

In Defence of a Federative European Republic

by Valéry Pratt

The political construction of the European Union has broken down. Restarting it would require profoundly changing our ways of thinking about sovereignty, the people and democracy – we must find a new way of thinking about our citizenship.

Reviewed: Céline Spector, *No Demos ? Souveraineté et démocratie à l'épreuve de l'Europe*, Paris, Seuil, 2021, 424 p., €24.

Reflecting on democracy in Europe, in Céline Spector's terms, does not mean thinking about the existence of democracies within the nation-states that make up Europe, but rather asking oneself to what extent the European Union as such could be a democracy. Does this imply that a people made up of European citizens would be exercising its own power, that it would be sovereign? If the title of this European philosophy book is precisely *No demos ?*, this must indeed be due to the fact that such a people does not currently exist, but that its existence might also possibly come into being in future. To this end, it is crucial to once more raise the issue of sovereignty. It is by reconstructing the concept of sovereignty in light of democracy in Europe that we will be able to performatively consider the affirmation of a new form of political entity equipped with a people – with the form that C. Spector calls for being not a cosmopolitan Europe, but rather a federative European republic. The tension between these two models will guide our reading in order to enable us to consider a theory of justice that can adequately address European construction and environmental challenges at a time when Europe must position itself in the world in the face of an attack on Ukraine which, precisely, is calling upon Europe as a *European Union*. And indeed, if we, European citizens, also identify as Ukrainians, this is because we are able to think of ourselves as citizens of the world.

Let us come back to France for a moment. The brief hoisting of a European Union flag under the Arc de Triomphe to mark the start of the French presidency of the European Union Council sparked reactions which raise questions about the necessity to discuss certain

sovereignist excesses. C. Spector's approach is not just post-national, but also post-metaphysical and in some ways post-sovereignist. This is what we will describe here, by trying to show, together with the author, how it might be possible to bring into being a European political life that would integrate our sovereignty by sharing it at the supra-national level – or even the global level, although this is not the perspective chosen by the author.

This work of European philosophy is part of a tradition, that of *droit politique* or “political right”, understood with Rousseau as being a founding right of the social contract. C. Spector interrogates the conditions that would make a European political life possible in order to avoid two pitfalls: the supranational construction of a federal European state and the transnational dispersion of economic cooperation to the detriment both of social solidarity and the environment. She conducts her argument by criticising the form that European policy has taken, i.e. by elaborating a criticism of functionalism, technocratism and legalism. And yet, such a policy should be able to protect us from two mutually exclusive temptations: that of nationalism, and that of cosmopolitanism. We will in fact have to discuss the difficulties posed by equally dismissing both of them.

The author kicks off her argument and elaborates on it through a decentring which refreshes our perspective. Indeed, she starts with the American Federalists in order to rethink the contributions made by the classical philosophy of the Enlightenment, at a time when “the European Union is probably experiencing its ‘Hamiltonian moment’,” on the occasion of the Covid crisis and even more now of the war in Ukraine. The issue being not simply to outline what a United States of Europe might look like, but rather to think about the federative construction of Europe: this is the “challenge” that this book has set itself. It is a fascinating and risky one.

In order to tackle it, C. Spector structures her work around six chapters, the content of which, each time, gives “the European project a new *raison d'être*” (p. 16). Her method consists in acknowledging the theories she opposes “before detecting the sophisms they conceal” (p. 31). The six chapters of the book tackle “six objections which constitute the theoretical framework of nationalism”. I will proceed by examining the first three chapters together in order to approach them from a cosmopolitical perspective.

Can there be a democracy beyond the nation-state?

The philosopher first rejects the idea according to which democracy is impossible at the scale of a vast territory. How are we to do justice to a community of citizens within a common political entity that is larger than a nation? Using a “constitutional” definition of democracy according to which “the regime of equality and liberty is based on universal suffrage and grants constitutional protection to fundamental rights” (p. 43), C. Spector shows that democracy does not stop at the borders of the nation-state if we defend human rights and increase sovereignty by sharing it. In a Habermasian perspective, it is the co-originary of these two principles

(sovereignty and rights) which will make possible a federative European republic. From this point on, the size of a democracy can become a virtue, since the further the political community is extended, the larger the recruiting ground for its elected representatives will be, and the more rivalry produces emulation, the more one avoids the tyranny of the majority – with this polyarchy and pluralism making possible, in the spirit of Madison, a “compound democracy” (p. 54). C. Spector reminds us that the general will can be federal and that the nation is also the artificial product of an effort of abstraction, and she shows, by rereading Rousseau through Habermas, that associating different sovereignties can only make them stronger.

Thus, “Europe can become a political body” on the condition that we view it as a *sui generis* regime, a federative republic of people that would integrate sovereignties without destroying them; and on the condition that we release sovereignty from any metaphysical substantiality. This view could be entertained, from a cosmopolitical perspective in line with Habermas, Ferry and Cheneval, who C. Spector reads and draws on – but she gives up on this thought process in order to say that “the path of a European federative republic seems more pertinent and more realistic than the purely cosmopolitical path, which remains more in line with our ideal of justice” (p. 135). More pertinent because Europe is a club of democracies; more realistic because the creation of such a republic would require less than that of a global federation. Pertinence and realism are not however sufficient in our eyes, since we must preserve this cosmopolitical horizon in order to understand the very meaning of the European project without necessarily resorting to a global federation. This is the only way that we will be able to get out of what Habermas calls “post-democratic executive federalism” (*The Crisis of the European Union: A Response*, p. 12 ff.). C. Spector is nevertheless right to want to convince populations to act by producing European “common goods” (peace, the protection of the environment etc.), which would allow for a substantial and not simply procedural justification for the new European federation. The issue here is to create a desire for Europe!

The idea of “European sovereignty” defended by Macron at the Sorbonne in his 2017 speech took a new turn with the Covid crisis and the ECB’s stimulus package, inviting people to think that “a form of European republican sovereignty” (p. 169) was possible. This implies preserving sovereignty while simultaneously overcoming it, and it is in this respect that Spector is no adept of post-sovereignty: her view is that we have a geopolitical and philosophical interest in keeping this category by adapting it to the current political context in order to make of it “a set of skills or a bundle of rights”. Habermas then perfectly helps us to understand the idea of a *European social contract* resting on “the double sovereign” constituted by the European citizen viewed as a member of a national population and as a member of the “common, both supranational and democratic entity” – to use the term favoured by Habermas, who speaks not of a federal state but of a *Gemeinwesen*, or “political community” (*The Crisis of the European Union: A Response*, Preface, p. x). It is thus the very principle of sovereignty that is being reconfigured, namely against a sovereignist logic, since it is viewed in a gradualist and differentialist manner, far from any monist view. It is Rousseau, heard loud and clear by Habermas, who ultimately allows us to calmly understand fragmented sovereignty. And it is sovereignty understood in this way, as multiple and open, which allows us to reject the distinction between friend and foe, and to open up Europe to the rights of migrants in a spirit

of solidarity. Only solidarity between European states will allow us to shape a migratory policy that is just and makes Europe into a new place of refuge equal to its principles and values¹. Which once more refers Europe to its cosmopolitical dimension – at a time when Afghans and Ukrainians need to be able to take refuge here. The desire for Europe is a desire for the world, *from the world*.

Giving Europe a Better Understanding of Itself

The issue in the three following chapters is to show how to create a European “We” endowed with a public space, a political culture conducive to nurturing a social and environmental democracy that would set itself “common primordial interests”. Thus, solidarity would be the new *telos* of the European Union through the public goods that would constitute the European general interest and make possible a “fiscal, social and environmental federalism” (p. 402). For European citizenship is not just a market citizenship. Post-national European citizenship completes national citizenship, and only this makes possible the idea of a shared sovereignty. Europe’s treaties and jurisprudence grant European citizens far more than mere access to a market. The community of citizens endowed with transnational rights is such that “we are witnessing a silent cosmopolitical revolution” (P. Magnette quoted on p. 245). This is a question of rights but also of mores and education. Citizens acquire a common culture and engage in common struggles – all initiatives which contribute to them getting to know each other and to the progressive institution of something like a European people. This citizenship “sparks a desire to invest democracy at the supranational level” (p. 257). But it is lacking in terms of environmental and social rights, as well as suffering from a lack of its own political space. These are works in progress which the author defines in order to ensure we understand that Europe remains a project that must be brought into being by its citizens. And it is Europe itself which will be able to allow us to treat the pathologies of democracy thanks to an “increased federalisation of citizenship” (p. 273) capable of overcoming the democratic and social deficit.

The history of the construction of European institutions shows how the strategy of proceeding by small steps has transformed a diplomatic union into a multi-level political association, with the imbalances that this creates: thus, the European Parliament does not represent the European people, but rather populations constituted as nation states. “This polyarchy is dysfunctional and disarms democracy.” (p. 278) The European people will have to struggle against depoliticisation, electoral devitalisation and juridification if they are to form a political idealism committed to its civic ethos. This new collective will be able to shape its political will if we institute channels of communication that will enable a people in the process of constructing itself to be able to understand itself. Europe must reinforce the knowledge it has of itself and its citizens must better reflect on how they can agree about what they are and what

¹ See: V. Pratt, “Du cosmopolitisme de l’hospitalité à la solidarité cosmopolitique : de Kant à Habermas”, *Revue Lumières*, no. 25, 1st semestre 2015.

they want to be together. By asking, precisely, in a rather cosmopolitical perspective, what Europe can in and for the world. We are talking here about what we might call, with Habermas, a cosmopolitical *Selbstverständigung*.

It is still while she is discussing Habermas' position on the issue of the fallacious character of the hypothesis of *no demos* that C. Spector confirms the democratic character of the European federative republic, on the condition however of increasing the power of the Parliament, of making the Commission responsible before the people; and of adding to these institutional conditions cultural conditions such as the creation of a European public space and a European political culture. She then mentions Derrida and Habermas' text on "February 15, or What Binds Europeans Together" (published in 2003 in the newspaper *Libération*), and republished in Habermas' book published by Polity Press in 2006 under the title *Time of Transitions*, which also includes a very important text on Europe whose title strongly resonates with C. Spector's project: "The European Nation-State and The Pressures of Globalization", which we would do well to reread, with what is now 25 years' hindsight already!

The European political culture thus being put forward must allow us to give more substance to "constitutional patriotism", which is accused of being too dry or abstract. In the author's eyes, this patriotism, as understood by Habermas, "neglects the passionate – or even pathetic – dimension of the political", i.e. a set of "negative passions" (p. 313) which give substance to political life. It is precisely social and environmental issues which will allow us to embody this European political vitality, to give to the Union a "new end" (p. 332).

Social and Environmental Solidarity at the European Level

The European federative republic will thus aim to make possible equality and liberty while transforming fraternity into solidarity, that is to say "a form of equitable social cooperation within which the parties display a form of interest in the interests of others"(p. 334). Solidarity implies mutual assistance. This is in accordance with what Habermas wrote in his aforementioned text from 1999: "It is beyond dispute that the *sine qua non* for a democratic will-formation on a pan-European scale that is capable of sustaining and legitimating positively coordinated and effective redistributive policies is greater solidarity at the base. Civic solidarity, which has hitherto been limited to the nation-state, will have to be widened to encompass all citizens of the Union" (*Time of Transitions*, p. 87). The aim is thus to spark a dialogue with the neo-Foucauldians who see in Europe only neoliberalism, and then to establish the principles of distributive justice within the European federative republic in order to finally see what social and political forces can support them. The philosopher shows that if Europe is reduced to being nothing more than the Trojan Horse of neoliberalism, then we are trapping ourselves inside a monolithic narrative of our own construction, and turning this into an inevitable destiny in

which the dictatorship of financialised capital reigns supreme. Introducing some nuance into this view involves reflecting on the contingencies of history and the diversity of ideologies. We then in fact understand very clearly that past struggles were more rich and more complex – that nothing is all that linear.

Having made this point, the author can highlight the *greatness and decadence of European social citizenship* (p. 352 ff.), since social rights have been reduced to almost nothing and are only principles rather than opposable rights. We must imagine ways of converting them into rights, first against left-wing sovereignists who do not see the liberty offered by the transnationalisation of solidarity. This conversion is crucial, since, as Habermas points out, social rights are constitutive of democracy. A democratic Europe must become “the laboratory of social justice” and “of environmental democracy”. Hence the suggestion of a European New Deal which would imply a fiscal policy, a fiscal federalism required in particular to tackle the energy transition. It was thus indeed the Hamiltonian moment that opened the book, and which allows the author to end with an essential and innovative ecological dimension. “Solidarism must include natural cooperation within social cooperation.” (p. 400) What would become of democracy in Europe if it were not capable of instituting a real Green Deal?

Another European Path?

C. Spector has offered us here a genuine political philosophy book on Europe, the content of which is at once fascinating and incredibly dense. It is only the idea itself of a European federative republic that might leave us a little sceptical if this idea is not anchored in a cosmopolitical perspective looking towards the horizon of a global politics. Such a form of politics is necessary given the health, geopolitical and environmental issues that are bound to constitute genuine challenges for future citizens, who will also always be citizens of the world and as such the only ones capable of taking on challenges beyond what Europe can do and what it is. In short, Europe too must be shared and integrated into a global political structure within which it will be necessary to federate all continents and all political forms while keeping them sheltered from any global government. Such is the Habermasian proposal for a constitutionalisation of international law, since constructing Europe in order to transnationalise democracy can have no meaning outside of a cosmopolitical perspective. The Kantian path still has its best days ahead of it, and the Spectorian path is, in its own way, guiding us towards them.

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