

# How can the aporia of the 'European people' be resolved?

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The question that I deal with here is by no means a purely speculative one. It certainly evokes theoretical notions from different disciplines and from philosophy, but it does so because of a specific economy of circumstances, a crisis of economics, in a particular place (Greece), which happens to be at the origin of the whole apparatus of 'concepts of politics' by means of which modernity thinks its own history, but which seemingly, today, no longer knows what to do with it. By examining this question, we can hope to achieve a radical rethinking of this apparatus, which, in turn, might become one of the instruments (but not the only one) of the political invention required to find a solution to the crisis of European construction.

I shall make three preliminary remarks, reduced of necessity to a minimum. The first concerns the meaning of the word 'people' (the French word *peuple* in particular), or rather the organization of the semantic complex to which it refers.<sup>1</sup> The latter, of course (referring in particular to the relations between 'people', 'nation', 'population') exists only in a history that subjects it to incessant transformations. Let it suffice here to indicate a *topic* that is merely an instrument of analysis and a guide to the interpretation of current debates. This topic is suggested to us by the insistence, in the recent discussion regarding the 'European people' (but also in the different conceptions of the 'nation' which contrasts European peoples and therefore their states), of a dilemma that was initially expressed by anthropologists and that was taken up again by political analysts, then by philosophers (including Habermas): that of the 'ethnic nation' and the 'civic nation', referring back to two conceptions of the people for which we borrow the words *ethnos* and *demos* from Ancient Greek. I am not disputing the pertinence of the analyses which prevail, but the way in which this is set forth is, at best, incomplete. Two other notions of people, sometimes competing, sometimes combined, must be added to it, and for which it is also useful to use the Greek.

They are, on the one hand, the *léthos* (mass, multitude, number), and, on the other hand, the *laos* (a word that is used today to refer officially to the 'Greek people' in its institutional reality, but that comes, after an archaic Greek source, from the translation of the Septuagint of the Hebrew Bible '*ham*, referring to the 'chosen people' of Israel in contrast with the *goyim*, the other people or other nations, translated into Greek by *ethne*, and into Latin by *gentes* or *nationes*).

In our Western history, in which the foundation and then the generalization of the bourgeois nation-states marked a separation that creates problems today, the reference to 'the people' has always covered different ways of managing the antitheses and combinations of the following four notions: the people as 'community of citizens'; the people as 'nation' (supposedly unified by a lineage, a culture, or generally in modern times a language); the people as the 'mass' of its own population (which generally, from a sociological perspective concerned with inequalities, means the 'folk' or 'people of the people' who are the majority; that is, if not the poor, at least those who are not the privileged in rank or fortune – it is therefore an essentially conflicting notion); and lastly, the people as a collective ideality, with a mission or a destiny. In the debates in Europe regarding the existence of a 'constituent power' that might be able to legitimate the emergence of a supranational political power, it is generally the *demos* that is targeted, but the *ethnos*, the *laos* and the *plethos* are also at least implicitly concerned.

This leads to a second remark: on the constitutional level, the question of the 'European people' is aporetic because analysts believe that they cannot identify a *demos* that pre-existed the construction of a federation, just as they believe that they see in the building of nations into states the expression of a 'constitutive power' which, historically, found the political institution that allowed it to claim its sovereignty. However, beside the fact that such reasoning is circular, and

perhaps even contradictory, since it supposes that the construction of a post-national federation must *repeat* the nation's constitution plan, it evades what is essential about the current difficulty. This has rather to do with the fact that the roads that European construction has progressively taken are *neither federal nor national*. Nor can we speak of a 'mixed' regime, for the two components tend to destroy rather than complement one another. European nations have lost much more of their autonomy and their sovereignty than the majority of their citizens believe, but it is only a pseudo-federation, not only because its 'government' rests on the competition between institutions whose ways are in opposition to one another – which becomes untenable in a time of crisis – but because its foundation is a 'common' political economy whose result today is to pitch the interests of the territories against each other and to highlight the inequalities of power between member states.

A third remark is necessary, then. Rather than postulating the existence of a pre-existing *demos*, it would be better to question – since *demos* in fact refers to the constitution of a 'community of citizens' – the conditions of the exercising of citizenship in Europe: more precisely, to question the conditions of an *active* citizenship synonymous with a participation in political life and an influence on the decisions upon which depend the present existence and future of the populations. The latter (despite, or even because of, the existence of a 'European Parliament' with extremely limited powers) is reduced to a minimum that we do not see increasing. The current crisis, which favours the increase of powers of a techno-structure without any direct legitimacy and of a minority of heads of state, with more or less diverging interests, negotiating with each other for compromises that are almost never submitted to the judgement of the mass of the population, has merely reinforced this characteristic. Not only is there no 'active citizenship' in Europe that might be a *European* citizenship, but, correlatively, we see *the decline of national citizenship*, for it obviously has nothing to do with a system of interconnected vessels. This exclusion of participation is (largely for cultural, sociological and institutional reasons) for the *mass* of European nationals, and a fortiori of European *residents*. This means that in addition to the problem of the inconsistency of the *demos* there is the problem of exclusion of the *plethos*. The question has always been addressed with a view to knowing which 'democracy' could exist and resist the anti-democratic tendencies of the government without the participation of the mass, in other words without there being anything of the 'popular' within the 'people'.

## Europe for whom?

We should take a step to the side and address the question in the following form: not only *why*, but *for whom* should a 'European people' be created? There are three possible answers to this question, answers that are perhaps not exclusive, but that are qualitatively distinct.

The first answer is: for the ruling classes. This supposes that several conditions were combined, which, in fact, are not. The first, evidently, is that they share a common political or 'hegemonic' project, as was the case in the past (although in unequal degrees and often at the cost of extremely violent internal confrontations) for the ruling classes of the nation-states. The second, is that they think they need, in order to launch this project, a *legitimacy* of a democratic kind, conferred by popular consent, and a *mobilization* of the majority of the population for a 'European project', which it would be worth our while to start to rally and to make acceptable on a long-term basis. None of this can be seen or foreseen today. On the one hand, the most powerful fraction of the bourgeoisie – that part which is directly or indirectly employed by financial capital and works to maximize its profitability in the context of globalization – is largely deterritorialized in its activities, as well as in its placements and strategies of tax evasion, not only beyond national territories but beyond the 'European' territory, which for that fraction is just another parade ground where it invests or disinvests according to prospects of profit. On the other hand, the contemporary administration of populations, having reached the stage of 'governance' (which must not be confused with what Foucault and Rancière called the 'police'), is more and more desocialized (in particular the dismantling of social citizenship and social rights won in the context of the *national-social state*). More than ever, of course, it maintains the 'fear of the masses', but it thinks that it is easier to avert the latter by means of an ethnic barrier than in the context of a unified 'political space'.

The second answer is: for the theoreticians of 'European federalism', who may be academics, militants or experts in the European Commission. In spite of all the differences that separate them (and their heterogeneous ideological traditions), what they share is an address to the problem of the 'people' with the prospect of the *legitimation* of a political construction that, for the moment, is without it, or is in the process of losing it, threatening the federal objective itself. The problem here is that we rarely or even never address the question of why it might be necessary that political legitimacy be 'democratic', or, if we do, we do not

place the question in relation to an analysis of the real distribution of powers in Europe. And this means that we do not get away from constitutional formalism. This is not without its paradoxes. An example from Jürgen Habermas is very interesting here. We must unreservedly salute the ‘courage of the truth’ with which, in the recent period, it was expressed against the renewal of German nationalism and its destructive consequences for European politics. But rather than leading to an analysis of the means for creating a new relation of political forces which engender a new distribution of powers, Habermas’s criticisms lead to a project regarding the ‘European constitution’ that highlights interesting and even important problems, but that leaves social questions totally to the side – especially the question of inequality between classes and regions – or forces us to cover them over with a sort of *veil of ignorance*.

There remains, third, the question of knowing what the idea of a ‘European people’ might correspond to, from the point of view of the mass of populations, given both their economic conditions and their national adherences. These are those populations which are directly affected today by the ‘crisis strategy’ of European neoliberalism in their conditions of existence and their citizenship – in different degrees, of course, for in Greece or in the Iberian peninsula we see the strongest degradation, but German workers also pay the price for ‘competitiveness’. For those, like me, who think that only a force stronger than that of the technocratic-financial complex can support the resistance and open onto a political alternative, the difficulty is to envision a way out of the isolation, a passage to a transnational resistance and the construction of a popular ‘counter-power’ which progressively detaches the *demos* from the *ethnos*. One must not ignore the fact that this is extremely difficult for material as well as symbolic reasons, which have to do in particular with the way in which social citizenship was established in the national context that, precisely, was the one to be reinforced – the *idea* of which survives its more or less advanced dismantling. ‘The dead seize the living’ [*le mort saisit le vif*]...

### Illegitimate legitimacy

Let us turn now towards the theoretical question: the question of the relations between the problem of *legitimation* and the problem of *democratization*, applied to the building of Europe.

In the first place, it is a question of knowing *which concept of legitimacy* we are applying. When we hear the idea repeated over and again that the building of Europe suffers from a ‘deficit of legitimacy’, at times it

concerns the constitutional legitimacy of supranational institutions facing that of national institutions – that is to say of *sovereignty* – whose theoretical ‘depository’, in the final analysis, is the ‘people’. At other times, it concerns the fact that the decisions of Community bodies (especially regarding economic policy and budgetary constraints, limiting the ‘right to a deficit’ of member states of the Union) are not thought by the majority of the population in Europe as expressing common interests (which would be quite visible, as the majority of political analysts agree, if we submitted them directly to a referendum). But the two problems meet as soon as we consider that *the only possible legitimation of a political construction* (and of its governmental practices) is of a democratic type. This is why some people, including myself, have for a long time put forward the idea that European federalism can be established only if the future ‘European people’ are offered possibilities of democratic expression as well as control of power by the ‘mass’ of citizens that would be *superior (and not inferior)* to those presented currently, or formerly, by even the most democratic national states. And, of course, this will not happen by itself, either technically or politically.

However, if we give ‘legitimacy’ a definition that is not juridical but rather *realist* – that is to say political in the manner of Max Weber, for whom what defines the legitimacy of a power is the probability that its decisions will actually be followed by an effect, and therefore obeyed by the citizens in the majority of cases – then there is no reason to think that democratic legitimacy is the only one possible. On the contrary, other legitimacies exist: in a situation of ‘crisis’ in particular, as we have often seen in history, what can carry it off is the authority, the efficiency (that is either real or supposed) of a power structure that presents itself as holding the means for ‘the salvation of the public’. We have just seen the European Central Bank proposing an attempt at legitimation of this kind, which confers upon it at the same time a dimension of ‘sovereignty’ that is concurrent with traditional sovereignties. This does not eliminate the fact that, *negatively* at least (as Jacques Rancière correctly underlines), the *demos* reserves the possibility of questioning any other kind of sovereignty. We have here a kind of double bind from which it will be very difficult to escape.

The reasons for our greater concern for democratization than for legitimation, or for addressing the question of legitimation *in terms of democratization* rather than the reverse, are of different orders. They could, first of all, refer to what I will call a ‘democratic preference’ in politics; that is to say, the idea that the

liberating dimension (which I call also, in the historical sense, ‘insurrectional’) must take precedence over the governmental, state dimension. But they could also proceed from a *political judgement* in the present economic situation: it is a question of knowing what kind of legitimacy is likely to establish the construction of a European federalism *against* the forces that resist it or that obstruct it from the inside and the outside. If we think that a technocratic legitimacy could not work, even in the context of an economic ‘state of emergency’, then the two demands will intersect: they outline the theoretical hypothesis of an ‘emergent’ legitimacy that might be a *strong legitimacy* and not a popular legitimacy ‘by default’. The apparent paradox is that in order to *obtain* legitimacy, one must in reality *subordinate* it to a demand for democratization which applies to itself, and is not necessarily subordinated to an institutional objective.

We are led, then, to defend two ideas: first, that the relation between the logically and politically independent notions of *demos*, democracy and democratization must be conceived inversely to what seems to be prescribed by etymology and constitutional thinking. Not only is there no *demos* which might ideally pre-exist the existence of democratic institutions (which also means, negatively, that one should not expect to find a *demos*, other than a virtual one, where *there exist no* effective democratic institutions, which is the case in Europe today), but nor is there any democracy if *processes of democratization* are not at work, capable of overcoming ideological, cultural, institutional resistances, and capable of making an ‘active’ citizenship live permanently with the participation of a majority of citizens. Second, history has shown us that such processes of democratization exist on several levels and in different forms, which in practice are not independent from one another, but which are nonetheless distinct from one another.

There is a *complexity*, or even a *heterogeneity*, in democratization, which is the condition for its efficiency. Without a doubt, *representation* is part of it, so long as it does not congeal into an institution for the delegation of power to a professional political class (which Hobbes called an *authorization* of government), but evolves in the direction of a *real control* of governmental activity by the mass of citizens – a difficult notion to grasp, because of the deviations of all kinds to which it can lead, but insurmountable too because its antithesis, in a capitalist regime, is the covert control of representatives and of the government by financial powers. But it concerns also the *participation* by citizens in the administration of their

own affairs, whose forms are extremely varied (and going through a process of renewal today, around the theme of ‘the commons’) according to whether they address activities that are *sectoral*, particular if not ‘private’ activities, or even *local* (as in the invention of ‘participatory budgets’ by certain Brazilian and German municipalities), or activities that are *general* and therefore ‘public’, which can favour modern means of communication.

However, the mode of democratization that, leaning on the other two (juridical and realist), is strategic in Europe today is the development of what Machiavelli called *the civil conflict* and that produces what Max



Weber (in his study on the ‘city’ or ‘town’; that is, on the tradition of medieval communes and ‘city states’ of the Italian Renaissance) called, through an oxymoron, the ‘illegitimate legitimacy’. This is a democracy in which the class struggle, the conflict of dominating and dominated interests, of social movements and administration, engenders a *tendency towards enlargement of the power* of the popular classes that form the majority. Gramsci, a reader of Machiavelli, called this ‘expansive democracy’. We arrive, then, at the hypothesis (which must still be verified) that the building of Europe would acquire, at last, a democratic legitimacy if it allowed the contestation of its own politics by the majority of the population. Or, better still, for it is only in the reverse order that things could happen: if the resistances towards the current austerity politics of the EU could be organized in such a way as not to involve a return of the struggle on the purely national terrain, but to *contest the authority of Europe itself*, then the latter would be forced to change, but its legitimacy would also, paradoxically, be reinforced – indeed, perhaps established once and for all, albeit on new foundations. We can imagine that, more than in the two preceding forms (representation and participation), such a modality of ‘democratization’ includes obstacles and risks that are considerable, for it implies not only the prioritizing of conflicts and protests, but also giving them a random ‘civic’ form,

somewhere between the two extremes of ‘social war’ (or ‘civil war’), which destroys the body politic, and a mere liberal ‘pluralism’, which can make an existing system of representation work, but which certainly cannot transform it.

### Dialectics, not metaphysics!

To finish, let me very briefly give an example from the political-economic field in which several processes of democratization–legitimation must converge in order to contribute to the construction of a new democratic Europe. It concerns the determination and the dividing up of *tax*, at the same time between modes of taxation (which is both ‘direct’ and ‘indirect’), between territories and between social classes. Habermas is absolutely right to underline that the American Revolution (which gave us the term ‘insurrection’) was fought for a slogan: *no taxation without representation!* But it would be correct today to give it a reciprocal slogan: *no representation without taxation!* This is clearly the result of the *unsaid* aspect of official debates in Europe on the causes of the ‘structural weakness’ of the single currency (the euro): the debate shifted from the question of the rules applied by the ECB to regulate credit to the budgetary rules which are to be imposed on the member states, and it cautiously brushed aside the question of the ‘European budget’ (on which, of course, were focused the opposition of interests between ‘creditor countries’ and ‘debtor countries’). Yet it carefully avoided broaching, for even an instant, the question of fiscal policies and of the drift of the relation between taxation of capital and the taxation of work in Europe and elsewhere. Perhaps the question will, in the end, necessarily be addressed through the problem of ‘tax havens’ (Ireland, Cyprus) and of the effects of fiscal competition between territories on the development of inequalities.

The organization of monetary and fiscal policy is the heart of the construction of a democratic Europe that ‘overturns’ the current processes of de-democratization for a European *demos* to come: for the latter will not exist without a representation of the interests of the mass (which I have called the *plethos*) in the re-distribution of tax yields, which actually conditions a relative autonomy of monetary stability in relation to the pressures of the financial markets.<sup>2</sup> The fiscal competition between territories (national or even regional territories) is one of the pillars of the neoliberal strategy of the ‘globalization of Europe’ (making this not a capacity of resistance relative to the tendencies of financial globalization, but one of its training grounds). And, for its part, the question of inequalities

reproduced or accentuated by taxes (which we call its ‘justice’, or its ‘injustice’) cannot be separated from the struggle for the maintenance or the dismantling of the social state and ‘public services’ that serve to make the individual a citizen, not a subject on borrowed time [*en sursis*]. It can be seen in Europe as well as the United States, but in Europe the fragmentation of the political space prevents this organization from becoming the central question of an overall political debate. This is why the development of a trans-European campaign for fiscal harmonization, and for what Thomas Piketty and his colleagues call a ‘fiscal revolution’, would be desirable. This is, in my opinion, one of the keys to the inversion of passive citizenship into active citizenship in Europe, and therefore of the (re)constitution of the European *demos*.<sup>3</sup>

As we can see, this type of proposition *does not* resolve the aporia of the ‘European people’, but merely displaces it. Indeed any proposition that we make inevitably involves a circle, which is that of the building of Europe itself: the necessary means for putting such propositions to work do not really exist except in so far as this construction is *already* transformed in its structure and its objectives (which I called earlier its ‘material constitution’). But this circle, which generally affects every philosophical and political reflection on the *beginnings of action*, is also more specifically that of democratic politics: it defines itself by moving forward, by creating its own conditions of ‘subjective’ and ‘objective’ possibility. This is why it is important to think about it dialectically, in terms of process, and not metaphysically, in terms of event or foundation.

Translated by Shane Lillis

### Notes

1. On the comparisons between idioms (and consequently between histories and cultures) created by the problematic translation of the French word *peuple* into other European languages, see the article ‘Peuple, Race, Nation’ by Marc Crépon, Barbara Cassin and Claudia Moatti, in Barbara Cassin, ed., *Vocabulaire européen des philosophies*, Éditions du Seuil, Paris, 2004, pp. 918–30. Clearly, in the context of globalization today (but already, retrospectively, in order to measure the effects and the traces of colonization and decolonization) it is from an *ultra-European* perspective that one should continue this study.
2. On this point see, for example, the arguments put forward by Michel Aglietta in his most recent work, written with Thomas Brand, *Un New Deal pour l’Europe*, Éditions Odile Jacob, Paris, 2013.
3. Cf. Camille Landais, Thomas Piketty, Emmanuel Saez, *Pour une révolution fiscale*, Éditions du Seuil, Paris, 2011.