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Kant's mantle: cosmopolitanism, federalism and constitutionalism as European ideologies

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ABSTRACT

This article explores the ways cosmopolitanism, federalism and constitutionalism have evolved in Europe from core philosophical concepts to political programmes, and ultimately 'ideological benchmarks' with highly contested meanings. I identify three alternative intellectual strategies for their appropriation, and through them the appropriation of 'Kant's mantle', which both reflect and affect the EU public sphere. In the process, I ask how they can serve as resources conceptually to ground a third way for Europe. First, essentialist strategies appeal to affinities with the essence of these traditions, an essence anterior to or distinct from the particular variant of the 'state writ large' with which they might be identified in the public and scholarly imagination. Second, composite strategies employ various modifiers to deflect criticism. Thirdly, pollination strategies retain the flavor and questions raised by the three isms without necessarily coopting their labels.

KEYWORDS Cosmopolitanism; federalism; constitutionalism; democracy; ideology; European Union

'Mal nommer un objet, c'est ajouter au malheur du monde' Albert Camus, 1944

An early *indignados*, Albert Camus revolted against the many ways in which citizens were manipulated by politicians lying over the objects of their shared collective worlds, of their struggles or desires. For him, a politics unconcerned by the search for truth is simply a crime, a well disguised and subtle crime perhaps, but one which in the end will engender either the apathy or the wrath of the people, hence, the misery of the world.

To be sure, Camus was concerned with the fateful isms of his time – nazism, fascism, totalitarianism, nationalism, colonialism, communism – that had congealed one way or another to subjugate their respective victims. We now live in a Europe built to ward off these particular isms, through a Union which stands at its best as a form of collective atonement for the havoc they created. And yet, we may ask, what of the isms which EU founders, thinkers and activists have themselves marshalled in order to bolster its legitimacy.

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It is striking how many of the terms used to understand European integration are framed as 'isms', including its three core referents, namely, cosmopolitanism, federalism and constitutionalism. These may be placeholders for long and respected traditions in political philosophy, idealistic and benevolent isms we may say, appealing to the better angels of our political nature. But struggling for their continued relevance, these isms have long operated as shape-shifters, evolved from their roles as conceptual repositories to labels for actual political programmes, and more broadly become core contenders in framing an over-arching ideology which can be referred to in short-hand as Europeanism.

As discussed by Jonathan White in this special issue, this evolution is not a straightforward one. After all, the post-war European project was imagined as a way to cut loose from the grip of state-bound ideological pathologies and create a post-ideological technocratic engine devoted to the well-being of citizens, what some of us have referred to as the eurocrat's dream (Chalmers et al., 2016; White, 2019). Heed the irony of a settlement between Christian, social and liberal democrats precisely to articulate supranational mechanisms to transcend (mass) democratic politics. In this a-ideological universe, Europeanism merely stood as a transnational sociology, to mean that Europeans of different nationalities share a set of values, like secularism, multiculturalism, or welfarism (McCormick, 2010).

Such a conceit, however, has long ceased to serve the cause of European politics, at least of the 'honest' kind envisaged by Camus. Today, European cosmopolitanism, federalism and constitutionalism must be understood as part of an ideology, a system of political thinking 'loose or rigid, deliberate or unintended, through which individuals and groups construct an understanding of the political world they, or those who preoccupy their thoughts, inhabit, and then act on that understanding' (Freedon, 1996). Indeed, our European public space is being fractured symbolically as well as ideologically, as political sides mobilize around discourses of enmity borrowing from the power of these words used as codes of belonging: cosmopolitans against nationalists, federalists against sovereignists, (euro)constitutionalists against statist. In this collective affliction of polarization, cosmopolitans, federalists, constitutionalists become either my friends or my foes, falling univocally on one side of binary equations in the public imagination, praised or derided against their supposed opposites.

But isn't this simplistic highjacking of our 'isms' on the side of 'unity' against 'fragmentation', or 'openness' against 'closeness', an instance of Camus' misnaming curse? For in fact, like other 'isms' originating in political theory, they each reflect a combination of distinct and often conflicting doctrines and it is precisely their polymorphic and obscuring character that makes them a nexus of ideological struggles in Europe (Kurunmäki & Marjanen, 2018). Their fluid role as 'benchmark ideologies' testifies not only to their own multi-faceted

meanings but to the EU's highly contested nature. If this is the case, I will argue, we may want to take Camus' challenge head on and ask what we can learn from analysing as ideological struggles the various strategies behind the deployment of these concepts in Europe's public sphere.

Why refer to Kant's mantle to tell this story? Certainly, the three longstanding concepts of cosmopolitanism, federalism and constitutionalism all hail from much earlier than the eighteenth century enlightenment philosopher, each having its own scholarly and political trajectory. But it is with Immanuel Kant that they were weaved together under a single umbrella to serve as the foundation for his vision of a new legal order promising perpetual peace among nations. Kant employed all three concepts in interrelated ways to describe his political project – the creation of a federation of free Republics committed to cosmopolitan law – and in doing so imbued them with a particular shared programmatic connotation, each shading off into one another (Kant, 1991[1795], 1996[1797], 1997[1785]).

My aim here is not to enter the fray of Kantian exegesis in international relations (*inter alia*, Bohman & Lutz-Bachmann, 1997; Cavallar, 1994; Hurrell, 1990; Kleingeld, 2009). Instead, as Hoffe (1994) argues in response to critics of lax readings and misappropriation of Kant to suit contemporary debates, 'one can still make use of Kant in order to go beyond Kant'. For Europeans who fight over Kant's mantle to dress up the EU do not always do so explicitly, or accurately (since his outlook was universal), and they do so in circumstances he could hardly have imagined.

Nevertheless, Kant's vision has served as the scholar's core referent for the most advanced horizon for inter-state cooperation, the third of three stages of anarchy for the English school and constructivists alike. And more often than not, at least until the last 'crisis decade', the EU was presented as the incarnation, or at least the promise, of such a Kantian frontier (Linklater, 1998). But if we were to stop at that we would neither do justice to the EU nor to the ambivalence of Kant's worldview. Indeed, we cannot but take note of how Kant's thinking evolved over his lifetime regarding the proper balance between statist and cosmopolitan attributes of a desirable world order, as he moved from espousing the virtues of a possible 'world republic' in his pre-1793 writings such as *The Idea of a Universal History*, to praising *foedus pacificum* (akin to a more loosely organized 'congress' or 'league' of states) against the danger of a despotic universal monarchy in *Perpetual Peace* (1795) and *The Metaphysics of Morals* (1797). Throughout, Kant's writings always seem tentative, displaying a keen awareness that all solutions involve trade-offs and costs (Hurrell, 2013). No wonder that even the prime realist Kenneth Waltz managed to praise Kant for recognizing the anarchical character of international relations while believing that states may 'learn enough from the suffering and devastation of war to make possible a rule

of law among them that is not backed by power but is voluntarily observed' (Lechner, 2017).

If, more than two hundred years after his death, our debates continue to take place under Kant's long shadow, we tend to do so each from our normative vantage-points. My own lies alongside those who, roughly speaking, embrace a third way for Europe, thus rejecting the dogmatic dichotomy between calling for transcending or upholding the European state system. Instead, this third way sees the EU as a way of transforming the system, drawing from both descriptive and critical accounts. Among many scholarly variants, demoicratic theory is most explicitly normative, advocating as it does the imperative of remaining on the Rubicon where democracy in the EU is not equated with a single people, be it national or European (Ferry, 2005, Nicolaidis, 2004, 2013, 2018; Cheneval, 2005; Cheneval & Schimmelfennig, 2013, Bellamy, 2019). Accordingly, as 'a union of peoples who govern together but not as one', the EU should aspire to retain the plurality of its inter-linked peoples as popular sovereigns as opposed to their incorporation into a single demos or their closure as separate demoi.

In this spirit, I ask here how the meaning of our 'isms' can be mobilized to support an understanding of the EU as a third way by translating the Kantian commitment to the horizontal sharing of sovereignty into a XXIst century democratic vernacular. In doing so, I explore alternative strategies for how 'federal' 'cosmopolitan' or 'constitutional', when used as ideological benchmarks, may escape the dogmatic binaries which impoverish our democratic conversation. These strategies are deployed in two overlapping spheres of discourse, the academic and the political. How public intellectuals translate and are in turn translated into political blueprints in the incipient European public sphere is a complex story which can only receive a cursory treatment here (Lacroix & Nicolaidis, 2010; Risse, 2015). Suffice to say that philosophical concepts become ideologies when appropriated in the context of political and legitimation struggles, thus migrating from elite consumption to selective appropriation by a wider public, whereby citizens pick and choose what they will amplify or forget, reward or punish at the polls, or exhibit on demonstration placards (Díez Medrano, 2010). In the process, these concepts are both enriched and impoverished as they fall from their philosophical pedestals to reflect socio-political interests over and above mere logical constructs (Freeden, 1996). But while participants in the social world – citizens, firms, politicians, bureaucrats – are the ultimate object of my concern, the bulk of enquiry is focused on those who articulate concepts and thus create the mood music for Europe's incipient public sphere, short of assuming a causal link between thought-worlds and policy-worlds.

I speak of a 'nexus' of ideological struggles to convey the idea that defending or deriding the isms in question and their Kantian genealogy can serve as a proxy for at least three intersecting debates related to the locus of EU power.

First, over the nature of the polity, the (federal) bond between states and the desirable balance between the one and the many. Second, over the nature of economic governance, supranational rights enforcement, and the desirable balance between public and private preponderance in managing exchanges. Third, over the nature of Europe's role in the world, and attitudes regarding Europe as a vanguard Kantian project.

In this spirit, I identify three types of strategy. First *essentialist* strategies appeal to affinities with the 'essence' of these traditions, an essence anterior to or distinct from the particular variant of the 'state writ large' which dominate the public and scholarly imagination. Second, and alternatively, to make up for the capture by statist or market-centric lenses of each of these 'isms', *composite* strategies employ qualified notions. Thirdly, *pollinization* strategies retain the flavor and questions raised by our isms without coopting their labels. Within each of these alternative strategies, I observe the boundaries and relative emphasis between our 'isms', and the relationships they imply between the EU and the state, markets and citizens as well as the rest of the world.

Essentialist Strategies

In the political world out there, some words' reputation betrays them. 'Cosmopolitanism', 'federalism' and 'constitutionalism' were long enlisted to serve a distinctly 'unitary' interpretation of supranationalism, if not the dreaded 'superstate', at least a construct whereby 'ever closer union' was to take precedence over the continued plurality of 'the peoples of Europe'. By the 1990s and the turn of the millennium however, as post-cold-war constitutional debates gathered pace, the question emerged: could Europeanism be saved from the Christian yearning for oneness and its connotation as an anti-national project, by appealing to the 'essence' of these traditions, anterior to or distinct from the particular variants which might have tainted them in the public and scholarly imagination?

Federalism remained for a long time the primary *telos* of European integration, as early as Aristide Briand's call for a Federal union of European Union in 1929. Many of the founding thinkers of both the inter-war and post-war era, including Altiero Spinelli and Ernesto Rossi in their 1941 *Ventotene Manifesto*, found it obvious to anchor the European project in the idea of a Federal pact against statist pathologies (Glencross & Trechsel, 2010). Whether through Monnet's incremental functional spillover or Spinelli's insistence on popular anointment, the project would culminate in over-arching federal constraints on state autonomy, as ultimate rampart against the rebirth of nationalism (Schrage Sternberg, 2013). But the motto of 'United States of Europe' came to be eclipsed by the ups and downs of the integration project, only to be revived during the Constitutional Convention of 2001–2003

where federalists spoke of the failure of EU leaders to pursue integration to its 'logical conclusion', its 'federal destination' (Fabbrini, 2010; Benz & Broschek, 2013).

Against this historical backdrop, the appeal to the 'essence' of federalism during the Convention took various forms. At a minimum, it meant stressing the decentralizing and power-limiting features of federalism dear to mainstream German interpretation, as well as the import of 'cycles of federalism' familiar to other federal constructs which require a reverse gear to bring competences back down, legislative sunset clauses and ring-fencing exclusive national powers. More radically, some of us argued at the time, we should not rest content with a line of defense which remained fundamentally vertical. Instead, the essence of federalism ought to consist in separating the federal ideal from its statist bathwater, to recover the original 'federal vision' as a construct which, as far as we can tell, has ordered human interactions for tens of thousands of years (Nicolaidis & Howse, 2001; Menon & Schain, 2006). Historically, *pace* Althusius, the 'federal' emerged prior to and in contrast with the 'state' before the two converged. The state-like attributes which federations acquired over the last two centuries, in the US but also Germany, Canada or even Switzerland, represent one contemporary variant of a more lasting federal vision which the EU can represent without becoming a state. Isn't this what Kant meant by his *foedus*, a covenant or contract achieved through a combination of self and shared rule (Elazar, 1987)? After all, it is hard to deny that the EU is, by essence, a 'federal construct': structurally, a governance system organized on different scales; functionally, a vertical division of power between the units and the whole; and institutionally, with these legal orders mutually involved with each other (Fossum & Menendez, 2011; Kelemen & Nicolaidis, 2007).

Unsurprisingly, such an understanding of federalism did not prevail on the Convention floor, neither for self-described federalists nor for those rejecting the F-word, whatever interpretative twist was on offer. After heated debates, the word was dropped from the draft Constitutional treaty. The 'essence' school was doomed by the capture of the federal label over time both by advocates of a 'European state' and, in mirror image, by all those using 'federal' to 'describe the centralized and state-like EU that they did not want, thus confirming the conflation of federalization with integration and centralization' (Fossum & Jachtenfuchs, 2017).

In this sense, while part of the same ideological cluster, federalism and constitutionalism temporarily parted course in 2001–2005 at a time when European elites sought the formal consolidation of the EU as a polity, bringing to fruition the prior 'constitutionalisation' of the Treaties. Constitutionalism beyond the state proved a more capacious concept, as 'essentialist' strategies invoked the ultimate value of Constitutions as means to safeguard individual liberty against encroachment by public authority, thus serving the liberal

project of protecting citizens from the state Leviathan (Wind & Weiler, 2003; Isiksel, 2020). Accordingly, one can value a constitution as both a story, offering shared principles of legitimacy for a community, and as a blueprint, laying out a framework to distribute authority. Why would this understanding not be applied to an institution, the EU, that does not claim to be a state? Essentialists argue that it would be a waste not to exploit the legitimization potential of a process of democratic deliberation – the constitutional moment – above and beyond diplomatic bargaining, which could foster EU-level (constitutional) patriotism against the sirens of nationalism (Habermas, 2003; Ferry, 2005; Magnette & Nicolaidis, 2004). A commitment which flirted with nominalism at times – as with affirming that giving up an EU Constitution was the greatest catastrophe possible (Juncker) or that without one, Europe was politically emptying itself (Habermas).

But in the referenda campaigns that ensued in 2004-05 and the ultimate popular rejection, the essence argument was critically weakened on two counts. First, by the absence of its premise of popular assent – what is left of the constitutional ideal when a polity does not rely on each of its peoples to adopt a constitutional treaty? Second, by a diffuse intuition among the citizenry that the essence of constitutionalism was in the end elsewhere, namely to carve out a realm of principles untouchable by day-to-day politics, entrenched in the EU's 'economic constitution'. The day after the constitutional moment, constitutionalism would simply reinforce the EU's anti-politics of informal circles of like-minded and bureaucratized interaction, leading to less not more democratic authorisation (Kaiser, 2007).

It may not be surprising either then, that precisely as the federal and constitutional anchors were falling from grace, scholars and politicians sought refuge in a vaguer and perhaps more inclusive idea, namely cosmopolitanism, with federalism only one of its possible institutional translations. Accordingly, all human beings belong to a single community based on what we share, probably our destiny, possibly our morality, an ideal intuited by the likes of Diogenes in Antiquity, but never actual appropriated by an existing political construct before the EU (Kleingeld, 2009; Cheneval, 2005). Europeanism would be reinvested as an ideal not just for regional governance but as a beacon for a world enthralled by the nationalist fallout of 9/11.

Here the 'essence' of Kant's cosmopolitanism, that humanity ought to consist in 'united nations' sharing basic values and legal norms, lies in its open-endedness (Glendinning, 2011; Rumford, 2005). What this means in practice can be accommodated with various ideological variants – liberal, communitarian, republican, etc. – at the national level. Appropriating the Kantian mantle starts by freeing cosmopolitanism from its metaphysical origins as an expression of harmony between the universe and humans' aspiration to oneness, as well as its enlightenment rebirth as a cultural feature of individuals bent on philanthropy and worldliness. Instead, with

Kant's cosmopolitan law, the moral commitment that the boundary of your own state should not be the boundary of your concern turns into obligations which you owe non-nationals when they are within your own boundaries. The EU's Kantian path has reflected a legal-political understanding of cosmopolitanism seemingly perfectly suited to its ambition to entrench individual or corporate rights across borders by subjecting its states to external legal norms and dispute settlement bodies when it comes to how they treat these non-nationals. Such an ambition may have started as the core of the single market eco-system, but by the 2000s it had become the spirit of a more political ideal, European citizenship, which spoke to the relationship between Kant's formal legal cosmopolitanism having to do with rights, and the individual moral kind that preceded it.

Cosmopolitanism captured the mood of the times, as the EU motto of 'ever closer union' was progressively been supplanted by 'unity in diversity', with an increased emphasis on 'diversity'. For it is precisely this dialectic which cosmopolitanism speaks to, between the universal and differences, as an injunction to reflect on how the many facets of our diversity are coded to adjudicate between inclusiveness and exclusiveness of differences. And in doing so, an injunction to strike a balance between borderless hybridity and exclusive identity, ultimately a call altogether to promote, tolerate and constrain the many kinds of differences which are intrinsic to humanity. This in other words, is universalism as recognition of particularisms (Balibar, 2016). Or in Appiah felicitious phrase, the rooted cosmopolitanism of cosmopolitan patriots (Appiah, 1997). And this is not theory but 'bottom-up' sociological reality, argued Beck and Grande in their *Cosmopolitan Europe* (2007), pointing to Europeans increasingly comfortable with their neighbours, living 'unavoidably side by side' as Kant would say.

None of these takes however ultimately won the day, neither with the public at large nor the political class in its majority. First, without qualifiers, our 'isms' came to be perceived by many as covers for the protection of the privileged few from 'nowhere', and the rights of corporations to operate across borders, overriding nation-bound social protections linked to the commitment of individual states to supporting their specific version of the public interest. Second, while variations on the essentialist argument share a commitment to balancing unity and diversity, the ideological 'look-and-feel' of our isms remains teleological, prescribing an end-point to European togetherness. As programmes of action, they imply that the balancing act is unsustainable, that there will remain a need for transcendence, a moral direction for human progress beyond differences and conflict, as if these were simply contingent, there to be overcome, eventually. Thus, an essentialist pattern emerges: an abstract commitment to equilibrium leads to a drift in practice towards centralized steering, market preponderance and supranational

rights, all serving particular entrenched interests, those of nomads against settlers.

Ultimately, if EU integration were to move only in one direction, a regional step towards 'the Kantian hope in a world *domestic* politics (*Weltinnenpolitik*)' in the words of Habermas and Derrida (2003), would this not simply amount to a change of scale towards a continental state, potentially relabelling 'inter-state' wars as 'civil' wars in the process? Why should people find this reassuring?

Composite Strategies

But while essentialist arguments cannot easily be corralled to support an idea of the EU faithful to the third way, the question arises: do we need to throw out the idealistic aspirations with the tainted bathwater? What I call here 'composite strategies' enter this ideological struggle to qualify, specify, attenuate, manipulate or otherwise tame our 'isms' and their pedigree as overly unitary.

While usually concocted in the academic realm, these strategies can be deciphered in political discourses, especially those seeking to explain and justify the institutional and policy remedies conjured up to address the poly-crisis in the EU triggered in 2008, remedies which have mostly consisted in enhancing EU powers. While theorists in turn seek to deconstruct them, these policy developments constitute the ambient material on which they build their critical constructs.

The first and most straightforward way to save Europeanism from its anti-pluralist demons has been to invoke empirical constraints, to set the ideal against the world as is. Pro-EU advocates admit that European citizens are not 'ready' and that such a state of unreadiness is to be respected. Isn't this the proper way to invoke Kant's mantle? By the time he wrote *Perpetual Peace*, Kant no longer found it desirable to establish a global cosmopolitan federation *de jure* but preferred to bet on citizen assent over time (Hurrell, 1990). He imagined a progressive democratization of states brought together by his permanent 'alliance between peoples', in accordance with extant international law and reciprocity, norms freely embraced by citizens through an infinite process of 'gradual approximation' or what Cheneval calls *process cosmopolitanism* (2005). After all, there are no immutable structures that demand that human loyalty be forever confined to bounded nation-states. If Kant's vision was predicated on observing the extraordinary acceleration of the universalization of human history, what would he say today!

Indeed, Kant's modernity lies in part in his twin apprehension of time. On one plane, cosmopolitanism is a question of *habitus* and patience as mutual tolerance is built over time. It will be a slow process not an endgame, fluid not deterministic. It could even be reversible. The problem of course, is that, as Tocqueville lamented in his time, democracy is about

the short term. Politicians and policy makers are creatures of their time and place. All the more so today in Europe, as we labour under what Jonathan White refers to as emergency politics (2019), or what van Middelaar identifies more neutrally as the politics of events (2018). And so we can do with Kant's second plane, whereby progress does happen in fits-and-starts, through crises and the ever-worsening danger of conflict which in turns justifies further inter-state integration.

Thus, a second, related, composite strategy consists in coopting an idea of Europe which both explains and justifies incremental reform in the here and now through the idea of (neo)functionalism, a more neutral 'ism' which affirms the open-endedness of the process of regional integration (Fossum & Jachtenfuchs, 2017). Here the 'functional federalism' features acquired by the EU during the eurocrisis through tightened macroeconomic coordination and the delegation of core powers are no longer the result of grand design, the *de jure* federation rejected by Kant, but have to do with identifying specific areas of 'EU value added', 'economies of scale', or un-internalized 'externalities', while drawing on theories of fiscal federalism, public goods and regulatory economics (Dabrowski, 2016). Yet, embedded in these 'functional fixes' are ideological positions testifying to the fact that ideologies are now frequently found in disaggregated form. To be sure, the EU has been operating under the dynamics of 'functional constitutionalism' for decades, whereby the treaties have been 'constitutionalised' by the ECJ, in particular through its direct effect doctrine, in order to achieve a relatively narrow set of substantive ends, namely promoting market integration (Isiksel, 2016). But since 2010, EU elites have managed to deepen 'functional federalism' and 'functional constitutionalism' under emergency imperatives presented as self-evident (Fossum & Jachtenfuchs, 2017). While 'functional' as a term may not often be used in everyday political language, scholars recognize as such the discursive legitimization employed by politicians to justify their actions as the product of necessity rather than political agency, a political agency that would presumably require the kind of citizen assent desired by a patient Kantian approach. In the process, critical scholars note, functionalism becomes a one-sided credo, amputated from its second, limiting, dimension, and conjured up simply to expand EU competence by stealth.

Is it surprising to find that this brand of composite strategy has engendered some degree of Eurosceptic backlash? More often than not, scholars question the discourse thus mobilized in the ideological arena, whereby the ruling class ended up tainting the very concept (functionalism) it sought to coopt. As a result of functionalism's narrow focus, Isiksel (2016) argues, the EU's constitutional order bears a tenuous relationship to the core emancipatory principle distinguishing modern constitutional rule since its eighteenth century origins, namely popular sovereignty and democratic authorship. The eurocrisis has demonstrated the limits of combining a purposive legal system with a

constitutional device of entrenchment to insulate its teleological agenda from democratic challenge. As Borriello and Crespy (2015) note, EU leaders have legitimized the deepening of federal integration in a context where support for more European federalism is at its lowest, which in turn explains why federalism is both taboo and pervasive in French and German leaders' discourse. For many, functional motives have led to an ever more dysfunctional constitutionalism or federalism.

Hence the prevalence of a third, perhaps most widespread composite strategy, which addresses directly the *nature of the beast*. Here, the rhetorical path is more straightforward, namely to dispel the prospect that Europe's nation-states would eventually wither away as autonomous actors. Thus, politicians hardly ever utter the F word without the complementary nod, as with Jacques Delors' 'federation of nation-states', and its countless variants (Ricard-Nihoul & Delors, 2012). Against 'excessive cosmopolitanism akin to deterritorialisation', they embrace an 'open Europe'. After all, the failed constitutional moment was only about drafting a constitutional 'treaty', thus still an instrument of international law.

To be sure, cosmopolitans are not only wary of states but of *nation*-states which compound the exclusionary character of ethnic identity with the arbitrary potential of state power. But while this concern may warrant the transfer of some powers from the national to the supranational, it does not mean that they support a global or even European super-state (Archibugi et al., 1998). Hence the defence of what Ypi aptly termed statist cosmopolitanism, according to which 'political communities provide the unique associative sphere in which cosmopolitanism obtains political agency, may be legitimately enforced and cohesively maintained' (Ypi, 2008). Ypi's cosmopolitanism seeks to combine ethical universalism and political particularism, thus charting a third way between the orthodoxy of supranational law and of national cultural identity. Here, cosmopolitanism can coexist with state sovereignty and therefore national political boundaries if this is predicated on the slow enlargement of moral boundaries, in particular through civic education, where the ties of bounded citizenship and the duties of cosmopolitan citizenship end up reinforcing each other.

Scholars have provided countless variations on this balancing act. (Euro)-constitutionalism can accommodate a statist cosmopolitan vision provided the contract and process leading up to it create the right democratic space. Critical theories of human rights stress the compatibility between European constitutionalism and national sovereignty, arguing that legal cosmopolitanism is compatible with democratic self-determination through a productive process whereby each level of governance interacts with the others to interpret and enhance the norms in question (Benhabib, 2016; Balibar, 2016). Given the fundamental incompleteness of cosmopolitan rights, self-government tends to be a precondition for enjoying them. Similarly, legal theorists

have articulated a constitutional pluralist vision of an EU characterized by mutually conflicting claims of authority without the need to resolve them through hierarchy, but predicated on the mutual recognition of each other's claims (Maduro, 2003). In other words, if constitutional legitimacy were grounded on organizing collective self-rule by the people, why would it not accommodate the idea of joint sovereignty of peoples (Cheneval & Nicolaidis, 2017)? Musical metaphors seem to offer an apt referent for this multiplicity of time and space scales, from Bodei's cosmopolitan 'multitonality' to the contrapunctual of constitutional pluralists (Balibar, 2016; Maduro, 2003).

Here, we find the controversy over Kant exegesis at its more heated (Ferry, 2005; Archibugi et al., 1998). Suffice to say that proponents of a (nation)state-friendly reading of our 'isms' note that in his mature years of *Perpetual Peace*, Kant seemed more interested in thinking through the real-world process of recognition of separate polities within his *Völkerbund* (confederation of peoples) than elaborating on his *Völkerstaat* (polity of peoples) as an ultimate ideal (Kant, 1991[1795]). And even the latter, far from abolishing the existence of states, would transform them into law-abiding entities, considering that individual freedom depended to a large degree on legally orientated state sovereignty. Armed with this interpretative lens, Ferry for instance criticised Habermas for transforming the tension between Kant's *Völkerstaat* and his earlier presuppositions on universal human rights into an 'incompatibility', thus failing to acknowledge the mediating role played by states in sustaining cosmopolitanism (Habermas, 1997; Ferry, 2005). Not only does effective cosmopolitan law rely on the host state but Kant foresaw the risk that overbearing external intervention in the name of foreigners' rights can entail, at a minimum constraining host states' ability to defend the social economic rights of their own population, at worse justifying coercive colonialism (Hurrell, 2013).

In short, we need systematically to contrast the bright and dark sides of federal constitutional constraints or cosmopolitan designs. This is true from within but also from without Europe, where European-style cosmopolitanism can be seen to flirt with imperialism rather than emancipation. It matters, therefore, to ask who has the legitimacy but also the power to adjudicate in a cosmopolitan scheme. Which leads to a fourth kind of composite strategy relevant to those preoccupied with Europe's role in the world who would like to believe that cosmopolitan rights not only respect but also strengthen self-determination, including *against* Europeans. If 'we cannot not want' a cosmopolitan world, as Spivak famously proclaimed in her critique of what she calls post-colonial reason, this needs be a *post-colonial cosmopolitanism* (Spivak, 1999; Pollock et al., 2000). Which in turn calls for the EU to acknowledge its own post-colonial condition (Fisher-Onar & Nicolaidis, 2015).

Can cosmopolitanism escape Eurocentric teleology? This would ultimately require inverting the relationship between unity and diversity in the Kantian

worldview. When, in Kant's time, the Humboldt brothers promoted their pluralist version of cosmopolitanism, a 'cosmopolitanism of differences' in Marramao's felicitous phrase (2009) echoing Novalis' or Bloch's multiversum, they sought to start with the kind of radical pluralism which acknowledges the ways in which different cultures ground people's sense of human purpose, our relationship with nature and the cosmos. The free-floating use of the term cosmopolitanism is meaningless in a world where an array of cosmopolitanisms must be cobbled together through quite disparate histories (Baban et al., 2015). But if the cosmopolitanism of differences ends up being a stand against eurocentricism, inspired by the infinite multiplicity yet equal worth of human 'sites', taken to its ultimate logic, this stand means that each of these sites might itself require different degrees of closure to exist and survive as such. This includes the EU as a whole but also its constituent parts (Balibar, 2016). For cosmopolitanism from below to represent a revolutionary act of collective self-determination, all experiences of emancipation must be confronted in a process of mutual recognition of autonomy. Ultimately, we would need to observe the human race from *outside* in order to assess the merits of the cosmopolitan credo. Except, post-colonial cosmopolitans tell us, if the role of extra-terrestrials can be taken up by the extra-territorial, the subalterns, marginals, excluded or otherwise, who have so far failed to participate in the cosmopolitan design (Szendy, 2011). Excluded from without or from within, *même combat*!

This cursory probe into a sample of the composite strategies mobilized to bolster a third way understanding of Europeanism may offer horizons for our political imagination, but also suggests that these strategies can easily get lost in translation. Conceptual ambiguity does not easily work as mobilizing ideology. In fact, more often than not they provide a foil for taking the EU to task. It may be that EU politics is too messy to accommodate the Kantian mantle. In the end and whatever kind of composite rescue is attempted, cosmopolitanism is seen to pre-empt the local, federalism to pre-empt the state, and constitutionalism to pre-empt the political. And in the process we may sadly find that, as quipped by Peguy, 'Kant has such pure hands that he has no hand at all.'

Pollination Strategies

It was refreshing to hear Ursula von der Leyden explain when she became President of the Commission in 2019 that she no longer advocated the EU becoming a federal state or 'United States of Europe', that her dream for Europe had become 'more mature and more realistic', and that 'unity in diversity' was different from 'federalism'. Pollination strategies start with the intuition that the continued relevance of old labels might be better served by the presence of their absence, as only their evanescent 'pollen' is transferred from concepts to reality in order to fertilize new grounds. With these strategies, our

isms may disappear as explicit referent but they remain part of the EU's DNA as adjectives, attributes, connotations, echoes.

In fact, the last two decades of politicization in the EU can be thought of as a coming-out, an unfolding understanding of our three isms as ideological constructs themselves. By bringing into sharper focus the distributional impact of EU policies, the multifaceted crisis has sucked the ideological Gini out of the bottle. In this context, our 'isms' become collateral damage in related ideological struggles, seen as conceptual props for the institutionalization in the EU of a certain brand of neoliberalism and for the disembedding of socio-economic contracts (Kaiser, 2007, Hien, in this special issue). They risk becoming so immiserated by their ideological appropriation that nothing might be left to save. Accordingly, no discursive or semantic treatment can rid cosmopolitanism of its connotation as an elite project (Vieten, 2018), federalism of its connotation as a centralizing ploy, or constitutionalism of its connotation as an attempt to dissolve Europe's many tribes into a single European people.

As a response to the critical onslaught, pollination strategies tend to facilitate paradigm shifts in defense of a third way for the EU and the bringing together of philosophical debates over normative arguments with the positive methods which prevail in the social sciences. We can ask what is lost and gained by selective rejection and appropriation of concepts, dropping existing frames, or endorsing conceptual innovations such as 'demoicracy'. The beauty of the philosophical traditions behind our 'isms' is that they come with baggage, insights, controversies, and exegesis; in short, intellectual gravitas. But with such baggage, we are also burdened with semantic argumentation, obfuscations, and interpretative turf battles. Pollination strategies enable us to extract insights from these alternative isms, while allowing the conversation to move on without the baggage of extant theory. If this is the case, pollination may be about valuing the questions raised by our isms, themselves inspired by the comparisons, histories and traditions they entail, without burdening the debate with the labels they provide. Thus, the question aptly put by Fossum and Jachtenfuchs (2017) can be extended to the challenges encountered by all three isms: is the EU unfit for them or does it bring up challenges that these theories do not have ready-made answers for? In effect, when you are told, 'I would not start from here', pollination strategies can help look for answers elsewhere. We could start for instance, by:

Bringing the state back in. It does not makes sense, does it, to leave the European project so vulnerable to sovereignist sirens when the EC was designed to rescue European states, and when to this day it finds its best *raison d'être* in creating space for them to *exist* in a Hobbesian world (this article is written under the early shadow of the COVID-19 crisis). Say you argue that the EU is not a state in the coercive and symbolic Weberian

sense, even if it constrains and coordinates core state powers. If so, the label 'EU federation', even of nation-states, will not do. Naming the beast, as treaty makers have done, is about other terms such as 'community' (*pace* Weiler), or better yet, 'union' in contradistinction with 'unity' (Nicolaidis, 2018). This union can be pollenized – as long as it remains a federal or cosmopolitan 'union' not a federal or cosmopolitan 'state'. And on the other side of the equation, 'statism' is reserved for member states, while the cosmopolitan pollen seeds the state itself – rather than pointing to what happens beyond it – a state which is expected to 'evince a cosmopolitan regard for the citizens of other states by treating them as moral equals and recognizing mutual cosmopolitan obligations' (Bellamy, 2019). After all, the EU has demonstrated how Kant's cosmopolitan law of trans-border rights can reach much deeper than his original notion of 'hospitality' without requiring a supranational state-like guardian or overriding national majority rights (Orgad, 2015).

Bringing politics back in. If Europeanism is to ward-off democratic scepticism, we need to extract from our 'isms' that which strengthens both national democracies and transnational democratic politics. It seems that the EU has taken too far Kant's idealized view that 'all politics must bend the knee before right' – as if morality could be subcontracted to philosopher kings, and law trump democratic political debate. In sustaining democracy, responsibilities on the ground and powers delegated upwards cannot diverge radically. But the argument does not boil down to sovereignty in the name of democracy. Instead the EU's ideal of other-regarding legal orders and legalized empathy must be embedded in the opening up of our democracies to each other. To those who argue against constraining state sovereignty in the name of democracy, offer another Kantian angle – the thought that popular and state sovereignty are not the same thing, that politics within and beyond the state are inseparable, with causality working in both directions, not only as democracies beget peace but as they are in turn perfected by the institutionalized gaze of other nations upon them. In a democratic EU therefore, we need to find ways for citizens to debate across borders the fundamental tradeoff: whether the EU's federal and cosmopolitan traits are worth the losses experienced in collective autonomy, cultural protection and economic self-determination. Sure, a renewed constitutional process could impose a greater burden of legitimation through deliberation. But let's ask, shall we, how this time around, it could be emancipatory and conducive to social and democratic innovation rather than ossifying – of hegemony, exclusion or injustice. This might require nothing less than a permanent citizens assembly to hold EU decision makers to account.

Bringing citizenship back in. Ultimately, reasserting the centrality of politics rests on a certain idea of citizenship, not that of the atomized individual of our dark modernity, but the individual as the new citizen of a digital era, mastering the politics as interconnection. From her viewpoint, cosmopolitan rights

can suggest various kinds of ‘democratic iterations’ in Benhabib’s apt formula, including through forum shopping, the forging of transnational alliances, the empowerment of minorities or the exploitation of hybrid citizenship (Benhabib, 2016). The cosmopolitan key is found in people’s struggle among all levels of organization at once, whereby rights come to be contested and contextualized, invoked and revoked, posited and positioned. Irreducibly, as Hannah Arendt reminded us, these rights stand as shields against all potentially abusive and arbitrary power and as preconditions for our individual and collective emancipation (Lacroix & Pranchere, 2018).

Bringing power back in. To the extent that the EU has been an anti-hegemonic project *within* Europe as the key to peace, it rests on the collective memory that mitigating power asymmetries between states has historically been the key to peace in Europe. Think of the role of small buffer states in seventeenth and eighteenth century balance of power. Thus, if cooperative federalism relies on a compromise between the formal equality of unequal states and equality between citizens, there were good reasons for the EU to privilege the former (Magnetie & Nicolaidis, 2004). Sadly, these lessons are slowly forgotten, as betrayed by the reforms in the weighting of votes in the Lisbon Treaty (Czaputowicz & Kleinowski, 2018), or by the asymmetric interference upon smaller states like Greece or Portugal practiced during the EU crisis. To be sure, it is fair to ask under what conditions the EU is to confront the reality of international anarchy where the capacity for effective power matters greatly. Indeed Kant never stopped wrestling with the problem that a legal constitutional order (of a state or in our case of the EU) depends on political conditions external to itself. But there is no reason to believe that a continued commitment to taming power asymmetries internally weakens the capacity collectively to assert power externally.

Bringing decentering back in. Federal covenants serve a fundamental purpose: to tame *horizontal* domination between states thanks to a ‘shared centre’, in contrast with empire-like polity where the centre belongs to a single ruler. But sadly, federal restraints generally end up trading horizontal for vertical domination in order to deal with states’ disagreement over the interpretation of their mutual commitments. Binding rules above states become coercive in the absence of sufficient degrees of trust between states. If the EU system of constraining the nationalist excess of its member states has at least partially succeeded, is it not right to ask: what shall constrain it in turn? As Ostrom and others have argued, we can deliver Madisonian safeguards against the tyranny of factions, majorities, corrupt power and so on without an overbearing centre (Ostrom, 2008). Instead, the best way to square the circle between vertical and horizontal domination is to rely on polycentric, non-centralized structures, where the state or other sites of governance such as cities and regions support each other’s governing capacity, a horizontal approach to sharing sovereignty predicated on the value of

proximity, municipalism and localism, heterogenous preferences and the legitimacy of bounded social contracts (Nicolaidis & van Zeben, 2019; Hooghe & Marks, 2013).

Bringing the world back in. In the end, we need to ask under what conditions Europeans can sustainably cut the Kantian mantle to their regional measurements. The Kantian ideal for the progressive diffusion of liberal values and democratic interdependence to the entire world can still be rescued, but the charge of hypocrisy looms large. The idea of cosmopolitan Europe becomes an oxymoron if it is simply a unilateral strategy, predicated on the gradual expansion of the EU design to more states, through some kind of soft liberal crusading. It is hard to escape the colonial echoes of legitimizing interventionism in the name of safeguarding the economic freedoms of European or Western firms around the world, and the charge that Europe's cosmopolitan brand can appear to others as morally whitewashed imperialism (Walzer, 1989). And when it comes to opening our borders, the cosmopolitan view does not necessarily require the same borderlessness externally and internally, but at least a consistent reading between obligations to EU and non-EU citizens in terms of recognition (Strumia, 2013; Baban et al., 2015).

Some may argue that pollination strategies risk ending up stressing what the EU is not rather than what it is. Maybe pollinizers cannot escape the accusation of being too vague and non-committal. Or maybe there is a risk that the conceptual vacuum created by giving up the labels of not the spirit of our 'isms' would be filled by the appropriation of Europeanism by European populists who defend the 'real Europe' as the guardian of civilizational identity, Christianity, and 'true' European values. Yet it can also be argued that pollination strategies reflect not a tactical retreat but an intellectual commitment. Maybe there is nothing problematic for the EU in trundling along as different things to different people (Lacroix & Nicolaidis, 2010). Perhaps in the end, the *tabula rasa* approach finds its greatest merit in opening up our European imaginaries, keeping our politicians and citizens alike from relying on conceptual clutches, mindful of the fact that such a 'complex democracy' as the EU (Innerarity, 2018) cannot easily be labelled. Pollination strategies bring into focus the role of agency over the actual or desirable nature of the EU. Activists in particular do not need to defend an 'ism' wholesale in order to extract from it useful food for thought, conducive to their own democratic imagination and appropriation of the European project.

Conclusion

To the extent that ideological struggles can be seen as competitions over the control of political language, debates about the nature of Europeanism have long clung to the 'isms' discussed in this article, transforming them in the process from philosophical concepts into ideologies. Yet, because ideologies

are processed through filters of cultural understandings and misunderstandings, we must explore the recurring patterns of their changing content and popularized variants that secure success or failure for their public impact (Freeden, 1996). I have argued here that one way to go about teasing out such patterns is to ask what is gained and lost under alternative strategies, tentatively classified as essentialist, composite and pollination strategies. Specifically, in keeping with the transformative agenda of critical theory, I have asked whether and how these different strategies can contribute to articulating a 'demoicratic' third way for the EU (Manners, 2020).

To be sure, this exercise could be viewed as a kind of anti-politics, abstracting from the real world accounting of winners and losers. To the extent that the EU has been defended for its post-ideological character, focused on effectiveness as a 'regulatory state' or on fighting off the dangerous ideological revivals of 'nationalism' and 'populism', it may matter little whether we characterize it as cosmopolitan or not, federal or not, constitutional or not. Nevertheless, it is hard to deny that Europeanism is itself an ideologically motivated project, portrayed either from the left as a bastion of 'neo-liberal capitalism' or from the right as a 'socialist super-state'.

In assessing these competing claims, teasing out the truly ideological import of our philosophical placeholders is no bad place to start. Cosmopolitanism, Federalism and Constitutionalism. Each contains a universe of meanings in constant mutation, and with them the messages they are capable of transmitting. Decoding the ideological struggles they give rise to is an attempt to make the invisible discernible and thus to answer Camus' call for better naming the form of our global togetherness. Both Europe and our democratic health can only be better for it.

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