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“The Legacy of the Enlightenment and the exemplarity of the EU Model<sup>1</sup>”

“Convinced that, thus ‘united in the diversity’, Europe offers them the best chance of pursuing , with due regard for the rights of each individual and in the awareness of their responsibility toward future generations and the Earth, the great venture which makes of it a special area of human hope...” (from Draft Treaty for EU constitution, June 2004)

**0. Prologue**

In what is probably his most famous book, the *Gesammelte Aufsätze zur Religionssoziologie* (1920)<sup>2</sup>, Max Weber could write without perplexity the following sentence:

“A product of modern European civilization, studying any problem of universal history, is bound to ask himself to what combination of circumstances the fact should be attributed that *in Western civilization, and in Western civilization only, cultural phenomena have appeared which* (as we like to think) *lie in a line of development having universal significance and value*<sup>3</sup>” (emphasis added).

No doubt, today such an attribution of “universal significance and value” to the “Western civilization” alone would appear to many both bizarre and extremely naïve. Historical evidence –the second world war and the Holocaust, the post-war emergence of a global bipolar system, the decline of colonialism and its unhappy legacy, the fall of communism, the rise of Asian economic and political powers, the growth of a widespread Arab anti-occidentalism and the emerging difficulties of the American hegemony- made us

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<sup>1</sup> I thank Giuliano Amato and Maurizio Ferraris for their precious encouragements and suggestions. I also thank the editor of this article Luca Morena, for his help (both from the formal and from the substantial point of view). I have got interesting comments from Akash Singh, Raffaele Marchetti and Daniele Santoro among others, in the occasion in which this paper has been presented at the Graduate Seminar of the PhD in “Political Theory” at LUISS University in Rome (June 2008). The atmosphere and the discussion provided then by my PhD students have been the best compensation you can desire for having written a paper.

<sup>2</sup> Mohr, Tubinge 1920

understood about the impossibility of pretentious euro-centric claims like Weber's. At the beginning of the third millennium, an European scholar, analogous to the one Weber had in mind, would never bet on the exclusive relevance of the European cultural experience and would normally believe in a more plural reconstruction of the importance of different civilizations in the light of world history<sup>4</sup>.

The author of this paper must not be considered as an exception. In the following, if I speak of some exemplarity of the European Union (from now on EU) model, then I mean something substantially different from Weber. I do not have in mind, in other words, something ambitious like the uniqueness of Western civilization but rather a much more modest proposal. This more modest proposal is based on some special interest that the EU constitutional and political experience during the last half century could have for an interpretation of globalization. To avoid ambiguity, it's better to state that the interpretation I have in mind is firmly rooted in a pluralist cultural vision. People from all civilizations have the right, and perhaps the necessity, to follow different cultural paths connected with their own tradition. Nevertheless, hopefully these different paths will partially overlap within the constitutional and political domain.

To recognise cultural diversity, in other words, does not mean to accept the sacrifice of a basic global normative claim. This claim insists<sup>5</sup> on the intersection between the recognition of diversity and the acceptance of human rights. Under these premises, the second normative claim says that this precious intersection can take more easily place from a convergence of regional areas based on some common constitutional and political platform then through an universalistic and individualistic process of adhesion. It is just from this point of view, that the EU experience has some exemplar value, as I say in the second part of the title of the paper.

As matter of fact, it is hard to deny that EU joined, in its history, two convergent features: (i) the progressive change of a regional inter-governmental structure in a super-national one<sup>6</sup>; (ii) a strong commitment to respect the human rights. In my interpretation, these features are –as I will try to show- a kind of privileged realization of the global

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<sup>3</sup> This quotation comes from the a an Author Introduction to Weber's English edition of *The Protestant Ethics and the Spirit of Capitalism*, trans, T.Parsons, Allen & Unwin 1976

<sup>4</sup> N. Davies, *Europe: A History*, Oxford University Press 1996, is now a standard reference for Europe general history. J. van der Dussen and K.Wilson (eds), *The History of the Idea of Europe*, Routledge, London 1955 is a good introduction to Europe's general history. J.Hayward and C.Page (eds.). D.W.Urwin, *Political History of Western Europe since 1945*, Longman, Harlow 1997 provides a more recent history. *Governing the New Europe*, Polity Press, Cambridge 1995 is a useful collection on political processes in contemporary Europe

<sup>5</sup> Here, by "human rights" I mean some more general standard that implies compliance with the rule of law and basic democracy.

normative claim I mentioned before. That's why, we can suppose that EU experience can be re-interpreted and re-used elsewhere. It's the conjunction of regional super-national power and respect for the rule of law that make us think that the EU model is more generally meaningful. This conjunction embodies what I call "normative regionalism". To simplify, we can suppose that the EU supernational-element gives sense to "regionalism", whereas respect for human rights to "normative".

Normative regionalism comes from the EU substantial identity. This identity, I will maintain, has a lot to do with the nature of the Enlightenment, from which EU experience takes its general meaning. Such a presupposition makes sense of the full title of the paper: "The Legacy of the Enlightenment and the Exemplarity of the EU Model". To argue in this direction I will go through the following steps:

- (i) I will begin- in section 1- with a brief overview of the conceptual history of the EU;
- (ii) I will mention –in section 2- how the origins of the European project, as we see it today, can be found in the legacy of Kant – the greatest philosopher of the Enlightenment;
- (iii) I will then show –in section 2 and 3- how this Illuminist and Kantian legacy can help us to define the modern day identity of the EU, to overcome the difficulties posed by the main cleavages the EU is called on to tackle, such as the complex relationship between "demos" and "ethnos", its intrinsically dual nature (half pact between different nations, half federal state *in fieri*), and the problems posed by the present and future process of enlargement (starting with the possible accession of Turkey);
- (iv) In the second part, starting from section 4, I will try to suggest how the proposed solution may result in the construction of an exemplary value of the EU model. I am thinking here of a general theoretical and political model, within the realm of the philosophy of international relations, "normative regionalism"; a model whose aim is to go beyond

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<sup>6</sup> Which cannot be defined "federal". See K.Nicolaidis and R. Howse (eds.), *The Federal Vision*, Oxford University

the difficulties inherent in the two most widespread frameworks in international political theory, cosmopolitanism and statism.

- (v) In section 5.1., I will re-propose the paradox of global governance in a way that can be considered coherent<sup>0</sup> with a liberal, political-philosophical approach, of the EU<sup>7</sup>. Here, liberal means rooted in a liberal normative political philosophy. In this way, my approach is methodologically different from traditional functionalist and realist analyses<sup>8</sup>. In section 5.2., I contrast cosmopolitanism with statism, emphasizing the reasons for which generally cosmopolitanism is more compatible with a contemporary vision of IR. In section 5.3., however, I will stress the limits of cosmopolitanism in a “pure” form. These limits are of economic, political and cultural nature. Nevertheless, they all depend on the philosophical core of cosmopolitanism. I could sum up my criticism by saying that the world we live in is not only a community of abstract individuals, but also of collective historical entities. The cosmopolitan perspective does not consider this fact enough;
- (vi) In the final section 6, I will present my own position, normative regionalism, with the intention to fill up the space created by the symmetric failures of both statism and cosmopolitanism. Normative regionalism can gradually transform –I maintain- our world via the validity of some basic structure of regional significance like EU.

## 1. An Excursus on EU History

Last year in 2007, we celebrated the fiftieth anniversary of the signing of the Treaties of Rome, on March 25th, 1957. This was a milestone in the history of the EU, both in respect of the past events and, above all, for the consequences it would have on future developments. For obvious reasons I cannot summarise here the whole history of Europe,

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Press 2001

<sup>7</sup> At the basis of my conception – and it is, perhaps, superfluous to mention it – there is no typically European-studies, political science, juridical or economic expertise, but rather a broad-ranging philosophical project

<sup>8</sup> Where the main difference between realism and functionalism lies in the fact that the first operates under the assumption of general conflict whereas the second opt for cooperation. For a neo-functionalist approach, particularly useful for studying regionalism, see J.Nye, “Comparing Common Markets: a Revised Neofunctionalist Approach”, L.N.Lindberga and S.A. Schiengold (eds.), *Regional Integration. Theory and Research*, Harvard University Press 1971.

from the Treaties of Rome to the present day<sup>9</sup>. What I feel I must say, however, is that the construction of a European union came after a period of frustration and delusion and produced a new surge and viable hopes.

To better understand this historical moment, however, we must take a step backwards. In the mid-1940s, the main reasons for placing one's hopes in a united Europe rested on the tragedies that had taken place in the previous decades of the 20th century<sup>10</sup>. Tragedies that had culminated in the enormous toll of World War Two. As a consequence of these events, Euro-federalism, which had already been present in post World War One Europe, after 1918, had become more popular after 1945 (in this regard, we must not forget the figure and the work of a distinguished Italian, Altiero Spinelli), and the very idea of a United Europe had become a synonym of peace and prosperity. However, it was no easy task to achieve. The strength of European tradition and its historical rivalries made it very difficult for the governments of the single states to cede even small amounts of political sovereignty. And, of course, without giving up sovereignty it would be impossible to achieve integration and accomplish any kind of supranational organisation.

World War Two had ended with the destruction of Germany, with the Soviet army in Berlin and the United States the number one world power. These results – which would have appeared absurd to any member of the previous generation – completely changed the geographical and political landscape of the European continent. After 1945 a silent Third World War was fought, in the shadows, a war we would all come to know as the “Cold War” and which would end in 1989 with the collapse of the Soviet Empire. In these unwavering years the spirit of Yalta, and the status quo, imposed a substantial division of the world into spheres of influence, under either the US or the USSR. Europe was no exception to this rule. While the Soviet Union strengthened its sway over Eastern Europe, the United States did all it could to protect the West from Communism.

The role of the United States as the ‘protector’ of Europe’s freedom was grounded, in Washington’s eyes, on a programme of economic development in support of Western Europe. The Truman administration and the US Department of State believed – and rightly so, as it turned out – that economic growth and political stability go hand in hand. The famous “Marshall Plan” (named after the US Secretary of State and launched in April 1948), which is the name by which history remembers the European Recovery Program, the

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<sup>9</sup> A simple and useful introduction to EU history can be found in D.Dinan, *Ever Closer Union: An Introduction to European Union*, Basingstoke, Palgrave MacMillan 2005 (3rd edition) and *Europe Recast: A History of European Union*, Palgrave MacMillan, 2004.

<sup>10</sup> On this subject, I recommend the excellent *Humanity* by Jonathan Glover, Jonathan Cape, London 1999

primary plan jointly financed by the United States for rebuilding and creating a stronger foundation for the allied countries of Europe, was the direct outcome of this idea. There is no doubt, in fact, that the future EU is the result of both the will of the European states and the essentially geo-political necessity enshrined in the desire of the US to protect the liberal and democratic systems of Western Europe, in equal parts.

I have already mentioned above that the US administration's idea to combine economic development and political freedom in Western Europe was not at all a bad idea. On the contrary. The implementation of this idea, however, was no easy task, and not only because of the above mentioned traditional rivalries between the European states. There were two further questions that had to be solved in order to proceed towards a dependably successful goal. The Treaties of Rome managed to solve one of these questions, while the other remains to this day an open and dramatic problem for the EU. The first question was the destiny of Germany; the second was a common defence policy.

In ruins, humiliated, destitute and, above all, politically split in two (a Communist East and a capitalist West), Germany remained nonetheless at the heart of the European system. And no one could even think of creating a united Europe without first solving the German question. The issue, however, raised a great deal of suspicion and embarrassment throughout Europe and especially in France, which was emerging at the time as the most important country in this project of a united Europe, considering the rather peripheral position of Great Britain. France, a self-styled winner of the war, adopted a stance typical more of a country that desired to expand itself, than of a partner among equals (which was Italy's position). Moreover, and above all, France feared Germany. In perspective, it feared its excessive economic power and, even more, the possibility of its rearming itself.

These French concerns explain many of the first steps, successes and failures of what would become the EU. It is no accident, from this point of view, that a united Europe was established around coal and steel, with the creation of the ECSC (Paris 1951). From this point of view, coal and steel were not just an interesting link between the economy and politics (due to their significant strategic value), they were also a brilliant way of tackling the question of the Rhur, the western region of Germany that, in the past, had played so important a role in the country's economic development and in building up its military might. Nor was it by accident that the joint effort of the European governments collided against the barriers raised around the will to create a common European defence. With respect to coal and steel the economy was paramount in overcoming the fears of the French, but nothing could be done with regard to the second question. The ultimate failure of the

common defence project (the relevant Treaties were first signed, in 1954, and then not ratified by the French Parliament), even before the Treaties of Rome, represented a great disappointment for the supporters of a united Europe at the time, and raised a question that the EU has since been unable to solve, regarding a joint defence strategy and foreign policy. A problem whose complexity has been further enhanced by the parallel success of NATO, the US-West European military alliance formed in 1949<sup>11</sup>.

Machiavelli claims that Fortune is always decisive in human events and represents a necessary quality of a successful Prince. Just as the European agreements on a common defence policy were failing, the EU found that its lucky star had not waned entirely because the preliminary works and the success at Rome largely depended on the fact that the three main negotiators expressed themselves in the same language, and, moreover, that this language was German, the language spoken in the country that had become the focus of the European question. Konrad Adenauer was the Chancellor of West Germany, Alcide de Gasperi, the Italian Prime Minister, was born and had grown up in a former region of the Austro-Hungarian Empire, of which he had also been a Member of Parliament, and the French Foreign Affairs Minister, Robert Schuman, came from a border region between France and Germany and spoke German without a French accent (certain malicious persons remarked that, on the contrary, he spoke French with a German accent).

Andrew Moravckik has written that Europe blossomed out of a failure, i.e. a military agreement<sup>12</sup>. The Rome Treaties, however, boosted the new organisation. Thanks to the vanguard of the Benelux countries, and the important work by the Belgian Henry Spaak, after the preliminary meetings of Messina and Venice, in Rome the EU managed to achieve two significant results. First of all, the most important result was the economic integration between the first six member states (Benelux, France, Germany and Italy). Rome also paved the way for the customs union, a common trade policy and coordinated policies in the fields of transport and competition. Secondly, a formally significant result was the institutional layout of the EU, with a Parliament, a Council (of ministers from the member states), a Commission and a Court of Justice. These two major results came with a smaller, albeit also significant, result, the creation of EURATOM, the European Atomic Energy Community, an entity whose purpose was to create a specialist market for atomic energy. Thus, Rome shaped the EU as we know it today.

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<sup>11</sup> see R.Dannreuther (ed.), *European Union Foreign and Security Policy: Toward a Neighbourhood Strategy*, Routledge, London 2004, for a good survey

<sup>12</sup> A. Moravckik, *The Choice for Europe*, Cornell University Press, Ithaca 1998

Since then the history of the EU – all things considered – may be rated a success story, even though it has had its fair share of problems. It has been a story of gradual integration among states<sup>13</sup>. The EU, in fact, began with a core of 6 founding states, which rose to 15 in the 1990s, 25 in 2004 and 27 today. At the same time, beginning with sectoral agreements, such as coal and steel, for example, the EU has managed to create a system of partial, albeit solid, economic, social and political union. As we all know, this system is governed by a set of institutions that are exercising a growing authority in a number of fields, from the financial to the judicial. Despite this gradual success, however, the EU cannot be considered a federal state, according to the traditional meaning of the word; for example, it does not have a “monopoly over the legitimate use of force”, in Weber’s words. Nevertheless, it is definitely an integrated political system and not a mere international organisation<sup>14</sup>. The EU, in fact, has all the standard features of an integrated political system, beginning with a well-defined institutional structure, and ending with ongoing connections with the individuals and groups, which can achieve their expectations and aspirations through it. Main EU institutions, such as the Commission, the Council (of ministers from the member states), the European Parliament and the Court of Justice were established since the 1950s and their functions have remained more or less the same, although there have been changes in the balance of power. And although the governments of the single Member States continue to be the most influential institutions within the EU, no one can deny that – over the years – more and more European citizens are petitioning the EU institutions to redress grievances. At the same time, the impact of the EU on the populations of the Member States is also substantially growing, year after year.

Of course, there is no dearth of problems in such a complex structure. For example, the fact that the EU citizens cannot elect a Parliament with traditional legislative powers (which powers, instead, are substantially held by the Council) unquestionably opens the way to a democratic deficit<sup>15</sup>. This is only partially compensated by the role played by the political parties and the various lobbies (ranging from the trade unions to environmental groups, by way of example<sup>16</sup>). However, and despite all this, the typically common institutions – other than the Council – carry out significant functions with regard to

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<sup>13</sup> see F. Cameron (ed.), *The Future of Europe: Integration and Enlargement*, Routledge, London 2004, for an interesting collection of essays on this subject

<sup>14</sup> A good argument in this sense can be found in S. Hix, *The Political System of the European Union*, Palgrave, New York 2005 (second edn. first 1998)

<sup>15</sup> see J.Greenwood and M. Aspinwall (eds.), *Collective Action in the European Union*, Routledge, London 1998, is a collection on political participation in EU.

<sup>16</sup> M.Galalgher, M.Laver and P.Mair, *Representative Government Forms in Modern Europe*, McGraw-Hill, New York 2004 (4th edn.)

expenditure and the setting of regulations. The policy feedback too has changed over the years and – based on the surveys by Eurobarometer – the popularity of the EU system peaked in the 1990s, after which it took on a downward trend. The difficulties of the constitutional project until now seems also to confirm that this decreasing popularity of the EU has its bases in a relative failure of some significant policies and strategies.

## 2. The Enlightenment Legacy

At the beginning I spoke of the legacy of the Enlightenment in the construction of a united Europe. My idea is that the EU inherited from the Enlightenment – and from Kant – a project for a lasting and stable peace (a “perpetual” peace in Kant’s words). With the key addition that this type of peace presupposes the creation of fundamental political, institutional and economic conditions. The EU reached this peace through the implementation of a set of precisely this kind of conditions.

A large number of 18th century European writers, from the Abbé de Saint Pierre and Rousseau to Kant, had devised peace projects for Europe based on the very same conditions that would be adopted by Europe after the Treaties of Rome. And there is no doubt as to the fact that the most interesting and well known of these writings was the essay published by Kant, in 1797, with the title “Zum ewigen Frieden” (The Perpetual Peace)<sup>17</sup>. In this essay Kant writes that there are three types of principles capable of solving the conflicts that racked Europe at the time. The first postulated that states were to be set up as “republics”, in Kant’s words (today, we would say liberal democratic states), guaranteeing personal freedoms, the rule of law and the separation of powers, which are at the basis of today’s democratic states. The second, which is directly linked to the first, postulated the assertion of legal conditions and organisation through which a “pacific union”, in Kant’s words, could be achieved among the people. The third postulated the creation of an international community based on commerce and free trade.

Kant’s vision was undoubtedly in advance of his time. Democracy was a very rare commodity indeed in 1795, and the idea of common international institutions was hindered by the predominance of the spirit of Westphalia, based on political realism and on the absolute sovereignty of the nation state, while a European economic community was just a utopia. This situation made it impossible, at the time, not only to implement the project, but even to make any serious attempt at moving in this direction. However, significantly, the

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<sup>17</sup> On the relation between the Kantian view on peace and EU see B.Russett and J.O’Neal, *Triangulating Peace*, Norton, New York and London 2001, in part. pp 29 and following

European leaders of the 1950s, such as Jean Monnet, and Adenauer, de Gasperi and Schuman, of course, strove, in the middle of the 20th century, to apply Kant's model almost to the letter. The gradual construction of a European entity was not the result of an enlightened blitz, but a conquest due to the construction of a Kantian network of political, institutional and economic relations that statesmen, such as those mentioned above, managed to create over the years.

What is interesting, in this perspective, is that the Kantian paradigm is based at one and the same time on the ideas of association and federation. The idea is that of a *foedus pacificum* (*Friedensbund*) – a peace union – between free states, springing from a political, economic and institutional association, which does not automatically turn into a *Weltrepublik*, a World republic. This basic dualism indubitably conceals a fertile culture medium. More explicit and direct forms of integration would not have been accepted by the European states of the 1950s. But it also conceals – as we will see later on – a limit and an ambiguity of the European project as a whole, which limit depends on the continuous – and typical – fluctuation between the primacy of national interest and the affirmation of supranational sovereignty.

Now, the point of the matter is that if – as it seems – this Kantian legacy of the Enlightenment really is the intellectually predominant element in the ongoing European construction, it can certainly impress an original mark on the meaning of the European legacy. If Kant is even partially right, this legacy should be predominantly characterized by what Juergen Habermas called “constitutional patriotism”<sup>18</sup>, if it wants to be consistent with its Illuminist premises. In other words, the common values of Europe correspond to the conditions of democracy, constitutionalism and freedom that are part and parcel of the Kantian and Illuminist principles, and do not depend on race, ethnic origin, religion, etcetera.

### 3. A standard cleavage

The cleavage that has always been a classical trait of the EU is the one between its inter-national and its supra-national side, because these two aspects of the EU have always cohabited and are reflected in and underlined by its dual institutional system (on the one hand, the Commission, the Court of Justice and the Parliament, which are supra-national, on the other hand the Council, which is inter-national). It is also true, however, that an inherent

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<sup>18</sup> For this term see Habermas' interview with J.M.Ferry, in J.Habermas, *Die nachholende Revolution*, Suhrkamp 1990, pp 149-156, in part. P.153 and following ones. The concept of “constitutional patriotism” is connected with the idea of a “democratic deficit” in J.Habermas, *Die postnationale Konstellation*, Suhrkamp 1998.

feature of this deep dualism is a sort of latent contradiction that obviously influences the future developments of the EU. And the contradiction in question, it should be observed, produces not so much a lack of logical and constitutional consistency, as a set of practical problems and real obstacles. Among these, the first and foremost probably consists in the substantial political difficulties that still exist today, 50 years after the Treaties of Rome, in transforming the Treaties into a European Constitution. Nevertheless, we cannot deny that this dualism – in which the Council and the Commission share the powers of government – has assured stability and consensus, over the years, which otherwise would have been highly unlikely, precisely because of this division of the workload.

The Council, in particular, through periodical treaties, manages the EU's medium and long-term objectives, while the national governments, at the same level, address the issue of ratifying those treaties. The decision-making rules of the Council, with respect to fundamental questions, require qualified majorities (sometimes approaching unanimity). On the contrary, the Commission has powers with respect to short to medium-term policies, begins legislation, manages the Community budget and tries to implement the whole system. The Commission's organisation into committees – the so-called "comitology" – ensures that some of these competencies, with respect to implementation, are returned to the single governments, which is further strengthened by the fact that the Commissioners themselves belong to national parties (and the election campaigns for the European Parliament rarely focus on European issues, the domestic element generally prevailing). On the other hand, the Commission is being increasingly called on to justify its actions before the Parliament, thus introducing an element of partial democracy into the system. Despite this, and for the reason mentioned above (the political parties are primarily organised on a domestic basis), the MEPs are generally not assessed on how they vote on European issues. As this summary description reveals, this is a rather complex dual system with good and bad points: among the former, the fact that it has facilitated compromise and, all things considered, a constant expansion, over the years, of the spheres of European decision-making; while the latter include constant decision-making problems and the above mentioned democratic deficit.

### 3.1. The Priority of Institutions over Identities

The EU classical cleavage concerns, as we said, the complex relation between centre and periphery. This relation can be read in several different ways: from the territory standpoint, for example, assuming that whereas the traditional nation-states have neat borders EU has not. It can be also tracked in the different educational and traditional

background of the member states, or in the socio-economic structure (like it often happens in EU between old members and newcomers)<sup>19</sup>. There is no doubt, however, even assuming the priority of this general cleavage, that the most typical form in which it appears regards the persistent presence of the member states as main characters within the EU action. This presence continuously reproduces some tension between EU demos and ethnos.

Even if we accept the legacy of the Enlightenment, as proposed here, we have to consider that the flourishing of democracy ... is strongly connected with the hybrid nature of the nation-state<sup>20</sup>. The institutional structure of the “state” could in fact normally rely on that relative ethnic and cultural uniformity we name “nation”. The identity itself of single nation-states in Europe depended, in other words, on a kind of fusion between the institutional and the traditional side. The problem with EU identity is that a similar event is difficult even to imagine.

A significant precedent for the recent discussion on the European identity is the publication in the *European Law Journal* (1995) of two papers commenting on a ruling by the German Constitutional Court, which asserted the superiority of the German Constitution over the Treaties establishing the EU<sup>21</sup>. The first paper was by a German jurist, Dieter Grimm, himself a member of the German Constitutional Court, who supported the grounds of this ruling based on the lack of a true European demos. The second, by the philosopher Juergen Habermas, was critical of Grimm’s position, claiming that it was possible to gradually build a European demos distinct from a simple ethnos<sup>22</sup>. ...

The problem here primarily concerns a nationalistic interpretation (by Grimm) of the so-called ‘democratic deficit’, an alleged feature of the EU. In a nutshell, Grimm’s thesis is an invitation to preserve the status quo, and the relative strength of the single states vis-à-vis the EU. Alternatively, the automatic economic mechanisms of the international markets and the bureaucracy of the EU would gradually replace the typical liberal democracies of the European states. A fact that would have certainly generated unpleasant and dangerous results. I agree with Grimm with respect to the diagnosis. But I also think that Habermas’ criticism is also substantially correct: Grimm’s point of view is based on a concept of *status quo*, as if the present state of relations between the European countries is inevitably destined

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<sup>19</sup> The relations between social structure and political system in Europe are analysed by P.Allum, *State and Society in Western Europe*, Polity, Cambridge 1995. See also J.Bailey, *Social Europe*, Longman, London 1992

<sup>20</sup> For the influence of nation on democratic politics, see W.Kymlicka, *Politics in Vernacular*, Oxford University Press 2000. On the idea of nation, see E.Gellner, *Nations and Nationalisms*, New Perspectives on the Past, Blackwell, Oxford 1983

<sup>21</sup> D.Grimm, “Does Europe Need a Constitution?”, *European Law Journal*, n.1 Nov. 1995 pp 303-307

<sup>22</sup> J.Habermas, “Remarks on Dieter Grimm: Does Europe Need a Constitution?”, *European Law Journal*, 1, Nov. 1995, pp 303-307

to always remain the same. On the contrary, Habermas suggests that this is not the case and that the growth of economic, social and cultural interdependency will gradually build a truly European demos and ethnos.

However, I am more interested in briefly addressing the issue of the democratic deficit in the EU from the perspective I mentioned earlier, of the legacy of the Enlightenment, on the basis of Kant's reasoning. Because I believe that the interpretation I propose here can provide a critical argument capable of disrupting the theses – such as Grimm's – based on the existence of a link between demos and ethnos. These theses are often quite extravagant because – irrespective of the Fascist and scarcely reassuring precedents of the doctrine of the Volk – in Europe, at present, far more languages are now spoken than ever before and, therefore, linking the growth of democratic development to the concept of ethnicity – since ethnicity is connected, *inter alia*, primarily to language – would be a hopeless endeavour. Moreover, if there is a meaning in wanting to trace back the idea of Europe to the legacy of the Enlightenment, then establishing an a priori link between ethnicity as identity and democracy is entirely misleading. According to such a perspective, in fact, a people does not have a collective identity before the existence of institutions that determine it<sup>23</sup>. This is the opposite, in practical terms, of Kant's theoretical thesis. To take this thesis seriously would imply that a European identity would be created only once the political, economic and institutional conditions mentioned above, in connection with Kant's writings on perpetual peace, have become prevalent in Europe. Therefore, the thesis according to which the democratic deficit in Europe is linked to a lack of ethnic rooting is simply untenable.

This, of course, does not mean that European citizens do not have feelings and affection for their pre-EU countries (and I certainly have them for Italy). Nor does it mean that we could or should skip the intermediate phase of negotiations and treaties, which has been so useful in building the EU as we know it today, by gradually overcoming the reluctance and jealousy of the single states.

### 3.2. Institutions and Religion

The same reasoning made for the concepts of ethnos and demos also apply to religious traditions. Samuel Huntington, in his celebrated book *The Clash of Civilization and*

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<sup>23</sup>see J. Habermas, *The Inclusion of the Other: Studies in Political Theory*, Edited by C. P. Cronin and P. De Greiff), MIT Press 1998

*the Remaking of the World Order*<sup>24</sup>, defines Europe as “Western Christendom”. Now, apart from the oddity of a definition that excludes Greece from Europe (!), because of its Orthodox tradition (which is Eastern Christian), not to mention the Jews, I believe that the very underlying idea of this definition is misleading. Of course, the narratives defining European identity are very often based on the relationship between its classical (Greek and Roman) foundations and Christianity. The Czech President, Václav Havel, among others, remembered, in a famous speech, how behind the European identity there was “...a broad set of values rooted in the Ancient world and in Christianity, which, for about 2000 years now, have developed and become what today we call democracy, rule of law and civil society”. And there are few objections anyone can make to this historical and conceptual reconstruction. Christianity has effectively played a significant role in shaping the European identity.

However, what I find less convincing is that these definitions can only be suitably understood in opposition to Islam. In other words, that they can be understood only if we consider them in the light of the conflicts between Christians and Muslims at the time of the Crusades and during the heyday of the Ottoman Empire. Even the Medieval identity of Europe is defined in terms of this inter-religious conflict. But this is not the only possible narrative of a European identity, which can also be defined (as already mentioned) through its classical past or the Renaissance (for me, as an Italian, after all...).

Frankly, I do not see the usefulness, today, of conjuring up the spirit of the Crusades through the identity narratives. Apart from this, there remain the words on the legacy of the Enlightenment and on the ethnic basis of the demos. *In fact, the democratic institutions and constitutional guarantees are not independent from the collective identity of Europeans, because this identity depends on them and cannot exist without them.*

This kind of thesis can be based on several arguments, among which two are prominent. First, traditional political communities –that we usually identify with nation-states- are not “natural kinds”. Their shared identities are, on the contrary, the result of previous determinate efforts of construction. Moreover, there has been always some fighting between these identities and internal divisions across different axes, such as social classes or race and gender divisions<sup>25</sup>. Second, the localization of identity within the terrain of the

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<sup>24</sup> Simon & Schuster, new York 1996

<sup>25</sup> see D.Held & A.McGrew, *Globalization/Anti-Globalization*, Polity Press, 2007 (second edition), chapt. 3. See also E.Gellner, *Nations and Nationalism*, Blackwell, Oxford, 1983. and A.D.Smith, *The Ethnic Origin of Nations*, Blackwell, Oxford, 1986).

nation-state fails to take in consideration that individuals, as matter of fact, participate in different communities, associations and movements for plural reasons<sup>26</sup>.

This general argument can well be adapted to the most controversial of the possible future EU enlargements, that concerning Turkey. This is an intrinsically questionable case because geographically Turkey is hardly a European country (more than 90% of it lies in Asia), and because, being a very populous country, it would heavily affect the balance of power in the EU. This having been said, however, I do not believe that the exclusion of the Turks from Europe can be motivated by the fact that they are Muslims and not Christians. Rather, it can be motivated by scarce respect for human rights, in agreement with the Enlightenment legacy. Placed in religious terms the argument is meaningless, because a people's religious belonging inherited from the past is morally and politically arbitrary. What's more, if today's argument works, then using their faith against the Turks would mean to authentically betray our European legacy.

#### 4. The EU model and Normative Regionalism

This second part of the paper aims to articulate my more typically political-theoretical thesis, that I call –as said before- “normative regionalism”. According to normative regionalism, the dual process implicit in the EU creation and implementation is somehow exemplary from a more general point of view. The main idea here starts from the presupposition that, with all the problems created by the dual system we mentioned before, the story of EU -seen in its development- appears a story of selective but progressive delegation of political, legal and administrative powers from the Council to the Commission, from the periphery to the centre. The same process goes on with the systematic application of the so called subsidiarity principle<sup>27</sup>, with the judicial work of the European Court of Justice and with the financial policies connected to the European Central Bank system. The only exception is –as already noted- given by the common Defence structure and the Foreign politics more generally. This (partially) successful regionalism is joint with a substantial and widespread respect for human rights, that makes is normatively appealing from a liberal point of view.

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<sup>26</sup> V. A.Sen., *Identity and Violence*, Norton, New York-London 2006

<sup>27</sup> This principle, derived from catholic thought, says that EU policy decisions as close to the citizen as possible. This means that the EU should act if and only if the members states are not able (see art. 3B TEU). Academic subsidiarity commentary is a flourishing industry and is impossible here to present a comprehensive or even a significant bibliographical information on it. For its constitutional consequences, a good text, albeit much more general, is J.H.H.Wheeler, *The Constitution of Europe*, Cambridge University Press 1999

Normative regionalism, in my view, is part of a wider vision of global politics, different from both the received views of cosmopolitanism and statism. In particular, from cosmopolitanism, normative regionalism takes the idea according to which global justice could exist in principle; and from statism, it takes the vision according to which historical diversities between states can not be considered theoretically irrelevant.

The fact that –as I emphasized- the cultural origin of the EU lies in the Enlightenment project helps to make the EU experience exemplary. In fact, if it is the institutional background more than anything else to influence the EU project, and if this background is considered of some interest for all, albeit in different ways, then one can claim that it could be expanded and have some validity wherever there exist some basic presuppositions.

The account is based on the fertilization of the general concept of normative regionalism. Here, I present normative regionalism in contrast with cosmopolitanism. The limits of cosmopolitanism are of political, economic and cultural nature. In short, cosmopolitanism can be dangerous politically, because it ignores state sovereignty; it can be wrongly utopian from an economic point of view; and blind toward cultural diversity.

I then formulate my constructive hypothesis, specifying how normative regionalism can work. The model can in principle has been applied first to European relationships and after to other interregional macro-areas. International organizations like The Arab League, The ASEAN, the African Union, Mercosur, NAFTA (see Table 1) are potential future applications of the model. In other words, one can conceive what is called here normative regionalism as a generalization and a fertilization of the EU model. This EU model is evidently based on a double standard:

- (i) on a first level, we have the EU institutions, like the Commission and Court in the EU;
- (ii) on a second level, we have the (inter)-national institutions, like the Council.

It is plausible to speculate that such a dual system can gradually solve some of the classical international relations dilemmas, dilemmas based on the coexistence of a strong need for collective governance and the weak power of many trans-national structures. In the model of normative regionalism, the horizontal level creates progressively more comprehensive and significant institutions, whereas the vertical level permits progressively

more legitimation and effectiveness. In such a way, normative regionalism permits to avoid the classical IR scepticism for “(quasi)-constitutional” trans-national proposals.<sup>28</sup>

The dual system and the EU model can be generalized and conceived as a general framework for global relations. It is also important to decide what the regional fertilizations are supposed to have in common and where their normative origin lies. In the following, I will assume that they consist (mainly) in the most important human rights, connected with the UNHRD of 1948, the 1966 Covenants concerning socio-economic and political rights, and finally from some important treatises like the ones concerning the abolition of torture, the role of women and the care for children. It appears also evident that these rights cannot be applied in an identical way in every area of the world, and that part of regionalism consists just in specifying some relevant cultural and historical differences between them.

## 5. The IR Paradox

Many of the problems we observe on the international scene derive from a basic IR paradox. The states, the main characters of the scene, are often jealous (the word is Hobbes’) of their sovereignty. From this sovereignty, however, comes the legitimacy and the effectiveness of many actions with international relevance. Globalization continually increases the significance of the amount of legitimacy and effectiveness required by states directly in relation to the rise in quantity and quality of international exchanges involved. On the other hand, states’ reluctance to concede sovereignty to international organizations does not permit them to treat the problem of global governance in a way that could be coherent with the actual necessities.

States’ reluctance towards conceding sovereignty to international organizations is hardly an original element. On the contrary, we are confronted here with a typical *dejà vu*, which deserves to be mentioned since we feel a sort of new urgency. The modern vision of IR is focused on the idea that an IR system, coherent with its statist premises, cannot avoid a form of basic anarchism. The argumentative structure, made famous by Hobbes’ *Leviathan*, explains adequately the nature of the puzzle. On one side, sovereignty from a foundational point of view can only be unique and omni-potent. On the other side, such a type of sovereignty is unimaginable at the global level in the IR world. That’s why the resulting system is inevitably anarchic. The remains are just superficial remedies in that they can cure only some symptoms, but not the deep cause of the malady. If the IR system after being philosophically investigated requires the exercise of justice, which is the prevailing virtue

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<sup>28</sup> see Wheeler op.cit.

within the practical domain, then beyond the state, there is no justice within the limit of the modern conception<sup>29</sup>.

The main subject of this paper is primarily the way in which we can substitute modern statism, which is the thesis according to which beyond the state there is no justice, with another background supposedly more coherent with needs and aspirations that characterize a contemporary vision. In the following, I assume that IR scholars usually substitute statism with some form of cosmopolitanism, where by cosmopolitanism (in its broad sense) I mean the thesis according to which justice in IR concerns relations between persons rather than between states. In the following, I maintain, that this kind of cosmopolitanism does not work adequately.

### 5.1. From Statism toward Cosmopolitanism

Within contemporary liberal political philosophy, statism often exploits the symmetry between state on one side and “basic structure” on the other. The basic structure is, according to Rawls, the primary subject of a theory of justice. We know what its main characteristics are. Quoting John Rawls, from the second section of his *Theory of Justice*<sup>30</sup>:

“For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation”

In this interpretation a conception of social justice gives a normative standard through which we can evaluate the main features of the basic structure. If we follow the text of the *Theory*, there is no doubt that a theory of justice aims to be intra-state. All right, then? Can we proclaim that Rawls repeats Hobbes, albeit in liberal jargon, and that also for contemporary political philosophy, not differently from modern thought, the limits of justice coincide with the limits of the state? Can we simply maintain that contemporary political philosophy keeps the same anarchic mentality of the modern one, as far as we discuss IR? Can we accept such a continuist thesis with all that is changing just under our eyes?

These are – as it is not difficult to understand – rhetorical questions. And my answer for all of them is a flat out “no.” The sirens of the old statism, the thesis according to which beyond the state there is no justice are not so tempting for us any more. The way in which

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<sup>29</sup> see here T. Nagel, “The Problem of Global Justice”, *Philosophy and Public Affairs*, XXXIII, 2005

<sup>30</sup> Harvard University Press 1999

the world is going and the international developments in human relations has made all of us, I would say quite instinctively, less statist than people used to be. Of course, it's interesting to try to grasp why it is so. I think that the main reasons for which statism is less tempting today than in the past are substantially two; the first being positive or descriptive in nature and the second being normative or prescriptive in nature:

- (i) The first of these reasons suggests that the level of global cooperation overcame the level in which states –as conceived by the modern version- can be the only subjects of IR and the only sovereigns. Economic, political, cultural globalization, if we would like to reformulate it, made implausible the coincidence of basic structure and state that we took as a heritage from the modern conception. Moreover the relation between basic structure and state does not repeat itself today within the international community in terms of radical discontinuity (yes or not), but rather in terms of relative continuity (less than before, but how much less?). Our rights and duties, our opportunities and life chances, in other words, no longer derive only from the state, but also from the international community. To repeat David Held's elegant expression, we are today all members of the same overlapping "community of fate"<sup>31</sup>.
- (ii) The second reason assumes that, within the standard contemporary vision of politics, a significant element of liberal-democracy is implicit. This second way assumes a liberal-democratic political background to negate the classical opacity of sovereignty that characterises the modern vision. Within the contemporary vision, a democratic and constitutional legitimacy of sovereignty is quintessential. This thesis could be reformulated with some irony (because it re-proposes it within the contemporary) in terms of what is normally considered the most typical analytical device within modern political theory, the idea of the social contract. According to the social contract theory, the legitimacy of liberal-democratic institutions depends on the ideal consensus of the members of the basic structure. If we extend such a thesis to the global community, then by the day, it becomes increasingly clear that the relevant subjects cannot be just states. And, coherently, sovereignty can no longer be a kind of impenetrable barrier. Relevant subjects of this new-coming "overlapping community of fate" are also individuals and groups. We can restate this by saying that whereas modern contractarianism, seen from a global point of view, was molecular, contemporary contractarianism is at least in part atomistic.

It seems theoretically interesting to try to understand in the most direct way in what sense the reason (i) above can influence the reason (ii). More explicitly, we would like to know whether the relational element of empirical nature, that is in what sense we participate of the same basic structure, is necessary and/or sufficient to make clear the nature of the normative relations between the persons. In other words, what is the relation between recognition, that is participation in the same basic structure, and distribution, that is the way in which we draw from it consequences of normative significance?

## 5.2. Pure Cosmopolitanism

The Greek word “cosmopolitès” means citizen of the world. Cosmopolitanism, however, can be said in many ways. From the Greek origin of the term until now. One can be for example a strong or weak, total or partial, simple or complex, rooted or not rooted cosmopolitan<sup>32</sup>. International political theory presents – more frequently by the day – all of these options. In the following, I will limit my considerations to what I call “pure” cosmopolitanism. Pure cosmopolitanism is here presented under two main constraints:

- (i) I will treat just liberal-democratic cosmopolitanism;
- (ii) I will emphasize some philosophical characteristics of the cosmopolitan model.

For what concerns the first constraint, I have indeed little to say. A sort of planetary dictatorship is not interesting for me, and, as far as I can state this, is not interesting for “us”. Cosmopolitanism, as here interpreted, can be easily imagined –as said above – as a kind of social contract (partially) expanded so to cover the global community.

For what concerns my second constraint, on the contrary, there is, much to say. So much, that it is impossible to fully justify here the sense of this assumption. In some way, it is also evident that cosmopolitanism cannot be considered exclusively a philosophical thesis, as by the way we will see examining some of the problems cosmopolitanism – according to my own reading of it – carries with it. I think, for example, that we can construe

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<sup>31</sup> see D.Held & A.McGrew, *Globalization/Anti-Globalization*, quoted. See also D.Held’s Public Lecture “Globalization, International Law and Human Rights” (University of Connecticut).

<sup>32</sup> see U.Beck and N.Sznajder, “A literature on Cosmopolitanism: an Overview”, *The British Journal of Sociology*, 2006, vol.57 Issue 1, pp 153-164

a political, an economic and a cultural form of cosmopolitanism, all these forms being coherent with some institutional assets. I can only claim here that my reduction of cosmopolitanism to a sort of philosophical silhouette is able to properly highlight the very nature of cosmopolitanism and consequently its most general theoretical difficulties.

According to my philosophical reading of what I call pure cosmopolitanism, from where I start, we can state that pure cosmopolitanism is characterized by three main philosophical assumptions. Pure cosmopolitanism is so:

- (i) individualist
- (ii) universalist
- (iii) egalitarian

Pure cosmopolitanism is typically individualist, because it sees the relations between persons on the planet as the very starting point of every inquiry and practice. All the relevant relations are so inter-individual ones, being states, ethnicity and traditions more or less a mere complication within the model.

Pure cosmopolitanism is also universalist in the Kantian meaning of the term. Its ethical and political norms are valid for all persons – that is, the totality of the subjects within this IR paradigm – in the same way. From this point of view, it seems that cosmopolitanism is too indifferent toward the particular natures of human beings. Human beings do not normally live in the void, but rather they develop their own, main characteristics within specific groups and traditions. Democracy itself was not born globally, but rather within rather peculiar national traditions.

Pure cosmopolitanism is finally egalitarian, even if often in a sophisticated way. It maintains that all people must be treated equally, like universalism itself requires. It does not maintain however that all people have a right to the same amount of resources. Some inequalities, for example, can be justified within pure cosmopolitanism in the light of a plausible incentive system. To keep the egalitarian assumption, it is here sufficient that these inequalities have effects that can be considered beneficial for everybody.

To be frank, I do not doubt that this interpretation of pure cosmopolitanism, can appear extremely abstract, too schematic and even imprecise (in other words: it does not make proper justice to what we usually mean by cosmopolitanism). It is based, as we admitted, on very general principles of philosophical nature or meta-principles. And no doubt to have a reasonable interpretation of cosmopolitanism, we need more, like intermediate, general

principles and applicative principles. Intermediate principles are like the ones founded upon legitimation of consent and imply that public decisions are legitimated by electoral procedures of democratic nature. Applicative principles are the legal, political and economic principles that permit the progressive formation of a global legal system, of decisional authorities characterized by multilayered governance, of systems of incentives and taxation at the global level. Nevertheless, I think that – even conceding these limits – my interpretation of pure cosmopolitanism can be useful to understand some criticisms I advance against it.

### 5.3. Basic Problems of (Pure) Cosmopolitanism

In this section, I will present some basic problems of pure cosmopolitanism, interpreted like we did in the previous section. I have in mind problems of economic, political and cultural nature.

From an economic point of view, pure cosmopolitanism does not make clear the way in which we are supposed to interpret global justice. Is it plausible –for example– that, in a world similar to the one in which we live, a citizen from Illinois would treat a person from Wisconsin and one from Uganda equally? (There is of course no polemics here with Illinois citizens in particular and with US citizens more generally. Same thing could be said putting in their shoes European citizens and East Asian citizens). Pure cosmopolitanism gives a positive answer to this question. And I frankly think that this positive answer is wrong. It seems much more natural to imagine –as I have argued elsewhere – more complex and differentiated duties of justice, which range from full intrastate egalitarianism to minimal natural duties toward strangers. Pure cosmopolitanism – in similar cases – fails to consider the two levels, we mentioned before, the empirical level of the membership and the normative level of the treatment (what I previously called recognition and distribution). Pure cosmopolitanism, in other words, takes for granted –assuming individualism and universalism– that the institutional or associative element is irrelevant.

Similar arguments can be advanced against pure cosmopolitanism in politics. Its individualist, universalist and egalitarian structure invites us here to underestimate the many constraints that separate individuals at the global level. First of all, I have in mind the constraints imposed by national sovereignty and self-determination of people. Democracy itself is historically connected with the history of the nation-state in a way that is difficult to bypass. Is it really possible to imagine a world in which sovereignty barriers do not constitute an obstacle to inter-individual relations? I am afraid that such a hypothetical world, which by the way does not exist in practice, is also a world we cannot auspicate. It's,

under the dress of cosmopolitan liberty, the world all imperialists desire. A world in which a great superpower has a moral right to intervene everywhere to re-establish law and order. Or, put in another way, given the fact that human beings are intrinsically different, we do not want to run the risk that a pure cosmopolitan mentality would force a false similarity among them.

Pure cosmopolitanism, individualist and universalist as it is, appears also unable to show adequate respect for the diversity of traditions, ethnic and religious, that characterize international cultural relations. These relations are never purely inter-individual. They are rather intergroup. Here, pure cosmopolitanism risks imposing a forced homogenization. The philosophical problem consists in trying to protect these differences between peoples and cultures but without any appeal to a kind of indifferent relativism. I think it is plausible to imagine that here again the human rights model seems the best option we can rely upon.

The model of global justice I have in mind -and cannot argue for properly here- starts, on the contrary, from the idea that our main obligations toward strangers stem from basic duties we have toward all members of our species. In such a way, these duties do depend on an assumption of interational or allocative type, and not by an institutional one, an assumption which permits to bypass the problems of membership. Here, the model implies that obligations of justice depend straightforwardly on the nature of the considered subjects (“they are so to say subject-centred”). Note that this thesis does not imply that the consequent obligations are super-erogatory. Rather they are obligations of justice derived by a *sui generis* duty of justice. In my interpretation, the passage from a mere natural duty to a proper obligation of justice can be captured by a model based on human rights<sup>33</sup>.

To sum up this section, I have stressed some key problems with pure cosmopolitanism. These problems are of economic, political and cultural nature. Very often the rival views of cosmopolitanism, like political realism and communitarianism, emphasize them. My thesis is of course that there is no need to accept these rival views to admit some limits of pure cosmopolitanism. All things considered, pure cosmopolitanism tends to force a unifying and rationalistic view of humanity that does not exist in practice. With the consequence, that a similar way of reasoning can be not only anti-historical but also dangerous, if not for other reasons because it provokes the temptation to make the real world similar to the model. As Michael Walzer wrote in an article published by The Boston

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<sup>33</sup> See my “Universal Duty and Global Justice”, in T.Pogge (ed.) UNESCO anthology, Oxford University Press, forthcoming

Review, “perverted cosmopolitans” have been the cause of not less disgraces for the humanity then have been “perverted patriots.”

## 6. Concluding Remarks

The weakness of both statism and of pure cosmopolitanism makes particularly significant to present normative regionalism as a principle of what we could call a process of global constitutionalization in progress. Of course, I have in mind a liberal constitutionalization. The cement of it is given by respect for human rights. In fact, human rights are normally divided in categories that are analogous to what –within my reconstruction – are the standard problems of pure cosmopolitanism. That’s why we distinguish within the family of human rights, civil and political rights, socio-economic rights and cultural rights.

That’s why, in this paper, normative regionalism has been linked to the EU model, even if its significance is evidently more general. For its institutional significance, the EU model of normative regionalism does not constitute simply an example of (statist) trans-national project. At the same moment, for its regional impact it cannot be taken as a case of pure cosmopolitanism. After all, regionalism is a direct negation of cosmopolitanism and viceversa. The sharing of sovereignty and the undermining of single states autonomy form a basis for new opportunities at the world level, that coincide with what I called normative regionalism. Thus normative regionalism, in other words, can be conceived as a set of pre-conditions for a non universalistic cosmopolitanism.

At the core of the philosophical conception that corresponds to the political model based on normative regionalism I see the dichotomy of legitimation and justification. These terms usually overlap in the political, theoretical literature, but I think it is important to distinguish between them. According to my interpretation, justification looks for the best theoretical argument, is intrinsically substantive, goes top-down, and is rooted in the moral and metaphysical bases of a specific culture. Legitimation, on the contrary, is normally based on a successful practice, is prevalently procedural and factual, concerns the inputs of a political process, goes bottom up, and does not appeal to the deep roots of a culture. I note here that two among the greatest social thinkers of last century, Habermas and Rawls, made an implicit use of this distinction between justification and legitimation, which here I make explicit.

If we reflect upon our argument above, we can draw the thesis that the existence of a global basic structure cannot depend just on a theoretical justification. It must depend also

on an empirical and successful model of social interaction. Only this kind of legitimation permits the construction of a durable consent also through the support of theoretical justifications, one different from the other. In practice, legitimation permits to unify the structural pluralism of cultures and institutions at the global level.

If we have in mind IR, then we can think that a “comprehensive” justification cannot be simply universal. Justification can vary in accordance to the identities of different peoples. One can imagine, for example, Confucian, Christian, Atheist, Hindu, Muslim justifications. Legitimation, on the contrary, reunites under the same banners peoples possibly divided by justifications. That’s why, if we accept this dichotomy, the core concept is legitimation. And, I think that if we transfer the abstract argument about legitimation into a philosophical problem concerning the foundations of global politics, then the normative regionalism (based on human rights) model fits our needs.

Given its hybrid nature, normative regionalism joins facticity and validity, or, to use my terminology, justification and legitimation. Justification comes from the ethical argument according to which we should respect diversity and rights. And legitimation comes from the fact that normative regionalism is already a (relatively) successful practice within EU. This capacity to join justification and legitimation is not present within the cosmopolitan vision, and allows adopting a normative perspective bypassing any prior solution of the empirical problems. In such a way, the approach based on normative regionalism, finally, assumes continuity and gradualism in the passage from a national basic structure to a global basic structure.

I cannot conclude the paper without emphasizing that the integrative power of normative regionalism is limited. By this, I mean that it depends strongly on the background conditions to which it applies. Standard background conditions that usually are taken as favourable to realize the integrative power of normative regionalism are like the following ones:

- (i) Relative compatibility of the member states. Of course, compatibility is a vague term. By it I mean that states are supposed to share some common history, are relatively equal from an economic, strategic and political perspective;
- (ii) There are in all members states relevant elite interested in reaching common goal and there are not strong popular resistance

- (iii) There is some progressive capacity of creating common institutions able to respond the most important public demands;
- (iv) There are sufficient overlapping values concerning respect for some basic human values;
- (v) There exists a similarity among cultures.
- (vi) Regionalism is part of much more complex “cosmocracy”, within which many different actors exercise their influence, including not only states, but also international organizations (beginning from UN), transnational companies, ngos, social movements, single individuals.

The exemplary value of the EU experience depends exactly on the fact that the EU has high integrative power from all these points of view. Of course, this level of integrative power varies from regional area to regional area. Consequently, the normative significance of EU model of regionalism is limited by the evidence that not all regional areas of the world share these fundamental background conditions.