EUROPEAN UNION : TOWARD A RESCUE OF THE POLITICAL PROJECT

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Manon Davoust
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SUPERVISORY AND EXAMINING COMMITTEE

Manon Davoust, candidate for the degree of Master of Arts in Social and Political Thought, has presented a thesis titled, European Union: Toward a Rescue of the Political Project, in an oral examination held on March 27, 2020. The following committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

External Examiner: *Dr. Thomas Bredohl, Department of History

Supervisor: *Dr. Jerome Melancon, Department of Philosophy & Classics

Committee Member: *Dr. Anna Mudde, Department of Philosophy & Classics

Chair of Defense: *Dr. Sheila Petty, Faculty of Media, Art, and Performance

*via ZOOM Conferencing
ABSTRACT

The European Union as it is today is facing challenges. Often criticized within the different European member states, the role of the Union is more and more discussed. If it is undeniable that the European Union enables its members to gain economic powers in our globalized world, its political legitimacy is questionable. What exactly are the criticisms made toward the European Union? This thesis explores the structural flaws of the Union as well as its inconsistencies in the way politics is handled. This thesis also shows that the European Union is driven by economic motives at the cost of legitimation. The 27 member states are unable to cooperate and they defend their national interests rather than interests that would benefit the community as a whole. The member states are thus competing with each other, and some of them try to impose their political and economic ambitions on others, leading to an increase of inequalities between the members. This situation is exacerbated by a disconnection between states and citizens. Policies are decided behind closed doors and citizens have no voice in the European decision-making process which challenges the legitimacy of the Union. As a consequence, European citizens are losing interest in the Union, and the European project appears to be at risk.

Could the European Union be legitimized? This thesis analyzes theories of two philosophers: Jürgen Habermas and Jean-Marc Ferry. They provide relevant suggestions to solve the issues encountered at the European level and they prioritize the role citizens should play in the political life of the Union. This thesis argues that the European project can be rescued through an increase in political and participation rights for citizens. Nonetheless, other improvements must be completed. The European institutions must be
restructured, the media must be encouraged to promote relevant information for both political purposes and cultural awareness, national politicians must cooperate.
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DEDICATION

To my family - above all, my parents and my sister - for always supported me financially and emotionally and for sacrificing many things in order for me to fulfill my dream to come to Canada.

To my friends - above all, Becky, Jan, Alex, and David - for having played such a key role these past years, for having shown incredible support and being a source of motivation, as well as for always making my days much more positive.
TABLE OF CONTENTS

Abstract ................................................................................................................... i
Acknowledgments .................................................................................................... iii
Dedication ............................................................................................................... iv
Table of Contents .................................................................................................... v
List of Abbreviations .............................................................................................. 1
INTRODUCTION ..................................................................................................... 2
   a) History of the EU and its institutions .............................................................. 8
   b) Debates on the EU ......................................................................................... 17
   c) Approach taken for this thesis ....................................................................... 27
CHAPTER 1: Criticisms ......................................................................................... 32
   1.1 Economic motives ....................................................................................... 33
   1.2 European representation and political system ............................................ 45
   1.3 European institutions ................................................................................ 57
CHAPTER 2: Habermas’s view on the European question .................................... 66
   2.1 Legitimization ............................................................................................. 69
   2.2 Reorganization of the EU .......................................................................... 85
   2.3 Public sphere .............................................................................................. 99
CHAPTER 3: Ferry’s view on the European question ........................................... 111
   3.1 Legality ...................................................................................................... 115
   3.2 Civility ...................................................................................................... 127
   3.3 Publicity .................................................................................................... 137
CONCLUSION ....................................................................................................... 148
LIST OF REFERENCES ............................................................................................ 157
**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
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<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<td>CJEU</td>
<td>Court of Justice of the European Union</td>
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<td>EAEC</td>
<td>European Atomic Energy Community</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECB</td>
<td>European Central Bank</td>
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<td>ECSC</td>
<td>European Coal and Steel Community</td>
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<td>EDC</td>
<td>European Defence Community</td>
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<td>EEC</td>
<td>European Economic Community</td>
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<td>EESC</td>
<td>European Economic and Social Committee</td>
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<td>EIB</td>
<td>European Investment Bank</td>
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<td>EMU</td>
<td>European Monetary Union</td>
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<td>EP</td>
<td>European Parliament</td>
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<td>EPC</td>
<td>European Political Community</td>
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<td>ESF</td>
<td>European Social Fund</td>
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<td>EU</td>
<td>European Union</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>JHA</td>
<td>Justice and Home Affairs</td>
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<td>SEA</td>
<td>Single Euro Act</td>
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INTRODUCTION

The European Union (EU) is a unique project in the sense that this organization aims at unifying 27 countries of different languages, cultures and perceptions. Aiming at a shared European culture while respecting national pluralities is a specificity and is a strength of this project. Moreover, pooling the resources of these plural member states could lead to a powerful organization. However, whereas the EU gained more legislative and executive power through its institutions and its structure, the role the different member states play as well as the role citizens have in the decision-making process has never been properly assigned. As a consequence, the goals of the European project are unclear and the roles of both nations and citizens are not determined. Many criticisms have thus emerged regarding the fact that the EU might never have developed beyond an economic organization focusing on trade and finance and securing a favourable common market. Indeed, the political aspect of the EU appears to have been forgotten and as a consequence criticisms arose from both citizens and nation-states. European citizens are doubting the utility of the EU as they are not given the opportunity to participate in the life of the community. As for national governments, they fear that the EU might be getting the upper hand over their political power and thus encroaching upon their sovereignty. The political structure of the Union appears to be poorly-designed and this raises questions regarding the legitimization of the EU but also challenges the idea of cooperation between the member states.

Such criticisms became more prominent at the time of the Greek crisis in 2004 and citizens as well as some nation-states or some national political parties have started publicly expressing doubts on the validity of the EU. A few years after the Greek crisis,
the British decided it was time for them to exit the Union. Since then, national political parties have been threatening to leave the EU, notably countries like Italy or France, initially among the founding members of the Union. I would add that these different events have been heavily discussed in the press, on television, on the radio but also in everyday conversations between citizens. This thesis discusses the question: what makes the European Union’s legitimacy? I argue that the political role of the EU will be legitimized with the inclusion of citizens in the political process through the development of a European public sphere as well as with the restructuring of European institutions. I also argue that the EU finds legitimacy through its economic role, allowing to pool resources and strengthen the member states, helping them to face global challenges.

Being from France, I experienced living in the EU. On an economic perspective, the EU has helped my country by funding cultural buildings such as a music academy. On a personal note, the promotion of different cultures encouraged me to learn three European languages but also to work or travel in other member states. I always had an interest in the EU but my interest was challenged by the different criticisms I often heard. While I was looking for resources for a term-paper, I found a book entitled *The Crisis of the European Union* written by a German philosopher, Jürgen Habermas. I borrowed the book and as I was reading it, I understood that the EU presents structural flaws. This book convinced me to write a thesis on the EU, its flaws as well as potential solutions to revive its political substance.

However, upon studying Habermas further, I soon realized that his books present more criticisms regarding the EU than solutions. He provides readers with guiding
principles but I needed more content in order to have a better idea on the flaws and potential solutions regarding the Union. I thus researched articles online to know more about the current functioning of the EU. I came across the name of Jean-Marc Ferry and as I did more research on Ferry, I realized that he had a substantial bibliography on the EU. Compared to Habermas who mainly proposes guiding principles, Ferry has recommendations specific to the EU, which has helped me grasp the functional and structural problems of the Union as well as its opportunities.

As Leydet\(^1\) explains, legitimacy can be understood in two different ways. A first conception of legitimacy is linked to the beliefs and trust participants of a political organization have toward the political system and not to the functioning of the system itself. Another conception of legitimacy is linked to the acceptability of actions taken by actors within a political system and especially by governments. When participants believe in their political institutions, they are willing to comply with policies enacted through the political system, and actions taken by governments are thus easily accepted within the political community. Political authority then depends on the consent of participants which is why citizens require proximity and communication with their political institutions to share their desires but also understand policies in the making. If citizens are not able to trust their political institutions, they will fear and reject the political system. As a consequence, policies enacted will not be accepted within the community and governments will not be able to practise their authority. A legitimate political organization thus requires cohesion between the state and citizens.

In this context, the role of citizens can be understood in two different ways. As Leydet\(^2\) demonstrates, citizens are participants of a political community and their role is to act according to laws they take part in enacting, but also to participate in political life as well as to develop a sense of belonging to a community through membership. In a republican conception, citizenship refers more specifically to a shared political identity in the sense that citizens create their own laws and eventually comply with these same rules. Citizenship is thus strictly political. In a liberal conception, citizenship is a legal status in the sense that citizens look for protection of their freedoms through laws. Citizens do not necessarily practice their political rights in the public sphere as they rely on the power of governments to make laws. They want to secure their freedoms and they mainly express these freedoms in their private life through cultural traditions, memberships in subsystems, relationships with others. Given that Europe mainly consists in liberal democracies, liberal principles thus prevail. Nonetheless, both Habermas and Ferry propose to build the Union on principles deriving from republicanism in order to answer the problem of its lack of legitimacy.

As Fabienne Peter\(^3\) argues, citizenship is thus complex and is linked to politics but also economics and culture. Because freedoms are the foundations of citizenship in the liberal perspective, more rights to include immigrants as well as welfare polices have developed in order for the plurality of citizens to enjoy equal freedom and integrate the political community. Meeting other people and engaging in private activities would enable citizens to develop new perspectives, to question personal assumptions but also to

\(^2\) Leydet, “Citizenship.”

be open-minded. As a consequence, citizens would influence political life in a way that could benefit society as a whole and laws would aim at integrating a plurality of citizens. Depending on the perspective chosen, citizenship can thus be understood as strictly political or as the exercise of cultural or personal freedoms. However, both the republican perspective and the liberal perspective have mostly evolved within national arenas. A postnational evolution might change the perspective to adopt regarding citizenship, since different national communities are gathered to form a single postnational community. Jürgen Habermas and Jean-Marc Ferry thus answer the challenge of a European post-national citizenship by proposing to separate the public sphere from the private sphere. In other words, cultural and personal freedoms have to be secured in a plural postnational community but citizens are required to participate in the public life without pre-political influences so that they will enact laws that will include the plurality of citizens. These modifications will allow the EU to evolve democratically.

The question of resources is also important when thinking about the EU as its economic aspect is a proof of its legitimacy. The world is now developing globally and economics have become a worldwide system. As a consequence, European nation-states are not able to face the challenges imposed by globalization on their own. This is especially true regarding the relation to the economic hegemony of superpowers like the United States or China. These two superpowers have an important surface area, a high population density, a strong expertise in fields like technology and they dominate fields like finance through their national stock exchanges. Most of the European nation-states are small and have less resources. As a consequence, chances are they would become subordinated to economic superpowers if they were to develop solely within their
national borders. European nation-states thus have to associate to have a voice in economics in order for the EU to become a solid competitor in globalization. Together, nation-states would be able to create partnerships, to exchange their expertise in respective fields and to build successful companies. An association between these countries would lead to the production of high-quality products that could easily compete with products coming from superpowers thanks to a pooling of resources and know-how from the different members. The EU would then be able to remain a serious competitor and its economic growth would lead to employment, good living conditions, profits. Also, with the EU being able to generate economic profits, a redistribution of money would then be possible so that European countries facing economic or financial difficulties could receive funding to better their internal situation. Last but not least, the world is facing issues that require efforts from the whole and not only from a few. These issues include for example global warming, pollution, equality between men and women, and terrorism. Because these issues are global, measures taken at the national level are barely efficient. However, through a pooling of resources and ideas, the European nation-states would be able to find solutions that could have an impact on the world.
a) History of the EU and its institutions

In order to understand the context that led to the creation of the EU, I will give an historical overview of the EU. Historically, as Herman Lelieveldt and Sebastian Princen\(^4\) explain, the European continent was a strong economic power. However, the two world wars of the 20\(^{th}\) century particularly affected the continent and weakened the influence of Europe on the rest of the world. During the Enlightenment, concerns regarding the unstable peace within Europe were already emerging. Philosophers such as Jean-Jacques Rousseau were in favor of a European federalism, but such ideas never succeeded. But in the aftermath of the Second World War, rethinking Europe became necessary to avoid new conflicts and to promote peace.

The goal was then to create a bloc of countries allied to prevent wars and prevent the expansion of the Soviet Union over the entire continent. However, one country was a source of debates: West Germany. On one side of this debate, the United States were asking for West Germany to be included in the European project because Americans feared that communism could spread to their western allies through German borders if the country was excluded from the project. On the other side, western European countries and especially France were afraid West Germany would be strengthened by its role in the European project and might later attempt to start a new conflict. West Germany also had a key position in terms of resources as the country was producing a huge amount of coal and steel. Coal was necessary for the reconstruction of Europe but it was also a key element used for France’s own steel production.\(^5\)

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was producing too much coal and due to shortages in other countries, the country was able to sell its production to others to a price higher than what they demanded to local customers, which was a problem as France’s production of steel was dependent on European coal at that time. Furthermore, Germany playing a role in economy through its coal production could enable the country to become stronger and stronger. In order to regulate the production of coal and steel, the International Authority for the Ruhr was created but it proved to not be really efficient. A solution was thus needed since European leaders felt the need to stop rivalries and become united through the creation of a community. Jean Monnet, who spent some time in the United States and who thus had a good knowledge of the American political system, was the main architect of the creation of a European community and he established a plan which was presented to the public by Robert Schuman, France’s Minister of Foreign Affairs, on May 9th 1950. This plan is now considered as being the first step in the construction of the EU as we know it today but, at this time, it marked the creation of the European Coal and Steel Community (ECSC), made official through the ratification of the Treaties of Paris and which became operational in 1952.

Six nations initially formed the ECSC: France, Germany, Italy, Belgium, the Netherlands and Luxembourg. In terms of institutions, the ECSC was composed of the

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High Authority which represented, for the first time in Europe, a supranational entity and not an intergovernmental entity. Indeed, national governments handed over part of their sovereignty to this institution which was allowed to make some decisions on its own.\textsuperscript{11} However, the ECSC was mainly seen as an international organization dealt with by European leaders to answer national interests and in which European citizens had little interest.\textsuperscript{12} Because the ECSC was the first attempt of a European community of this kind and because the Second World War was still in people’s minds, its main focus remained narrow to ensure stable foundations and concerned only the production and regulation of coal and steel.\textsuperscript{13} However, with the rise of communism and the United States’ pressure to secure Western Europe using Germany’s borders (as noted above), the ESCS had to strengthen its fields of action. This is how the community started to cooperate on defence and foreign policy. A European Defence Community (EDC) was thus formed, mainly due to French fears that Germany could be rearmed and potentially dangerous in the future.\textsuperscript{14} Along with the EDC, a European Political Community (EPC) was formed but the two organizations were abandoned two years later and were considered as having been hurried.\textsuperscript{15}

The initial role of the ECSC to regulate the production of coal and steel was reinforced by a collaboration in terms of atomic energy which led to the creation of a

\begin{footnotesize}
\begin{enumerate}
\item Lelieveldt and Princen, \textit{The Politics}, 7.
\item Lelieveldt and Princen, \textit{The Politics}, 7.
\item Jones, Menon and Weatherill, \textit{The Oxford Handbook}, 186.
\item Lelieveldt and Princen, \textit{The Politics}, 11.
\end{enumerate}
\end{footnotesize}
European Atomic Energy Community (EAEC) in 1957. The same year, a common market was created through the establishment of the European Economic Community (EEC) which led to the suppression of customs duties. The economic sector benefited from these new regulations and as a consequence, economic growth was visible among the six members of the Community. However, throughout these changes, the Community saw its supranational competences decrease after intergovernmental institutions were created to supplement the supranational High Authority. Indeed, along with the creation of the EAEC and the EEC, the European Commission (EC) was created. This institution was the executive branch of the two organisations and any decisions made there had to be approved by another institution, the Council of Ministers. In addition, the EEC was composed of a weak European Parliament (EP) whose members were not elected as well as a Court of Justice of the European Union (CJEU). Despite this aspect, the Community was functioning quite well especially thanks to the EEC and more nations became interested in the project.

In 1973, other countries joined the Community for the first time and European institutions began distributing funds to the members in order to develop employment as well as to rebuild infrastructure in the member states considered as having a weaker economy. The 1970s were also a time for institutional changes. Politically, the EP gained more power in 1975 and a year earlier, in 1974, the European Council was created so that


European leaders could have a place where they could meet formally and which would provide them with political guidance.¹⁹

Culturally, in 1985, the European flag was officially recognized by the member states as an official emblem of the Union, and thus as an emblem of their unity. At the same time, the European anthem was approved by the different member states. This anthem is played during official ceremonies as well as during European events.

The Community turned towards further economic integration in 1986 with the ratification of the Single European Act (SEA). The aim was to develop the single market but also to extend European interests towards other sectors such as environmental or social policies. In addition, the SEA marked the beginning of the Economic and Monetary Union (EMU) as well as the Common Foreign and Security Policy (CFSP) which had developed without being previously and officially approved by a treaty.²⁰

With the fall of the Berlin Wall in 1989 and the fall of communism in 1993, Western and Eastern Europe were reunified and the Community sought to achieve an even closer relationship between the different member states. The Community was reinforced by the idea of a common market through the free movement of people, goods, services, and capital. Furthermore, the idea of a common currency emerged in order to reinforce the EMU. In 1993, these developments took an official turn and a new treaty was thus needed: the Maastricht Treaty. The Maastricht Treaty was signed and the ECSC officially became the EU. The EU was divided into three different pillars. The first pillar, named European communities, took over the tasks that were previously dealt with by the


²⁰ Lelieveldt and Princen, The Politics, 16.
EAEC, the ECSC and the EEC. This first pillar still kept its supranational aspect. The second pillar took over the role of the CFSP and the third pillar took over the role of the Justice and Home Affairs (JHA), an organization formerly created to deal with policies linked to immigration or judicial cooperation for example. These two last pillars were not supranational but intergovernmental, meaning that these structural changes did not stop new nations from submitting their candidacy to the EU. The Union was attractive for many countries. However, while the Union had been wary of approving too many new members too quickly, the new members, despite their wish to be part of the Union, began to worry that the supranational could affect them negatively in some sectors. It is in this context that the Copenhagen criteria emerged, used as guiding principles to the entry of new members. Along with the Copenhagen criteria, treaties were revised in order to emphasize co-decision or coordination but most importantly, the EMU took a more extensive turn.

Indeed, in 2001, twelve countries of the EU expanded their unification through the creation of the common currency, the Euro (after a first failed attempt in the 1970s). That same year, the political leaders worked on creating a Convention regarding the future of the EU. The Convention was a group composed of political leaders, a number of members of national parliaments, a number of Commissioners as well as some European deputies. The Convention especially worked on modifying and simplifying the

already existing treaties. The major task of this Convention was to propose a draft regarding a European Constitution to the different political leaders. Initially, the European Constitution was supposed to supersede and replace all the previous treaties. After a period of negotiations, the Constitution was approved by the political leaders who signed the Rome Treaty in 2004. This Constitution was also presented to the citizens who were asked to agree or disagree with the project through a referendum. Nevertheless, French citizens and the Dutch Parliament rejected the Constitution and it was thus abandoned.

In 2007, the Lisbon Treaty was presented, after a period of reflection since the rejection of the Constitution and the entry of a majority of the Eastern European nations, ensuring that the existing institutions of the EU would be modernized and more efficient since they had been created at a time when the EU was composed of fewer members but then needed to be better equipped to represent a bigger number of members. As a consequence, the EP gained more power, especially in terms of approving expenditures, but the institution that benefited the most from the Lisbon Treaty was the European Council, which became the institution where decisions would be made.

Today, the EU counts around 508 million of inhabitants, 27 member states, 24 official languages and 19 states using the Euro. The EU is celebrated every May 9th and for this occasion, its different institutions are open to the public. This event is used to

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bring citizens together but also to promote the EU and create knowledge about its role.\textsuperscript{30} The EU is currently composed of fourteen institutions. Each plays a role in the political life of the Union but three of them play a key role in decision-making at the European level.

These three main institutions are the EC, the EP, and the European Council. The EC has a supranational character and is composed of Commissioners who have been appointed by national governments and who collaborate with around 40,000 other bureaucrats.\textsuperscript{31} This is the institution where the legislative process begins. Indeed, the EC has the role of presenting legislative proposals to the EP. These proposals can be enacted by the EC alone or influenced by demands coming from citizens, member states, the EP, or the European Central Bank (ECB). Once the EC has prepared a proposal, the EP can do the first reading. The EP has a supranational character as well and is composed of representatives elected by citizens within national arenas. This institution works with the Council of the European Union on the enactment of newly proposed laws.\textsuperscript{32} The EP can adopt the proposal right away or simply modify it. After this step, the proposal, as reviewed by the EP, is transmitted to the European Council. The European Council has an intergovernmental character and is made up of political leaders who act as a steering body which makes decisions but also uses the institution to defend national interests.\textsuperscript{33}


\textsuperscript{31} McCormick, \textit{Why Europe Matters}, 17.

\textsuperscript{32} McCormick, \textit{Why Europe Matters}, 17.

\textsuperscript{33} McCormick, \textit{Why Europe Matters}, 16-17.
Members of the European Council can accept proposals that are introduced to them, which will lead to official legislation, or modify them, which will lead to a second, then eventually a third reading in EP. Usually, proposals are not required to pass through all the possible steps. Indeed, they are usually approved at the time of the second parliamentary reading. However, proposals originate with the EC, which is not the institution elected directly by citizens. European legislation is thus rather disconnected from citizens and this challenges the legitimacy of the Union.

b) Debates on the EU

Even though the European project is perpetually evolving, debates on the EU are numerous. I will give a review of literature and debates ranging from cultural theory, to democratic legitimacy, euro-republicanism, citizenship or women’s movements. These debates can be approached in two different ways. First, the EU can be understood according to traditional and theoretical philosophical branches. A second way to understand the EU is to look at current debates in which not only philosophers but scholars in general take part. These debates are for the most part linked to general observations, experiences and social movements within the Union.

According to an article by Heidrun Friese and Peter Wagner, traditional and theoretical philosophical branches offer three different categories under which the EU can be studied. The first is cultural theory. This theory was particularly used in the nineteenth century and after the First World War, at a time when national consciousness was developing in Europe. Typically, this theory is linked to the idea of a people of a specific nation built on a common history, a common language and as its name indicates, a common culture. Based on this theory, two different trends emerged. The first trend is attached to the nation-state evolving around a people. As a consequence, the EU as a state is seen as impossible because there is no European people and if there was to be one, its citizens would not share the same history, language and culture. The second trend sees Europe as being older than nation-states and thus gives importance to common traits even outside of national arenas. According to this version of cultural theory, there is thus a European identity.

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The second theory regards democratic legitimation which can be divided into two different concepts: the concept of input-oriented legitimation, which corresponds to a government by the people, and the concept of output-oriented legitimation, which corresponds to a government for the people. The concept of input-oriented legitimation is especially visible within nation-states and is highly associated with a democratic conception of policies. Nonetheless, the EU lies on the concept of output-oriented legitimation and the democratic roots of its policies can thus be questioned. However, as Friese and Wagner\textsuperscript{36} explain, some scholars like Fritz Scharpf suggest that, in order for the EU to not be a prominent non-democratic decision-making power, its fields of action should be limited. In other words, decisions that would have a big impact on citizens should be in the hands of national governments. Decisions that have a less important impact on citizens’ life and that concern regulation more than political measures could be allocated to the EU, as those decisions do not necessary need to be legitimized. Nation is thus associated to democracy and Europe to technocracy.

A third theory explained by Friese and Wagner\textsuperscript{37} is euro-republicanism, based on republicanism and favouring citizenship and democracy. Euro-republicanism answers criticisms of cultural theorists that there is no European people by making a distinction between national culture and political culture. With euro-republicanism, citizens are still attached to a people. However, they also retain political rights that go beyond the borders of their nation. These political rights allow them to be active in the supranational arena and this answers the issue of the legitimation theory that claims that supranational

\textsuperscript{36} Friese, and Wagner, “The Nascent Political Philosophy,” 342-364.

\textsuperscript{37} Friese, and Wagner, “The Nascent Political Philosophy,” 342-364.
policies should concern a narrower field of subjects so that they do not require to be
legitimized. This version of Euro-republicanism requires changes in the way European
institutions are organized in order for citizens to take part in decision-making through a
better representation in the EP or the emergence of a European-wide public sphere. Euro-
republicanism theory also admits variations as some euro-republicans do not see the need
to reorganize European institutions. In this context, policies will be made on different
levels and decisions will be made by the level closer to the issue debated.

An article by Jale Tosun, Anne Wetzel and Galina Zapryanova\textsuperscript{38} reviews broader
debates on the EU after the financial crisis of 2007. The three authors divide these based
positions into three main categories: policies, governance, and democracy. Different
trends are being observed in each of these categories. In terms of proposals, it has been
observed that the EU has not adopted major policies to answer the financial crisis. A
certain protectionism was expected coming from the European institutions and especially
the EC but the opposite, liberalism, tends to be more perceptible. However, the EU
became more involved in terms of finance notably through the creation of hedge funds
but also through a review of the supervisory and regulatory system. Finally, policies
regarding the enlargement of the EU have not necessarily evolved or declined as policies
in this field are not considered as having priority post-crisis.

In terms of governance, certain institutional changes have been observed. The
European Council has become a leader in both decision-making and planning of
priorities. As a consequence, intergovernmentalism has become more prominent in the
way politics is conducted within the Union and this favors bigger member states. In

\textsuperscript{38} Jale Tosun, Anne Wetzel, and Galina Zapryanova, \textquotedblleft The EU in Crisis: Advancing the Debate,\textquotedblright Journal of
European Integration 36, no. 3 (2014): 195-211.
addition, the EC appears to have lost power in terms of defining priorities but its role in the implementation of policies has increased. The role of the EP is also questioned. The Lisbon Treaty gives more competences to the EP but this institution has no voice in the decisions made to answer the crisis. Eventually, observations have been made regarding the ECB and the EMU as a whole. Indeed, the ECB detains more power as it is now able to take part in advisory activities within national arenas. However, the EMU has weakened especially because of how the Greek crisis was handled. As a consequence, debates emerged regarding the Union’s legitimacy, and the idea of a closer fiscal union is questioned. Furthermore, it is debated whether the German fiscal philosophy will eventually disrupt the well-functioning of the EU and challenge its performance or not. The process of joint decisions is also questioned as it might cause a lack of efficiency in terms of policies and management of crises.

Democracy is also a subject of debate when it comes to the EU as it is observed that there is an imbalance between the power given to institutions and the needs and wants of citizens. The EU is also criticized for its barely democratic legitimacy and accountability. This aspect is challenging the well-being of the EU as it has been observed that citizens judge and rather trust the Union on its institutions rather than on its economic performances. Citizens indeed tend to determine the power of the EU to secure democracy through institutions but their confidence is low. Their confidence is also challenged as national parties tend to talk negatively about the EU for electoral motives at the national stage. Scharpf also argues that democracy within the EU is

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39 Tosun, Wetzel, and Zapryanova, “The EU in Crisis,” 195-211.

40 Tosun, Wetzel, and Zapryanova, “The EU in Crisis,” 195-211.
challenged as the Union tends to impose many measures and thus weakens the ability of its members to deal with their nationals issues on their own, especially when it comes to economy.41 Furthermore, debates also include criticisms of overrepresentation. Indeed, some political groups are more represented than other within the Union and it is thought that this hinders the way governance happens at the supranational level and as a consequence, challenges democracy. However, some debates state that the EU is too democratic and this excess of democracy might be what makes the EU not as efficient as it could be. This idea is especially based on the fact that consensus is required for any measures decided at the supranational level. Finally, on a more positive note, debates include the idea that the EU is presently democratic, but imperfectly democratic and that the democratic roots on which the Union rests can still be improved.

Tosun, Wetzel, and Zapryanova thus go over three different ways to understand debates regarding the EU but more debates can be added to this list. A fourth category could include debates on citizenship and an article by Dominique Schnapper and Mireille M. Dedios42 on this subject is particularly interesting. They wrote that citizenship is often a source of questioning when it comes to the EU. Commonly, as they explain, citizenship is associated with a set of rights citizens of a same political community can enjoy but also with laws that have to be respected. These rights and laws apply to people within a political community and background traits linked to religion, gender or economic status cannot influence them. However, since national political communities are bound to intertwine within the EU, the concept of citizenship might evolve. Schnapper and

41 Tosun, Wetzel, and Zapryanova, “The EU in Crisis,” 195-211.

Dedios explain that different conceptions of citizenship within the Union have thus emerged. The first, a new citizenship, can be approached in two different ways. A first approach is that citizenship should be resting on participatory practices and emphasize economic and social rights. Indeed, this approach considers that the distinction is not between citizens and the rest of the community but more between legal foreigners who can work and people who are living in total illegality. According to this approach, economic and social rights such as the right to work, social rights offered to immigrants or rights linked to gender are what influence political status nowadays, and these rights tend to mostly be decided by the EU. As a consequence, the EU is creating a new kind of citizenship, solely based on economic and social matters. A second approach is similar and defends the idea that legal foreigners can obtain economic and social rights that influence their legal status. However, this approach denounces the fact that these legal foreigners are still not able to vote. This approach of new citizenship thus tends to promote the right to vote based on residency rather than nationality, which requires to distinguish citizenship from nationality.

The second conception Schnapper and Dedios evoke is postnational political citizenship. This conception of citizenship, like the traditional one, gives importance to political rights. However, these political rights must be founded on a set of values that are understandable by and common to the different members of the EU. National law thus becomes weaker, giving priority to common rights especially through European law but also given the fact that citizens have diverse national attachments since they are now

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44 Schnapper, and Dedios, “The European Debate,” 199-222.
more likely to move from their home country to live in another country or because citizens who emigrate expect to participate in society through rights that will not threaten their cultural practices. Postnational political citizenship thus entails a separation of citizenship from nationality. Indeed, with this conception of citizenship, citizens are encouraged to keep an attachment to their cultural background and practices and still participate in their political society as long as they respect democratic and universal principles understandable by all. Postnational political citizenship is similar to the theory of constitutional patriotism developed by Jürgen Habermas. Jean-Marc Ferry also supports postnational political citizenship, seeing Europe as the place for democratic practices apart from national attachment.

Schnapper and Dedios\textsuperscript{45} also mention that another way to conceive of citizenship within the EU is through a rethinking of national citizenship. Traditionally, national citizenship includes citizens but excludes others who are not yet citizens of the same specific nation-state. Citizens can thus enjoy the right to participate in political life, while non-citizens are deprived of full rights linked to citizenship. If foreigners are deprived of full political rights like the right to vote for example, they however enjoy social and economic rights equal to those enjoyed by nationals. Indeed, legal foreigners can for instance enjoy the right to work. As a consequence, they are subjected to national labour laws but they are also protected by the same national labor laws in case of a non-respect of working conditions by their employer. Like nationals, legal foreigners also have a right to social benefits like paid vacation or sick leaves. These economic and social rights thus allow legal foreigners to participate in society, just like nationals. In this context,

\textsuperscript{45} Schnapper, and Dedios, “The European Debate,” 199-222.
participation in society does not depend on the right to vote enjoyed by citizens but on social and economic rights enjoyed by both citizens and legal foreigners. Social and economic rights, in this context, are universal rights that legal citizens should enjoy, prior to any citizen rights.

Yet another way to approach debates around the EU is to look at ideas that emerged within the feminist sphere as shaping the EU could be an opportunity to rethink gender but also the Union in general. An essay written by Emanuela Lombardo and Mieke Verloo\textsuperscript{46} offers an overview of feminist debates associated with the EU. The first idea in this essay is that adopting a feminist point of view can help understanding the changing nature of the EU in terms of policies, borders or peoples for example. Furthermore, citizenship nowadays within the EU is a product of many struggles and fights that have been led by feminists so that citizenship could be inclusive and offer more rights, regardless of background gender, class, or race.

Lombardo and Verloo\textsuperscript{47} also mention that the EU could imitate the way feminists aim at reaching equality through the promotion of differences. Learning how to do so could help the EU in its task of integrating a plurality of identities within a same society. Moreover, the goal sought would not be to reach a homogenous EU led by a single dominant culture, since this feminist approach aims at recognizing differences and considering them enriching and having a role to play in society.

A third conception mentioned regards the limits placed by the technocratic organization of society on the inclusion of the whole citizenry in political debates and


\textsuperscript{47} Lombardo, and Verloo. “Contentious Citizenship,” 108-128.
which, as a consequence, allows experts or policy makers rather than citizens to take part in political practices. Feminists points at the interdependence between both the male condition and the female condition as the oppression by one goes hand in hand with the domination of the other. Feminists denounce the fact that technocrats and experts making policies tend to not listen to social movements such as women’s movements as they consider them to be agitators. As a consequence, through the absence of women’s voices in the debates, there is a depolitization of gender equality. Feminist approaches thus promote a cooperation between a formal level embodied by technocrats and an informal level embodied by categories of citizens such as women’s movements and organisations so that European institutions and citizens could dialogue better in order to offer a more democratic Union.

This essay refers to a fourth aspect that concerns the challenge to the idea of a social Union by the dominance of a concern for economics within the EU, an idea defended by Habermas and Ferry too. As a consequence, the living conditions of citizens might worsen. Feminist approaches suggest that instead of separating the public sphere and the private sphere like it is done nowadays, the two spheres should be considered as going hand in hand. Indeed, feminists denounce the fact that money takes the upper hand over the quality of life of European citizens but more precisely, they denounce the fact that the economic imperatives taken into account are usually tied to the work performed by men. Nonetheless, little attention is given to the sector of care giving that is usually performed by women. By encouraging an approach based on the character of work according to gender, feminism could thus offer solutions to change the actual social and political systems.
Lastly, the essay points at the need to give more importance to the idea of gender in political debates and regarding all aspects of life so that gender inequalities could eventually come to an end. The idea is that if gender was more often promoted in political debates, people could realize that feminist theories can bring solutions to some issues or dysfunctions occurring at the EU.
c) Approach taken for this thesis

Despite the variety of debates on the EU, this thesis focuses on Habermas and Ferry as they both reflect on a wide range of concerns and observations made towards the EU. Ferry and Habermas enter the debate on democracy and aim at answering the frequent issues regarding European democracy, making this topic their main focus. They share the position that the Union is resting on non-democratic roots and also observe that national parties tend to use the EU for their own cause which discredit the supranational organization for the citizens. Habermas supports the euro-republican theory and builds a philosophy of the EU based on this theory, which he develops further based on his idea of a constitutional patriotism. Moreover, Habermas and Ferry reflect on the institutional changes faced by the EU, denouncing an imbalance among its different institutions. They share the idea of a possible fiscal unity in order to reach a closer Union but also denounce a strong German presence in terms of leadership. Habermas also shares the point of view that the EU is an essential organization in a world that is becoming more and more globalized as it gives more economic power to its members as well as more possibilities to compete with superpowers. By reflecting on the construction of the EU, they both take part in the debate on citizenship as they reflect on the place of citizens in the project but also on a new conception of citizenship, the postnational citizenship. Habermas and Ferry are judicious philosophers as their work take part in on a number of current debates and thus give a set of possible solutions to problems that are denounced by many other people.

Nevertheless, this thesis does not aim at opposing or comparing the work of both Habermas and Ferry. This thesis is mainly about the criticisms brought by Habermas
towards the Union as well as his potential ideas to save the European project and to rethink the supranational level in order to respect democratic principles. Because Habermas’s ideas can sometimes be too theoretical or abstract, I then analyze Ferry to reinforce Habermas’s position. Ferry’s ideas are highly similar to those of Habermas but they are more detailed and more concrete in terms of proposals for the EU, and are useful to better understand the problems at stake as well as their solutions.

In addition, this thesis is not aiming at reviewing the entire philosophy of both Habermas and Ferry. Of course, Habermas is one of the most important contemporary European philosophers and has published an extensive amount of literature. However, most of Ferry’s publications are about the EU as this is his primary area of study. Since this thesis focuses on the EU - its problems and the solutions to democratically legitimize this supranational project - it is above all based on publications that are strictly about the EU. Habermas published relatively few books strictly about the EU and these books are used as primary resources in this thesis. As for Ferry, La Question de l’État Européen is his major publication and strictly focuses on the European project. This resource is then central in the third part of this thesis. However, Habermas and Ferry have also published writing aimed at a non-philosophical public as well as short essays. These resources are also used in this thesis to ensure a more comprehensive review of Habermas’s and Ferry’s ideas on the EU. These essays and publications in the mass media also balance scholarly resources as they tend to be less theoretical and offer more concrete ideas. Nonetheless, references to books that do not focus on the Union such as Between Facts and Norms are made to clarify or define principles referred to in Habermas’s European theory. Also, the position of this thesis is to explore resources that are relatively recent.
Indeed, this thesis is not aiming at a review of the EU since its creation but at focusing on the problems that are currently being faced and that were already emerging in the 2000s. Works published by Habermas and Ferry around 2000 indeed set a list of issues that were predicting a certain malfunction of the EU. The Lisbon Treaty of 2004 was a response to this malfunction and literature about the EU became more extensive after this date. Finally, this thesis does not attempt to adopt a sociological lens and does not aim at comparing the different members of the EU through surveys or statistics.

This thesis is located within the field of political theory. Political theory is broad and admits a variety of branches such as philosophical, historical, conceptual or analytical political theory. Adam Swift and Stuart White propose a conception of political theory that is associated with real politics and described as being liked by students who first read or hear about real politics issues in newspapers or in the media and who then turn towards political theory to find connections. This is exactly how I approached this thesis: I was hearing and reading about European news and wanted to see how they could be interpreted through political theory. Nonetheless, Adam Swift and Stuart White explain that the link between real politics and political theory is crucial, yet limited. It is limited because theory is abstract and does not produce any policies on its own but it is also limited because political theorists and politicians do not have the same goals. Indeed, political theorists can develop theories without any boundaries and aim at being neutral to determine what we should do and which values we should pursue through clear, detailed and precise processes. Unlike them, politicians have to comply

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with the desires of citizens but are also limited by what is feasible. Even if politicians usually aim at solving problems, they sometimes try to pursue a personal interest - to be elected - and sometimes may attempt to make speeches in a rather unclear way so that a majority of people can be seduced by their ideas. However, even if limitations between real politics and political theory seem to be dominating, real politics and political theory are interdependent. They are linked because behind politicians’ decisions, usually lies a theory. For example, politicians may want to enact measures that would be democratic, the idea of democracy being tied to a theory. Indeed, political theory serves as a clarification of concepts and values and proposes possible paths for the political community to adopt. Political theory can also help citizens decide which political choices they should make or how to interpret and evaluate what politicians propose. It is then politicians who have the task to put political theories into practice after identifying what is really possible to implement in real politics and what is expected by citizens.

My role here is thus to review the work of Habermas and Ferry regarding the EU and to review their solutions regarding the lack of legitimacy of the EU. This thesis is organized into three chapters. The first chapter focuses on the dominance of economic aspects within the EU and thus presents the criticisms that are made regarding the Union. These criticisms are for the most part provided by Habermas. The first chapter thus aims at showing that the European project towards a Union is overwhelmed by economics. In contrast, the second and third chapters provide the elements necessary for the EU to achieve its political role. The second chapter analyzes the ideas proposed by Habermas regarding the potential changes to bring to the EU for its organization to be politically efficient in a legitimate way. In this chapter, it will also be shown that Habermas
proposes to involve citizens in the political life of the Union. The third chapter relates Ferry’s ideas and aims at offering solutions to the problem of a lack of political competencies at the level of the EU. This last chapter specifically explains how to legitimize the EU through a European Constitution and also expresses the role citizens should have in the European decision-making. The political role of the EU will also be reinforced by relevant media-friendly coverage. The conclusion will summarize Habermas and Ferry’s potential solutions to the problems broached in the first chapter and will also present my position on the subject. Furthermore, I aim to show the flaws of the current EU and to suggest potential solutions to the lack of legitimacy of the Union.
CHAPTER 1: Criticisms

In the aftermath of the two world wars, most European nations were weakened and had to overcome massive destruction, trauma, political instability, and unemployment. They also had to find a way to secure peace and cohabit with other nations perceived as enemies during the different wars. The idea of a European project emerged with the main goals being to pacify relationships and to revive the strength of European nation-states. However, more and more criticisms against the EU are emerging, and the project is now challenged. These criticisms usually point to the economic path the Union is following, as well as to a political weakness, a lack of definition regarding citizenship, and a lack of legitimacy. Furthermore, there is a divergence in opinions when it comes to the structure and the utility of the EU. Some people imagine the Union ought to become a federation, others expect a Union but at the same time are not willing to weaken the power of nations, while others still hope that their country would exit the Union. In this chapter, I will summarize different criticisms that have been made towards the EU. These criticisms have for the most part been provided by Habermas and concern observations that are often made by citizens, the media or even national governments. Indeed, these criticisms target the institutional structure of the EU, the domination of economic motives, and the lack of cooperation in aid of national interests.

The first section of this chapter analyzes different criticisms of economic motives taking the priority on the political role of the EU. The second section reviews the criticisms of the lack of representation within the EU. Finally, the third section discusses the problems the current European institutions present.
1.1 Economic motives

In his article reviewing Habermas’ philosophy, Andrew Edgar⁴⁹ points to the fact that one failure of the project appears to be caused by an excessive focus on economics to the exclusion of political concerns. Indeed, he explains that Habermas targets economic globalization as well as capitalism and describes capitalism as being a social system composed of four interconnected subsystems: economics, administration, legitimation, and culture. If one subsystem is facing difficulties, help can be provided by another subsystem. For example, an economic crisis could be prevented by the administration subsystem and supported by the citizens through legitimate decision-making. However, if one crisis happens in one of the subsystems, other subsystems can have to face the consequences as well. In the EU, the economic subsystem is not controlled by the administration anymore and because of a lack of legitimation, it is also not supported by citizens. Following Habermas’ ideas, Andrew Edgar⁵⁰ writes that the European economic crisis thus led to a political crisis then to a legitimation crisis and finally to a crisis for the whole society.

Of course, it would be unrealistic for the EU to pretend it is not taking part in an even more globalized world economy, globalization being “irrevocable” as Habermas argues in an article.⁵¹ Indeed, he explains that the whole world is now connected, especially when it comes to economics and finance. Globalization is forcing nation-states to step out of the national arena, economically, financially and politically in order to join

⁵⁰ Edgar, Habermas, 31.
the world arena. Indeed, globalization involves an increase in trading between countries. In the meantime, big corporations develop which results in a worldwide production as well as foreign investments which generate a worldwide financial sphere. To put it in a nutshell, Habermas believes globalization “characterizes the increasing scope and intensity of commercial, communicative and exchange relations beyond national borders”. In order to not be left out, nations have no other choice than creating partnerships. Indeed, European countries are small in size and are not economically powerful enough to compete with a superpower like the United States or emergent countries like Brazil, Russia, or India. By sharing their resources and their expertise, European nation-states would have more power.

Timothy Garton Ash contrasts with this position. According to him, the European project should be pursued for the sake of Europe only, rather than always having to compare European strength to American strength. According to Ash, the EU does not have the means to become a superpower like the United States, the main obstacle being the fact that it is composed of a variety of nation-states that speak a variety of different languages whereas the United States are a single nation-state where the same language is spoken. Furthermore, Ash believes that a superpower requires a strong military force, which the EU lacks. Instead of the EU attempting to become a superpower, Ash believes that the Union should intensify its collaboration with the United States in order “to remove the remaining barriers to free commerce across the world”.

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Atlantic; to ensure that NATO and the emerging military capacity of the E.U. don’t work against each other; to develop common approaches to aid, debt relief, reducing agricultural subsidies, climate change”.

Countries worldwide have entered a system where national economies depend on export and import of goods and services and when something goes wrong in one of the economically strongest countries, impacts can be felt in the rest of the world. This happened in 2007 when a financial crisis originally coming from the United States shook the rest of the world. But globalization does not only concern economics or finance. It is also embodied by the spread of new technologies, making it possible for everyone to access information within seconds. Technologies also lead to globalization in terms of culture, specifically the American culture that has spread to the whole world through entertainment, and multinational corporations based in the United States. The growing means of transportation also enable people to be connected to any part of the world in a short amount of time. According to Habermas, such an interconnected world faces five main issues: international security, environmental issues such as climate change or drinking water supplies, the distribution of scarce energy resources, global implementation of basic human rights and a fair global economic system. These issues having consequences on the entire world, they need to be discussed at the international level.

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55 The very first crisis was in 2007 but repercussions were mostly felt in the rest of the world after a second crisis, in 2008.

In Habermas’ opinion, nation-states are losing their power and do not know how to deal with these changes and as a consequence, they are entangling themselves in international agreements in order to regain some of their regulatory powers.\(^{57}\) There is already a multitude of existing restricted international partnerships, agreements or political coalitions among which the G8, the G22, and the International Monetary Fund (IMF). Habermas believes that, in addition to a lack of efficiency due to a heterogeneity of societies, these international agreements are far from being democratic. Indeed, political negotiations happen behind closed doors, and citizens are not consulted on whether they agree or disagree with the decisions made.\(^{58}\) The same idea is defended by Ralf Dahrendorf who claims that the fact that “laws are made in secret, in closed session of the Council of Ministers, is an insult to democracy”.\(^{59}\) Timothy Garton Ash also agrees with this idea, saying that in addition to negotiating deals behind closed doors, politicians do not really worry about European matters but more about national ones and that, as a consequence, there is an absence of European politics.\(^{60}\) Nonetheless, as Kristina Grosek and Giulio Sabbati explain, if international agreements or treaties are negotiated behind closed doors, most of them need to be ratified by national parliaments. Indeed, some agreements can be definitively signed by states’ representatives without being subjected to ratification at the national level. Nonetheless, other agreements -


\(^{58}\) Habermas, *Faltering Project*, 81.


especially the ones on major political or financial concerns - require national ratification in addition to the signature of states’ representatives. As for referenda, they are possible before any ratification but depend on whether national constitutions allow it or not.61

Despite international agreements signed between countries, states are lacking economic cohesion when it comes to deciding the way forward and this is particularly true within the EU as Habermas points out during an interview with Philip Oltermann: “Without a common financial and economic policy, the national economic of pseudo-sovereign member states will continue to drift apart in terms of productivity”.62 Indeed, Habermas believes each member state of the Union proves to be incapable of controlling their internal economy and, on their own, they fail to adjust their policy to meet the expectations of globalization. However, according to him, isolating oneself to find a solution to global issues is not realistic. Solutions to global matters can only be found when acting all together as it is impossible to solve these large-scale issues with individual means and methods. The different member states have to stop thinking in a way that only benefits the national level and they need to start acting as a group and implement joint political decision-making. Without such behaviour, there will not be any stability or equality within the Union.63 I believe this is easy to see when we look back at the consequences of the 2007 financial crisis. Indeed, this financial crisis shook the European economies and some of the member states were more weakened than others.


The member states were afraid of a domino effect triggered by economically and financially endangered states and finding solutions became necessary. This led to austerity measures.

This lack of cooperation between member states which are more likely to compete with each other is particularly noticeable in the way the Greek crisis was handled. Greece has been the target of the European institutions since 2009, after the revelations made by Giórgos Papandréou that Greece falsified its data in order to be allowed to join the EMU as Laura Geisswiller explains. In order to save Greece and the entire Union from a terrible crisis, it was decided that the country would have to implement austerity measures. It was not taken into account that an austerity policy would make an entire country suffocate and would go against what the people wanted as Anne-Laure Delatte explains in 2015: “le soutien populaire pour les politiques alternatives à l’austérité n’a cessé de croître avec la montée du chômage en Europe”. The austerity policy did not help Greece; instead, it made its internal situation even worse. The unemployment rate increased as well as inflation and the number of bankruptcies. Moreover, wages decreased as well as any help provided by the government. In an account of 2012, Habermas even suggests that austerity measures are counter-productive measures and “for the time being it remains unclear how austerity policies imposed from above, which are in any case difficult to push through domestically, can be reconciled with maintaining a tolerable level of social security in


the long run”. Habermas argues that throughout the Greek crisis, cooperation between member states deteriorated even more, the situation inside the EU became more concerning and the gap between poor and rich nations became even more noticeable: not only was Greece showing difficulties but Italy, Spain and Portugal were starting to weaken. These countries also had to face the impositions of austerity measures. Habermas develops his idea by saying that this noticeable division between what is often called the Southern countries and the Northern countries does not set good foundations for the future of the EU and “a Europe-wide civic solidarity cannot develop if social inequalities between the member states become permanent structural features, and hence reinforce the fault lines separating rich and poor nations”. Michael Hardt and Antonio Negri explain that globalization reinforces divisions between rich and poor countries. Indeed, they state that globalization helps rich countries remaining rich and poor countries remaining poor as rich countries have the capabilities to create systems that are more advanced and to strengthen their productivity, which thus leads to more profits. As a consequence, poor countries cannot impose themselves in the world market and they thus lack capabilities to be taken seriously.

However, the Greek crisis also put in evidence that the interests of a country like Germany, were prevailing over the interest of other ones like Greece. This idea is shared

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67 Habermas, *The Crisis*, 53.

by Dahrendorf who had already claimed ten years earlier that “pour certains, la tentation sera irrésistible de mettre leurs voisins sur la paille pour des politiques dont les autres supporteront l’essentiel du prix,” showing how divided European members are towards each other.69 As Habermas explains, it was Germany that claimed, despite warnings from the IMF, that financial help would be allocated to the Greek government only if, in exchange, they established a strict austerity policy. Worse, the rest of the EU threatened that without any austerity policy, Greece would have to leave the eurozone. These austerity measures were admittedly approved by the European institutions but were also strongly defended by Germany: “L’Allemagne semble partir de l’idée que les problèmes tiennent à un manque de discipline fiscale à l’échelle nationale et que la solution doit donc être recherchée dans la mise en place, par chaque pays, d’une politique d’austérité cohérente”.70

The Greek crisis then showed another issue among member states: some states, like Germany take the role of a European leader. Ash opposes Habermas’ idea that Germany is imposing itself as the dominant European nation. To him, the EU is an ensemble of non-hegemonic European nations. He qualifies Germany as being the first economic power of the Union, but in no case the dominant one.71 Ash also explains that Germany has the merit of doing well economically, especially because after its reunification, the country “massaged down its labor cost, trimmed its welfare spending

and became competitive again”. He explains that peripheral countries did not control their spending as well as Germany did. He cites Greece which had high public spending or Spain which had high private spendings. This is why Germany was reluctant to help Greece at the time of the crisis: a country which control its economy well should not have to pay for a country that never did. However, Ash reveals that in 2003, two countries - France and Germany - did not respect the EMU conditions they themselves imposed on others. In addition, he claims that if Germany is doing so well economically, it is also because it is benefiting from the failures of the peripheral countries as these failures led to a capital flight to Germany. Furthermore, Ash explains that Germany sells goods that are attractive to people such as cars or electronic appliances and of course, the fact that other countries consume these goods allows Germany to do well economically. Habermas brings another idea and believes that throughout the crisis, Germany imposed its hegemony because the country wanted to rebuild a good image after the Second World War. Here, Ash comes to the same conclusion, claiming that Germany seized the opportunity to become a European leader as the country aimed at achieving its national interest, namely reunification between the Western part and the Eastern part of the country. Indeed, he believes this national interest could only be achieved if Germany was to regain its neighbours’s trust, which required a European


75 Habermas, The Lure, 18.
commitment.\textsuperscript{76} However, Ash also believes Germany is not the only country to have a national interest in the Union and he particularly points at France which defends its own interest whenever it is possible.\textsuperscript{77}

Etienne Balibar defends a similar idea regarding current divisions within the EU. According to him, the organization of the Union facilitates divisions between its different member states when the goal of the Union should be to unify them. As a consequence, some countries lead the common market, some others lead the financial sector and the more powerful countries use the weaker countries as outsourcing resources.\textsuperscript{78} For instance, outsourcing is visible in countries like Romania, where the labour force is cheaper. Richer countries who want to develop while spending less on the workforce then use these countries to implement their factories. Of course, this process is beneficial for the labour force since it gives workers a chance to be employed. However, this process does not contribute to the economic growth of the poorer countries but rather contributes to the economic growth of the country where the headquarters of companies are located. Balibar then wonders whether the EU is aiming at solidarity between its members or more at creating a structure that would enable competition between member states and citizens. He goes further by claiming that some member states might be regarded as less European than the others. He points at the dominance of the nations who started the European project such as Germany or France.\textsuperscript{79}

\textsuperscript{76} Ash, “A Conservative Case.”

\textsuperscript{77} Ash, “The Crisis,” 2-15.

\textsuperscript{78} Étienne Balibar, \textit{Europe: Crise et Fin?} (Lormont: Le Bord De L'eau, 2016), 38.

\textsuperscript{79} Balibar, \textit{Europe}, 39.
While Germany is usually denounced by Habermas, Ash denounces France. To him, France has a tendency to see Europe as “an extension of France”. He particularly refers to Charles de Gaulle - a former French president - who promoted the idea of an intergovernmental Europe rather than a supranational one in order for France to maintain political leadership and attempt to shape the Union in a way that would benefit national interests. Jacques Delors, an anti-Gaullist politician, also hoped for a revival of France through the means of European institutions and the European project in general. Balibar also explains that the others nations are then potentially disregarded because of their lack of seniority in the EU, their internal political and economic structure as well as their traditions. This difference made between the members could explain why the Greek case was treated this way: Greece was considered less important than other member states.

As mentioned, Habermas believes Germany plays a semi-hegemonic role within the EU and he claims that “there is the question of whether Germany not only has interests of its own in pursuing a policy of solidarity, but is also under an obligation to do so for normative reasons”. Indeed, he believes that the fact Germany is trying to find allies might be because the country feels obligated to do so. Germany might want to atone for the past. As an example, Ash defends the idea that Germany was ready to lose some of its sovereignty and to loosen its national identity in order to prove to the other European members that its pre-1945 past was a lesson and that it was now ready to join

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80 Ash, *Free World*, 57.
and turn itself towards the values of the Union. In other words, Ash believes that “having been the worst Europeans, the Germans would now be the best”\textsuperscript{84} As Habermas argues, Germany might also want to atone for being the country that benefited the most from the Euro currency which led to increased imbalances between countries. Also, the country is benefiting from high-interest rates imposed on the crisis-stricken countries as they led to a decrease in Germany’s interest rates\textsuperscript{85}

Nonetheless, as Habermas demonstrates, the way Germany is trying to take the lead is contrary to the initial European project. What is presented as a project based on cooperation in order to meet economic challenges and grow bigger and stronger is becoming a project where one country is imposing its views and other countries are following without even agreeing on the path taken\textsuperscript{86} Moreover, Germany is not taking the lead in order to bring prosperity and stability to the entire Union. The main goal of Germany is to secure its national concerns and, according to Habermas, no consideration is given when it comes to the other member states: “the primacy of national concerns was never made as nakedly apparent as by the steadfast resistance of the chancellor, who, before the debacle of 8 May 2010, blocked European aid for Greece and the rescue parachute for the euro for weeks on end”\textsuperscript{87} It is then obvious to him that the EU has been weakened by economic motives as well as national interest prevailing over the sake of the EU as a whole.

\textsuperscript{84} Ash, “The Crisis,” 2-15.

\textsuperscript{85} Habermas, \textit{The Lure}, 19.

\textsuperscript{86} Habermas, \textit{The Crisis}, 133.

\textsuperscript{87} Habermas, \textit{The Crisis}, 133.
1.2 European representation and political system

The EU is not only showing economic flaws but also political flaws. Political improvements are indeed needed in order for the Union to speak in a unified voice. These political readjustments would aim at creating a European political community, preventing the hegemonic aspiration of some and the defence of national interests. Indeed, it is important to take into consideration that while the economic focus weakened the EU, its political aspect could be improved.

On the European stage, different conceptions of the project are being defended. People such as the market radicals as Habermas qualifies those driven by capitalist motives, claim that the Union should focus only on economic matters. By comparison, others are asking for a return to nation-states and some others are willing to build a supranational organization or a federation. I believe that if the direction to adopt concerning the EU is still blurry, its political organization is not easy to understand either, especially regarding the role of the different European institutions. As Lelieveldt and Princen explain, nowadays, the power of the different European institutions is imbalanced. Indeed, the role of the different institutions is unclear and those that have the executive power (the European Council, the Council and the EC) do not represent citizens and are not democratically elected. On the contrary, the institutions that are democratically elected do not have enough impact on the decision-making process at the European level. Before reviewing the different criticisms that can be made towards

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political institutions, it is necessary to mention what democracy is according to Habermas. To him, laws can be qualified as being democratic only when the recipients of these laws are the ones who enacted these same laws. In other words, citizens have to agree with the laws they have to obey. Habermas also believes that, to this date, democracy has only been guaranteed at the national level in Europe and that empires or monarchies never brought an ounce of democracy to their peoples. Indeed, he explains that empires were unstable and as a consequence, some countries took the form of territorial states and later transformed into nation-states. According to Habermas, only these nation-states gave the elements necessary for the rise of democracy. These elements are an administrative system acting in accordance with laws as well as citizens able to take actions without the intervention of the state.

As a consequence, Habermas defends the idea that, in order for European citizens to adhere to the European project, they will have to be sure that their democratic rights are protected. The fact that the EU is barely democratic explains why European citizens “have a well-founded interest in ‘their’ nation-states remaining guarantors of these achievements and not being exposed to the risk of intrusions and encroachments by an unfamiliar supranational polity”. Balibar also defends the idea that the EU as it is today is not democratic. He states that the lack of democracy started mainly at the time of the Greek crisis as well as when other countries were starting to show economic difficulties.

91 Habermas, The Lure, 6.


93 Habermas, Facts and Norms, 492.

94 Habermas, The Lure, 38.
Indeed, austerity measures were decided from above but citizens were never consulted and they were excluded from the decision-making process regarding the objective, and the breadth of such measures, in spite of strong public objections to the plans that had been made public. As Habermas shows, nowadays, the tendency is more for European institutions and thus European law to exceed their actual powers and to get the upper hand on national law, challenging democracy within the different national arenas. The problem is that the misunderstanding of the role of the institutions as well as the inadequate distribution of their power lead citizens to having a hard time identifying what the institutions are used for and what benefits they bring to them. As Habermas points out, “the European Central Bank, the EC and the European Court of Justice have intervened most profoundly over the decades in the everyday lives of European citizens, even though these institutions are almost completely beyond the reach of democratic controls”. Dahrendorf too qualifies the EU as non-democratic and defends the idea that the EU itself does not meet the requirements of membership that it actually imposes on countries which would like to join the Union. Moreover, Dahrendorf believes that the Union is a project that evolves on non-democratic foundations even though it is a project that could strengthen democracy among the different member states.

However, Dahrendorf points to the reasons why the Union is not evolving according to democratic principles: the structure of the ECSC, the initial version of the Union as we know it today. When the ECSC was created, democracy was not the main

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95 Balibar, *Europe*, 50.
97 Habermas, *The Lure*, 1.
concern of the Union’s founding fathers. Indeed, he explains that the main motivation lying behind the Union project was only to facilitate the decision-making at the European level, with no regard to democracy or need to include citizens. Also, the European project was mainly influenced by France which tried to found the Union according to its own method, that is to say a method that would respect European interests and national interests. This is why importance was given to only two institutions, namely the EC and the Council, since the first was in charge of European interests and the second in charge of national interests.99

In addition, the EU became very bureaucratic in the way its institutions are coordinated. Like John McCormick explains, the European institutions are indeed ruled by different people: the European Council is composed of the political leaders of the member states and are supervised by an appointed president; the EC is composed of Commissioners chosen by national governments as well as around 40,000 bureaucrats; the Council of the European Union is composed of the government ministers from each of the member states; the EP is composed of representatives elected by citizens within national arenas; the CJEU is represented by judges elected by the member states.100 Furthermore, Pierre-Yves Cossé argues that these people do not always agree with each other.101 Ash adds to this criticism, saying that there is a multiplicity of institutions and dependencies within the EU. For example, he cites the EMU which is in charge of the common currency but relies on the ECB, in Frankfurt. He also mentions the European


100 McCormick, Why Europe Matters, 17.

Economic and Social Committee (EESC) - an advisory consultative body located in Brussels\textsuperscript{102} which works hand in hand with the EC, the Council of the European Union and the EP or the European Investment Bank (EIB) - the financing European institution located in Luxembourg\textsuperscript{103} - in which one director per member states is found as well as one from the EC. Ash’s observations highlight the complex network of institutions regulating the EU, proving that decision-making can be a tedious task.\textsuperscript{104}

Habermas points to another flaw of the EU through the example of the Lisbon Treaty ratified in 2007. He qualifies this Treaty as an elitist and bureaucratic project as it does not give any solution to the two main goals of the EU which are to change the way politics have been conducted and to state the purpose of the Union. The fact that no answer is given to the question regarding the final goal of the EU is leaving the Union somehow paralyzed since no improvements are evoked to facilitate joint political decisions or a better-balanced organization of the institutions in order to legitimate the decision-making process. Also, he argues that this Treaty does not stipulate the place European citizens should have in the project.\textsuperscript{105} In other words, European citizens are left behind by a Treaty that aimed at being the solution to the rejection of the European Constitution proposed in 2004. Habermas proves his point by saying that this first attempt to adopt a European Constitution was indeed rejected after the French and the Dutch refused the project through referenda. He explains that the Lisbon Treaty, even though it is not presented as a Constitution, is based on a simplified version of the


\textsuperscript{103} Euro Guide, 98-104.

\textsuperscript{104} Ash, “L’Orchestre,” 106-119.

\textsuperscript{105} Habermas, Faltering Project, 79-83.
previous project of a Constitution. This Treaty created a political union which arose “as an elite project above the heads of the peoples concerned, and it continues to operate with the democratic deficits resulting from the essentially intergovernmental and bureaucratic character of the legislative process”. He also argues that this Treaty has been negotiated by political elites behind closed doors, ratified by nation-states, but citizens were rather not consulted and in addition, the result does not mention the role European citizens should occupy. Furthermore, he believes the Lisbon Treaty is failing at creating a feeling of belonging to the European community by rejecting common symbols that have been previously established. Indeed, neither the European flag nor the European anthem is mentioned in the Lisbon Treaty.

Habermas also explains that the structure of the EU affects the democratic legitimacy of nation-states. For nation-state to be democratically legitimate, solidarity has to be pursued and to achieve this goal, it is necessary to promote an appropriate and fair distribution of rights. Social rights and services are needed to secure a well-functioning society and these include: “labor policies and youth policies, health care, family and educational policies, environmental protection and urban planning”. However, according to Habermas, states that lose their regulatory capabilities have difficulties to levy taxes, and thus to finance social services. The welfare state and the internal order are then endangered. As a consequence, Habermas claims that citizens sense that nation-states are losing their political power and influence, and as previously

106 Habermas, *Faltering Project*, 80.

107 Habermas, *Faltering Project*, 81.

108 Habermas, *Postnational Constellation*, 77.
mentioned, there is a belief that only nation-states used to ensure democracy. As a result, citizens nowadays tend to develop a strong attachment to nation-states and thus tend to be reluctant towards anything outside their borders by fear that their democratic rights might be taken away. Habermas proves his point by mentioning the rise in the number of regional movements that led to the controversial referendum in Catalonia or the Scottish referendum for independence in 2014. In addition to regional movements, he mentions a rise in right-wing movements such as the former Front National in France. He also states that this rise in nationalist movements is visible in how the political leaders work within the European Council. Indeed, according to Habermas, none of the Members of the European Council are proposing measures to unite the EU.

Moreover, perhaps anecdotally, citizens can be heard expressing a feeling of apprehension towards anyone who is not truly considered part of their nation. For example, they lack trust towards the neighbouring nations and are afraid they might decide for them. But there is also a rejection of citizens who are part of their nation, but who have different origins. Balibar explains that the Maastricht Treaty reinforces non-inclusion of foreigners. Indeed, the Maastricht Treaty defines citizenship within the EU as being limited to people from one of the member states. He explains that within the national arena, a foreigner would be considered as equally belonging to the state and it would thus lead to a mutual recognition from his perspective and the perspective of the other citizens in the state. However, when it comes to the EU, this foreigner would be

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considered as being an outsider of the community. Balibar thus qualifies European citizenship as being the inclusion of citizens from national states that are historically part of the European area.\textsuperscript{111}

As Balibar argues, this lack of trust is also particularly true when it comes to people hold religious beliefs different from the dominant religion in a given state. The different migration flows over the past decades have resulted in a plurality of ways of life and in some cases, in a pluralism of religions. Furthermore, the way in which the media or even politicians evoke other religions, especially Islam, tends to make citizens feel like their culture is threatened by a new incoming culture. As a consequence, without being fully included, minorities will not be encouraged to “exercice their equal rights to participate in the political life of the larger community”.\textsuperscript{112}

Luce Irigaray presents another flaw of inclusion, namely the difference between men and women. Indeed, she claims that women do no enjoy civic rights that could enable them to act in a way that would be in accordance with feminine identity.\textsuperscript{113} Irigaray argues that women are not given any right to exist as women as she claims that decisions women can take are usually subjected to the decisions of others. For example, women cannot take the decision to be mothers or not alone and this decision relies on the state or the Church. Indeed, the state and the Church are still the ones deciding whether a woman could have an abortion or not.\textsuperscript{114} Women then have to fight for their own rights


\textsuperscript{112} Balibar, \textit{Citoyens d’Europe}, 70.


\textsuperscript{114} Irigaray, \textit{Between Two}, 44.
and these rights have to be granted by either the state or the Church which are for the most part represented by men. Female citizens thus see their rights being unequal to the rights men enjoy. Specific rights are lacking for there to be a citizenship that would include everyone. Indeed, Irigaray regrets a lack of public and political representation as well as specific rights that could help mothers regarding custody. Irigaray also argues that women have been encouraged to blend in and to keep their behaviour and their demands quiet in exchange for equal pay or equal representation. Women are thus encouraged to not act as women, but to conform to a system that is shaped from a masculine perspective.\textsuperscript{115} As a consequence, feminism is regarded as shameful by younger women and society continues to develop in a way that offers few places for women to blossom as citizens. Irigaray gives the example of France and regrets that the country offers only a few places where women can talk and few organizations where women can do their activities.\textsuperscript{116}

Other women’s movements tend to expand women’s issues to other categories of minorities, especially racial minorities. Jo Shaw explains that in Europe, women are rather privileged and these women denounce the fact that those who are usually excluded from society come from countries outside of the member states. Shaw thus points to a differentiation between European nationals and non-European nationals. Indeed, exclusion of citizenship in Europe is not based on gender but on nationality. As a consequence, Shaw argues women’s movements are not always synonymous with

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\textsuperscript{115} Irigaray, \textit{Between Two}, 34.
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\textsuperscript{116} Irigaray, \textit{Between Two}, 36.
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women’s rights as they tend to represent various categories considered as minorities. Shaw also explains that bringing gender to the debate amounts to an engagement with “embodied difference” in terms of laws and legal institutions and this, above all, when the time comes for individuals to relate to these laws. Indeed, Shaw believes that differences such as gender or race can impact the relationship and the commitment individuals have toward their institutions. However, unlike Irigaray, Shaw does not believe that embodied differences should have their own category in European law. Instead, Shaw argues that being aware of these embodied differences should open the door to debates and reflection on the effects laws or political decisions can have on categories in minority.

Some women like Sonia Mazey also argue that when it comes to women’s rights, the EU is quite a precursor. By way of example, the European Union Social Fund (ESF) has created a Centre for Research of European women and Positive Action Programmes also take place in order to encourage women to be confident or in order to offer training as well as a provision of crèche facilities. Moreover, Mazey points to the fact that usually European laws or decisions are influenced by concerns emerging within national arenas. However, she claims this is the opposite in terms of women’s rights. Indeed, if the idea of sexual equality emerged within national arenas, it is the European institutions

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that pushed to develop the rights of working women, encouraging the development of a new area to target in terms of laws. Even though women are still paid 25% less than men and still excluded from some labour sectors, the European institutions did influence national arenas to address these inequalities. The EC and the EP were particularly involved and they were backed by women groups, these groups having become more numerous and consulted on how to formulate or implement policies targeting sexual equality and being particularly active in the 60s. Mazey also argues that, as a consequence, directives have been published regarding for example equal pay, equal treatment regarding employment, vacation pay and working conditions as well as rights to maternity leave.\textsuperscript{121} However, if European institutions - with the help of women organizations - have influenced national governments to implement a new kind of policies through directives, national governments are still in charge of deciding the way to implement gender policies. Yet, Shaw explains that gender should not be understood as a synonym of sex. Indeed, gender is referring to the interaction between the body and the cultural context of society and is thus to be seen as a process as well as a structure. Gender is a concept and Shaw relates that it is contingent rather than fixed as it depends on “overlapping frames of identity in which we live our lives”.\textsuperscript{122} Gender is also linked to the relationship the sexes have between them and among them and this is the study of these relationships that can explain why women and men do not have the same powers especially when it comes to economic power.\textsuperscript{123} Furthermore, Mazey explains that

\textsuperscript{121} Mazey, “Women’s Rights,” 131-152.

\textsuperscript{122} Shaw, “Importing Gender,” 406-431.

\textsuperscript{123} Shaw, “Importing Gender,” 406-431.
European institutions influence a change in legislation but many gender topics fall beyond the area of legislation. Indeed, gender rights are often linked to benefits such as childcare provision or welfare policies and these fields are exclusively in the hand of national governments. In their article, Amy G. Mazur and Susanne Zwingel review how two countries - France and Germany - dealt with the directives enacted by European institutions. They explain that France has worked on developing equal employment policies especially because of the pressure coming from French femocrats (femocrats being a term originating from Australia and referring to feminists working within the government and advocating women’s policies). At the same time, they demonstrate that Germany tried to answer both the European directives as well as conservative gender policies that perceived women as full-time mothers and men as full-time workers. As a consequence, the German judicial branch refused to pay attention to directives enacted by the European Court of Justice. The European Union may be trying to represent citizens but the final outcome is not always the desired outcome. As seen in this section, Habermas denounces the fact that citizens are not well engaged in the political life of the Union. In addition, citizenship may not be experienced the same way by everyone living in the EU and this is what movements such as women’s movements emphasize, especially regarding minorities.

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1.3 European institutions

Along with the European project, European institutions have been created in order to shape the political life of the Union but concerns emerged regarding some of them: the EC, the European Council, the EP and the EMU. Sometimes, the EC goes beyond its actual responsibilities, especially when it comes to financing, as Habermas explains. Indeed, the EC proposes the official European budget and can control the way the budget is spent. 80% of the spendings are to be controlled by the member states especially regarding agriculture, economic growth and employment. However, according to Habermas, the EC aims at controlling the budget more than it is supposed to. Furthermore, Habermas also explains that of all European institutions, the EC has the most responsibilities since it is in charge of the legislative power as it proposes new laws. Yet, it is composed of people the European citizens never hear about. Indeed, the EC is composed of bureaucrats, one per member state, first selected by the President of the EC - who is appointed by the European Council and approved by the EP - based on a list of suggestions given by each state. In addition to the Commissioners, the EC hires a great number of non-elected bureaucrats. These bureaucrats are divided into 40 different departments and each department is tasked with working on a specific policy.

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127 Habermas, *The Crisis*, 122.

128 *Euro Guide*, 70.


130 Habermas, *The Crisis*, 122.

131 Habermas, *The Crisis*, 122.

area such as the environment or communication.\textsuperscript{133} Nonetheless, as Habermas explains, it is important to mention that the EC is not alone when it comes to ruling the EU. Indeed, the laws the EC proposes must be approved by the EP and the European Council as the current organization of the Union requires the EC to “be equally dependent on the EP and the Council and be answerable to both institutions”.\textsuperscript{134}

Another problem is related to the European Council. This central political organ is composed of the political leaders of the different member states.\textsuperscript{135} In Habermas’ opinion, the problem is in the tendency for these different political leaders to only defend ideas that would benefit their own nation-state rather than to defend ideas that would benefit the Union as a whole. Indeed, according to him, “the European Council, which has energetically taken the initiative during the current crisis, is made up of political leaders whose role in the eyes of their citizens is to represent their respective national interests in distant Brussels”.\textsuperscript{136} However, he explains that by doing so, the political leaders are failing at their role in a European sense. What they are doing is simply securing the national interests expressed by their electors at the national level, in order to maintain a good reputation and maximizing their chances to be re-elected. Habermas argues that the European leaders are thus using the European level to secure their position at the national level. Furthermore, because of this habit to defend national interests, the way policies are established makes the citizens feel like the government of

\textsuperscript{133} Lelieveldt and Princen, \textit{The Politics}, 65.

\textsuperscript{134} Habermas, \textit{The Crisis}, 43.

\textsuperscript{135} \textit{Euro Guide}, 60.

\textsuperscript{136} Habermas, \textit{The Lure}, 1.
other countries have decided for them.\textsuperscript{137} Indeed, the European Council is in charge of deciding how the legislation and laws proposed by the EC are to be implemented at the national level. However, even though the European Council is composed of the political leaders of member states, it is not an institution tasked with making laws. Nonetheless, the European Council can also review the treaties and can be an arbiter when other institutions like the Council do not manage to agree.\textsuperscript{138}

Moreover, as Nicole Gnesotto points out, the political leaders tend to blame problems occurring at the national level on the EU, and they use the Union as an argument in their own national political campaign. By doing so, they invite rejection of the Union among their citizens, when their role should be to educate citizens on the role of the Union. Also, Ferry argues that European events such as elections are always a way for national political parties to argue with each other over the way politics is conducted.\textsuperscript{139} A similar idea is argued by Balibar who explains that national governments use the European institutions when they profit them, especially regarding the controversial political measures that they then tend to present as technical obligations. However, Balibar argues that national governments tend to disregard the European institutions when they feel that a transnational public sphere could emerge on some decisions preventing them from deciding on their own.\textsuperscript{140} Ash also adds to these criticisms that when meetings occurring between the leaders of the European members

\textsuperscript{137} Habermas, \textit{The Lure}, 1.

\textsuperscript{138} Lelieveldt and Princen, \textit{The Politics}, 57.


\textsuperscript{140} Balibar, \textit{Europe}, 51.
come to an end, each of these leaders tends to do a report of the meeting to their national media and usually what happens is that there are as many versions of the report as there are members and on top of that, people at the head of the institutions have their own interpretation.\textsuperscript{141}

Criticisms are also made toward the EP as it is the institution that best represents European citizens. Indeed, the EP is the sole political organ elected democratically, that is to say, elected based on the votes of European citizens.\textsuperscript{142} However, like Maxime Lefebvre explains, it is acting alone without cooperation with the different parliaments of the member states and has little power in major fields such as taxation or foreign policy.\textsuperscript{143} Lebevbre also argues that its representative role is both disconnected to the decisional role of the Council and the EC and as a consequence, it tries to compete by bringing its own ideas of laws, hoping they would be passed on to the national level since it is officially not allowed to make proposals on its own within the Union, but is in charge of modifying or rejecting propositions of laws with which they do not agree.\textsuperscript{144} Yet, according to Habermas, the EP is the place where there should be communication regarding the concerns of the citizens at the national level in Brussels.\textsuperscript{145} Nevertheless, the EP has a financial authority as it adopts annual budget, in cooperation with the Council. Furthermore, the EP is tasked with controlling the functioning of the rest of the

\textsuperscript{141} Ash, “The Crisis,” 2-15.

\textsuperscript{142} Euro Guide, 55.


\textsuperscript{144} Lefebvre, “Le Défi,” 73-85.

\textsuperscript{145} Habermas, \textit{The Lure}, 1.
institutions.\textsuperscript{146} Also, members of EP have three different categories of responsibilities. The first one is their domestic political party because it is from there that they are elected. The second one is their political group and this refers to coalitions they builds with members of EP from other member states sharing similar political beliefs. Lastly, members of EP form European political parties and these parties are based on domestic parties building associations outside of the EP.\textsuperscript{147}

Another big flaw of the EU is its monetary union. Sadly, the Euro, the common currency shared by nineteen of the member states, had a role in weakening each national economy. The Euro was introduced when the different national economies were not at the same level: some were stagnant and some others were prosperous. As a consequence, the future EMU was highly heterogeneous and this heterogeneity did not provide enough economic stability to overcome the inflation that was expected at the time of the transition.

Ash gives information on the reasons why the EMU was hastily decided. He explained that this project emerged at the time of German reunification. Mitterand, who was the French president at that time, was afraid German reunification would enable Germany to regain too much importance, which would put France in the shade. Indeed, Mitterand’s idea was to use the project as a mean to “enable France to regain more control over its own currency, and even win some leverage over Germany’s”.\textsuperscript{148} But Germany did not want to be controlled by France, yet the country was in a phase where it

\textsuperscript{146} Euro Guide, 55.

\textsuperscript{147} Lelieveldt and Princen, The Politics, 151-154.

was trying to regain its neighbour’s trust. As a consequence, both France and Germany discussed the terms of the future EMU. Germany imagined a bank independent from governments at the center of the EMU and also asked to implement a principle of price stability. Germany also believed in a fiscal union for a control of public spending. France, which preferred being in control of Germany’s currency rather than being controlled, refused. The two countries thus reached a compromise and instead, agreed that members of the EMU should maintain their public debt under 60% of their gross domestic product and their deficit under 3%. The foundation on which the EMU nowadays lies are thus a compromise of both France and Germany.

Habermas does not claim that the EMU is useless but that its creation was too hurried. He argues that, initially, the EMU was supposed to serve as a “supporting pillar of an economic constitution which was supposed to stimulate free competition among market players across national borders and to be organized in accordance with general rules that were binding on all member states”.149 Furthermore, he explains that the creation of a common currency was supposed to even out disparities among the member-states. But such a goal relied on political coordination from the national governments, which did not happen. The prerequisites for a monetary union were thus not satisfied. Indeed, economically strong countries had the resources to manage the transition from a national to a common currency but this transition was more difficult for countries having a weaker economy and having to switch to a strong currency.150 According to Dahrendorf, national economies were approached the way textbooks approach

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150 Habermas, *The Lure*, 32.
economics and as a consequence there was no attention paid to the fact that interest rates can have a huge economic impact. He believes that the EMU was above all a political project, encouraged by politicians who thought politics would overpower any other realities, especially economic realities.\(^{151}\) However, Habermas believes the Union should have been aware that a common currency would be a difficult task to implement as “economists have long been warning against the sub-optimal conditions that the Eurozone offers for a common currency area.”\(^{152}\) Furthermore, as Sylvain Fontan demonstrates, entering the EMU would allow countries to borrow money at lower rates. However, the weakest economic countries of the Eurozone tended to borrow more to finance their economic growth, which led them to enact measures meant to increase prices in order to pay back their debts.\(^{153}\) Habermas also adds that the switch to the common currency mostly benefited Germany because indebted countries had to increase their interest rates which led to a decrease of interest rates in Germany.\(^{154}\) Lastly, the Euro became one of the main currencies in the world, along with the American dollar or the Pound Sterling. This means that when other strong currencies in the world face variations, the Euro faces the same variations and this has repercussions on the different member states. This was the case after the 2007 financial crisis. Indeed, the Eurozone faced a sudden high inflation, the peak being reached in 2008: from less than 2% to more than 4%. The year after, the Euro was devaluated and the inflation rate dropped from 4%

\(^{151}\) Dahrendorf, “Désunis,” 13-16.

\(^{152}\) Habermas, *The Lure*, 32.


\(^{154}\) Habermas, *The Lure*, 19.
to less than 0%. These sudden changes were complicated for the whole of the members of the Eurozone, especially for members economically weaker.\textsuperscript{155}

The most part of the criticisms in this chapter is provided by Habermas who denounces a European focus on economics, a lack of cooperation associated with prevailing national interests, inequalities between the member states, an absence of a European public sphere challenging the legitimacy of the Union as well as an imbalance between the legislative and executive powers challenging representation. However, others such as Balibar or Ferry defend the same ideas and Étienne Tassin summarizes them well. He summarizes the European crisis as leading to a loss in the control states have on external factors and as a consequence, states are not able to protect their citizens from the decisions made by other states. Furthermore, there is a deficit regarding legitimization as decisions are made according to the interests of the bigger and not to the interests of the whole community. Also, states are unable to maintain their internal politics, especially their social policies mainly because globalization is challenging their economic growth or their power to levy taxes.\textsuperscript{156}

Globalization indeed challenges the EU in such a way that the economic role of the Union takes the upper hand on its political role. As a consequence, member states are not showing any cooperation and this leads to disastrous consequences for countries like Greece. Furthermore, inequalities have grown among the different member states leading to a disparity of living conditions and thus to a disparity of priorities within the different national arenas. Also, globalization leads to the growth of a European system empty of

\textsuperscript{155} Fontan, “Zone Euro.”

democratic roots. Indeed, citizens are not given a role in the political life and in the decision-making process. This gives the different member states the possibility to act in a way that only benefits their national interests and this thus leads citizens thinking they are subjected to institutions they do not understand. Citizens also need to be represented equally and this is especially true for women or minorities as women movements point out. As a consequence, citizens are not willing to take part in the life of the EU and they then trust their nation more. The fact that the institutions have been built on a faulty design also challenges the efficiency of the EU. Indeed, there is an imbalance between the role the legislative and executive institutions play compared to the institutions that represent citizens. This imbalance in the economic and the political power thus puts the European project at risk and a clear definition will have to be given regarding the future structure of the EU. Indeed, it has to be determined whether the EU should be structured as a state or as a federation. The same criticisms are thus made by different philosophers and the main solution will then be to work toward a reorganization of the EU in order for the political role of the Union to answer the challenges imposed by its economic role and its economic answer to globalization.
CHAPTER 2: Habermas’s view on the European question

Jürgen Habermas was born in Düsseldorf in 1929 in a time of widespread economic crisis.\textsuperscript{157} Indeed, Europe was recovering from a destructive First World War and Germany was seeing the influence of National Socialists growing.\textsuperscript{158} Habermas’s father was a National Socialist and fought in the Wehrmacht. This familial context and the horrors of the two world wars particularly influenced Habermas, who put an end to his medical studies to instead study history and philosophy.\textsuperscript{159} The end of the Second World War and his life as a student encouraged Habermas to turn towards the concept of democracy and his theories aim at giving citizens the ultimate authority.\textsuperscript{160} After his studies, he began publishing articles on political and sociological topics and in 1961, the election of the fourth Bundestag was an occasion for him to raise debates such as the lack of political parties or the fact that the election was somehow depoliticized as citizens were treated more like consumers than citizens since they were not included in any debates. This triggered his theory of the public sphere as well as his theory regarding democracy.\textsuperscript{161} Decades later, another historical event pushed him to further develop his theories. Indeed, East and West Germany were reunited, but Habermas was afraid that this reunification could revive an idea that once destroyed the country: the dream of a great and powerful nation. As a consequence, Habermas opposed two different conceptions: should the reunified Germany rest only on a national identity that would


\textsuperscript{158} Müller-Doohm and Steuer, \textit{A Biography}, 10-11.

\textsuperscript{159} Müller-Doohm and Steuer, \textit{A Biography}, 20-27.

\textsuperscript{160} Müller-Doohm and Steuer, \textit{A Biography}, 33-34.

\textsuperscript{161} Müller-Doohm and Steuer, \textit{A Biography}, 109.
bring together the Eastern and the Western parts or should it rather rest on a set of universal constitutional principles. With this question in mind, Habermas started paying attention to the EU to develop a theory of citizenship and the place of the nation within such a Union. To him, what brought East and West Germany together was not the idea of regaining a German identity but rather the access to citizenship and political rights. At the same time, Habermas turned toward the EU as he believed the same about the EU and defended the fact that what motivates citizens is not Europe but more the will to construct a European political project.\(^\text{162}\)

Habermas claims that democracy has been experienced only within a national arena until now. Indeed, democratic principles emerged at a time when nations were created, as was the case in France after the Revolution. However, nowadays, globalization is challenging the power of nations. Yet nations cannot find solutions to economic issues alone. This is why, over the last decade, nations multiplied ratifications of international agreements. However, these international agreements are not based on democratic principles as negotiations happen behind closed doors and no citizen really knows what they are all about. Ash too shares the observation that decision-making within the EU happens behind closed doors.\(^\text{163}\) In addition to losing their political capacities, nations are losing their ability to be democratic. According to Habermas, a solution to these problems would be to delegate some political capacities to a democratic supranational state. He believes a supranational state such as the EU would allow European nations to share their political power with their neighbours in order to be


powerful regarding the challenges brought by globalization. Furthermore, a supranational community, if built on specific principles, will guarantee democracy to its citizens.\(^{164}\)

This chapter will thus explore Habermas’s proposals towards the structure to give to the EU in order to counterbalance the challenges imposed by globalization on nation-states and thus to enable these nation-states to recover their political influence over economics. The first section of this chapter summarizes the improvements to bring to the EU for it to develop in a legitimate manner. The second section covers the structural transformations that are required in order to improve the functioning of the EU and its institutions. Finally, the third section concerns the citizens and their role in political life and decision-making through the emergence of a European public sphere.

\(^{164}\) Habermas, *The Lure*, 17.
2.1 Legitimization

According to Habermas, one of the main criticisms of the EU is its lack of legitimacy. This is especially true regarding the structure of the EU and its institutions. Indeed, these institutions give a majority of the decision-making power to the states, which mainly focus on national interests, whereas citizens do not have an important role in the decision-making process even though they should be the ones enacting the laws addressed to them.\textsuperscript{165} In order to understand the foundations on which the EU should develop and how nation-states could develop, Habermas reviews the principles of nationalism, republicanism and liberalism. However, by explaining these three perspectives, Habermas gives his preferences to some principles compatible with the EU in construction - especially principles coming from the republican perspective - in order to develop his own theory.

Nationalism is associated with the idea that a sovereign state is composed of citizens of the same descent and traditions.\textsuperscript{166} There is thus a contradiction between the EU, where plurality is promoted, and nationalism, which gives importance to people of same descent. Member states who presently comprise the EU are divided according to common traditions and common languages. Nonetheless, nations are also multicultural and sorting people according to their ethnic and cultural components would be unrealistic given the multicultural aspect of each country. A European state would then also be impossible given the fact that it would be composed of nations of different traditions and descent and not common ones, as required by the idea of nationalism.

\textsuperscript{165} Habermas, \textit{The Crisis}, 14.

\textsuperscript{166} Habermas, \textit{Facts and Norms}, 494.
Republicanism considers participants in a political community to be subjected to a political organization no matter their cultural and ethnic background. Republicanism could be a solution to the question of the structure to give to the EU as it encourages citizens to govern themselves, giving them a key position in the political process.\(^{167}\) However, republicanism is closely linked to the idea of a state, and building the EU based on republican foundations would mean having a supranational state overpowering national arenas and thus challenging the sovereignty of the member states, which is not what the member states currently forming the EU want.

Liberalism would give to its participants an “organizational membership that grounds a legal status”.\(^{168}\) What Habermas means here is that liberalism revolves around private liberties and especially right of life, property and liberty, and protects citizens from the government’s authority while excluding them from its exercise.\(^{169}\) Liberalism places the state as being similar to a public administration and aiming at securing the interests of society. Habermas criticizes liberalism because, in this configuration, citizens of the EU would not have a relevant voice in anything political and close themselves off from society’s functioning.\(^{170}\)

Because Habermas argues that none of these theories can be realistically applied to the EU, he proposes to build the Union on what he calls a “nation of citizens”.\(^{171}\) He defines such a nation as a group of citizens who “finds its identity not in ethnic and

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\(^{167}\) Habermas, *Facts and Norms*, 498.

\(^{168}\) Habermas, *Facts and Norms*, 498.

\(^{169}\) Habermas, *Facts and Norms*, 268.

\(^{170}\) Habermas, *Facts and Norms*, 78.

\(^{171}\) Habermas, *Postnational Constellation*, 64.
cultural commonalities but in the practice of citizens who actively exercise their rights to participation and communication”. 172 This definition is similar to republicanism, in that it gives importance to political participation of a community of equal citizens. These participation rights would ensure that citizens “regulate their living together according to principles that are in the equal interest of each and thus can meet with the justified assent of all”. 173

As previously mentioned, Habermas states that democracy has only been experienced within national arenas. In his view, a democratic nation requires free and equal citizens, able to govern themselves, which means that citizens can consider themselves both as the addressees and the authors of laws. 174 Of course, he recognizes that not all nations are democratic. Yet, he believes all democracies in Western countries have emerged in their national context. Democracy is defined by Habermas as legitimate lawmaking in a pluralistic society. 175 To be legitimate, laws have to speak to each citizen. For citizens to agree on which political ideas are shared by everyone, a discursive principle must be secured. 176 This discursive principle must be legalized as well, securing participation rights for equal citizens. The discursive principle is at the core of the public sphere and refers to the discussions and debates citizens have within the public sphere in order to establish common political desires. 177

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172 Habermas, *Facts and Norms*, 495.

173 Habermas, *Facts and Norms*, 496.

174 Habermas, *Facts and Norms*, 120.


176 Habermas, *Facts and Norms*, 110. For further discussion of this problem, see Habermas, *Facts and Norms*, 458.

177 Habermas, *Facts and Norms*, 299.
In addition, Habermas argues that ideally, democracy should combine three different elements. The first element is linked to legality and provides equal rights and liberties to citizens. In addition, a separation of the legislative, judicial and executive powers is expected in order for justice and government to also be subjected to the law. The second element is linked to political participation. Indeed, citizens must receive participation rights. The need for political participation is completed by the access to elections based on the universal suffrage as well as competition between different political parties. Because political parties are allowed to compete, political decisions can sometimes divide them. As a consequence, political decisions must be approved according to the majority. The third element for democracy concerns the public sphere and its role in the formation of public opinion. To fulfill the conditions implied by this third element, there must be a division between the tax-gathering state and a market-based society. Moreover, mass media should be free but regulated so that they do not cover only subjects linked to political or economic interests. However, Habermas explains that these democratic elements do not have the same importance according to the tradition adopted by the states. Indeed the liberal tradition gives more importance to the private liberties given to citizens, the republican tradition gives more importance to the participation of the citizens in the democratic process, and the deliberative tradition gives importance to the participation of citizens in the formation of public opinion.

Having this definition of democracy in mind, Habermas summarizes the four steps that enabled democracy to emerge in the national context. First, he explains that

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178 Habermas, *Faltering Project*, 140-141.

179 Habermas, *Faltering Project*, 141.
creating a nation led to creating an administrative state. This administrative state stimulated the production of binding decisions as well as assured that the relationship between the state and the people took place legally, that is, that this relationship was in accordance with the positive law embodied by the administrative state. He adds that political power and economic power were separated and this allowed the state to have some regulatory capacities on the economic sector. The state also took advantage of the profits made by economic activity to levy taxes. Second, a nation was synonymous with a determinate territory protected by the state which had to maintain law and order within these borders. Furthermore, having fixed borders enabled people to claim membership and thus to place themselves as the subjects of self-legislation with society as their object of control. Third, nation-states led to the creation of peoples. To Habermas, this means that the different subjects present in a nation depended on a certain amount of cultural integration. Fourthly, once this step had been realized, these subjects then became citizens of a state. Being citizens of a state made it possible for them to “take their political destiny of their own hands”\textsuperscript{180} and thus to start being the authors and recipients of the laws enacted thanks to participation rights.\textsuperscript{181}

However, these participation rights are nowadays being challenged and this is a major concern for Habermas. Participation rights are to be understood as the rights that enable equal citizens to be both the addressees and the authors of laws with which they have to comply. In other words, citizens would “exercice their political autonomy […]

\textsuperscript{180} Habermas, \textit{Postnational Constellation}, 66.

\textsuperscript{181} Habermas, \textit{Postnational Constellation}, 66.
through which they generate legitimate law”\textsuperscript{182}. These participation rights give the chance to citizens to be active in the political life of either their state and later on, according to how the EU will develop, at the supranational level. As a consequence, it is through the medium of these participation rights combined with a media-friendly coverage that citizens could influence the future European legislation\textsuperscript{183}. Habermas defines the influence citizens can have on the state as being a communicative power\textsuperscript{184}. Indeed, this communicative power influences the state which, thereafter, might propose a bill. This communicate power is notably useful when it comes to issues like peace, the environment and the place of women in society since these modern societal issues are experienced in the different national arenas and thus could easily mobilize citizens. As a result, and as Habermas states, “those tendencies would strengthen the relevance that public issues have for the lifeworld”\textsuperscript{185}.

The lifeworld is to be understood as the knowledge each person accumulates. These knowledge are present in any act of speech through background assumptions. They also play a role in how people understand the society they live in\textsuperscript{186}. Indeed, in a society, people have personal beliefs regarding “who we are […] what we believe, what shocks and offends us, what we aspire to, what we desire, what we are willing to

\textsuperscript{182} Habermas, \textit{Facts and Norms}, 123.

\textsuperscript{183} Habermas, \textit{Facts and Norms}, 123. For further discussion of this problem, see Habermas, \textit{Facts and Norms}, 503.

\textsuperscript{184} Edgar, \textit{Habermas}, 23.

\textsuperscript{185} Habermas, \textit{Facts and Norms}, 506.

sacrifice to which ends”.187 It is through a pooling of these personal beliefs that people in a society can agree on common definitions and understandings.188 Interactions and pooling of personal lifeworlds will lead to the development of a Europe-wide public sphere but will also give the foundation for “new parliamentary bodies of regions that are now in the process of merging and for a European Parliament furnished with greater authority”.189 However, Habermas explains that participation rights and the expression of opinions should not be considered as being compulsory and shaped in the form of a legal norm. The main reason is that motives and beliefs cannot be imposed by law. Participation must be encouraged but never be forced. It is only after a common political culture will emerge through participation that a constitutional patriotism will be possible, and not the opposite. This constitutional patriotism will then be bound to sharpen “an awareness of the multiplicity and integrity of the different forms of life which coexist in a multicultural society”190 and able everyone to be “respected by everybody else as free and equal”.191

Constitutional patriotism was a central idea in Habermas's theory in the aftermath of the Second World War. Indeed, Germany had to rebuild its identity and Habermas proposed the concept of a constitutional patriotism as an alternative to a proud national patriotism. His theory is based on the idea that society has changed and can no longer


188 Frank, “Notes on Habermas.”

189 Habermas, Facts and Norms, 507.


work on religious principles since the state and the Church have been divided. Citizens have thus learnt how to develop post-conventional identities, which means that they are now able to perceive institutions in an impartial way and not necessarily according to their personal desires. However, traditional ways of building society, such as those based on religion, are not expected to be completely erased. Indeed, citizens would be asked to interpret these traditional conceptions not word for word as before but more as a source of universal principles. This public reasoning would be enabled by a public sphere where citizens would use their participation rights and thus legitimize the process of determining the universal rights they would then enjoy as citizens.\textsuperscript{192} However, constitutional patriotism admits criticisms. In his article, Matthias Kumm explains that, even though constitutional patriotism could serve as a base for a shared identity, it is promoting shared universal principles but is not linked closely enough to a European feeling. Indeed, he states that, due to its universalism, constitutional patriotism could be applied to any liberal democracy outside of Europe. Constitutional patriotism might not be the substance thought to unite European citizens.\textsuperscript{193} Moreover, Kumm raises a concern regarding universal principles. Constitutional patriotism promotes universal rights so that all citizens can feel represented through these rights. However, Kumm explains that the EU is a “territorially exclusive community”\textsuperscript{194} meaning that not everyone can join the EU as it is, as of today, opened to European nations only. A

\footnotesize{\textsuperscript{192} Jan-Werner Müller, \textit{Constitutional Patriotism} (Princeton: Princeton University Press, 2007), 22-24.}


\footnotesize{\textsuperscript{194} Kumm, “Why Europeans,” 117-136.}
European constitutional patriotism would thus promote universalism, yet this constitutional patriotism would not be open to everyone.\textsuperscript{195}

In addition to the expansion of the public sphere, Habermas argues that communication must develop and promote issues that concern the whole of the EU. These issues would, for example, include the impact policies could have as well as national reactions to these policies. Communication on topics relevant to the Union would deeply encourage European citizens to be active in political life as they would feel encouraged to take part in debates to promote their own opinion. This communication would also enable citizens to fully grasp the meaning of political debates and would contrast with the current feeling that the EU decides and the citizens endure. Stemming from both communication and debates would be “a sense of attachment is formed then both to the general character of the society that emerges from collective learning processes - and to the very procedures and situated practices that make collective reflection and contestation possible as an ongoing project”.\textsuperscript{196} In order to legitimize the decisions made at the European level, leaders of the member states have to start thinking about the interest of the whole Union and not about the interests of their own country. Each political leader has to cooperate to defend new policies but while doing so, consensus must be the rule. As Habermas points out, because political leaders do not always defend the same interests as their neighbours and because the strongest or the


most powerful usually have more power, it is sometimes hard to judge the decision made at the supranational level as being fair.197

Habermas explains that any decision made should be the result of a consensus and not of a compromise. These decisions should be understandable by all, in each member state. In the event of a decision made at the European level but not accepted by the citizens of different countries, these citizens will be able to express their discontent towards the decision in question in order for political leaders to modify their decision and change it in a way that everyone approves. This is only possible if participants are given rights to participate and communicate. If these rights are not given to citizens, then citizens cannot express what would work better for them and they would be subjected to decisions made at the supranational level. But with their right to participate, they can express what works better for them and in so doing, give an idea to their government of which path to follow.198 Although Dahrendorf nuances this idea as he believes that no European institution will ever be as democratic as national ones, he does not claim that the EU should stop trying to achieve more democracy. He rather believes that the definition of democracy simply has to evolve in harmony with the way the world evolves. To him, attempts to find ways to include citizens into debates should be taken away from the idea of democracy and he explains that people having a say through streets demonstrations or through the media are of course influential but poorly legitimized. Furthermore, he claims that democracy has to split from the idea that citizens should be in a position where they can judge decisions made as nowadays,

197 Habermas, Postnational Constellation, 98-100.

198 Habermas, Facts and Norms, 299.
people do not have enough common sense to judge complex decisions such as the ones having a financial significance like the ones regarding the EMU or the ones having an international significance. In other words, Dahrendorf does not believe that citizens have the abilities to judge technical topics and that, in addition, technical topics have nothing to do in streets demonstrations. However, he recommends the creation of independent technical bodies that would be in charge to understand and judge decisions made.¹⁹⁹ In my opinion, Dahrendorf’s criticism shows the limit of Habermas’s theory of legitimacy. Indeed, Habermas defends the idea that the EU would be legitimate only if citizens could be granted participation rights as well as the means to take part in a European public sphere so that they could express their needs and wishes and influence the decision-making process. I agree citizens should have a say in the decision-making process as they are the ones concerned and complying with laws that are passed. However, I share Dahrendorf’s idea that citizens cannot have a say on everything. Nowadays, political decisions made depend on the complexity and plurality of societies but also on finance or economics and these aspects are beyond citizens’ comprehension. Furthermore, citizens are influenced by the media even though the information broadcasted are sometimes biased, altered or unfounded. Building a EU on the assumption that legitimacy can only be reached through the participation of citizens might be reductive, for citizens tend to fight for what they want which is not always what is feasible.

With this participation process, Habermas seeks to a solution to how the EU could be legitimate: decisions are made at the supranational level, people either accept it or if they do not, they use their right to participate to open a debate and find alternatives

to the decision proposed so that each country can begin work on a goal that speaks to everyone. But for that goal to speak to everyone and because the EU is a supranational entity composed of different countries with their own cultures, Habermas proposes that any decisions made at the European level, in addition to being approved by all members as previously mentioned, should only state the final goal but not the way to achieve this goal. The way to achieve a goal dictated by the EU in each of the states should be free and decided by the government of each country. In other words, “the same legal principles would have to be interpreted from the vantage point of different national traditions and histories [...] one’s own national tradition will have to be appropriated in such a manner that it is relativized by the vantage points of the other national cultures”. Influenced by a Rawlsian idea, Habermas defends that the way each nation chooses to implement decisions should not draw away too much to an “overlapping consensus of a common, supranational shared political culture” previously decided at the supranational level.

According to John Rawls, an overlapping consensus is needed to maintain society in order while this same society presents a plurality of visions when it comes to different subjects. Indeed, in a plural society, citizens have different perceptions according to their own beliefs based on traditions, religion or values. However, when it comes to politics, citizens have to perceive what is defended as being reasonable for all, and not as being based on religion, for instance. In other words, political matters should be in

accordance with each citizen's non-political backgrounds for citizens to recognize themselves in what is enacted. Political matters should not follow word for word a religious doctrine for example, as only people believing in that religion would recognize themselves in what is enacted. Political matters should thus be answered in a way that benefits the whole of the society while still enabling each individual to recognize himself in what is decided.

Applied to the EU, the idea of an overlapping consensus means that each country will work toward the same goal while still respecting their internal traditions and values. All the different members of the EU will then stick to a common political culture but this common culture will be adapted locally in order to respect any particular tradition. This idea is explained in the following quotation: “One’s own tradition must in each case be appropriated from a vantage point relativized by the perspectives of other traditions, and appropriated in such a manner that it can be brought into a transnational, Western European constitutional culture”. 203 Habermas explains that it is only once a decision has been adapted everywhere, in terms of each country, that it could be officially adopted by the EU. Officially adopting these principles after local adaptations would put an end to the idea that people are subjected to an organization that does not consider their local culture. Citizens will then pursue goals at the supranational level while still shaping the political culture of the national level. Moreover, participation is a way to correct that feeling of submissiveness and it would enable citizens to become the actors of their European future and then to develop their European identity. As a result, “a European constitutional patriotism would have to grow together from various nationally specific

203 Habermas, Facts and Norms, 500.
interpretations of the same universalist principles of law”. The main issues regarding the EU could then be solved.

However, the different ideas presented by Habermas regarding the functioning of the EU are not without flaws as they rely on two ideals: an interest and trust in the functioning of the EU and a universalism shared by all politicians as well as all citizens. His theory hinges on the idea of participation, meaning that active citizens in political life would help legitimate the European project as they would both create and comply with laws. Of course, the EU has to be reorganized so that citizens can switch from spectators to actors but this would presuppose that all citizens have a strong desire for the EU and its political processes. Unfortunately, Habermas appears a bit idealist on that matter as nowadays the trust in both national and supranational politics is not at its highest.

I would add that politics within most of the national arenas has been quite unpredictable over the past years. Indeed, far-right political parties are becoming more powerful. The United Kingdom left the Union and voices in France or Italy are suggesting a similar course of action. Italian politics is rather unclear as it can be seen with their recent proposal of a parallel currency that would be distributed to pay back their debts, help them control any increase of debt and thus not be closely monitored by the ECB. In addition, each of the national entities is focusing mainly on its internal

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204 Habermas, *Facts and Norms*, 507.


issues and what benefits them. With national politicians being already devoted to their own internal issues, it is hard to imagine these same national governments being impartially devoted to the well-being of the supranational level. Furthermore, citizens lose interest and trust in their own national government. This loss could be attributed to different causes: states not sufficiently listening to their citizens; a perception that political leaders seek political power rather than the good of those they represent; or widespread corruption on the part of people who ought to be exemplary. Citizens do not fully trust what is closer to them - their national government - and do not fully trust to a higher degree what they are less familiar with - the European supranational government.207 On that matter, Habermas is then far from reality as he assumes each citizen has a desire to make the EU better.

Furthermore, I also argue that even with the right to participate, Habermas cannot be sure that all decisions made at the EU would be legitimate for all. Yes, participation will encourage people to express what they want and how they want it to be applied but the EU is a complex whole. It is composed of 27 countries and these 27 countries have different traditions and are governed by politicians coming from different political trends, defending various ideologies. Because these different political parties have not shown their willingness to cooperate with each other and are instead quick to attack the opposing political parties on each matter, it is unrealistic to believe that once at the level of the EU, they will all agree to the same ideas. And even if they were all in agreement, the probability that citizens in each nation all welcome the decisions positively is low. It

is not rare to see a disparity of opinion regarding political decisions made at the national level, so the supranational level being even more pluralistic, there is a chance that the entire population of the EU faces difficulties agreeing on political decisions, challenging the idea of a perfect common ground. As a result, the EU will not move forward very fast and any measure would take a while before it can get approved universally. This is problematic because actions have to be undertaken as soon as possible before the EU drowns under the weight of its flaws. Nonetheless, despite these criticisms, Habermas’s idea to legitimate the EU through the participation of citizens cannot be entirely rejected. Bringing democracy to the centre of the EU can only be beneficial because without citizens, there would be no Union. Also, citizens in nation-states are given the means to take part in the national decision-making process. It is thus hard to imagine that they would strongly support a supranational level that offers them a reduced role. In addition, if citizens are given a role in the European political community, this could lead to the emergence of a European people as well as more solidarity between member states rather than to a competition over national interests to the detriment of other member states.
2.2 Reorganization of the EU

The lack of legitimacy of the EU could be solved by the participation of citizens in the decision-making. However, the participation of citizens cannot be the only solution to the various problems observed at the supranational level as the way the European institutions are organized also contribute to the difficulties faced by the Union and as a consequence, they need to be restructured. For example, restructuring European institutions could be a way to answer the challenges posed by globalization. Indeed, the different member states of the EU have devoted themselves to economics and are not in a position to find solutions to global issues on their own. Pooling national ideas and resources would be an efficient way to answer these global issues as Habermas states: “the only way out is to recuperate the lost political regulatory power at the supranational level”\(^\text{208}\) As mentioned in the first chapter, the institutions of the EU, as well as the governments of the different member states, sign numerous international agreements in order to recover some power to overcome the challenges caused by globalization.

First, in order to find solutions to a certain loss of national ability to answer global issues, Habermas suggests that it is essential for national governments to start working together. To expand on this suggestion, I could argue that it would have been particularly useful when dealing with the Greek crisis or even Spain. These two countries had been considered as the black sheep of the EU and had to be penalized by strict and painful austerity measures. Things would have been different if countries like Germany had shown solidarity and devotion by allowing more financial support instead of pushing for austerity measures to satisfy their own interests.

\(^{208}\) Habermas, *Faltering Project*, 57.
Dahrendorf defends the idea that there is a division between member states, especially since the creation of the EMU, and claims that “rarement, au cours des dernières décennies, il y aura eu autant qu’aujourd’hui d’hostilité cachée - et parfois déclarée - entre les pays d’Europe”. In addition, he believes that the circumstances in which the EMU functions as well as the lack of common foreign policy can lead to division within national arenas as well.

Habermas argues that working together would enable the different member states to step away from the intergovernmental market construction they are involved in and thus to achieve a common goal: coordinating political decisions at the supranational level in order to compensate for the decreasing power of nation-states. Of course, the EU already proposes some measures going in this direction. As Habermas explains, this is especially the case regarding social equality. For example, the European Court of Justice has implemented policies to promote the equality of women. But even though these policies are useful, they also concern topics that are easy to be accepted by any government as they do not challenge sensitive matters like taxation or the common market. Indeed, when it comes to issues that are related to money or that can challenge national economies, the members of the Union are often unable to take decisions together. Habermas suggests states have to implement harmonized policies in these areas. However, national governments shy away from such measures because they tend to focus more on the immediate repercussions within national arenas than on the benefits

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211 Habermas, Postnational Constellation, 98.

212 Habermas, Postnational Constellation, 97.
in the long term. Indeed, national governments offering high-level social services are reluctant because they fear that harmonization will challenge and weaken their state. Nations where social services are less developed fear that meeting higher standards will challenge their cost advantages. In the long term, these harmonizing measures would contribute to bringing the member states on an equal footing. Indeed, harmonized fiscal and economic policies would prevent the different nations from creating their own rules and thus from perpetuating a deregulated competition among the other member states and from challenging the internal order of neighbouring countries.213

In addition, to remedy the imbalances that have increased after the creation of the European Monetary Union and the increasing gap between the ‘northern countries’ and the ‘southern countries’, debts could be redistributed to allow everyone within the Union to start afresh. This is what Habermas expresses in the following quotation: “It is the chain of causes extending back to the foundation of the EMU that poses the real challenge. This calls for radical steps towards genuine coordination of budgetary policies, with targeted programmes to boost national competitiveness; and the communalization of debts”.214 By doing so, the EU would be closer to a well-functioning Union than to a political association of states growing at different rates.

Also, Habermas believes it would be necessary for the EU to have its own financial administration and that its budget relies on the right to levy taxes for the countries in need of stimulation programmes. With these public investments, imbalances could be reduced. Harmonization will undoubtedly be paired up with a transfer of

213 Habermas, Postnational Constellation, 100.

214 Habermas, The Lure, 12.
sovereignty to a European government. Nation-states will then be left with the only duty to maintain order and regulation according to the policies decided by this European government.\textsuperscript{215} Balibar claims that Habermas is missing one important step regarding the financial situation of the EU. Indeed, according to Balibar, the EU will be able to come to term with the crisis if it develops a restructuring of taxes. He proposes to collect European taxes and to ensure that these taxes would be redistributed fairly in order for European nations to solve issues linked to employment or the reconstruction of the European territory. In order to fulfill these goals, the monetary system will have to be balanced and taxes, as well as banks, will have to be properly managed.\textsuperscript{216}

Furthermore, Habermas explains that the EU is facing a shift regarding employment. A full-employment society used to be a priority for nation-states, however, this goal is nowadays unreachable: technological innovations put an end to certain jobs, the workforce changed, women can now work, immigrants are entering the job-seeking pool, low-income positions are created, and the economic policies decided by each of the national states are made irrelevant given the globalized arena in which they are taking part.\textsuperscript{217} As a solution to these problems, harmonization is once again the key since these issues are too global for the national arenas to find solutions on their own. A pooling of resources and ideas would enable all member states to be stronger in facing globalization. Unemployment is hitting all nation-states and joint decisions are now

\textsuperscript{215} Habermas, \textit{Postnational Constellation}, 100.

\textsuperscript{216} Balibar, \textit{Europe}, 185.

\textsuperscript{217} Habermas, \textit{Postnational Constellation}, 92.
required. These competencies will have to be transmitted to a European government, especially regarding a minimum income at the European level.\footnote{Habermas, \textit{The Lure}, 17.}

In order to delegate power to the European level to reach harmonization, the current institutions have yet to be restructured to meet democratic standards. As a basis for his argument, Habermas mentions proposals announced in 2012, when, for the first time, the European institutions started to evoke long-term goals regarding the structure of the EMU.\footnote{Habermas, \textit{The Lure}, 7.} A first goal was to transform the actual EMU, then a rather economic union, into a real political union. This goal could be reached if accession to the Union could be possible for other member states. This would enable the creation of a core and a periphery. The members forming the core would have to harmonize their policies in order to reach a certain convergence regarding economic and social domains.\footnote{Habermas, \textit{The Crisis}, 50.} On their part, countries on the periphery who decided to stay on the side would be able to later join the core if wanted.\footnote{Habermas, \textit{Faltering Project}, 58.}

Ash also believes in an organization in concentric circles. He presents his model, which he believes could be successful. He imagines that all the member states could be taking part in a core sector of activities which would mainly be the activities formerly associated with the EEC. These activities are linked to the single market and include the free movements of people, goods, services, and capitals but also anything linked to trade, competition, and business negotiations. If all the member states would be expected to equally take part in the common market, other sectors like defence...
or border controls could be joined à la carte by the different member states. Like Habermas, Ash believes European member states do not all have to take part in the EU to the same extent. However, I would argue that Ash’s idea seems to be a better option. Indeed, Habermas’s option promotes the idea of a leading core that the rest of the member states would follow. This is hard to see how the EU could put an end to inequalities between the member states if some members were given the opportunity to lead others. Ash’s idea to give member states equal opportunities economically as well as opportunities to take part in other fields according to their resources seems fairer. This would indeed give all member states the feeling of belonging to the Union as well as the means to contribute according to their own strength.

A second goal was that the role of the European institutions and national governments should be well defined. Indeed, Ash believes European institutions should do less, but better, since nowadays they are at the head of too many functions, in charge of too many tasks, composed of too many committees and intervening too much. Furthermore, he denounces the fact that European institutions, by doing too much, are often contradicting each other. For example, he claims that one institution could be approving sales of nuclear or chemical weapons whereas another institution would be banning the development of the same kind of weapons. Habermas thus defines the role the institutions should have and believes that, on the first hand, European institutions would be in charge of any steering capacities. In other words, the supranational level

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224 Ash, Free World, 198.
would have to dictate and to regulate the direction to follow in terms of taxation, budget or economic policies. On the other hand, national governments would be responsible for implementing these policies in a way they think as being better for their national arena. Nations would also be the entities preserving civil liberties for citizens and could potentially use force in a legitimate way, meaning that nations would keep their sovereignty when it comes to secure internal order. In other words, the future European supranational entity would be similar to a federal state without having the characteristics of a state, namely “the legitimate use of force or ultimate decision-making authority”. Compared to what happens in a federal national state, this supranational entity would not be based on hierarchy when it comes to decision-making but on heterarchical relations between both the Union and the member-states. Heterarchy does not suppose any subordination but promotes cooperation. Indeed, this system is not to be understood as a vertical system but more as a circular system where powers circulate and this power is to be shared among all the participants, in this case, the member states and the institutions of the EU. A heterarchical system is thus based on a network of equal actors. This way, no European institution or member state would be superior to the others as this is the feeling European citizens often have, even where the population is larger.

225 Habermas, The Lure, 14.

226 Habermas, The Lure, 14.

Furthermore, Habermas argues that national governments have to switch from the intergovernmental method to the community method. These two methods are different mainly in their structure. The intergovernmental method concerns specific domains such as the CFSP. This method gives a central role to the European Council whereas the EC works hand in hand with the member states. As for the EP, it would only receive a consultative role. The community method functions in accordance with legislation enacted by the EC: the Council and EP share the power to decide. In other words, Pablo Ponzano explains that the intergovernmental method is mostly satisfying and takes into account the interests of the member states as the decision-making process comes under the authority of their political leader. As for the community method, he explains that it thus represents the interest of the entire Union as both the citizens (represented by the EP) and the member states (represented by the Council) have a voice in the decision-making process.

As a consequence, Habermas explains that to succeed in transitioning to this method, the European Council and EP have to be rebalanced. The European Council is indeed composed of the representatives of each national government which cannot put aside their national interests. When meetings take place in the European Council, decisions will undoubtedly privilege the most powerful member states whereas the member states having less power will have to comply with these decisions even if they do not entirely support them. European citizens thus tend to believe that foreign

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228 Habermas, The Lure, 15.


governments are deciding for them. As a consequence, the European Council has to lose a bit of power. This decrease in power will be transferred to the EP, which will then become more important than it is nowadays. The EP would be composed of deputies that are directly elected by each citizen. Once within the EP, these deputies will form political groups with deputies of neighbouring countries who share the same interests. These transnational groups, once formed, will ideally generate concerns that go beyond national borders. The EP should then be allowed to propose legislative ideas. Nonetheless, because the deputies at the EP are elected at the national level, it is expected that once in their transnational group, they would be able to put the interest of the EU before the interest of their respective state.\textsuperscript{231}

Hoping that directly elected European deputies is what makes the EP more efficient and that these deputies would fully engage in supranational politics might be too optimistic. Indeed, Dahrendorf describes a reality that discredits this theory. He explains that, when he used to be a Commissioner, the Assembly - the former version of the EP - was working better than the actual EP even though its members were not directly elected. Indeed, Dahrendorf states that elected European deputies are also politicians usually having political functions in national politics and who, as a consequence, do not regularly go to the EP because they are too busy and concerned by what is happening at the national level.\textsuperscript{232}

Habermas argues that putting the Council and the EP on an equal footing would allow the supranational level and the national level to have heterarchical relations as

\textsuperscript{231} Habermas, \textit{The Lure}, 16.

\textsuperscript{232} Dahrendorf, “Making Sense,” 101-114.
there would be a balance between both national interests and European interests. The EC would be the institution in charge of the executive power and serve as a mediator between both the Council and the EP. This would differ from the current situation where the Council and the EC form one powerful bloc and the EP is left alone without much power.²³³

However, criticism is made of Habermas’s ideas to bring democracy back at the core of the European project. Indeed, Balibar agrees with the restructuring of the institutions and especially the parliamentary system, but regrets that these proposals have already been argued by others. He argues that the European debates should be more intense, in a way democracy should rely on participation but also confrontation. In other words, in order to ensure democracy, an opposition would be required and citizens should be enabled to participate in debates about the EU. For example, when Greece or Spain were facing economic difficulties, debates emerged at the national level regarding the necessity of the EU.²³⁴

Habermas also states that restructuring the EU requires to work on including all citizens no matter their ethical or religious backgrounds. A learning process is necessary and both the subcultures and the host culture will have to meet each other halfway. Indeed, religious citizens have to learn how to adapt to their host community and this could challenge their own faith. For Habermas, what should be considered first is the Constitution. This Constitution should be based on secular principles and offer equal

²³³ Habermas, *The Lure*, 40-41.

freedom in terms of religions as long as the necessity for all religious groups to live together instead of closing themselves off from other religious groups.235

The idea that ethical or religious backgrounds should not matter is also defended by Rawls. Indeed, he argues that given the plurality of assumptions each person has, it is impossible for citizens to determine a structure of society according to sacred texts, traditions or religious institutions since the ideas they convey are not relevant to everyone’s background. However, Rawls states that people have to agree on a principle of justice that would be strictly political and thus will not take into consideration background assumptions. This principle of justice would have to be determined by all citizens through cooperation or exchange of ideas until everyone agrees on it. In other words, to be considered as equal and free citizens of a political community, people must have two moral powers as Rawls calls them: a sense of justice and a conception of the good. The first one is purely political whereas the second one can be linked to pre-political assumptions, influenced by religion, philosophy or moral doctrines. The sense of justice determines what a moral person is and therefore sets the foundation of citizenship. As for the conception of the good, it is influenced by a pre-political background and determines a subjective moral personality. These two powers enable people to be equal as they offer the foundations to engage in society as well as give them a complete life, securing political and personal requirements. Following Rawls’ theory, religious or cultural background are thus not obstacles to the order of the public community since the political principle would be common to everyone joining the

235 Habermas, *Faltering Project*, 67.
political community and personal beliefs would be kept while not influencing the political aspect of society.\textsuperscript{236}

If Rawls and Habermas both defend the search of a common ground for shared political culture, they do not agree on the way to do so. Rawls supports the idea that personal conceptions of a good life and personal pre-political assumptions cannot enter the debate regarding political subjects. However, if citizens have metaphysical pre-political assumptions but shared pre-political assumptions regarding political life, they can use these shared assumptions on politics to build a common political culture.\textsuperscript{237} Habermas states that citizens can debate on political matters using their own assumptions in order for them to be aware of perspectives and interpretations of others. According to Funda Gencoglu-Onbasi, this is argumentative discourse and the public sphere as a whole will determine whether these personal assumptions can be accepted or not in reaching for a common political culture.\textsuperscript{238}

Furthermore, according to Habermas, citizens also have to make a distinction between religion and politics. Indeed, if all citizens avoided retreating into their own religious community and open to others religious groups, they would be able to “recognize each other reciprocally as citizens in civil society, hence as members of one and the same political community”.\textsuperscript{239} Along with this idea, it is necessary to recall that

\textsuperscript{236} Rawls, \textit{Justice}, 2-24.

\textsuperscript{237} Rawls, \textit{Justice}, 2-24.


\textsuperscript{239} Habermas, \textit{Faltering Project}, 68.
for Habermas, in a democratic state, citizens are capable of self-government, meaning that they are both the recipients and the origins of laws. As a consequence, if all citizens, no matter their religious backgrounds, join the rest of the society, they would be able to influence current and future laws. It is through this active process that religious minorities obtained the right to enjoy religious freedom. As a complement to this idea, the host culture has to remain neutral and not expect subcultures to give up on their religious ties or to expect a public sphere free of any pre-political religious aspects. The host culture also has to improve the way it includes other cultures. Indeed, as Habermas points out, for subcultures - minority groups composed of people who differ from the host culture in terms of nationality or cultural practices for example - to feel perfectly included, they have to be integrated into public places such as school or universities to escape any social disadvantages and then be equal in terms of accession to the labour market later on. On paper, subcultures are included but in practice, they have to be recognized by others. In this case, recognition is defined as a perception of the others as part of an inclusive community that provides everyone with equal rights and where everyone is responsible for their actions toward others. In addition, as Habermas explains, “in a constitutional state, all enforceable legal norms must be capable of being formulated and publicly justified in a language intelligible to all of the citizens”.

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240 Habermas, *Faltering Project*, 68.

241 Habermas, *Faltering Project*, 69.

242 Habermas, *Faltering Project*, 76.
background. A balance has to be found between on one side preserving cultural identity and on the other side, building shared citizenship between all citizens in a given state.
2.3 Public sphere

Restructuring the existing institutions and uniting politicians to the same cause is not sufficient to ensure the well-functioning of the EU. Indeed, the EU will not be sufficiently efficient if reforms and proposals are made only to change the political function of the Union. For an alliance such as the EU, citizens need to be included and feel like they are part of the project too. If this necessary step is not considered, the EU will never be seen as anything other than an elitist project made by and for politicians. However, European citizens have difficulties engaging with the European project.

The idea of a public sphere is not something new to nation-states. Each of them has a national public sphere. The public sphere is a term used by Habermas to refer to citizens who gather in order to use their political rights of participation together by discussing subjects relevant to the whole society. Indeed, the public sphere should not be understood as just a regular group of people gathering to discuss private matters or to promote some business matters. Only discussions on matters relevant to the political life of society as a whole are to be discussed within the public sphere. In other words, the public sphere is where citizens are able to form public opinion and is accessible by all citizens, at least in theory. However, the state cannot be part of the public sphere as both the state and the public sphere oppose each other. Indeed, citizens being the addressees and the authors of the laws with which they comply, they simply require the state to share information and within the public sphere, they will criticize and analyze this information to later determine laws and this, without subordination from the state. The

state does not influence citizens but in theory, citizens influence the state. Nevertheless, Habermas argues that with the expansion of mass democracies and thus the inclusion in the political life of a wide range of citizens with different backgrounds, conflicts of interests are more likely to go beyond the private sphere and appear within the public sphere. In this case, the public sphere could be regulated by a political authority. Also, when the public sphere is broad, means of communication are necessary in order to share the different opinions and this helps further debates. These means are mostly the media such as television, radio channels or newspapers.

Creating a European public sphere thus does not mean creating something entirely new. It means that these national public spheres, despite economic or social disparities, have to become united and connected with one another. In other words, they will have to “learn to mutually recognize one another as members of a common political existence beyond national borders” and they will have to stop suspecting other member states of any harm to their interests. It is only when this stage is reached that all European citizens will show solidarity to each other. And once solidarity emerges at the European level, redistributive policies will be able to be performed because each nation-state will feel like taking responsibility for its neighbour.

Habermas argues that it is not an easy task for citizens to develop a European consciousness, similar to the national consciousness they already have developed. Indeed, citizens in Europe developed a strong attachment to their nation and this went

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244 Habermas, *Facts and Norms*, 299.

245 Habermas, Lennox and Lennox, “The Public Sphere,” 49-55.


hand in hand with a feeling of being united and bound to one’s fellow citizens. In other words, this emergence of solidarity was mainly due to the fact that nations developed their identity and that identity was promoted by either political parties or the media.\textsuperscript{248} Citizens, fortified by this newly acquired national identity and conscious of being part of a nation began to feel solidarity for other people who were part of the same nation. Habermas understands solidarity as a “joint involvement,” that is to say that the appeals for the solidarity of some subject are resting on the supposition that others would behave the same if needed in the future. Solidarity, in that case, is not enforced by law but based on predicted reciprocity.\textsuperscript{249} However, as Habermas states, there is no reason why the consciousness of belonging to a community and showing political solidarity should stop at the national borders. If the identity of the EU was more advertised, citizens could feel like they are part of a European community and as a consequence, they would feel united to the rest of European citizens.\textsuperscript{250}

Nevertheless, the EU is not expected to replace nations so the goal will not be to promote the EU as a supranational nation overpowering the member states but simply to promote it as a supranational political community sharing “the same political fate”.\textsuperscript{251} Indeed, European citizens do not want a supranational state to weaken the importance of their national state, nor do they want to give up on their national culture and identity. This is why Habermas proposes that citizens of the EU should consider themselves as having dual sovereignty. This means that each citizen living in Europe will be first a

\textsuperscript{248} Habermas, \textit{Faltering Project}, 87.

\textsuperscript{249} Habermas, \textit{The Lure}, 23.

\textsuperscript{250} Habermas, \textit{The Lure}, 39.

\textsuperscript{251} Habermas, \textit{Faltering Project}, 87.
citizen of a nation and second a citizen of a supranational community. A dual sovereignty is also experienced by the different member states. They secure their national sovereignty, but they also play a role as a member of a supranational level where sovereignty is shared with the rest of the members. However, this dual sovereignty presupposes both that nation-states remain the political entity that would secure justice and freedom within the national arena but also that the supranational level be democratically organized so its actions can be legitimized.\textsuperscript{252} These two sovereignties also imply a distinction regarding their respective purpose. Indeed, when it comes to national sovereignty, the purpose of both the citizens and the states is to satisfy national interests and demands. When it comes to supranational sovereignty, the purpose of the two is to agree on political decisions that would satisfy the entire community. In other words, dual sovereignty would satisfy the peoples of Europe on one side and the European citizenry on the other side.\textsuperscript{253}

As Perju explains, the hardest step yet is for the citizens and the states to make this distinction between national interests and the interests of the community at all time.\textsuperscript{254} The risk is that national citizens try to influence their supranational citizenship according to their national citizenship. Indeed, citizens will already have an attachment for their national citizenship based on specific learning processes and it is not sure that the supranational level can guarantee them the same as the national state guarantees

\textsuperscript{252} Habermas, \textit{The Lure}, 40.

\textsuperscript{253} Habermas, \textit{The Lure}, 40.

them. Perju also explains that Habermas, who defends the idea of a dual sovereignty, offers a solution to harmonization between the national and the supranational sovereign resting on rational grounds in order to avoid a potential overlap in interests for the double sovereign. These rational grounds are possible only through constitutional patriotism, according to Habermas. However, Perju denounces the weakness of Habermas’s idea by questioning how individuals can truly develop an attachment to their nation-state on rational grounds. Perju indeed does not believe that citizens have the capacity to make a difference between a state that is republican or particular. Moreover, he thinks it is difficult for citizens to understand the form normative principles take in the constitutional state without thinking about the form these normative principles take both in the cultural and historical nation-state. However, Perju claims that if nation-states are still strong nowadays, it is because of the attachment citizens have for their state as well as a satisfaction of what their state has achieved.

According to Habermas, this is where reform of institutions, especially of the Council and EP, becomes necessary. Indeed, the European institutions are organized in such a way that it allows the peoples of Europe to overpower the European citizenry and as a consequence, national interests take the upper hand on the interests of the community. The reform of these two institutions would put the national interests represented in the Council on an equal footing with the interest of the community in the EP. However, even though reaching this step of dual sovereignty is necessary for the

256 Perju, “Double Sovereignty,” 49-75.
257 Perju, “Double Sovereignty,” 49-75.
future of the EU, this is the most complicated step to perform. Citizens have to abandon the idea of a full national sovereignty to the profit of dual sovereignty but this principle cannot be imposed on them and has to come by itself through a learning process.258 In addition, Dahrendorf thinks that in order to bring public opinion, it is essential for the members of the Council to legislate in public and to advertise their decisions either using the media or the Internet.259

I would add that at the national level, media are highly involved in politics. Political parties’ ideas are promoted in newspapers, on the radio, on television as well as on the Internet and social media. For example, public political debates are made between the competing candidates of different political parties just before an election. During these debates, each candidate has the same time of speech and each one will expose their own ideas on given topics creating a public conflict of opinion. Thanks to these debates, each citizen has an idea on which candidate matches their interests the most and who they are going to vote for. Nevertheless, Ash regrets the lack of a European demos and the fact that transnational media have little impact. To him, debates on the EU are of different perspectives or contents in each of the member states, even though he admits that sometimes, debates occurring in one nation can influence debates occurring in others.260 Habermas, for his part, works on the assumption that if this deliberative process functions at the national level, it should be applicable at the supranational level as well. For this to be possible, the media need to develop at the European level. Each

258 Habermas, The Lure, 13-16.


member state should have a public advertisement on what is happening at the political level in their neighbouring countries so that debates on the path to follow can emerge. He supports this idea by citing the three solutions to the building of a European public sphere exposed by Bernhard Peters. First, national media have to promote the political measures and decisions made in the different member states. Second, these media have to advertise the debates occurring in the different member states. Thirdly, deliberative decision-making at the European level will be possible when there will be a discursive exchange or arguments and opinions across national borders.261

However, the public sphere described by Habermas is regarded as being outdated by some authors. Indeed, Habermas is described as someone who does not take into consideration new means of communication like the Internet. He considers the Internet as not profiting the public sphere but more as causing fragmentation of public life as well as subjecting citizens to cultural enclaves. He also thinks that modern media are means to express private interests.262 Hardt and Negri also question Habermas’s concept of the public sphere because he is not taking into consideration that it is impossible for citizens to participate in the public sphere without being influenced by the mass media and capital that are two aspects colonizing the lifeworld of each citizen.263 Habermas thus has a traditional understanding of the public sphere but this traditional thinking might lead to omission of current tendencies or social movements such as feminism in the public sphere as Lisa McLaughlin explains. McLaughlin does not argue that the public sphere

261 Habermas, *Faltering Project*, 87-88.

262 Lukas Good, *Jürgen Habermas: Democracy and the Public Sphere* (London: Pluto Press, 2005), 106. For further discussion of this problem, see Crossley and Roberts, *After Habermas: New Perspectives on the Public Sphere*, 158.

should be based on modern means of communication. However, she claims that the ideas shared by modern means of communication should have access to the public sphere. To her, the public sphere described by Habermas is academic, comprehensive and close-minded. This is why she explains that feminists have developed counter-public spheres, which is a space for people taking part in social groups to express their ideas without subordination of a close-minded public sphere. In these counter-public spheres, participants are thus allowed to “offer interpretations of their identities, needs, and interests”.

To facilitate communication across national borders and eventually a strong European community, Habermas evokes that complex subjects such as foreign policies or social policies should be decided by the supranational state. However, this would require the formation of European political parties on a different model than the groups that currently exist. These parties could develop from each of the existing national parties who “initiates debates on the future of Europe, and in the process articulate interests that cross national borders”. This debate will then slowly reach the European public sphere. These European political parties will have to be backed up with European interest groups as well as non-governmental organizations or citizens’ movements. Balibar also suggests there could be a political party for Europe that would also be considered as being a real European party because it would be composed of people coming from the different member states. According to Balibar, this party would be more


265 Habermas, *Postnational Constellation*, 102-103.

266 Habermas, *Postnational Constellation*, 102-103.
efficient since European political parties formed on already existing national political parties tend to defend national interests. However, if this is a party for Europe and from Europe, its participants would be more prone to develop ideas for the whole community. Nevertheless, according to Habermas, it is important to remember that expressing ideas and having debates at the European level will never replace decision made through conventional procedures. As in any political organization, actual political institutions are necessary to make decisions. Yet, these political institutions find legitimization through citizens taking part in political life. One cannot work without the other and both currently have to be improved in Europe.

Nevertheless, Habermas gives an insight into the guiding principles that could lead the EU to achieve an efficient political role. Habermas confirms that what the EU lacks is mainly a capacity to promote democracy to its citizens through an exercise of participation rights as well as a European public sphere that would engage citizens in debates. This lack of democracy is what makes citizens feel like the project of the EU is not legitimized. In order to include European citizens in the political life of the Union, legitimization would then be a priority goal. This legitimization would have to be started through a reorganization of the Union. This reorganization would mainly concern a balance of powers between the European Council and the EP. The balance between these institutions would also have to be facilitated in order for states represented by the Council and citizens represented by the EP to have an equal influence on the decision-making process.

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268 Habermas, *Postnational Constellation*, 110.
However, Volker M. Heins raises some criticisms toward Habermas’s idea of a wish from Europeans to achieve a deeper European harmony as well as a wish for a deepening of European relationships or Europe’s fields of action. Heins explains that citizens are in favor of an improvement of the democratic foundations the EU is built on. Some also agree to convey more power to the European institutions so the Union could work in a more efficient way. However, Heins points out that Habermas does not give precise details on how an improvement of European institutions could resist a call for more democracy. Heins also judges that Habermas’s ideas are rather meta-theoretical and, as a consequence, they do not provide citizens with the feelings that might lead them to engage with his ideas. In addition, Heins believes that Habermas does not convey his ideas in the right manner. Indeed, he points at how Habermas tends to blame governments or institutions for example for the difficulties faced within the Union. However, Heins thinks citizens need scholars to explain situations in a more optimistic way so that citizens can feel passionate about the subject and engage with it. Lastly, for Heins, Habermas lacks answers to a major question: what is the purpose of the EU on the long-term? Heins believes that peace as an answer is outdated and he does not believe in the Union aiming at being an efficient power able to compete with bigger powers at the time of globalization either. He also reject the idea that the goal should be a strong political power in order for the European to preserve its cultural wealth and particularity at a time of globalization.\textsuperscript{269} As a consequence, Habermas provides readers with ideas that might be more convincing for a philosopher than for citizens. Habermas has pertinent solutions on how to make the EU more democratic and offers citizens to be at

the centre of the project. Yet, his ideas are too technical whereas the European project should be presented in a way comprehensible for all. Citizens already believed the EU is technocratic and difficult to understand and through his ideas, Habermas adds even more technical complexity to it. I believe that, in order to be legitimate, the political EU should not be forced upon citizens by technical procedures. The desire for a political EU should rather come naturally and in my opinion, in order to attract citizens, the EU should be presented in a more positive manner. Presenting the successes of the EU might be a better alternative in order to arouse citizens’ curiosity so that they can engage more in the life of the Union.

In this chapter, I have reviewed the ideas of Habermas about democratization and legitimization of the European project. His main goal is to find solutions for European citizens to exercise political rights and especially participation rights in order for them to become the authors of the laws that are addressed to them. This step is the main step that would legitimize the European project. Habermas also specifies the political structure the EU should adopt and he proposes a structure similar to a nation of citizens. A nation of citizens would revolve around the idea of a constitutional patriotism as the citizens will not be gathered according to ethnic or cultural traits but united through the practice of their political rights as well as through communication. The idea of participation rights will be enabled through the emergence of a European public sphere where discussions and debates regarding the political life will be multiplied by the citizens joining the public sphere. The different debates happening within the public sphere and whose authors would be the citizens will influence the institutions and guide them towards potential policies to implement. As for the idea of communication, it will be facilitated
through the promotion of issues that are relevant to the whole Union. However, these improvements in the role citizens should play in political life would have to be exacerbated by a reorganization of the existing institutions. Indeed, the main task would be to balance the powers of the EP and the European Council to ensure that citizens and states will be represented equally. If all these changes are taking place, European citizens will be able to develop dual sovereignty. They will be citizens of their respective state on the one hand but also citizens of the EU on the other hand. Habermas then offers readers with potential solutions toward a well-functioning supranational democracy built on legitimacy.
CHAPTER 3: Ferry’s view on the European question

As seen in the previous chapter, Habermas presents what he sees as construction flaws in the organization of the Union. He also shares insights into the main challenges the EU is facing, mainly because of globalization. These difficulties are mainly linked to entanglement in international agreements, imbalanced living conditions between countries, highly bureaucratic society, fear of losing its sovereignty and fear of others as well as non-legitimization of political decisions due to a separation between the public sphere and the political sphere. However, while Habermas is efficient in listing what does not work within the EU, his solutions appear to be quite abstract and may leave readers unsatisfied. Of course, he provides ideas about the main improvements to achieve, such as changes regarding the organization of the EU, and most importantly a legitimization of the EU through the creation of a political community as well as the development of his key idea, constitutional patriotism. Habermas provides good guiding principles regarding the future of the EU. Jean-Marc Ferry’s ideas are complementary to Habermas’s, since more details and explanations are given to the initial guiding principles. Ferry’s approach is thus more evaluative of the current state of the EU than Habermas’s. Ferry is familiar with the work of Habermas as he translated some of his major publications. But compared to Habermas who started working on the EU recently especially after the rejection of the Constitution Treaty, Ferry’s central focus has always been for the most part the EU. As a consequence, his work is influenced by Habermas while going into more depth regarding the improvements to bring to the EU for it to be democratic and efficient.

Jean-Marc Ferry is a French philosopher born in Antony, in 1946. He is well-known for his translations of the numerous works by Habermas, for his position as a teacher in political science at the University of Brussels but also for his strong engagement with the European project. He indeed takes part in many European groups that aim at promoting and explaining the EU. He is, for example, at the head of the Chaire de philosophie de l’Europe. This group was founded in 2011 by a collective composed of the University of Nantes, the city of Nantes as well as the Conseil régional des Pays de la Loire. Its goal is to explain to European citizens the role of the Union and to facilitate the understanding of the tasks and challenges linked to the European project. It is also used as a way to promote scholars and their works on the EU and to make them accessible to all so that people can reflect on what happens within the EU and take part in debates. The Chaire de philosophie de l’Europe is now part of a wider project, Alliance Europa which is pursuing the goal to create an interdisciplinary research hub through a Factory of European ideas. This Factory aims at offering solutions to concerns emerging nowadays within the EU in a variety of fields such as education, science, culture. Moreover, Ferry also takes part in the Spinelli group. This group was founded in 2010 within the EP and has been named after Altiero Spinelli, one of the founding fathers of the EU who was in favor of European federalism. The Spinelli group aims at reviving the idea of a European federalism and consists of a network of citizens, but also non-governmental organizations, scholars, and politicians. Their goal is to one


day hold the majority within the EP. The Spinelli group published a manifesto similar to the Ventotene manifesto published by Altiero Spinelli in 1941, which was already promoting the idea of a united Europe. This new manifesto denounces nationalism and intergovernmentalism observed at the European level. Finally, Ferry has published many works where he focuses on politics and more specifically on the European construction and the idea of post-nationalism.

This third chapter will then present Ferry’s core ideas and aim at giving an analysis of the changes to bring to the Union in order to make it a reliable postnational political organization. Like Habermas, Ferry is concerned about the direction the EU has taken over the past decades, mostly since the emergence of globalization. Ferry argues that the different members of the Union are entangled in something they do not fully control and that they try to solve the situation by signing international agreements, for example, or by rushing the European project. As a consequence of this hasty reliance on the EU, they entered the spiral of transfer of power to the European institutions, making the Union bureaucratic and out of reach for citizens. Ferry then provides ideas that could put an end to that spiral by bringing politics back to life in a society that has been focusing on economics for too long. Most importantly, he wants to bring citizens back to the core of the Union so that they can influence and take part in making the rules with which they must comply. The main challenges within the EU are the number of different national arenas all driven by different cultures and the attachment to national sovereignty. The difficulty here would be to bind all these arenas together into a political


community without challenging their sovereignty and protecting the particularities of each culture.

To overcome these challenges and to enable citizens to play a part in the decision-making at the European level, Ferry articulates his plan for the EU around three principles that already form the core of each national community. These principles are the principle of legality, the principle of civility and the principle of publicity. Ferry’s theory rests on these principles and considers all three to be essential components to the building of a European identity as they will assure a link between historical Europe, embodied by nations and political Europe embodied by the Union. In other words, each national arena developed around these principles and these principles enabled the different nations to rise economically, politically and culturally while developing an internal sense of community.276 These principles go hand in hand because there would be no civility without legality in the sense that without a set of rules, communities might not engage in civilized relationships, running the risk of barbarism. Moreover, there would be no legality without publicity in the sense that publicity is what legitimizes legality.277 Each part of this chapter will then explain these three principles mentioned and emphasize the improvements necessary for the legitimized success of the EU.


277 Ferry, “Civilité,” 9-33.
3.1 Legality

Ferry defines legality as the discipline by which the political power shows its respect to constitutional rights. Legality also serves as a mean to protect citizens and secure their freedom from a potential arbitrariness coming from the state. In other words, legality gives rights to citizens and ensures their freedom from potential political violence. Legality also ensures that the rights and freedom of citizens should not be exercised in a way that challenges other citizens’ rights and freedom. However, if this principle seems to be well-integrated within the national sphere of the different members of the EU, it is more ambiguous at the postnational level. Ferry explains that the problem of the EU is that there is as of yet no binding Constitution between its members. Nevertheless, the EU should not be understood as a supranational power. Of course, overall, each of the members has a similar internal organization and each of them revolves around a political culture whose principles are stated in their own national constitution. These national constitutions rely on human rights that is to say rights that are considered universal. With modernization, these national arenas opened themselves to one another and measures were taken including open borders, legislative harmonization, European conformity on products and goods. However, these commonalities do not mean that what works at the national level should be transferred as it is to a supranational level. In other words, Ferry does not believe in an imitation of a national logic to form a supranational logic. With such an imitation, the different

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279 Ferry, “Civilité,” 9-33.

280 Ferry, *La Question*, 44.
members of the EU would be subordinated by a European supranational entity. A supranational European state would challenge the specificity of the Union. Indeed, the particularity of the EU is to be composed of different nations of various cultural aspects who require a certain autonomy.\textsuperscript{281} As a consequence, the logic adopted by Ferry is to work towards a postnational EU rather than a supranational one.

However, even though the EU should not take the classical form of a state, Ferry argues it should not retreat into a political-administrative system either. European institutions have been relying on this political-administrative system for decades now, rendering political life within the Union cold and empty of any political interest. Indeed, a political-administrative system does nothing else than enacting decisions, regulations and rules. In other words, by following the model of a political-administrative system, European institutions decide on procedures and goals that the member states will have to follow, using sanctions as threats if a state does not respect what is decided. In addition, European institutions tend to use other organizations to back up their decisions in order to legitimize their procedures. As Ferry explains, partnerships are built between the institutions and representatives of professional categories or trade unions as well as lobbies, interest groups, or pressure groups.\textsuperscript{282} A great number of interest groups and lobbies are currently present in Brussels and the number of people taking part in them is estimated to be around 10,000 to 30,000.\textsuperscript{283} These interest groups and lobbies are divided in categories, the main ones being trade federations which represent specific trades, and

\textsuperscript{281} Ferry, \textit{La Question}, 13.

\textsuperscript{282} Ferry, \textit{La Question}, 62.

\textsuperscript{283} Lelieveldt and Princen, \textit{The Politics}, 129.
commercial consultants who are hired to lobby in favor of their clients who can be companies or non-governmental organizations for example. Such interest groups and lobbies are active in order to influence what should be discussed at the European level.\textsuperscript{284}

Ferry argues that adopting this political-administrative path does not give much space for citizens in the process. It never takes into consideration what society thinks and desires.\textsuperscript{285} He thus proposes that the EU should work on building a Constitution that would combine the rights of citizens and the law of peoples.\textsuperscript{286} Dahrendorf is opposed to the idea of a European Constitution and to prove his point he cites Latin America, saying that there, constitutions forced on people and which were thus not demanded by citizens brought more difficulties than benefits.\textsuperscript{287} Philippe C. Schmitter also points at criticisms toward a European Constitution. In his opinion, the EU should have seized the moment to work on a Constitution half a century ago. He also believes that the EU is functioning well with only treaties as foundations. Moreover, he claims that not having a Constitution is rather positive since enlargement might bring some changes to how the EU functions and through this enlargement, the political end-goal of the Union might evolve.\textsuperscript{288}

Nonetheless, Ferry reflects on a potential European Constitution. First, a future Constitution should not rest on shared pre-existing cultural traits but rather on shared

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\textsuperscript{284} Lelieveldt and Princen, \textit{The Politics}, 128-133.

\textsuperscript{285} Ferry, \textit{La Question}, 61.

\textsuperscript{286} Ferry, \textit{La Question}, 15.

\textsuperscript{287} Dahrendorf, “Making Sense,” 101-114.

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norms and principles among all the citizens living in the EU. These principles would include freedom, equality, tolerance, justice. Ferry argues that all the principles that the member states share should not be listed in the future Constitution. Indeed, if the Constitution were to list every possible principle shared among the member states, then it would turn into a collage of national constitutions. As Ferry mentions, the principles that would have to be listed in a future Constitution are those on which a consensus is required so that the different national arenas could coexist harmoniously no matter their cultural differences. Ferry proposes a consensus through confrontation rather than a consensus through cross-referencing. A consensus through confrontation would lead to public debates and arguments in order to find a solution to conflicts of interpretation of a principle or norm. Furthermore, the future Constitution would promote citizenship instead of nationality allowing that in the future, countries could pretend to join the EU as long as they share the European principles revolving around citizenship since shared cultural values will not be taken into account. In addition, this Constitution would have to claim universal principles to maintain a certain political unity between the different members of the Union while respecting the different national and cultural particularism.


By respecting these two prerequisites, Ferry expects that the different member states, as well as the European citizens, will adhere to a common Constitution, recognizing the others as part of the same community and furthermore, their political identity would evidently be stabilized into a constitutional patriotism. This idea of a constitutional patriotism has been central in Habermas’s theory as he developed this concept while working on the future of the post-war reconstruction of Germany. Indeed, Habermas explains that Germans were to question their national traditions and were to adhere to a Constitution where the fundamental values of the democratic state would be written, enabling Germans to choose their identity more than enduring it. According to Ferry, the same fundamental values of the democratic state have to be transposed at the postnational level. At this level, the idea of a constitutional patriotism would indeed encourage people to build a political community with others, as long as these others, no matter their cultural background, adhere to the principles stated in the European Constitution.

A cosmopolitical perspective will then be necessary for the elaboration of such a Constitution. Cosmopolitism, as explained by Ferry, has nothing to do with the common assumption that it is something shared worldwide. Rather, it describes the structure of the political arena. This structure presents three different levels: the internal level which concerns the interactions between citizens of a nation and refers to individual fundamental rights, the external level which concerns the relationships between nations.

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294 Ferry, *La Question*, 73.


and is thus linked to the law of peoples, as well as the transnational level which concerns
the relationships between citizens of the different nations and thus rests on a
transversality of traditional rights and liberties.297 With this definition in mind, the
Constitution will have to be perceived as relevant to all of the member states and will
require ratification by all in order to be legitimized.

In Ferry’s opinion, the objective of such a Constitution would be to guarantee
fundamental rights to citizens and these rights would counterbalance rights promoted in
national constitutions. As a consequence, a European Constitutional Court would need to
be implemented to play the role of a mediator between the rights offered at the national
level and the rights offered at the postnational level. However, Ferry points out that it
may not be that easy due to the complex organization of the EU. Indeed, the fact that the
fundamental rights in the European Constitution could be used to challenge the
fundamental rights in national constitutions would challenge the sovereignty of the
different members.298 The difficulty is then to give freedom to the member states but at
the same time to build a unified political community. To overcome this issue, Ferry
argues that it is indeed not possible to restrict any national sovereignty as this will not be
in accordance with the law of peoples. This would be particularly true for political
objectives forced upon the member states. However, things are different when it comes
to fundamental rights, and he defends the idea that the European Constitution could limit

298 Ferry, La Question, 90.
national sovereignties and citizens could oppose their own state for the sake of their fundamental rights.\textsuperscript{299}

Ferry underlines that the EU has the particularity of already transposing the principles and rights of the individuals to the states. Moreover, rights of the states like integrity and sovereignty do not weigh more than rights usually given to the citizens such as participation, autonomy or cooperation. The EU determined its law of peoples based on elements that have been transposed and that correspond to the fundamental rights of the individuals, these rights being civil, civic, social or moral. For example, civil rights could embrace the principle of integrity being transposed at the postnational level through relationships between peoples, or moral rights could embrace the principle of self-fulfillment being transposed at the postnational level through mutual recognition.\textsuperscript{300} As a result, Ferry argues that the whole of these fundamental rights should be transposed at the international level in order to determine the rights of the member states regarding anything external. These same rights would also determine individual rights within the EU.\textsuperscript{301} Habermas also defends this idea that the fundamental rights of the individuals are what gives a structure to the cosmopolitical state.\textsuperscript{302} His thinking is related to what Ferry defends: the EU has the specificity of transferring rights of the individuals to the states, a transposition which would then be materialized in a European Constitution. This transposition from the rights of the individuals to the rights of the states will then

\textsuperscript{299} Ferry, \textit{La Question}, 91.


\textsuperscript{301} Ferry, \textit{La Question}, 108.

\textsuperscript{302} Ferry, \textit{La Question}, 130.
guarantee citizens have the same rights, but on a broader scale and this is where the strength and the specificity of the European Constitution lays.

With the transposition of rights having been established, the question is who is entitled to the principle of legality. To answer this question, Ferry relies on the constitutional perspective. The constitutional perspective is to be understood as a reciprocal recognition between individuals and nations. The constitutional perspective does not focus on cultural or economic matters. Instead, it focuses on equality and on the sharing of the same constitutional principles. Universalism is what the constitutional perspective pursues and pushes to a larger extent, the constitutional perspective and its underlying universalism could be applied to the whole world.303

If Ferry prefers the constitutional perspective, he recognizes that it presents some limits. Indeed, because the constitutional perspective promotes universalist principles, any state that does not respect such principles will have to leave the community and in the meantime, lose its European identity. Being a European country is not an asset meaning that even if a country is located in Europe, this country is not automatically gaining or securing membership to the EU. Each member state will have to comply with the principles promoted by the Constitution to have the right to stay in the Union.

However, I would add that even if Ferry’s idea is fair, it is hard to imagine that a country would be asked to give up on its status within the EU and even more on its European identity. Even if some countries sometimes violate constitutional principles, states that are forming the core of the EU would always have protection as their

303 Ferry, *La Question*, 167.
expulsion of the Union could challenge the internal order of the Union. Furthermore, the process to exit the Union is long and steady and would most likely be avoided.

Ferry believes a second limit to the constitutional perspective is its cosmopolitical character. Even though Ferry does favour this perspective, he does not want to embrace the whole world within it. Indeed, for the European Community to become unified, certain cultural proximity is needed as well as the expectation that every state will benefit the community. However, his definition of who could be part of the EU is rather unclear. On one hand he wants to limit the access to the EU but on the other hand, he claims that the EU could be extended to countries outside of the European continent such as Turkey or other neighbouring countries. He rejects criticisms made against his theory that claim that, if the EU was to include non-European countries, the citizens will not be able to establish a link or see any commonality in culture for example.304 It is then hard to see how Ferry would be able to determine who could be part of the Union: not the whole world, but not solely European countries either. Creating a Union that gathers 27 members as of today is already challenging, it is not certain that including countries from other continents would make the process easier. Moreover, I would argue that if countries outside of the EU are willing to enter the Union, it is most likely for the attractiveness of its open market and less for its political nature.

In parallel to the project of a European Constitution, improvement will have to occur regarding existing European institutions. At the moment, Ferry judges their role to be either too important or too difficult to determine. This leads citizens to fear of subordination and to a disinterest for anything European. For Ferry, the main criticism to

make against these European institutions is that there is no equal sharing of responsibility. This challenges the principle of legality but also the democratic aspect of the EU. A rebalancing of power is thus needed. Habermas is in favour of a redistribution of powers as well, especially between the Council of the European Union and the EP. However, what he considers as being the main anomaly is the European Council. It is different for Ferry. To him, it is not the right decision to give more power to the Council of the European Union composed of national ministers, which is currently the main institution. The ministers delegated to the Council of the European Union are indeed disconnected from what citizens want as they have no access to the debates happening within the different national parliaments. Moreover, the power of the Council of the European Union is not moderated by the EP. However, Ferry defends the idea that any intergovernmental entity having power should be legitimized, and he proposes to use the national parliaments to achieve this legitimization. Ferry grants importance to the national parliaments because they are so far the best political organs to relay what the citizens in each member state desire. Parliaments are also representative institutions. With time however and with the development of European integration, the national parliaments will collaborate with the EP. Indeed, the more the EU will be integrated into a unified community, the more national parliaments will have difficulties to legitimize what is happening at the postnational level. Moreover, the more the EU will develop and gain power, the more citizens will require to be represented in an institution that has been created at the postnational level. The key will then to reinforce anything parliamentary


306 Habermas, *The Crisis*, 43.
since parliaments are the institutions that represent citizens and then help to legitimize decision-making.

Last but not least, Ferry states that the EC could be the institution to favour in order to build a European government. The EC would follow the Constitution but its president would have to be carefully chosen.\textsuperscript{307} To this idea, Dahrendorf adds that in order to democratize the EC, the terms of office of Commissioners should be limited. He believes that this way, Commissioners would not be “tempted to maneuver in order to get reconfirmed, or of having their decisions influenced by a concern to win the sympathy or support of those in power in the various countries”.\textsuperscript{308} However, Dahrendorf defends the idea that the EC should not be too much reformed as he believes this institution does not have much future within a democratized EU.\textsuperscript{309}

Ferry's solutions to answer the principle of legality are plausible. Indeed, his idea to give more power to first the national parliaments, and then to the EP would legitimize the decisions taken at the postnational level, and answer one of the main criticisms made towards European institutions. Giving more power to the national parliaments and the EP would allow for communication between these two arenas, enabling citizens to take part in the life of the Union through institutions with which they are already familiar, even though citizens should be reminded that this is the political institution that represents them. Indeed, over the last decades, citizens have had the tendency to lose interest in the political life claiming that there is a disconnection between what they want and what

\textsuperscript{307} Ferry, “Comprendre l’Union Européenne,” 395-404.

\textsuperscript{308} Dahrendorf, “Making Sense,” 101-114.

\textsuperscript{309} Dahrendorf, “Making Sense,” 101-114.
governments do and that politicians do not have the intention to represent their nation well. In order to reunite citizens with the political life and the political institutions that are supposed to serve them, I believe each national government should make the first move and rekindle the flame towards politics. Without this, it is questionable whether citizens will develop that need to be part of their community again rather than just living for themselves.

As a consequence, Ferry’s thinking that the EP will grow naturally with time as the EU achieves integration is questionable. If citizens do not fully grasp what role political institutions have for them at the national level, it is more likely that they will not grasp what they do for them at the postnational level, which is even further to them. Changing the role of the European institutions will then have to be encouraged simultaneously through interest and knowledge regarding politics.

As Ferry proposes, the Constitution should make it easier for citizens to feel like they belong to the same political community while not seeing it as a threat to national sovereignties. However, a project of Constitution would have to be well-thought and not rushed to avoid seeing it being rejected like in 2005 when both France and the Netherlands voted against it. To ease the process, the principle of legality should be supported by the second principle proposed by Ferry, which is the principle of civility, which seems to be the key to put the citizens back to the center of the European project.

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3.2 Civility

The principle of civility is based on the respect of individual sensitivities as well as developing dialogue between the different national spheres. This principle is closely linked to the idea of a European public sphere, an idea also defended by Habermas, which is a key component of a democratic and legitimized EU, and which is presently absent. The different national spheres should open to each other and be united in order to form a European public sphere. In other words, the goal to reach would be the development of a “communauté de croyances et de conceptions relatives au juste et au bien, un ensemble d’attitudes, de schèmes de pensée, de visions du monde et de valeurs partagées entre individus appartenant à une même aire culturelle et à un même contexte historique” in order for citizens to reconnect to the EU life and to be the actors of their future more than feeling subordinated to institutions whose motives they do not fully grasp. The question now is why and how to build a public sphere at the European level.

According to Ferry, the main reason for a European public sphere is to secure democracy and legitimation, mainly through discussion. He gives a definition of modern democracy as based on the effort to deal with conflicts through negotiations, talks, and compromises, with the sole goal of developing a sense of what is fair among the citizens. This way, the different nations composing the EU will not only be open to commercial exchanges like they have been for decades but more prone to the exchange

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311 Ferry, *La Question*, 31. For further discussion of this problem, see Ferry, *La Question*, 75.

312 Ferry, *La Question*, 17.

313 Ferry, *La Question*, 17.

of ideas. This would be one step to exit the economic vicious spiral in which they are entangled while setting foundations for a political community and as a consequence one of the main steps to switch from an economic to a political Union. It should be added here that, in the past, the activities proper to the public sphere at the national level were more natural and easier to perform as there were some ways for citizens to integrate themselves in the society and build connections with citizens outside of their own communities. The means to do so were provided by the nations, following the schema of vertical integration. This was particularly true with traditional infrastructures like churches, schools or even the army. However, Ferry identifies two issues with the current means given to citizens to take part in the public sphere. The first is that, at the national level, traditional infrastructures are decreasing in influence and not seen as necessary anymore. As a consequence, interactions are diminishing and this prevents people from opening to one another, a development which then serves the national public sphere in a negative way. A second issue concerns the development of a European public sphere. Indeed, Ferry explains that, at the postnational level, citizens would have to follow a horizontal integration of their national spheres that would not be subordinated to a supranational entity. This is different than the vertical integration that happens within the national arena, where citizens are subordinated to the state.315 This horizontal integration would be possible through cooperation between European institutions as well as national institutions who would work on initiating discussions and consensus within the European public sphere in order to determine the appropriate rules to establish while working on European policies. In other words, in order to rebuild national public spheres so they can

develop into a European public sphere, citizens would have to be provided with the means to reconnect with one another.\textsuperscript{316} As a consequence, citizens would have two roles: citizens of a particular state and citizens of the Union.\textsuperscript{317}

In order to develop the capacity to open to other communities, Ferry bets on education. Indeed, in order to be active in political life, citizens have to be formed to be part of political life. In Europe, going to school means attending lectures that are mostly directed toward national topics and cultural facts and mainly relevant to national histories. However, we can understand that this approach to education does nothing else than develop national perspective in young citizens. There is nothing wrong with learning about the history of one’s own country, but citizens are, at a young age, already conditioned to a national and close-minded thinking and therefore not encouraged to embrace the need to open to the stories, cultures, and beliefs of citizens in neighbouring countries. Ferry then suggests that the curriculum for schools within the EU be revised so they could answer the following questions: "quel type d’individu voulons-nous pour la civilisation, quels savoirs doivent être acquis, quelles sciences mettre à l’honneur, comment répondre ce à quoi les nations ne répondent plus éducativement".\textsuperscript{318} Ferry would like the European educational system to be modelled on a philosophy of civilization which would be a lesson on how to be a good citizen and then aiming at forming a European civilization as there will never be any EU without Europeans. He further claims that, without this educational curriculum based on the idea of civilization,

\textsuperscript{316} Ferry, \textit{La Question}, 52.

\textsuperscript{317} Ferry, “Comprendre l’Union Européenne,” 395-404.

\textsuperscript{318} Ferry, \textit{La Question}, 55-56.
building a European public sphere would be unthinkable. If citizens learn at a young age how to be good citizens and act for their community, then there would be hope that these same citizens would help the EU switching from the economic path to the political path.

For the application of the principle of civility to be possible, changes in the organization of the EU would once again be inevitably needed, but the triggering element would mainly be the citizens. Ferry believes people have to be educated on citizenship, which is why solutions like the educational system have to support them and encourage them to fully grasp their role as citizens. Indeed, the European institutions have lost themselves in an accumulation of rules in order to stabilize the EU while forgetting that the very essence of the EU is its citizens.319 Furthermore, as part of a civilizational philosophy, young citizens would be encouraged to experience things in life such as sport, love, business. Through such experiences, young citizens will learn how to express and put words on what they feel. For example, playing a sport such as soccer will teach to the players the idea of victory but also the ideas of defeat, tactic, teamwork, happiness, sadness, fair play. By offering the chance to experience these things, the goal of these experiences is to develop in them universal feelings and principles which will enable citizens to understand universal principles later on in their political life but also enable them to understand the others and so, to reach a universal and intercultural understanding.320

According to Ferry, another way to implement the principle of civility is by guaranteeing the transparency that each political institution should offer to citizens

319 Ferry, *La Question*, 60.
320 Ferry, *La Question*, 68.
regarding political debates and decisions. Citizens will never be able to take part in the life of the EU if the system remains unfamiliar to them. In order to achieve a better understanding of the life within the EU, Ferry argues a mediation between the national arenas and the postnational level will be necessary.\textsuperscript{321} This idea has been previously developed, in relation to the principle of legality. Here, there would be discussions on policies, priorities and desires towards what is expected from the EU according to everyone’s background culture. Interpretations will differ from one cultural group to the other but after a certain process of evaluation and discussion, people will reach a consensus, which means that there will not be a more powerful state imposing its view on a matter but different states discussing on which principles they share and accept in order to solve a debate. This makes sense in a way that, if a solution to debate has been imposed by the strongest, only a small number of citizens would then relate to this result. If the solution of the debate has been argued over according to the different points of view around the table and taking into consideration the whole sensibilities, then a majority of citizens will relate to the outcome. It goes without saying that any consensus reached would have to respect the rights and principles written in the European Constitution. However, Ferry believes it would be impossible for citizens to always share the same ideas all the time, and discussion will not always be easy especially given the plurality of the member states. Sometimes decisions will be made but will go against personal values and principles. But because these decisions would have been made

\textsuperscript{321} Ferry, \textit{La Question}, 74.
according to discussions, people will have been part of the process and part of the
decision.\textsuperscript{322}

However, Ferry explains that being part of the decisions is relevant only if people
understand the goal that is being pursued and this is possible through discussion. This
means that, even if political debates might not always be in accordance with citizens’
background beliefs, discussion would help them understand the reasons behind the idea
being debated and as a consequence, they would feel like they were part of the process
and perceive the decision to be legitimized. In order to achieve a shared common sense,
citizens have to have access to the opinion of others to better understand what is wanted
in order to accept it and consider that they want it too. This process would enable the EU
to develop on democratic foundations.\textsuperscript{323}

In order to reach this goal, some technical changes would need to be made. Ferry
proposed three ways to achieve this. The first is to emphasize the intergovernmental
method. This method would lead national arenas to confront their thoughts and promote
discussion consisting of interpretations of political matters and argumentation\textsuperscript{324} on the
benefits political matters could have. According to Ferry, a discussion could be the way
to lead to norms,\textsuperscript{325} these norms being supported by citizens and decided on democratic
roots. Discussion is the moment when the needs of the citizens, as well as their
reluctances, would be expressed based on communicational exchanges between the

\textsuperscript{322} Ferry, \textit{La Question}, 78.

\textsuperscript{323} Ferry, \textit{La Question}, 81.

\textsuperscript{324} Ferry, \textit{La Question}, 259.

\textsuperscript{325} Ferry, \textit{La Question}, 274.
This method could be adopted immediately. The second technical change proposed by Ferry, which might happen further in time, is the idea of a system of parliaments, referring to the national parliaments forming the core and reporting information to the EP. This method requires a simultaneous vertical and horizontal communication: vertical between citizens of a nation and their particular parliament, horizontal between the different national parliaments and the EP. Modifications would have to be made concerning the EP, as this institution would need more power such as the power to legislate, censor or control.

The third method given by Ferry would take more time and would aim at closely representing citizens through the association of categorial interests to the process of decision making. Categorial interests are to be understood as interests that are specific to a group of people. For example, interest groups would defend interests specific to their field, namely categorial interests. This is already happening with the EESC representing associations of workers but also of employers. The main difference between this existing EESC and what Ferry defends in this third goal is parliamentary integration. As a consequence, “cela supposerait une seconde représentation parlementaire, socio-économique et régionale, dont les membres seraient confrontés non seulement à l’État ou son équivalent communautaire, mais, avant cela, les uns aux autres interprofessionnellement sur une échelle interrégionale et internationale (intracommunautaire)” 327 In other words, interest groups will defend categorial interests beyond national borders, by joining the cause of similar groups existing in other member

326 Ferry, La Question, 279.

327 Ferry, La Question, 82-83.
states in order to represent their cause together within the EP. Ferry argues this would give more power to each group of interests, and they will defend their ideas by unifying their resources. Even if these three methods would take time, the required institutions to legitimize the European project and to bring back citizens to the political life already exist but need to be reorganized through merging or transfer of power. These technical changes will eventually lead to a better rebalancing of the European institutions.328

Moreover, in addition to these technical changes to bring to the EU, Ferry explains that a strong political community would develop only when a moral community would emerge between the different nations.329 Indeed, a moral community is to be understood as a community where thoughts, perceptions and values are shared among citizens coming from the same historical and cultural context.330 Ferry suggests that member states should especially understand their history as being a European shared history rather than a national history made of national victories and defeats. By doing this, the national arenas will not only recognize the other nations but they would recognize themselves in others. To do so, they should adopt the point of view the other had when something was done to them and of course, it is expected that the other does the same. This would lead to a reciprocal recognition which is necessary while aiming at building a community together and agreeing on shared principles and this mutual

328 Ferry, *La Question*, 83.


330 Ferry, *La Question*, 17.
recognition would be the foundation for the future European Constitution. This idea of common history is also important in Habermas’s theory.

Last but not least, Ferry adds to the principle of civility the idea of an unconditional primary income. According to him, in order to be willing to take part in the political life and be a good citizen, Europeans have to have access to the best living conditions possible as well as the same resources to participate both materially and mentally. Indeed, all countries do not provide the same benefits to their citizens and as a consequence, some will be prejudiced and will not have the same conditions to fulfil their part in the community. His prerequisites for an unconditional primary income are the following: primary, unconditional, universal, substantial, irrevocable. However, Hugues Dumont argues that the European institutions do not have the power to intervene in the welfare system of the member states. The EU thus cannot be the one imposing an unconditional primary income. This measure would have to be decided by the member states. I would add that, in my opinion, participation in political life should not depend on benefits or money purposes. Indeed, I believe exercising political rights should be natural for citizens and not the result of a financial motivation. What might be more urgent is to harmonize the living conditions in the different member states. The EU could encourage a universal minimum income, for instance. Furthermore, nothing will guarantee that the unconditional primary income will be used in order to participate in

333 Ferry, La Question, 189.
political life. It could be used for private interests. If this income was used to subscribe to outdoor activities, this will benefit the civilizational philosophy previously mentioned as people would engage in activities teaching them universal feelings such as defeat or victory. Indeed, the more people integrate a society through experiences, the more they are going to be prone to open themselves to others. However, if this income was used to buy a new car, it would be hard to see the impact of this new car on the ability of the citizens to participate in political life. Nonetheless, Ferry’s principle of civility is overall providing solutions to bring citizens to the core of the Union and along with the principle of legality, it is a prerequisite for the legitimization of the EU. However, these two principles require a third one: the principle of publicity.
3.3 Publicity

The last principle defended by Ferry in order to legitimize and officialize the EU is the principle of publicity. This principle is to be understood as the accessibility of political life to citizens in order for them to engage in discussion. As mentioned in the previous section, the educational system was a solution brought by Ferry to serve as a medium of formation of future citizens, instead of relying on the media. However, the principle of publicity is mostly linked to the idea of information, rather than the idea of formation and in this case, the media will be the key. If we follow Ferry’s theory, each national sphere will have to open to the others. At the national level, it is easy to consider opening to another group because the distance is smaller and this group feels different but still familiar. However, when developed at the European level, this process could be harder to implement. The territory to consider is larger and one country might have little knowledge about another country that would be located further than any of the neighbouring ones. Furthermore, I would add that the small countries like the Balkans or the Baltic states are smaller and usually not mentioned by the media in the more populous countries such as Spain, France or Italy. Moreover, events happening in the European countries are only advertised within their neighbouring countries’ media when it is something very important like a big meeting between political leaders, or for commemorations or when news are reporting a terrorist attack, a serious accident, a catastrophe linked to the weather forecast. Outside of these topics, it is very rare to hear about what is happening within the national sphere of other countries unless someone does research on their own. It might then sound rather optimistic to hope that the

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335 Ferry, *La Question*, 31.
different national spheres will one day open to each other in order to form a unified political community where debates and discussions will be an everyday activity. For citizens part of national spheres to engage into debates with citizens in other national spheres, they should perceive the latter as “family” rather than foreigners as it is well known that people would prefer to engage in discussion with people they know more than people they do not know. As a consequence, the media within the EU will have to be improved in order for each nation to know about the others and then feel comfortable and reassured building the future of the Union together.

In addition, a criticism that is often made towards the EU is its economic disparity. It is true that the living conditions of the Western European countries are not quite the same as in the Eastern European countries. However, according to Ferry, the principle of publicity would be quite helpful in achieving knowledge regarding what is happening within the different member states and could lead to uniformization of the living conditions. Indeed, Ferry explains that it will have to be considered that all European citizens would be able to claim residency in any of the European countries of their choice. Supposing then that the principle of publicity will advertise anything happening anywhere within the EU, people will have a better idea of the benefits or living conditions that are being offered in a country. Any other political measures would be advertised too. This way, European citizens would be free to choose which national system works better for them and this would enable a larger number of citizens, compared to how many already do it, to move to this country if their own country does not consider offering the same benefits. As a consequence, “chaque État membre, à travers ce que sa constitution sociale recèle d’originalité et de vertu, est-il mis en
Ferry also adds that if the competition between all the different member states is too intense and if one particular country loses numerous inhabitants, this country would feel pressured and will inevitably adapt its rules and work on offering more benefits. By means of competition, the different member states would aim at equalizing what they offer compared to what the neighbouring countries offer. This would be obviously possible on the sole condition that the different national spheres are allowed to confront their beliefs with the others.

Even if Ferry’s theory is plausible, it also raises a concern: how would some countries be able to compete with other ones? Ferry might have underestimated the disparities within the EU. Of course, reducing inequalities between the member states is an undebatable goal for the future. But his thinking might be too demanding on this matter. Indeed, I believe a country like Germany which has one of the best economies within the EU would have more funding to create new social benefits or lower the percentage of how much taxes should be taken. Nevertheless, a country like Greece whose economy has been facing enormous issues over the past years will have a number of difficulties to reform its system to offer at least something close to what Germany would offer. The consequence here might be that a larger number of Greek citizens might decide to leave their country to settle somewhere else like Germany. This is, of course, understandable from the point of view of Greek citizens, but it would be quite unfair for them to have to leave their country only because their state could not afford to create new policies.

336 Ferry, *La Question*, 111.

This is why Ferry proposes to divide the EU into three parts: the core, the periphery, and a third zone. The core would share the same currency and harmonize its welfare state. The periphery would be allowed to have two currencies: national currency for everyday use and the common currency for external exchanges only. The third zone would have to only respect the shared principles of the Constitution without necessarily having to reach the same economic harmony. This division into three zones could be less pressuring for countries having fewer resources and thus it will not require the second and third zones to harmonize with countries having more resources. However, this would not solve the problem of people coming from these less resourceful countries and immigrating to countries offering better living conditions. It is then hard to see how, in the long run, the entire EU could harmonize if being divided into different zones.

As explained previously, one of the issues within the EU is the very poor media-friendly content that each country receives about other countries. I would argue that any channel on the television broadcasts popular programs, movies, series, or local information. These programs are most likely watched as a source of entertainment but their content is usually empty of any relevant information. Most of the television channels are privatised and for the private companies at the head of these channels, what matters is not necessarily the content proposed but more the part of viewers each program will gather. It is not rare nowadays in Europe to see the first two or three episodes of a program being broadcasted and to learn a few days later that this program has been cancelled because there were not enough viewers, and therefore, the channel

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was not making enough money. Like the EU, television and media, in general, are thus pursuing economic motives rather than motives that take citizens into consideration.

In order to counter this phenomenon, Ferry proposes to establish a European Charter for audiovisual media. He does not imagine this Charter as being strict or presenting very specific regulations that each member state would have to follow literally. This Charter would most likely only propose recommendations on how the media could be more informative and respond better to the needs of the European public sphere. It would state the different goals the media could pursue, as well as the criteria to consider each channel as being qualitative, and also some principles to pursue in order to be considered as being useful to the social life or the interest of the viewers.\footnote{Ferry, 	extit{La Question}, 255.} All the media that would accept to be part of the Charter would then enter a form of cooperation with all the other media participating by proposing enough relevant content. The purpose of the Charter would not be to be strict. The channels that will indeed not propose anything relevant to the values defended by the Charter will not be penalized directly, but might see a part of their profits made through commercials taken away. On the contrary, the channels that would offer very good programs might receive some money. All media sources would be co-responsible for media content and would have to ensure they answer the Charter’s requirements. The ultimate goal is to propose satisfying content to the viewers.\footnote{Ferry, 	extit{La Question}, 256.}

Parallel to this Charter, Ferry proposes the creation of a European Office of the audiovisual media. This institution will serve as a mediator between the different...
channels but will also have a function similar to a parliament, that is to say, the Office would be the one inquiring for the reasons why some channels would propose poor content in the case where they will not respond to the recommendations enacted in the Charter. Of course, an official organ would have to be appointed to serve as the assessor of the content proposed. Ferry gives this responsibility to commissions. These commissions “constitueraient un espace politique réflexif à l’égard de l’espace médiatique [...] auraient pour tâche d’évaluer les programmations et émission, chaîne par chaîne, pays par pays, et de rendre périodiquement un jugement sur le degré de satisfaction des critères de la Charte pour chaînes considérées”. Two aspects will then be crucial: the qualitative aspects based on the pertinence of the content that would be proposed and their capacity to convey interpretations and argumentations on a topic, the quantitative aspects based on the evaluation of the audience. In the long run, media coverage will enable interest groups as well as social-economic interests at the postnational level to form and these interests would be, in the future, included in a parliamentary system as seen in the previous part of this chapter. Furthermore, Ferry argues that such a Charter would require every aspect of the society to be covered in order to reach a complete transparency on what is happening at the European level but also to represent everyone and this would be particularly true for unions, chambers of commerce, and professionals.

342 Ferry, La Question, 258.
343 Ferry, La Question, 258.
344 Ferry, La Question, 259.
However, the media have to respect some principles. Indeed, anything media-friendly has to do with the rights to communication. As Ferry points out, the right to communication can be ambiguous as it refers to the freedom of speech on one hand and to the free enterprise on the other hand. In other words, media being for the most part privatized, it will be driven by the principle of competition between different channels. This competitive tension will be beneficial for anything linked to freedom of enterprise. This freedom of enterprise based on competitive motives will lead to a plurality of media-friendly propositions. Such pluralism, when it comes to the proposed content, could be considered as dangerous for the future European public sphere. To understand the tension under this idea of pluralism, Ferry evokes well-known liberal presuppositions. Indeed, “le principe du pluralisme s’accorde en effet au concept libéral du droit qui, appliqué à la liberté d’expression, requiert de celle-ci qu’elle soit limitée pour chacun à la condition de son exercice possible par tous [...] la liberté de chacun est limitée par la liberté de tous”. To overcome this tension, Ferry proposes to see these freedoms not as individual but communitarian. Individuals would not need to restrict themselves to respect others, but rather to behave as a cooperative group of citizens who work together in order to reach some common conclusions. This way, the actor will be a whole community acting in its public sphere and pursuing a common goal: determining what to publicize and thus to form an environment favourable toward the emergence of discussions, debates and comments linked to the process of decision-making at the level of the EU. This phenomenon will also guide the European institutions on what to work

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345 Ferry, La Question, 269.
346 Ferry, La Question, 273-274.
on and what to prioritize to fulfill the citizens’ desires. The principle of publicity will go hand in hand with the public sphere and institutions. Indeed, the public sphere would be aware of what happens within the institutions thanks to the principle of publicity and in the meantime, institutions will perceive what the needs of the citizens are and what is the agenda that the citizens would like them to pursue.347

Ferry’s theory regarding media has the best intentions, however, it might be too optimistic. If there was to be a Charter, this Charter would have to be rather strict compared to what Ferry states. Taking some money generated by advertisements broadcasted by the channels who share non-relevant content, is not a convincing argument. Indeed, the channels who broadcast trendy but non-relevant content do, for the most part, generate important profits. This would thus not be a problem for these channels to give relatively small amount of their profits generated through advertisement. Furthermore, I would add that media now being mainly used as a source of recreation, the content that has a better viewing rate is usually content linked to reality shows, series or movies but shows that are more informative usually do not gather the biggest part of the audience. Even though citizens have a growing need to be integrated into the decision-making, we could question whether using only media as a source of publicity is judicious, as citizens might feel overloaded with informative content while they want to be entertained. Of course, I agree media and technologies are now preferred places for expression and information as they can reach more people in a shorter amount of time since technology spreads information quickly. But it should be supported by other means that would aim at fulfilling the principle of publicity. We could imagine an official

347 Ferry, La Question, 274.
European magazine or newspaper being created that would keep the readers aware of any updates regarding the Union as well as what is happening within the national arenas. An official website could also be created proposing videos of debates, online polls, concerns raised in national arenas. However, technologies are means of communication which isolate more than they gather which is quite paradoxical when the goal is to strengthen national spheres and encourage citizens to discuss. It would then be a good idea for the EU to, in addition, organize and promote events that any citizen could attend and where they could exchange, be informed but also learn about the EU. The European institutions could also be open to the public more often than once a year at it is the case as of today. In addition, Dumont points to the fact that the EU lacks competencies to enact such a Charter as the most part of cultural policies rests on the states and not on the European level. Indeed, as of today, the institutions only have a role to encourage the member states. The European institutions are thus not really involved in cultural matters but rather on economic matters.348

In order to strengthen the EU and to transform it into a political Union more than an economic Union, Ferry argues that three principles are needed: the principle of legality, the principle of civility and the principle of publicity. These three principles are criticized by Tassin. Indeed, even though in theory political communities are organized according to laws and debates about political power in the public sphere, he argues that in practice, political communities aiming at a social harmonization of procedures is reductive in the sense that it limits collective goals. Indeed, interactions would be qualified as uncivilized if they were to be too violent. However political life is usually a

source of division in its conception and should not be well-reasoned. As a consequence, Tassin uses ideas coming from Hannah Arendt who proposes that in the public sphere, political participants should be seen as singular participants rather than just as members of the community. Furthermore, these participants should be unified in a way that does not promote a uniformity of pre-political assumption. Finally, the public sphere should not lead to a common culture but more to the place where personal experience is the goal.349

However, to Ferry, the principle of legality will enable the different member states to act following shared principles and to unify the political community. This principle of legality would focus on shared principles only and not on shared cultural traits to avoid cultural homogenization. Indeed, the specificity of the EU is to be willing to unify its political community while respecting the cultural particularism of all its members. The principle of civility targets citizens by giving them the means to be more active in the political community. The citizens will be encouraged to discuss and to open to each other to step away from that feeling of being subordinated. To enable them to do so, institutions would have to be modified. This would be especially true for the national parliaments and later, the EP. The national parliaments would have to be connected and represent their citizens in order to be aware of their desires and wishes and later, to defend them within the EP. Finally, the principle of publicity would aim at publicizing anything within both the national level and the postnational level. Without easy access to what is happening, citizens would never be able to understand others and to position themselves on a matter. This access to information would have to be regulated by a

Charter that would encourage the media to broadcast relevant content. The three principles provided by Ferry are all linked to each other since there would be no civility without legality as citizens would not behave in a civilized way. There would also be no legality without civility because no decision could be legitimised if citizens were not debating over which law they want to comply. There would also be no legality without publicity as it is publicity that makes legality efficient and legitimised. These three principles are then linked and they are the foundations on which a shared European political culture should be built. Citizens, institutions and governments would be interconnected and set on an equal footing in order to legitimise the EU.

Nonetheless, if I agree with Ferry’s theory, I believe some of his practical ideas are too optimistic. Ferry provides readers with ideas that looks ideal and that would definitely solve the problem of legitimacy of the EU. Yet, what seems to be possible in theory is not always possible in practice and Ferry seems to forget this aspect. Indeed, philosophers usually have answers to a number of issues but their solutions are sometimes not realistic, their feasibility still highly depending on economics, finance or the unpredictability of the world order. In my opinion, Ferry thus lacks perspicacity in some of his propositions.
CONCLUSION

This thesis has exposed the different flaws of the EU as well as potential solutions to better the European project. The first chapter has especially shown that the EU faces challenges due to globalization and is being built to face them. Indeed, globalization has pushed nation-states to engage into international partnerships and agreements in order to be stronger economically. However, politically, international partnerships and agreements reduced the power of nation-states. These international agreements are also not legitimate where political coordination is visible between the different countries and thus no common political proposals are made. The EU could be a space where alternatives to international agreements are found as it aims to facilitate cooperation. However, this lack of cooperation is also absent at the European level and member states are more willing to defend their own interests than the interests of the whole community. In addition, there is competition among member states and some countries like Germany tend to lead the Union while smaller members can barely be heard. This drift away from a democratic European project in which citizens would play a role could be limited by the European institutions, but these institutions also appear to be barely democratic. Indeed, the institutions that should represent the citizens have little influence in the decision-making process and the institutions that decide on legislation are those that are linked to the states. As a consequence, the states have the last word on political proposals and these proposals are later on imposed on citizens.

These structural flaws also show that there is a problem of representation among the European citizenry. The current organization of the EU does not encourage or does not offer the means necessary for citizens to efficiently organize themselves in a public
sphere that would help them debate on which proposals the EU should work on. European citizens have no knowledge of citizens from other member states and as a consequence, have no understanding of each other. This lack of understanding tends to develop in a fear of the others and a fear of what happens beyond the national level. Indeed, citizens fear that foreigners or other states might challenge the internal order of their state as well as democracy offered by their state.

Highly critical, Eurosceptics tend to blame the EU, for they believe nation-states were offering a better quality of life when the European institutions were not interfering. Eurosceptics blame the Union for its policies on migratory inflows or its austerity measures. Eurosceptics also believe the EU contributes to economic inequalities between member states and tend to challenge national sovereignty. For the first time, a member state - the United Kingdom - left the Union on January 31st 2020. If the United Kingdom is the first country to have officialized its exit of the Union, euroscepticism is also present in other member states. In France, the main proponent of eurosceptism within the country is the Rassemblement National - previously known as Front National - which launched the idea of a Frexit in 2007. In Germany, the Alternative für Deutschland is the main party in favor of rejecting the EU. In Greece, eurosceptism is quite widespread and the main opposition party is SYRIZA, founded in 2012. Eurosceptism led two Italian political parties, Movimento 5 Stelle and Lega Nord, to form a coalition and to win the 2018 elections. In the Netherlands, eurosceptism is embodied by the political party Partij Voor de Frijheid. The rise in eurosceptism enabled a left-wing movement to emerge in Spain, Podemos. These eurosceptic movements tend to attract citizens by promising that

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they would listen to national as well as citizens’ concerns, bring prosperity back and put an end to supranational institutions imposing decisions citizens did not ask for. However, these eurosceptic movements are usually centered on nationalism and as a consequence, they do not work on including all citizens as they tend to only include citizens born in the country and sharing the same culture, language and beliefs. As a consequence, eurosceptism is rather selective.

These negative aspects of the EU then require changes to be made and according to both Habermas and Ferry, they have to occur at the political level. Indeed, their main criticism concerns the economic focus of the EU, which leads to an imbalance between the EU as an economic power and as a political power. As a solution, they propose that political power be reinforced through the integration of citizens in the decision-making process.

Bringing citizens to the decision-making process is the solution to another criticism: the lack of legitimacy of the EU. To achieve the goal of a legitimate Union, Habermas emphasizes the need for citizen representation through a public sphere. This public sphere will enable citizens to multiply exchanges on political matters, and this will have to occur beyond national borders. This public sphere will both influence the decisional level but will also serve as a space where citizens will be able to contest decisions that are made by proposing alternatives. Indeed, the central idea in Habermas’s theory of democracy is linked to citizens enacting laws and obeying them. Moreover, in order to be legitimate for the whole European community, laws will have to rest on an overlapping consensus. This overlapping consensus will enable citizens to both adopt an objective perspective when it comes to the political community but keep a subjective
perspective when it comes to their personal life. Also, citizens will be able to claim two sovereignties, European sovereignty and national sovereignty. This way, they will still be able to remain attached to their nation-state but will also be able to feel part of the supranational state.

Ferry adds solutions to the problem posed by the lack of legitimacy of the Union. Like Habermas, he believes in a European public sphere and to him, the Union could initiate one through the media. He defends the creation of a Charter that would regulate media content and provide guidelines on what to broadcast. According to him, Europeans will also need to be educated on how to be a citizen and to experience life through games, sports or feelings in order for them to develop universal feelings and values. This formation will go hand in hand with information and this is when the media-friendly space would intervene. The media-friendly space will enable the media to broadcast content that is relevant to the political life of the Europeans citizens in a sense that it would help citizens to understand each other better as well as be aware of the political life of the European institutions.

Another concern posed by the EU is the inequalities between the member states. Indeed, Habermas and Ferry both claim that countries are prevailing over others. As a solution, they both suggest progressive integration for different states. Habermas speaks in terms of a core and a periphery whereas Ferry imagines three levels: a core, a periphery and a third zone. These different zones will enable the states to be part of the EU but will require them to integrate the Union according to their resources. This would prevent poorer countries from being penalized by the superiority of the richer countries.
Another criticism made toward the Union is that not everyone might feel properly included: some state prevail over others, foreigners are not always well accepted, and the EU is selective as to its future members. On the one hand, Habermas proposes to develop the Union on the basis of constitutional patriotism. In other words, the Union should not be built on particular principles that would only include a majority of citizens but rather on universal principles that would include the entire citizenry. The EU would thus rest on principles that speak to everyone in order for everyone to identify with the Union, and to form a common political culture. Particular beliefs would still be allowed, but only in private, for people do not have to give up on their culture. On the other hand, Ferry suggests a European Constitution and explained that this Constitution should not be a collage of national constitutions since this would give the EU the organization of a state that Ferry opposes as he does not want the member states to be subordinated to a higher level. The Constitution will then consist of universal principles that mainly target citizenship. These principles would have to rest on a consensus in order for the European citizens to recognize themselves in the Constitution no matter their pre-political characteristics. This Constitution would also have to follow a cosmopolitical perspective in the sense that it should represent three levels: internal, external and transnational. Ferry’s idea of a Constitution is also a potential answer to criticisms made towards the absence of a long-term goal for Europe.

A last criticism is that the legislative and executive powers are imbalanced compared to representative power. The legislative and executive powers are indeed able to prevail through the way the European institutions are organized. As a consequence, the EC supersedes its actual role by being too involved in the decision-making process and
the European Council is an arena where national interests prevail. The EP, however, has no real power when it comes to decision-making. Habermas and Ferry thus agree on a restructuration of the European institutions as well as a will from politicians to work together rather than defend national interests. In terms of restructuration, Habermas mainly believes in rebalancing the European Council, representing national governments, and the EP, representing citizens. He argues the EP deserves to obtain more power and because it is the only institution being elected by citizens, it should be allowed to bring legislative proposals. Ferry, on his part, believes in a rebalance between the Council of the European Union and the EP. He argues the EP should work with national parliaments. Indeed, he believes that national parliaments are the only institutions that represent citizens the best. National parliaments would be used as mediators relaying to the EP what the citizens’ concerns are.

Ferry and Habermas thus answered the criticisms that were raised in the first chapter towards the EU. Habermas mainly focuses on criticisms towards the lack of legitimacy of the EU by grounding his theory in the role of citizens. Ferry goes further than bringing citizens into the European cause. He lays the foundation for a EU that would function in a way that recognizes all countries as being equal, especially through a Constitution. The interests of the most populated countries will then not prevail on the interests of countries that are less populated since the Constitution will define them as being equal according to universal principles. Ferry and Habermas also give all the elements necessary for a better political structure. It is incontestable that European institutions are not as efficient as they should be and that there is an imbalance between the powers of decisional institutions and the powers of representative institutions. Also,
both Ferry and Habermas provide guiding principles towards the inclusion of the EU into the political life of European citizens. If their ideas were to be implemented at the European level, citizens would be able to understand the Union better and be more willing to take part in discussions. This criticism made towards the bureaucracy of the European institutions whose function is complicated to grasp for citizens is mainly answered by Ferry through his idea of a media-friendly space. This will enable the citizens to reach understanding, and they will feel encouraged to engage in political life. This could solve the problem of low participation rates to the European elections, for example. Instead, through the media-friendly space, citizens would have a better knowledge of the potential candidates and the idea they will promote if elected.

However, if Ferry and Habermas answer most of the criticisms made towards the EU, their theories lack one major aspect. Indeed, neither really mentions what could be done to slow down the invasion of globalization and finance inside the EU. Their theory is mainly political but does not really take into account an economic perspective. They both agree on the fact that a supranational and efficient organization is needed since nation-states cannot face globalization alone. Indeed, it will be easier for nation-states to answer world issues such as environmental issues through a pooling of their resources. If the nation-states are working together, they will also be more powerful when facing superpowers like the United States or China. Ferry and Habermas agree globalization is inevitable. However, they seem to have forgotten that if the EU is lacking efficiency it is of course because of a lack of political structure but also because the different members are attracted and also subjected to economic motives. Even if the different countries were to cooperate and be united, the internal structure of the EU would be under the threat of
finance and globalization. Habermas and Ferry thus have theories pertinent to the concerns they raise but the dominance of market motives might challenge their implementation.

Nonetheless, to the question of what makes the legitimacy of the EU, I can answer that European legitimacy is grounded in the need to cooperate between the different member states in order to overcome the difficulties finance and globalization can impose on countries. The EU will be legitimate in the sense that it will gain some economic power back thanks to the pooling of resources. Because member states also lost their power to influence politics on their own, the EU will also find its legitimation on the influence it can give to its members. The legitimacy of the EU also rests on its political structure and the democracy it offers to its citizens. The legitimacy of the Union cannot be divided from the people who compose the Union. Citizens, if they are given the means to do so, will be the ones who strengthen the EU and through discussions, they will improve the Union. Legitimacy in the EU thus rests on two ideas: practical needs that would help the EU to shine economically speaking but also democratic needs that would enable the Union to be a reliable political united and supranational system while respecting national cultures and belongings.

The challenge now rests in determining the structure citizens and member states want to give to the EU. Europeans will have to determine their expectations towards the supranational level. They will indeed have to choose between a solely economic Union or a Union that is both economic and political. The Union as it stands right now is almost determined as an economic Union but the political aspect is too feeble to consider the EU as a legitimate and well-functioning economic and political entity. If no decision is
made between a fully economic Union or a balanced economic and political Union, then
the EU runs the risk of falling apart and the project might have to be abandoned.

Nevertheless, I would like to quote Ash in order to finish this thesis on a more
positive note: “For everyone who is a citizen of an EU member state, this is a continent
where you can wake up on a Friday morning, decide to take a budget airline flight to the
other end of the continent, meet someone you like, settle down to study, work and live
there, all the time enjoying the rights of a European citizen in one and the same legal,
economic and political community”. Of course, there is always space for improvement
and the European project does not escape this rule but I agree with Ash who I believe
summarizes well what being European really is and as far as I am concerned, this is the
most important strength of the EU.

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