

BOOK REVIEW

Jürgen Habermas, *The crisis of the European Union: a response*, the English edition, translated by Ciaran Cronin, Cambridge: Polity Press; 140 pp., ISBN-13: 978-0-7456-6242-8; first published in German as *Zur Verfassung Europas. Ein Essay*, Berlin: Suhrkamp Verlag, 2011.

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During a lecture delivered in April 2013 at the University of Leuven, Jürgen Habermas deplored the fact that “[w]hat unite the European citizens today are the Eurosceptical mindsets that have become more pronounced in all of the member countries during the crisis” (Habermas, 2013). This is not the kind of unity that would satisfy a philosopher whose contributions to political theory have greatly contributed to the understanding of post-war European integration. As a social scientist and an influential public intellectual, Habermas felt it was his duty to respond to the current plight of the European Union. He has done it repeatedly, since the beginning of the financial crisis, and the most substantive effort was a book first published in his native Germany, and translated in English under the title *The Crisis of the European Union. A Response*.

As expected, it is a natural continuation of Habermas’s earlier reflections on Europe and on the imperative of unification, such as his essay on “The Postnational Constellation and the Future of Democracy”, published in Habermas (2001), or his book *Europe: The Faltering Project* (Habermas, 2009). It is a work that pushes ahead the agenda of the “deliberative” research program on the EU, within the contemporary critical theory (Manners, 2007). It is also, in a sense, more “Habermasian” than some of his earlier writings on Europe, less reliant on “the thicker concept of Europe [that] runs counter to the *thin* legalistic model of constitutional patriotism Habermas himself proposed” (Boon, 2007, p. 306).

Translated to the European arena, the concept of constitutional patriotism will lay the foundations for Habermas’s political solution to the challenges Europe is facing, in the current global context. Europe is now – more than ever,

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argues Habermas – a constitutional project. The alternative would be the descent into a post-democratic order, under the guidance of the “executive federalism” that currently dominates the EU decision-making.

The Treaty of Lisbon holds an interesting position. On the one hand, its provisions advancing executive federalism can easily be turned around to make room for an opaque intergovernmental rule; on the other hand, it is not that distant from the form of a transnational democracy (Habermas, 2012a, p. ix) – indeed, the longest stage of the journey toward unification has already been covered (ibidem, p. 11).

Building a transnational democracy, however, is not just a response to the economic and financial crisis; it is an opportunity for Europe to serve as an example for a political organization of the world society, a Kantian project redesigned for the 21st century. “The historically unprecedented construct of the EU would fit seamlessly into the contours of a politically constituted world society” (ibidem, p. 57).

The key to this achievement is the notion of shared sovereignty. Easily available would be the idea of sharing sovereignty between the individual (in his capacity as member of a European *demos*) and states. However, argues Habermas, since the Constitution would have a strictly individualist character, “it is therefore more consistent to recognize not the member states themselves, but their peoples as the other constitution-founding subject” (ibidem, p. 35). Consequently, every individual would participate in a dual capacity in the European political process, on the basis of two different conceptions of justice and of the public interest (ibidem, p. 37).

The institutional reflection of this dualism would be the balance between the attributions of the European Parliament and those of the Council, including their position relative to the Commission (ibidem, p. 56). Such a mechanism would leave behind the “strange body” called the European Council, whose current powers threaten the legitimacy of the EU decision. The European Council turned to be the *locus* of the great Merkel-Sarkozy compromise in favour of intergovernmental rule, heralding a post-democratic, bureaucratic order.

The essay on human dignity which forms the second part of the book is a natural complement to the preceding discussion: “Human rights constitute a realistic utopia insofar as they no longer paint deceptive images of a social utopia which guarantees collective happiness but anchor the ideal of a just society in the institutions of constitutional states themselves” (ibidem, p. 95). Human dignity, as a fundamental moral concept, lies at the foundation of contemporary democracy and inspires democratic thought – including the constitutional reflections of Jürgen Habermas.

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