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# REVIEWS

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# ALESSANDRO FERRARA, *SOVEREIGNTY ACROSS GENERATIONS: CONSTITUENT POWER AND POLITICAL LIBERALISM*, OXFORD: OXFORD UNIVERSITY PRESS, 2023

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Alessandro Ferrara's *Sovereignty Across Generations: Constituent Power and Political Liberalism* presents a rigorous, nuanced and innovative theoretical response to the challenges that confront liberal democracy today. The book carries further Ferrara's project, begun a decade earlier in his *The Democratic Horizon*, of demonstrating that the normative and heuristic potential of John Rawls's mature, non-essentialist and anti-perfectionist 'political' liberalism overflows its own boundaries, or, as Ferrara puts it succinctly, that "political liberalism is broader than *Political Liberalism*" (4). Ferrara's work is guided by a conviction that the conceptual resources implicit in Rawls's perspective can help democracy stand up to 'inhospitable conditions' such as the cultural hyperpluralism brought by globalization and the devastating social consequences of neoliberalism. In *Sovereignty Across Generations* Ferrara takes on what is generally viewed as the greatest direct threat to democracy today fuelled by these conditions: populism.

Upon outlining the relative advantages of political liberalism compared to its most influential theoretical competitors, Ferrara sets out to explain the normative core of the late Ralws's perspective through an original anti-authoritarian reformulation of Plato's allegory of the cave. He invites us to imagine that, not one, but several philosophers have ventured out of the cave, experienced the outside world in somewhat differing ways, and are facing the task of returning to the cave with their competing accounts – what are they to do? Wouldn't it be *most reasonable* for them, Ferrara asks, to compare the accounts, identify what is common to all of them, and agree to present only that common part to the cave dwellers as a basic set of rules for their common life, while leaving the contentious parts to non-binding debates about what is true, right or beautiful? This, in a nutshell, is the logic of the Ralws's 'normativity of the most reasonable', a revolutionary perspective capable of reconciling universalism and non-foundationalism.

Ferrara thus sets up the basic parameters for his analysis of populism that addresses an important blind spot – while populism has been the subject of

myriad theorizations and analyses, the question of its normative logic has remained on the sidelines. Ferrara argues that common to all forms of populism – 'right' and 'left' – are three characteristics: the conflation of the concept of 'the people' as the sovereign of a given democratic polity with the current electorate of that polity (the currently living segment of the people); the attribution of 'full constituent power' – the power to transform the constitution of a polity or replace it with a new one – to the electorate; and 'presumptively justified intolerance' of the electorate's majority to any opposition. These premises comprise the basis of the 'serial' conception of democratic popular sovereignty, according to which every generation of individuals living in a political community has the right to proclaim itself 'the people' and dispose of the constitution as it sees fit.

In Ferrara's understanding, the appeal of populism stems from its rootedness in 'deep-seated tropes of our political tradition', such as our general proneness to equate 'the people' with the currently living citizenry, the view of politics as always essentially about drawing the line between 'us' and 'them', and the notion that the existence of a plurality of worldviews and opinions in any given polity is always the result of sinister forces at work – ideology, false consciousness or 'ill-conceived relativism' – without which the one 'true' worldview (the one reflecting the actual order of things-in-themselves) would shine through and become universally adopted. One wouldn't be wrong in saying that Ferrara's *oeuvre* is deeply motivated by a commitment to fight these views.

In the central parts of the book, Ferrara fleshes out his two key theoretical innovations which harbour significant potential for informing progressive mobilizations against populism: the 'political conception of the people' and 'sequential sovereignty'. With the political conception of the people, Ferrara transcends an ossified binary of Schmittian perspectives that define the political community as little more than an extension of a particular *Volksgeist*, and Kelsenian, constructivist conceptions, within which its establishment boils down to an act of creation ex nihilo. The people, Ferrara argues, comes into existence when members of a given historical *ethnos*, having an initial sense of connectedness for contingent reasons such as a common language or territorial contiguity, and spurred by some organized political actor such as a movement or a charismatic leader, take upon themselves a joint 'commitment to share commitments' (155). In so doing, they transform themselves into a *demos*, a reflexive community capable of exercising *constituent power*, the power of committing itself to a specific set of basic normative guidelines – a constitution.

When setting the terms of their future association, members of a new *demos* are not free to choose any arbitrary normative logic they stumble upon. Just as the philosophers debating what to do at the entrance of the cave, they will (and this 'will' is both explanatory and prescriptive in Ferrara) choose the normativity that is *most reasonable* for them in light of who they are, "historically, politically and culturally" (134). So, is this after all a form of veiled Schmittian substantivism? Not in the least, because, for Ferrara, 'who we are' is always also (and in fact primarily) projective, it inherently entails 'who we aspire to become' in the future.

Ferrara's arguments exhibit a sociological sensitivity for the dialectical, structurational nature of processes of institutionalization not often found in normative political theory (Ferrara obtained his PhD in sociology). The thrust of his argument is that neither *ethnos* nor *demos* is ontologically prior when it comes to the constitution of a people:

"There is no priority, in this process, of who we are over who we commit ourselves to being, as in essentialist models of popular sovereignty and constituent power. On the contrary, there is a priority of '*who we most reasonably may want to be*' as future *demos*, over who we *are* as an *ethnos*. The process that constitutes us as a *demos* also transforms *who we are as an ethnos*, while keeping a foothold in that life form: the new *demos* is a transformation *of us*." (156) Ferrara argues in a pragmatist vein that, when it comes to identity, our commitments are more important than beliefs about who we are, which means that individual and collective self-realization is not about bringing the reality of ourselves in line with our self-image, but in orienting ourselves, through commitments, to becoming something which we still aren't. To capture this openness without indeterminacy, Ferrara relies on a very Hegelian formulation of Charles Larmore: "The fulfillment of the self does not consist in coincidence with something represented as actual, but rather in 'coinciding with its own essential non-coincidence'" (153).

These reflections ground Ferrara's argument that the *authenticity* of a constitution – its capacity to provide members of a people with a sense of having a unique political identity – does not rest in its being an emanation of an ethnic tradition or *Volksgeist*, but in the *normative exemplarity* of its essentials. Ferrara here brings in another strand of his work, his theory of exemplary normativity. Displaying a clear grasp of what critical realists term the 'emergent' dimension of social reality, Ferrara explains that exemplary normative commitments found in constitutional essentials are those that prove capable of shaping the identity of a people in an *aspirational*, future-oriented way. Article 1 of the 1948 constitution of democratic Italy, which stipulates that 'Italy is a republic founded on labour' is one such commitment: a line that has come to be interpreted as a rejection of obstacles to civic participation such as property and privilege, the article does not reflect any 'fact of life' of the Italian *demos* that had existed prior to the new constitution, but expresses the newly constituted people's aspirations to egalitarianism and inclusiveness in a way that provides its members with a sense of a unique common purpose.

The *sequential* conception of sovereignty, Ferrara's second key innovation, basically means a people's practice of transgenerational fidelity to the foci of normative exemplarity in its constitution. Such fidelity requires that some constitutional essentials, which have over time proven identity-defining for a people, be considered implicitly unamendable across generations, while others may, and often should, be amended – through the exercise of *amending power* – insofar as amendments bring the constitution normatively 'more in line with its original promise'. This means, Ferrara points out, that a living segment of the people – the electorate – should generally be bound by the *normative will* of previous generations, but not by their *cognitive horizon* (228).

In contrast to the serial view of sovereignty with its pseudo-commonsensical premise that future and past generations don't exist and that currently living citizenry should be unbound in its political action, sequential sovereignty operates under the principle of 'vertical reciprocity': as Ferrara argues, "Amending power should be barred from altering the constitutional essentials (basic structure, basic rights and liberties) in any way that would make it *less reasonable* for the other generations, past or future, of the people to be imagined as willing to live their political lives within that newly generated constitutional order." (273). Another key assumption at play here is that, if institutional reality, as the emergent property of our

collective relations, is not reducible to its physical carriers, then past and future generations of a people are 'real' in an important sense. The best indirect evidence for this view is that rejecting it leads to a degeneration of constitutional democracy into an ethnocracy. If our own political will as the living electorate will one day be inconsequential and non-existent, the only bonds that will seem durable to us will be ethno-cultural ones. Over time, we will inevitably start prioritizing these bonds over political ones *in the present*: Ferrara warns that "Serial sovereignty breeds and indirectly sustains the ethnicization of collective identity." (215). This is a powerful, if indirect, argument in favour of a transgenerational perspective in politics, which Ferrara offers to readers instead of a tedious philosophical discussion of the issue.

The final sections present a fine-grained discussion of what it means for a people to exercise legitimate amending power and what amounts to a proper, non-epistocratic 'representation of the transgenerational people' by the highest judicial authority in constitutional democracy – a high, supreme or constitutional court – which will be of great interest to expert readers. Beyond Ferrara's pivotal contribution to ongoing debates in legal and political theory, however, it is his fundamental view of collective political identity, which subtends concepts such as the transgenerational people, sequential sovereignty, authenticity as normative exemplarity and the co-constitutive nature of *demos* and *ethnos*, that will capture the imagination of the broader audience. By this I mean Ferrara's persuasive argument that an open and non-essentialized collective identity can be a robust one, and that it is precisely its future-oriented, aspirational dimension that secures its robustness in the present. No small part of the appeal of reactionary populism seems to come from its having convinced many people that the only way out of the anxiety of the post-metaphysical (and neoliberal) age is to tie oneself firmly to 'who one is' in the sense of actuality. The political left has struggled to come up with a future-oriented alternative that is not exclusionary and homogenizing. Alessandro Ferrara's political-liberal perspective might just be pointing in the right direction.