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***European Disunion*, S. Auer (Oxford: Oxford University Press, 2022, ISBN 9780197659601); 288 pp., \$35.00, hb.**

European Disunion: Democracy, Sovereignty and the Politics of Emergency by Stefan Auer (2022) is a challenging read. Auer's style engages the reader with a stream of assertions and concepts, supported by a variety of references that grow thinner as we transition from classic to contemporary scholarship, and from theoretical to empirical research, throughout about 300 pages of analysis of the European Union's (EU's) challenges. Adopting a sophisticated and well-referenced academic prose, it presents a comprehensive exploration of a neo-nationalist perspective on European integration. Auer's book gives a unique insight into the philosophical underpinnings, the political misgivings and the worldview that, at its core, is shared by Brexit voters in the United Kingdom, by the Eurosceptic governments in Hungary and Poland and by many other Eurosceptic parties across the continent. Essentially, according to Auer, disunion is inevitable and perhaps necessary, because the EU's bureaucrats are attempting to achieve a degree of centralization that not only is inconsistent with the EU's original aim but also (i) frustrates the fundamental principle of national sovereignty and (ii), in doing so, empties national institutions of their democratic character, because democracy can, according to Auer, take place only within a culturally cohesive nation.

Auer's book is an extensive and elegant exposition and defence of a tradition in legal and political philosophy known as the '*no-demos* thesis'. This specific theory on the link between national identity and democratic rule was popularized by the German Federal Constitutional Court in its 1993 decision on the Maastricht Treaty. Proponents of the *no-demos* thesis argue that democracy can take place only within a cohesive *demos*, characterized by feelings of national identity. Outside of the national community, there exist no bonds of solidarity and reciprocity linking individuals to each other, which form the basis for the responsibility of the members of a community towards each other (Habermas, 2001, p. 65), and therefore, there cannot be an effective democracy based on the rule of the majority. International relations, in other words, must abide by the principle of national sovereignty. In its analytical, 'soft' version, the *no-demos* thesis simply assesses that the EU cannot acquire sovereign powers in areas that must remain under democratic rule, as long as Europeans are not yet a *demos*. In its normative, 'hard' version, not only are Europeans not a *demos*, but they should also not become one (and therefore, by extension, the EU should never acquire competences in the field of core state powers – Weiler, 1995, p. 229).

In Auer's book, the normative version of the *no-demos* thesis permeates Chapters 1–3, serving as the foundation for the rest of the work. However, Auer does not extensively engage with the debate surrounding the *no-demos* thesis, which remains controversial

nowadays. While the theory is certainly significant and has been adopted by a major constitutional court, it is heavily criticized by others, with varying degrees of evidence to support it. The book would have benefitted from a more detailed examination of the theory and the evidence that supports or refutes it: it is surprising that the concept, which plays a pivotal role in the book, is not critically assessed, particularly considering its contentious nature. For example, Weiler (1995) challenges extensively the legal argument of the Bundesverfassungsgericht, while Habermas (2001) argues that a cohesive cultural affinity is not necessary for democracy to thrive, as complex societies are characterized by 'legally constructed solidarity that reproduces itself through political participation' (p. 76).

In other words, the idea that a cohesive cultural affinity is needed for democracy to effectively take place is a notion that is contested at best. Furthermore, the direction of the relationship between identity and solidarity/joint action is equally contested. Auer argues that identity precedes solidarity, which is a condition for joint action, and moves on. However, this is a point of contention amongst many scholars. As widely discussed by others (see Kuhn and Nicoli, 2020; Nicoli, 2017; Sangiovanni, 2015; Weiler, 1995), there is no definitive reason as to why identity always needs to precede, rather than being built through, institutions and solidarity (see also Weiler, 1995, p. 239). The primacy of identity over solidarity is neither a theoretical necessity (as aptly shown by Sangiovanni, 2015) nor an empirical reality, in Europe, in the United States or elsewhere.

Similarly, Auer's engagement with the very notion of *demos* appears fragile. Like other essentialists, Auer interprets the *demos* strictly as a 'nation', whose characteristics are generally fixed, at the very least, in culture and language. While this was largely the Bundesverfassungsgericht's understanding of the *demos* in the 1993 Maastricht decision, later incarnations of the legal discipline (e.g., in the Lisbon 2009 decision – Bundesverfassungsgericht, 2009) rely on a civic notion of the *demos*, anchored in public discourse and deliberation. Auer is very careful and explicit in drawing the line between cultural, religious and linguistic conditions of the *demos*, on the one hand, and ethnic ones, on the other; he states this repeatedly throughout Chapters 1–3, and there should be no doubt regarding his own position on the matter. Yet if the *demos* is understood in essentialist terms as opposed to being defined as a civic, deliberative polity, then drawing a line between ethnic and linguistic or cultural elements is purely a reflection of one's personal ethos. There is no theoretical justification for the placement of this boundary where Auer places it, and in practice, these distinctions get blurred in discourse and practice whenever policy-makers put the notion of organic '*Volk*' at the centre of their message. In other words, despite Auer's wishes, the line drawn by ethnonationalist political forces is way past the boundary between linguistic and cultural elements on the one hand and ethnic elements on the other. Auer's book has no answer to these fundamental criticisms of the notion: despite the extensive references, the book's engagement with the actual concept, both philosophically and empirically, is limited. Auer takes the *no-demos* thesis as a given and builds much of the remaining arguments in his book on this – in my opinion, precarious – foundation.

If the link between identity and democracy features prominently in Chapters 1–3, the link between identity and sovereignty is at the core of Chapters 3–5. Having assumed the necessity of identity for sovereignty and the impossibility of a shared identity in the European space, Auer coherently rejects the 'French' vision of 'Sovereign Europe',

whose failings are best demonstrated by Brexit. Auer argues that genuine sovereignty exists as defined by Carl Schmitt, and because it requires the ultimate capacity of ‘deciding over the state of exception’, it cannot be divisible. In this perspective, Brexit was the reaction of a British political community that shared such a Schmitterian notion of sovereignty and therefore was concerned by the alleged ‘federalist’ push in the context of the Eurozone crisis because it threatened to change the fundamental nature of the EU, scaring the British away from European integration. Granted, Auer (2022) admits a second con-cause of Brexit – the continental migration crisis ‘threatening British “way of life”’ (p. 89). In fact, ‘scare campaigns’ over Turkish accession and Syrian migrants were key, Auer argues. While the argument that Brexit was due to the French reaction to the Eurocrisis is not very convincing, the argument relating Brexit to the migration crisis seems more plausible. Granted, while the book does not fully clarify how fears of migration could endanger British sovereignty, migration fears clearly relate with fears of cultural cohesiveness. Yet this does not necessarily work in favour of Auer’s previous line of argument, because, in practice, it contradicts the idea that the boundaries of the notion of *Volk*, a necessity for the *no-demos* thesis to work, can be set so to easily differentiate between culture, religion and ethnicity. If it is true that migration fears impacted Brexit, they did so because migrants were presented as a threat to British national cohesiveness, not limited to British state sovereignty.

The theme of sovereignty comes back in Chapter 4. Schmitterian sovereignty eludes the EU, Auer argues, because its ethos privileges soft power, ‘change through trade’ and compromise at all costs. Europe might dream of an empire, argues Auer, but lacks both the core state instruments and mentality of the ‘Schmitterian Sovereign’ to pursue it. Conversely, Vladimir Putin displays Schmitterian behaviour at its best, a boldness that ‘paid off’ as Putin’s approval rating soared (Auer, 2022, p. 115). To cite the author, ‘It is Putin’s Russia, rather than the EU, that has perfected the confluence of soft and hard power’. To be clear, Auer is the opposite of a Putin apologist. He wishes for a stronger Europe that can stand up to imperialist Russia promoting ‘muscular liberalism’ (Auer, 2022, p. 130). This is a strong message, but an odd one in the context of this book, because a ‘muscular liberalism’ would require, if anything, stronger EU central powers. Yet Auer sees with suspicion attempts to promote majority voting in the Council and sees the attempts of over-ruling Poland and Hungary over issues relate to the rule of law as a violation of the principles of sovereignty and democracy. It is unclear, then, with which instruments, and on what basis, the EU should pursue ‘muscular liberalism’. Federalists and the other political forces promoting a degree of European sovereignty have an answer, but Auer, after dedicating four chapters to challenging the idea of a powerful Euro-centre on the grounds of national autonomy, concludes what this reviewer considers the best chapter of his book with a wish, but without offering consistent solutions.

The relationship between common institutions and national autonomy, and its feedback effects on the rise of populism, is at the centre of Chapter 5. Like others before (Hooghe and Marks, 2009; Lipset and Rokkan, 1967; Mair, 2007; Nicoli, 2020; Schmidt, 2006), Auer also suggests that populism is a form of ‘opposition to the system’ due to the lack of effective instruments of ‘opposition in the system’. There is some truth in this understanding of nationalism, and yet Auer seems to place perhaps too much emphasis on the European origins of the phenomenon. The wave of populism was certainly not constrained to the EU. With Putin, Netanyahu, Bolsonaro, Trump and Modi, the

globalised world of the 2010s has experienced a unique high tide of nationalist populism of which Orbán and Salvini are but one expression. Paradoxically, Auer's diagnosis suffers here from Eurocentrism: European bureaucrats have little to do with the rise of Trump or Bolsonaro. The common element to these movements transcends the EU: they reject a rules-based international order within and outside Europe. Trade-induced economic dislocation is certainly a cause of it, but international institutions and their bureaucrats are probably not the source. If anything, the opposite is true: the lack of stronger common rules enables regulatory arbitrage, with corporations and financial agents exploiting regulatory boundaries to concentrate production and capital in jurisdictions with limited oversight and taxation; in turn, regulatory arbitrage (i.e., the absence of central regulatory powers!) feeds inequalities and thus populism. It is the under-reach of the international order that fed populism in the first place, an under-reach that the deep-pocketed backers of Trumpism and Brexit have been keen to maintain. This problem transcends Europe, although the European order, characterized by particularly developed supranational institutions, has experienced it as a lasting challenge.

What the book does not cover is, possibly, as significant as what it does discuss. First off, the book lacks a proper theory of integration. There is no comprehensive understanding of the drivers of integration. The lack of proper theory is surprising, for a book so rich in concepts and so well anchored in references to the classics. Empirical evidence is light, perhaps by design, with the exception of ad hoc historical references. Auer is fast in passing judgement but reluctant in backing it up with figures. For instance, in the preface, Auer considers the EU's response to the Covid-19 crisis as 'largely inadequate'. Yet, if we compare the EU's total cumulative Covid-19-related deaths per 100,000 people with those of the United Kingdom, Russia and the United States, the EU has by a margin the lowest statistic by the end of 2022 (Financial Times Covid Tracker, 2023). Similarly, the EU has had one of the highest vaccination rates on the planet, thanks to the joint procurement of vaccines, and its labour markets have been substantially more resilient than others.

Of all the assertions that lack factual substantiation, the lack of empirical discussion regarding the existence or absence of sufficiently Europeanized identities is the most striking. It is notable that the author does not mention the consistent growth of a Europeanized, multilevel identity recorded in Europe since its low in 2011. In 2018, the last year for which these data are available, only 33% of Europeans saw themselves as exclusive national citizens (European Commission, 2019), sharply down from over 50% in the early 2010s. In summer 2022, over 70% of Europeans saw themselves as European citizens (European Commission, 2022). Given these numbers and the growing presence of a cross-European public sphere, a proper discussion of under which conditions the *no-demos* thesis really holds was needed.

Equally welcome would have been a reflection on whether Europe's failures are real failures. Auer briefly concedes in his conclusions that, after all, the Eurocrisis did not lead to the collapse of the Euro and that Europe did react to the Covid-19 by finally starting fiscal integration. Yet, these considerations come at the end, en passant, and bear little to no weight within the overall length of the volume. The lack of proper discussion of the significance, for Europe, of the outcomes of both Brexit and Covid-19 shocks is particularly surprising. Both crises, while fundamental for Europe, conjured a strong and cohesive reaction from the EU institutions and its member states. Arguably, the EU

today is the strongest it has ever been, while Brexit's failures are for all to appreciate; Brexit has failed, and it shows. While the Russian invasion of Ukraine is a challenge of another level altogether – one the EU does not have the instruments to counter, as of now – whenever the EU could react to it, it did so. It acted by using the European peace facility to support weapons production, by approving 10 waves of sanctions and by phasing out Russian energy imports, with joint procurement of gas. Obviously, the EU's role remains subordinated to NATO, but within its fields of competence, the EU achieved unexpected success in front of Russian sheer violence. Of these successes, there is little trace in Auer's volume, just a shadow perhaps in the concluding chapters.

There is, of course, more to it. The EU is far from optimal, and Auer is right in arguing that the current, limited development of EU-wide democratic instruments is naturally conducive to the emergence of nationalist parties. Yet, if there is a threat to the European and American support to Ukraine, it comes from nationalist populism: it is hard to see how Auer's theory can reconcile his overall positive assessment of these populist experiences (and the fact that these clearly reflect the interests and pockets of the Russian government) with his very clearly stated opposition to Russian imperialism. Finally, opposition to the system might be a sign of maturity. Both Haas (1964) and Lipset and Rokkan (1967) have argued that the emergence of new political centres may naturally lead to conflict over the allocation of competences, until the constitutional question of the form of state is settled. Under this perspective, the emergence of Eurosceptic forces is a reflection of Europe's slow growth to institutional and democratic maturity: after all, if, as an institution, the EU is almost 70 years old, as a confederation, it has yet to enter puberty.

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References

- Auer, S. (2022) *European Disunion*. Oxford: Oxford University Press.
- Bundesverfassungsgericht. (2009) "Lisbon" Decision.
- European Commission. (2019) Standard Eurobarometer 91.
- European Commission. (2022) Standard Eurobarometer 97.
- Financial Times Covid Tracker (2023). <https://www.ft.com/content/a2901ce8-5eb7-4633-b89c-cbdf5b3886938> [Accessed March 2023].
- Haas, E. (1964) *Beyond the Nation-State: Functionalism and International Organization*. Stanford: Stanford University Press.
- Habermas, J. (2001) *The Postnational Constellation*. Cambridge, Massachusetts: The MIT Press.
- Hooghe, L. and Marks, G. (2009) 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining'. *British Journal of Political Science*, Vol. 39, No. 1, pp. 1–23.
- Kuhn, T. and Nicoli, F. (2020) 'Collective Identities and Integration of Core State Powers: An Introduction'. *Journal of Common Market Studies*, Vol. 58, No. 1, pp. 3–20.

- Lipset, S.M. and Rokkan, S. (1967) *Party Systems and Voter Alignments: Cross-National Perspectives*. New York: The Free Press.
- Mair, P. (2007) 'Political Opposition and the European Union'. *Government and Opposition*, Vol. 42, pp. 1–17.
- Nicoli, F. (2017) 'Democratic Legitimacy in the Era of Fiscal Integration'. *Journal of European Integration*, Vol. 39, No. 4, pp. 389–404.
- Nicoli, F. (2020) 'Democratic Deficit and Its Counter-Movements: The Eurocentric–Euro sceptic Divide in Times of Functional Legitimacy'. In Baldassari, M., Castelli, E., Truffelli, M. and Vezzani, G. (eds) *Anti-Europeanism: Critical Perspectives on the European Union*. Cham: Springer, pp. 13–29.
- Sangiovanni, A. (2015) 'Solidarity as Joint Action'. *Journal of Applied Philosophy*, Vol. 32, No. 4, pp. 340–359.
- Schmidt, V. (2006) *Democracy in Europe*. Oxford: Oxford University Press.
- Weiler, J.H.H. (1995) 'Does Europe Need a Constitution? Demos, Telos and the Maastricht Decision'. *European Law Journal*, Vol. 1, No. 3, pp. 219–258.