Vesa Heikkinen

The Inadequacy of liberal citizenship

ABSTRACT

The issue this essay attempts to address is the viewpoint of a modern European citizen. The essay begins with a brief sketch of the two traditions of citizenship which are conventionally recognized, namely the civic republican and the liberal tradition. Having established those as frames of reference, the essay will proceed to ponder three different viewpoints from which a modern European could see his citizenship. This will be carried out through a metaphor that stems from the very origins of European political theory, namely from Aristotle's Politics, in which he ponders the essence of virtuous citizenship using the image of a sailing ship. Distinguishing the virtuous man from the virtuous citizen, he pictures the latter one as a member of a sailing crew, whose individual position as part of the whole may differ from those next to him, just as the position of the rower differs from that of the look-out man. Should one adopt this view, remaining is the question of which boat does the citizen crew? The steamship of the nation-state, the large continental liner of the whole European Union, or perhaps the single boat of a free individual?

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Vesa Heikkinen is a PhD student at the University of Helsinki. He is part of the project 'Law, Governance, and Space: Questioning the Foundations of the Republican Tradition'. This research has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (grant agreement No 771874).

Introduction

According to an old saying, the price of democracy is constant vigilance. By this, it is meant that a democracy is a system of government that regularly needs to be re-evaluated and re-conceptualized lest it degenerate and lose its vitality. Following this notion, this essay will outline that it is through the concept of citizenship that democracy finds its ultimate foundation and its core institution. But what is a citizen? In the tumultuous times of the past few years, as well as in the foreseeable future, being a member of the European polity – a citizen of the European Union – remains as vague a concept as it ever was. Since its birth in the Maastricht Treaty in 1993, the institution of a European citizenship has undoubtedly gained some legal content, but in terms of human self-understanding, there surely remains a long road ahead of us.

This essay explores some starting points from which to approach the issue of citizenship in a Europe which seems to both integrate and disintegrate, and that often leaves both the 'elites' and the 'masses' baffled or angry. While no final answers will be given, the aim is to provoke the sort of fundamental political questions which were classically thought to precede questions of legislation proper, namely those pertaining to the *form of government*.[1] The outlook is, then, that of political history and philosophy, rather than that of law *simpliciter*.

The content of the essay will be divided as follows: After the introduction we will undergo a rough summary of the development of the citizen-institution in European political thought, focusing on the two branches that are commonly distinguished. First, we will look at the classic republican ideas of citizenship, which were first theorized by Plato and Aristotle, and which retained their dominant status until modernity, and, to a lesser degree, until the times of Jean-Jacques Rousseau and the French Revolution. Second, we will turn to the liberal ideas of citizenship which have triumphed for the past two hundred years and continue to predominate contemporary political theory, both on the level of the EU and the nation states. An impatient reader may consider skipping the first, historical summary and instead start with the more pertinent questions handled in the second part.
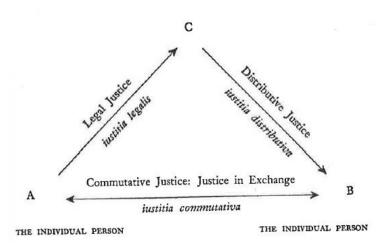
Having established the historical trajectories as points of reference, the essay will then consider the meaning of citizenship by considering three alternative positions from which a political self-understanding of an individual as part of the European polity could start. In this we will make use of a metaphor that stems from the very origins of European political theory – namely from Aristotle's *Politics*, in which he ponders the essence of virtuous citizenship using the image of a sailing ship. Distinguishing the virtuous man from the virtuous citizen, he pictures the latter one as a member of a sailing crew; while his individual position as part of the whole may differ from those next to him, just as the position of the rower differs from that of the look-out man, the common goal that binds them, and fundamentally defines them, is the task of a safe journey through the sea.[2]

Accordingly, the differing notions that a citizen could have of the nature of his 'ship' will serve us in exploring our subject. As has been elaborated by scholars such as Charles Taylor, the ideals of loyalty and interaction between citizens and communities have evolved throughout the two-and-a-half millennia since Aristotle's times, and so have the 'ships' that they sail. Since the Reformation, the stress has been, roughly speaking, more on the single individual rowing his own boat.[3] This, then, may be one

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starting point for considering European citizenship: nearly half a billion autonomous individuals, sailing towards self-interest under the starlit sky of rights granted by liberal Europe. In contrast, earlier political thinking saw society in citizens as parts of a whole; a full ship crewed by members in various differing positions.[4] Should one adopt this view, remaining is the question of which boat does the citizen crew? The steamship of the nation-state – or the large continental liner of the whole European Union?[5]

As is clear in these examples, the point of view is not from inside the community towards members and non-members, with an eye geared towards inclusion and exclusion (i.e. the legal qualifications of citizenship), but rather the opposite – namely the view the member has of the whole, and of the common good.[6] The lack of this view necessarily leads to the predominance of private interests, which Alexis de Tocqueville saw as an inherent danger in democratic government. As a result, this essay attempts to defend citizenship as an institution of public self-understanding and public opinion, rather than a mere vessel of rights and duties.

THE SOCIAL WHOLE

The three forms of Justice. The relation of A to C, consisting of Iustitia legalis, is that of an individual person to the social whole, i.e. of a crewmember to his ship. Source: Josef Pieper, The Four Cardinal Virtues (Notre Dame University Press 2010), 113.

The title of the paper, *The inadequacy of liberal citizenship*, thus refers to the paradigmatic issue pertaining to liberalism itself – that it may provide protection against oppression and tyranny, and arm the citizen with legal remedies against them, but may not tell him what to do with his freedom. No direction with positive content as to how one should view oneself as a part of the existing communities can be given, aside from, perhaps, some rather vague exhortations towards solidarity. The citizen in Europe, the citizen *of* Europe, thus remains uninformed. Self-interest or common interest? If the latter, *which* common interest?

Of course, liberalism that carried with it a strong directive element would quite possibly cease to be liberalism. It is, then, the inherent and necessary hollowness of liberal citizenship, rather than any mistake in its application, with which modern polities are faced.[7] If this is the case, remedying the situation cannot be achieved with merely increasing the dosage of liberal citizenship (with more or emphasized rights), but must require a changing of the formula. Whether or not they could be realistically

implemented as part of our political culture at this point, classical ideas of citizenship are potentially the best source to look for 'new' ingredients.

The two traditions of citizenship

The origins of citizenship theory

Before the times of Solon (c. 638–c. 558 BC) no clear concept of citizenship existed, and it may be said that the history of Greek citizenship begins with him. While the institution of citizenship existed before them, Plato and Aristotle were the first to comprehensively theorize citizenship and include it as a core concept in their political philosophies, which had tremendous influence on subsequent thinking. Despite their disagreement on many matters, on citizenship Plato and Aristotle had largely similar views. Both saw the community as naturally belonging to human nature, being in essential ways the creator of individuals, and hence the legitimate object of individual's care and attention.[8] In what follows the essay will take Aristotle as a point of focus.

Aristotle saw man as by nature a political animal who could actualize his fullest potential only in an organized city-state. Engagement in civic matters was reserved for the citizens – that is, males heading households which supplied them with the bare necessities of life in the private realm (*idion*). This enabled them to step out into the public space (*koinon*) where activity was not subordinated to necessity but could arise out of real freedom.[9] This, in a nutshell, marked the border between bare life (as existence) and the good life.[10]

In terms of population, Aristotle maintained that the size of the polity was to be limited. This was due to several reasons, one being that an excessive size would render the polity difficult to organize under a lawful order. On the other hand, a city-state was supposed to possess autarchy, the capability to meet its needs in an autonomous fashion, and this ruled out states that were too compact. The crucial limitation was, however, the fact that in an Aristotelian city-state the citizens would alternate between ruling and being ruled in turn. This meant that they were to 'know one another's characters', and this would also ensure that strangers or foreigners would have a harder time infiltrating among the citizenry.[11] Unlike modern states, the Aristotelian ideal of a state was thus small enough that its citizens could be seen at once. The body politic, then, was visible in a concrete manner, being comprised of fences, borders and positions of each household. The *agora*, or the public space outside of these islands of privacy, was the domain for displaying *arete*, or virtue (often simply translated as excellence). It was in the course of philosophizing the nature of the best citizen that Aristotle distinguished between the virtue of man and the virtue of citizen. The former is something unchanging, but the latter is dependent on the particular form of government, as well as the particular position a citizen has within it. The good citizen is only identical with the good man in the best regime, where the good of the regime is identical with the good of the man.[12]

Aristotelian exposition of civic republican citizenship passed on through Zeno and the Stoics, and to Roman republican writers such as Cicero. Throughout its history Rome utilized the institution of

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citizenship, along with its various subclasses, with tactical skill in order to maintain balance between public approval, military allegiance and the collection of taxes. As a whole, the history of Roman citizenship is more complex, if less intellectual, than that of Greece.[13]

Obviously, the legacy of Roman citizenship remained dominant especially in Roman law. The Romanization of administration and law in the provinces was accelerated further by the eventual expansion of citizenship status to unprecedented numbers of people, as Emperor Caracalla's edict, the *constitutio antoniniana* in 212 AD gave citizenship to all free men within the Empire. The ethical background provided by Stoic philosophy, with its emphasis on Natural Law and the early development of the concept of *kosmopolis* may be seen to give rise to the first theories of world citizenship, although this notion should not be weighed too heavily with modern interpretations, as many Stoic writings remain only in fragments.[14]

The rise of Christianity initially meant the rejection of earthly public life, as its adherents focused their attention on Christian piety and contemplation of the afterlife. The early Christians sought to develop communal feeling devoid of political elements using the concepts of fraternal love and charity precisely because of their non-public nature. The withdrawal from public life saw its extreme variant in the practice of monasticism, which was rejection of citizenship in the full classical sense of the term.[15] Another matter which the Christian doctrine was seen to reject was the traditional value placed on military fortitude. Indeed, the sacking of Rome by Visigoth barbarians in 410 AD was widely seen as a result of Christian 'softness', a claim that provoked Augustine to defend the Christian doctrine in his *City of God* (*De Civitate Dei*). The lack of military vigor in Christianity was a concern shared by many later republican theorists of citizenship, e.g. Machiavelli and Rousseau.

During the Middle Ages, Greek and Roman understanding of citizenship mostly lived on in the city-states of Northern Italy. Classical writings defined the language of citizenship and its accompanying ideals. Allegiance, sacrifice and unwavering loyalty to one's own home-city were highly praised and families with good track records in committing to the flourishment of their cities were venerated. The lawyer Accursius (d. ca. 1260) was influenced by classical thinking and stated that the love of country should precede the love of family. In fact, the only hierarchy of obligations higher than those toward the country were those towards God.[16]

However, regardless of the importance of ancient writings as sources of law (e.g. The *Corpus Juris Civilis*) and moral ethos (e.g. Cicero), medieval citizenship never became the intense political issue it had been to the Greeks. Instead, it started to drift towards modern thinking in two senses. First, the calculation of monetary benefit associated with citizenship increasingly overweighed the matters of political participation. The commercial advantage relating to inheritance, taxation and trade opportunities was increasingly seen as a dominating factor. As Riesenberg notes, the coincidence of a booming economy with a fast developing legal science produced a level of litigiousness and concern for status in legal and economic affairs that provokes a comparison with our own age.[17] Second, the emphasis on individual will gained prominence. Whereas for the Ancients citizenship was a category of being and nearly impossible to shuck off in favor of another one, in medieval times the individual was free to choose – not only between good and evil, but between Perugia and Siena.[18]

The slow demise of the classical form of citizenship was more or less finalized by the growth of princely power during the Renaissance. The will of the individual was increasingly superseded by the will

of the prince extending his realm, and the growing need of material, legal and political benefits tied the individual to the prince, who by the act of his will alone could create or destroy any relationship between citizen and community. Crucially, the dependence on the prince along with the requirements of commercial competition meant that the very prerequisite of the citizenly good life theorized by Aristotle – namely, *freedom from necessity* – was lost. In short, the idea of the citizen heading a household and living the leisured good life in the public space of freedom, was replaced by the obedient subject, owing his existence to the sovereign. The concept of citizenship lived on in law and literature, but it became something quite incomprehensible, an archaism from times past.[19]

Citizenship after Modernity, the turn towards individuals

The second citizenship, representing its currently dominant liberal form, is a product of various historical trajectories, including the Protestant Reformation and rise of mechanistic science. Starting from the early stages of the Enlightenment era, it gained prominence in the late 18th and early 19th centuries. This tradition – whose intellectual fathers include Bernard de Mandeville, John Locke and Adam Smith – did not directly replace the civic republican variation, as this had become something of an archaism after the Renaissance, and had since been replaced by subjection under absolute monarchy. Rather, it evolved gradually as a result of the growing middle-class population, who demanded security from unlawful intervention in matters of property and commerce.

Contributing to the development were changes that happened with regards to the philosophical foundations of society and state itself. As the mechanistic view of science and the voluntaristic view of the human psyche took hold, so did the underlying foundation of society change. The Greek and Medieval understanding of Reason as being tied to a natural order, each participant striving towards its own inherent *telos*, was replaced as the ultimate criteria. Instead of a normative order of things evident in nature, the ground for political obligation came to be understood as a decision to submit to the sovereign, this happening out of self-interest. Self-interest was seen to be served by prudence, or calculating reason, which did not offer any inherent *telos* of itself, merely the means to attain what the will deemed worth pursuing.[20]

The essential distinction which arose out of liberal citizenship was that of private interest and public interest, or, individual self-interest and the communal interest. Unlike in ancient times, these two were now seen to operate in conflict with each other, and in political philosophy this gave rise to the various theories of social contract. These were, as in the case of Thomas Hobbes, attempts to create logical foundations for peaceful coexistence in times of religious wars and civil strife, and which initially rested on the idea of the sovereign ruler, acquiring a less monarchical basis during the following centuries. Along with the distinction between self-interest and the common good, the separation of individuals *qua* human beings and *qua* citizens strengthened – hence the dual title of the French declaration in 1789: *Déclaration des droits de l'homme et du citoyen.* As Karl Marx noted, the rights of man (*homme*) are negative, allowing the individual to pursue his own, personal life, not committing him to a life as a member of a community. The rights of the citizen, in contrast, have a more refined, positive character, concentrating

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on a range of legal rights such as freedom of speech and conscience, equality before the law, presumption of innocence and trial by jury.[21]

The Declaration of the rights of Man and Citizen, 1789. (Wikimedia commons)

It may be said that in the doctrine of liberal citizenship the individual now remained an individual, regardless of citizenship status, and was under no obligation to participate in the public arena, or to have responsibilities towards other citizens. Instead, a new model of civility emerged during the 18th century, namely, the 'bourgeois' ethic of sober work and disciplined productivity, with the highest dignity placed on labor and the transformation of nature in the service of life.[22] According to Arendt, the fact that the traditionally closed and private mechanisms of production were now allowed to gain public visibility created the modern mass society, along with its ever expanding social sphere.[23]

As the understanding of citizenship shifted in the direction what was previously private – namely the affirmation of ordinary life, seeing work as an individual vocation, and the stress on intimate

sentiment – the nature of public clearly changed as well. As famously outlined by Jürgen Habermas in his *Strukturwandel der Öffentlichkeit*, the emerging understanding of publicity in the bourgeois society was that of the Public sphere. Inherent in this new understanding of public life was the question of common accessibility, rather than any moral ethos. The bourgeois public sphere consisted of new forms of communication in the media – first enabled by the printing press and later through the invention of radio and television. A debate taking place on a radio programme could be followed up in a newspaper the following day and continued further on television. What creates the public sphere, then, is the shared access to these media and the agreement of societal development through people taking interest in the discussion. While the notion of *common good* is not altogether left behind, the primary characteristic of 'public' became however that of *common access*.[24]

What liberalism had essentially done was to justify the individual pursuit, free of the polis. Of course, these developments were complex and gave rise to many forms of criticism. A notable example is Jean-Jacques Rousseau, who, writing in the mid-18th century is possibly the last major thinker to reject the emerging liberal view of society and turn back towards the ancient ideal of the city-state. His rejection of the self-interested bourgeois individual was of course a reaction to the dichotomy that did not exist at the times of Aristotle, namely the essential conflict between public and private good. In Rousseau's view, the split of natural man into *homme* and *citoyen* was the irrevocable result of man entering modern society, accompanied by alienation from one's inner reality, and from the *sentiment de l'existence*. His proposal was the general will, a mechanism whereby each individual gives up the totality of his freedom and powers to the community, receiving them back under the supreme direction of the general will, becoming in the process a part of an organic whole, the body politic. The *homme* is incorporated within the *citoyen*.[25] Rousseau was a major influence on subsequent critics of liberalism, among them Hegel and Tocqueville. To conclude this chapter in the words of Leo Strauss, the mere fact of the city-state being superseded by the modern state does not refute classical political philosophy. Most classical philosophers considered the city as the most perfect form of political organization because they realized, with good reason, that the city is essentially superior to the other forms of political association known to classical antiquity, namely the tribe and the Eastern monarchy. Tribal life is characterized by freedom (public spirit) and lack of civilization (the arts and sciences), while Eastern monarchies are characterized by civilization and lack of freedom. The standards of freedom and civilization were therefore the reason that classical philosophers preferred the city as the best polity. Even after the birth of the modern state in the 16th century, many major thinkers continued to prefer the classical city due to the standards of freedom and civilization. In fact, it was only in the 19th century that the fall of absolutism gave rise to a state which could plausibly claim to surpass the Greek city in these terms.[26]

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Citizen in the EU – crewing which ship?

The national steamship

All institutions must serve a purpose. A purpose may, however, be complex and/or controversial, and its operation in practice may not live up to ideal expectations. By one short definition, the purpose of citizenship is to connect the individual and the state in a symbiotic relationship so that a just and stable republican polity can be created and sustained and the individual citizen can enjoy freedom.[27]

The nature of that connection is, in the Aristotelian metaphor, similar to that of a crewmember and a ship. In what follows I will consider some of the major questions pertaining to citizen's self-understanding in modern Europe, with the underlying question: what kind of ship is one crewing – he national steam ship, the European ocean liner, or the single boat of an autonomous boatman? Again, a definite solution may elude us, and while the socio-legal ramifications of each alternative are surely fit to fill volumes, one has to start somewhere. In an era of wavering institutions and uncertain politics, the question can scarcely be shrugged off as too big to ponder.

To begin with Hannah Arendt, in recent history there have been few thinkers as strongly supportive of the classical model of citizenship as she. For her, the citizen is clearly something more than an isolated monad, looking out for their own self-interest; rather, they are an active participant as a part of a whole, giving rise to the plurality that properly constitutes the human world. This is also the starting point for political action, as it signifies the fact that different people function differently, have different ideas and opinions, and come to different judgements about political matters. Plurality, then, literally means plurality, not merely, as it often does to others, a single sovereign human being in the aggregate.[28]

It was Joseph de Maistre who once quipped that he had never in his life seen a human being – plenty of Frenchmen, Italians, Russians, etc., and from a reliable source (Montesquieu) he had even learned of Persians, but just a man, a bare human being, never.[29] He clearly was quite convinced that it was folly to strip humans of the specific substance that makes them 'something'. Arendt, clearly a thinker of different leanings than Maistre, may still be seen to agree, insofar as she considered the nation state the sole provider of the institutions of citizenship, and the conditions of membership in an organized political community through which human rights could be actualized.

Accordingly, when one is reduced from the status of citizen, and into a simple 'human being', one loses the element of public representation, the role as a part of the whole, and without such ties ends up representing nothing but his own unique individuality, as even universal standards require something that is particular to embody them.[30] 'The right to have rights', as goes her often quoted maxim about the core function of citizenship, would then point us to ask after the entity that grants us those rights – and it does not take a lawyer to understand that it is still the nation state that functions in that role. Clearly, then, the reality of modern political life remains that of national polities. The basic badge of membership continues to be ascribed on the basis the nationality of Westphalian states recognized under international law.[31]

What Leo Strauss hinted at was that the nation state was arguably the first form of government, after centuries of imperial reign, feudalism, and absolute monarchy, to successfully surpass the ancient

polis in terms of freedom and civilization. However, its accomplishments in the development of citizen rights is not the specific issue, and need not concern us here. What should perhaps be noted, with regards to the preceding chapters, is the growth of polities far beyond the desirable limits outlined by Aristotle, Rousseau and most of the civic republican theorists.

Once the polity outgrows the capability of its citizens to 'know one another's characters', and the body politic cannot anymore be visibly perceived in its entirety, individuals need other means to actualize their potential as communal beings (something like 'lighthouses' to guide their eyes toward the common good). These means could, provisionally, be categorized as symbols and institutions. Symbols include, for example, the national flag. As symbols have a more cultural nature, it serves us to focus on institutions. These 'secondary powers' as Tocqueville called them, may be commercial, scientific, cultural or political in nature, but their function in a democracy is to cultivate and protect citizens, both against the lure of individualistic excess, and against the potential 'democratic despotism' of the state.[32]

If these institutions are 'secondary powers', then it should follow that in democracy the 'primary powers' are citizens themselves. It is through the political organisation of citizenry that these secondary powers gain their existence. However, a very notable decline in political party membership, electoral activity, trade unionism and wide-range civic engagement has been observed in Western societies, starting from the 1980s at the latest.[33] While this phenomenon cannot be dealt with in detail at this juncture, it is of crucial relevance as it exemplifies the steady erosion of democratic vitality, as outlined in the introductory chapter.

If the closest that citizens have of a 'sense of belonging'[34] is toward the nation state, this may have been undermined, along with the general decrease in political activity, by the treatment of citizens as customers by the state authorities. This phenomenon became apparent in the 1980's and 1990's, as received political wisdom came to see the difference in private and public provision of goods in the manner that understood the state as dictating to people what they need – which will always be in effect the same for everybody – whereas private markets cater to what people really want as individuals.[35]
The superiority of wants to needs, or relatedly, the superiority of will to reason, was of course a product of the bourgeois society born out of modernity hundreds of years earlier.[36] But it was only during the late 1900s that the *'homme'* started to finally overpower the *'citoyen'* in the relationship between citizens and state authorities. The result was the treatment of citizens as customers, which was encouraged by the perceived superiority of privately driven provision of goods.[37] Needless to say, the privatization of public services is both a result and a cause of this development.

As long as citizenship contains a shred of its proper, classically-inspired meaning of a human being as a constituent part of a living plurality, with one's own specific part therein, the role of the citizen can never be replaced by that of a customer. In this vein, political republics are communities that cannot by their very nature be turned into markets, or without depriving them of some of their central qualities. Unlike communities of choice, in which the *homme* sates his desires through consumption of goods, political communities are basically communities of fate. At their core, they ask their members not to insist on their separate individuality but to accept a collectively shared identity, integrating the former into the latter. In comparison to markets, political relations are therefore rigid and persistent.[38]

The rejection of this rigidity and persistence on an individual level, and the embracement of dynamic pursuit of self-interest may lead, and indeed has led, people to the abandonment of political

institutions, including their very own position as part of the plurality. This form of individualism is the one that we referred to as the 'autonomous boatman', meaning an atomistic view of oneself as not a part of particularly anything. Before turning to that version of 'degraded' citizenship, we will briefly turn our eye toward the European polity.

The European ocean liner

The 'European ocean liner', meaning the version of political self-understanding that primarily looks towards the common good on a European level, is an aspirational idea that clearly faces a multitude of problems. However, it bears some attraction as an answer to the historical changes brought by globalization, large scale immigration (both freely chosen and forced), as well as the unprecedented environmental problems posed by the era of 'anthropocene', which may be seen as having rendered nation states obsolete in carrying out the necessary responses to these challenges.

In terms of media exposure, calls for the strengthening and further integrating Europe despite the setback brought by Brexit have certainly garnered some attention. The former leader of the German Social Democratic party, Martin Schulz evoked the idea of the 'United States of Europe' in December 2017, and more recently, the French President Emmanuel Macron on several occasions urged Europeans to defend European sovereignty, the rule of law, and proposed the establishment of a new EU agency for the purposes of upholding democracy. Such visions are widely saluted, but the extent to which they reach the ears, or hearts, of ordinary European citizens is questionable. The lack of a genuine European *demos*, or a European public sphere, are often mentioned.[39]

As the political systems of the nation states may be said to be staying aloft, albeit purely on the supporting breeze of their own historical consequence, we can, in the case of Europe, wonder about the birth of a body politic. How would one constitute a European political society? Following the theory of the French philosopher Jacques Maritain, we may outline that that the political society is a concretely and wholly human reality, tending to a concretely and wholly human good – the common good. Since in political society authority comes from below, through the people, it is normal that the whole dynamism of authority in the body politic should be made up of particular and partial authorities rising in tiers above one another, up to the top authority of the state.[40]

The political society may be pictured, then, as an organic whole with the outermost borders being drawn by the plurality of human beings in their roles as citizens.[41] The tiers above them are then occupied by partial authorities which may be likened to the 'secondary powers' of Tocqueville, namely political parties and other intermediary institutions, responsible for cultivating and directing the citizenly energy towards the common good. Should the citizenly energy waver in its direction, we might imagine the entire polity to face strong uncertainty.

The extension of government to a larger polities may, according to Maritain, be carried out either through the merely governmental theory of organization, whereby the state is expanded to cover the new polity, or through the integral consideration of the body politic, this being the fully political manner. He rejects the first, on the grounds that the state apparatus is merely the topmost part of the body politic

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and its extension alone cannot bring about a genuine political society. The latter, however, is possible as long as it happens through freedom.[42]

During the past decades, the European political establishment has been faced with a number of 'No'-votes, meaning rejections of further integration in nationally organized referenda. In terms of freedom, as well as in terms of the notion that genuine political authority flows from below, these outcomes provide interesting, if difficult lessons about the European political project, and they have naturally attracted a great deal of analysis.

For example, after the Dutch 'No'-vote on the European constitution in 2005, Herman van Gunsteren argued that this very act of rejection may be seen as an act of European citizenship. The confused reactions of politicians, expressed in such statements as 'We have moved too fast', 'we have forced the people to swallow too much', or 'The European people want integration, only at a slower pace', betray the underlying assumption that a certain direction of integration is a matter of necessity, the people voting 'No' being merely ignorant foot-draggers. The ones disagreeing with the direction of the treaty were more or less ignored.[43]

Van Gunsteren argues that the problem of European citizenship is its overt reliance on superficial attempts at symbolic unity, in the form of the flag, the currency and Beethoven's Ninth, as well as easily approachable forms of togetherness such as the Erasmus exchange program.[44] Of course, after the financial crisis, the exhortations towards solidarity acquired a rather darker and more desperate tone.[45] Citizenship in a modern polity does not necessarily require a sense of universal friendship with the others. Quite the opposite. Insofar as politics itself may be defined as a non-violent conflict settlement mechanism within a society, we immediately see the two crucial elements. First, the requirement of non-violence, and second, the requirement of conflict. Without the first, politics would dissolve into violence, without the second, into governance.[46]

Thus, as van Gunsteren remarks, the air of general friendship, understanding and solidarity often encouraged when talking of European people – reinforced with positive and carefree programs such as the Erasmus exchange program –actually amounts to the depoliticization of exactly that human material which would – in a properly functioning body politic – become the future institutions in a genuine 'non-violent conflict settlement mechanism' that is politics as human activity. In short, citizens cannot be made by policy makers. These can at most create and sustain the conditions under which citizenship may emerge.[47]

The autonomous boatman

This scenario, in brief, rests on the liberal conception of citizenship as outlined in the previous chapters. It is not, however, an attempt at fair and accurate portrayal of a liberal view of Europe. Rather, it is a continuation of the previous chapters on the added premise that the dual role of *homme* and *citoyen*, of private and public interest, has been lost with the private *homme* as the sole survivor. The scales having tipped at some point during the last decades, the autonomous boatman now represents the Europe of individualism-at-large.

The worry that liberal democracy will eventually mean the loss of communal togetherness, with each individual folding towards the solitude of their own hearts, has of course been expressed by thinkers throughout the existence of liberal citizenship, and not least by Tocqueville. Writing 150 years after him, Allan Bloom agrees with Tocqueville's dictum that 'in democratic societies, each citizen is habitually busy with the contemplation of a very petty object, which is himself', and adds that this contemplation is now intensified with a greater indifference to the past and the loss of a national view of the future.[48]

It is tempting, even if a slight exaggeration, to claim that the autonomous boatman is, in terms of civic mindedness and public opinion, now an almost revered model in today's European culture. The dynamism of free movement, pursuit of success, aversion to nationalist sentiment and distrust towards political parties with ideological histories are among the markings of the boatman. Contrasting this with the perspective of classical citizenship, a society of such individuals can barely constitute a society at all, nor does it have citizens, properly speaking – it is nothing more than an agglomeration of competitive units.[49]

The recent vocabulary of post-factual politics may be seen as a symptom of the disintegration of traditional political institutions and ideologies, as the people, lacking these, are simply unable to relate to a given fact in any politically meaningful sense. In other words, it is from a specific position as part of the body politic that a citizen is capable of political understanding. The loss of those positions means, in Arendt's terms, the loss of the plurality of viewpoints that is the fundamental requirement of any political activity.[50] The body politic being replaced by markets; any truth brought into the marketplace of political opinion will likely be treated as simply another opinion, attracting either want or revulsion, based on individual prejudices. Its compelling character will be lost, and with that its claim to being truth.[51]

Overall, the contributing factors to the isolation and atomization of individuals are probably more cultural than legal.[52] These areas are, of course, closely intertwined. The public sphere, understood in its modern bourgeois form as outlined by Habermas, is, as previously mentioned a public sphere precisely in the sense of accessibility – openness without form. It may be argued that this, together with the ubiquitous social sphere, creates the current problems relating to individual privacy, namely the extent of individual being accessible to the public. In this sense, the European institutions aiming at the protection of European citizens may inadvertently contribute to the further erosion of social ties and the steepening of the individual atomism as exemplified by the image of the autonomous boatman.

Namely, some notable court cases pertaining to a person's right to be forgotten in the context of internet search engines have created ongoing debates on the limits of privacy and data protection.[53] This, in turn, has roused worries that the excessive emphasis on the protection of privacy may yet increase the disaffiliation of modern citizens from their communal identities, creating something of a 'societal auto-immunity disorder', whereby the tools of maintaining privacy could, taken to excess, damage any remaining connections between individuals and their community.[54] For Carl Schmitt as well, the inherent feature of liberalism, the privileging of privacy, along with the economization of politics, finally means that liberalism is incompatible with the realization of democracy. Instead of bringing it about, liberalism does away with democracy.[55]

Even if Schmitt's notion of incompatibility is not accepted, the tension inherent in liberal democracy can easily be seen if citizenship is really accepted as an *institution*. What is an institution? An institution is 'a stable, valued, recurring pattern of behavior' (Wikipedia). The requirement of stability,

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then, includes a limitation on freedom, as unrestrained use of freedom would undermine the stability of the institution. The acquiescence of one's position as part of the body politic necessitates a mode of restraint, moderation or *sittlichkeit* (to use Hegel's terminology).

Going further, it seems uncontroversial that no matter which era of political theory is in question, citizenship always retains at its core the duality of individual and community. The relationship between the two, the extent of their difference in *essence*, as well as their difference in *interests*, is the field in which any citizenship theory must operate. It is the manner in which they recognize each other which necessarily precedes any interaction between the two. From the point of view of a modern nation state, the conventional methods of accepting citizens are through lineage and family ties (*jus sanguinis*) and through birthplace jurisdiction (*jus soli*). From the point of view of the citizen, the recognition of the community and the common good is a more complex matter as it cannot be legally imposed. Citizenship can, as the ancients knew, only be brought about through education. For current generations, it may be too late to change anything. With an eye towards future Europeans, it remains our task to figure out which ship will they crew, the national steamship, the European ocean liner, or the atomistic rowboat.

Finally

"Can transparency increase citizen participation in the European Union?" Questions such as this have been frequently brought up in policy documents for nearly two decades, starting, at the latest, from the 2001 Commission white paper on European governance. Replace 'transparency' with 'accountability', 'good governance' or something else, and the basic structure of the question remains the same. Namely, it focuses on a governance buzzword that enjoys widespread politico-cultural reverence, while often leaving undefined the very core of the matter. That is, as I have argued, the nature of the European body politic, and, inescapably, its constituent material of the European citizens.

In a modest manner, then, this essay joins those who sometimes criticize political science scholarship for focusing extensively on policy proposals and government initiatives as if government itself were the regime's ruling element. Alexis de Tocqueville's observations in America still remain valid reminders that the ruling element of democracy must always be the people, and that democracy rests on their institutive energy. Without that, it will collapse.[56]

In our times, whatever energy the people occasionally express, in procedurally democratic terms or otherwise, it tends to be subsumed into the rather haughty notions of 'resistance to change' and 'clinging to old institutions', or sometimes, condescendingly, to 'being left behind'. The politicians may pay lip service to respecting the occasional expressions of confusion and anger, but unerringly maintain the TINA-policy (There Is No Alternative) of ever increasing legal flexibilities and monetary incentives demanded by competitiveness, which is, in turn, caused by 'change' – changes in the economy, changes in the labor market, changes of digitalization, changes of globalization and climate change, to name a few examples.[57]

On whatever level of democracy the European citizen operates – be it local, national or European – he finds himself as part of a constituency vying for power with another. Because markets are no longer

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located within states, but states are located within markets, he, as part of the citizenry, comprises the '*staatsvolk*', while the demands of international markets are operated under the constituency '*marktvolk*'. This constituency is not bound to its polities in terms of public law, but merely contractually. Moreover, it is not constrained by electoral cycles and measured against its demands, democracy as in the standard model could not but appear outdated, sluggish and excessively collectivistic and conservative compared to agile individuals responding instantly to market signals and competition.[58]

The prevalent model of thought, as a result, can hardly be anything else but a constant drive towards what is necessary. Necessity, as we recall, was for Aristotle precisely that which binds humans to live life merely as life, as animal existence, as opposed to the good life of freedom and political action. And for Tocqueville, the transformation of political necessity into dogmatic forms is preceded by the revolutionary splendour of daily innovations and followed by the disintegration of morality and the subjection of individuals to political goals.[59]

As Aristotle knew and explicitly stated, the nature of the good citizen depends on the form of government. If Europe wills to stay true to the principles of *politeia* outlined by many of her brightest children, and if she ever wills to overcome the 'democratic deficit', she will have to start by taking seriously the fact that citizenship will never be realized at the EU-level through merely legal means.[60] Neither will we receive help from economics, which may only ever answer a question of what is efficient, but never one of what is good.[61] And besides, as Tocqueville observed, efficiency should not always be democracy's goal. Political engagement can be messy and inefficient but remains vital to democracy's long-term interests.[62]

At the outset this essay argued that liberal citizenship is inadequate because it lacks the directive element; in other words because it is incapable of guiding our eyes toward the common good. To add something to this, we would propose that the inadequacy of liberal citizenship consists of its incapability to resuscitate the very dichotomy, and the very duality, on which it is based – namely the *homme* and the *citoyen*. The latter having fallen down, bereft of his ship, the former goes on walking, not knowing what else to do. Perhaps they never did get along as well as was initially hoped by the early modern thinkers.

Finally, in Europe and elsewhere, liberal citizenship has presented marvelous opportunities for citizens to act as customers and expect the public authorities to match the servility of privately owned commercial providers. The ever more stringent competition, along with the unprecedented availability of digital data gathering, enables the collection and utilization of such behavioral mechanisms from the social sphere that Hannah Arendt could hardly have foreseen.[63] In other words, even those willing to act as loyal crewmembers will find themselves in the role of mere passengers, treated with colorful entertainments while having no real say in where the ship is going. If the fate of citizenship after the Renaissance was to turn into an archaism, and be replaced by subjection under the absolute monarchy, the fate of citizenship today may be something similar, but the monarch we face is not one with the crown and the scepter, but one with the data and the algorithm.

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[1] Leo Strauss, *The City and Man* (University of Chicago Press 1978), 48.

[2] Aristotle, *Politics,* trans. Ernest Barker (Oxford University Press 1995) III.4.

[3] Charles Taylor, *Sources of the Self* (Cambridge University Press 1989), 217.

[4] This view, strictly speaking, has been more attributed to the Greek Antiquity than to Rome. Eric Nelson*, The Greek tradition in Republican thought* (Cambridge University Press 2004), 10. Yet, the corporatist understanding had strong subsequent influence also on Christian doctrines. Cf. Saint Paul's epistle to the Corinthians (I Cor 12:12–31) in which he pictures the Christian society as an organic whole.

[5] The question 'why not both?' might arise, and multi-level citizenship is a valid topic. Within this particular metaphorical scheme, however, it may be said that sticking ships on top of one another seriously hinders the steering capability of one or the other.

[6] Of the three kinds of Justice described by the classical and scholastic tradition, our focus here is on *Iustitia Generalis* (also called *Iustitia Legalis*), as distinct from the two other forms of Justice, *Iustitia Distributiva* and *Iustitia Commutativa*. For a description of the three forms of Justice, see Josef Pieper, The Four Cardinal Virtues (University of Notre Dame Press 2010), 70–75.

[7] Or, in the words of Walter Lippmann: 'Liberalism does not dominate action, because it has eliminated the actor from its scheme of things. It cannot say: you do this and that, as all ruling philosophies must. It can only say: that isn't fair, that's selfish, that's tyrannical. Liberalism has, therefore, been the defender of the underdog, and his liberator, but not his guide when he is free.' Walter Lippmann, *The Phantom Public* (Harcourt, Brace and Company 1925), 168.

[8] Riesenberg, *Citizenship in the Western tradition*, 47.

[9] Jürgen Habermas, *The Structural Transformation of the Public Sphere* (Polity Press 1989), 3.

[10] Citizenship was for the propertied, leisured elite. The word 'privacy' was still very much connected to its original meaning of privation – lack of something, namely, lack of the good life, the *vita activa*. While 'loss of privacy' is today a most pressing concern in our societal thinking, in terms of its origin, 'loss of privacy' is something of a tautology: 'loss of loss of public relevance'.

[11] Aristotle, *Politics*, 1326a–1326b.

[12] Leo Strauss, *What is Political Philosophy, and other Studies* (University of Chicago Press 1988), 35. Mere patriotism does not suffice in creating a good citizen, since patriotism consists of loving one's own. Good citizenship requires, in addition, love of the good.

[13] Riesenberg, *Citizenship in the Western tradition*, 56.

[14] Derek Heater, *World Citizenship: Cosmopolitan Thinking and its Opponents* (Continuum 2002), 27.

[15] 'What the *polis* and the *civitas* were to paganism, the monastery became for Christianity long before there were distinctive Christian cities – a place to exercise virtue where the good man might approach the City of God on earth.' Hannah Arendt, *The Human Condition* (University of Chicago Press 1989), 54–56; Riesenberg, *Citizenship in the Western tradition*, 96–97.

[16] Riesenberg, *Citizenship in the Western tradition*, 126.

[17] Riesenberg, *Citizenship in the Western tradition,* 154.

[18] Riesenberg, *Citizenship in the Western tradition,* 134.

[19] The French jurist and political philosopher Jean Bodin (1530-1596) took close interest in the concept of citizenship and its various meanings, complaining that 'there must be 500 definitions of citizens'. In his first book, he initially defined citizen as 'one who enjoys the common liberty and the protection of authority'. While he later qualified his views in somewhat more political direction, the lack of participatory ethos in this definition is notable. Bodin's definition is interesting in today's terms insofar as it, taken at face-value, fits fairly well with the liberal, rights-based conception of citizenship. Riesenberg, *Citizenship in the Western tradition,* 220–224.

[20] Charles Taylor, *Hegel* (Cambridge University Press 1975), 368.

[21] Derek Heater, *What is Citizenship*? (Polity Press 1999), 5; The development of citizen rights has been conventionally explained using T.H. Marshall's analysis of successive generations of rights. The first generation arose during the 18th century, and they are generally categorized as economic or civil rights, including the right to work in an occupation of one's choosing. These were followed by political rights in the 19th century, enabling citizens to participate in democratic government – although this was initially tied to owning of property; and by social rights in the 20th, comprising the rights to welfare and education. See Thomas Humphrey Marshall, *Citizenship and Social Class* (Pluto Press 1987).

[22] Taylor*, Sources of the Self*, 214–215.

[23] Arendt, *The Human Condition*, 45.

[24] Charles Taylor, *Modern Social Imaginaries* (Duke University Press 2004), 83–84; Indeed, in our current times we often use the word 'public' in reference to a Facebook post, merely due to the 'privacy setting' we use on that platform, even if the post consists of a picture of our new haircut.

25 Jean-Jacques Rousseau, *The Social Contract* (J. M. Dent & Sons 1913), 35; Habermas*, The Structural transformation of the public sphere*, 153.

26 Strauss, *What is Political Philosophy*, 65.

27 Heater, *What is Citizenship?,* 52–53.

28 Jan Klabbers, "Possible Islands of Predictability: The Legal Thought of Hannah Arendt" *Leiden Journal of International Law* 20,1 (2007): 5; Similarly, the question on private (opinion) and public (opinion), may be asked as follows: Is public opinion a mere 'bundle' of privately held opinions? Republican theorists of citizenship would answer with a clear 'No'. The mere increase in quantity does not alter the quality of opinion: the essence of private does not transform itself into public by virtue of mere aggregation. See Daniel Bell, *The Cultural Contradictions of Capitalism* (Heinemann Educational Books 1976), 20.

29 Joseph de Maistre, *Considerations on France,* trans. Richard Lebrun (McGill-Queen's University Press 1974), 97. His criticism here is specifically directed against the French constitution of 1795, along with its predecessors, for the reason that they are written for '*man*' (*homme*).

30 Phillip Hansen, *Hannah Arendt: Politics, History and Citizenship* (Stanford University Press 1993), 138.

31 Jo Shaw, *The Transformation of Citizenship in the European Union* (Cambridge University Press 2007), 21.

32 Alexis de Tocqueville, *Democracy in America,* trans. James T. Schleifer (Liberty Fund 2012), 1254.

33 On this subject, see Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (Verso 2013).

34 Antje Wiener distinguishes three aspects of citizenship practice, namely rights, access and belonging, of which belonging is closest to what is dealt with in this essay. Quoted in Shaw, *The Transformation of Citizenship in the European Union*, 19.

35 Wolfgang Streeck, *How will Capitalism End?* (Verso 2016), 105.

36 Bell, *The Cultural contradictions of Capitalism*, 223.

37 The model was provided by 'Third way' politicians like Blair, Clinton, Schröder etc. Ever since, it seems that the traditional center-left parties have had difficulties in reclaiming an ideological core.

38 Streeck, How will Capitalism End?, 108. Streeck's language here is reminiscent of Rousseau's.

39 Cf. Mair, *Ruling the Void*, 120.

40 Jacques Maritain, *Man and the State* (Catholic University of America 1998), 10–11.

41 Roughly speaking, it seems that for the classic republican tradition (as for Maritain), the human being is 'exhausted' in this role as a citizen (there being no other role), while the liberal tradition holds that apart from his public role as a citizen (*citoyen*), he also has a legitimate role as a private individual (*homme*). And for the autonomous boatman (which represents a sort of extreme individualist liberalism), there is no public role at all.

42 Maritain, *Man and the State*, 202–206. The original context in Maritain here is world government.

43 Herman van Gunsteren "The Birth of the European Citizen out of the Dutch No Vote" *European constitutional law review* 1,3 (2005): 406.

44 Van Gunsteren, "The Birth of the European Citizen out of the Dutch No Vote", 409.

45 See Streeck, *How will capitalism end*?, 165–183.

46 As the notorious Carl Schmitt put it, all politics begins with a cut – the separation of friend from enemy.

47 Van Gunsteren, "The Birth of the European Citizen out of the Dutch No Vote", 411.

48 Allan Bloom, *The Closing of the American Mind* (Simon & Schuster 2012), 86. It may be noted of Tocqueville and his commentators that it is sometimes unclear whether the crux of their critique is directed against liberalism, democracy, liberal democracy, or some perversion of these. Tocqueville himself used the term democracy somewhat context-dependently, often meaning simply egalitarianism.

49 Heater, *What is Citizenship?*, 72.

50 Arendt*, The Human Condition*, 63; Klabbers, "Possible Islands of Predictability: The Legal Thought of Hannah Arendt", 5.

51 Hansen, *Hannah Arendt*, 107.

52 The atomistic tendency of modern individuality has been noted by various scholars, the general observation being that autonomous individuality may manifest itself in chronic distrust of communal feeling. In his *Ethics of Authenticity*, Charles Taylor argued that the individualist ethic of modernity is not, as is sometimes claimed by its critics, a phenomenon of simple disintegration of moral tradition. Rather, he traced the origins of individualist thinking to a rich tradition in European thought, naming Rousseau and Herder as major inspirations, and arguing that even individualist moral thinking may, in its proper form, contain legitimate standards for communal feeling. However, he recognized the frequent trivialization of individualist thinking and its tendency to assume overtly relativistic and atomistic social attitudes, which undermine the inherent need that ineradicably resides in even the most autonomous of human beings, namely the need to attain recognition from others. Charles Taylor, *The Ethics of Authenticity* (Harvard University Press 1992).

53 Case C-131/12 *Google Spain SL and Google Inc.* v. *Agencia Española de Protección de Datos* (*AEPD*) *and Mario Costeja González* (*Google*) EU:C:2014:317.

54 Roberto Esposito, *Terms of the Political: Community, Immunity, Biopolitics* trans. Rhiannon Noel Welch (Fordham University Press 2013), 6.

55 John P. MacCormick, *Carl Schmitt's critique of liberalism: against politics as technology* (Cambridge University Press 1999), 187.

56 Ben Berger, *Attention Deficit Democracy: the Paradox of Civic Engagement* (Princeton University Press 2011), 95.

57 The reverent tone of the frequent newspaper op-eds discussing these 'changes' sometimes provokes the notion that we live in very anti-Platonic times – Plato being concerned with what was eternal and universal, rather than temporal. One thing that does appear eternal, however, is economic competition. Rather than a competition with a clear start and a finishing line, this competition is perpetually ongoing, with no goal in sight. The tightening of the public purse may yield a short-term

advantage in relation to other competitors, but after the reaping of profits the investor's eye is sure to wander towards more lucrative opportunities, ever arising on the global field.

58 Wolfgang Streeck*, Buying Time: The Delayed Crisis of Democratic Capitalism* (Verso 2014), 108–111.

59 Tocqueville, *Democracy in America*, 1250–1254.

60 Klabbers "Possible islands of predictability", 17: 'The greatness, but also the perplexity of laws in free societies, is that they only tell what one should not, but never what one should, do.'

61 McCormick, *Carl Schmitt's critique of Liberalism*, 172.

62 Berger, *Attention deficit democracy*, 118.

63 A recent openly accessible work on the topic of digital 'attention economics' is Vincent F. Hendricks & Mads Vestergaard, *Reality Lost: markets of attention, misinformation, and manipulation* (Springer Open 2019).

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