

## **Europe's Future and Its Regions – True Unity in Diversity**

### How Europe's Regions Must Be Politically Anchored

“Europe will be something new: a continent without nations, a free association of regions, no superstate centralism, but rather lived democratic subsidiarity”.

What is playing out right now before our very eyes is the dissolution of European societies as we have known them up till now, and thus the dissolution of the nation-state concept of the ‘United States of Europe’. Since the outbreak of the financial crisis in 2008 at the very latest, the past decade can be described as a decade of European upheaval. This permanent crisis mode has shaken Europe to the core; instead of European solutions, a politics of national egotisms in line with respective election dates has been pursued. The financial crisis created a vortex that first of all plunged the PIIGS nations into the debt crisis and led to the crisis of the euro, which, together with the Grexit debate and ignoring the OXI3, led to a momentous crisis of institutions and democracy. The West, however, was only in danger when, in the fall of 2015, the additional problem of the refugee crisis ruthlessly laid bare the European Union's inability to act. A decade of upheaval left Europe in a profound crisis of confidence, the consequences of which cannot yet be seen in their full scope. The responses to the crises so far do not provide hope for a positive turnaround, however. On the contrary: what were once firmly established basic European and democratic values have, over the past two years, been rapidly gutted in the fearful intoxication of counter-terrorism, with no scruples or outcry.

In the meantime, the pronounced shift to the right and the desire for strong, authoritarian politicians have taken hold of all of Europe. The guiding principle of the open society is already being directly eliminated in Poland and Hungary. Further trends in this direction can be discerned in the coalition negotiations in Austria. As early as the 1990s, Niklas Luhmann pointed to this structural failure of politics and the “permanently destabilising consequences” of such a failure. We are still waiting for an answer from the other parts of Europe: the Brexit negotiations have proven to be a farce and are leading to further uncertainty, while an ambitious Emmanuel Macron has been waiting since September 2017

for a German response to his reform proposals. In the Federal Republic, on the other hand, the European question has played no role in either election campaigns or the country's permanent sounding mode. In fact, it has already gone so far that Macron has had to urge the Social Democrats to make concessions with regards to the coalition issue. Other government formations in Spain, Italy, Belgium, and the Netherlands have had similar difficulties. This inability to act reinforces the mistrust in existing political systems. Figuratively speaking, not only are cracks appearing in the European house, national institutions are also rapidly falling into decay.

The rebellion of the Catalans through their referendum on independence in the fall of 2017 suggests yet another endeavour, namely the question of regional identity and independence. According to the EU's motto – united in diversity – regional aspirations for more independence, such as in Scotland, South Tyrol, Bavaria, Flanders, or the Basque Country, have been around for a long time. They are now finding new expression in spots where regional considerations efforts towards autonomy run completely counter to are combined with national interests; a need that Brexit supporters took advantage of with the slogan 'Take Back Control'. This does not, however, express the desire for national unilateralism, as the mood among the British shows, but rather the desire for sovereignty within the EU's *multilevel governance system*. Yet the consequences of plebiscitary decisions cannot simply be reversed or voted out again. The sweet poison of 'direct democracy' is thus to be enjoyed very carefully. Antonio Gramsci describes the time of crisis as a time in which the old system is dying and the new cannot yet be born. While the striving for Europe is firmly anchored, the system of the European Union is at an end and must be reinvented. The task now is how to conceive of the potential of enhanced regionalisation in a new form for Europe, beyond national interests. How could a European Republic, building on the principle of political equality, lead to unity in regional diversity?

Based on the analysis of the European Union's ongoing malaise, an alternative to the *Hobbesian Leviathan* is provided below, which draws on the much older conceptual history of republicanism. A second European Renaissance, so to speak, based on the regional diversity of Europe. Utopian? Perhaps, but even on medieval maps, Europe is already depicted as an organic, female body with various historical regions. The cultural regions of

Bavaria, Brabant, Brittany, Emilia Romagna, Flanders, Catalonia, Scotland, Tyrol, and Veneto can already be found there. However, today's national structures, whose form and geographies are conceived of as apparently being the only construct of our society on which there is consensus, do not appear. We should not forget that these are merely constructed lines that can very quickly be changed or erased by the course of history.

In this context, new thinking for Europe also means that we must be ready, on the societal level, to mentally free ourselves from the idea of the nation state as the only political form of democracy; there were epochs before the nation state, and there will be a time after it as well if we accept this idea in the European context. This idea has always been the historical setting for uniting *sovereign citizens* in a *polis* or in a transnational democracy. And herein lies the chance of a European Republic! The republic is therefore the formula for a European constitutional patriotism beyond nation states and beyond political ideologies. The republic is neither right nor left. It is a transnational legal framework whose crucial point is the equality of all citizens who unite within it. That is precisely what makes it a veritable political unity, a union of European citizens. And if in this way Armin von Bogdandy (2017), director of the Max Planck Institute for International Law, already describes the necessary transformation of the European Union "from the legal community to the politicised legal space", then the idea of a European Republic is by no means a utopia anymore!

### **On the Idea of the Republic and the Concept of Sovereignty**

The concept of the republic has a very ancient sounding board in linguistic usage, and is the core concept of the political history of ideas in Europe. It is the oldest concept when it comes to the organisation of political units, and is much older than the concept of the state or the nation. In its interpretational history and its complexity, acquired over centuries, it does much better justice to Europe, for immanent within the concept of the republic are a *political* order and the *organic* or corporate conception of a whole, and thus a concept of spatial order and a binding obligation to *the common or social good*. The republic is thus a synopsis of civil, political, and social rights. All three are relevant to the Europe of tomorrow. In modern sociology, this precise triad is described by T.H. Marshall as 'social citizenship', a kind of postmodern terminology for the republic.<sup>7</sup> Furthermore, active citizen participation has always characterised the concept of the republic. It is therefore time to bring that

concept into the European discussion and link it to the European project. *Nomen est omen*: the republic is about the common good, the *res publica*, the public cause and the legitimacy of politics for the benefit of society. Nothing is more lacking in today's EU. Anyone who sets out in search of the republic thus also goes in search of what connects, what does good. The concept of the republic is therefore more substantial than that of the state and also than that of democracy. Both are ultimately only formal organisational criteria for political orders. The state is always something abstract and non-personalised that is expressed through enforcement and violence. The republic, however, is warm and protective, it cannot be separated from the citizen.

The concept of the republic received its most significant Early Modern imprinting in the 16<sup>th</sup> century through Jean Bodin's famous 'Six Livres de la République' in 1576 (interestingly translated into German as 'Die sechs Bücher über den Staat', i.e., 'The Six Books of the State'). He was the first to recognise that political association has been increasingly derived from the republic, as the formative power, and decreasingly from the genuinely political nature of man, and for this he coins the concept of *sovereignty*, on which the state is founded: this act of the sovereign founding of the state is the unification of political violence in a supreme authority with unlimited power. Bodin understands the republic as the political organisation of a society built on households that is based on the principle of sovereignty. It is interesting, concerning our utopia, that Bodin retains the corporative-local and regional-societal structures as semiautonomous associations and gives the societal forces explicitly represented by them according to the model of moderate monarchy a share in the ruling regime. For Bodin, the republic is thus no antipode to democracy.

Only with the beginning of the Early Modern period does the concept of the republic fade into the background while that of the state steps onto the stage. The primary anti-republican agent of this process is Thomas Hobbes in 1651, the forefather of the Leviathan nation state, with which the EU is still grappling today. With Hobbes, a momentous reversal took place, on which was founded an idea of sovereignty that continues to be misunderstood to this very day: with Hobbes, only the sovereign state is *truly* free, and not the citizens, the individual. Hobbes brings the state onto the field against the blooming doctrine of natural law. If individuals were free, according to Hobbes, then they would have to fall into a state of total

anarchy, where each would be *the other's wolf*. The Leviathan therefore also represents a monster that incorporates all individuals for sovereignty. Hobbes thus grants the state that which Max Weber would later call the legitimate monopoly of power, namely the authority to legislate and sanction. The citizens delegate their authority through an act of submission to the state. With Hobbes, the law *takes* from men the freedom that nature had given them – henceforth, that which is not forbidden is allowed. The law acquires a restrictive character. This is also the birth of modern legal positivism. Hobbes introduces an *above* and *below*: the state is above, men are below. In contrast, the republic is gentle and caring, it is *horizontal*, it is not a subordination.

With Hobbes, *grosso modo*, the past three hundred years of the modern nation state, which have apparently left such a mark on us that we are inclined to believe that they were always there, began to give the impression that nation states possessed a biologicistic ontology and had fallen from the sky exactly as they are today. The modern Leviathan state, with its nation-state character, was later merged with a concept of liberalism that is based on the principle of 'noninterference', and thus also on freedom *from* law, and which therefore sublimates a politics of minima as its maxim. The two combine to form a minimalistic idea of liberalism, which essentially consists of 'non-interference'. The republican common good is lost here, so it may be helpful to remember that nation states were not always there: we created them. They are a human artefact; and because we created them, we can – at least in a utopia such as this – also deconstruct them again.

### **Three Equalities of the Republic**

Setting Europe up as a republic will cost us a lot of energy. We must let both the EU and the nation states go; the EU, but not Europe; and the nation states, but not our identity, mind you. The conceptual leap we need to make here is to grasp that it is *we, as European citizens*, who are *the sovereign* – and not the nation states. The states only borrowed sovereignty from us in advance. We're reclaiming it now and building the first transnational European democracy: decentralised, regional, post-national, social, and democratic.

Under the protective shelter of the European Republic, the citizens in European regions and

city-metropolises can realise their general will, according to Jean-Jacques Rousseau. In his philosophy of the social contract from 1762, he coined the following terms, which are important for the modern republic: *volonté générale* ('general will') for the common interest, and the *volonté de tous* ('will of all') for the total will of everyone. To immediately bring in this quotation: for Rousseau, equality is no absolute egalitarian equality, no *égalité absolue*, but rather 'only' a state in which people are not allowed to be so rich that they can "buy" other citizens, or so poor that they have to "sell" themselves.<sup>9</sup> The republic is *not* egalitarian.

The *Res Publica Europaea* requires a three-tiered equality, according to the principle of political equality: *civil* equality, i.e., equality before the law; second, equal universal suffrage for all European citizens as a common *political* right; and finally, *social* participation rights. Only the implementation of social rights enables concrete democracy. Only a well-developed social system, one that allows for a safeguarding of one's existence that is not mediated by the labour market, actually enables the implementation of equality in the political and civil domain, for only through this is the people's unilateral dependence on the market severed and a common minimum standard of material culture created.

The fulcrum and crux of republicanism are universal suffrage and citizens' right to participate, which in turn presupposes a certain social equality. It is universal suffrage that allows the will of the citizen to be established; its representation portrays the *volonté générale*, the general will. Linked to this are parliamentarism and the separation of powers in their double function: defence against bad or arbitrary law (as a right of freedom) *and* obligation to the law for the sake of the common good. In the French tradition, the republican synthesis between participatory civil rights and social rights ultimately lies in the simple fact that education is needed in order to practise the former. It is clear, here, that participatory will in a republic is more than the mere exercise of a formal right to vote. It is rights that have always been fought for and obtained; once as equality that cuts across *classes*, then as equality between the sexes, and through the *Black Power Movement* also as equality of *race*; and today the dispute over equality that cuts across *nations* is ubiquitous.

Equality according to nationality is the new dispute in the vertical multi-layered system of the European Union, and it is bringing sovereignty back to the regions and restoring the desired proximity to citizens.

### **Back to the Diverse Regions of Europe**

The regions and metropolises make up that historical and cultural unity that has grown organically over centuries. They are the real bearers and guardians of the European idea and the vehicle of European diversity. They reveal the precious differences of the various dialects, the regional cuisines, customs, and habits. The many quests for a (dominant) European culture are just as ineffective as the praising of apparent national models. *Weißwurst* (Bavarian veal sausage) is just as foreign to the Frisians as pumpernickel is to the Basques. But it is not only the cultural-historical function that is inherent to the region. The region also creates the experiential field of its inhabitants within the everyday or with the relevant historical and modern landmarks, the prevailing architecture as well as its landscapes. It is therefore an interplay of city, country, river. What is meant here are the geographical features that affect spaces and the building of settlements; an interplay of nature and culture that contains a *Europe's true diversity lies in the regions*. *Figure: Assembly of European Regions (AER)* reciprocal element of identification for the surrounding cities and regions, far removed from language or nationality. The binding effect is particularly evident with the 'Rhinelanders' or the cities along the Danube. The connection lies in the regions, not in the nation.

But state and regional parliaments, which today have become largely meaningless in many places, would, in the political structure of the European Republic – as its direct constitutional bearer – experience an unequivocal upgrade and have a direct role to play in the parliamentary system. A Europe of the citizens of European regions and cities would be a Europe in an utterly new form: decentralised, regional, post-national, parliamentarian, democratic, and sustainable and social – a network of European regions and cities over which the protective shelter of a European Republic would be raised, under which all citizens would be politically equal. The political upgrading of the regions would benefit their politics

and economies, and would therefore benefit all the citizens of those regions. More participation, more influence, more power!

The European Republic would thus be a horizontal network of autonomous regions and metropolises that would be linked to one another through a unified infrastructure and a fiscal federalism that has yet to be defined. The common politicised legal space<sup>10</sup>, which guarantees the political equality of all European citizens, would span above its head. Europe would no longer be trapped in a confused multilevel system, but would instead be horizontal, decentralised, and networked. From the perspective of democratic theory, this would result in greater participation and proximity to citizens within the EU and would replace the long-serving concept of *subsidiarity*, which is inadequate for the political discourse, especially since it has no theoretical connection to the much more important concept of *sovereignty*, which in turn is the epitome of citizen participation in a political system – and which could perhaps be better generated with actual proximity to citizens.

It is simply a matter of putting European citizens back into the political decision-making power of Europe, and through a representative parliamentary democracy, as well as in each national democracy. European citizens, as equal legal subjects in the European *polity*, thus become the *sovereign* again. By upgrading the regions in the EU's political system through the gradual creation of a unified European legal area, which would also be territorially defined, the European regions' area for cooperation and organisation could be achieved over the medium term through direct access to legislation, and not through delimitation via subsidiarity:

“Renouncing the legal community as a basic concept does not imply bidding farewell to the work of the past 60 years. But it emphasises that we are dealing with more today, and that we need to go further. As a value, the rule of law demands the internalised praxis of all institutions in the European legal area. [...] The concept of the European legal area conveys an understanding of the historical achievements as well as ongoing challenges; it is to be designed cooperatively, by means of a close-knit order”.

While the use of the concept of subsidiarity always insinuates that there must be a regional legal area that is to be protected from encroachment by the EU, the paper aims at the sum total of the member-state territories for which the organising EU law should be valid.<sup>12</sup> The European legal area must be converted into a relationship delineating 'inside (EU)/outside (non-EU)', instead of into a relationship delineating 'above (Europe)/below (regions)': 'Beyond this (external) border lies a single (legal) area'. However, the EU cannot do justice to this common legal area by constantly appealing to the principle of subsidiarity. In the age of globalisation, we are dealing "with the formation of sectoral multilevel systems which are organised into territorial units on their 'local' basis, yet which are functional at their 'global' peak".

In such a political construction of Europe, the regions could become the actual constitutional bearers of a European *polity*. When dealing with the organisation of democratic participation, it would be obvious, from a regional point of view, to bring the concept of sovereignty into the political discourse, in order to increase active participation in European processes. The basis of legitimacy in the EU would thus be turned on its head.

Together, the regions and the Republic are the republican *We*, the organic body, the association of people, and the constitutional association at one and the same time, just like in the old inalienable definitions of republic; the regions simultaneously ensure the diversity of Europe.

In short, it's all about home and connectedness. It is ambivalent concepts that are often wrapped up in reactionary thought for the sake of division into individual 'culture silos' – or even abused on the ethno-national level. So let us use the beautiful side of connectedness, namely local and regional inclusion. Without distinction between foreigner and native, true to the activists' slogan of 'right to city'<sup>15</sup>, the following also applies to each region: the region and the city belong to everyone who lives in them. It is about the "right to active [...] participation and organisation of the [...] society", regardless of nationality or origin.

To the *citoyens européens*, this distinction is dissolved. All citizens would be equal in their

rights, including in their right to vote and to stand for election, would pay the same taxes, and would also receive the same access and right to social services, independent of their location. Conversely, due to fiscal and social equality, there would be no more force to the accusations of people being 'economic refugees' or 'social parasites', which are levelled against entire population groups on account of their origins. The connective tissue remains the organisation of the region, which is certainly not to be romanticised. Given the current tensions between higher and lesser levels of education, lack of perspective, limited mobility, (social) dependence, and secure income on the one hand, and virtually unrestricted freedom to travel on the other, conflicts will not be lacking. But that's not the point. The point is a certain degree of 'caring' that has been lost in politics.

### **The New Parliamentary Space**

In addition to being anchored in the European Republic, the regions must also find themselves again, on the higher level, within (architectural) representation. Not in cold office complexes, but in spaces and buildings that reflect the cultural diversity and horizontality of a new Europe. The regional level has been given too little importance in the structure that has existed up till now, and has been excessively alienated by political nationalisation. Identification therefore has to be reflected dichotomously in the political architecture. This cannot remain abstract, but must be made tangible, like cultural goods. The charm of such a solution, that of being federated but not centralised, would lie in the fact that, in such a territorial reorganisation of Europe, the actors in the area and on the ground would be entrusted with the function of the ancient *princeps* and would be given decisive power in Europe's future political system. Above all, this would mean the deconstruction of the great and federally organised European states into their autochthonous regions. Such success is evident in South Tyrol, for example, where the citizens, on account of the political compromises that have been made so far, are able to make their own decisions to a large extent. On the macro-level, regions with relatively equipollent regions would reduce their dependency on the central structure, i.e., the hegemonic dominance of Germany. We are not, however, speaking about a new obstinacy of regional state princes or a postmodern 'remake' of feudal behaviour on the level of the province, but rather about the organisation of a European network-governance for the sake

of the European common good. The British economist Paul Collier sees *home* as the foundation on which, through regional connectedness, a remarkable economic development is emerging, and which is manifesting in the form of solidarity – solely from proximity and personal connectedness, for the well-being of employees – and strengthening the idea of cooperation.

In its mythological nature and its interpretations, Europe was always protection, food, emancipation, freedom, limitlessness! 3000 years of collective memory, art history, and all European writings teach us: the *Res Publica Europaea* is a transnational community oriented toward the common good and at the same time a shelter for all European peoples and ethnic groups; a borderless project whose cosmopolitan foundations always aspired to be a normative avant-garde and to extend across the globe; a project of civil emancipation, bound by the universal principle of equality and the universality of the human rights of the French Revolution; a project of freedom, of (social) peace, of democracy, of good governance, and of law. Don't we still want this in the 21st century? Welcome to the European Republic!

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