



Political Theory of the European Union

Second Term Seminar 2018-2019

Organized by Andrea Sangiovanni and Juri Viehoff

Tuesday 15.00-17.00, Seminar Room 1
(on March 26th Seminar Room Villa Paola
on February 21st Seminar Room 2)

Contact: [Adele Battistini](#)

Publics across Europe increasingly not only feel that the EU is distant, condescending, and technocratic but also that it undermines the problem-solving capacities of its member states and increases inequality both within and across them. The EU strikes many, as a result, as both *socially unjust* and *democratically illegitimate*. This raises various questions: What principles of legitimacy should guide our judgment in assessing such commonly avowed views? Should the EU be assessed according to the same standards of legitimacy as the state? And: What principles of socio-economic justice, if any, should apply at the EU level? What would a Europe that promotes rather than undermines social justice look like? How should we conceive of the relation of justice and legitimacy at the EU level?

The seminar is grouped into three parts. The first part asks whether the EU is legitimate; the second whether it is just; and third whether (and why) free movement is worth preserving. Each part begins by exploring the normative foundations of legitimacy, justice, and free movement, respectively, and then goes on to assess their implications for the EU. Topics discussed (from a normative perspective) include: the democratic deficit, the impact of the single market on welfare states, eurozone reform, EU social policy, EU citizenship, refugee policy, and the EU's impact on the rule of law in an era of populism.

The seminar will provide students with a solid grasp of the normative foundations of some of the most hotly contested questions in current debates on the European Union, and a set of tools for providing their own answers to them.

For each seminar, be sure to identify the main claims defended by each author, and the arguments presented for them. What are the premises of the argument? What are the conclusions? Does the conclusion follow? Are the premises true? What kind of support does the author provide for them? Do you find the arguments convincing? What are the main lines of objection in the literature? What are your objections? What kinds of implications does the argument have for other, related topics? What policy implications might the arguments have? Are there blind-spots that undermine the argument's overall thrust or force?

The seminar is open to all. Students will come from a variety of backgrounds. I hope that you will be able to incorporate your own research into this class; your contributions are essential and welcome. There is room to modify or extend the readings. If your own research project overlaps

with the topics listed in the syllabus, let me know and I will tweak a session to allow you (and the rest of us) to get the most out of it.

Requirements:

Participants who take the seminar for credit are expected:

- to read all the texts marked as required reading. Generally, required readings will not exceed 150 pages per week
- to prepare a reaction paragraph (1-2 pages) on the readings for each week and upload it to [this](#) dropbox folder by Thurs 10 am
- to read all reaction paragraphs (from the [dropbox folder](#)) and engage actively in discussions in class
- to introduce one seminar topic to the class on the basis of additional readings

If you want to take the seminar for credit, you have the option of writing a seminar paper of about 5000 words. For those who select this option, outlines of about 500 words must be sent by email to adele.battistini@eui.eu by **31st May 2019**. The full paper has to be submitted by **31st May 2019** to andrea.sangiovanni@eui.eu.

If you want to audit the seminar without full participation, you need to register and do the reading for the units that you want to attend.

Week 1 (8 January)

Introduction

We will briefly introduce the main themes of the seminar and participants who are taking the seminar for credit will sign up for weekly presentations.

Week 2 (NB: No class on 15 January; 22 January)

Foundations: Justice, Legitimacy and Democracy

Justice, legitimacy, democracy - there are various normative standards according to which we might assess political institutions. Most of the contemporary discussion regarding the normative issues relating to the European Union have focused on the institution's legitimacy and its purported 'democratic deficit'. In this seminar, we will critically assess these concepts, think through the best way of adopting them for the supranational EU case, and probe the relationship between legitimacy, democracy, and justice.

REQUIRED:

- van Parijs, Philippe. (2010) *Just Democracy: The Rawls-Machiavelli Programme*, Chapters 1,2,5
- Christiano, Thomas (2003) 'Is Democracy Merely a Means to Social Justice?' In: Reeve, A. & Williams, A. (eds.) *Real Libertarianism Assessed* (Palgrave)
- Adams, Nathan. 2018. 'Institutional Legitimacy' *Journal of Political Philosophy* 26: 84-102.
- Follesdal, Andreas (2006) 'Survey Article: The Legitimacy Deficits of the European Union', *Journal of Political Philosophy*, 14: 441-468.

SUGGESTED:

- Moravcsik, A. (2002), 'In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union', *Journal of Common Market Studies* 40: 603-24.
- Kolodny, Niko (2014) 'Rule Over None I: What Justifies Democracy?' *Philosophy & Public Affairs* 42: 195-229.

- Kolodny, Niko (2014) 'Rule Over None II: Social Equality and the Justification of Democracy'. *Philosophy & Public Affairs* 42: 287–336.

Week 3 (29 January)

Republican Legitimacy and Demoi-cracy

Neo-republican approaches to political philosophy see legitimacy, justice, and democracy all as intermediate standards of normative assessment: what ultimately matters is the realisation of republican freedom. In the EU context, republicans have endorsed the idea of 'demoi-cracy'—a Republican federation of internally democratic states that govern their interaction on democratic terms. In this seminar, we critically evaluate the philosophical premises of the neo-republican project and assess its merits as a comprehensive framework for normative critique and institutional design in the European case.

REQUIRED:

- Bellamy, Richard (forthc.) *A Republican Europe of States*, Ch. 2.
- Pettit, Philip. (2010) 'Legitimate International Institutions: A Neo-Republican Perspective' in: Besson, Samantha. & Tasioulas, John. *The Philosophy of International Law* (OUP)
- Cheneval, Francis, Sandra Lavenex, and Frank Schimmelfennig (2015) 'Demoi-cracy in the European Union: Principles, Institutions, Policies', *Journal of European Public Policy* 22: 1–18.
- Ronzoni, Miriam (2016) 'The European Union as a Demoi-cracy: Really a Third Way?' *European Journal of Political Theory*, 16: 210-234.

SUGGESTED:

- Kolodny, Niko (forthc.) 'Being Under the Power of Others' in: Elizar, Yiftah and Rousselière, Geneviève *Republicanism and Democracy* (CUP)
- Simpson, T. W. (2017) 'The Impossibility of Republican Freedom', *Philosophy & Public Affairs* 45: 27-53.
- Nicolaïdis, Kalypso (2013) 'European Demoi-cracy and Its Crisis', *Journal of Common Market Studies* 51: 351-69.

Week 4 (5 February)

Foundations: Approaches to EU Social Justice

This week we turn to a topic that has received far less attention in debates on the EU, especially when compared with the 'democratic deficit'. What principles of social justice, if any, ought to apply to the EU? Should the same principles we usually believe ought to govern the state level also govern the EU level? If different principles ought to apply, how do we justify the difference? Also, consider the implications of debates on global justice for the EU. Is the EU merely an instrument for realizing globe-encircling principles of social justice? Ought we to think of the EU as microcosm for a future global federation? Or do special principles of social justice apply at the EU level that neither apply at the state or global levels?

REQUIRED:

- Sangiovanni, Andrea. (2013) 'Solidarity in the European Union.' *Oxford Journal of Legal Studies* 33: 213-241.
- van Parijs, Philippe. ms ('Just Europe')
- Ceva, Emanuela, and Gideon Calder (2009) 'Values, Diversity and the Justification of EU Institutions', *Political Studies* 57: 828–45.

SUGGESTED:

- Caney, Simon (2005) *Justice Beyond Borders* (Oxford: Oxford University Press), Ch. 4.
- John Rawls (1999), *The Law of Peoples* (Cambridge: Harvard University Press), esp. 1-59; 113-129.
- Thomas Nagel (2005) 'The Problem of Global Justice', *Philosophy & Public Affairs* 33: 113-47.
- Michael Blake (2001) 'Distributive Justice, State Coercion, and Autonomy', *Philosophy & Public Affairs* 30: 257-96.
- Andrea Sangiovanni (2007) 'Global Justice, Reciprocity, and the State', *Philosophy & Public Affairs* 35: 2-39.
- Arash Abizadeh (2007) 'Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice', *Philosophy & Public Affairs* 35: 318-58.

Week 5 (12 February)

EU Free Trade: A Neoliberal Trojan horse?

This week we turn to the influential Streeck-Habermas debate. Habermas has long been a staunch defender of expanding the EU's competences across the board and stimulating the creation of a truly European public sphere. Without such a transfer, the Euro and the Single Market will continue to be challenged, and the gains of the postwar period will be lost as the European project falls apart. Streeck, on the contrary, is much less sanguine. He believes that the EU is an essentially, irrevocably liberalizing machine whose main point and purpose has been to undermine the viability of the postwar settlement. The only winners from European integration have been finance and capital, who have held the rest of Europe to ransom. 'Capitalism' and the so-called *Marktvolk* have triumphed over 'democracy' or the *Staatsvolk*. The EU must therefore be rolled back; aiming to further transfer competences will only make things worse. Who has the better argument? To what extent do their arguments depend on empirical premises and to what extent on normative ones? What role, if any, might a theory of justice play in making up our minds?

REQUIRED:

- Scharpf, Fritz (2009) 'The asymmetry of European integration, or why the EU cannot be a *social market economy*'. *Socioeconomic Review*, 8(2)
- Habermas, Jürgen (2012) 'The Crisis of the European Union in the Light of a Constitutionalization of International Law', *European Journal of International Law* 23: 335-48.
- Streeck, Wolfgang (2014) *Buying Time* (London: Verso), Ch. 3.
- Habermas, Jürgen (2015) *The Lure of Technocracy* (London: John Wiley & Sons), Ch. 7.
- Streeck, Wolfgang. (2014) 'Small-State Nostalgia? The Currency Union, Germany, and Europe: A Reply to Jürgen Habermas' *Constellations* 21: 213–21

SUGGESTED:

- Hayek, Friedrich August (1939 [1963]). *The Economic Conditions of Interstate Federalism*. In F.A. Hayek (Ed.), *Individualism and Economic Order*. Chicago: The University of Chicago Press.

Week 6 (NB: **No class 19 February; 21 February, Thursday, Seminar Room 2, 15.00-17.00**)
Economic and Monetary Union

Control over money is one of the core aspects of each state's sovereignty given the crucial role that monetary policy can play in shaping economic development. Unsurprisingly then, European monetary union has dramatically shaped the economic fortunes of participating states since the financial crisis. In this seminar, we first analyse some of the economic literature that explains the functioning of the Eurozone as an 'imperfect' monetary union and we compare some diverging explanations of the Eurozone crisis and sovereign debt crisis in its periphery. Subsequently, we discuss the normative question what participating states owe one another by way of risk- and burden-sharing. Finally, we take a look what institutional amendments might be required.

REQUIRED:

- Schelkle, Waltraud (2017) *The Political Economy of Monetary Solidarity: Understanding the Euro Experiment*. (OUP), chapters 1 and 2
- Sandbu, Martin (2015) *Europe's Orphan: The Future of the Euro and the Politics of Debt*. Princeton: Princeton UP: chapters 1 & 3 (?)
- Matthijs, Matthias (2017) 'Integration at What Price? The Erosion of National Democracy in the Euro Periphery.' *Government and Opposition* 52: 266–94.
- Viehoff, Juri (2018) 'Eurozone Justice.' *Journal of Political Philosophy* 26: 388–414.

SUGGESTED:

- Hayek, F.A. (1939 [1963]). The Economic Conditions of Interstate Federalism. In F.A. Hayek (Ed.), *Individualism and Economic Order*. Chicago: The University of Chicago Press.
- Stiglitz, Joseph E (2016) *The Euro: How a Common Currency Threatens the Future of Europe*. New York: Norton & Company. Chapter 4.

Week 7 (26 February)

Social Europe

The dramatic consequences of financial crisis and austerity in the EU have prompted calls to supplement economic integration with "Social Union", understood as policy integration of welfare-state provisions across the European Union. We will the following questions: How will such a European Social Union differ from more traditional welfare state arrangements? How much cross-national burden sharing can and should such a union implement? How much convergence amongst the historically grown welfare state institutions that exist across member states does such a union require to function adequately?

REQUIRED:

- Vandenbroucke, Frank (2017) 'The idea of a European Social Union: A Normative Introduction' in: Vandenbroucke et. al. *A European Social Union After the Crisis* (OUP). [OR: <http://www.euvisions.eu/europea-social-union-public-forum-debate-vandenbroucke/> shorter summary of same ideas]
- Ferrera, M. (2017) 'The European Social Union: A Missing but Necessary *Political Good*' In: Vandenbroucke et.al. op.cit.
- De Schutter, Helder (2017) 'The Solidarity Argument for the European Union', In: Vandenbroucke et.al. op.cit.

SUGGESTED:

- [Wolff, G. 'A budget for Europe's monetary union'](#)
- [Andor, L. and Pasimeni, P. 'An unemployment benefit scheme for the Eurozone'](#)

- [Heijdra M, T Aarden, Hanson J and T van Dijk \(2018\), “A more stable EMU does not require a central fiscal capacity”, VoxEU.org, 30 November](#)
- [Marco Buti, Nicolas Carnot \(2018\), “The case for a central fiscal capacity in EMU”, VoxEU.org, 7 December](#)

Week 8 (5 March)

Foundations: Freedom of Movement

This week we turn to foundational questions regarding the ethics of immigration. Do states have a right to exclude would-be immigrants? If so, why? We commonly recognize a human right to *domestic* freedom of movement but shouldn't we recognize a similar entitlement to *international* freedom of movement? What's the difference, if any, between our commitment domestic and international freedom of movement? On what basis may states restrict asylum seekers' access to territory and settlement?

REQUIRED:

- Oberman, Kieran (2016) 'Immigration as a Human Right', in Sarah Fine and Lea Ypi (eds.) *Migration in Political Theory: The Ethics of Movement and Membership* (Oxford University Press)
- Wellman, Christopher Heath (2008) 'Immigration and Freedom of Association', *Ethics* 119: 109–141.
- Fine, Sarah (2010) 'Freedom of Association Is Not the Answer', *Ethics* 120: 338-56.
- Wellman, C. H., and P. Cole (2011), *Debating the Ethics of Immigration: Is There a Right to Exclude?* (OUP), Ch. 3: 79-93.
- Miller, David (2016) *Strangers in Our Midst* (Harvard University Press), Ch. 5.

SUGGESTED:

- Shacknove, A. (1985) 'Who Is a Refugee?', *Ethics* 95: 274-84.
- Blake, Michael (2012) 'Immigration, Association, and Antidiscrimination', *Ethics* 122: 748-62.
- Wellman, C. H., and P. Cole (2011), *Debating the Ethics of Immigration: Is There a Right to Exclude?* (OUP).
- Carens, Joseph (2013) *The Ethics of Immigration* (OUP, Ch. 10: 225-255.

Week 9 (12 March)

Migration and Free Movement in the EU

Free movement within the EU and immigration from outside of the EU has come under severe challenge in the wake of the eurozone, refugee, and Brexit crises. Is free movement within Europe worth preserving? If so, why? Are there more than merely economic reasons for keeping EU internal borders open? Under what conditions, if any, would it be legitimate for states to close their borders to would-be immigrants and asylum seekers? Should it make a difference if a would-be immigrant is from within the EU or from outside of it? Or are there special reasons for preserving freedom of movement within Europe that don't apply to would-be immigrants from outside of the EU? What restrictions regarding access to social benefits (including jobseeker allowance) may member states legitimately impose on legal residents?

REQUIRED:

- Bellamy, Richard (forthc.) *A Republican Europe of States*, Ch. 5
- De Witte, F. (2012), 'Transnational Solidarity and the Mediation of Conflicts of Justice in Europe', *European Law Journal* 18: 694-710.

- Sangiovanni, Andrea (2012) 'Justice and the Free Movement of Persons: Educational Mobility in the EU and the US.' In *Leadership and Global Justice*, Hicks, D. and Williamson, T. (London: Palgrave).
- Waldron, Jeremy. 'What Respect is Owed to Illusions About Immigration and Culture?' *Public Law and Legal Theory Research Papers Series*, Vol.16, 49.

SUGGESTED:

- Goodhart, David. 2017. *The Road to Somewhere: The Populist Revolt and the Future of Politics* (OUP), Ch. 5.

Week 10 (19 March)

The Future of Refugee Policy and Burden-Sharing

The large-scale arrival of refugees and migrants in Europe over recent years has re-shaped the political landscape in many member states. Moreover, the manifest absence of anything approaching a consensus on how to deal with refugees arriving at the EU's border has put into question the union's problem-solving capacity and has galvanized support for right-wing populist parties. In this seminar, we analyse different normative-institutional proposals for addressing Europe's refugee crisis: If each state has a duty to accommodate refugees, then how must this duty be discharged amongst member states? Should states unwilling to accept refugees for cultural or political reasons be permitted to 'pay their way out'? Should accepted refugees be permitted to move freely within the union? And is it disrespectful to permit the commodification of refugee hosting?

REQUIRED:

- Bauböck, Rainer (2018) 'Refugee Protection and Burden-Sharing in the European Union', *Journal of Common Market Studies* 56: 141-56.
- Holtug, Nils (2016) 'A Fair Distribution of Refugees in the European Union', *Journal of Global Ethics* 12: 279-88.
- Lücke, Matthias. MEDAM Report, 'Sharing responsibility for refugees and expanding legal immigration', pp. 30-43.
- Moraga, J. F.-H., and H. Rapoport (2014), 'Tradable Immigration Quotas', *Journal of Public Economics* 115: 94-108.

SUGGESTED:

- [Noll, G. \(2015\) 'Why the EU gets in the way of refugee solidarity', *Open Democracy*, 22 September.](#)
- Carrera, S., S. Blockmans, D. Gros, and E. Guild (2015), 'The Eu's Response to the Refugee Crisis: Taking Stock and Setting Policy Priorities', CEPS Essay, No 20.
- Himmelreich, Johannes (2018) 'Asylum for Sale: A Market between States That Is Feasible and Desirable'. *Journal of Applied Philosophy*. Online First.

Week 11 (26 March)

Conditionality and the Rule of Law

The ascent of populist movements and the arrival of euroskeptic populist governments amongst EU member states raises distinctive normative problems for the project of European integration. To adequately discuss these, we look at definitions of populism and populist policies and investigate questions such as these: Should EU institutions or powerful member states set stringent conditionality requirements on populist regimes, e.g. when it comes to the rule of law

or the freedom of the press? How should the union and member states respond to attacks on European integration and populist disregard for union law and the EU's foundational values?

REQUIRED:

- Müller, Jan-Werner (2015) 'Should the EU protect democracy and the rule of law inside member states?' *European Law Journal*, 21:141–60
- Enoch, David (2017) 'The Masses and the Elites: Political Philosophy for the Age of Brexit, Trump and Netanyahu'. *Jurisprudence* 8: 1–22.
- Barry, Christian (2011) 'Sovereign Debt, Human Rights, and Policy Conditionality'. *Journal of Political Philosophy* 19: 282–305.
- [Kochenov, D., and P. Bard \(2018\), 'Rule of Law Crisis in the New Member States of the EU: The Pitfalls of Overemphasising Enforcement', *Reconnect Working Papers \(Leuven\) No 1, 2018.*](#)

SUGGESTED:

- Müller, Jan-Werner (2017) *What Is Populism?* London: Penguin: chapters 1 & 3 (?)
- Kolodny, Niko. (2017) 'What Makes Threats Wrong?' *Analytic Philosophy* 58: 87–118.