EU Citizenship and Political Identity: The Demos and Telos Problems

Pablo Cristóbal Jiménez Lobeira*

Abstract: *Citizenship is the cornerstone of a democratic polity. It has three dimensions: legal, civic and affiliative. Citizens constitute the polity's demos, which often coincides with a nation. European Union (EU) citizenship was introduced to enhance 'European identity' (Europeans' sense of belonging to their political community). Yet such citizenship faces at least two problems. First: Is there a European demos? If so, what is the status of peoples (nations, demoi) in the Member States? The original European project aimed at 'an ever closer union among the peoples of Europe.' Second: Citizens are members of a political community; to what kind of polity do EU citizens belong? Does the EU substitute Member States, assume them or coexist alongside them? After an analytical exposition of the demos and telos problems, I will argue for a normative self-understanding of the EU polity and citizenship, neither in national nor in federal but in analogical terms.*

The present financial crisis in Europe has made many wonder how much further can the euro zone—and indeed the whole European Union (EU)—hold together before it completely falls apart. For some, the disarray shown among the executive, parliamentary and intergovernmental branches of the EU, as well as between European finance ministers and the European Central Bank, reveals a polity supposed to be more than an international organisation, but ever striving—and never succeeding—to become a proper federation.

President Obama attended an EU–U.S. summit in 2009. He listened to speeches by three European 'presidents' (the Czech prime minister, whose country was holding the six-month rotating 'presidency of the EU'; the prime minister of Sweden, who would come next; and the president of the European Commission). After that, '[deftly] navigating the morass of euro-presidencies at his side, he praised the "leadership of the three gentlemen here" . . . , called EU–American ties "one of the key foundations for progress in the world", and then left without taking questions.'[1]

In the following paper, I try to reflect upon the European polity and in what ways it might make sense to speak about its unity, its identity, its diversity and its form of membership—citizenship. I will start by examining this last concept.

Citizenship, Cornerstone of a Democratic Polity

Citizenship is the cornerstone of a democratic polity.[2] It confers rights and duties derived

---

[1] 'A Surfeit of Leaders', (2009) *The Economist* (serial on the Internet), (8 April 2009), available at http://www.economist.com/node/13445660?story_id=13445660.

from membership, opens a door for political participation and provides a sense of belonging in a political community.[3] It has, thus, three dimensions: legal—rights and duties, civic—participation, and affiliative—a sense of belonging.[4] These components constitute the building blocks of modern citizenship.[5] Let us briefly describe these dimensions.

Legal Dimension of Citizenship

Citizenship denotes the citizen's legal entitlements or rights. Those rights may be political, economic, social and so forth. The citizen is 'the legal person free to act according to the law and having the right to claim the law's protection.'[6] With the rise of industrial states, the 'lack of ascribed status led individuals to being treated as equals possessing certain rights simply by virtue of their humanity.'[7] They looked to the state for social, economic and political rights to secure equal access and recognition.[8] Because this dimension of citizenship stresses individual freedom in the social, economic and political realms, it is often associated with liberalism.

Civic Dimension of Citizenship

Citizenship also means the demand on—or at least the invitation for—the citizen to participate in building the polity, in its life. A most visible expression of that share in the polity's construction is voting. Rights imply duties. With the advent of modern citizenship, the right to vote has become tied 'to the payment of taxes, military service, and the undertaking of such public duties as sitting on juries.'[9] In a similar fashion, 'social and economic rights' have been 'linked to the duty and ability to work and to contribute to national schemes of social insurance.'[10]

Affiliative Dimension of Citizenship

By the fact that they possess a legal status, which entitles them to certain rights and encourages them to civic participation, citizens become members too. Being a member arguably is more than having a legal status and responsibilities of participation; belonging

---

[2] J. Weiler, *The Constitution of Europe: Do the New Clothes have an Emperor? And Other Essays on European Integration* (Cambridge University Press, 1999).

[3] D. Leydet, 'Citizenship', in E.N. Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Stanford University, 2009), at http://plato.stanford.edu/entries/citizenship/.

[4] *ibid*. R. Bellamy, 'Evaluating Union Citizenship: Belonging, Rights and Participation within the EU', (2008) 12(6) *Citizenship Studies* 597–611.

[5] They have been associated, respectively, with liberal, communitarian and republican perspectives of citizenship. Nonetheless, as Bellamy explains, all three dimensions (legal, civic, affiliative) are used by the three ideologies (liberalism, communitarianism, republicanism) in different ways when explaining the concept of citizenship. Bellamy affirms, therefore, that it would be wrong to speak of, say, a 'liberal citizenship' conceived only as rights, and excluding of belonging and participation, or of 'communitarian citizenship' conceived only as belonging and excluding the other two components. Rather, every ideology considers the three components, if from different perspectives. See D. Castiglione, E. Santoro and R. Bellamy, *Lineages of European Citizenship: Rights, Belonging, and Participation in Eleven Nation-states* (Palgrave Macmillan, 2004).

[6] D. Leydet, 'Citizenship', in E.N. Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Stanford University, 2009), at http://plato.stanford.edu/entries/citizenship/.

[7] D. Castiglione, E. Santoro and R. Bellamy, *Lineages of European Citizenship: Rights, Belonging, and Participation in Eleven Nation-states* (Palgrave Macmillan, 2004).

[8] *ibid*.

[9] *ibid*.

[10] *ibid*.

2

brings a sense of identity: that of forming part of a political community, of being affiliated to a polity. The kind of identity provided by citizenship is, therefore, political. It can coexist in an individual with other identities (for instance, membership in a religious group which can be transnational), even with other political identities (as in the cases of double or triple citizenship).

The affiliative component of citizenship connects with social integration: 'if enough citizens display a robust sense of belonging to the same political community, social cohesion is obviously strengthened.'[11] Or, as Bellamy puts it:

> National identity shaped a common civic consciousness and allegiance to the state and one's fellow citizens. It encouraged reciprocity and solidarity in both politics and economics. National systems of education created a public political language and inducted citizens into a certain civic culture and set of values.[12]

This third dimension will be our main frame of reference in the remainder of this paper.

Creating 'European identity': EU Citizenship and Its Discontents

EU citizenship was introduced in good part with the idea of enhancing (or creating) a sense of collective ('European') identity across the EU, or the Europeans' sense of belonging to their political community.[13] In a way, the process of integration so far had been elite-driven. The architects of the project, having in mind a fully-fledged polity—a federation—as the end of integration, engaged in a strategy to gain grass-root support.[14] EU citizenship did not bring rights significantly different to the ones Europeans already enjoyed in their respective countries. It did not open a window of new opportunities for civic involvement.[15] In fact, participation in elections for the EU Parliament—the only way to vote for representatives at EU level—was low at the creation of the EU and has steadily decreased with time.[16]

Even if the only purpose with the establishment of EU citizenship was to generate—through the affiliative dimension—social cohesion as a support for the polity's unity, there were analytical issues that arose with its creation.

---

[11] D. Leydet, 'Citizenship', in E.N. Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Stanford University, 2009), at http://plato.stanford.edu/entries/citizenship/.

[12] D. Castiglione, E. Santoro and R. Bellamy, *Lineages of European Citizenship: Rights, Belonging, and Participation in Eleven Nation-states* (Palgrave Macmillan, 2004) p. 7.

[13] Treaty on European Union, English edition ed. Official Journal of the European Communities: European Union; 1992. See also J. Weiler, *The Constitution of Europe: Do the New Clothes have an Emperor? And Other Essays on European Integration* (Cambridge University Press, 1999).

[14] P.C. Jiménez Lobeira, 'Exploring an Analogical Citizenship for Europe', (2010) 1 *Open Citizenship—The Journal* (Autumn), 28–49, November 2010.

[15] It is true that the Lisbon Treaty introduces the 'European Citizens' Initiative' (see *The European Citizens' Initiative. Brussels* (European Commission, 2011), (21 June 2011), available at http://ec.europa.eu/citizens-initiative/public/welcome). See footnote 16. But it is being announced 20 years after the creation of European citizenship, and it has just become possible to launch initiatives in April 2012.

[16] The limited new rights brought by EU citizenship are enlisted in Part Two, Art 8 ('Citizenship of the Union'): Treaty on European Union, English edition ed. Official Journal of the European Communities: European Union, 1992. As mentioned in footnote 15, the Lisbon Treaty foresees a 'citizens initiative.' This new provision allows EU citizens who are able to put together at least 1 million signatures (from a number of countries representing 25% of the Member States) to propose Bills to the EU Commission (which will start considering the proposal once the gathering process has reached 300,000 signatures). See Europa Press, Los 27 aprueban que un millón de europeos puedan promover leyes. Elmundo.es (serial on the Internet), 2010. Available at http://www.elmundo.es/elmundo/2010/12/14/union_europea/1292323469.html.

As we have seen above, the concept of citizenship refers to membership in a 'city' (in Greek polis), or more precisely a 'city-state.' From the point of view of its members, citizenship means belonging in a political community. Most contemporary Western polities are not city states, though. They are nation states under democratic regimes. So much so that 'democracy' has become, in many instances, a synonym of 'Western contemporary nation-state,' even in cases where those polities include several national groups (eg Slovakia). Under a democratic atmosphere, of course, any component of the demos should also be a member of the 'democracy' or political community: a citizen. At the same time, the concept of 'demos,' especially in the Westphalian world, is not only related to citizenry, but also to 'nation' (or more precisely, nation state).

Whether 'the nation' was born in an already existing state (France) or whether it actually gave raise to a state (Germany), 'nation' is an important category when we speak about any polity today. A nation is a group with a significant degree of cultural homogeneity. 'Nation' may contain some ethnic or civic elements, but it always includes culture as an essential part.[17] Language, for instance, is a vehicle and an expression of a national culture.

In polities formed of one overwhelming national group, nation and demos coincide: they are proper nation states (Poland). In other cases, a state is composed of several nations (Spain, Belgium, the UK).[18] Stepan and others have called this kind of polity 'state-nation.'[19] The concept challenges us to regard modern polities from an unusual perspective (the nation state being the usual). Nonetheless, the term might be misleading, implying that different cultures and even nations within a state should become one nation. Clearly, this is not what Stepan and others mean, quite the opposite. They advance the idea of unity in states made of several national groups.[20] I would not use their term, but the concept is interesting, because it takes us right into one of the questions surrounding EU citizenship. Do EU citizens form a demos just by virtue of the treaty that 'establishes' this form of membership?

A The Demos Problem

In an ordinary state today, we find that the citizenry is constituted by a nation.[21] EU citizenship faces conceptual challenges that go beyond those presented by dual citizenship. In dual

---

[17] N. Miscevic, 'Nationalism', in E.N. Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Stanford University, 2010), at http://plato.stanford.edu/entries/nationalism/. For a discussion on the relation between liberal democracy and culture, see P.C. Jiménez Lobeira, 'Liberal Democracy: Culture-free? Habermas, Ratzinger & Europe', (2011) 2(2)/3(1)(4) *Australian & New Zealand Journal of European Studies* 44–57, 12, June 2011; 44–57.

[18] Art 2 of the Spanish Constitution speaks of one Spanish Nation—the common fatherland of all Spaniards—although it also recognises rights of autonomy to the 'nationalities and regions' that integrate the country. Constitución Española, (1978). The Belgian Constitution speaks of a 'Belgian Nation' twice: one in Art 193, to define the colours of the flag, coat of arms and motto; the other one in Art 33, to define the people as the source of sovereignty (the Spanish Constitution has a similar mention in its Art 1, para 2). At the same time, the Belgian Magna Charta recognises right from the start the existence of three 'communities' (Art 2) and goes down to detail to define their regions and languages (Art 1 through 7). La Constitution Belge, (1994). It is not uncommon to find, even in scholarly writing, the term 'British *national* identity' (my italics), for instance in D. Miller, *Citizenship and National Identity* (Polity Press, 2000). Yet, at least from a theoretical point of view, Spain, Belgium and indeed Britain might be better described as multinational states, united under a monarch. For the case of the UK, see a very accurate analysis of the relation (and distinction) between Britishness and English nationalism in B.E.N. Wellings, 'Losing the Peace: Euroscepticism and the Foundations of Contemporary English Nationalism', (2010) 16(3) *Nations and Nationalism* 488–505.

[19] Stepan, Linz & Yadav have coined the term 'state-nations' to designate those polities with several cultures or even nations, which nonetheless engender strong identification and allegiance from their citizens. They mention India as an example. J.J.L. Alfred Stepan and Y. Yadav, 'The Rise of "State-nations"', (2010) 21(3) *Journal of Democracy* 50–68,

4

citizenship, one may wonder whether the dual citizen will be able to maintain allegiance to two polities. In the extreme case, the dual citizen could belong to two countries at war with each other. For what country would the citizen fight? Yet, in general, dual (or even triple) citizenship is a reality in our time and is becoming more—not less—common. Thus, a person may be Swedish and Maltese with little trouble. His two countries have not been at war in the last 50 years, and they are unlikely to be in conflict in the near future.

Yet, EU citizenship is not exactly dual citizenship. In multinational states, there could be one demos made of several cultural groups or nations. In this second case, the existence of a demos is already debatable, but it could be sustained on the basis of the common political identity (given by citizenship). Now, the EU is not only a polity made of more than 30 nations, but also a polity formed of polities in their own right—some of which are multinational besides. Could there be a demos made of demoi?

The demos problem in EU citizenship is less similar to our friend having Swedish and Maltese political memberships than to the hypothetical cases of his having Wallonian and Belgian, or Galician and Spanish, citizenship. The EU demos (if such a thing exists) and the Lithuanian demos are not two peoples wholly distinct from each other. Article 8 of the Maastricht Treaty specifies that an EU citizen is 'every person holding the nationality of a Member State.'[22] Analytically, unless 'demos' is qualified, it loses meaning. The water in a specific corner of a lake is still the same water as 'the water of the lake' in general.

EU citizenship might be just a name added to national citizenships. This would render EU citizenship useless. It might be like adding an exponential to number 1. Claiming that now the number was not a simple 1 but a squared 1 would be a mere tautology. Another possibility is that EU citizenship be seen as linking the EU citizen with others beyond his territory. A Portuguese would, then, be as related to a Slovenian as much as to a neighbour in Porto. This may be an ideal that some Europeans live, but probably not a common event. A German in Cologne might not feel irresistibly inclined to call a Greek in Heraklion 'fellow citizen.' A final possibility is that EU, and Member State, citizenship have a subordinate relation. Someone may feel more an EU citizen, and secondarily an Italian—or the other way around. The question about which demos should be taken as more important is normative, and we will consider it further ahead. First, however, let us see the same problem from the perspective not of the citizens, but of their political communities as a whole, their polities.[23]

The Telos Problem

The creation of EU citizenship brought another set of conceptual questions. Even though the Maastricht Treaty in Article F (of Title I, 'Common Provisions') clarified that 'The Union' would 'respect the national identities of its Member States,' it aimed, nonetheless, at achieving democratic legitimacy of its institutions, a monetary union, a common social identity

---

[20] Unless it designates very specific exceptions, maybe France, *the term* 'state-nation' could not apply to cases in which *the concept* could apply. The United Kingdom of Great Britain is not a 'nation-state' but, although some could argue that Britishness is similar to a nationality, in reality, at least in post-imperial Britain, it is clear that belongingness to national groups (Scots, Welsh, Irish) coexists and sometimes precedes Britishness in importance for British citizens. The English, for whom Englishness and Britishness are more difficult to distinguish, seems to be the exception. See B.E.N. Wellings, 'Losing the Peace: Euroscepticism and the Foundations of Contemporary English Nationalism', (2010) 16(3) *Nations and Nationalism* 488–505.

[21] J. Weiler, *The Constitution of Europe: Do the New Clothes Have an Emperor? And Other Essays on European Integration* (Cambridge University Press, 1999).

[22] Treaty on European Union, English edition ed. Official Journal of the European Communities: European Union,

1992.

('Community' dimension through EU citizenship), and a common foreign and security policy.[24] It is no secret that in the mind of influential intellectuals and political elites, the telos of European integration was a federation.[25] The failed Constitutional Treaty aimed at that purpose.[26] But is that the only option? The telos problem arises from the possible interplay between polities 'living under the same roof' as it were. Again, 'European Union' might be only a superfluous name to designate the conglomerate of Member States. Alternatively, it might imply that, for instance, Hungary and Slovakia have become sister polities. Or, finally, it might mean that Latvia and Bulgaria now have in the EU a common subordinate—or a common boss.[27] The normative question arises, then, as to who—the EU or the Member States—should have the upper hand. We pass to analyse this question next.

Normative Understandings of the European Polity and Citizenship

As we have seen, the ideas of citizenship and city, membership in a polity and the polity itself, are closely interrelated. In the precedent section, we concluded that, unless the EU, and membership in it, had an absurd meaning, they invariably lead us to a normative crossroad: who should have more importance, the EU or the Member States, EU Citizenship or Member State citizenship, the whole (unity) or the parts (diversity). We will review three positions next. One of them sees the framing of the question flawed from the beginning. The second one favours unity. The third sides with diversity.

Liberal Nationalists

Liberal nationalists are more 'communitarianly' minded.[28] Whether they give importance to ethnic homogeneity or only culture, including a civic culture, their claim is that the size of the demos has limits.[29] In addition, the public sphere needs a common language in which everybody can express themselves fluently, if it is to work.[30] As it is, the presence of different cultural groups within contemporary liberal democracies makes social cohesion difficult enough. Translating that situation to a group of 27 countries, 23 languages (plus 6

---

[23] Of course, another option would be to consider the EU demos as a *substitute* for those demoi of the Member States. This option, though, has always been ruled out from the beginning. When European Treaties speak of an 'ever closer union', they are always careful to specify the agents of that process, always 'the *peoples*' (not 'The People') of Europe. See *Treaty Establishing the European Economic Community* (European Union, 1957), Preamble.

[24] Treaty on European Union, English edition ed. Official Journal of the European Communities: European Union, 1992. Art B.

[25] J. Habermas, Paperback ed. *Time of Transitions* (Polity, 2006). J. Habermas, Paperback ed. *The Post- National Constellation—Political Essays* (MIT Press, 2001).

[26] Weiler speaks here of 'telos' not because telos is a clear synonym with polity (as demos is interchangeable with 'people'), but because in this case the political end (telos) of integration coincides with a polity (now the European Union). Cf J. Weiler, *The Constitution of Europe: Do the New Clothes have an Emperor? And Other Essays on European Integration* (Cambridge University Press, 1999).

[27] Even in an EU conceived as a federation, some conceptual questions arise. Some Member States (Austria and Germany, for instance) are themselves federations. These considerations, however, do not affect the main line of the argument, and will not be treated here due to lack of space.

[28] 'Market Europeans' could be included in this same group, but for very different reasons. Liberal nationalists consider the question of European unity in terms of today's democracies, and find it wanting in the conditions for it to be a super-nation, or at least a gigantic state. Market Europeans are not interested in considerations of the EU as a polity altogether. They would rather see it as no more than an economic international organisation. See J. Habermas, *The Post-national Constellation—Political Essays* (MIT Press, 2001). Paperback ed.

[29] See, for instance, T.I.M. Reeskens and M. Hooghe, 'Beyond the Civic–ethnic Dichotomy: Investigating the Structure of Citizenship Concepts Across Thirty-three Countries', (2010) 16(4) *Nations and Nationalism* 579–597.

semi-official languages) and a 500 million people platform is just too much. For these and other reasons, prominent European intellectuals— David Miller for instance—were opposed to the idea of an EU citizenship.[31]

Post-Nationalists

A different position, held by more 'cosmopolitanly' minded thinkers, sustains that the Westphalian era is (or at least should be) giving way to a new stage in political development, where the nation is not at the centre. In the post-national era, nationalism decreases in prominence, to see a patriotism emerging, which is not based on the nation, but on the state and its regime (the constitution). If it is true that several nations became states—thus, relying for their political unity on the national values (arguably Italy)—it is also true that a reverse process has happened in history, where two or more cultural groups or even nations based their unity on a higher form of commonality (the UK). Now, if such reverse process of a more abstract—but also more universal and inclusive—identity has been able to work at the level of traditional polities, why would the process have to stop at the level of the nation state?

For Habermas, it does not have to. Indeed, the EU is not only valuable for the benefits it brings Europeans, but also as a step towards forms of global governance, even if for him that means 'world domestic policy' (and not 'global government').[32] Habermas's position is not fully cosmopolitan (like Archibugi's or Beck's).[33] His model still relies on certain cultural and historical particularities of Europeans. At any rate, under a post-nationalist perspective, EU citizenship makes sense.

Indeed, post-national EU citizenship would be a way to leave behind very dark pages of Europe's contemporary history, tainted by nationalism—or by its excesses at least. A post-national polity could gather Europeans from different nationalities and provide them with an identity, a source of cohesion, with which everybody agrees. Human rights, the rule of law, democracy, and the use of soft power in the international scene are only some of those elements that could unify Europeans in a new, post-national federation. In any case, EU post-national identity is defined as something above—not below—member states' identities.[34]

From liberal nationalists, they keep the nation—cosmopolitan communitarians are not post-national. With post-nationalists, they believe in the possibility of a polity. Yet, it is the kind of polity, what changes: they advocate not for a federation (ie a federal state), but for a 'mixed commonwealth.'

The term 'mixed commonwealth' comes originally from Neil MacCormick.[35] It has been developed by, among others, Joseph Weiler and Richard Bellamy.[36] In normative terms, it entails privileging diversity—therefore the Member States—over unity—the EU. A mixed commonwealth, compared with a federation, has a much weaker orchestrating core.

Decisions may take longer and after more deliberation. As Weiler points out, the consensual way of reaching decisions, or 'community method,' was preferred from the beginnings in the process of European integration. Questions of commonality and identity are watered-down versions of the federal equivalents. Certain deficiencies for a federation could make sense in a mixed commonwealth. For instance, the lack of a constitution with instead a bundle of treaties that depict a flexible regime; or unity and citizenship subordinated to the Member State forms; or executive (the Commission) and parliamentary branches in constant negotiation with each other, and with an organ representing Member State governments (the Council); or an unpretentious European identity with modest aspirations.

Prima facie, a post-national federation might seem more desirable on several counts. It could perhaps take the process of integration to a more defined end (closer to ordinary conceptions of the polity, ie as a state). In addition, it could bring the benefits of unity more effectively to citizens. Finally, it would have more influence internationally. Still, I would like to submit that the mixed commonwealth—and its associated type of membership—is a better option.

The Case for a Mixed Commonwealth

In order to justify such a claim, I will employ arguments of feasibility and of desirability. The mixed commonwealth should be preferred over a post-national federation, in the first place, because it has been historically, and still is today more feasible.

Feasibility

The 'community method' of integration used from the beginning was neither that of an intergovernmental organisation—although it was not completely different from it—nor that of a federation. It has always been something in between. From a federalist point of view, as we have mentioned above, what today is the EU appears to be a constant anomaly. The big effort in the early 2000s to write a constitution and 'finally' become something closer to an ordinary state is perfectly understandable from that optic: the EU needed 'political fixing.'[37] Yet, although Europeans—both citizens and their governments—have been happy to engage in some cooperation, some unity, some solidarity, they have repeatedly fallen short of committing to integration beyond certain thresholds. Examples are plethora.

To mention just a few, consider the surprise of the International Monetary Fund, and the markets in general, when the President of the European Council, Herman van Rompuy,

---

[35] R.D.C. Bellamy, 'Building the Union: The Nature of Sovereignty in the Political Architecture of Europe', (1997) 16(4) *Law and Philosophy* 421–445.

[36] J. Weiler, *The Constitution of Europe: Do the New Clothes have an Emperor? And Other Essays on European Integration* (Cambridge University Press, 1999). R.D.C. Bellamy, 'Building the Union: The Nature of Sovereignty in the Political Architecture of Europe', (1997) 16(4) *Law and Philosophy* 421–445.

[37] This would appear to be the general orientation of European integration theorists of great calibre. See, as just one example, E. Eriksen, *The Unfinished Democratisation of Europe* (Oxford University Press, 2009).

announced that the eurozone bailout would not be increased.[38] Germans are weary of paying the bill for debt-ridden countries in the eurozone. Because of that, Germans have been accused of turning to themselves and forgetting the European ideals.[39] Yet Germany is not the only country worried about rescuing indebted fellow members of the euro area (the Netherlands, Finland, and others are too). More examples are the failure of the European Constitution in 2005, the continued struggles for harmonised action in the eurozone, and the difficulties to coordinate foreign, immigration, expansion and security policies.

These limits to integration on so many fronts and for so long might reveal the EU as the pathetic example of a dysfunctional federation; or, on deeper reflection, they might be saying loudly to the architects of integration that Europeans wish to cooperate, and live together, but not as a federation (a 'country'). Probably, the anomaly is rather to try to force a level of unity and commitment that nobody really wants, and this is not   a question of black and white—either federation or no integration.

A mixed commonwealth denotes the way in which the European polity has existed and worked. Because of the existence of some commonalities—that ground a very weak but certain European identity—the mixed commonwealth has been possible. Yet, because that identity is not as strong as the one that could exist in an ordinary contemporary polity, a mixed commonwealth is more feasible. However, I would like to argue that the value of this regime lies not only on its feasibility, but also and even more, on its desirability.

Desirability

Before you can decide which path is best, you need to define your destination. Prior to arguing directly for the desirability of a mixed commonwealth, I would like to disclose two presuppositions that underlie my argument. One concerns diversity and the other unity.

First, I take it as self-evident that each European nation is intrinsically valuable; their existence ought to be protected and their flourishing fostered.[40] The value of each nation can be illustrated by attending to its culture. According to the United Nations Educational, Scientific and Cultural Organization, culture comprises 'the whole complex of distinctive spiritual, material, intellectual and emotional features that characterizes a society or social group,' and includes 'not only the arts and letters, but also models of life, the fundamental rights of the human being, value systems, traditions and beliefs.'[41] A showcase of culture could be each of

---

[38] P. Aldrick, Eurozone members left to fend off markets alone. The Telegraph (serial on the Internet), 2010, available at http://www.telegraph.co.uk/finance/financetopics/financialcrisis/8187396/Eurozone-members-left-to-fend-off-markets-alone.html.

[39] J. Delors, Pourquoi voulons-nous être ensemble? Mediapart (serial on the Internet), 2010, (7 Oct 2010), available at http://www.mediapart.fr/club/edition/les-invites-de-mediapart/article/071010/jacques-delors-pourquoi-voulons-nous-etre-ensem. Even inside Germany, important voices have accused Merkel of very modest leadership skills, something understandable, if her performance is contrasted with that of figures like Adenauer or Khol. D. Marsh, Helmut Schmidt: Europe lacks leaders. Euobserver.com (serial on the Internet), 2010, (7 Dec 2010, 17:52 CET), available at http://euobserver.com/843/31448.

[40] Note that I am not referring to states (nation states or multinational states), which in my opinion do not have an intrinsic value, but only an instrumental one. The Lithuanian state, for instance, has changed along history in territory, form of government, etc. It could change in the future depending on the circumstances and the will of its people. But Lithuania as the nation of Lithuanians, with their history, art, literature, language, and so on, has an immense value and should be preserved and fostered to flourish. I am thinking also of those nations sharing a state with others (eg the Welsh, the Basques, the Bosniaks), as well as those that do not have a state at all, neither of their own not shared with others, as is the case of the Romani people.

[41] UNESCO definition of culture. UNESCO; 1982 (cited 25 June 2011), available at http://portal.unesco.org/

the official and semi-official languages of the EU today, not only in their linguistic peculiarities but also in the contents, attitudes and worldviews that they express.

Second, I assume that some political unity between European nations is possible, as evidenced by the relative success of initiatives like the Council of Europe and the EU. Grounds for unity can be found—according to the Council of Europe—in the 'spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law,' and which form 'the basis of all genuine democracy.'[42]

If the premises are granted, then the political form of the European polity ought to be one that allowed a maximum flourishing of diversity, while providing the minimum degree of unity, required to keep the polity together. The most desirable regime for the EU would be, therefore, a mixed commonwealth. A simple common market could not solve of itself, as Habermas rightly points out, problems of inequality that must be addressed politically (through, for instance, redistributive policies and harmonisation of salaries and welfare systems across Europe), and that economic globalisation has left single nation states powerless to battle by themselves.[43] But a federation, even procedural or post-national, like the one Habermas proposes, that created a new 'country' (a state) is not desirable: it would be 'too much Europe.'

Several objections could be presented against a mixed commonwealth, from a federalist point of view. One is economic functionality (the eurozone crisis in the face of the possible Greek default is one example). A second argument could be the promotion of national cultures that, with the advent of the EU, have been able to flourish, protected and encouraged by the new European dimension (think of Catalans, Scots or even Romanies). A third argument could be the insufficiency of a neo-functionalist model and the need for a stronger identity in the European political community.

Yet the first argument compares the EU with countries like the United States, ignoring how different they are from each other.[44] A community approach to decision making will always be slower (not only in the economic field, but also, in foreign affairs and others), and nevertheless it will count on the support of all Member States. The second argument refers to an evident fact but forgets that such flourishing has occurred precisely in a polity that so far resembles a mixed commonwealth rather than a federation. The third argument seems to conflate federalism with the existence of a shared culture and a collective identity; it equally labels advocates of the common market and of the mixed commonwealth as functionalists; but as we will see in the next section, this does not have to be the case (at least for the mixed commonwealth).

A European polity should exist, in the first place, to allow for the diversity of cultures, languages and nations to thrive in varied forms of expression and mutual enrichment. Europe,' or more precisely some European countries, were, in the past, great colonial powers. They grew so powerful that they nearly annihilated each other in the twentieth century.

---

[42] See preamble of Statute of the Council of Europe. Council of Europe (serial on the Internet), (5 May 1949), available at http://conventions.coe.int/Treaty/EN/Treaties/Html/001.htm. Some of the traditions feeding that common cultural heritage are, among others, the Greco-Roman traditions, Judeo-Christianity and the Enlightenment. See H. Joas and K. Wiegandt, Europäische Akademie Otzenhausen and Forum für Verantwortung. Conference. *The Cultural Values of Europe* (Liverpool University Press, 1st English edn, 2008). More than on a defined geography, we are able to speak about 'Europe' based on cultural and historical terms; see Josef Ratzinger, *Europe Today and Tomorrow: Addressing the Fundamental Issues* (Ignatius Press, 2007).
[43] J. Habermas, *The Post-National Constellation—Political Essays* (MIT Press, 2001). Paperback ed.
[44] Even though Alaska is not Kansas, and Kansas is not Vermont, their differences are not as great as those

10

between, say, Malta, Croatia and Ireland.

Today, unity is imperative not only to preserve the cultures, the intrinsic value of each European nation, language and culture, as well as the value of those elements considered together (or 'European civilisation'),[45] but also to ensure their economic and political viability. Unity, therefore, should be taken seriously. A mixed commonwealth could provide it up to a certain minimal extent.

However, unity should not be an end in itself. It should rather be seen as a means for the preservation, expression and mutual enrichment of the autonomous cultural entities of Europe. This is why a federal state, so successful in other contexts, is not desirable for Europe. Now, if political unity and membership in Europe as a mixed commonwealth are neither national nor post-national, how could they be conceptualised?

The European polity should protect and foster the highest possible degree of diversity because it is composed of largely autonomous cultural, societal, linguistic and national entities. Czechs, Estonians or Danes possess complex languages to express their rich literature, for instance. There is such a thing as a Spanish, Italian or Dutch culture. Britain, Germany and Poland each have a distinctive legal tradition in their own right. The peoples of Europe are not shapeless masses, but nations, societies and cultures that have existed for centuries and should find in the European polity a platform to thrive and enrich each other.[46]

Demos and Telos Revisited: Or Political Identity in Analogical Terms

In the precedent section, I have argued for a normative understanding of the European polity as a mixed commonwealth. Now, it remains to be explained how, under that regime, political community (telos, or the European polity) and membership in it (demos, or European citizenship) could be visualised. To that purpose, I will apply a conceptual tool: Beuchot's analogical hermeneutics.[47]

Analogical hermeneutics is 'a theory of interpretation based on the idea of analogy.'[48] Analogy comes from semantics. It is a way of predication and of meaning. Between the univocal (unambiguous, as in 'platypus') and the equivocal (ambiguous, as in 'address'—location, speech, skill . . .) lies the analogous predication. Analogy denotes something in part similar and in part different: a kind of food, a habit of exercise and a person can all be called 'healthy.' Analogical hermeneutics has multiple applications. Here, it can be useful to understand unity, membership and identity in a mixed commonwealth, and indeed to understand the mixed commonwealth itself.

---

[45] If civilisation means 'the society, culture, and way of life of a particular area' (civilisation, Oxford Dictionaries, April 2010 ed.)

[46] A European polity of this sort would be of value not only for nations who possess their own state, but also for those nations without state, at times regarded with suspicion or dismissed as second-class cultures in their 'host states.' The reason for such value is that in the context of a larger polity, and in a supranational atmosphere, the host state is likely to feel less threatened by the possibility of fractioning, or consider it less dramatic (see next section).

[47] M. Beuchot, *Tratado de hermenéutica analógica: hacia un nuevo modelo de interpretación* (Itaca, 2000), and M. Beuchot, *En el camino de la hermenéutica analógica* (Salamanca: San Esteban, 2005).

[48] Ibidem. Of course, the concepts of analogy and hermeneutics can be traced back in time as far as, for instance, Aristotle. Beuchot's originality rests, on the one hand, in the combination of both ideas in a single method that can be applied to different fields of knowledge—political philosophy included—and on the other hand, in his reference to medieval, modern and contemporary thinkers (for instance, Charles Peirce, Gadamer, Ricoeur or Eco, just to mention a few).

The mixed commonwealth can be regarded (or, to follow the hermeneutical slant, 'interpreted') as an analogical polity. It contains elements of, but is not, a state. It possesses aspects of a nation, but it is a rather watered-down version of it, almost metaphorical, for the reasons given above. It relies on a body of treaties that provides a framework of 'constitutionality' but without a constitution. It offers membership, but subordinated to the stronger Member State form. Its members are related, but with a link much weaker than that of ordinary polities. Such a link is based on some commonalities—which ground a very vague shared political identity among its members, but not comparable with political identities at nation state level.[49]

The sense of appertaining (affiliative dimension) to a nation state can be seen as the main point of reference or political belonging 'proper' (or at least 'more proper'): the base for analogy. So a person might say that she is a Finn not only because she belongs to an ethnic group historically associated with Finland, or because she speaks Finnish,[50] but—from the political point of view—also because she is a citizen of the Finnish State, a fiercely independent, economically developed, educationally advanced, culturally rich, nature- (and sauna-) loving country.[51] In a second, probably lower level, she might think of herself as Nordic (politically, as belonging to the Nordic Council, say). On a third level, she might see herself as European (in political terms as member of the EU). Note how, in comparison, she might consider herself less Nordic than Finnish, but more Nordic than European.[52] Crucially, as odd as pretending that she was, say, more European than Nordic (that, for instance, she had more in common with a Cypriot than with a Norwegian), it would be to think that if she feels European, she cannot feel Finn anymore. An analogical interpretation of political identity allows us to make sense of her 'nested' political identities, which can thus be both differentiated and combined.[53]

Finally, let us say a word about supranationalism.[54] A mixed commonwealth is not national, for it contains several nations and does not aspire to become one nation—in fact, it does not even aspire to become a state. It is not post-national either because it recognises not only the perduring existence of nations, but also their value and usefulness. The mixed commonwealth is transnational and promotes supranationalism in several senses. At the level of relations between states, supranationalism 'replaces the "liberal" premise of international society with

---

[49] For a reflection on this idea of European identity, see P.C. Jiménez Lobeira, 'Normative Conceptions of European Identity—A Synthetic Approach', (2010) 12(1 & 2) *Australian Journal of Professional and Applied Ethics* 159–170; and P.C. Jiménez Lobeira, EU Analogical Identity—Or the Ties that Link (Without Binding). Australia National University Centre for European Studies Briefing Paper Series. September 2010, 1(2).

[50] Supposing she is not among the around 6% of Finns that speak the other official language of the country, Swedish.

[51] See a very interesting description of Finland, its history, customs and people, in L. Kolbe and M. Hicks, *Portraying Finland: Facts and Insights* (Otava, 2005).

[52] The base for analogy or main referent could perhaps be her being a Finn. It is true that other identities, even collective ones, can exist that are more concrete (and therefore stronger) than the national one. Our friend in the example might consider herself, more than a Finn in general, a Finn belonging to the Swedish (or the Sámi) speaking group. To keep the discussion simple, I mention national groups only, but were subnational groups to be included in the analysis, the argument would not change. The contrast I attempt to make is not between different groups of people with a specific culture, but between these ('nation' working as generic term) and the national or multinational *states*.

[53] I take this very useful term ('nested identities') from D. Miller, *Citizenship and National Identity* (Polity Press, 2000).

[54] For a deeper explanation on the ideas treated in this paragraph, see J. Weiler, *The Constitution of Europe: Do the New Clothes have an Emperor? And Other Essays on European Integration* (Cambridge University Press, 1999).

a community one.'[55] The community premise aims at taming the excesses of nationalism.

Supranationalism means separating conceptually nation and state, and limiting the power of the state to use nationality as means for inclusion or exclusion. Finally, supranationalism challenges nationality itself, when the latter receives excessive importance as expression of identity: national identity may be part of the individual, but not a determinant; the individual can rise above its national identity.

In a mixed commonwealth, conceived as an analogical polity, the telos and demos questions are not necessarily problems. An 'analogical demos,' composed of, and less important than, the several European demoi, can do, for purposes of an 'analogical telos,' a polity that is made of, and less important than, the Member States. Maximum diversity, with the minimum of identity to keep the community of citizens, nations and states united, that is the concept of a mixed commonwealth regarded as an analogical polity. That such a polity should not have just a strong president—like the American one; that the EU, in short, often resembles a dysfunctional federation; might not be so bad after all. Legal and political theorists might be dealing with an 'ugly duckling polity' case that can and should be analysed, proposed and understood with different categories.

---

[55] *ibid*.