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Book symposium on Alessandro Ferrara's *Sovereignty Across Generations*, *Philosophy and Social Criticism* 2024, Vol. 50(10) 1417–1519

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Introduction: Sovereignty Across Generations – Regaining democracy's pasts and futures

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Alessandro Ferrara's *Sovereignty Across Generations* could hardly be more prescient. Our crisis-ridden time is bereft of a sense of future, as the horizon of our societies' political imagination has shrunk to the here-and-now: in democratic elections, 'end of the month' anxieties invariably trump 'end of the world' concerns, and democratic backsliding is being performed in the name of 'the people'. In this context of future-deficit, Alessandro Ferrara has had the audacity to suggest that we think of democratic rule-making as a process authored by a people in its transgenerational span – and given us a rigorous conceptual toolbox for curing democracy's 'presentism'.

It is significant that this work of political philosophy received the 2023 Best Book prize of the International Society of Public Law (ICON-S) – a congregation of scholars in public law and constitutionalism. This is a tribute to the acute relevance of the book's message, and to Ferrara's ability both to speak to our times' Zeitgeist and to surpass it.

Sovereignty Across Generations draws impulse from a concern with the perils of the rise of populism over the past decade and with the need to counter the democratic backsliding induced by it – a concern reflected in the book's subtitle: 'Constituent power and political liberalism'. Populism, defined as the conflation of the people and the electorate, the attribution of full constituent power to the latter, and presumptively justified intolerance, is argued to derive its appeal from reflecting a problematic view of popular sovereignty deep-seated in our radical democratic tradition.

Ferrara reconstructs this *serial* view, articulated among others by Rousseau and Jefferson and now hijacked by populism, according to which each generation of a transgenerational people equals the entire people, owns the constitution, and can modify it without any constraints. Rawls's conception of political liberalism contains an alternative, *sequential*, view of popular sovereignty according to which the electorate is a constituted power that acts within the constitutional tracks set by 'the people', of which the electorate is a constituted power that acts within the constitutional tracks set by 'the people', of which the electorate of course is also part, but with which is not coextensive. The people in its trans-generational span is the author of a constitution of which its single segments are *co-authors*. As co-authors, voters can speak their mind, but within the bounds of a political project shared in common.

For a long time, the contest of these two views of popular sovereignty has been perceived as opposing a *democratic* and a *liberal* perspective. The book exposes this picture as untenable, and the democracy-vs-liberalism juxtaposition as a misconception: the contest is rather between two equally democratic views, only one of which – the sequential – makes full sense, on account of three possible consequences of embracing the opposite, serial, view. First, a possible ‘wanton republic’, prone to revolutionizing the political order at each generation, may reduce the constitution to a pleonastic amplification of the will of the living citizens. Second, insofar as the people’s project for self-government fails to stabilize over time, the symbolic basis of the people’s identity may recede along ethno-cultural lines. Third, the generations of a people may fail to treat each other as equals. Such developments threaten not just the liberal nature of social and political organization, Ferrara holds, but they jeopardize democracy itself.

To prevent these consequences, the sequential view of democratic sovereignty, implicit in Rawls’s political liberalism, understands the essentials of the people’s transgenerational political project as ‘implicitly unamendable’ even in the absence of explicit constitutional provisions, or eternity-clauses, that entrench them. Ferrara purports here to improve Rawls’s justification for implicit unamendability, by offering the normative concept of *vertical reciprocity*. The living segment of the people is under the obligation to relate in terms of reciprocity to all the free and equal generations of the people, and therefore not to alter the constitutional essentials in any way that would make it *less reasonable* for the past or future generations of the people to have willed or be willing to live within that new constitutional order.

Finally, the book spells out the type of normativity that can possibly bind constituent power without detracting from its sovereign quality. The answer rests on Rawls’s *dual* standard of the reasonable. A constitution could be not simply reasonable but ‘most reasonable for us’, where what makes something ‘most reasonable’, ‘given our history and the traditions embedded in our public life’, is its congruence ‘with our deeper understanding of ourselves and our *aspirations*’. As Ferrara performs a creative reconstruction of the constitutional theory implicitly contained in Rawls’s political liberalism, he discerns the distinct normative limits of *constituent* and of *amending* power which he condenses into two principles that account for the legitimate use of each, thereby supplementing Rawls’ liberal principle of legitimacy.

In this symposium, which originated at the Philosophy and Social Science conference held in Prague in the spring of 2024, Frank Michelman, David Rasmussen, Johan Van Der Walk, Steven Winter, Peter Niesen and Benjamin Schupmann challenge Ferrara on a number of points – from his strategy for solving the problem of divisive pluralism to his position on what qualifies a regime as being democratic; from how accommodating this account effectively is to newcomers (i.e., facing the fact of immigration) to how much room it leaves for current generation’s freedom of self-determination.

As this exchange brings sharply into focus the conceptual tensions that have long haunted liberal democracies, the rigor and frankness of this debate is a reminder that democracy is not just a form of government but also a way of life, and that includes the way we scrutinise democracy – to extend Jawaharlal Nehru’s famous dictum.