For a Progressive and European Response to Security Challenges
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Introduction

The recent attacks in Brussels have left everyone in Belgium and elsewhere in Europe in shock. People feel more and more helpless in the face of what seems to be, after the attacks in Paris last November and in January 2015, an increasingly destructive threat. This article proposes some critical thoughts on this issue. First, it briefly points to potential pitfalls in current debates on security; second, it explores a possible alternative narrative avoiding those pitfalls and advocating a genuine European sovereignty in security and other matters.

1. A few common pitfalls

The idealist trap

After the recent attacks in Brussels, some voices responded to the hatred and violence with messages inspired by a 'peace and love' rhetoric[1]. While those reactions are certainly noble, they inevitably fail to address the daunting security challenges our societies will have to face in the coming years. Pleas for more intercultural dialogue and education or for more critical and historical understanding of religions and the intelligent avoidance of any form of dogma[2] are equally unlikely to yield any practical results in improving security. Those approaches all fall into the idealist bias of supposing that ideas – analysis, values or principles – are, by themselves, what drives society and politics[3]. Besides being superficial, this vision clearly lacks realism. Rather than merely focusing on ideas, a realistic approach to social phenomena would also insist on the role played in explaining individual and collective actions by broader structural factors and by interests. In such a vision, the ideas that end up having a social or political impact are those that take structural constraints into account and convincingly articulate prevailing interests. As we will further elaborate, a realistic discourse would echo the interests of the citizens concerned in order to fight terrorism and guarantee individual and collective security.

The culturalist trap

Other responses in the wake of the recent terrorist attacks in Europe have tended to focus on identity. On the one hand, some actors insist on trying to overcome cultural and religious divisions in order to rebuild a common identity involving citizens from all origins, colours and religions. Very often, those actors also insist on the necessity of inter-cultural and inter-religious dialogue[4]. On the other, a more conservative culturalist trend aims to serve different ideological purposes, with a focus on the revival of a national or European identity pitted against some inferior 'other'[5]. This 'us' versus 'them' presupposes two homogeneous and antagonistic communities, thereby overlooking the many divisions and contradictions in each camp, as well as their possible common interests. If both of these approaches are imbued with contradictory ideologies, they rely on a similar culturalist prism. A progressive alternative discourse on security would have to depart from this bias. Now is the time to put identity aside and give priority once more to genuinely social and political struggles. More

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[1] This approach is illustrated by this quote which circulated a lot on social networks: 'Terror can't kill Belgian sense of humour. Pis and love Brussels', under the drawing of the Manneken Pis: Henry Samuel, 'Brussels attacks: World shows solidarity for Belgians after country's worst atrocity', *The Telegraph*, 22 March 2016

[2] François De Smet, 'Le Kamikaze et le culte de la mort ', *La Libre Belgique*, 24 March 2016

[3] Sophie Heine, 'Social Change in Progressive Political Thought: Analysis and Propositions ', *Journal of Political Ideologies*, Volume 17, Issue 3, 2012.

[4] See for instance, this publication by a famous Belgian charity written before the recent attacks : 'Difficultés et pistes pour un dialogue entre Musulmans et non-Musulmans ', *Fondation Roi Baudouin*, Jan 2016, N° 318

[5] Léon de Winter, 'Europe' Muslims hate the West', *Politico*, 29 March 2016

precisely: it is now fundamental to eschew communitarian responses that consider that politics has to rely on a common identity. Political action should be justified by the interests it fulfils rather than by identity. This would allow us to highlight other, more relevant, sources of division and alliances.

The authoritarian trap
Another danger in the responses to these security threats is an authoritarian drift, namely, demands for more security measures at the expense of individual freedoms. These demands have triggered lively debates in France, but similar discussions are taking place elsewhere in Europe. Pushed to the extreme[6], this trend could lead some European countries to experience very illiberal evolutions.[7] Yet, it might be useful to stress that there are different ways of guaranteeing security, informed by contradictory ideologies. The authoritarian path could be reassuring in the short term but prove dramatic in the long run. In that respect, it could be fruitful to remember what took place in the post-9/11 United States – the 'Patriot Act' and the establishment of the camp at Guantanamo. The rule of law – designed to prevent power abuse by the state and in particular by the executive – could clearly be endangered by attempts to increase security at any cost. Furthermore, it is far from certain that the security measures envisaged at the national level would even be able to prevent more attacks. Since this threat is inherently transnational, it should be dealt with accordingly. As we will argue further, a European security policy seems indispensable to complement and compensate for the shortcomings of national security policies.

In the following section I will sketch a general vision for tackling the current security threats while avoiding these traps. This approach will therefore be deliberately realist rather than idealist, will be focused on interests rather than identity, and be liberal rather than authoritarian. This will lead us to explore the European aspects to this response. But first, let us clarify the historical and practical link that exists between security and sovereignty.

2. For a realistic and liberal response

The right to security: a founding principle of sovereignty
A founding purpose and source of legitimacy of sovereign rulers in the Western world was their capacity to ensure peace and security on a particular territory. This historical evolution was notably theorised by Thomas Hobbes in the *Leviathan* as an act of renunciation of some individual freedoms in exchange for the right to live in peace.[8] This required the sovereign to enact the legitimate use of force on the territory over which he ruled and also to control the external borders of this territory. This monopoly on the use of force through police and military forces is also what allowed the effectiveness of other dimensions of sovereignty that were developed later on. States were indeed the historical crystallisation of at least three dimensions of sovereignty on a definite territory: in addition to the crucial coercive dimension already mentioned, the political institutions composing states were democratised in the course of the nineteenth and twentieth century in a movement that was politically

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[6] Some voices in Europe have echoed Donald Trump's position : 'Trump : Torture could have prevented Brussels' attacks ', *Politico,* 22 March 2016

[7] Another aspect of this 'tough' stance is the external one: the increase of the military response in Syria seems to be gathering a lot of support among mainstream political leaders and the population. Even if we are not addressing this issue here because of lack of space, alternative voices on the matter of military intervention are worth listening to. See, for instance, 'Jeremy Corbyn's speech against military action against Isis in Syria', *New Statesmen*, 2 December 2015, http://www.newstatesman.com/politics/staggers/2015/12/jeremy-corbyns-speech-against-military-action-against-isis-syria

[8] D Boucher and P Kelly (Ed.), *The Social Contract from Hobbes to Rousseau*, Taylor and Francis e-Library, London, 2005, p 41.

and ideologically justified by a theory of popular sovereignty. A third dimension of sovereignty involved the socioeconomic interventions of states, which became more and more important during the twentieth century and which took the shape of social-Keynesian economic policies. With this evolution, state legitimacy started residing as much in 'input' – the democratic level of decision-making processes – as in 'output' – the links between the content of policies and their citizens' interests. The liberally justified guarantee of fundamental rights – as well as the checks and balances included in the rule of law – represented ways of taming sovereignty and always stood in tension with the latter. Concerning national identity, it was less a dimension of state sovereignty as such than a symbolic justification of it. In its political version – nationalism – this symbolic dimension has often served as a way of justifying power abuse or exclusion of minorities by the sovereign ruler.

If sovereignty has come to serve various legitimate purposes, it originally emerged mainly to guarantee peace and security on a particular territory. And this ability of the sovereign is also what allows it to fulfil other purposes. This right to security is not only historically first; it is also a necessary condition for effective freedom – alongside other civil, social, environmental and cultural rights. I would now like to argue that, in order to struggle against terrorism in Europe, it is absolutely indispensable to rehabilitate sovereignty in its more progressive dimensions, while curtailing its most harmful aspects.

Beyond the partial Europeanisation
The various dimensions of national sovereignty briefly described above have all been undermined by supranational evolutions and by European integration in particular. In that respect, the main problem has been the partial Europeanisation of an increasing number of matters over recent decades. This incomplete Europeanisation has weakened national sovereignty without creating the basis for a properly European sovereignty. In security matters as in the other dimensions, the division of sovereignty has tended to lead to its abolition.[9] The recent forces of fragmentation in the EU show the limitations of the mainstream discourse on the benefits of sharing sovereignty. The *sui generis* multilevel governance characterising the EU has only limited national sovereignty without compensating this loss with proper sovereign powers at the EU level. In practice this situation generates fragmentation and seditions that attempt to re-establish the unity of sovereignty at other levels.[10] Against the calls for reviving the unity of national sovereignty, pro-Europeans should, much more clearly, rescue sovereignty at the European level[11].

Let us take the example of the coercive and border management dimensions of sovereignty to illustrate our point.[12] As far as borders are concerned: if the free movement of persons has been confirmed within the Schengen Zone, it has not been completed by a clear, shared management of external borders. The EU has limited resources for this at the moment. Besides, the external borders policy still relies partly on a coordination of Member States' capacities that is clearly not sufficient to address the challenges at hand. In that regard, the European Border and Coast Guard proposed by the Commission is a step in the right direction but is insufficient. Not only will it be unable to address the deficiency in the EU's response to the refugee crisis – inadequate reception conditions and procedures for processing applications from asylum-seekers – it will also not lead to a truly European border and

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[9] Jean Bodin pointed out this danger almost five centuries ago: T Berns, *Les origines théologico-politiques de l'humanisme européen*, Brussels, Ousia, 2004.

[10] Ibid.

[11] Of course, this could only be done, at least initially, among a small group of States

[12] For a more developed version of this argument see 'A federalist rescue of sovereignty as a response to populism and euroscepticism', *Studia Diplomatica*, 4/2014

coast guard.[13] This also has an impact on the ability of political institutions to guarantee security since securing a territory supposes the centralised control and management of exits and entries.[14]

Military and police forces have also been only partially europeanised: both Europol and the Common Security and Defence policy are hybrid entities, partly intergovernmental and partly supranational, rather than genuine European institutions. The ordinary decision-making procedure applied to Europol reflects this hybrid character and is reinforced by the fact that, in this field, the Commission shares the right of initiative with Member States, so that unanimity is maintained and the Parliament is only consulted. The recent attacks have also revealed the inefficiency of national intelligence services and their lack of coordination with one another. They have also shown that the fragments of intelligence existing at the EU level are insufficiently centralised, funded and linked to national levels. In that respect, the European agenda on security adopted by the Commission in April 2015 will not be sufficient.[15] Nor will the adoption of the Passenger Name Record (PNR). The repeated calls for the creation of a European intelligence agency[16] have now become even more pertinent. Similarly, the recent appeals to create a Security Union are timely.[17] We can only hope that they will lead to practical changes. Indeed, national security institutions no longer seem fit to deal with the threats currently faced by our societies. Without a proper European security policy, these threats will not be confronted adequately.

There is also a need for a genuinely European defence and security policy. The Lisbon Treaty consolidates the Europeanisation of this policy – through the mutual assistance and solidarity clause and the application of enhanced and structured cooperation, among other requirements – but it is still very much intergovernmental. Instead of creating a genuine European army, this policy entails the provision of civilian and military capacities by Member States and proposes a decision-making process that is partly intergovernmental – decisions require the unanimity of Member States following propositions by the high representative for foreign affairs and security policy and consultation of the European Parliament. A proper European defence structure would suppose a much more clearly supra-national path. This being said, a common security policy – involving those dimensions briefly exposed – should be integrated into a democratic and liberal framework if one is to avoid some of the dangers alluded to earlier.

For a liberal and democratic European sovereignty
The implementation of adequately funded European police, defence, border management and intelligence services would have to be accompanied by a radical democratisation of the EU decision-making process and by the application of the rule of law to the EU itself. Indeed, it is all too easy for political leaders to manipulate for their own purposes popular fears and need for security by, for

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[13] 'A European Border and Coast Guard: Fit for Purpose?', CEPS, 24 February 2016, https://www.ceps.eu/publications/european-border-and-coast-guard-fit-purpose

[14] 'Urgent Need to bolster EU external Border Control: French PM', 23 March 2016, http://www.expatica.com/be/news/Urgent-need-to-bolster-EU-external-border-controls-French-PM_618886.html

[15] http://europa.eu/rapid/press-release_MEMO-16-1062_de.htm

[16] 'Pitella: The Trumps of Europe hamper Cooperation on Counter-terrorism', Euractiv, March 2016, https://www.euractiv.com/section/justice-home-affairs/interview/pittella-the-trump-of-europe-hamper-cooperation-on-counter-terrorism/

[17] 'Italy calls for common European Defence after Brussels Attacks', Euractiv, 23 March 2016, http://www.euractiv.com/section/security/news/italy-calls-for-common-european-defence-after-brussels-attacks/

instance, limiting freedoms and contestations in general. And in times of crisis, states of exception or emergencies have often led to such consequences. Therefore, security policies in the broad sense should be checked by an institutional framework that preserves basic individual freedoms. Liberal thinkers have long stressed – rightly – that sovereignty is always in tension with individual freedom and must be checked, controlled, limited and balanced.

To correspond to the minimum criteria of representative democracy, the EU should be drastically amended. The European Parliament, because of its popular legitimacy, should be the sole possessor of the right of initiative and control the executive power – currently the Commission. The latter would have to derive from the political majority in the Parliament. In order to become a democracy that represents the will of the people, the EU decision-making process should get rid of all its inter-governmental features. This could be done by, for example, merging the Council of the EU with the European Council and transforming it into a second chamber composed of elected representatives of the Member States rather than of members of national executives. And the government of the Union could be led by an executive president elected by direct popular vote.[18] In this political aspect also, sovereignty cannot be shared. The current discrepancy between 'politics' – still mainly taking place at the national level – and 'policies' – influenced directly or indirectly by the European level – needs to be overcome. If European sovereign powers are to be created, democracy also needs to function at this level.

But the prevention of power abuse requires more than democracy, since, in classical terms, 'positive freedom' can always contradict 'negative freedom'.[19] More precisely, if a genuine European sovereignty in security matters came into existence, the question of its compliance with the rule of law principles – at minimum, a respect for fundamental rights, separation of powers and hierarchy of norms – would have to be raised. At the moment, current treaties allow the Council to act with a preventive mechanism or with possible sanctions if a Member State breaches the rule of law principles.[20] But there are no mechanisms designed to ensure that the EU itself is acting according to rule of law principles. Yet, an independent judicial authority should be able to ensure that the EU respects those principles, all the more so if European sovereign powers are created. Besides, the exact definition of these principles should be deliberated and voted on by a democratic assembly before being enshrined in a constitution.

Providing appealing perspectives
As we have already argued, a European security policy should not be justified and legitimated with cultural or identity-related arguments but rather with instrumental ones. It will be all too tempting for leaders to promote such a policy as a way of defending specifically European values and identity against some devalued 'others'. Nonetheless, this would prove not only harmful for individual freedoms in general but also simplistic and unnecessary.[21] European sovereign powers need to be

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[18] On this, see: Project for Democratic Union, Statement of Principles, http://www.democraticunion.eu/about/statement-of-principles/ or Stand Up for Europe, Programme, http://www.standupforuseurope.eu/programme/programme-2/

[19] I Berlin, 'Two Concepts of Liberty' in *Liberty. Four Essays on Liberty*, p 210, Oxford, Oxford University Press, 2002.

[20] Those principles include 'legality, a transparent, accountable, democratic and pluralistic process for enacting laws, legal certainty, prohibition of arbitrariness of the executive powers, independent and impartial courts, effective judicial review including respect for fundamental rights and equality before the law', European Commission, 'College Orientation Debate on recent developments in Poland and the Rule of Law Framework: Questions and Answers', 13 January 2016, http://europa.eu/rapid/press-release_MEMO-16-62_en.htm

[21] S Heine, 'The dangers and inanity of (euro-)nationalism: From nationalism to cosmopolitanism', Egmont Paper 77, April 2015.

justified as a way of fulfilling the interests of all European citizens, regardless of culture, religion or origin.

Other aspects of a European sovereignty could also be defended with such a liberal and instrumental approach. A different socioeconomic policy is needed – among other reasons – to de-radicalise some of the European population, and this can only be done through deep changes to the European macroeconomic framework away from the prevailing focus on austerity. If every European citizen had a stable job, decent income and accommodation, good prospects for his or her family and a healthy and pleasant environment, this would relegitimise political institutions and deprive all sorts of radical movements of the popular support they need to promote their agenda. When people's basic interests are fulfilled, they are much less likely to engage in or support radical actions and movements and, even less, to take their own lives for the sake of a better future in the afterlife. More and more individuals in Europe feel that their future is restricted and without prospects. It is up to progressive movements and intellectuals to create appealing projects and new, realistic utopias that can convince a majority of citizens beyond all forms of cultural cleavages.[22] This can be done credibly and efficiently only through the renewed political agency that sovereign powers at the European level would create.

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[22] For a deeper contribution to this debate, see: Sophie Heine, *Pour un individualisme de gauche*, Lattès, Paris, 2013.