Messianism, Exodus, and the Empty Signifier of European Integration

Conference EU Constitutional Imagination: Between Ideology And Utopia

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iCourts - The Danish National Research Foundation’s Centre of Excellence for International Courts

November 2019
Abstract:

In most his most recent accounts of European integration, J.H.H. Weiler claims that Europe was built with Messianic fervor. After the destruction and evil wrought by the Second World War, Europe was supposed to be a ‘promised land’. The article examines how Weiler conflates the narrative of the exodus with the Messianic leap into a different aeon and concludes that they have to be held distinct. It also suggests that Weiler’s fusion of two distinct religious ideas betrays the force of ‘Europe’ as an ‘empty signifier’ (Laclau) of integration.

KEYWORDS: political messianism, J.H.H. Weiler, European integration

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IMAGINE has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (grant agreement No 803163).
This research is funded by the Danish National Research Foundation Grant no. DNRF105.

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iCourts opened in March 2012. The centre is funded by a large grant from the Danish National Research Foundation (for the period 2012-22).
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Weiler’s claim
In a most recent review of his own work,⁠1 Weiler identified a further source that he believes to confer—de facto, but possibly also de jure—legitimacy on the European Union. Even though Weiler’s relevant observation is reminiscent of rhetoric that he has employed repeatedly in his work—such as the “promised land”⁠2—it is only now that he specifies more clearly what it is that he has in mind by distinguishing the three sources of legitimacy that the EU seeks to tap.³ To the usual suspects of “input” and “output” legitimacy (democracy and accomplishments, respectively), he now adds a third, which he calls:⁴

Telos Legitimacy or Political Messianism whereby legitimacy is gained neither by process nor output but by promise of an attractive Promised Land.

Weiler’s major exhibit is the Schuman Declaration, which he regards as the equivalent of America’s Declaration of Independence. In his eyes, it seems to hold out a promise of redemption. Yet, while Weiler concedes that unlike in the case of fascist and communist predecessors or monarchies and empires, the overall spirit of the Declaration is liberal and noble,⁵ the substance is messianic:⁶

[…] [A] compelling vision which has animated now at least three generations of European idealists where the ‘ever closer union among the people [sic] of Europe’, with peace and prosperity an icing on the cake, constitutes the beckoning promised land.

The problem is that there is scarcely any substantive vision in the Schuman declaration other than the promise of “world peace” and the anticipation of incremental movement towards this end by

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¹ J.H.H. Weiler, ‘The Transformation of Europe Revisited: The Things that Do Not Transform’ In The Transformation of Europe: Twenty-Five Years On (ed. M. Maduro & M. Wind, Cambridge: Cambridge University Press, 2017) 333-352.
² See J.H.H. Weiler, The Constitution of Europe (Cambridge: Cambridge University Press, 1999) 86 (“promised land”), 240-241 (on sitting under “vines and fig trees and lambs and wolves, the classic biblical metaphors for peace”). Amazingly, the same paragraph with the identical language on the role of peace in European integration reappears, with a new interpretation added, in the article cited in note 1. See p. 347. See Micah 4:4: „but they shall sit under their own vines and under their own fig trees, and no one shall make them afraid…“ . Isaiah 11:6: „The wolf also shall dwell with the lamb, and the leopard shall lie down with the goat; and the calf and the young lion and the fatling together; and a little child shall lead them. “
³ See Weiler, note 1 at 337.
⁴ Ibid.
⁵ See ibid. 346.
⁶ Ibid. 347.

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achieving “de facto” solidarity. There is, interestingly, mentioning of the role that Europe ought to play with regard to the development of the African continent, but Weiler debunks this as an embarrassing reminiscence of “the White Man’s Burden”.

In spite of the apparently meager substance, Weiler claims to have unearthed something profound, for to him “[…] it is readily apparent in the historical context […] [that] the notion of peace as an ideal probes a far deeper stratum than simple swords into ploughshares […]” It is a peace that, after enormous destruction and unspeakable atrocities, “required courage and audacity”. At a “deeper level” it drew on, and combined, the enlightenment heritage and the Christian tradition, which are both, even though having been frequently at odds with one another, of core significance for European civilization. While the enlightenment values provided the very rough outline of what ought to be done, Christian virtues made it possible to get the project off the ground. The civilized interaction among nations in a Kantian federation, which had been unthinkable hitherto, was brought about owing to Christian attitudes of forgiveness and a firm belief in the powers of repentance and renewal. The most potent visions of the “idyllic ‘kingdom’” were coalesced into one ideal of “ever closer Union” that both the right and the left could embrace.

According to Weiler, we owe it to the pull of the messianic model that the European Union initially ignored democracy and human rights. The Schuman Declaration reveals a “thunderous silence” on these issues. The ‘Let’s Just Do-It’ type of program inspired a tireless activism of “praxis, achievement, ever expanding agendas”.

But Weiler also reminds us that it is, generally, part of the “very phenomenology of political messianism” that it “always collapses as mechanism for mobilization and legitimization”.

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7 Here are the portentous words: “Europe will not be made all at once, or according to a single plan. it will be built through concrete achievements which first create a de facto solidarity.”
8 See, recently, on “Eurafrica” qua project to give African nations preferential treatment out of a sense of post-colonial responsibility, Quinn Slobodian, Globalists: The End of Empire and the Birth if Neoliberalism (Cambridge, Mass.: Harvard University Press, 2018) 183, 197, 216.
9 See Weiler, note 1 at 347.
10 See ibid. 347.
11 See ibid. 347.
12 See ibid. 348.
13 See ibid. 349.
14 Ibid. at 350.
15 Ibid. at 350.
16 Ibid. at 351.
project collapses either for the reason of not arriving at the promised land or by causing its own downfall when it is successful, for example, by giving rise to byzantine complexity.

The original polemical concept

It is not easy to extract from Weiler’s observation what the core of the allegedly messianic project is. It is, arguably, composed by a substance and by a form. The substance is “the ever closer Union among the peoples of Europe” and the form is the admonition to move “forward”, even though it is unclear what it really takes to travel the road towards an “ever closer Union”.

Disappointingly, though, this is not much for a messianic project to begin with. What is, therefore, somewhat surprising is Weiler’s outright disregard for the manner in which the term had been used so far among political scientists and historians of political thought. We sense that the term can be used in at least a polemical and a more nuanced fashion.

If we are not completely mistaken, the concept “political messianism” goes back to Jacob Talmon, a Jerusalem based political scientist writing mostly in the 1950s and 1960s. It is to him that we owe not only the polemical understanding of this concept, but also the minting of its close relative “totalitarian democracy”.

Talmon introduces the concept of political messianism by setting out three distinguishing features. First, political messianism “postulates a preordained, harmonious and perfect scheme of things, to which men are irresistibly driven, and at which they are bound to arrive”. Hence, a movement is messianic only if it has a relatively clear vision of the future awaiting humanity at the end of times. Second, it recognizes ultimately only one “plane of existence”, namely the political. The political encompasses all human life and is its essence. No sphere of human activity is considered to be exempt from its reach and irrelevant for the coordinated pursuit of common objectives. Third, political ideas are an integral part of an all-encompassing and coherent philosophy. Evidently, what Talmon has in mind is theories that claim to pass as scientific and serve as the backbone of socialist or authoritarian ideologies.

17 See J. L. Talmon, The Origins of Totalitarian Democracy (London: Mercury Books, 1952) 1-2.
It is obvious that the type of legitimacy that Weiler alleges the Schumann Declaration to tap does not at all coincide with Talmon’s conception. Not only does the Schumann idea give us no clue as to the final goal of integration\(^{18}\), it does also not suggest that the grip of the political is necessarily total. Even if the European Union may have made attempts to create committed Europeans, it has never endorsed a view of European men and women by contrasting them with typically Asian personalities (such as European rugged competitiveness, resilience or imperviousness to pitying losers). A “ politicized” system of education, though, would concern itself with human character. Finally, as Weiler himself suggests by pointing to the late marriage of enlightenment rationalism and Christian virtues, European integration is not at all, and has never claimed to be, based on a certain theory of human nature and society.

There is, however, only one respect in which Talmon and Weiler converge, namely, in the broad manner in which they actually use the term “messianism”. According to Weiler, everyone whose actions are animated by the belief in a brighter future seems to count as politically messianic, at least as long as the pursuit of values such as democracy and human rights is treated as secondary with regard to this future. The pursuit of national prosperity at the expense of individual rights would, under such a description, qualify as messianic. This is, to say the least, a very broad use of the term. Talmon used, contrary to his own precise definition, the concept also very broadly in the successor volume to *Totalitarian Democracy*, namely, *Political Messianism: The Romantic Phase*\(^{19}\). It is in this book that he contrasts the occasional jacqueries and revolts of peasants and laborers with messianic politics. In his view, the decisive distinguishing characteristic is that transient outbursts or upheavals do not avail of a program or an ideal. This should change with the French Revolution, which marked a “turning point” in this respect:\(^{20}\)

An alternative programme was born. The dumb savage resentment changed into a realization of rights and into a Messianic expectation, the dread of riot into a never receding fear of some total upheaval. Every riot seemed a token of the approaching Day of Judgment.

Evidently, Talmon becomes guilty of using the concept more broadly than would have been supported by his own approach.

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\(^{18}\) It rather is, as Weiler himself indicated in the title of an article of his on the European Court of Justice, a journey to an unknown destination.

\(^{19}\) London: Secker & Warburg, 1960, 26-27.

\(^{20}\) Ibid. 27.
The more nuanced concept

Nevertheless, there is a more nuanced and quite intelligible way of speaking of political messianism. We owe it to Michael Walzer\textsuperscript{21} whose work is also critical of Talmon’s broadly sweeping use of the concept.\textsuperscript{22}

In his short book \textit{Exodus and Revolution}, in which he explores the biblical beginnings of revolutionary politics, Walzer distinguishes carefully between a politics of the exodus and political messianism.\textsuperscript{23} The relation between them is compounded by the fact that messianism is, arguably, a spin-off of the exodus and indeed a reaction by those who were disappointed in its result and its aftermath.\textsuperscript{24} According to Walzer, the exodus, which has its foundational myth in the Jewish egress from Egypt, is marked by a number of stages.\textsuperscript{25} It begins with a situation of oppression from which the people become eventually liberated. In the course of concluding a compact among themselves and—in the case of the original story—with God, they are transformed into a people.\textsuperscript{26} The story ends with instituting a new political society. It is clear, from the outset, that in the aftermath of the founding the people are bound to struggle constantly with the risk of backsliding into their old ways and readopting the mindset of the oppressed.\textsuperscript{27} The politics of the exodus may have utopian overtones since it promises “milk and honey”. It is also guided by a vision, for at the end of a process, the people would supposedly comprise a holy nation.\textsuperscript{28} Nevertheless, it is decidedly this-worldly in its overall orientation.

This is the case for the following reasons.

First, it is clear that reaching the destination—arriving at Canaan—does not involve a historical hiatus into a different eon. Rather, it is a process that unfolds in historical time. It is, therefore, not immune to the vagaries of human affairs. Even though, in the course of the developing story human beings

\begin{itemize}
  \item [21] \textit{Exodus and Revolution} (New York: Basic Books, 1984).
  \item [22] See ibid. at 145-146.
  \item [23] See ibid. at 16.
  \item [24] See ibid. at 146.
  \item [25] See ibid. at 133.
  \item [26] Walzer ibid. at 53, quotes Rousseau who observed that it had been Moses’ achievement to transform a group of wretched fugitives into a people.
  \item [27] See ibid. at 141.
  \item [28] See ibid. at 109. The “holy nation” stands for the affluence of Egypt without the corruption (40). It also means that material abundance is depended on the observance of ethical principles. It is supposed to be a kingdom of priests: “What is required of a holy nation is that its members obey divine law, and much of that law is concerned with the rejection of Egyptian bondage. In such a nation, then, no one would oppress a stranger, or deny a Sabbath rest to his servants, or withhold the wages of a worker” (108).
\end{itemize}
must go under, what this means is that they have to overcome their slavish way of thinking and acting—with all its deference, cunning, ingratiating, alacrity and insincerity. The Israelites have to begin to comport themselves like people who do not recognize a master and are capable of taking responsibility for themselves.

Second, the arrival at the promised land does not alter human nature into something altogether different. Rather, even after the journey is completed the new society has to be concerned with staying the course.

God brings the Israelites out of Egypt, but they themselves must make the trek across the desert and conquer Canaan and work the land. And God gives the Israelites laws, which they must learn to live by. Since the laws are never fully observed, the land is never completely possessed. Canaan becomes Israel, and still remains a promised land.

By contrast, political messianism—indeed, messianism itself—seems to have arisen out of disenchantment with the mundane soberness of this vision. Messianists believe that redemption involves a leap into another eon. This leap is not to be brought about in the course of a gradual transition—a march through the wilderness—but rather as a result of a massive destruction of the world as it exists today. The messianic idea, at any rate according to Scholem, is closely associated with envisioning the apocalypse. The destruction wrought at the End of Days is considered to be the prelude to the coming of the King that will re-erect the Kingdom of David or, in a Christian reading, direct the new millennium. This explains why political messianists have no difficulty with perpetrating violent acts, for it is the means “to force the end” and to prepare mankind for the coming of the other and final age. What awaits humankind on the other side of history, which is thus marked by radical discontinuity, is not worldly Canaan, but Eden, a paradise that is inhabited

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29 See ibid. at 65, 146.
30 Ibid. at 102.
31 This, at any rate, is what we extract from Walzer who views Messianism on the rise after the Babylonian exile. See ibid. at 16.
32 See Gershom Scholem, *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (New York: Schocken Books, 1971) 5-6, 10-12.
33 See ibid. 4-5.
34 See Walzer, note 21 at 121.
35 Paradoxically, however, in the Jewish view people cannot trigger the coming of the Messiah. It is beyond their control.
36 See Ibid. at 121.

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by spirits that possess what Immanuel Kant would call a “holy will”.\textsuperscript{37} They do not experience moral laws and God’s commands as an alien constraint that they are bound to observe. Rather, they spontaneously want to enact in their deeds the common will. This conjures up the picture of a world of universal harmony, even if this harmony is essentially anarchical.\textsuperscript{38} Small wonder that in some Jewish versions of messianism the second eon, the age of the Messiah, involves nothing short of recreating creation itself.\textsuperscript{39}

According to Walzer, messianic promises are “heightened exodus promises”\textsuperscript{40}—the exodus on steroids, as it were—, for they mark the end of historical time, whereas by contrast, the promise of the exodus comes with cautionary admonitions concerning backsliding and the necessity of periodical renewals.\textsuperscript{41} Political messianism, according to Walzer, seeks to bypass the long way through the wilderness and the interminable struggle for holiness:\textsuperscript{42}

History itself is a burden from which we long to escape: a deliverance not only from Egypt but from Sinai and Canaan, too.

If it makes sense, at all, to transfer messianism to secular political projects, such as, choosing an obvious example, Leninism, the core idea is subject to a number of modifications, one of which is, that political movements are believed to have the power to bring about the radical transformation that leads to the end of history. This end would be marked, conceivably, by the withering away of the state, the realization of a classless society and economic abundance. Nevertheless, secular political messianism also has no problem with precipitating catastrophic events. It treats, as Talmon rightly suspected, politics as absolute, enemies as satanic and regards compromise as impossible.\textsuperscript{43}

As much as the messianic conception of time and its vision of a leap into a different dimension is fascinating and as much as these religious ideas have left an imprint on this-worldly political projects, we do not think that messianism is a terribly helpful category when it comes to classifying political

\textsuperscript{37} See Immanuel Kant, \textit{Groundwork of the Metaphysics of Morals} (trans. M. Gregor & J. Timmermann, Cambridge: Cambridge University Press, 2012) 4: 414, 4: 439. For an introduction, see Robert Stern, \textit{Kantian Ethics: Value, Agency and Obligation} (Oxford: Oxford University Press, 2015).

\textsuperscript{38} See Scholem, note 32 at 20-21, 24.

\textsuperscript{39} See ibid. at 30.

\textsuperscript{40} See Walzer, note 21 at 124.

\textsuperscript{41} See ibid. at 131.

\textsuperscript{42} Ibid. 136.

\textsuperscript{43} See ibid. 147.
projects. As the case of Talmon has shown, the use of the term tends to become too all-inclusive. What is more, it seems to share with “secularization” the problem that Blumenberg identified for this notion, namely that it is a category of an alleged historical injustice. Secular forward-looking politics is charged with misunderstanding its true religious roots. This misunderstanding is then explained with reference to a set of semblances between religious and secular ideas. But we suspect that it is too facile to claim that the secular idea is merely the washed-out copy of the religious archetype. Often it does not reveal anything that would help us to improve our understanding of the secular idea. For example, the distinction between ordinary and absolute royal prerogative used to be explained with reference to God’s potestas ordinata and potestas absoluta. Whereas the first power was supposedly manifest in the laws of nature, one encountered the latter whenever God worked miracles. Whether a reference to divine powers truly illuminates the powers of a monarch or whether the illumination is in fact mutual remains open to debate. At any rate, the interaction of these ideas casts into doubt the conviction dear to political theologians that core ideas of public law are essentially “secularized” concepts.

This more fundamental question aside—and returning to Weiler—two matters seem to emerge clearly enough. If anything, the EU is not a messianic project, not least because a messianic project cannot be liberal. The community of holies is not a liberal society, for it does not recognize sin. Sin would have disappeared from the face of the earth. Also, the Schumann plan never hinted at an end of history at which human relations would presumably take on an altogether different quality.

What is more, if one contrasts, following Walzer, messianism with the exodus one realizes why the latter may have been, if at all, a better allegory for describing the temporal structure of European integration. This, at any rate, is what Weiler did in 1999, when he referred to the Mosaic maxim of “we will do, and hearken” in order to reconstruct the action-driven ethos of European integration or attempted to unpack the paradox inherent in a Covenant that is signed by Slaves in blind faith for the purpose of exploring the temporarily deferred authority of the Treaties. Even the Golden Calf has

44 See Hans Blumenberg, Die Legitimität der Neuzeit (3d ed., Frankfurt aM: Suhrkamp, 1997) 73-86.
45 See Francis Oakley, Jacobean Political Theology: The Absolute and the Ordinary Powers of the King’ (1968) 29 Journal of the History of Ideas 323-346 at 330-333; ‘The Absolute and Ordained Powers of God and King in Sixteenth and Seventeenth Centuries: Philosophy, Science, Politics, and Law’ (1998) 59 Journal of the History of Ideas 669-690. See also Glenn Burgess, Absolute Monarchy and The Stuart Constitution (New Haven: Yale University Press, 1996) 84, 158.
46 See Weiler, note 1 at 5-7.
made an appearance in earlier writings, in addition to the ubiquitous “promised land”. Indeed, what has always been part of both the more puzzling and fascinating aspects of Weiler’s writings, is the poignancy with which he re-describes European ambitions with concepts that are taken from the Bible or what Christians call the Old Testament. It gives rise to a productive *Verfremdung* to see European integration described not only from the perspective of a powerful narrative that is one among many myths we can resuscitate in order to make sense of our own experiences, but that is also a central story for the people whose ancestors were brutally sidelined, persecuted and eventually almost extinguished during the rise and fall of European civilization. There is much to recasting European integration from the perspective of a rich cultural tradition whose adherents had to suffer the most from the evil that unfolded on “the dark continent”,47 ranging from segregation, subjugation, pogroms all the way down to the holocaust. Weiler’s invocation of Biblical sources suggests that even from the perspective of Europe’s age-old victims the project of integration can be perceived as a sign of progress. We had better understand Weiler’s religious analogues as humbling gestures.

However, with this latest intervention, Weiler sells his own poetics short. Had he stuck to the exodus as his preferred model he would not have ended in resignation but rather perceived Europe still on its march through the wilderness, with the people remembering the “fleshpots” of their national traditions and ready to return to their old idols for consolation. What Europe would require, then, would amount to a renewal of a covenant that promises to combine more perfectly affluence and decency.

But Weiler appears to have grown pessimistic. Europe is a messianic project and therefore bound to fail.

**The empty signifier**

Our inquiry should not come to a close with charging the grand master with a mistake without asking why the misattribution happens to one of the most solicitous students of European integration. We should treat Weiler’s thesis, therefore, as an aberration that may well be indicative of underlying social facts. Should it not amaze us that Weiler finds it important to identify political messianism as a major legitimating factor? What type of intellectual situation gives rise to the ambition to defend such claim? At this point, we can only speculate, of course.

47 See Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (London: Penguin, 1999).
Apparently, Weiler wishes to elucidate why it is essential to the European Union to present itself as a forward-looking project. Loyalty is to be elicited by pointing to some unspecified objective that is denoted in the phrase of the “ever closer union among the peoples of Europe”.

That’s right, that’s what the phrase is all about. It is a signifier. But in that capacity, it is, borrowing language from Ernesto Laclau, also empty.\textsuperscript{48} Paradoxically, it designates the openness of what might ground such union.

In a broader context, postmodernist political theory speaks of the absence of such a ground. At the same time, this absence is nonetheless present, for it animates the political struggle over how to fill the void of the empty signifier with some particular vision of agenda. Claims persist \textit{that} there is a ground; but the political struggles over \textit{what} this ground is are rationally interminable. Or this is what Laclau, at any rate, seems to believe.

But what would such a “ground” be all about? Above all, it would concern society as a whole and not just some special form of human association. Furthermore, it would offer us an account of what is or ought to be the “cement of society” (Jon Elster’s felicitous phrase)\textsuperscript{49} in the sense of what holds societies together or explains the shape of social relations. Such cement may be the economic dealings of the people qua “base” of social life, patriarchy, the pursuit of the self-interest or, normatively understood, some principles of justice.

Postmodernist political theory accounts for political social integration by suggesting that a universal cement of society, the “ground”, cannot be found. Neither from an explanatory nor from a normative perspective is it possible to discover the universal principles of social life. But this does not suggest that the quest for such principles is not the essential feature of politics. This explains why they claim that the absence of the ground is present in social life. What we experience is the quest on the part of partial explanations or justifications to assert their dominance, in particular on the level of discourse (“hegemony”). Any such attempt is, of course, in and of itself preposterous, a matter that

\textsuperscript{48} We need to confess that we are struggling to make sense of Laclau’s political theory and must rely also on secondary sources. We are, in particular, indebted to Oliver Marchart, ‘Gesellschaft ohne Grund: Laclaus politische Theorie des Post-Fundamentalismus’ in Ernesto Laclau, \textit{Emanzipation und Differenz} (3d ed., German, Vienna: Turia & Kant, 2018) 7-18. We would also like to thank Jakob Gaigg for helpful discussions.

\textsuperscript{49} See Jon Elster, \textit{The Cement of Society: A Survey of Social Order} (Cambridge: Cambridge University Press, 1998).
is revealed in the fact that whatever is offered as “the ground” is bound to remain “essentially contested”.

As Laclau explains:

In a situation of radical disorder, order is present as that which is absent; it becomes an empty signifier, as the signifier of this absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonise something is exactly to carry out this filling function.

Possibly, the logic of the empty signifier helps to elucidate how European integration has worked and that it has worked only as long as its activism did not trigger political controversy. The ultimate objective qua “ground” is indeterminate. The signifier is empty. Nobody knows what an “ever closer Union” might come to. At the same time, every more specific account of the “finality” of the Union is invariably either cloudy—and hence a replica of the empty signifier—or contested. Uncontested are only the substitutes for the empty signifier, such as the tiresome commitment to “more Europe”, or the firm belief in the irreversibility of European integration—or the Euro qua its most notorious synecdoche. Being faithful to the empty signifier and its substitutes requires unrelenting activism and engagement on various specific projects of moving forward. This does not give rise to political strife as long as the contest over the meaning of the ground can be avoided, for any such contest would divide rather than unite the peoples of Europe. That which Majone has subtly called “Crypto-Federalism” is not by accident a defining feature of European integration. This is the method of integration that he attributes to Jean Monnet. Cryptofederalism is federalism short of a plan for a federal constitution. The forces and players driving the integration process do not work openly towards a federal constitution—a goal that neofunctionalism still had in mind—but pursue a strategy of “minor steps and grand effects” (Monnet). This strategy lacks, however, a final orientation. The movement towards “more Europe” takes the place of the goal. It becomes everything.

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50 For once, we would also like to cite W.B. Gallie, ‘Essentially Contested Concepts’ (1956) 56 Proceedings of the Aristotelian Society 167-198.

51 Ernesto Laclau, Emancipation(s) (London: Verso, 1996) 53. See also the following remark by Anthony M. Clohsey, ‘Provisionalism and the (im)possibility of justice in Northern Ireland’ in Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change (ed. D. Howard et al, Manchester: Manchester University Press, 2000) 70-85 at 72: “This theorisation of justice as an empty signifier is important. It is precisely because it is a signifier that it can accommodate so many different interpretations that it must always be understood as empty, or at least, partially empty in that, although its meaning will always be contested, at any time there will always be a dominant discourse that will be controlling and delimiting its meaning.”

52 Giandomenico Majone, Europe as the Would-be World Power: The EU at Fifty (Cambridge: Cambridge University Press, 2009) at 72.

53 Cited in Philip Schmitter, ‘Ernst B. Haas and the Legacy of Neofunctionalism’ (2005) 12 Journal of European Public Policy 255-272 at 257.
Messianism after all? – Scholem’s “validity without significance”

Placing Laclau’s concept of the empty signifier into the context of a discussion of messianism must invite our attention to versions of messianism that one encounters in the works of Walter Benjamin54 and Giorgio Agamben.55

According to Agamben, the messiah is the figure with which monotheistic religions seek to master the problem of law.56 Every normative order – not only the religious law – invariably ends up in a crisis in which the law is still in force, while its content is not ascertainable. Rather, it turns out to be radically indeterminate.57 In order to address this phenomenon, Agamben ponders over the rather puzzling idea of a law that is in force without signifying anything at all. It is an idea that he inherits from Scholem’s interpretation of Franz Kafka’s parable Before the Law58. Scholem developed this interpretation in his correspondence with Walter Benjamin. Building upon Scholem, Agamben claims, quite boldly, that the solution of any political or legal crisis lies in the way humankind deals with the problem of a law that is in force without significance. Admittedly, this claim must strike the uninitiated as somewhat bizarre.

In Kafka’s parable, a man from the country arrives in front of the opened gate to the Law. A gatekeeper guards the entrance. The man dare not enter. Agamben views the situation as follows:59

[N]othing […] prevents the man from the country from passing through the door of the Law if not the fact that this door is already open and that the Law prescribes nothing.

Agamben draws up the exchange between Scholem and Benjamin by focusing on the combined effect the open gate and the gatekeeper have on the man. The openness signals that the law is in force and can be complied with. The man could simply walk through and, hence, pass as righteous. At the same time, the law amounts only to the pure form of obligation, for the man is unsure whether entering is

54 See Walter Benjamin, ‘Critique of Violence’ In Reflections: Essays, Aphorisms, Autobiographical Writings (ed. P. Demetz, trans. J. Jephcott, New York: Schocken Books, 1986) 277-300.
55 See Giorgio Agamben, Homo Sacer: Sovereign Power and Bare Life (trans. D. Heller-Roazen, Stanford: Stanford University Press, 1998).
56 See Agamben, note 55 at 56.
57 Such indeterminacy may be manifest that one can always “argue” either way. The rational interminability of legal controversies may in turn reveal that legal consciousness is morally deeply antinomic. This is the classical claim of critical legal scholars. See Duncan Kennedy, ‘Form and Substance in Private Law Adjudication’ (1976) 89 Harvard Law Review 1685-1778.
58 http://www.kafka-online.info/before-the-law.html.
59 See Agamben, note 55 at 49.
the move to make in the face of the gatekeeper’s forewarnings. The imposing gatekeeper strips the law of its significance. Effectively, it is devoid of content. Scholem explains this phenomenon as the Nothing of Revelation […], a stage in which revelation does not signify, yet still affirms itself by the fact that it is in force. Where the wealth of significance is gone and what appears, reduced, so to speak, to the zero point of its own content, still does not disappear (and Revelation is something that appears), there the Nothing appears.

The Law “appears in the form of its unrealizability”61. While Scholem seems to affirm this state, Agamben views it as a symptom of the crisis of the law.

In their correspondence, Benjamin and Scholem explored a messianic solution of this impasse.62 Agamben extracts from it the momentous distinction between an “imperfect” and a “perfect” messianism.63 He thus recalibrates the idea of „validity without significance“ from a cabbalistic and a legal perspective, of which the latter concerns the status of the law in the state of exception.

In his essay “The Messiah and the Sovereign“, Agamben compares Scholem’s position with the cabbalistic doctrine of the two states of the Thora. The Jewish-cabbalistic tradition distinguishes between the first or original Thora before God, the Thora atziluth, and the Thora beri’a, which is the form of the Thora after the creation, the Thora for the unredeemed world. The latter is substantively determinate. Prior to the creation of the world, the Thora is in force, but does not have any particular content nor particular significance.64 The task of the Messiah is to restore the Thora atziluth – the Thora that is in force without significance. Arguably, this would be a world in which the substance of the law disappeared. If things were already and invariably as they ought to be, all normativity would evaporate into thin air.

This is, at any rate, how what Agamben calls “imperfect messianism” conceives of the issue. The “perfect” alternative focuses on the state of exception. In such a state, the law is suspended, but still

60 See Walter Benjamin & Gershom Scholem, Briefwechsel. (ed. G. Scholem, Frankfurt/Main: Suhrkamp 2018) at 175.
61 Agamben, note 55 at 50.
62 Agamben, note 55 at 53. We sense that there is a leaning towards Christianity underlying Agamben’s distinction, not least since “perfect” messianism appears to match the conception of the messiah developed by Paul.
63 Agamben, note 55 at 53. We sense that there is a leaning towards Christianity underlying Agamben’s distinction, not least since “perfect” messianism appears to match the conception of the messiah developed by Paul.
64 See Giorgio Agamben, ‘The Messiah and the Sovereign’ In Potentialities. Collected Essays in Philosophy (ed. By Daniel Heller-Roazen, Stanford: Stanford University Press, 1999) at 172.
in force.\textsuperscript{65} It is set aside, “disapplied” as the language of European Union law would have it. Hence, Agamben regards the state of exception as tantamount to a situation in which the valid law lacks practical significance.\textsuperscript{66} In his view, the state of exception is the paradigmatic form of „being in force without significance“.\textsuperscript{67}

In both the imperfect and perfect messianic context, however, the power of law and its specific character reside in its openness, more precisely, in the meaninglessness of purity it pure form.\textsuperscript{68} As we have seen already, the consequence is the impossibility to distinguish between law and life.\textsuperscript{69} As Agamben explains:\textsuperscript{70}

One of the paradoxes of the state of exception lies in the fact that in the state of exception, it is impossible to distinguish transgression of the law from execution of the law, such that what violates a rule and what conforms to it coincide without any remainder […].

The coincidence of transgression and compliance resembles the cabbalistic imagination of the situation brought about by the advent of the Messiah.\textsuperscript{71} All normativity will evaporate. In the cabbalistic imagination, the \textit{thora beri’a} is fulfilled and consummated.\textsuperscript{72} But Agamben points out that the restauration of the original Thora, the \textit{thora atziluth}, would be a nihilism that would let the Nothing subsist indefinitely in the criticized pure form.\textsuperscript{73}

Agamben characterizes this nihilistic situation with reference to Walter Benjamin who, according to Agamben, arrives at a “messianic nihilism that nullifies even the Nothing and lets no form of law remain in force beyond its own content”.\textsuperscript{74} Messianic nihilism fights against the law as such. Agamben points out – against Scholem – that Kafka's parable could even be taken to provide an example of such nihilism. At the end of the parable, the gatekeeper closes the door. It may seem as though the man from the country had merely pursued a strategy to make the doorkeeper close the gate

\textsuperscript{65} See Agamben note 55 at 38.
\textsuperscript{66} Agamben, note 64 at 172.
\textsuperscript{67} Agamben, note 64 at 172.
\textsuperscript{68} Agamben, note 64 at 176.
\textsuperscript{69} See Agamben, note 55 at 53.
\textsuperscript{70} See Agamben, note 55 at 57.
\textsuperscript{71} See Agamben, note 55 at 57.
\textsuperscript{72} See Agamben, note 55 at 57.
\textsuperscript{73} See Agamben, note 55 at 53.
\textsuperscript{74} See Agamben, note 55 at 53.
and hence to make an end to validity without significance. This would mark the end of the law as such. No new law would be established.

Hopefully, it has become abundantly clear that even against the backdrop of Agamben’s and Benjamin’s conceptions of messianism any portrayal of the European project in these terms must also fail to be convincing. The reason is simple. Even though the European legal system confronts the various national legal systems with a seemingly messianic gesture of suspension, “setting aside” and “disapplication”, the final aim is to transform or to replace, but never to abolish, national legal systems. Indeed, the apocalypse precipitated by the messiah would result in the abdication of all law. It would be farfetched, to say the least, to attribute to European integration such an objective. Any closing of the gate of the national law is followed by new European law and not by the abdication of the authority of law as such.

The formula of the Schumann Declaration remains, at best, an empty signifier in the sense adumbrated by Laclau.

**Conclusion**

At the end of the day, Weiler’s attribution of political messianism to European integration turns out to be both obscuring and revealing. It obscures the logic of the empty signifier by calling the aimless activism that it inspires “messianic”; but it also reveals, at least to a certain extent, how the pursuit of partial agendas is animated by the belief that one observes a universally valid track. Weiler has captured the perlocutionary effect of the “ever closer Union of the peoples of Europe” without realizing, however, that he is still under the spell of the empty signifier when he identifies one of the partial agendas as “messianic”.

We may have to concede, however, that with the ascription of a messianic ambition to the European project the empty signifier is no longer only empty in itself but also for itself.

Messianic Europe is the empty signifier in and of itself. Hegel would have been so pleased.

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75 The result of this gesture is exactly a situation like in Kafka’s parable: the national rule is still in force but unrealizable.
Author(s): Alexander Somek & Jakob Rendl
Title: Messianism, Exodus, and the Empty Signifier of European Integration
iCourts Working Paper, No. 175, 2019

Publication date: 12/11/2019

URL: http://jura.ku.dk/icourts/working-papers/

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iCourts Working Paper Series
ISSN: 2246-4891

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