Ideas of Europe: Civilization and Constitution

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Abstract: In this article, the author discusses two aspects of the representation of “Europe” as a historical subject that are bound to prove controversial: its relationship to universality, and the conditions of its becoming democratic as a polity. The paradox of “European identity” is that it conceived of itself as the particular site of the invention of the universal and its revelation to the world. A dialectics of recognition through the confrontation with the Other was always involved (above all in the colonial form), but it must pass now from projection to exposure to alterity. In that way a planetary construction of the universal can include a decisive contribution from Europe as one of its “provinces.” Democratizing democracy itself via the invention of a trans-national “co-citizenship” would be an element of this contribution. This is the object of a “material constitution” of Europe already on its way, but still lacking a clear representation of its “constituent power.” Debates on the absence of a European demos and the positive conditions for a federal government have shown that it will require a deconstruction of the notion of “sovereignty of the people,” separating its insurgent dimension from its function as a legitimation of the monopoly of violence, which was closely associated in nation-states with the legal guarantee of individual subjective rights.

Europe is a name, which refers to geography, history, politics: a continent in the middle of others in a conventional distribution of lands on the surface of the Earth (which, by the way, was itself invented from a “European” point of view in the era of the first “globalization”) – or perhaps simply a “cape” as Derrida proposed in the vein of a longer tradition; a complex assemblage of peoples, languages, religions, and states (probably more recent and less isolated than many “Eurocentric” narratives, prompted by the development of common research and teaching programs, would suggest);¹ a political and economic project which crystallized in the aftermath of World War II as one of the institutions of the “free world” associating former enemies (Germany, Italy, and their close neighbors), later on to include nearly all the nation-states west of the former Soviet Union within a quasi-federal structure. How to connect these various references, even in a hypothetic manner, so that not

only each of the realms under consideration exhibits a sufficient coherence, but their correlations provide guiding threads to ask questions about the continuities and discontinuities, the unifying and disruptive factors of what we call “Europe”? It would seem that this was always the function performed by an idea of Europe (I am not writing “the” idea, because there is no reason to believe that there is only one such idea, on the contrary we may suspect that there is an essential element of dis-agreement here, a choice between opposite ideas of Europe being precisely at stake in its representation and constitution). This makes it necessary to rise to a higher level, in which epistemological and genealogical problems concerning the (successive and competing) ideas of Europe are formulated and discussed. Call this the philosophical moment if you wish. It is an abstract one, but certainly not isolated from practical implications: not only because periodically the political project advocating a “construction of Europe” (or a “constitution of Europe,” in the active sense of the term) becomes mired in contradictions for which a principle of resolution is wanted (which seems to be again very much the case today), but because the very correspondence between the semantic realms which I called conventionally “geographic,” “historical” and “political” has so profoundly changed (and changed meaning) over the last sixty years, that the nature of the process has become completely problematic. Whether Europe is likely to exist as a historic community, and if so which “Europe”? In which institutional form? For how long? are entirely open questions (or questions which have become opened again). In this article, I will not try to answer them, even in a hypothetic manner. But, remaining on the plane of the idea ideae or “ideo-logy,” I will suggest a mapping of the dilemmas inherent in “idealizing Europe” (knitting the name with its references through the definition of an idea), exploring the issue of identity and universality, and the issue of polity as conflictual multiplicity. To be sure, they are not independent, but I present them as complementary perspectives on the enigma of the European trajectory.²

Our first issue begins with identity. This is clearly a reflective notion, which involves at the same time an elevation of the “ontological” quality of the subject from the individual to the collective (whereby it becomes possible to enunciate positions, assign responsibilities, or endorse decisions in the plural: “We, Europeans...,” “We, the citizens of Europe...”), and a distinction between self and other (whose figures are clearly multiple, because they emerge along

² A useful collection of essays, The Idea of Europe. From Antiquity to the European Union, edited by A. Pagden, Cambridge: Cambridge University Press, 2002, also proposes a critical discussion of the transformations of this “idea.” This is a complementary point of view, from which I will draw many elements.
every line of demarcation and diversity that was drawn by history and has come to be framed in narratives, projected in “characters,” and fuelled with passions. Philosophically, the two problems are not identical, but they are hard to separate. Politically it is manifest that their hierarchic order and the resulting modality of their articulation are of dramatic consequence. In the title of his famous 1799 essay (published only in 1826) *Die Christenheit oder Europa*, where he describes Europe as a “lost identity” that has been destroyed by the process of political and intellectual secularization but remains sought for as a dream or a utopia, Novalis proposed a model of self-referential “identification,” which seems to be related to an “other” that is only its own internal negation, or degeneracy. This is not profoundly different from the way in which ancient cities, empires or nations traced back their origin to a mythical moment of “foundation,” which should have provided at the same time the constitutive impulse and the common identity. In the classical age, this monarchic representation was replaced by a theoretical fiction – the “social contract” – in which (in a circular manner) the possibility of the community arises from the pure decision of its members, whatever their origins and their mobiles. This model of identification is important for us because it shows that the political autonomy and the historical particularity of the community are in inverted relation when conceived on the model of an immanent “community of citizens” that is, here, implicitly the nation-state. The construction of Europe stands in a contradictory relationship to this model, which I will retrieve in a moment.

The situation is different with the dialectical model of recognition elaborated by Hegel in the wake of the French Revolution and the national wars resulting from its conflict with the “ancien régime” in Europe. In such a model (which the *Phenomenology of Spirit* closely associates with a reflection on the “spiritual” principle of the community) there is no identity that is not also an alterity, thus produced by the (conflictual) encounter with the other and permeated with his influence. As a consequence, “to be oneself,” in a conscious or unconscious act of reflexive identification, inevitably also means to be “other than self,” or in Paul Ricoeur’s terms “self as another.” Instead of a principle of purity, or homogeneity, we find here a principle of mixing and heterogeneity. Hegel himself would insist that the essence of the dialectical process lies in the “interiorization” of the difference for the subject through his confrontation

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3 Although we observe today that it is mainly invoked as a way to assert Europe’s incompatibility with “non-European” civilizations, particularly Islam. This is not only done by theologians, Christian thinkers or religious authorities (such as Joseph Ratzinger), but also in “secular” discourses eager to draw cultural frontiers. See Novalis’ essay in *Neue Rundschau*, 107 (1996), pp. 9-25.

4 Note that, in an interesting twist, the founder himself was often represented as a “foreigner”: see B. Honig, *Democracy and the Foreigner*, Princeton: Princeton University Press, 2001.
with the other. Lacan was to summarize this idea in the famous formula: “The subject receives his own discourse from the Other in inverted form.”

But this dialectics can be pushed into opposite directions: either it is taken as an agonistic relationship, in which common identities are constructed in the experience of real and imaginary struggle with an enemy whose own identity is framed in a mimetic manner, or it is taken as a process of alteration and contamination, which means that a collective identity continuously works (and struggles) with its internal others, or the impossibility of fully deciding whether otherness is internal or external, whether it amounts to an appropriation or an expropriation. Clearly, such a dialectical relationship between identity and alterity, which is not a political program but a critical concept, nevertheless imposes a strong constraint on the concrete ways in which “Europeans” imagine their collective identity and its expression in institutions. I am thinking in particular of three aspects of the debate on European “identity” which involve the difficulty of drawing “borderlines” isolating self and other, as a result of the expansions and conflicts of history.

I am thinking of the un-limited character of the European “continent.” This difficulty with “limits” is periodically exacerbated in debates about the possibilities and impossibilities which regard the admission of “peripheral” countries into the political system of the EU (which tends to present itself as the incarnation of “Europeanness” as such), not only because of their cultural (religious, linguistic) difference, but because they also have strong ties with other systems or civilizations, which it would be impossible to neutralize in order to transform them into “genuine European nations.” This is very much the case today with the debate on the incorporation of Turkey, or those countries such as Georgia or Ukraine detached from Russia after the break-up of the Soviet Union. But it was already the case in the 60’s in no less virulent terms with respect to the incorporation of the United Kingdom into the “European Community” (with its six founding members), because of its “privileged relations” with the Atlantic alliance and the English-speaking “commonwealth.” I think that one has to be honest in this respect, and acknowledge that from the cultural, economic and political point of view Europe has never been a closed


6 Again, it is in the history of nationhood and nationalist ideologies that this process seems to emerge at its purest, often in the form of rival “self-characterizations” which deeply affect cultural discourses: see U. Bielefeld, *Nation und Gesellschaft. Selbstthematisierungen in Frankreich und Deutschland*, Hamburg: Hamburger Edition, 2003. But it exists with every form of allegiance, being especially strong in religious communities.

7 This is basically a Derridean point of view, albeit in a simplified formulation, as it is elaborated in *L’autre cap* (1991) and *Monolinguisme de l’autre* (1996).
space since it emerged as a historical reality and will never become one. So that, in a radical sense, the “borders of Europe” do not exist, except as “arbitrary” delimitations whose justifications lie in strategic and technical reasons (which can be very important: not only for police controls, but for economic and monetary policies, judiciary and parliamentary constituencies, etc.). Some years ago I suggested that the European “political space” (which is a more general notion than its “territory”) is best imagined as a “cross-over” of several overlapping plates, representing at the same time historical “extensions” and cultural “sources” of its own historical specificity. Following this suggestion, we will have to acknowledge that America (North and South), or Russia and its own “border regions,” or the Mediterranean Basin (however we fix its “limits” with Africa and the Middle East) are “parts of Europe” (although not only that), but also that the transformations of European identity depend on interactions with populations and cultures which are not “there” but cannot be deemed “exterior,” however the administrative borderlines are defined, and however conflictual they can become in specific conjunctures.

I want to add another element of complexity to this structural condition of openness of the European space. “Essentialist” discourses concerning the identity of Europe do not necessarily deny that there is a wide array of differences between European peoples, an intrinsic diversity that calls for a pluralist construction of its polity, but they tend to suggest a qualitative difference between the “distances” that separate European peoples from one another, and the “distance” that separates them from all others. This, allegedly, is rooted in ancient traditions, even archaic structures (e.g. the “Indo-European institutions”), confirmed by history. So that any two European peoples (or individuals belonging to these peoples) would always have “more in common” in terms of languages and interests than they have with “external” others (and in fact it is this assumption that makes it possible to keep using the metaphors of interiority and exteriority, which also command the representations of protection, invasion, expansion, etc.). But in fact this is not generally the case. There are all sorts of differences which become accentuated on practical grounds: they are not only cultural, but affect every process of subjectivation and affiliation. In most individual European countries, economic,

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8 It will be important to observe in what sense the new economic conjuncture affects the isolation of the British currency from the Euro system.


linguistic, religious differences are no less striking than “post-colonial” differences among nationals and “migrants” from the former Empires of France, Britain, the Netherlands, or Spain. This is important, because it explains why the segregation among “foreigners” now introduced by European integration is such a violent process (I have used the expression “European apartheid”), and how it makes it possible to transfer or project hostile feelings among the “Europeans” themselves onto “others” that become reified and externalized. The imaginary place of the “irreducible Other,” or the Stranger threatening Europe’s identity was occupied historically by the “internal” Jew or Gypsy as well as the “external” subject “races,” who now largely exchange their functions, as the distinction of interior and exterior displays its “amphibological” character (in Kant’s terms from the Critique of Pure Reason).

This leads me quite naturally to a third aspect of the relationship between identity and alterity which the debates over the legacy of colonization and the contribution of the “colonial moment” to the construction of the European identity (therefore also the obstacles it creates for a genuine “cosmopolitical becoming” of Europe today) abundantly illustrate. It has become common wisdom (albeit never without nuances, and objections) that Europe framed its image and the criteria of its membership inasmuch as it conquered and colonized the world. Accordingly, it developed its “civilization” as an instrument of power to be exercised (often in a destructive manner, but not only) over other peoples and cultures in the world, but also as a framework within which to incorporate products, images and discourses from its “subjects” in a conflictual relationship which remained dissymmetric until the decolonization (and even after), but was never completely one-sided. As Eric Hobsbawm and other historians point out, there was not really a concept of “Europe” as a juridical system of “international relations” among “European nations” (jus publicum europaeum), and also not a feeling of common cultural identity (not only religious, but also racial, aesthetic), before the citizens from rival colonial powers collaborated and fought against each other to “divide” the periphery of what they perceived now – in spite of geometrical logic – to be a “center.” And Edward Said’s demonstration that the combination of fictions and experiences fused in the idea of the “Orient” not only formed “Europe’s silent Other,” or its “antetype,” but also directly contributed to the construction of its self-referential notions of humanism (or individualism) and historicity, was emulated by many others. It


is this teleological construction that the “post-colonial” paradigm with its many trends and dissents is now seeking to deconstruct, which means that the “silent Other” becomes talkative, providing Europe with a picture of its historical function in “assembling the world” and an evaluation of its civilizing process: in short an idea of Europe that is no longer produced by Europe alone (even through the mediation of an imaginary other), but elaborated and imposed from outside also, for it to recognize its true image – or so it would seem.

What is at stake here is nothing but the specific relationship between the idea of Europe and the category of universality. An inverted recognition process cannot amount to simply putting the particular where, previously, was the universal; no, it must restructure the modality of the enunciation of the universal. Therefore “Provincializing Europe” – the title of Dipesh Chakrabarty’s book, now widely discussed – should not be misleading. It is true that Europe appropriated the universal, framing a system of categories for the representation of the world in the same gesture in which it identified itself with a dominant position: that of an “origin,” a “center,” or an “achievement.” In doing so it generalized certain cultural codes, equating them with “civilization,” transforming other systems of perception, expression, and belief into “subaltern” discourses, which faced an alternative of repression or translation. The “hegemonic” code itself was not “translated,” it was used as the general “equivalent” of translation and communication (much as the monetary equivalent works as an instrument of commodity circulation and capital accumulation). And in turn this civilization itself (often associated with the ideas of spirit, reason, progress, right) was presented as the norm which governs the incorporation of particular cultures into a “cosmopolitan” community of mankind. This is very much the conviction underlying the classical teleologies of “Western reason” in philosophers such as Kant and Husserl. They could be aware of the “dark side” of this European exceptionalism (such as the imperialist project of domination) or its internal contradictions (such as the split of reason, both theoretical and practical, between spiritualism and utilitarianism), but they systematically assimilate into “Europe” everything that became adapted to (or proved compatible with) its hegemonic code, and deemed particular, primitive or irrational whatever remained irreducible to this model of communication.

What is particularly interesting in Chakrabarty’s book, however, is the fact that he does not simply replace a hierarchy with another, reducing the notions

which reclaimed universality to the status of particular representations or instruments of a particular domination. But rather, in a more dialectical way, it presents us with an antithesis of conflicting rationalities traversing all cultures since they have become violently “contemporaneous” in the capitalist world. Even, in his description, discourses of collective memory which allow the subaltern peoples to resist European Imperialism and build autonomous nations are not really different in their principle (if not its contents) from the “historicist” discourses of the European tradition itself, from Vico and Herder to Auerbach and cultural anthropology, which opposed from the inside the representation of a single juridical and scientific “spirit.” They were also “universalistic,” even cosmopolitan – although not yet “planetary.” 7 So that, in the end, the post-colonial critique in its most refined versions tends towards a transformation of the relationship between Europe and universality (which in the broad sense can be termed “democratic”) rather than a suppression. Europe must become “a province of the universal,” retaining its singular relationship to universality by ceasing to teach others what it means to be universalistic; that is, it must cultivate an understanding of alternative interpretations of the human which – to a certain extent, but without pre-established limits (since they depend, precisely, on expanding the practice of translation) – can become generalized. 8 In this perspective (which others have called a “universal of differences”) 9 we seem to retrieve the suggestion of “overlapping plates”; which is to say, the idea that it is the conflictual relationship to otherness itself that forms the “universalizing” principle of identification.

I want now to examine briefly the other side of the idea of Europe, which regards its “constitution” as a polity. English as a language is fortunate to have borrowed very early (fifteenth century) this transcription of the Greek politeia, since it allows us to consider simultaneously the antithetic sides of the problem underlying the notion of “European citizenship” (which was introduced as early as 1974 – the year it was agreed to have a European Parliament elected through direct ballot – in the form of a simple orientation: the Community should promote a “Europe of citizens”; and later transformed by the 1992 Maastricht treatise into a more formal “citizenship of Europe”). 20 In Aristotle politeia meant a concrete community of free men who could gather in the agora to exchange opinions and make decisions, and at the same

time an abstract system of institutions defining membership and organizing the obligations of magistrates (archontes). Modern societies, characterized by the enormous development of bureaucracies (particularly State bureaucracies) which have become inevitable intermediaries between the citizens and their representatives, therefore assume the (at least relative) “ignorance of the people.”

Thus other dilemmas have emerged: that of the “formal” and the “material” constitution (the pure juridical construction that governs the hierarchy, legitimacy and validity of laws on one side, the relationship of powers, institutions and social groups as political agents on the other); and that of the “constituent” and the “constituted” power (the sovereign subject who creates or recreates periodically a juridical order, which in democratic states is identified with “the people,” and the system of institutions itself, particularly inasmuch as it is based on representation).

Questions tend to proliferate around various “constitutional” issues: whether the European Union forms a new historical type of polity (perhaps realizing some of the “federalist” projects involved in the nineteenth-century idea of the “United States of Europe,” either conceived as overcoming the natural hostility of nations, or as protecting national identities through their integration into a superior community); but also whether it could claim to embody a strong democratic principle without transforming at the supra-national level the basic institution which embodies the “sovereignty of the people,” namely the choice of executive magistrates by the elected representatives of the constituency, and conversely their accountability before these representatives. Such classical dilemmas become increasingly reformulated in terms of these two “monsters” of political theory: the “European federation,” and the “European demos.” In a sense, we might simply argue that “European citizenship” amounts to a simultaneous emergence of these two figures at the supra-national level: a federation, and a demos (or political people). But the fact is that they are not going hand in hand, they may even seem to have conflicting prerequisites. Are we bound to remain mired in this contradiction?

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22 This distinction has a long history which traces back to Montesquieu, Hegel, and other critics of the “social contract” theories; it was defined in particular in the work of C. Mortati, La costituzione in senso materiale (1940), new edition, Milan: Giuffré, 1998.

23 The distinction was coined by Abbé Sieyès in his pamphlet Qu’est-ce que le Tiers-État? (1789), which legitimized the transformation of “États-Généraux” into “Assemblée Nationale” (see A. Negri, Il potere costituente. Saggio sulle alternative del moderno, Carnago: SugarCo, 1992).

24 On this divergence and its continuation in the debates about the constitution of the EU, see A. Chebel d’Apollonia, “European Nationalism and European Union,” in Pagden, The Idea of Europe.
On the issue of federation I argue, in agreement with Olivier Beaud and others, that the problem of the “political principle” organizing the expanding system of “government” of contemporary Europe (where the “federalist idea” has been both religiously praised and vilified as “unrealistic” or “criminally” threatening the sovereignty of nations) has been completely obscured by the fact that Federations serving as empirical models (such as the United States of America, and also the Swiss and German Federations) are in fact states (if not centralized ones) which relate to others as sovereign entities (at least juridi-
cally) and base their internal legitimacy on the existence of a national community (even if pluri-linguistic). As Beaud indicates, the only way to clarify constitutional problems in Europe is to “forget sovereignty and reflect on federalism.” This involves putting aside a number of abstract dilemmas such as “federation” as a concept of internal law vs. “confederation” as a concept of international (or external) law, or citizenship as a status ascribed by administrative authorities vs. “co-citizenship” as a reciprocity of rights embodied in fundamental rights and governed by a notion of “common good.” Clearly the implication is not that the question of sovereignty has become purely ideological: rather what becomes crucial is to discuss the various figures of conflict and compromise between the two principles (at least) now organizing the sphere of the political: sovereignty and federalism, which combat each other without a predictable end. From this point of view, I would suggest that the European polity appears “monstrous” because its image is at odds with its reality. It is in fact much more federal than governments admit and most “European citizens” realize, so that in a sense the sovereignty of nations as an absolute principle is already foreclosed. But this is not heading towards a withering away of the national communities, either from the point of view of their identities (e.g. linguistic) or from the point of view of their administrative limits. It is in fact the equation of nationality and citizenship that has become less simple, or relativized.

But here begins the riddle of the relationship between federation and democracy: any federative construction is bound to involve a distribution of powers not only between different governmental functions (the classical

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“division of powers” of the liberal tradition), but between different constituencies and levels of representation (which is sometimes called *subsidiarity*, a notion retrieved from Medieval Canon Law). A “direct democracy” appears even less thinkable in a supra-national federation than it was already in a territorial nation-state. However what belongs to the notion of a sovereign people (or *demos*), as a self-governing and law-making body, is both a unitary constitution (which makes it impossible, or difficult, for “special interests” to prevail over the common will) and an effective capacity of the multitudes to control the administration and the representatives.26

In fact the notion of the *demos* which provides the idea of a democratic constitution with its formal foundation (whereby it was distinguished from a “monarchic” or an “aristocratic” foundation, which obviously did not prevent “really existing democracies” to include presidential and oligarchic political structures) is a very complex one. Adding to a long and conflictual history, the current debates about spaces and agencies of democratic politics force us to revisit its semantic uncertainties.

The notion of the *demos*, let us recall, is only one of the three possible ways of naming the “people” in the European civic tradition, which most of the time do not interfere, but do have separate implications. *Demos* designates a secular community based on participation of the citizens in the judiciary, in party struggles, legislation, decisions, as opposed to *ethnos*, the genealogical or “hereditary” community which derives from a linguistic, cultural, or racial origin, but also to *laos*, the third term in Greek (frequently forgotten in textbooks of political theory), which refers to the “chosen people,” or the theological idea of an elected community, which was elaborated by monotheistic religions, and later transferred to the *nation* which is seen (or sees itself) as incarnating the sense of history.27 There are permanent attempts at transferring these notions at the level of Europe in order to understand what kind of community it creates or imagines. However, I suggest that representations of Europe as a “quasi-ethnic” community (deriving from one cultural or racial origin) or an “elect civilization” (educating or emancipating mankind) triumph above all because the definitions of the “European people” as political community remain aporetic. *Ethnos* and *laos*, in the case of the construction of Europe, are mainly substitutes for a missing *demos*. But perhaps this aporia

26 The contradiction is blurred if the *de facto* federal character of the material constitution of the EU – with its contradictory tendencies – is conceived as a “regression” towards “polycentric” systems of government which characterized the feudal institutions of Europe (a “neo-medieval empire,” in the words of Jan Zielonka: see his *Europe as Empire. The Nature of the Enlarged European Union*, Oxford: Oxford University Press, 2006).

27 The Homeric word *laos* was chosen by the Septuagint to translate the Hebrew ‘*am* (the Chosen People of God, as opposed to the “nations”: *goy*im, translated as *ethne* or *gentes*).
is only a resurrection of the tensions which are already inherent in the idea of the *demos*. Therefore it marks not the end, but the continuation of the history of democracy (as a problem, and a project) in the new cadre provided by the unification of the European nations, which is also their transformation into new collective agents on the enlarged political stage.

As Jacques Rancière reminded us in his recent works (from *La mésentente*, 1995, to *La haine de la démocratie*, 2005), the reason for the controversial status of the concept *demokratia* in Ancient thought was that the *demos* simultaneously referred to the *totality* of the citizenry, who are not only ruled upon but also ruling (or, more generally, who do not only have duties, but also rights), and to the *mass* of the poorest citizens, who in most constitutions remained excluded *de jure* or *de facto* from participating in deliberations and decisions. Thus the criterion which allows us to evaluate the degree of “democratization” achieved by any political regime or system of institutions ultimately coincides with the extent to which the excluded part (*les sans-part*) are given their share (*la part des sans-part*) in the public sphere, something which cannot go without conflict. This is an argument which clearly brings back the material constitution instead of a purely formal one (where democracy coincides with representation).

There is a difficulty however in Rancière’s description, which has forced him to jump from a more “class-like” definition in which he insisted on the fact that specific social groups (be they “majoritarian” or “minoritarian”: poor, workers, women, colonial subjects, migrants, etc.) find themselves within or without the walls (often invisible) which protect the political, to a more “equalitarian” but also more formal (albeit not juridical) definition directed against every form of oligarchic monopoly of power (including the “meritocratic” form), in which the accent is put on the idea that governing functions can be exercised by *any citizen* (“n’importe qui”), and in fact must circulate among all the citizens without privilege. What is perhaps missing in this oscillation is a third meaning of the term *demos* which is neither material nor formal, but rather dynamic in the sense of pointing at the “power” which imposes processes of democratization and keeps democratic institutions alive, the “constituent power” in the broad sense of the term (which must always exceed its juridical definitions, whereby it becomes redefined as an “organ” of the constitution itself, subjected to the rules and controls which are part of the *constituted* power). Such a *demos* is not a statistical notion, made of groups or individuals, it is a combination of “movements,” “agencies” and “struggles” (which may be rooted in social conditions, and probably always are, but act as political forces, not so much expressing political positions as expanding the frontiers of the political in a polemical manner). This is what I call the *insurgent* moment of democracy, in order to highlight the continuities traversing the history of the nation state – i.e., preceding it (in the classical “cities”) and
transgressing its limits (in the new emerging trans-national public sphere). Such a concept of constituent demos (which acquires its full meaning in situations of change or critical conjunctures) pushes to the extreme the tensions latent in the idea of “sovereignty” or, rather, deconstructs its apparent unity: leaving on one side the idea of an “absolute” authority released from the control of laws (legibus solutus), and retaining on the other side the idea of a “revolutionary” collective agency which transforms social relations.²⁸

We are led to the idea that the symmetric issues of federal citizenship (or co-citizenship) and the emergence of the European demos, in the sense of a constituent power which is less a source of legitimacy than a source of political life for the supra-national institutions, are not identical, but they cannot be practically separated. This is indisputable in the case of the constitutionalization of the cultural (and perhaps especially the linguistic) diversity of Europe. Linguistic conflicts and resentments associated with the domination of certain idioms over others in the realms of media, commerce, administration and education, tend to crystallize hatreds which have other more “materialistic” causes (conflicts of economic interests). But language is also a materiality, and a condition of social life in its own right. English tends to become the lingua franca of European administrations because it is increasingly the “global” support of information, but also because it is perceived as relatively external to the European “continental” history (the partial integration of the UK in the EU notwithstanding). A political unification of cultural differences in the form of the nation-state, as it was profoundly reflected in the Hegelian Idea of the State, typically implies a vertical relationship between the political community and the citizens, which works both ways: it is a subsumption of the memberships and group identities (including the religious ones) under the hegemony of the national affiliation which becomes identified with citizenship, but it is also a liberation of the individual as a bearer of “subjective rights” (which – according to the famous classification proposed by T.H. Marshall – can be personal, civil, and social).²⁹ Therefore it is certainly universalistic, but not very democratic – which also explains why it must be compensated for through the imaginary of the “sovereignty of the people” as a ruling of the mass in the last instance.

European federalists who work today on the idea of Europe as a multinational political system try a different imaginary, based on notions of

²⁸ The classical reference for such a notion of the demos is Marx’s 1843 Critique of the Hegelian Philosophy of the State (see the commentary by M. Abensour, La démocratie contre l’Etat. Marx et le moment machiavélien, Paris: Editions du Félin, 2004). Negri’s concept of “the multitude” clearly derives from there, but adds a vitalistic dimension which is lacking in Marx.

exchange, circulation and reciprocity, which convert verticality into horizontality. This can be achieved in juridical terms, if for instance a federal citizenship is defined not in terms of a member status ascribed to individuals by the highest political instance, but rather as a reciprocity in the recognition of rights or intercitoyenneté among members of different states (including the right to participate in national elections in the other’s country).\textsuperscript{30} It can be done in more comprehensive political terms if Europe is defined as a democracy in the plural, in which power is not distributed from a “superior” instance which would monopolize political issues of common interest (diplomacy, commercial and financial policies, but also security), while leaving to the “inferior” instances the (supposedly) particular decisions (regarding education, religion and secularism, social rights, etc.). On the contrary, every political matter is subject to a multilateral process of permanent adjustment, controlled through procedures of ballot and participation.\textsuperscript{31} The problem remains, however, with such notions of horizontal citizenship, that they seem to be more compatible (at least abstractly) with a definition of Europe as a closed multiplicity of (already existing) nations than with an open space of meeting and cultural transformation, as has emerged from the increasingly frequent circulation of individuals across the borders of Europe, internal and external. This is the problem of the “missing nation” in the representation of Europe – a name which has been allegorically used to designate the contradiction arising from the exclusion of migrants, many of whom have been residing permanently, over several generations, within the territory of the EU, and have ancient ties to its own nationalities (particularly colonial), but are not counted as “constitutive” partners of the federal constituency.\textsuperscript{32} It therefore remains highly uncertain whether the rights of these new sans-parts are better protected as rights of “minorities” within nation-states, or as rights of co-founders in a post-national union.

Similar problems should be discussed with regard to other aspects of the dialectical relationship between citizenship and democracy, which concern


\textsuperscript{31} This is Kalypso Nicolaïdis’ concept of “demiocracy,” which advocates the extension of the “rotating presidency,” so that the executive function of the Union circulates not only juridically but also geographically among the member-states, each of the “European peoples” acting in turn as a representative of the common interests. See her article “We, the Peoples of Europe…,” Foreign Affairs, 83 (2004), pp. 97-110.

\textsuperscript{32} One is reminded of the argument put forward by Catherine de Wenden (see her La citoyenneté européenne, Paris: Presses de la Fondation nationale des sciences politiques, 1997), who maintains that the «virtual nation» composed of migrants is shifted each time when new members are incorporated: it is the seventh nation of Europe when there are six members, the sixteenth nation when there are fifteen members, the twenty-seventh nation when there are twenty-six members, etc.
not exclusion but the conflictual dimension of democracy, particularly the role of social conflicts in the emergence of an “insurgent” demos. Neo-liberal discourses of the “end of history” (after Fukuyama) had diagnosed the decreasing significance of such conflicts in the era of globalization, whereas such neo-Schmittians as Huntington foresaw their replacement as sources of antagonism by ethnic-religious “clashes of civilizations.” But social conflicts could also come to the fore once again as the conjuncture of global financial crisis develops, with its inevitable consequences in everyday life. The federal construction of Europe will then face a political dilemma: either delegitimize the central institutions (particularly the Commission itself, but also the Central Bank) by maintaining a pure “liberal” orientation, or increase its powers (and therefore its need of popular support) in order to limit the domination of financial capital over productive investments and protect the jobs of the population, at the risk of open conflicts between classes and perhaps nations with different historical levels of social security. It is not impossible that the institutions which appeared purely technocratic at the time of the debate on the Draft Constitutional Treaty (2004-2005) become the stake of mass political debates concerning their alternative use and orientation. This would contradict the idea that “the European homo democraticus […] requires a Europe that is strong economically and weak politically.” It would amount to reviving an active notion of “social citizenship” at the European level, although certainly not in the statist forms adopted in the twentieth century by the Western “welfare state” or the Eastern “socialist democracy.” It would then become more visible that Europe as a polity can exist (or remain legitimate) only if it represents a more advanced (more complete, more effective) form of democracy than was the case with Nation States in their recent history. A “universalistic” way of asserting its identity, undoubtedly, which would also mean that a typically European construction of citizenship has become an effective instrument in the infinite historical process of the democratization of democracy itself.

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34 See my We, the People of Europe? p. 155 ff.