
The Crisis of the European Union. A Response,
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Abstract: *In his book “The Crisis of the European Union”, Jurgen Habermas explored the options available for the European Union in dealing with the global crisis. The author structured his approach on two essays. The first one, entitled “The Crisis of the European Union in Light of a Constitutionalization of International Law - An Essay on the Constitution for Europe”, emphasizes the fact that while the European decision-makers have focused on solving the currency, banking and debt crises, they omitted the political dimension of the crisis. Moreover, the author considers that in the light of a constitutional treaty for Europe, the transnationalization of the European democracy will be possible if both the public opinion and the politicians can overcome three categories of preconceptions: the dependence of the popular sovereignty to the state sovereignty, the mutually exclusive status of the European citizenship and of the national one, the indivisible nature of the sovereignty. The second essay, entitled “The Concept of Human Dignity and the Realistic Utopia of Human Rights” underlines the imperative nature of the human rights and human dignity interconnected concepts. He states that two conditions must be met in order for the concepts to be valid. Habermas considers that there must be a political community that enacts them and that the two concepts are universally accepted. The Appendix includes three recent political interventions through which Habermas reiterates the uncomfortable and controversial topic of European unification. He concludes that the European Project cannot be allowed to fail because of the raise of German nationalism and the lack of visionary European leadership.*

Keywords: *crisis, EU, constitution, international law, human rights, dignity*

1. Introduction

“*The Crisis of the European Union. A Response*” explores a popular, yet sensitive, subject: the future of the European Union under the pressure of the global crisis, the solutions that EU may have in order to deal with the multitude of the crisis phenomena

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that originated in the USA in 2007. EU's crisis has engaged Jürgen Habermas, one of the greatest thinkers of our time, into a true marathon of both scholarly and political interventions, where he wanted to emphasize the necessity and, at the same time, the inexorability of the European project. This book integrates two essays – one on the Constitution for Europe and the other on the connection between the concept of human rights and that of human dignity; these essays are followed by an appendix where there are presented three of Habermas' most famous political interventions on what it is now often referred to as the true or as the core European crisis, which is the „crisis of the European Union” itself.

This book has captured our attention due to the fact that it reveals a straightforward and scientifically grounded writing. The stakes that the current crisis may have for the “common European future” are so acutely felt by the author that he resorts to a variety of concepts and theories in order to address the very complex question of the European crisis. Should the author use either a purely philosophical approach that bears Immanuel Kant's illuminist spirit, a legal contextualization of the Lisbon Treaty, or a strictly political framework, Habermas builds his case on the firm belief that Europe is at the crossroads and that Europe's future depends on the visionary leadership of EU's decision-makers.

The *Preface* (pp. vii-xii) is used by the author to set the context for the book. In J. Habermas' view, the acute crisis that Europe has been facing is, above all, a crisis of legitimacy, a crisis of solidarity, or a crisis of confidence. Political elites are lacking the “decisive leadership” that could make them see that “established boundaries have shifted”, which “calls for a new mode of politics capable of transforming mentalities” (p. x). Habermas' declared intention is to use the means at his disposal „to try to remove mental blocks that continue to hinder a transnationalization of democracy” (p. x) by publicly signalling the fact that “the international community of states must develop into a cosmopolitan community of states and world citizens” (p. xi). In a nutshell, the way decision-makers approach the concept of transnational democracy may have a tremendous stake not only in what concerns the future of the European Union, but, also, in the way the supranational political community may become comprehensible.

2. The Essays. Pleas for the European Project

The first essay included in the book is entitled “*The Crisis of the European Union in Light of a Constitutionalization of International Law – An Essay on the Constitution for Europe*”(pp. 1 – 53). Habermas premises his position regarding the European Union on two interconnected aspects. First, the fact that the European decision-makers have focused on solving the currency, banking and debt crises has continuously eclipsed the political dimension of the crisis.

“Given the unprecedented gravity of the problems, one would expect the politicians to lay the European cards on the table without further delay and to take the initiative in explaining to the public the relation between the short-term costs and the true benefits, and hence the historical importance of the European project. In order to do so, they would have to overcome their fear of shifting public moods as measured by opinion polls and rely on the persuasive power of good arguments.” (p. 6)

There is a certain sense of urgency that is characteristic to the habermasian discourse when dealing with the crisis-hit Europe. This tone cannot be totally understood unless one would refer to the key-concept of J. Habermas' theory of the "public sphere", understood as "a realm of our social life" or as "a sphere which mediated between society and state" (Habermas, 1964, 50). Habermas' spur to solving the crisis of the European Union by validating a common political solution, accepted by most citizens, by all Member-States, is, in fact, a spur for the Europeanization of the national public spheres. However, "the enduring political fragmentation in the world" (p.7) could be considered as an effect of the gap between the economic globalization and the political globalization, in the sense that the game of free markets has developed by lacking appropriate regulatory and institutional mechanisms.

Second, Europe's way out of the crisis seems so complicated because "mistaken political concepts are obstructing our view of the civilizing force of democratic legal domestication, and hence of the premise associated from the beginning with the European constitutional project" (p. 3). Legal and political concepts should be made clear for the public opinion as well as for politicians before debating on the necessity of a constitutional treaty for Europe. Thus, in Habermas' view, the transnationalization of European democracy is possible if citizens could free themselves of three categories of preconceptions. First, popular sovereignty depends on state sovereignty, an assumption that is nowadays invalidated by the fact that all states and citizens subordinate themselves to supranational law. The prevalence of the international law over the national law transforms the European Union into a perfectly feasible project.

"With regard to a constitutionalization of international law, I note first that, with the European Union, a politically constituted community has emerged which enjoys binding legislative authority in relation to its member states without the backing of the congruent state powers." (p. 28)

The second preconception is that the European citizenship and the national citizenship are mutually exclusive. The innovation brought about by the European treaties is that citizens of the EU member-states can simultaneously act as EU citizens and as members of particular nations. "Every citizen participates in the European opinion- and will-formation processes both as individual European who autonomously says yes and no and as a member of a particular nation." (p. 37)

The third preconception is that sovereignty cannot be shared. One of the dangers entrenched by the already traditional comparison between the EU and the USA would easily make one believe that the European Union in nothing but an imperfect federal republic. Despite its multilevel system, which is a federalist trait, the European Union is an absolute innovation, in the sense that it "can be conceived retrospectively as though the citizens involved were split into two *personae* from the beginning" (p. 38): European citizen and citizen of an already constituted national people. And this is the most peculiar innovation of the European project could potentially transform the European Union into a "cosmopolitan community" (p. 58), understood as „a constitution-building cooperation between citizens and states" (idem).

"The Concept of Human Dignity and the Realistic Utopia of Human Rights" (pp. 71-100) is the second essay included in the book, where J. Habermas marks the historical and judicial milestones of two interconnected concepts - the human rights and the

human dignity, by emphasizing a less evident aspect, namely that these two concepts became categorical imperatives and, thus, translated into the positive law, through social movements and revolutionary struggles. According to philosophical and legal considerations, human rights and human dignity are valid if: 1. there is a certain political community that enacts them, and 2. are universally accepted. According to Habermas, *"on the one hand, human rights could acquire the quality of enforceable rights only within a particular political community – that is, within a nation state. On the other hand, the universalistic claim to validity of human rights which points beyond national all national boundaries could be redeemed only within an inclusive worldwide political community."* (p. 93).

This means that there is a contradiction between the nation-oriented political community and the world-oriented human rights. This contradiction could only be solved if there would be a "world society", built on constitutional bases, which could serve as a democratic platform for an increasingly interdependent global society. In this way, Habermas makes his plea for transnational policy as a panacea of democracy.

3. The Political Interventions. European Crisis Reassessed

The *Appendix* (pp. 101 – 139) of the book includes three recent political interventions of Habermas: 1. "After the bankruptcy" (pp.102-119), an interview with Thomas Assheuer conducted after the collapse of the Lehman Brothers, originally appeared on 6 November 2008 in the German weekly *Die Zeit* (p. 53); 2. "The European Union must decide between transnational democracy and post-democratic executive federalism" (pp. 119-127) is an article that originally appeared on 20 May 2010 in *Die Zeit* (p. 47); 3. "A pact for and against Europe" (pp. 127-139) originally appeared on 7 April 2011 in the *Süddeutschen Zeitung* (p. 11).

Habermas' public interventions accompany the stages of the European crisis. In 2008, the author is sincerely shocked by the gap between the American despair and the European sense of normality. The lack of coordinated political actions at the European level translated into an inability to effectively implement the right economic measures at the right time. Under the pressure of the economic turmoil, EU political actors seem to ignore the true problem that Europe has to face at present: the flaw in the construction of the EU resulted from the creation of a single currency without a state, or, in other words, the build-up of a monetary union that lacks the centralized management competencies at the European level. In Habermas' words, "the present course of the crisis is revealing the flaw in the construction of the European Union: every country is responding with its own economic measures" (p. 115).

The poor harmonization of foreign policies, economic interests, and fiscal norms has resulted into undesirable decisions and into a weakened cooperation among Member-States. The solution here would be "more Europe" or "an even closer Europe", for "only together could the euro zone countries acquire sufficient weight in world politics to be able to exert a reasonable influence on the agenda of the global economy" (p. 117). Thus, the fragmentation of Member-States' economic interests would lead to a deceiving fragmentation of EU's political position on the world scene. The current crisis puts the European Union at the crossroads, when it has to face a Hamletian dilemma: "deepening

of European cooperation or relinquishing of the euro" (p. 122). Habermas speaks about the critically important character of a "political backbone" that would grant the European Union with the opportunity to act as supranational deliberative entity. Habermas' statement that "in time of crisis, even individuals can write history" is emblematic for how Europe's deliberative power may emerge. This is not necessarily given by its institutions; rather, it is inspired by politically aware individuals, who openly participate in the democratic process in order to shape their *common European destiny*. However, in order to achieve this level of a shared political consciousness it is compulsory that European citizens cease seeing their national governments as the only players in the European stage.

"Today the process of European unification, which was conducted above the heads of the population from the very beginning, has reached an impasse because it cannot proceed further without being switched from the established administrative mode to one involving increased popular participation." (p. 132)

In his political interventions, Jürgen Habermas reiterates, by using different accents and registries, the controversial topic of European unification. The uncomfortable character of this topic is first and foremost given by the lack of European visionary leadership, by the incapacity of European elites to formulate persuasive arguments that would be easily assimilated by the public opinion. The raise of German nationalism, that Habermas repeatedly denounces, perverts the finality of the European project. "Since 2005 the contours have dissolved completely. It is no longer discernible what is at stake, whether there is even still more at stake than the next electoral success." (p. 138)

Habermas' conclusion, somehow easily to anticipate, is that the European Project, as any *grand* project, cannot be allowed to fail. The states of the world have proven themselves capable of transnational solidarity and strategic thinking in various contexts (e.g. climate change, worldwide risks of nuclear technology). Thus, all we have to do is to replicate these initiatives, for "by comparison with these problems, the task we have to perform in Europe is almost manageable" (p. 139).

4. Conclusions

The deep lesson that the greatest contemporary philosopher teaches us in this book is that the stake of resolving the current crisis is tremendously important for the member states, as well as for the European Union and for the world in general. For the member-states it is a matter of positioning – geopolitical irrelevance or geopolitical importance? For the European Union it is a matter of life and death. Who will actually survive: the prolonged crisis or the European Union, market Europeans or integration champions? For the world: can the global unbridled markets and all the social phenomena unleashed by globalization be tamed?

References

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