

A Return to Liberal Democracy

by Laurent Warlouzet

Popular sovereignty and the rule of law are inseparable: the idea that there could be “illiberal democracies” is groundless and plays into the hands of populists.

Reviewed: Justine Lacroix, *Les valeurs de l'Europe. Un enjeu démocratique*, Paris, Collège de France éditions, 2024, 100 pp., 18 €, ISBN 9782722606500

Liberal democracy is under threat from a semantic blurring perpetuated by populists around the very notions of “democracy” and “liberalism”. Restoring this system in all its complexity calls for a rigorous redefinition. Justine Lacroix, Professor of Philosophy at the Université Libre de Bruxelles, takes on this task in a stimulating and refreshing little book, which brings together the four lectures she gave as a guest professor at the Collège de France in 2023 as part of the “Europe” cycle. Her study lies at the crossroads of two fields: studies of populism on the one hand¹, and studies of the conditions under which democracy is exercised within the European Union on the other². The bringing together of these two fields is part of the decompartmentalization

¹ Among the wide range of publications on populism, two historiographical essays stand out at the pinnacle of the editorial wave: Marc Lazar, « À propos du populisme », *Histoire@Politique*, 42, 2020; Fabien Escalona, « Sur le thème du populisme, des variations à l'infini », *Mediapart*, November 24, 2019.

² In particular, Justine Lacroix's book addresses three recent contributions: Céline Spector, *No Demos ? Souveraineté et démocratie à l'épreuve de l'Europe*, Paris, Seuil, 2021; Thierry Chopin and Céline Spector, « Le nouveau moment tocquevillien de l'Union européenne », *Grand Continent*, September 17, 2023;

of studies on the European Union, to which Justine Lacroix has contributed throughout her career, alternating between works on general political philosophy and those dealing more specifically with the European Union³.

Overcoming semantic blurring

Dense yet clear and pedagogical, as one would expect from the Collège de France, the book is divided into four lectures. The first stigmatizes the notion of “illiberal democracy” as a contradiction in terms. Turning to the philosophers often called upon to explain the elusive compatibility between democratic and liberal logics, it shows, on the contrary, that Rousseau, Tocqueville, Constant, and even Athenian democracy associated the two forces. The second lecture deconstructs the confusion surrounding the supposed “authoritarian liberalism” of the European Union, based on an approximate conflation between Carl Schmitt and certain liberals, even though Schmitt was profoundly anti-liberal. The fallacy of an intrinsically and exclusively neoliberal European Union is thus dispelled. The chapter concludes with an enlightening distinction drawn by Michael Walzer, to whom Justine Lacroix devoted part of her thesis, between liberalism and the fact of being a liberal, i.e. a supporter of peaceful adversarial debate. For Walzer, translated by Lacroix, liberals fight “for decency and truth”⁴. The third lecture continues the work of deconstruction, denouncing the conflation of liberalism and security policy. Drawing on Didier Fassin's work on the “punitive moment”⁵, it highlights the sharp rise in the prison population against a backdrop of falling homicide rates. Finally, she invites us to broaden the notion of “security” to understand it, in Arendt's terms, as a deliverance from fear and need (p. 69). Finally, the author's fourth and final lecture extends her inquiry to human rights, whose relevance she defends in line with her earlier

Aliénor Ballangé, *La Démocratie communautaire. Généalogie critique de l'Union européenne*, Paris, éditions de la Sorbonne, 2022.

³ On Europe, see: Justine Lacroix, *L'Europe en procès. Quel patriotisme au-delà des nationalismes ?*, Paris, Cerf, 2004; Justine Lacroix, *La Pensée française à l'épreuve de l'Europe*, Paris Grasset, 2018; Justine Lacroix and Kalypso Nicolaïdis, *European Stories. Intellectual Debates on Europe in National Contexts*, Oxford, Oxford University Press, 2010. On the decompartmentalization of European studies: Laurent Warloutzet, « L'histoire de l'intégration européenne au-delà du tournant critique », in *Histoire@Politique*, 52, 2023.

⁴ Michael Walzer, *The Struggle for Decent Politics. On 'Liberal' as an Adjective*, New Haven, Yale University Press, 2023, p. 5.

⁵ Didier Fassin, *Punir. Une passion contemporaine*, Paris, Seuil, 2017.

publications⁶, and to social justice. The book begins and ends with the 2000 European Charter of Fundamental Rights, a text as pluralistic as the European Union, at once neoliberal and protective of social-environmental principles. Without making mention of it, the book echoes Robert Salais's reflections on the concrete application of Amartya Sen's ideas on the capacity to truly emancipate oneself from the European Union⁷.

Rebuilding a complex liberal democracy

The book's key contribution is its reconstruction of liberal democracy in all its complexity, as a regime that combines popular sovereignty and the rule of law, individual and collective freedoms, the deliberative principle and pluralism. Whereas these elements are often kept separate, Justine Lacroix fuses them into a consubstantial whole⁸.

Without getting embroiled in a discussion of “populism” and the confusion it causes⁹, Justine Lacroix deconstructs some of the arguments put forward by its proponents. In particular, she shows the futility of the notion of a homogeneous people, for “a people is a society, not a block” (p. 23) and “what defines democracy is not homogeneity, but an equality of rights that includes freedom.” (p. 24). This observation could also apply to the recent French elections, in which the popular vote was plural, split mainly between the Rassemblement National (RN), la France Insoumise (LFI) and abstentionists, and driven by a range of different dynamics. Similarly, Justine Lacroix contributes to the debate on the European Union without euphemizing it: she does not deny the neoliberal excesses of the Greek crisis, but treats them for what they are, i.e. the expression of a majority of European governments (at

⁶ Justine Lacroix and Jean-Yves Pranchère, *Le Procès des droits de l'homme. Généalogie du scepticisme démocratique*, Paris, Seuil, 2016; Justine Lacroix and Jean-Yves Pranchère, *Les Droits de l'homme rendent-ils idiot ?*, Paris, Seuil, 2019.

⁷ Robert Salais, « Capacités, base informationnelle et démocratie délibérative. Le (contre-)exemple de l'action publique européenne », in Jean de Munck, Bénédicte Zimmermann (ed.), *La liberté au prisme des capacités*, Paris, éditions de l'EHESS, 2008, pp. 297-329.

⁸ In the style of a short text by Habermas distinguishing between republican, liberal and deliberative traditions: Jürgen Habermas, “Three Models of Liberal Democracy”, in *Constellations*, Vol. 1, Issue 1 (December 1994), pp. 1–10. To a certain extent, by distinguishing the three dynamics of capitalist regulation, based respectively on the logics of freedom, solidarity and power, my book proposes a complementary tripartition: Laurent Warlouzet, *Europe contre Europe. Entre liberté, solidarité et puissance*, Paris, CNRS éditions, 2022, pp. 19-52.

⁹ Pascal Ory notes that he often confuses right-wing ideas with left-wing style: Pascal Ory, *Peuple souverain. De la révolution populaire à la radicalité populiste*, Paris, Gallimard, 2017.

the time intoxicated by a kind of austerity fever), and not the dictatorship of an isolated technocracy. Jürgen Habermas, for his part, spoke of the excesses of a “post-democratic executive federalism” insufficiently based on collective deliberation¹⁰. This example shows that democracy cannot be reduced to procedures, even voting, but must be exercised through a robust public space.

The historical reality of “illiberal democracy”

Nevertheless, the stigmatization of the use of the term “illiberal democracy” does raise questions. Although Justine Lacroix provides an impeccable intellectual demonstration of the concept's inanity, both theoretically and in terms of the history of ideas, the concept of “illiberal democracy”, since it was claimed by Viktor Orban, has become an ideologically robust political movement. It is even messianic in nature, since it is destined to become a model for a kind of conservative counter-revolution throughout the world. It must therefore be analyzed as a historical event, even if it constitutes a “perversion” of the idea of democracy (Pierre Rosanvallon, quoted on p. 25¹¹). It is based on a hemiplegic model of liberal democracy, without the deliberative, contradictory and plural aspect that is consubstantial with it, as Justine Lacroix shows. It blends nativist, chauvinist, and authoritarian features, sometimes coming together with shameless economic neoliberalism in Orban, Trump or Bolsonaro. This program is spreading to several European countries, to the point where it could influence the European Union¹². Indeed, the Hungarian presidency of the European Union in the second half of 2024 began under the aegis of a Europeanized Trumpian slogan, “Make Europe Great Again”, an indication of the transnational exchanges between the various proponents, avowed or otherwise, of “illiberal democracy”. Even the United Kingdom, a country known for its moderation and parliamentarianism, was threatened by this. The most radical Brexiters railed against the obstacles to popular sovereignty supposedly embodied solely in Parliament: European Union law, but also various European and international conventions safeguarding human rights and even the very recent Supreme Court of

¹⁰ Jürgen Habermas, *The Crisis of the European Union: A Response*, trans. Ciaran Cronin, Cambridge, Polity Press, 2012 [2011].

¹¹ Pierre Rosanvallon, *La démocratie inachevée. Histoire de la souveraineté du peuple en France*, Paris, Gallimard, 2000, p. 235, cited by Justine Lacroix on p. 25.

¹² Yves Bertoni, Dominique Reynié, “The Illiberal Challenge in the European Union”, in Andras Sajó et al., *Routledge Handbook of Illiberalism*, Abingdon, Routledge, 2021, pp. 822-839.

the United Kingdom, which had rejected the first version of a law deporting a number of asylum seekers to Rwanda¹³. The concept of “illiberal democracy” thus retains a heuristic power to describe a contemporary dynamic.

This brilliant work naturally invites further study, in particular to shed light on the combination of the logic of representative democracy with that of a protean rule of law, due to the sheer number of contradictory deliberative procedures and possible appeals in the name of various principles such as the protection of human rights, the environment, cultural heritage, or the limitation of deficits—all principles that can be difficult to reconcile with one another¹⁴. Given this complexity, new forms of participatory and deliberative democracy must be invented and combined with older forms, rather than replacing them¹⁵. This requires that citizens be listened to and active, rather than passive-aggressive, in line with the call made by Karl Jaspers in 1948, and quoted by Justine Lacroix: “Political liberty begins with the majority of individuals in a people feeling jointly liable for the politics of their community. It begins when the individual not merely covets and chides, when he demands of himself, rather, to see reality [...]”¹⁶.

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¹³ The Supreme Court of the United Kingdom was created in 2005, and began functioning in 2009.

¹⁴ See a recent publication on the necessary, but not always obvious, compatibility between heritage and environmental protection: Ministère de la Culture, *Les patrimoines et l'architecture dans la transition écologique*, Paris, Documentation française, 2024.

¹⁵ Pierre Rosanvallon, *Good Government: Democracy Beyond Elections*, Cambridge, MA, Harvard University Press, [2015] 2018; Loïc Blondiaux, *Nouvel Esprit de la démocratie*, Seuil-La République des idées, 2008; Manon Loisel and Nicolas Rio, *Pour en finir avec la démocratie participative*, Paris, Textuel, 2024.

¹⁶ Karl Jaspers, *The Question of German Guilt* 2009 [1948], p. 115, cited in French by Justine Lacroix p. 94.