

Event report

EXPRESS² Transfer of Concepts Workshop

25.09.2024

On September 25, 2024, within the framework of WP2 (Theoretical Framework), the Transfer of Concepts Workshop was organised by the Universitat Autònoma de Barcelona. The purpose of this workshop was to share the theoretical findings from WP2 with the other EXPRESS² researchers, so they can apply the research conducted in the framework of this WP to the remaining WPs that analyse the impact of various disruptive elements (insecurity, populism, gender, climate change, mistrust, digitalisation and pandemics) on the EU social contract. The workshop lasted 2 hours, from 10:00 am to 12:00 CEST, and was recorded online.

During the first part of the workshop, Dr. Antoni Abat i Ninet, EXPRESS² scientific coordinator and leader of WP2, presented the research findings obtained over the initial months of the project. His presentation was structured into three blocks.

In the first section, Dr. Abat reviewed social contract theory, beginning with its origins in ancient Greece and analysing, among others, the contributions of Plato and Aristotle. He then focused on the Golden Era of social contract theory, generally considered to be the 17th and 18th centuries. This period saw the emergence and maturation of social contract theory through the work of major philosophers who sought to define principles by which individuals could form a legitimate government, secure rights, and maintain social order. Within this context, he focused especially on the works of Hobbes (*Leviathan*), Locke (*Two Treatises of Government*), and Rousseau (*Du Contrat Social*).

Finally, Dr. Abat examined the Contemporary Era of social contract theory, often considered to span from the mid-20th century to today. This Era has been marked by significant expansions and reinterpretations of classical social contract ideas, as contemporary social contract theory explores questions of justice, fairness, and legitimacy within complex and pluralistic societies. Among others, he delved into the contributions of Rawls (*A Theory of Justice*), Gauthier (*Morals by Agreement*), Scanlon (*What We Owe to Each Other*), and Buchanan & Tullock (*The Calculus of Consent*), as well as the different debates between contractarian and contractual approaches.

The second block of the presentation on WP2's theoretical findings focused on analysing the critiques of social contract theory. In this section, Dr. Abat examined criticisms regarding the lack of legitimacy in the social contract, particularly the notion that social contract theory has traditionally been used to sustain a power dynamic in which certain groups dominate others. He also discussed other approaches, such as Mills' critique (*The Racial Contract*) from a racial perspective, in which he argued that historical social contracts in Western societies were, in practice, "racial contracts" that privileged white individuals while oppressing people of colour. Additionally, he covered feminist critiques, particularly those of Pateman (*The Sexual Contract*), who argued that classical social contracts implicitly uphold patriarchal structures, subordinating women's rights and roles.

Finally, after analysing the history of social contract theory and its various critiques in the first part of his presentation, Dr. Abat focused the third section on defining the social contract of the EU. The conclusion of the WP2 researchers, which Dr. Abat shared with the rest of EXPRESS² researchers, is that the EU social contract is the metaphorical pact of political association that initially created, and now continually renews, the EU. This agreement includes distinctive elements that separate the political association from other social groups, establishes its purposes, aspirations, constitutional identity, ethics, and morality. The contracting parties—that is, the EU Member States—enter this association freely, surrendering a portion of their sovereignty to protect themselves and to promote peace and well-being in Europe. The contract's terms must safeguard the fundamental interests of the Member States, leaving them in a better state in terms of security and freedom than if they were outside the contract.

The founding values and principles of the EU, enshrined in Article 2 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union, are the constitutive elements of the EU's social contract, essentially its *raison d'être*. These founding values and principles are not subject to change by the (new) Member States of the EU. This means that any entity seeking to become a participant or decision-maker within the EU social contract must adopt these foundational values and principles.

The question, therefore, is to determine the full content of this contract beyond its constitutive elements, and this issue was precisely the focus of much of the debate that was held after Dr. Abat's presentation among the EXPRESS² researchers. On the one hand, they discussed how to include, or what role should be given to, the disruptive elements that will be analysed throughout the different WPs of the project in the draft of the EU social contract, which EXPRESS² plans to publish in the

upcoming months. Similarly, they also discussed the inclusion of other relevant issues, such as education, healthcare, and the demographic challenges that the EU is currently facing. On the other hand, the discussion touched on legitimacy—specifically, how the proposed EU social contract draft within EXPRESS² could increase its legitimacy and gain broad support among EU inhabitants.

The research findings from WP2 will soon be published on the [EXPRESS² project website](#). Additionally, complementing the two EXPRESS² reports corresponding to WP2, the article “A European Union Social Contract of the Twenty-First Century” will be published in the European Journal of Legal Studies. This article reviews the epistemological construction of the social contract and its constitutive elements from a historical perspective, concluding with a proposal for a contemporary notion of an EU association pact adapted to our time.