

either collapse or reorganization to a higher, more complex level of performance. In the modern era, when distances were still significant, time was more plentiful, and density of exchange less tight, energy fluctuations anywhere in the world were generally localized in their impact, rarely affecting the entire planet. That is no longer the case. In a globalized economy where space and time are increasingly dense, and everything is more interdependent, any event occurring anywhere in the system can make everything else in the system vulnerable. Networks are the only business models that can accommodate a vulnerable high-risk global economy. Networks bring together interested parties with the specific objective of pooling resources and risk to mitigate losses. Only by cooperating in extended business-to-business and business-to-consumer networks can firms enjoy the kind of just-in-time information, knowledge, and response capacity to adjust rapidly to fluctuations anywhere across the entire global economy.

In the modern era, when there was still an expansive frontier of untapped resources, labor, and potential wealth to tap all over the world, the combative, autonomous individual—the cowboy mentality—was the ideal commercial prototype, and the market mechanism was the most effective arrangement to expropriate and exploit the many economic possibilities.

In the new global commercial playing field of increasing complexity and interdependence, opportunities are increasingly modeled around shared vulnerabilities and pooled risks rather than around exclusive self-interest and individual entrepreneurial gambles. In a global risk economy, trust, reciprocity, and cooperation become more important survival values than go-it-alone rugged individualism and adversarial behavior.

THE SAME GLOBAL CONDITIONS that are forcing a new cooperative economic model to the fore, based on network architecture, are affecting the political arena as well. Nation-states can no longer go it alone in a dense, interdependent world. Like transnational companies, they are slowly coming together in cooperative networks to better accommodate the realities of a high-risk globalized society. The European Union is the most advanced example of the new transnational governing model, and for that reason, its successes and failures are being closely watched in every region of the world as nation-state leaders rethink the art of governance in a global era.

9

The "United States" of Europe

THE EUROPEAN UNION is the third-largest governing institution in the world. Its 455 million citizens are spread out over a landmass that is half the size of the continental United States. In the course of the next two years, its people will ratify a constitution, pledging their lives and fortunes, and tying their personal and collective destiny to its political success.

What Is Europe?

All in all, the EU is a remarkable feat, especially when one stops to reflect on the fact that even its architects are unsure of exactly what the EU represents. The problem is that there has never been any governing institution like the EU. It is not a state, even though it acts like one. Its laws supercede the laws of the twenty-five nations that make it up and are binding. It has a single currency—the euro—that is used by many of its members. It regulates commerce and trade and coordinates energy, transportation, communications, and, increasingly, education across the many national borders that make it up. Its citizens all enjoy a common EU pass-

seems amorphous and less fixed, that's because it is navigating in a world of perpetual novelty. In the global era, duration has shortened to near simultaneity, and history has given way to an ever changing now. Geography, in turn, is no longer experienced contiguously and in terms of distances but rather as a patchwork of patterns that brings disparate places together in shared activities. For example, regions like Baden-Württemberg, Rhône-Alpes, Lombardy, and Catalonia are now united in close commercial, social, and political networks that leapfrog across their existing nation-state borders.¹ Many regions of Europe now have more intimate activity with consort regions far removed from their own geography.

Unlike past states and empires, whose origins are embedded in the myth of heroic victories on the battlefield, the EU is novel in being the very first mega-governing institution in all of history to be born out of the ashes of defeat. Rather than commemorate a noble past, it sought to ensure that the past would never be repeated. After a thousand years of unremitting conflict, war, and bloodshed, the nations of Europe emerged from the shadows of two world wars, in the span of less than half a century, decimated: their population maimed and killed, their ancient monuments and infrastructure lying in ruins, their worldly treasures depleted, and their way of life destroyed. Determined that they would never again take up arms against one another, the nations of Europe searched for a political mechanism that could bring them together and move them beyond their ancient rivalries.

In 1948, at the Congress of Europe, Winston Churchill pondered the future of a continent wracked by centuries of war and offered his own vision of a European Dream. He said, "We hope to see a Europe where men of every country will think of being a European as of belonging to their native land, and . . . wherever they go in this wide domain . . . will truly feel, 'Here I am at home.'"² Jean Monnet, who more than any other single individual was responsible for creating the idea of a common European community among formerly divided peoples and countries, understood how difficult it would be to fulfill Churchill's dream. The problem, noted Monnet, is that "Europe has never existed; one has genuinely to create Europe."³ This meant making people aware of their Europeanness.

The preamble to the 1957 Treaty of Rome, which established the European Community, states unequivocally that the aim is "to lay the foundations for an ever closer union among the peoples of Europe."⁴ The grand hope was "to substitute for age-old rivalries the merging of their

essential interests; to create, by establishing an economic community, the bases of broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared."⁵ Here was the first political entity in history whose very reason for existence was "to build peace."⁶

Today, two-thirds of the people living across the European Union say they feel "European." Six out of ten EU citizens say they feel very attached or fairly attached to Europe, while one-third of European youth between the ages of twenty-one and thirty-five say they "now regard themselves as more European than as nationals of their home country."⁷ The World Economic Forum's own survey of European leaders found that 92 percent of them see their "future identification as mainly or partly European, not national."⁸ Although difficult to fathom, this extraordinary change in how people perceive themselves has occurred in less than half a century.

Forging a Union

From the very beginning, the process of forging a common European community ran up against the other side of a paradox: that the architects of the new, more interdependent, and expansive governing model were nation-states, whose very reason for existence was based on exclusive control of territory, the contestation and seizure of other countries' lands, and the sequestration of people within their borders who owed their allegiance and loyalty to the state. Breaking open the nation-state container to allow "a closer union among the peoples of Europe" threatened the long-standing sovereignty of nation-states, undermining their hegemony and rule. The question has always been, Would there be more to be gained than lost in sacrificing a degree of national sovereignty in return for a greater measure of security and opportunity? At each turning point in the fifty-year development of the Union, the nations and peoples of Europe have narrowly voted yes to a rewriting of the political contract, conferring more authority to the Union, while giving up an increasing share of their national sovereignty in the process.

The journey to union began with the creation of the European Coal and Steel Community (ECSC) in 1951.⁹ Many European intellectuals and political leaders argued that the long-standing economic rivalry between Germany and France was at the heart of the lingering conflict in Europe,

and a major cause of war that periodically engulfed the continent. Jean Monnet proposed the idea of merging the coal and steel production of Germany and France, especially along the long-contested industrial corridor that bordered the Ruhr and Saar rivers. The ECSC Treaty of Paris, signed by France, Germany, Italy, Belgium, the Netherlands, and Luxembourg, provided for the creation of a supranational high authority with broad regulatory powers, a council with legislative powers, a political assembly, and even a European Court of Justice.¹⁰ The new entity would have the power to bind the member states under the umbrella of a higher authority for the very first time. The intent was to set the stage for a broader union.¹¹

In 1957, the six member states of the ECSC signed the Treaty of Rome, broadening their mission to include the creation of a European Economic Community. The EEC's mandate called for the establishment of a common market and included the harmonization of taxation, the elimination of internal customs barriers, and the enactment of rules governing capitalism and the free deployment of labor. A legislative body was set up comprised of representatives of each member state, a commission was created and given executive power, a European Parliament was established with limited advisory and legislative oversight, and the European Court of Justice was given broad judicial review power. The new European Economic Community enjoyed an international legal identity. It could enter into diplomatic relations and negotiate treaties on behalf of its member countries just like nation-states. The Treaty of Rome and the establishment of the European Economic Community meant that member states no longer had the right to act alone in economic matters.¹²

The six states also entered into a separate agreement to create a cooperative venture to develop nuclear power across their territories. The European Atomic Energy Community (EURATOM) came about because the six countries realized that only by pooling their investments and sharing the technology could they afford to compete with the U.S. and the USSR in the nuclear power field.¹³ In 1965, the ECSC, EURATOM, and the EEC merged.

The EEC Treaty gave the body the power to set a common agricultural policy for the member states, as well as to establish a common transport policy, a customs union, and a common policy to govern external trade.¹⁴ The architects of the EEC were mindful that greater economic union would necessitate a more free and mobile labor force that could

seek employment and take up residence across national boundaries. The treaty created four basic rights: the right of citizens to move between states; the right to establish residence in another state; the right to work in another state; and the right to move capital between countries.¹⁵

Until very recently, most Americans, and possibly an equal number of Europeans, viewed the European Economic Community and its successor, the European Union, as little more than a common market that could give its member states the advantages that come with a larger unified internal trade zone. Its early architects and visionaries even promoted the idea publicly in order to gain acceptance for the Union. Privately, however, they were clear, from the very beginning, that they had a far more ambitious agenda in mind. Jean Monnet, the founding father of the Union, declared early on that "we are not forming coalitions between states, but union among people."¹⁶ Monnet and others believed that the only long-term solution that could guarantee a peaceful and prosperous Europe was the surrendering of more national sovereignty to a broader political union. They realized, however, that sporting an overt political agenda would backfire and create resistance by the member states—all of whom were anxious to increase their economic clout by joining together in common cause in the commercial arena. For the most part, national leaders saw the union as a way to further national objectives, strengthen their own domestic agendas, and secure their national sovereignty. In a world dominated at the time by two superpowers, the U.S. and the USSR, the six member nations reasoned that only by pooling their economic resources could they hope to compete. It was the fear of being swallowed up that pushed the member states along to greater levels of economic integration.

But big-picture players like Monnet, Robert Schumann, German chancellor Konrad Adenauer, and, later, Jacques Delors, the president of the European Commission, saw the Union in far more visionary terms. Their strategy was to move incrementally with technical and economic measures designed to increasingly bring member states together in a seamless, interdependent, commercial web of relationships. Each small step of economic integration would result in a slight, sometimes imperceptible erosion of their national sovereignty. None of the steps alone, they figured, would be enough to arouse the ire of member states and threaten the furtherance of the Union. The upshot of this piecemeal strategy would be that "one day the national governments would awaken to

find themselves enmeshed in a 'spreading web of international activities and agencies,' from which they would find it almost impossible to extricate themselves."¹⁷

To a large measure, the strategy paid off. Economic pressures in the post-World War II era propelled European countries toward union. The United States provided the main stimulus. Anxious to impose a global set of rules that would encourage free trade, the U.S. established the General Agreement on Tariffs and Trade (GATT) in 1947. The Bretton Woods Agreement, which also set up the International Monetary Fund and World Bank, was a further attempt to create a global commercial market to foster U.S. economic development.

The U.S. was particularly concerned with the dire straits of war-torn Europe. With the Soviet Union already occupying Central and Eastern Europe, and with powerful Communist political parties in France and Italy, the U.S. worried that much of Europe might fall to the Soviets. To ensure against a Communist takeover, the U.S. embarked on a two-prong program to secure Western Europe in the post-war era. It established the North Atlantic Treaty Organization (NATO) in 1949, whose mission was to create and deploy an integrated American and European military force that could defend Western Europe from Soviet aggression. The U.S. also launched an economic recovery initiative to resurrect the economies of Western Europe, in the belief that it would be the best means of slowing the advance of Communist political parties in France, Italy, and elsewhere, and lowering the threat of Soviet influence.

The Marshall Plan, named after its architect, Secretary of State George Marshall, provided more than \$25 billion of economic development assistance to Europe in the late 1940s and early 1950s.¹⁸ But the funds came with conditions. To continue receiving aid, European nations would need to prepare the ground for "the formation of a single large market within which quantitative restriction on the movements of goods, monetary barriers to the flow of payments and, eventually, all tariffs are permanently swept away."¹⁹

European countries were also favorably disposed to creating a common market, but for different reasons. Worried that they would be squeezed by the superpowers and risk becoming a satellite to one or the other, they saw the pooling of their economic resources and talents as a way to gain sufficient advantage to claim a measure of economic independence.

Both parties served to gain from the creation of a European common market. A strong Western European economy would hold off the Communist menace and create a market for U.S. investment abroad. A European common market would give European nations the security and freedom they needed to revive their ailing national economies and assure their continued existence. And underlying these more strategic economic considerations was the belief that by joining together, the nations of Europe might at long last put an end to centuries of warfare among themselves.

The European Economic Community expanded in the 1970s and 1980s, adding the United Kingdom, Ireland, Denmark, Spain, Greece, and Portugal to its ranks. While the economic devastation of World War II provided an impetus to create a European community, the oil shock of 1973 added new urgency to efforts aimed at integration. The global recession that followed on the heels of the spike in oil prices imposed by the Organization of Petroleum Exporting Countries (OPEC) threatened to undermine the carefully designed social welfare regimes put in place in Western European nations. The Thatcher-Reagan economic revolution of the 1980s, with its emphasis on deregulation of government-owned businesses and the further liberalization of global trade, put additional pressure on member nations of the European community. Greater integration was the only viable means for member countries to stay afloat in troubled times.

The Single European Act (SEA) of 1987 brought the member states a giant step closer to union, while subtly eroding the national sovereignty of the individual countries. Among its many sweeping provisions was the extension of new powers to the European Parliament. For the first time, the parliament was to be consulted before the adoption of new legislation by the European community. The parliament was also given the power of veto on the admittance of new states and on agreements made with states outside the community. Equally important, qualified majority voting was introduced in many areas where unanimous votes of member states were previously required. Finally, the community established the idea of "Exclusive Community Competence," which prohibited member states from acting alone in a number of critical areas that had previously been the prerogative of national governments, including matters related to economic and monetary union, social cohesion, research and technology development, and environmental policies.²⁰

The SEA effectively weakened the power exercised by the council, which was made up of the heads of the member states. Why would member governments willingly surrender their sovereignty and cede more power to the Union? Because the SEA was presented as a purely technical treaty designed to further economic and fiscal integration, member states all found something to bolster their vision of the role of the community. The arch-confederalists, who favored economic but not political union, hoped that a more integrated market would strengthen their national economies and shore up their political regimes. Those who supported a more federal political union hoped that closer economic integration would make the individual member states more interdependent and reliant on the Union, eventually drawing more political power away from their respective states and toward Brussels.²¹

The fall of the Berlin Wall and the collapse of the Soviet Empire in Central and Eastern Europe in 1989 forced the community to revise its mission once again. Recall that the Cold War and the division of Europe into two competing blocs after World War II played a key role in the initial formation of the European community. It was to be an economic and political bulwark against Russian aggression. Now that the Cold War was over, Europe had to turn its attention to the prospects of a reunited Germany and an integrated Europe that stretched from the Atlantic seaboard to the Russian border. Again, external events pushed the member states even closer to union.

The Maastricht Treaty of 1992 transformed the European Economic Community into the European Union. The sweeping provisions of the treaty made clear, once and for all, that the Union was to be far more than a common economic market. The newly constituted European Union was to be built upon three pillars.²² Member nations agreed to the introduction of a single EU-wide currency—the euro—by January 1, 1999. Member states agreed to extend intergovernmental cooperation to include a Common Foreign and Security Policy (CFSP). Finally, the members agreed to establish regulations governing Justice and Home Affairs (JHA), including the granting of common rights to all European citizens, furthering police cooperation among the states, and harmonizing immigration and asylum policies across the Union.²³ The states also agreed to broaden EU membership and began entertaining applications from Central, Eastern, and Mediterranean European states. (Austria, Sweden, and Finland joined the Union in 1995, and ten Central, Southern, and Eastern

European countries—the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, and Slovakia—officially joined in May 2004.)²⁴

The treaty created new bodies. The Committee of the Regions gave the regions of Europe an official voice, for the first time, in European community affairs. Recognition of the regions served to further weaken nation-state sovereignty. Now, 222 regions from Catalonia to Lombardy were to be officially represented in Brussels, giving them direct access to one another, the member states, and the EU governing machinery, without having to be represented exclusively by their nation-states.²⁵ The Cohesion Fund was established to assist states whose economic development lagged behind the rest of the Union's members.

The Maastricht agreement also introduced the concept of Europe-wide citizenship and gave the European Parliament additional powers.²⁶

The Maastricht Treaty was clarified and strengthened with the passage of the Treaty of Amsterdam in 1997. This treaty reinforced the Union's commitment to human rights and required applicant countries to uphold the provisions of the European Convention on Human Rights as conditions for acceptance into the community. The Amsterdam agreement gave the EU the legislative power to act against discrimination based on sex, race, religion, ethnic background, disabilities, or age, anywhere within the Union. The Union was also given the power to act on employment issues affecting its member states. The Union was even granted some power to enact broad standards governing public health policy, although the organization and delivery of health care remained the responsibility of the member states.²⁷

At a follow-up conference in Nice in December 2000, Union members agreed on further reforms of the council—narrowing the range of issues on which individual member states could impose their veto power. Votes of the big countries on the council were tripled in weight, while those in the smaller nations were merely doubled. Passage of council proposals would henceforth require 73.29 percent of the weighted votes, a two-thirds majority among the member states and a majority of 62 percent of the Union's total population.²⁸

At Nice, as at earlier summits, both those who championed a more federal union and those who preferred to retain as much power as possible at the state level could argue, with some justification, that their interests were partially met. At every juncture of the Union's existence, the public

perception has been one of maintaining a delicate balancing act that would retain nation-state sovereignty while further empowering the community. Whether the individual countries really believe this to be the case is doubtful. It is true that each step forward to a closer union of the peoples of Europe has been met with a half-step back to preserve nation-state powers. Still, the cumulative effect has been a slow, irreversible trek toward the vision first laid out by the Union's early architect, Jean Monnet.

Lest there be any doubt on this score, the EU's draft constitution, which is currently being considered for ratification by its member states, makes clear that a new transnational political institution is being born that, in its every particular, is designed to function like a state. It is possible that a number of member nations might vote against ratification of the constitution, forcing a crisis and a re-evaluation of a Europe-wide governing body. Although, if public opinion polls are in any way a bellwether, the constitution is likely to be ratified by the member states. According to a Eurobarometer poll conducted in February 2004, a sizable 77 percent of the people in the member states support an EU Constitution. Opposition to the EU Constitution is only 15 percent overall, while somewhat higher in Austria, Sweden, Denmark, and the U.K. Still, even in these countries, opposition is still low, ranging from 23 percent to 30 percent of the population. Equally important, 62 percent of those polled said they favored national concessions to ensure that the constitution is adopted, and in only one country, Slovenia, did a majority say they would rather not make concessions.²⁹

But even if the new constitution were to be rejected, the Union itself is already so far along toward integration that no one really believes it will ever dissolve back into separate nation-state governments, each going it alone in the global era. Rather, most political observers believe that if this particular constitution runs into serious trouble, the member states will merely resurrect its various particulars in other treaties and directives until the substance of the covenant becomes binding on the community.

The adoption of the European Union Constitution gives the EU the legal stature of a country, despite the fact that this new governing institution has no claim on territory—the traditional hallmark of statehood. While its provisions allow it to regulate activity within the territories of its members, including activity that affects property rights and relations, it's worth emphasizing that the EU is not, in itself, a territory-bound govern-

ment. It is, rather, the first transnational government in history whose regulatory powers supercede the territorial powers of the members that make it up. This fact alone marks a new chapter in the nature of governance. The EU's very legitimacy lies not in the control of territory or the ability to tax its citizens or mobilize police or the military force to exact obedience but, rather, in a code of conduct, conditioned by universal human rights and operationalized through statutes, regulations, and directives and, most important, by a continuous process of engagement, discourse, and negotiation with multiple players operating at the local, regional, national, transnational, and global levels.

The New EU Constitution

Under the proposed constitution, which includes a Charter of Fundamental Rights, the Union will be able to sign treaties in its own right, binding its member nations. It might ultimately be granted a seat on the Security Council of the United Nations—replacing the United Kingdom and France. It will have a president elected by the European Council who will serve for up to five years and be responsible for setting the EU's agenda. Currently, the EU presidency rotates every six months, and the office is held, in turn, by each of the presidents of the member nations.

The EU will also have a single foreign minister responsible for conducting foreign and defense policies. The constitution calls for a single foreign and security policy, and member states are called upon to “unreservedly support the Union's foreign and security policy in a spirit of loyalty and mutual solidarity.”³⁰ However, member states are given an escape clause. They can either abstain from voting or vote no, which would allow them to block a foreign policy proposal from even being taken up by the council.³¹ In addition, while the European Union is charged with the task of creating a rapid-reaction strike force, national governments will still retain control over their own armed forces. Valéry Giscard d'Estaing, the former French president who oversaw the constitutional drafting process, said he believed that it would take twenty years before the Union had a unified and integrated foreign policy and spoke with a single voice in the international arena.³²

The national governments will retain control over taxes. While the

EU budget currently exceeds 100 billion euros a year, the member states have steadfastly refused, until now, to grant it the right to raise taxes independently of the states—making it dependent on the members for its budget.³³

The member states will also still retain control over decisions of whom they grant citizenship, although, as mentioned earlier, any citizen of a member state will have the right to take up residency in another member state, and work, and vote in local and European parliamentary elections, and even run for office in either venue. Moreover, under the new constitution, broad policies designed to harmonize immigration along with refugee and asylum issues will be decided by majority vote. Under the old rules, any country could exercise a veto.³⁴

The constitution also grants the Union the right to establish at least minimum rules concerning judicial procedures dealing with the rights of the accused, the rights of victims, and the admissibility of evidence in court proceedings. EU changes in criminal law would require only a majority vote.

Those favoring a stronger EU hoped that any future changes in the constitution itself would be made by a majority of the states, if four-fifths of the states agreed. They lost, however, to the confederalists who were successful in imposing a unanimous agreement provision for any proposed constitutional changes.³⁵

The EU Constitution is being sold as a kind of grand compromise, with something for everybody. For countries like the U.K. and France, who believe that the EU should exist as an extension of but not a substitution for the nation-state, the constitution provides some relief. The new rules strengthen the voting power of big countries in the Council of Ministers.³⁶ Under the new provisions, the council can pass legislation when half of the members, representing 60 percent of the EU population, vote for it. This gives the bigger nations—Germany, U.K., France, and Italy—more potential power to steer the legislative agenda. On the other hand, the Council of Ministers' power is somewhat diminished because of the new powers ceded to the commission.

For the smaller nations, who would like to see a more federal union, the constitution strengthens the European Commission. The commission has a monopoly over the right to propose new legislation, which is tantamount to veto power over prospective legislation that might be taken up by the Council of Ministers and the European Parliament. The commis-

sion's president, who will be elected by the European Parliament, will enjoy greater executive and enforcement powers.

The parliament will also get new budgetary and law-making powers. Most EU legislation voted by the Council of Ministers will be subject to parliamentary approval.

My first impression in reading over the European Constitution was that large chunks of it would never be acceptable to the majority of the American people, were it to be submitted for ratification in the U.S. Although there are passages throughout that would no doubt resonate with many Americans—including sentiments cribbed largely from our own Declaration of Independence and the Bill of Rights of the U.S. Constitution—there are other ideas and notions in the 265-page document that are so alien to the contemporary American psyche that they might be considered with suspicion or even thought of as somewhat bizarre.

To begin with, there is not a single reference to God and only a veiled reference to Europe's "religious inheritance." God is missing. Strange, in a continent where great cathedrals grace the central plazas of most cities, and small churches and chapels appear around every corner. Still, most of the ancient sanctuaries are visited primarily by tourists nowadays. One would be hard-pressed to see more than a scattering of local people at a Sunday morning mass. As mentioned in the opening chapter, for the most part, Europeans—especially the post-war generations—have left God behind. Europe is arguably the most secular region in the world. That's not to say that there wasn't a heated debate over the absence of God in the document. Pope John Paul II and the Vatican lobbied publicly for "a clear reference to God and the Christian faith" in the preamble.³⁷ Others argued that not to mention Christianity, when it played a pivotal role in the history of Europe, was unforgivable. Most, however, agreed with Anna Palacio, Spain's former foreign minister, and a member of the drafting convention, who argued that "the only banner that we have is secularism."³⁸ A French diplomat put it even more bluntly: "We don't like God."³⁹

God is not the only consideration to be given short shift. There is only a single reference to private property, tucked deep inside the document, and barely a passing mention of free markets and trade. The Union's objectives, however, include a clear commitment to "sustainable development . . . based on balanced economic growth," "a social market economy," and "protection and improvement of the quality of the environment."⁴⁰ The Union's other objectives are to "promote peace . . . combat social

exclusion and discrimination . . . promote social justice and protection, equality between men and women, solidarity between generations, and protection of children's rights."⁴¹

Much of the constitution is given over to the issue of fundamental human rights. It might even be said that human rights are the very heart and soul of the document. Giscard d'Estaing declared with pride, on the unveiling of the document, that "of all the men and women in the world, it is the citizens of Europe who will have the most extensive rights."⁴²

The rights outlined in the Charter of Fundamental Rights of the European Union go far beyond the rights contained in our own Bill of Rights and subsequent constitutional amendments. They include the Right of Life: "no one should be condemned to the death penalty, or executed." Everyone has the right to have his or her physical and mental activity respected. In the fields of medicine and biology, the individual's right to free and informed consent is protected. Eugenics practices are prohibited, "in particular, those aiming at the 'selection' of a person." Selling human body parts is also prohibited, as is the reproductive cloning of human beings. Everyone has "the right to the protection of personal data concerning him or her." Similarly, "everyone has the right to access the data which has been collected concerning him or her, and the right to have it rectified." Everyone has "the right to marry and the right to found a family." Everyone has "the right to form and to join trade unions for the protection of his or her interests." "Everyone has the right to education and to have access to vocational and continuing education." While discrimination based on sex, race, color, and ethnic or religious background is prohibited, other discriminations, based on genetic features, language, and opinions, are also prohibited. The Union "shall respect cultural, religious, and linguistic diversity" as well. Children are granted the conventional rights "to such protection and care as is necessary for their well-being," but they are also guaranteed the right to "express their views freely." "Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity." In addition, "every child shall have the right to maintain, on a regular basis, a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests."⁴³

There are still other rights that do not exist in our U.S. Constitution. For example, the EU Constitution grants everyone "the right of access to a free placement service," as well as "the right to limitation of maximum working hours, to daily and weekly rest periods, and to an annual period

of paid leave." The constitution also guarantees the right to paid maternity leave and parental leave following the birth or adoption of a child. The Union "recognizes the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources." The constitutional guarantees also include "the right of access to preventive health care and the right to benefit from medical treatment." The EU even guarantees "a high level of environmental protection and the improvement in the quality of the environment . . . in accordance with the principle of sustainable development."⁴⁴

Many of the rights guaranteed by the new European Constitution remain controversial in the United States. While they have their advocates, and enjoy some measure of popular support, public sentiment remains far too divided to elevate them to the status of universal human rights. And the U.S. is not alone. Few countries outside Europe would likely subscribe to most of the universal human rights guaranteed by the new EU Constitution. To this extent, the EU has become the undisputed leader in championing new human rights among the governing regimes of the world.

The EU Constitution is something quite new in human history. Though it is often weighty—even cumbersome—and does not enjoy the eloquence of, say, the French and U.S. constitutions, it is the first document of its kind to expand the human franchise to the level of global consciousness, with rights and responsibilities that encompass the totality of human existence on Earth. (While the United Nations Charter and subsequent United Nations human rights conventions also speak to universal human rights, the UN itself is not a governing institution representing individual citizens, as is the EU.)

The language throughout the text is one of universalism, making it clear that its focus is not a people, or a territory, or a nation, but rather the human race and the planet we inhabit. If we were to sum up the gist of the document, it would be a commitment to respect human diversity, promote inclusivity, champion human rights and the rights of nature, foster quality of life, pursue sustainable development, free the human spirit for deep play, build a perpetual peace, and nurture a global consciousness. Together, these values and goals, which appear in many different forms throughout the constitution, represent the warp and woof of a fledgling European Dream.