclude there is a strong and

common heritage of a discourse of crisis encompassing both the level of political thought and the sphere of real political clashes as well.

In 1918, one can find an implicit assumption of the main Czechoslovakian and Polish political leaders that the emancipation of national existence is heavily dependent on the reality of international and political crisis which could also serve as a narrative tool to legitimize their own policies. Endangered national identity as a main sense of independent statehood thus played a crucial role within the contextual discourse of interwar Czechoslovakian and Polish politics, where the concept of multi-layered political, national and social crisis supported the principle of progressing national emancipation. Hence it is not astonishing that the most relevant events of their interwar period – the Munich agreement and May Coup – have been frequently labelled as crises, because a catastrophic discourse justified both ideological and policy changes.

As a prevailing Czechoslovakian narrative of that time one can consider a concept of Tomáš Garrigue Masaryk who stressed the ideals of democracy and humanism as two essential attributes of Czech national identity that were supposed to find the right path through the value crisis of a modern world. Similarly, albeit from a different perspective, there was an influential interwar discourse of national crisis in a Polish environment as well, enforced mainly by National Democrats of Roman Dmowski, who laid stress on the crisis of modernity as a main catalyst of Polish national emancipation.

On the basis of the common “crisis discourse” one can trace similarities between Czechoslovakian and Polish interwar discourse at two intertwined layers. First, it is necessary to ask how the Central European ideal of independence within the framework of “siege mentality” impacted the concept of national salvation from the crisis and how it influenced the “securitization” of a national state against ideological enemies such as national minorities, Germans, Bolsheviks or Jews. Second, it is desirable to focus on the national interpretation of two abovementioned crucial moments in national interwar history, the Munich Agreement and May Coup, representing a critical turnover not only for the interwar generation, but also for contemporary collective memory.

Hence, this contribution is supposed to reflect primarily these questions: 1) How was the interwar narrative of crisis conceptualized in the framework of ideological clash of particular political agents?; 2) Are there any common discursive practices to be found concerning Polish and Czechoslovakian interwar interpretations of the crises?; 3) How does the Polish and Czech contemporary society treat a discursive heritage of interwar crisis?

Susanne Dahlgren: Islam, Europe and “the European values”: The Danish cartoon episode revisited

In few other occasions the so-called European values have profiled so explicitly as in the debate that followed the publication in 2007 of the so-called Muhammad cartoons in the Danish newspaper Jyllands-Posten. The debate marked “European values” and on the other side, “protecting our Prophet” as the final lines that each polarized perspective was not willing to cross. At the same time, perspectives in between these extremes, whether presented in Europe or in Muslim majority countries were eclipsed in the heated media discussion.

I will analyze the cartoon controversy as a discourse of identity, meaning that the debate drew heavily on values deemed “European,” and thus built a wall to separate those deemed not belonging to the value family. As Ziauddin Sardar has suggested, European post-modernism is a project of constituting a distinction between itself and the Other while manifesting its lead over other continents. In my paper, I argue that the polarized debate that the publication of the cartoons brought about constructed a “politically correct” way of representing the lead among liberal audiences in Europe for whom such a neo-colonialist attitude would otherwise be problematic. I explore the positions taken during this debate in Finland on the one hand, and in a Muslim majority country, Yemen on the other. I argue that in closer scrutiny, the polarized perspectives did not mark a difference between these two countries. I will ask, what lesson can be learned in respect of the European values, minorities and tolerance.

Chiara Cristofolini and Andrew Cecchinato: The Crisis of Social Organisations and Democratic Institutions

The current crisis of social dialogue institutions has challenged the model of social democracy to its core. Recent reforms have tended to diminish the participation of trade unions and employers’ organisations in the definition of social-economic policies. Hence, governments have increasingly adopted unilateral decisions, regardless of social partner consensus, while employers’ unilateral decision-making has limited the trade unions’ inherent power of negotiating on behalf of its members. As a result, the capacity of social organisations to act as intermediate bodies and harmonize conflicting interests has largely withered, as a new age of disengagement and individualism seems to be dawning.

Whereas nineteenth century conceptions of democracy rested on political representation of individuals, the growing participatory demands of social movements led early twentieth jurisprudence to acknowledge the corporate capacity

of trade unions and professional organisations and insist on their necessary inclusion in the process of democratic deliberation. Thus, the direct participation of social movements in shaping political will constituted the new frontier of social democracy.

Faced with the transformations of democratic societies, current literature has questioned the enduring relevance of these earlier doctrines. However, it does not seem to have fully appreciated how the progressively unilateral definition of industrial relations has altered social democratic systems. Nor has it attempted to provide a remedial legal doctrine against the deterioration of individual and collective participation in democratic institutions.

In this prospective, we will read the current crisis of social democracies from an interdisciplinary vantage point, combining the approach of a labour lawyer and a legal historian. We will firstly investigate the extent to which the weakened role of social organisations has contributed to the declining effectiveness of popular sovereignty; we will then examine counter-practices in industrial relations, (e.g. direct employee participation in ownership, profits, or management of enterprises), in the attempt to determine whether such models can replace the role traditionally played by social actors and lead to a renewed understanding of the relationship between social organisation and democracy.

Matti Sarkia: Commitments, crises and confidence

This paper will argue that many severe economic and political crises may be analyzed as *crises of confidence*: what makes them stand out as crises (i.e. as occurrences that deviate from the ordinary run of things and radically alter expectations about the future) is not the absolute magnitude of their real consequences, but their transformative epistemic impact, which unexpectedly puts established values and beliefs in question. For example, trust in the counterparty arrangements that permeate the global financial system, making reliable transactions possible, was precipitously undermined during the global financial crisis of 2007-2008. Analogously, expectations of the ever deeper, harmonious integration of the European Union rapidly eroded during the Eurozone crisis of 2011-2012. Echoes of this tilt towards disintegration were also heard during the refugee crisis of 2015-2016, another crisis that Europe has yet to recover from.

The epistemic facet of severe economic and political crises will be argued to set such genuinely rare historical occurrences apart from political and economic transformations that do not stand out as crises due to their expected or predictable character. To illustrate, the rapid aging of the population in Western industrialized countries is sometimes referred to as giving rise to a *demographic crisis*. However,

the rapid aging of the population is a well anticipated challenge for public finance, which does not involve the kind of transformative epistemic experience, which simultaneously changes both the course of history and our expectations of how that history will unfold. To speak of a crisis whenever a population meets some type of material challenge would deflate the concept of crisis and gloss over important differences that matter for the most appropriate ways to respond to severe crises of confidence through public policy.

The suggestion that public expressions of commitment may function as an effective antidote against the deterioration of embryonic crises of confidence will be brought up at the end of this paper. By expressing a commitment to a certain type of policy activity or policy target, given sufficient resources to intervene in surrounding society, I will argue that public institutions can reduce uncertainty about what the future holds and thereby facilitate coordination amongst different societal agents. Many public policies, such as federal deposit insurance and inflation targeting, have indeed at first emerged as responses to grave crises of confidence and been shaped by them over time. In addition to such historical examples, I will discuss the more recent case of forward guidance by the European Central Bank as a means of transmitting commitments about the future course of monetary policy. I will argue that the ability to facilitate coordination between economic agents through forward guidance played a major role in resolving both the global financial crisis of 2007-2009 and the Eurozone crisis of 2011-2012.

Timo Miettinen: Neoliberalism as a Response to the Interwar Crisis of Science

The idea of universalism – the all-encompassing applicability of values, practices and institutions – lies at the core of European modernity. This idea has defined not only the political development of European societies but it has also legitimized the propagation of European values and norms to other cultures. This teleological understanding of Europe as a world-historical model for all civilizations is still a central component of contemporary liberal-democratic narratives.

The presentation deals with the research agenda of the subproject 2 of the Centre of Excellence, Discovering the Limits of Reason. The subproject investigates into the unique relativisation of European rationality in the philosophical, legal, scientific, theological and anthropological discourses of the inter-war period and the subsequent attempts to rethink the idea of reason, universalism and teleology on the basis of critical approaches. With regard to this task, the project analyses the crisis of reason on at least four different levels:

- (1) The crisis of universal history: How did the WWI influence the idea of teleological, universal history? How was the crisis of universal history and the status of Europe therein articulated?
- (2) The crisis of law and political community: How did the WWI influence ideas of law and “the political”? Did politics lose its transcendental ground? How were the notions of sovereignty, general will etc. rearticulated in order to meet the challenge?
- (3) The crisis of liberalism: How was the crisis of liberalism articulated in the interwar period? How were the basic principles of liberal theory rearticulated in order to meet the criticism?
- (4) The crisis of science and culture: How was the crisis of science articulated in the interwar period? How was the relation between descriptive and normative tasks of science conceived? How to understand the changing role of science and moral philosophy?

The relativization of European universalism took many shapes and ranged from the critique of Western rationality and science to anti-liberal political theory, from relativized anthropology to renewed analyses of modern capitalism and dialectic theology. Although several thinkers abandoned the naive interpretation of Europe’s position in world history as the crown of civilizations, many of them aimed at a reconfiguration of universalism in order to meet the aforementioned critiques.

Emma Patchett: A “bleak and desolate place”: A Gap in the Sand

According to Gramsci, crises are not events but are instead constantly present: thus, migrant crises might be described not as merely embedded in the European spatial imaginary, but rather as fundamental to its ongoing narratives of juridico-political identity. Yet the concept of a migratory ‘crisis’ has been used to justify punitive measures that promote the closure and enforcement of borders. This paper will challenge this perception of crisis through an examination of the *ethics of materiality* in immigration detention space, focusing specifically on the site at Sangatte, or what would become known as the “Calais Jungle”. By exploring the spatio-temporal in flux with the materiality evoked through the juridical, this paper will be read in the context of a reading of crisis in which power relations do not delineate distinctive lines of legality nor belonging but rather reveal a fragile materiality which is always both ambiguous and unsettled. Focusing on reading spatio-temporal materiality in relation to immigration detention at Sangatte (which means, fittingly ‘the gap in the sand’) opens the possibility of re-framing “crisis” by returning materiality to the juridical as it is manifested through the apparatuses of border detention. If law’s

environment is understood to consist of embodied spaces, textures and materials which are often hidden from view in law's discursive attempt to draw the border as a protective administrative measure, it is critical to examine the epistemological paradox by which the law relies on its colonization of space whilst simultaneously negating matter. Providing a spatial analysis of the presence of immigration detention at Sangatte through its material presence in restrictive asylum policies and legislation from the post-war period to more recent case law such as *ZAT* and *others v Secretary of State for the Home Department* [2016], this paper hopes to “shift the vulnerability” – as it were- onto *ways of knowing space* as part of an alternative reading of crisis.

Seija Jalagin: To aid people in need – The missing idea of refugee crisis in interwar Finland

During the past years European public narratives have been characterised by discourses about crises, e.g. bank and economic crisis and refugee crisis. The crises in these contexts seem to refer to the problems of the states, many of them wealthy welfare states, rather than to the problems of the ordinary people in these states or of the refugees and migrants.

In a world of constant human mobilities it could be useful to explore parallel historical cases of refugees. In this paper the focus is on the migration caused by the Russian revolution in 1917, in particular the refugees to Finland in 1917-1922 and the respective public narratives concerning the refugees. In general, Finland gave asylum to all migrants from Russia (even though the term of asylum in practice did not exist then) and considered it the responsibility of a “civilised nation” to aid people in need. The aim of the paper is to investigate the political interests of the receiving country, how they influenced the immigration and immigrant policy, what role did economic considerations play, and how was open criticism towards the refugees and asylum policies managed in the interwar years.

The source material consists of the debates in the Finnish parliament, selected media narratives of refugee issues, and the records of the Finnish Refugee Aid Centre that was established in 1922 with an idea of short-term aid management but operated until the 1950s.

Östen Wahlbeck: To Share or Not to Share Responsibility? Finnish Refugee Policy and the Hesitant Support for a Common European Asylum System

Finland has a long history of supporting international solutions to so-called refugee crises. The commitment to international agreements was tested during the year 2015 when the country experienced a 10-fold increase in the number of asylum seekers.

Despite some challenges, the country did follow its international legal obligations and did not close its borders in 2015. However, the Finnish Government showed some political hesitation to support the decision to relocate asylum seekers within the European Union. This hesitation was somewhat surprising since the country previously has displayed a strong commitment to international cooperation in asylum policy as well as a support for European integration and harmonization in general. Furthermore, a share of responsibility among EU member states would seem to be in the interest of the country with the longest external borders of the EU. This paper outlines the political developments and provides an explanation of the asylum policy of the Finnish government during the so-called European refugee crisis beginning in 2015. A specific focus of the analysis is the Finnish position on the development of a Common European Asylum System (CEAS). The paper argues that the wish of a member state to control migration can, paradoxically, explain both a commitment to international cooperation as well as a hesitation to support EU-wide solutions in asylum policies. The argument is based on an analysis of official documents of the European Commission and the Government of Finland, as well as public statements by the Government of Finland and its Ministers. The results of the analysis illustrate both the internal disagreements within the Finnish government and the broader challenges facing the implementation of EU decisions on asylum in general.

Mikko Immanen: Adorno on Spengler: Turning Anti-Enlightenment Arguments for Enlightenment

Of the many doomsday prophets of 20th century, Oswald Spengler is by far the best-known. His *Decline of the West* (1918/1922) famously declared that modern Europe would face the fate reserved for every society: the withering away of creative energies of *Kultur* and the rise of a shallow civilization of the “last man” prophesied by Nietzsche. Theodor W. Adorno, the leading light of Frankfurt School, counts among the most significant, and gloomiest, leftist intellectuals of the 20th century. In his magnum opus, *Dialectic of Enlightenment* (1947), co-authored with Max Horkheimer, Adorno offered a bleak picture of the Janus-faced character of Western modernization prone to turn from liberation to domination. Adorno’s writings on Spengler contain surprisingly positive comments. Yet no steps have been taken to analyze Adorno’s possible debt to Spengler. The paper takes a step toward such an analysis.

In 1951 Adorno wrote that “not least among the tasks now confronting thought is that of placing all the reactionary arguments against Western culture in the service of progressive enlightenment.” As an example of such immanent critique of

conservative *Kulturkritik* we have Adorno's essay "Spengler After the Decline" (1955). Adorno did not mince words with Spengler's scorn of the "ideas of 1789" and his Proto-Fascist celebration of authority. He also denounced Spengler's equation of human history with life-cycle of plants as utter nonsense. Yet Adorno praised Spengler for having captured "something of the dual character of enlightenment in the era of universal domination." By this Adorno referred to Spengler's observations of the early 20th century Europe: bureaucratization of the party system, rise of mass media, and emergence of a new personality type vulnerable to propaganda. With these observations, Spengler had been able, unlike too optimistic liberals and Marxists, to diagnose "tendencies inherent in democracy which threaten to turn it into dictatorship."

Adorno clearly wanted to distill a kernel of truth in Spengler's suspicion of modern belief in progress. Significantly, the original version of Adorno's 1955 Spengler essay dates from 1938, i.e. from the time when he and Horkheimer began to work on *Dialectic of Enlightenment*. Thus, should Frankfurt School's magnum opus be interpreted partly as an effort to appropriate Spengler's conservative notion of *Untergang* for progressive ends?

Ari-Elmeri Hyvönen: Political crisis as a crisis of language and experience

Today, we constantly live in midst of several economic, social, and political crises. From financial markets, sovereign debts to liberal democracy, truth, and factuality, crisis vocabulary is habitually invoked. In this paper, I will respond to this form of popular analysis, focusing especially on the political crisis of the European Union. The aim of the paper is to explicate the *experience* of crisis and its political meaning. In my analysis, I will draw from various sources, most importantly combining the idea of "crisis of experience" in Frankfurt school thinkers with the "experience of crisis" as explicated by Reinhart Koselleck, Hannah Arendt, and Edmund Husserl. In the essay "Crisis in Education", Arendt identified an opportunity in the "fact of crisis". Namely, she argued that crisis "tears away façades and obliterates prejudices". In other words, crisis can be conceived of as a form of experience that reveals fundamental aspects of our reality and forces us to ask anew certain fundamental questions about our practices. I suggest that in today's discourses on crises, we fail to experience them in this manner. For reasons explicated by Adorno, Benjamin, and Arendt, certain experiences have become less easily available in the modern society. A social-political dynamic thoroughly caught up with the problem of language works against the idea of critically re-examining linguistic conventions and socio-political practices embedded in them. I argue, to put it somewhat schematically,

that the “crisis of experience” is directly connected to the failure to “experience crisis”. There are vast political consequences involved. In the selfsame essay in which she identified the promise of crisis, Arendt also noted that if we respond to crisis with prejudices, it becomes a disaster. Failing to experience the crisis, we cannot rethink our prejudices and fail to adapt to changing realities. The paper will seek to identify ways of reviving the political experience of crisis as an event capable of making us change the way we use language – in other words, how we think, judge, and act. Doing so, it will also engage with Etienne Balibar’s recent talk “Europe in crisis: which ‘new foundation’?”, arguing that his otherwise excellent analysis suffers from shortcomings that relate to the identification of financial crisis as a root cause of contemporary political crisis of the EU. In short, I will suggest that Balibar does not dig deep enough to perceive the long-term *political* causes of the current crisis, i.e. he fails to open up to analysis some of the prejudices disclosed by the present crisis.

Jani Kukkola: Crisis as a Source of Cultural Critique and New Beginning. An Existential Notion of the Renewal of European Experience

In the presentation, the notion of crisis of European post-war experience will be examined through a particular existential cultural theory in which the apparent crisis of European life seems to inevitably lead to cultural criticism and to the development of critical thinking. In this theory, crisis and criticism share a significant and meaningful connection which contributes to understanding cultural development and even what it is to be (European) human in general. The main source for this cultural theory lies in German philosopher Otto Friedrich Bollnow’s (1903-1990) existential thought. Bollnow asks the anthropological question, what does crisis mean in the life of the human being in its social and cultural settings. He reflects upon the idea that crisis belongs to human life in a fundamental way as it disrupts the natural flow of everyday life and unconceals something new and significant about the potentially endangered form of individual and cultural life. Crisis “exists” in the very nature of European way of life as a creative source for the renewal of this cultural experience. Thus, crisis has a constituting role for the development of time-sensitive cultural critique and critical attitude.

The cogency of this existential philosophy is evaluated against the prevalent post-war European cultural criticism of the Frankfurt School and especially the Critical Theory of Jürgen Habermas. It is shown how this existential philosophy can provide a sustained critical engagement with Habermas’s Critical Theory and resituates it as a less narrowly concerned with rules and procedures to a more richer

and more time-responsive concern for change-enabling disclosure of possibility and the enlargement of meaning in constantly renewing European experience.

Laura Nordström: Power of Knowledge in EU – The explanatory power of paradigm change models in the European debt crisis

Economic crises are often seen as moments of policy change in political science research emphasizing the power of ideas. Crises are possibilities for existing policy paradigms to be replaced with new ones. Facing uncertainties policymakers will re-evaluate policies in light of the ideas that are available.

Therefore, the European debt and banking crisis could have been a time to re-evaluate the dominant economic thinking, which is called neoliberalism or economism. However, despite the initial Keynesian reactions in 2008–2009, the European decision-makers chose to return to austerity instead of a policy revision in the spring of 2010. At that time in May 2010, not only were the First Economic Adjustment Programme for Greece, the European Financial Stability Facility and the European Financial Stability Mechanism adopted, but also the return to fiscal consolidation chosen as an answer to the still ongoing economic crisis. Why was the paradigm not questioned and re-evaluated?

This paper analyses the explanatory power of different paradigm change models in connection to the decisions of May 2010 that had important long-term consequences. For example Sanna Salo (2017) amends the conventional punctuated equilibrium-type of model of ideational paradigm change (challenging entirely the prevalent understanding) with a model of incremental change where ideas, in themselves, change. Instead of being moments of fundamental paradigm change, are crises rather periods of adaptation? Did European actors adjust their policy beliefs within the neoliberal paradigm? Does this mean that we have to rethink the models of paradigm change?

The EU economic policy choices in the crisis have been explained for example by institutional legacies, rising populism and inability of governments to agree on reforms, but this research emphasizes the power of ideas. Discursive practices/structure/hegemonic paradigms produce and constrain the actions. However, agency is often ignored when analyzing the effect of ideas. Hence, this paper examines also the role of actors in paradigm change in crisis, especially in the European debt crisis. The embeddedness of the dominant economic thinking points at a strong position of a well-established decision-making and knowledge production network.

The paper is part of a doctoral research on how decisions were made and influenced through the production of knowledge and lobbying in the European Union during the European debt and banking crisis. It examines who were the knowledge producers that EU, Finnish and German decision-makers listened to and how was analysis used in the decision-making in the spring of 2010. The networks are also compared to the events in 2009 and to later stages of the crisis resolution.

The doctoral research brings new information and contributes to the theory on 1) the role of power/knowledge/analysis in decision-making and in crisis situations, 2) the functioning of the consultocracy, 3) the importance of alternatives in politics, and 4) the power relations behind austerity. In spite of the extensive research on the European debt and banking crisis, the role of consultancy, lobbying and production of knowledge have not been thoroughly researched.

Päivi Neuvonen: Many Crises of EU Citizenship: de-politicisation and re-politicisation of the Individual in the EU

The current constitutional arrangement of the EU is frequently criticised for de-politicisation, meaning that it excludes the possibility of free political choice in matters that fall within the EU's legislative and judicial competences. The CJEU's jurisprudence on free movement is one of the fields in which economic considerations tend to categorically take precedence over non-economic (national) policy objectives. EU citizenship has a dual role in this picture. On the other hand, it has been viewed as a means for increasing the social legitimacy of European integration. On the other hand, the case law on EU citizenship has extended the scope of such situations in which national policy objectives must be reviewed against the European constitutional standards. Both of these two accounts of EU citizenship react to the EU's presumed 'legitimacy crisis'. This paper will draw on Reinhart Koselleck's work in examining how the concept of 'crisis' shapes the normative debates on EU citizenship. First, the paper will compare the non-political and political narratives of the transnational/European Individual and how their understandings of a 'legitimacy crisis' and alienation as a product of European integration differ. It will then consider whether the re-politicisation of EU citizenship necessarily implies that national institutions and democratic processes must prevail over transnational ones. This analysis also seeks to clarify to what extent Koselleck's argument of crisis as a 'structural signature of modernity' applies to EU citizenship and what it means to view the EU's legitimacy crisis as a 'permanent' vs. a 'transitional' category.

Marco Duranti: The crisis of European values in historical perspective

Today the European Union is commonly described by its supporters as not only an economic project but a ‘community of values.’ With Franco-German reconciliation having been achieved and the material advantages of European integration in question, EU officials increasingly position the promotion of democracy, human rights, and the rule of law as a source of the EU’s legitimacy. Critics on the Left and Right have pointed out the contradictions between, on the one hand, the supranational powers of European bodies and, on the other hand, the constitutional principles of popular sovereignty and parliamentary sovereignty anchoring the political legitimacy of Europe’s democratic welfare states. They argue that European institutions are anti-democratic anachronisms in the service of elites. Having served its original purpose, the EU is no longer able justify its supranational prerogatives by appealing to Europeans’ pocketbooks.

The news media portrays this populist Eurosceptic moral critique as a new phenomenon, one born of economic developments, a consequence of the Eurozone sovereign debt crisis coupled with more general concerns about the impact of globalisation and immigration in recent decades. While there is some truth to this interpretation, the indivisibility of the material and moral dimensions of the European project have been evident since the 1940s. What has been forgotten is that postwar European integration from the outset was in conflict with the ideologies of both left-wing nationalism and right-wing nationalism. European organizations of states have long been viewed as anachronisms. The original ethical premise of the European Communities as conceived by technical experts had been a nineteenth-century liberal internationalist one. The state-driven process of European economic integration from the 1950s to the 1980s was avowedly aimed at the promotion of peace and reconciliation through advancing the ‘Four Freedoms’ of the Common Market – the free movement of goods, services, persons, and capital across national frontiers. At the same time, the science of international economic coordination and planning to emerge from the two world wars was coupled with a neoliberal and Christian democratic understanding of the European project as a bulwark against the centralisation of state power over subnational units at the expense of individual and communal liberties.

Beginning in the 1960s, the New Left’s moral critique of statism, technocracy, and parliamentary politics had the effect of at once weakening the left-wing defence of the sovereign democratic nation-state and shifting the locus of technocracy to the supranational level. As the cultural politics and social movements born of the 1960s gradually imprinted on the moral architecture of the European

project, the Left began to increasingly accommodate the very classical liberal moral framework that it had once viewed as anti-socialist. Conversely, the Right at the end of the Cold War felt it no longer needed Europeanism as an ethical alternative to socialism. Just as many left-wing nationalists in postwar Western European democracies made analogies between European integration and Axis propaganda, following the Cold War, many eastern Europeans with memories of Soviet interference in their domestic affairs resisted supranational authorities in the name of democratic self-rule. Today, history has come full circle, with current left-wing Euroscepticism mirroring earlier left-wing rhetoric, but the real battle today is within the political families of the Left and Right rather than between them.

Adolfo Giuliani: The *ius commune europaeum* and the crisis of legal science, 1930-1960

The *ius commune europaeum*, the avatar of the common European identity emerging from the 1960s, has lost its shine. This paper argues that we will be able to grips with its waning by clarifying two points. First, the *ius commune europaeum* is the child of a change of paradigm which invested legal science in the decades 1930-60. Second, this notion responded to a precise set of questions. They are still with us but embedded in a different texture of intellectual-cultural motives, which this paper will try to describe.

The *ius commune europaeum* has virtually disappeared from current discussions. Until recently this notion has been a protagonist of legal-political discourse. It supported a wide of arguments: some were about the past, the *ius commune* being the common past of Europe. Other arguments were about the present, this *ius commune* being the perfect evidence of a common European identity. Other arguments regarded the future. They presented this *ius commune* as the blueprint for the future European private law, and described it as a normative body harmonised around the medieval Roman law doctrines handed on to us. But today this *ius commune europaeum* is a confused notion. It is overlooked and difficult to discuss, loaded as it is with a heavy baggage of political and even emotive connotations. We can get out of this situation by analysing it historically. This paper shows that the *ius commune* had a place in legal studies within the sweeping change of paradigm of the period 1930-60. Some scholars launched an assault on the 19th century canon that dominated legal academia and explored other ways to think of the law. They believed (e.g. Francesco Calasso, 1930) that the *ius commune* answered three main problems:

1) The crisis of Roman law: the BGB's enactment (1900) reduced Roman law to a normative and intellectual body of no practical relevance; then Nazism

threatened its existence. The *ius commune* — the coherent doctrinal body built by medieval Glossators and relayed hand to hand to us — was the true beginning of modernity. And Rome, the cradle of law and of Christianity, was the lighthouse of the new European ideal which came with it.

2) The crisis of historiography. The period 1930-60 saw the demise of Jacob Burckhardt's influential narrative (i.e. modernity signalled by the rupture provoked by 16th century Renaissance). Some scholars (e.g. the German-Jewish emigré Paul O. Kristeller) turned to the medieval intellectual world, whose main feature they perceived in humanism and scholasticism, and thus in a deep anti-Cartesian agenda. In this world they saw a new and original dimension to their intellectual identity, and *ius commune* scholars translated this idea in their own field.

3) The crisis in legal reasoning: some legal scholars contested the primacy of codification and launched an attack on its main intellectual source: *Vernunftrecht*. They found in the medieval *ius commune* a set of intellectual traditions side-tracked by modernity — rhetoric/dialectic, case-based ethics, probabilism — which led them to another paradigm, whose main feature was found not in the systematic coherence prized by *Vernunftrecht*, but in its being functionally addressed to conflict settlement.

The reason we need to recover those questions is that we shall otherwise fail to understand the reason the *ius commune europaeum* came to be so important in the 1960s. Another and even more important reason is that those three questions — the Roman heritage, its evolution in time, and the ways to make use of it to settle conflicts — are still with us, but unresolved.

Kaius Tuori: Narratives and normativity: Totalitarianism and the European legal tradition after WWII

The relationship between narrative and normative spheres is problematic. While the intermingling of narrativity and factuality has been something of a mainstay in the theory of history, the interrelationship between narrative and normativity has gained much less interest. The purpose of this article is to explore a parallel process of narrative and normative change and the influences and connections between them.

After the Second World War, there occurred a momentous change in the European legal traditions, a change that was little noted by contemporaries. With the collapse of Nazi Germany and Fascist Italy, the ideological contestation between the liberal social and legal order and totalitarianism became settled. As a collateral damage of the ideological association with nazism, many forms of nationalism became discredited. As a result, there emerged a new form of Europeanism that gained momentum from the European unification. Because the unification was

founded on legal instruments and soon was perceived as a legal process, a novel way of approaching the European project through history made its way to the legal discussions. Roughly at the same time as the European legal integration began, the narrative of a shared European legal culture as a historical concept was conceived among legal historians.

Rolf Hugoson: The 1920s crisis of liberal democracy through the eyes of Antifascists in exile: Piero Gobetti and Gaetano Salvemini

Some year ago, Clark identified a dominant group of latter time historians, “the Radicals” who took their cue from Gobetti and Salvemini, notably while recognizing the importance of decline and crisis in Italian history (Clark 1984, 5): “Italian history has always gone wrong; the historian’s task is to analyse why. The Radical’s are delightfully pessimistic.” On closer scrutiny, Piero Gobetti himself was arguably more optimistic – although regrettably, he died already in 1926, at the age of 25.

When Gobetti considered the victorious fascist regime in 1925, he deemed “Italy” (1925, 122): “a nation too young and too old where the crisis of all Europe cannot fail to be sensed with delectable sensibility”. The sense of crisis was again highlighted as Gobetti continued: [I] “never thought it possible to liquidate Mussolini’s movement as if it was a police problem, but judged it from the beginning the decisive sign of the secular crisis of the Italian spirit”.

Yet Gobetti hoped for the future (1925, 123): “Certain total crises are not always a sign of decadence: in France the arrival of Napoleon III inaugurated a twenty year period that has just begun for us, yet from this resulted a nation for ever modern.”

Indeed, beside focusing the concept of crisis, in this paper I also take account of Gobetti’s and Salvemini’s efforts to create editorial platforms, first to improve Italian political culture at home; later to diffuse knowledge abroad (in France, UK and USA) about the long term problems and possibilities of a continuous “risorgimento” which Gobetti called “the liberal revolution”.

Kevin Barker: Brexit as a constitutive force: the Commonwealth and Others in Europe’s Crisis

Britain's accession in 1973 to what is now the European Union marked a decisive turn in the life of the British Commonwealth of Nations. By the turn of the 21st century, the status and value of the Commonwealth in global affairs was firmly reduced to the fostering of Britain's soft power: common democratic values, capacity building, maintaining historical ties - the carefully preserved ruins of the British

Empire. Yet, in 2016 the Commonwealth took on added significance in the campaign that engineered a win for Brexit. For Brexiteers, the Commonwealth would be a pivotal plank in Britain's re-assertion of her place in the world, through trade and selective migration. To the extent that Brexit instantiates a crisis in Europe, this is but a more recent episode in the narrative of Europe and her Other. This paper assesses the constitutive implications of Brexit. It is argued that the propensity to being constantly poised for exit has its genesis and gestation in the British Empire-turned-Commonwealth. At the very moment that the Commonwealth was forged as a concept and an organisation to capture and sanitise the bond between mainland Britain and her colonial political spaces it was inflicted with the ghosts of empire. Brexit captures, and exemplifies in Europe, this hauntology of imperial presence: spirits of internal-external conflict traceable in the intellectual labour of the progenitors, critics and enablers of the Commonwealth as a constitutive force.

Mikko Salmela: Emotions and populist narratives of crisis

The relationship between political populism and crises is close. Many theorists understand the recent rise of populist parties and movements in Europe and elsewhere in the world as a symptom or consequence of multiple crises, such as the Global Financial crisis, the Eurozone crisis, the environmental crisis, the refugee crisis, or the crisis of faith in democracy (e.g. Laclau 2005, Stavrakakis 2005, Roberts 1995). However, some theorists, such as Wodak (2015), Moffitt (2016), and Brubaker (2017), argue that crisis, or more precisely, its performance, is also an intrinsic feature of populism. Moffitt (2016, p. 121) identifies six steps in this performance: “1. Identify failure; 2. Elevate the failure to the level of crisis by linking it into a wider framework and adding a temporal dimension; 3. Frame ‘the people’ versus those responsible for the crisis; 4. Use media to propagate performance; 5. Present simple solutions and strong leadership; 6. Continue to propagate crisis”. While agreeing with this analysis, I argue that it neglects the essential role of emotions and sentiments in the emergence and maintenance of an *experience of crisis* that is crucial to the appeal of the populist performance of crisis among the public. Drawing from my co-authored work on the emotional dynamics of right-wing political populism (Salmela & von Scheve, 2017) and other recent studies on emotions and populism, both left and right-wing, I complement Moffitt’s analysis with individual and collective emotions and sentiments that are involved in the populist performance of crisis. First, individual emotions triggered by systemic failures, such as fear, anxiety, anger, humiliation, shame, envy, disappointment, and frustration, render individuals receptive to populist rhetoric of crisis in media and elsewhere. Second, the populist

rhetoric serves to deflect and redirect negative emotions directed at the self and particular others towards various Others identified as responsible for the crisis, such as political and cultural elites as well as refugees, immigrants and the long-term unemployed in right-wing populism, and financial and political establishment, both national and international, in left-wing populism. Third, the collective anger and resentment of individuals at relevant Others become an affective ‘glue’ that aligns them to ‘the people’ as identified by the populist party or movement. Collective pride of the ‘people’ as well as collective admiration of the populist ‘leader’ serve the same function of strengthening in-group cohesion and solidarity. Fourth, populist rhetoric serves the consolidation of collective emotions into collective sentiments, long-term affective attitudes towards the objects of collective emotions, such as hostility, hate, and distrust towards the Others that are blamed for the crisis. Fifth, these sentiments serve continued propagation of the crisis by influencing the attention and information processing of the adherents and sympathizers of populist parties in ways that render those individuals receptive to populist interpretations of events.

Jaakko Salminen: Rana Plaza, Bangladesh, as a European Crisis: The Beginning of the End of Transnational New Governance as a Narrative of Legitimacy

On 24 April, 2013, the Rana Plaza building collapsed in Savar, Bangladesh, killing 1000+ labourers employed in manufacturing garments for brand companies operating in the developed countries. Along with Rana Plaza, 20+ years of evolution in relation to the private governance of global value chains became a smouldering ruin, collapsing into its own impossibility. The narrative of transnational new governance, under which benevolent corporations domiciled in developed countries instruct suppliers located in less developed countries on how to put in place adequate social, environmental, and economic standards, was once again proven to be hollow to the core—but for once, something also changed in the overarching narrative of the European corporate soul.

Rana Plaza did not bury transnational new governance, once heralded as the only reasonable way of regulating the contingencies of transnational commerce, whole. It did, however, severely displace and disrupt the earlier narrative serving as the foundation of transnational new governance. Three narratives have risen post-Rana Plaza to develop, complement, or displace transnational new governance.

The first narrative is one of transnational new governance reborn. Building on earlier critiques, in particular from the perspective of transnational labour, the earlier slogans of voluntarily enforced, exclusive, and non-binding

governance have in some cases been replaced by novel governance mechanisms that are enforceable at law, inclusive, and binding. These novel mechanisms may take the form of dedicated governance contracts or governance corporations. However, key critiques raised against them is that they are nonetheless dependent on the benevolence of lead firms for their existence and that they may be used not only to extend but also control liabilities.

The second narrative is one of national regulation complementing transnational new governance. A decade or so ago such approaches would have been unthinkable—but disasters such as Rana Plaza have forced the hand of regulators. A number of transnational soft law instruments and national hard law statutes are now pushing corporate actors to divulge their private governance mechanisms and, in doing so, make them further develop private governance.

The third narrative seemed similarly unimaginable pre-Rana Plaza. This is one of *production liability*, a strictish, joint-and-severable liability between lead firms and value chain actors in relation to all production related environmental and social contingencies. There is precedent for such liability over one's supply chain in the form of the contractual and tortious causes of action developed a hundred years ago in relation to *product liability*—our very ideas of what it means to contract or how the common law tort of negligence is understood are based on these historical developments. Similarly, cases such as *Das v George Weston Ltd* have contested our existing, product liability derived duties of care from a transnational production liability perspective.

My proposed paper discusses in detail these narratives, in particular from the perspective of the overarching narrative behind them—European socio-legal cultural superiority as evidenced by the benevolence of our corporations voluntarily subjecting a part of their gains to develop social and environmental conditions in the developing countries to which they have outsourced production.