

A Republican Europe of States

Combining international political theory and EU studies, Richard Bellamy provides an original account of the democratic legitimacy of international organisations. He proposes a new interpretation of the EU's democratic failings and how they might be addressed. Drawing on the republican theory of freedom as non-domination, Bellamy proposes a way to combine national popular sovereignty with the pursuit of fair and equitable relations of non-domination among states and their citizens. Applying this approach to the EU, Bellamy shows that its democratic failings lie not with the democratic deficit at the EU level but with a democratic disconnect at the member state level. Rather than shifting democratic authority to the European Parliament, this book argues that the EU needs to reconnect with the different 'demoi' of the member states by empowering national parliaments in the EU policy-making process.

Richard Bellamy is Professor of Political Science at University College, London, and Director of the Max Weber Programme, European University Institute. His previous books include *Political Constitutionalism: A Republican Defence of the Constitutionality of Democracy* (Cambridge University Press, 2007), which won the David and Elaine Spitz Prize in 2009, and, as co-editor, *The Cambridge History of Twentieth Century Political Thought* (Cambridge University Press, 2003).

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978-1-107-02228-7 — A Republican Europe of States
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A superb rethinking of the European Union, which both reveals the deep and continuing appeal of the project, scattering the Brexit fog, and motivates an arresting but sensible set of proposals for institutional reform.

Philip Pettit, Princeton University and the Australian National University

Bellamy's defence of the European Union's legitimacy as depending on democratic reconnection with its Member States will provoke and may displease both euro-sceptics and euro-enthusiasts. Making both groups think again is important right now, as the EU faces some of its biggest ever challenges.

Jo Shaw, University of Edinburgh

In this beautifully argued book, Richard Bellamy sets out why 'in a globalising world democratic states have compelling...reasons to create institutions that resemble the EU in key respects'. For political theorists, this is essential reading on legitimacy, democracy and justice within and beyond the state. For scholars of the EU, this is essential reading on the democratic deficit, on parliaments and the EU, on EU citizenship, on differentiated integration and on the reform of the Eurozone. For everyone, this is a book with important implications for Brexit.

Christopher Lord, University of Oslo

Richard Bellamy, a master of contemporary political philosophy in the republican-liberal tradition, is here presenting a comprehensive and systematic analysis of the potential justifications and normative limits of European government beyond the democratic nation state. Rejecting cosmopolitan legitimacy concepts that ignore the rootedness of rights-based norms in political processes of an established polity, and defending the legitimacy of the heterogeneous achievements of democratic self-government in existing member states, the book is compelling in its critique of present excesses of European legal and monetary integration and of normatively unsustainable proposals for further centralization. Its own vision of a republican Europe of sovereign states that respect their cosmopolitan obligations appears normatively most attractive – but also quite demanding under present conditions of rising intergovernmental tensions.

Fritz Scharpf, Max Planck Institute for the Study of Societies

A presentation and defence of the EU as an association of sovereign republican states by Europe's leading republican theorist.

James Tully, University of Victoria

Richard Bellamy is a political theorist who truly understands the constitutional strand in Europe's ontology. This gives added purchase to his

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challenging attempt to ‘re-understand’ and rethink how to frame the ever-illusive European reality.

J. H. H. Weiler, New York University

Like the best work in EU studies, Richard Bellamy recognizes that insights only come from being both attentive to the Union’s institutional detail and sensitive to its uniqueness. However, he alone does so by exploring Europe’s rich heritage in political thought. This book is the most ambitious example yet of his considerable contribution to the field.

Damien Chalmers, National University of Singapore

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A Republican Europe of States

*Cosmopolitanism, Intergovernmentalism and
Democracy in the EU*

Richard Bellamy



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978-1-107-02228-7 — A Republican Europe of States
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CAMBRIDGE
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University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781107022287
DOI: 10.1017/9781139136303

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First published 2019

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Bellamy, Richard (Richard Paul), author.

Title: A republican Europe of states : cosmopolitanism, intergovernmentalism and democracy in the EU / Richard Bellamy.

Description: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2019. | Includes bibliographical references.

Identifiers: LCCN 2018041951 | ISBN 9781107022287 (hbk) | ISBN 9781107678125 (pbk)

Subjects: LCSH: Democracy – European Union countries. | Legitimacy of governments – European Union countries.

Classification: LCC JN40 .B45 2019 | DDC 341.242/2–dc23

LC record available at <https://lcn.loc.gov/2018041951>

ISBN 978-1-107-02228-7 Hardback

ISBN 978-1-107-67812-5 Paperback

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For Sandra

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Preface and Acknowledgements

Any British national writing about the European Union (EU) right now cannot avoid doing so under the shadow of Brexit – especially if the topic is democracy in the EU. Yet, although this book was completed in June 2018, two years after the fateful referendum, and addresses many issues pertinent to the debate over the UK’s departure from the EU, its gestation and writing goes back much longer. Formally speaking, I embarked on this project in 2012–14 thanks to the award of a Leverhulme Research Fellowship, which also permitted me to take up a Fellowship at the Hanse-Wissenschaftskolleg (HWK) in Delmenhorst from 2013–14. These Fellowships allowed me to write a number of articles that sketched out the argument for a ‘republican intergovernmentalism’ that I advance here. I am grateful to both foundations for their funding and to UCL for granting me leave in 2012–14 and to the European University Institute for allowing me to delay the start of my Directorship of the Max Weber Programme to 1 May 2014, thereby enabling me to take them up. In many respects, however, the ideas developed in this book go back over twenty-five years to the Maastricht Treaty of 1992, when I first began to write about the EU. Several of the articles written over this twenty-five-year period, many co-authored with Dario Castiglione of the University of Exeter, are collected in our joint book *From Maastricht to Brexit* (Bellamy and Castiglione 2019), that forms to some degree a companion volume to this one. As readers of those pieces will see, although my ideas have evolved over these years, a certain continuity underlies my thinking.

Like many others, I feared that the step change in the integration process heralded by Maastricht risked outstripping what many citizens of the member states would, and should be expected to, regard as legitimate, unless these measures could be credibly subjected to democratic control aimed at preserving a degree of social as well as political equality. However, I also doubted the plausibility and justifiability of either simply scaling up the democratic mechanisms of the nation state to the EU level, or of adopting many of the proposals for alternative and more novel

dispersed and deliberative mechanisms of democratic accountability of a transnational character. Political identification with the EU remains weak compared to national and sub-national identities, with the partial exception of some elite groups; an integrated public sphere likewise only exists in a highly fragmented and dispersed sense, and is similarly most common among mobile and educated professionals; and the intermediary structures of civil society necessary to support political mobilisation of a pan-European kind, such as a transnational party system, are also patchy and feeble and often created and financed by EU institutions. In these circumstances, enhancing the democratic authority of the European Parliament or other EU institutions merely deepens what, following Peter Lindseth (2010), I call the democratic disconnect with citizens. From this perspective, political integration creates a democratic deficit at the domestic level without resolving that of the EU level. That worry seems confirmed by the way the growing politicisation of EU integration has generally arisen at the domestic rather than the EU level, and been driven by antagonism towards the EU rather than motivating support for it (Kriesi 2016). Although Brexit represents an extreme case, Euroscepticism has been an increasingly salient feature of the domestic politics of almost all member states over the past two to three decades (Usherwood and Startin 2013).

As a result, this book offers a different approach – that of reconnecting the EU to the domestic democratic processes of the member states. I dub this approach ‘republican intergovernmentalism’. I advocate this strategy for normative rather than purely pragmatic reasons: that is, as someone who regards democracy as necessary for the legitimacy of any political system, and sees some form of international cooperation of the kind represented by the EU as required for the equitable, as well as the efficient and effective, functioning of democratic states in a globalising and interdependent world. Only through such international arrangements can the peoples of democratic states retain a credible degree of control over the economic, social and political processes that shape their lives and meet their moral obligation as democrats to uphold the equal value of the democratic rights of the peoples of states other than their own. However, I see no need for the EU or similar international organisations to detract from the sovereignty of the member states and their peoples – rather, they can and should help preserve such sovereignty and will be the more justifiable and effective for doing so. As such, the EU is best characterised as what I call a republican association of sovereign states, with calls that it acquire sovereign powers and become itself a locus of democratic authority misplaced, and more apt to detract from the efficacy and legitimacy of the EU than to enhance it. However, I regard Brexit as

similarly misguided – a political and moral as well as an economic mistake of major proportions. These failings have been amply demonstrated by the sheer difficulty the Brexit negotiators have encountered in successfully unravelling the UK from either its moral commitments, especially towards Ireland, or its political and economic undertakings in areas as diverse as defence, scientific research and data protection. As various commentators have wryly remarked (e.g. Barker 2017), the need for the UK to renegotiate numerous trading agreements covering the entire economy, and the myriad problems of doing so from a position of comparative weakness, has meant that the UK's negotiations to leave the EU have at times borne a remarkable similarity to its earlier negotiations to join it.

This argument will no doubt annoy many EU sceptics and a certain type of EU Federalist in equal measure. I console myself with the thought that others (myself included) may think that suggests I've got matters about right. Nevertheless, I have greatly benefitted from conversations and comments from many fellow academics, both those more sceptical about the EU than I and those (the majority) who for the most part are more favourable to traditional forms of political integration than myself, although as critical in their own ways of the EU's current arrangements. I am especially grateful to my current and former UCL colleagues David Coen, Jeff King, Cécile Laborde, Christine Reh and Albert Weale for many discussions of different arguments that greatly improved my thinking. I also benefitted hugely from the events I was able to organise on EU affairs as Director of UCL's European Institute, and am grateful to Uta Staiger, the Institute's Executive Director, and Sir Stephen Wall, who Chaired its advisory board, for their invaluable efforts in helping set it up and arranging its programme. At the EUI, I am grateful for the support of my wonderful colleagues in the Max Weber team – especially Ognjen Aleksic, Francesca Grassini, Valeria Pizzini Gambetta and Karin Tilmans and, of course, the brilliant Fellows I had the privilege to get to know over the past five years. I discussed early versions of Chapters 3, 4 and 5 with different groups of PhD researchers in the Legal and Political Theory working group, especially Elias Buchetmann, Oliver Garner, Sofie Møller and Eleonora Milazzo. I also tried them out in two of the Thematic Research Groups of post doctoral Fellows in the Max Weber Programme I co-organised and got helpful feedback from many of the Fellows in them, including Guy Aitchison, Or Bassok, Juliana Bidanure, Chiara Destri, Christina Fassone, Diane Fromage, Christine Hobden, Pablo Kalmanovitz, Hent Kalmo, Steven Klein, Zoe Lefkofridi, Julia McClure, Eric O'Connor, Andrei Poama, Julija Sardelic, Florian Stoeckel and especially Lior Erez, with whom I co-taught a course

on Political Theory and the EU. I also benefitted from the acute observations of Philippe Van Parijs on these chapters during his period as a Visitor at the Institute and from Dennis Patterson and Stefan Grundmann on Chapter 3, Hanspeter Kriesi and Adrienne Héritier on Chapter 4, and Ann Thompson, Nehal Bhuta and Rainer Bauböck on Chapter 5. The Max Weber Programme also provides an unrivalled opportunity to invite some of the leading figures in the historical and social sciences to give guest lectures and to discuss their ideas with them. With regard to this project, I am particularly grateful for the possibility afforded by the Max Weber Lecture series to discuss certain issues relevant to the book with Tom Christiano, Barry Eichengreen, Jan Werner Müller, Kalypso Nicolaïdis, Claus Offe, Philip Pettit, Thomas Piketty, Dani Rodrik, Quentin Skinner and especially Philippe Van Parijs, who used the occasion to present his own stimulating views on ‘Just Europe’.

Four of these Max Weber Lecturers had long influenced my thinking and offered support and encouragement for my endeavours. Quentin Skinner and Philip Pettit, whose neo-Republican theory of freedom as non-domination inspires my overall approach, have been helpful as ever, with Quentin offering comments on an early presentation of Chapter 3 at a conference in Milan and Philip on lectures based on Chapters 4 and 5 at conferences in York and Prague. I am likewise grateful to Tom Christiano for similar commentary on a presentation of Chapter 4 at a conference in Barcelona and for conversation on the general argument, which also draws on his own work on the democratic legitimacy of international institutions. Finally, Kalypso Nicolaïdis is another person to whom I owe a significant intellectual debt, with my ‘republican intergovernmentalism’ being a version of the approach she has called ‘demoicracy’. I am additionally grateful to her for some very incisive comments on the Introduction and an insightful suggestion regarding the title.

I also benefitted greatly from cooperating with Kalypso and Joseph Lacey, her colleague at Oxford and a former EUI PhD researcher, on a project on ‘Europe’s Borders’ that gave rise to Chapter 6. Collaboration on a number of pieces with Joseph also fed into my revisions of Chapters 1 and 5. Others who have offered thoughtful commentary on different chapters and related papers at seminars across Europe and beyond that have helped shape, and undoubtedly improve, my arguments include Daniele Archibugi, Kenneth Armstrong, Katrin Auel, Luca Baccelli, Samantha Besson, Paul Bou-Habib, Vittorio Bufacchi, Seyla Benhabib, Damian Chalmers, Simon Caney, Carlos Closa, Ian Cooper, Francis Cheneval, Paul Craig, Ben Crum, Deirdre Curtin, Marc-Antoine Dilhac, Erik Oddvar Eriksen, Sergio Fabbrini, Adam Fusco, Maurizio Ferrera, John Erik Fossum, Andreas Follesdal, Valentina Gentile, Oliver Gerstenberg,

Gabor Halmi, Christian Joerges, Anna Kocharov, Jeff King, Beate Kohler-Koch, Justine Lacroix, David Lefkowitz, Chris Lord, Martin Loughlin, Carole Lyons, Sebastiano Maffettone, Giandomenico Majone, José Martí, Andrew Mason, Agustín Menéndez, David Miller, Margaret Moore, Andrew Moravcsik, Glyn Morgan, Niamh Nic Shuibhne, David Owen, Markus Patberg, Johannes Pollak, Pierpaolo Portinaro, Simona Piattoni, Uwe Puetter, Claudio Radaelli, Mario Riccardi, Sonja Puntischer Riekmann, Miriam Ronzoni, Richard Rose, Enrico Rossi, Andrea Sangiovanni, Emilio Santoro, Joanne Scott, Fritz Scharpf, Waltraud Schelkle, Antoinette Scherz, Frank Schimmelfennig, Jo Shaw, Stephen Tierney, Nadia Urbinati, Laura Valentini, Richard Vernon, Daniel Viehoff, Juri Viehoff, Neil Walker, Thomas Winzen, Daniel Weinstock, Andrew Walton, Jonathan White Michael Wilkinson, and Andrew Williams. My apologies for any inadvertent omissions. Needless to say, none of those thanked are responsible for any of the weaknesses of the book, which are entirely my fault for paying insufficient attention to their advice and criticisms. However, without their critical engagement, it would have been far worse.

This book has taken rather longer than anticipated and I am grateful to Cambridge University Press and especially John Haslam and Tobias Ginsberg for their forbearance. It would have taken even longer without the assistance of Sarah Drew Lucas in knocking the manuscript into shape. I am also grateful for the helpful comments of referees on the initial proposal and a first draft.

Finally, two people deserve a special mention. As I noted above, much of my work on the EU has been undertaken with Dario Castiglione who, along with the late Neil MacCormick – who I had the privilege of working with at Edinburgh in the late 1980s and early 1990s, and was another significant influence on my thinking on this topic – first got me interested in these debates. This is now the second book that we have started writing together and that I have ended up doing alone, but as before Dario has continued nevertheless as a ghostly collaborator in the development of much of this argument, with core elements of Chapters 1 and 4 originating in pieces we wrote together. Last, but very far from least, my wife Sandra Kröger has sustained me throughout the composition of this book, offering much needed emotional and intellectual support. More of an expert on the EU than I, we've discussed pretty much all the book's arguments over the years and elements of Chapter 4 and much of Chapter 6 were developed in articles we wrote together. I owe her more than I can say. This book is dedicated to her in gratitude and love.

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