EUROPEISM AND "COMPLEX SOVEREIGNTY"

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Without any doubt, the last seven decades in Europe have been a time of unprecedented peace and prosperity for a continent with a long history of bloodshed. Moreover, after the last enlargements, the European Union [*EU*] has strengthened its unification, from East to West, in a quasi-continental Union, and it is therefore no longer abusive to identify the *EU* with Europe. Indeed, building Europe is a choice of civilization and, as such, of *values:* before the threat of a selfish, intolerant and globalized world, submitted to standardizing scores and market forces, producing exclusion on a global scale, Europe's calling is to state a model of society which is founded upon human rights, the coexistence of differences, of tolerance, of solidarity. According to the Treaties, the EU is founded "on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" (Article 6 TEU); if there is a risk of a serious breach of these principles by a member state, some of its membership rights can be suspended. It is in order to promote this model of society both in and outside of Europe that Europe unites: one social and ecological economy, one currency, one external and defense policy, common institutions.

Jacques Delors said, "Just as one does not fall in love with growth rate, one does not fall in love with the great market, with the economic and monetary Union, nor even with the world order. Now, without power, Europe cannot be generous" (Delors, 1993: 8). The question of Husserl (1935) continues to urge us: "the spiritual features of Europe, what does this mean?" According to Jaspers, three concepts allow "to build the scheme of what specifically belongs to Europe: freedom, history, science." It is this truly cosmopolitical design we will seek to show in this reflection, in six steps.

1. The European construction, a task *in fieri…*

The European construction is a task *in fieri:* in it prevail the small steps once suggested by Jean Monnet, which today regain their purpose, and which were the essence of the "Community method". By clearing a step, the *EU* starts a new one; by finishing *andamenti*, it intercalates *intermezzi*, now and then seeming plunged in severe crisis, as is currently the crisis of refugees and migrants crossing the Mediterranean towards Europe. There is, therefore, no *EU* without a process; the *EU*, a story of stories, is always the beginning of a beginning, stepping on a "long march", where now the "will of all", now the "general will" is predominant – to use, by transposing it to this reality, Rousseau's classical conceptualization.

In fact, we are in the course of inventing new instruments of political action with a projection that is different from that of the Nation-state. This was unarguably the most creative invention of the modern era, but the Nation-state's power is the first victim of globalization: its political sovereignty was based on the association of the political, military and cultural sovereignties, but the three pillars of this reality are now adrift… Today we realize its separation and its possible divorce: the power was diluted from the top of the Nation-state, sparse in the extra-territoriality, which the instruments of action of the Nation-state can no longer reach. There is, therefore, on the one hand, no *power without politics* (a power unchecked by politics), and on the other, no *politics without power* (politics deprived of the power which could render it effective). The States "have simply become the spectators of the global economy". Now, matters left to themselves tend to separate, not unite – as the history of the *EU* itself testifies.

Apart from their economical dimension, the countries of the *EU* are already united in a network of institutional and legal, social, cultural and political relations, the complexity and magnitude of which will in the coming years continue to grow, as more European countries integrate the *EU* and the community institutions broaden the scope of their work (Etzioni, 2001: xxiv-xxxi). Significant progress has indeed been made, perhaps too much for some, in the process of European integration, which until now has carried advantages for all. It is however

possible for the European ground to be more unstable than we imagine. This is probably due first of all to the global economy being characterized, and becoming even more so in the future, by both the instability of financial markets and trading agreements, and by the integration of social, national, cultural and ecological demands.

There is no Messiah to order Europe to "rise and walk". To the hegemonic Europe of the 18th and 19th centuries, Humanism, Reason, Science, played the role of a Messiah; but the truths of Humanism, Reason and Science, have become fallacious as soon as they became messianic; it therefore matters to safeguard the humanism, the reason, the science, withdrawing from it any messianic mission or duty (Morin, 1998: 77). The way things are going, it will take several generations for the *EU* to constitute a political Europe, with an external and a defense policy of its own, without replicating any of the currently existing federations of the world.

Both Cosmopolitism and Europeism share the ability to overcome the inability of Nation-states, the balancing of market forces and the mastering of the effects of globalization. Jean Monnet, at the end of his memoirs, declared "the sovereign nations of the past can no longer solve the problems of the present. And the [European] Community itself is nothing but a stage for the organization forms of tomorrow's world" (Monnet, 1976: 617). The political Europe will not be a mere extension of the economical Europe, of the Europe of interests. There is still plenty to create, and it is not too helpful to think in the image of the federal model, be it that of the United States, Canada, Germany, or any other. The reason is simple: in these cases, the federal State is a *national* State; in Europe's case, that instance is supranational – something so far unknown.

2. Preserving both the freedom and diversity of the peoples

According to Kant, the idea of a "perpetual peace" contains the characteristic traces of a "regulating idea", that is to say, of a "task to be performed": it means one can act *as if* it were possible to establish it, taking it as guidance for our actions and as a criterion to judge real

situations. Inasmuch as it opens up to a "horizon of hope" and marks a task for humanity, it must be understood as an ethical-political project. However, each of the three "definitive articles" of *Zum ewigen Frieden* ["For the Perpetual Peace"] shape one of the three legal levels, which are necessary to the attainment of perpetual peace. Thus, according to the first, which states that "the civil constitution of every state shall be republican" (Kant, 1795: 99), that is to say, shall be democratic, if one wishes to understand the Kantian expression in its current meaning: "*Republicanism* is that political principle whereby the executive power (the government) is separated from the legislative power. Despotism prevails in a state if the laws are made and arbitrarily executed by one and the same power, and it reflects the will of the people only in so far as the ruler treats the will of the people as his own private will." (*ib.*, 101). If many, both before and after Kant, did not relate the peace issue with the form of government, Kant, on the contrary, is intimately convinced of a meaningful bond between the States' internal structure and their bellicist or pacifist tendencies, taking a keen interest in the analysis of the "best political regime".

Furthermore, the second "definitive article" – "the right of nations shall be based on a federation of free states" (Kant, 1795: 102) – assumes the end of the "state of nature" between States and the emergence of a sort of federative contract. Correcting Hobbes, Rousseau sustained that "there is no war among men, there is only war among States"; but he seemed uncertain on this matter, and did not clarify how to overcome the "state of nature" between States. On the other hand, according to Kant and to Montesquieu (half a century before), it is the "Federative Republic", defined as "a society of societies", which should be achieved; the examples mentioned in *The Spirit of Laws* (IX, 1) – the Greek and Roman confederations, but also those of the Netherlands, Germany and Switzerland – seem eloquent to him.

Stepping away from Rousseau, Kant signaled that general and perpetual peace was a *contractual* creation, the fruit of a *foedum pacificum*: "reason, as the highest legislative moral power, absolutely condemns war as a test of rights and sets up peace as an immediate duty. However, peace can neither be inaugurated nor secured without a general agreement between the nations; thus a particular kind of league, which

we might call *a pacific federation (foedus pacificum)*, is required. It would differ from a *peace treaty (pactum pacis)* in that the latter terminates *one* war, whereas the former would seek to end *all* wars for good" (Kant, 1795: 104). On the one hand, Kant probably considered that the demand of a world republic, the ultimate though not realistic ideal, would mean to place his suggestions alongside dreams (whether those of Saint-Pierre or Rousseau); but, on the other hand, the despotic course of the French Revolution would have broken the Kantian optimism.

In this way, not only does it surpass the notion of a "peace treaty", characteristic of traditional international law (which implies only a temporary absence of war), but seeks a lasting peace thanks to a "pacific federation" (*Friedensbund*). Moving further and further away from a "world State" (*Weltstaat*) – so he thought still in his text from 1784, *Idea for a Universal History with a Cosmopolitan Purpose* –, Kant advocates, in 1795, a federation of free States. If a world State would be a solution to conflicts, it might become a threat to individual freedoms; from the "positive idea" of a *world republic* one reaches the "*negative* equivalent" of a lasting *alliance* – as a federation of free, sovereign, equal States –, which would ensure a peace preserving both the freedom and diversity of the peoples.

However, one of the most original novelties of the Kantian text was his tripartition of the legal order, by including a new kind of right beside the traditional binary partition in internal and external public right, which he calls *jus cosmopoliticum* – "cosmopolitan right shall be limited to conditions of universal hospitality" (Kant, 1795, 105). Of the three definitive articles in *Perpetual Peace*, the first, according to which every State's constitution should be republican, belongs to internal public right; the second, according to which international right should be based on a federation of free States, belongs to external public right; the third corresponds to a so far unheard kind.

Kant signals that, besides from the relations between the State and its citizens, and between the State and other States, must also be considered the relations between any State and the citizens of other States. In this relation of reciprocity between the foreign citizen's right to visit and the visited State's duty of hospitality, Kant had originally prefigured the right of every man to be a citizen, not only of a State, but of

the world: "The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*. Therefore, the idea of a cosmopolitan right is not bizarre and over strained; it is a necessary complement to the unwritten code of political and international law, transforming it into a universal law of humanity. Only under this condition can we flatter ourselves that we are continually advancing towards a perpetual peace" (Kant, 1795: 107-108).

The "cosmopolitan right", prefigured in the stoic theme of the *civitas maxima*, and prolonging the ancient right Francisco de Vitoria attributed to all people of being entitled to access everywhere in the world and to the peaceful coexistence of the several nations in a *totus orbis*, laid the foundations for a new world order. In the dawn of the 21st century, these reflexions possess a striking actuality, in the strengthening of the European construction. However, the moment contingency and interdependence of legal entities are such that "a violation of rights in one part of the world is felt everywhere", cosmopolitical right must unite with state (and international) right: there is, therefore, a complementarity between national (and international) right and cosmopolitanism.

Nowadays, when the State is becoming less and less the master of its sovereignty and a "shared sovereignty" is emerging gradually, the vigor of the ideas expressed by Kant in 1795 becomes visible, impregnating the real through that ideal which lay dormant in it. The constitution of an international order as an imperious necessity is not only about the inclusion of commerce – "for the *spirit of commerce* sooner or later takes hold of every people, and it cannot exist side by side with war" (Kant, 1795: 114) –, nor only about economic relations, but about a political interdependence.

It is also important to clarify that other note of Kantian "cosmopolitical right". It is a conception that adds *in subsidium* (Cheneval, 2003: 200-204) to state right and the people's right: cosmopolitanism is a *third* dimension of modern States and not a new superior substantial unity that replaces or destroys them; it is, then, of a *relational* and interactive nature. The national State no longer fulfills its cosmopolitical dimension in an auto-generating and solipsist way, somewhat like the right to resist and the right of non-commitment of an individual towards the

State, whose legitimacy diminishes as the State gradually comes to respect human rights and configures itself democratically. Then, considering the cosmopolitical situation an evaluation criterion, national democracy and everything which is merely *national* is simply not enough: cosmopolitanism is fulfilled through the integration of the Nation-state into a network of cosmopolitical right, through political relational commitments, in interaction with other States, this reciprocity constituting a *third* structure, subsidiary but relatively autonomous.

3. The solution lies not in "less Europe", but in "more Europe"

From the social inductivism reaped from the European adventure, one can infer that the solution lies not in "less Europe", but in "more Europe". It does not suffice, as has been attempted in the Treaties of Maastricht or Amsterdam or Lisbon, to simply add that which has meanwhile been done, making corrections and improvements. It is necessary for a new democratic atmosphere to penetrate the interstices of a eurocratic *EU*, for the statute of a European citizenship to develop, for the dynamic between nations and regions to develop.

The cosmopolitical dimension, which is subsidiary, is of a processual nature, and therefore post-metaphysical and non-essentialist: the deconstruction of the substantiality of the Nation-state does not destroy the State as such; it rather undoes the theoretical obstacle which blocks it in relation to admission commitments in a cosmopolitical political structure with other States. This is obviously not some kind of revolution that radically questions the legitimacy of the Nation-state, pointing to a new cosmopolitical legitimacy. To think in such a way would mean, on the one hand, not to abandon the metaphysics which is applied to the national logic of the state, which, on the other hand, one also wishes to transpose to other levels. One must not, therefore, seek the paradigm of the "Europe in the making" – as do many politologists – in the national unity of the United States or of any other typically federal State: the Nation-state is not the future of Europe, but its past; it is not the end, but the beginning, in the sense that therein lie the foundations from whence European construction emerged. It is an old error of

political thought, already criticized by Aristotle, to glimpse the superior unity of political integration according to the model of its component unities; in his *Politics* (Book II, 1261a1-1261b15), Aristotle contended with Plato in the sense that the *polis* was neither a family nor a village. The *EU* shall not be a sovereign Nation-state: it does include but transforms Member States (Cheneval, 2003: 197-198).

Now, cosmopolitism does not present itself as an applied metaphysics which generates a new substantial form of the state; it is instead a processual logic owed to an end in itself – humanity. That is an *ideal* in the sense Kant meant it, i.e., it is a part of history only as the aim of an approximation process: no real institution identifies with that ideal. In this sense, one can say that the era of the absolute Nation-state has ended. This does not put into question the principle of the rule of law; instead, it simply represents the State (*Zustand*) as the most recent of democratic political forms, which are accepted and legitimate. In fact, in Europe, such as the States have not destroyed the cities, but integrated them, so will the *EU* now do the same to States and Regions themselves (Rocha, 2003: 208-211).

Right in its cosmopolitical dimension must be understood, as Kant suggests, as a gradual political and democratic integration process. The modern State is therefore enlisted in the cosmopolitical imperative of committing to a democratic construction of the post-national society (Cheneval, 2003: 203; Habermas, 1998: 58; Ferry, 2000: 52-60). In this context, the republican notion of a people changes: it is no longer a moral macro-subject, hermetically closed upon itself by the quasi-substantiality of the social contract, but all those who, according to a regime reciprocally created between peoples, choose to live together. The unfolding horizon congregates that moral body with those from other countries, that is to say, from all those who choose to and can integrate in a civic way.

One of the contributions of Michel Foucault – whose research discloses the pertinence of an analysis of the "microphysics of power" – is to have shown that an efficacious exercise of power relies not so much upon military force or dissuasion techniques as on the legitimacy in the application of common norms. The implication is that any examination of democracy needs to take into account both the political

arrangements that protect the rights of citizens and enable them to exercise these rights *and* the normalizing mechanisms of power that foster certain abilities and ensure their submission among these citizens. In other words, "there is no power relation without the correlative constitution of a field of knowledge that does presuppose and constitute at the same time power relations" (Foucault, 1975: 36). In this sense, Europeans believe that the key to their success lies on their vigilance being voluntary and mutual, no giant disciplinary machinery being needed to ensure their observance. European integration proves to be no failure in this area; it is in fact the most successful historical example of cooperation between old sovereign States: almost 70% of all legislation regulating the daily life of Europeans has its origin in the *EU*. The "Community method" has managed to create a common interest, which integrates national interests, through solidarity and interdependence; in the present situation, faced with the effects of globalization, each State would by itself be in a much frailer position.

4. A post-national political entity

If it is true that both the *EU's* politics and its imperfect democracy can and should be criticized; some criticisms, however, are based on assumptions, which ground in a national ontological principle: according to this criticism, without a nation there can be no democracy. Another piece of criticism to the process of European construction derives from a fallacious assumption: it is deemed possible, in European politics, to regress and return to the supposed idyll of national sovereign States. Such a logic, which assumes the national State to be the ultimate political reference, not discerning what the *EU's* reality is already, steps over the notion of a *post-national* political entity that to this moment is present only in the *EU.*

In this sense, Jürgen Habermas criticizes those who are favorable to the European construction being oriented by a national paradigm. Traditions, a common language, narratives, a common land, are not enough to legitimize a community; they assert Europe as a *substantial* cultural unit with which we can identify. Thus, regarding Germany, for

example, Habermas opposes all attempts to establish a collective identity based on tradition; to confer on the immediacy of language, of land, of shared narratives, the ability to legitimize a community means limiting the concept of a community to "ethnos", and not to "demos". Now, *ethnos* denotes a group of individuals bound by residence, birth, language; *demos,* refers to a group, which is bound by a deliberate will to live together (that is, by what Rousseau called the "general will"). To Habermas, the *European identity* can only be that of a *demos,* a community of free, equal citizens, recognized as such through a true "social contract": Europe will not be fulfilled through a cultivated or reactivated tradition, but through a public space for discussion and deliberation. It is therefore required for traditions and narratives to be exposed to doubt, to criticism, to public debate.

Thus Habermas argues that in the case of claims to truth or rightness, the speaker can redeem his guarantee discursively, that is, by adducing reasons: "In contexts of communication action, we call someone rational not only if he is able to put forward an assertion and, when criticized, to provide grounds for it by pointing to the appropriate evidence, but also if he is following an established norm and is able, when criticized, to justify his action by explicating the situation in the light of legitimate expectations. We even call someone rational if he makes known a desire or an intention (…) etc., and is then able to reassure critics in regard to the revealed experience by drawing practical consequences from it and behaving consistently thereafter" (Habermas, 1981: I, 15). Man does not merely live in a socio-technical system, nor merely immerse in a vast economical system, but also integrated in a "life world" (*Lebenswelt*) – to return to a concept Habermas transposes form Husserl's phenomenology. The "life world" is the environment in which meaning, values, aesthetical sensibility are elaborated, i.e. all that is beyond the merely functional imperatives of the systemic regulations. This means that, for Habermas, the question of the European identity largely transcends the creation of a relatively uniform functional space for mediatic practices.

It was Umberto Eco who remembered: "with the irruption of their languages, begins [...] the critical culture of Europe, which [...] begins to reflect on its own destiny as a multilingual civilization", where coexist

"different narrative identities", dense in agreement and disagreement (Ricoeur). Now, one of the models of identity-otherness integration is precisely the *translation*, which allows to raise the genius of the own language to the level of the foreign language (Humboldt), because "the language of Europe is the translation" (Umberto Eco). However, languages, common ground, traditions, are not enough: it is required that they be exposed to criticism, in a public space of discussion and deliberation, which makes for a "European patriotism" (Habermas), aiming at a growing *post-national identity* (Rocha, 2017: 214).

According to that paradigm, the current reality is that of a *post-national* Europe: if the European States remain the "masters of the Union", the intergovernmental picture is articulated by a supranational instance – the guardian of the European interest –, which works as a network, in which sovereignty is shared in a conjunction of multiple levels and decisive instances. Now, the fallacy in this argumentation consists precisely on the impossibility, in relation to Europe, of an exclusively national focus; its supporters do not realize that the European road to democracy cannot be the same as the road of the national sovereign State, which, besides, is one of the criteria for democracy they themselves use to judge the *EU*.

Actually, europeization is something *categorically different*, which does not allow for the same logical form of thought. If the *EU* is formed by democratic States, then it is not in itself a State in the conventional sense: it is a *Community* of consensus and of right. This is followed by a new step which raises another question, connected with the previous one: the models of democracy developed for the modern State are not strictly applicable to the E*U*, or, at least, the democratic legitimation of the European policy should be assessed according to other models of democracy, now of a *post-national* nature, different from the canons which are confined to a strictly national logic.

Since these several levels, be it that of the dogmatic definition of the democratic criterion, be it that of the special historic way towards a democratization of Europe, still are undoubtedly unsatisfactory, one ends up being redirected to that nostalgic supposition that elevates that which is national to an absolute category. It is therefore important to notice, when the *EU* is the analytical object, how many are still

disserting moved by a languid yearning for the return to the supposedly sovereign national State. According to Ulrich Beck, "we might question whether the models of democracy developed by the modern State are applicable to the *EU* or whether it would not be necessary to develop different, post-national models, in order to bestow upon European politics a democratic legitimacy"; that is what is called "the neo-national lie". In this sense: "if we take the model of the Nation-state as an absolute reference, without recognizing the historic singularity of the European democratic process, which remains undeniably insufficient, it is due to a nostalgic lie that edifies the national fact in absolute" (Beck, 2005: 55). Those who still think this way, remaining blinded by the nostalgic imagery of the sovereignty still found in private States, are completely unaware of this reality of a *new political entity* which is the *EU*. Today, it is no longer possible to return to the sovereign Nation-state: the *EU* congregates sovereign States, which have unified, and share sovereignty to better respond to the new challenges before which the traditional sovereign State proves manifestly impotent. After 50 years of europeization, both the states and societies are now able to act only in the *European synthesis:* for that very reason, they do not realize there are no more strongholds which are not imbued, whether visibly or not, with the *"European spirit"*.

5. Cosmopolitism and "complex sovereignty"

This idea is conceptually related to the deconstruction of the sovereignist doctrine of the modern State: the State is no longer seen as a hypostasis, and the novelty of the European construction is that of a political reality that surpasses and transforms the reality of national States and international organizations. The *EU* already corresponds in a considerable way, albeit in a singular beginning, to the criteria of cosmopolitical construction; we must therefore consider how we might analyze the *EU* in the light of cosmopolitanism and cosmopolitanism in the light of the *EU*.

European construction has been following a logic of integrating democracies, through consensus, free accession and recognition, with

no marks of constraint or force; this means that to the contractualist image underlying the State's legitimacy (representing what all chose freely) is added the relative legitimacy which originates in the free accession of every people, internally organized in a democratic way, who do not set aside their own projects as a people, but who, through accession and cooperation, congregate with those who with them form a cosmopolitical network.

The *EU's* democratic structures up to the present are insufficient, but they increasingly justify and attract the accession of European States. In the current situation, with many of the States forming a cosmopolitical union, the European national isolationist State, though democratic, will encounter significant difficulties to justify its position outside the cosmopolitical structure; in fact, as the present conjuncture shows it is imprudent for the Nation-state to refuse belonging to the proto-cosmopolitical European network. The reason is crucial: not only does the community structure guarantee certain individual rights, it also presents itself as a structure which guarantees the rights of Member States and their respective peoples as collectivities. The logic of European integration therefore operates in a dialectic way or, should we prefer an empirical picture, through a cosmopolitical rainbow exteriorizing, little by little, through commitments and reciprocal steps. The Member States, by complying, are kept by means of a new political and legal stage, nobler than that of the democratic autism; it is the *complex sovereignty*, which is so called because the new challenges are won both in a greater number and in a better way through shared sovereignty than through the autist action of isolationist sovereignty.

Indeed, nowadays, many of the tasks which concern Europeans are global, and can no longer be solved in the restricted national setting: the rarefaction of energy sources, the destruction of the biosphere, the diffusion of epidemics, the volatility of financial markets, the international migratory movements as a consequence of poverty situations or sudden political instability and, of course, the insecurity currently upsetting societies, from marginality strongholds to the new types of terrorism which have unleashed a sort of "war with no end in sight". None of the states inherited from the past is in a position to guarantee the internal and external safety of its inhabitants: peace, freedoms,

well-being, socio-economical development, can no longer be maintained and prosper only in the setting of the States. Thus, in areas such as environmental protection or deregulation, that only prove generally beneficial if all adopt them, albeit powerful interests at the national level can effectively lobby to block, the EU has operated as an effective self-binding mechanism for tying the member states into mutually beneficial policies (Bellamy, 2019: 117). In the 21st century, Europe can be vast and creative enough, influencing the arrangement of globalisation itself, which is currently deregulated.

It is, however, legitimate to state that the similarities concerning the principle of free accession, in both the *USA* and the *EU*, are enough to speak in both cases of federalism variants of democratic States. However, the principle of seeking a union among Nation-states through the mutual recognition of different national principles is *new* to Europe and the world, unique in its process, the bearer of a developing future. In the *EU*, the intervenients are already bound by a system of mutual dependencies, in a multifunctional and multilevel network (George and Bache, 2001: 19-29; Hooghe and Marks, 2001; Morata, 2004), of which they could be freed only, were this possible, with extremely high costs (for both sides, as the Brexit process shows today). In other words, the old European national societies have risen, along with the national level, to another stage imbricated with it – that of the supranational instance, in such a way that the European spirit is already exercised in a multilevel circle – local and regional, national and supranational.

6. The European construction seeks its own new paradigm

It is, then, a principle of cosmopolitical and post-national construction, which implies a new kind of factor of cohesion and protection of democracy; in the *EU*, certain communitary and transnational habits are now added to the patriotic habits of the citizens of the States in Europe. We must yet add the most symptomatic, which configures a new stage of transnational solidarity (Cheneval, 2003: 208; Delors, 1992: 61-110): the citizens of the different Member States of the *EU* have got used to participate in shared community solidarity regimes, a fact

which is politically auspicious: they accept that a part of their taxes be spent in projects for infra-structures in other Member States, in the setting of structural funds and cohesion funds. Furthermore, they are willing to accept that those issuing from other Member States have the right to live, work and vote in their countries; and those who settle themselves in another European country are ready to accept the duty of respecting the ways of this country and of learning the respective language.

In the case of the *EU*, it is, therefore, a variant which displays another dimension of cosmopolitism. This is not mistaken with traditional immigration, considering the moment of reciprocity, which is seen there: there is no predominant culture, which absorbs all others and dictates the rules and terms; there is a trade and interchange among several cultures, following the principle of mutual recognition. The effects of this cosmopolitanism are already so strong that we sometimes take no notice of them. Thus, the European individual is about to become, in what concerns the reality of States and the supranational European instance, the first holder of an overlapping citizenship – the *European citizenship.*

Furthermore, the *EU* achieves that cosmopolitanism because it culminates the national imperative of fulfilling the human rights through a relational and reciprocate European structure of regimes committed to the defense of rights, both political and social. All this is a part of a transnational political culture, which is starting to settle, a kind of *virtuous* circle between national legislation, European politics and transnational democratic habits, based on the *subsidiarity principle.*

This principle is intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level; specifically, it is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty (Symes, Levy and

Littlewood, 1997). In fact, the Edinburgh European Council of December 1992 defined the basic principles underlying subsidiarity and laid down guidelines for interpreting Article 5, which enshrines subsidiarity in the EU Treaty; its conclusions were set out in a declaration that still serves as the cornerstone of the subsidiarity principle. The Treaty of Amsterdam has taken up the approach that follows from this declaration in a Protocol on the application of the principles of subsidiarity and proportionality annexed to the EC Treaty. Two of the things this Protocol introduces are the systematic analysis of the impact of legislative proposals on the principle of subsidiarity and the use, where possible, of less binding Community measures. The Treaty of Lisbon provides for the strengthening of the principle of subsidiarity, in particular through the obligation for the Union institutions to inform national parliaments at all stages of the legislative process (Rocha, 2003: 214-223). The establishment of an early warning system on compliance with the principle of subsidiarity also allows national parliaments to request the Commission to review a legislative proposal if it considers that it violates the principle.

The European citizens are not simply more patriotic concerning national republicanism, but the bearers of community democratic habits, indicators of a *European patriotism* (Habermas, 1998: 132, 225-226), which is emerging. It is also on this level that education should play a primordial role, in the sense of increasing the habits and the conscience of European belonging, developing what Ferry calls an ethical substance of the post-national (Ferry, 2000: 52-60, 161-181); to sum up, to an education for citizenship, today is added in the European context the challenge of finding forms and contents for forming the European citizen.

Despite the sluggishness of its steps and the slowness of the processes, the European construction does not represent a search for the "lost time", but constantly seeks its own new paradigm. That is what Julien Benda wrote in his book *Speech to the European Nation*, a work the Nazis wanted to destroy, but is still inspiring: "I say that building Europe is above all a question of moral [...]. It is about exhorting men not to destroy nations, but to feel instead in a region by themselves transcendent to national feeling" (Benda, 1933: 14, 58). It is precisely what we call European culture that inscribes us in the nation while at

the same time transcending national feeling. The European unity cannot therefore be seen as a national unity. The hypothesis is that this dualism, which is antinomian in the *EU*, is positively solved through a transformation of the State's substantiality, by subsuming that third dimension which we call cosmopolitical.

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