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### Suicide Pact

Daniel J. Mahoney

Assumption College, [dmahoney@assumption.edu](mailto:dmahoney@assumption.edu)

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#### Recommended Citation

Mahoney, Daniel J. "Suicide Pact." Review of *The Crisis of the European Union: A Response*, by Jürgen Habermas. *Claremont Review of Books* vol. 13 no. 4 (Fall 2013). Pages 63-65.

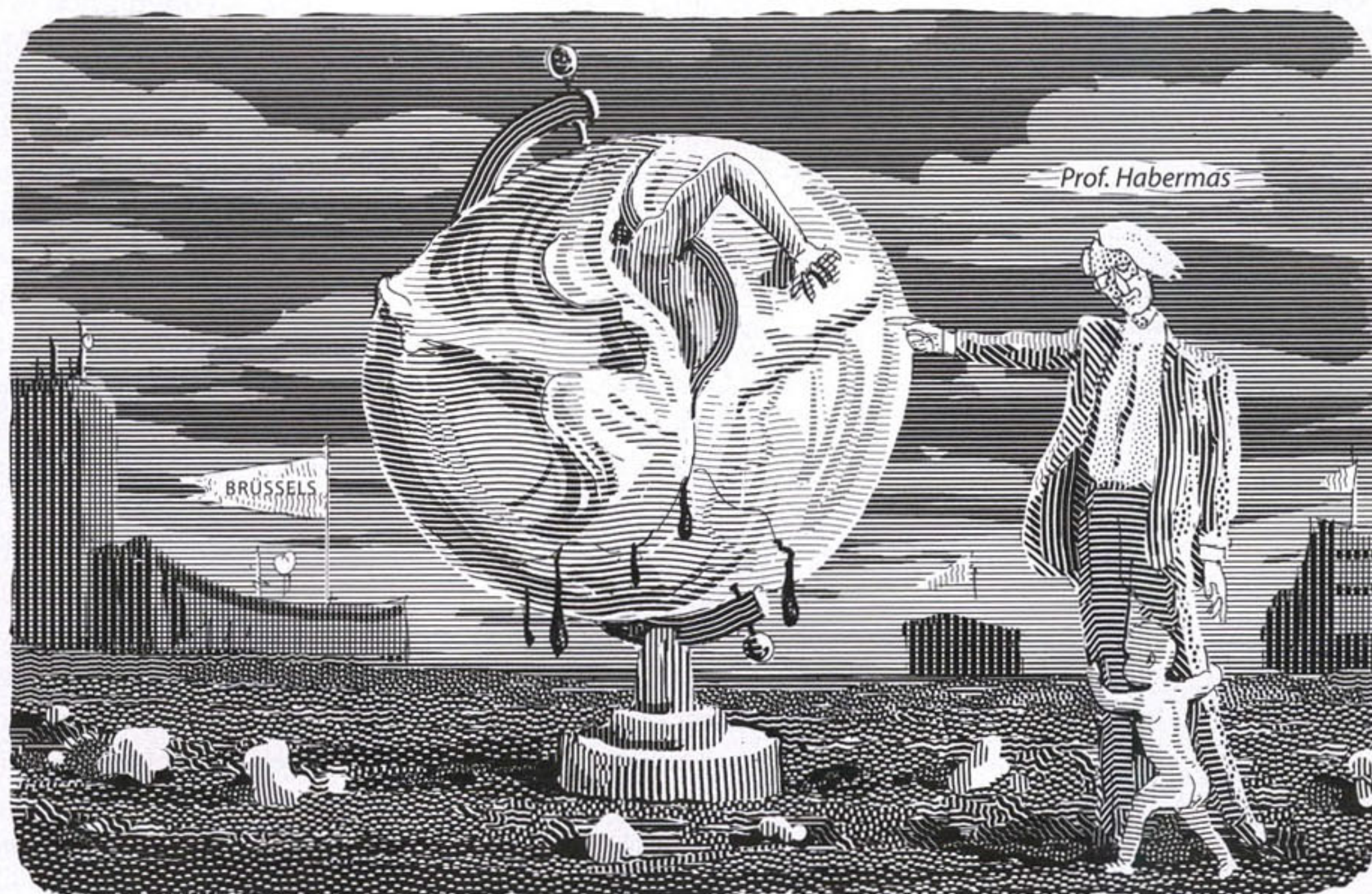
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Book Review by Daniel J. Mahoney

## SUICIDE PACT

*The Crisis of the European Union: A Response*, by Jürgen Habermas, translated by Ciaran Cronin.  
Polity Press, 140 pages, \$19.95 (cloth), \$12.95 (paper)



Drawing after the painting by Salvador Dalí, *Geopoliticus Child Watching the Birth of the New Man*

THE INFLUENTIAL GERMAN PHILOSOPHER Jürgen Habermas is, in many ways, the perfect embodiment of the spirit of contemporary Europe. He defends a notion of politics that is remarkably devoid of political content, even as he talks endlessly about “public space” and the imperatives of “communicative rationality.” For all his appeals to democratic participation, his is a world where “progressive” intellectuals and “social movements” play—or should play—key roles in what he calls the “will formation” of democratic peoples. He is deeply skeptical of ordinary public opinion that is too estranged from the cosmopolitanism and transnational impulses of those who are committed to the triumph of a “world society.” He is more or less contemptuous of those immersed in the parochial affairs of the nation.

Habermas has no time for traditional patriotism, the kind that consists of concrete attachments (what French poet Charles Péguy so suggestively called “carnal” attachments) to a particular people shaped by history, shared experiences, the sacrifices of generations past, and the memories that make a people cohere as a people. For him, the only legitimate patriotism is “constitutional patriotism,” a strictly formal patriotism that credits the nation-state

only to the extent that it performs its constitutional role as a guarantor of law and freedom. This is no doubt *part* of an authentically liberal patriotism. But on its own it remains abstract, bloodless, and unlikely to inspire a spirit of sacrifice on the part of democratic citizens.

BUT I DO NOT WANT TO TREAT HABERMAS too harshly. He is undoubtedly a decent man committed to “reason” as he understands it. No friend of metaphysics, he nonetheless refuses to join the postmodernists in affirming the completely contingent character of human nature and human reason. Unlike many contemporary intellectuals, he acknowledges the dependence of secular notions of human dignity on a Christian heritage that affirmed the dignity and value of every human person. He has even engaged in a friendly dialogue with Joseph Cardinal Ratzinger—Pope Benedict XVI—on secularization in modern Europe. One is tempted to say that he is one of the voices of an honorable Left in Europe. At the same time, his writings reveal the limits of a conception of politics that is exceedingly formal and insufficiently sensitive to what Immanuel Kant called the “crooked timber of humanity.” Habermas remains enamored of

an ideology of progress that sees an emerging European “transnational democracy” as the *avant garde* of a pacified humanity. For him, the dream of world citizenship is a “realistic utopia” grounded in the ongoing “democratic legal domestication and civilization of state power.” This domestication of power at the national and international levels must go beyond an “international community of states” rooted in global solidarity. It “must develop into a *cosmopolitan* community of states and world citizens.” There are good reasons to question both the realism and the desirability of Habermas’s global cosmopolitanism.

The first part of *The Crisis of the European Union* consists of a substantial essay on the “constitution” for an emerging transnational Europe (Habermas understands “constitution” in an extremely broad, almost ethereal way). He wants to show “that the European Union of the Lisbon Treaty is not as far removed from the form of a transnational democracy as many of its critics assume.” In his view, the “citizens” of the new Europe are the true “constitution-founding subjects of the European Union” as much—even maybe more than—the collective peoples who initially embarked on the European project in the 1950s. As



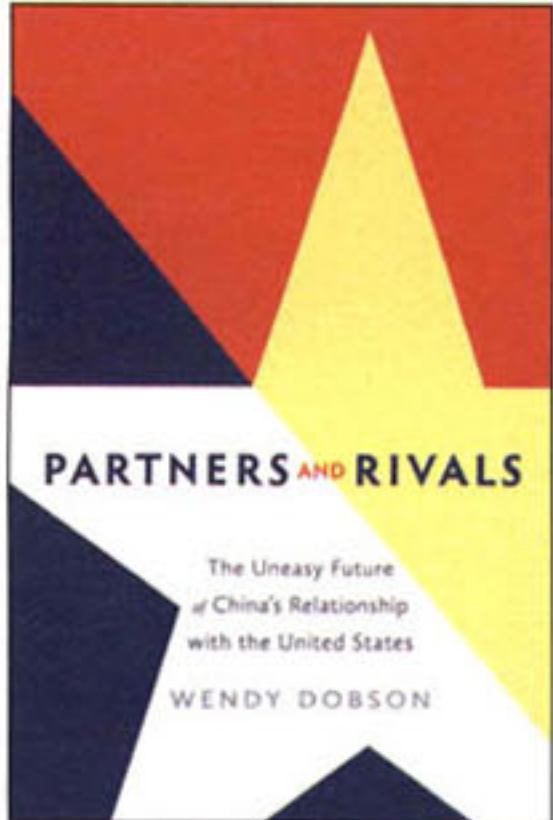


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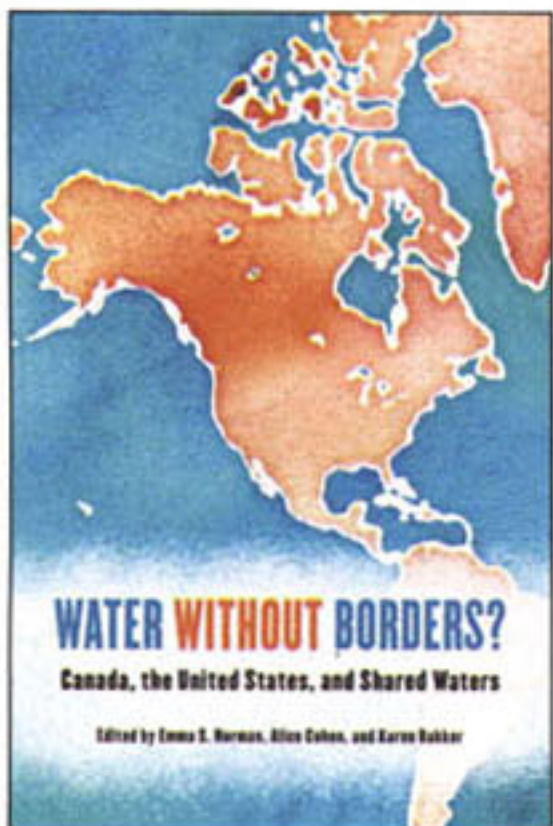
by Wendy Dobson



In *Partners and Rivals*, acclaimed economist Wendy Dobson, examines the central role that China and the United States will play on the global stage in the next half-century.

### Water without Borders?

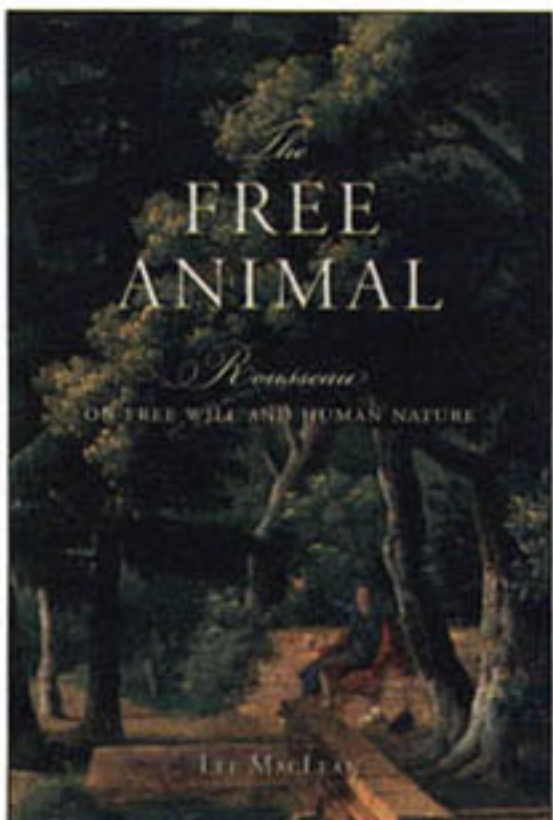
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*Water without Borders?* brings together experts from both sides of the border to examine the changing relationship between Canada and the United States with respect to shared waters, as well as the implications for geopolitics and the environment.

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Winston Churchill put it in a famous speech in Zurich in September 1946, only the reconciliation between a "spiritually great France" and a "spiritually great Germany" would make a new Europe possible. But Habermas is willing to dispense with everything that is spiritually and historically substantial about the nation, except for the abstraction of constitutional patriotism itself. Finding European "citizens" where they do not exist, he trumpets the "supranational but nevertheless democratic political community" that is already implicit in existing European institutions. His project is to remove existing "mental blocks" that "continue to hinder a trans-nationalization of democracy." His imagined constitution for Europe is in truth a call for nothing less than the collapse of meaningful political and national distinctions. And Habermas doesn't rest content with the creation of a transnational Europe: the European Union itself is only a provisional if vital "stage" on the road to "a politically constituted world society."

**F**OR HABERMAS, POLITICS IS INSEPARABLE from a process of "juridification" that rationalizes and civilizes it "and thereby transforms the character of the political as such." History, at least modern history, is the story of progress and progress entails nothing less than the unfolding of what Habermas rather ineloquently calls "democratic legal domestication." One might say that politics becomes law *and nothing but law*. But the sad if inescapable exigencies of foreign policy—a world of clashing interests, principles, and sovereignties—have for too long escaped "the normative fetters" of this transformed and "domesticated" political world. Habermas wishes to free "the concept of the 'political'" from "the fog of a mystified counter-enlightenment" and restrict it to "the core meaning of a democratically juridified decision-making and administrative power." One does not have to be enamored of Carl Schmitt's arbitrary reduction of "the political" to the friend-enemy distinction, to appreciate that this radical confusion of politics and law has no place for the prudence of the statesman who is obliged to address international realities that remain far from domesticated. But Habermas sees in the Lisbon Treaty of 2007, the patched-together substitute for a European constitution that had been rejected by voters in France and in Netherlands in 2005, a triumph of transnational law over an antiquated commitment to national sovereignty. "The longest stage of the journey has already been completed," especially if the "civilizing role of European unification" is interpreted "in the light of a more far-reaching cosmopolitanism."

Habermas has limited expectations for the United Nations *in the short run*. If it is to do

good, it should limit its focus to "the core tasks of peacekeeping and of the implementation of human rights." (One is right to ask how modest these goals really are.) But if the Lisbon Treaty contains the intimations of a world society, the U.N. is in principle the institutional framework of a world society that is already in the process of formation. It, too, is more than a community of *states*. At the deepest level, it is constituted by and aims to create a "community of *world citizens*." Cooperation between states who are no longer jealous of their sovereignty and transnational citizens who care about global solidarity above all promises to culminate in a true *cosmopolitan* community that has left international politics behind for all intents and purposes. Habermas succumbs to what Catholic moralists used to call "angelism." The human beings who inhabit his world do not have the passions of men or citizens. He imagines a U.N. in which member states no longer see themselves as sovereign powers but "as *members* of the international community united by bonds of solidarity." The process of the domestication of political authority is destined to exist on ever-higher levels. For Habermas, this is both a historical necessity and a moral imperative.

There is no attention in Habermas's work to what the French political thinker Pierre Manent calls "political forms"—the rich array of cities, nations, and empires that have historically been the home of collective life and human aspirations. Nor does he examine whether democratic self-government can survive the endless extension of the sphere of human hopes and commitments. Concrete cooperation between self-governing nations, a reasonable and desirable goal, is replaced by a quasi-utopian hope in a reconciled humanity.

There are no limits, in principle, to Habermas's egalitarianism. The world society of his dreams depends on "uniform living conditions' throughout the world." And Habermas is confident that in the *long run* this uniformity can be achieved by the collective action of the world community. But it is hard to see how such politically-imposed uniformity could avoid becoming stifling collectivism and an obtrusive bureaucratic despotism that would make one nostalgic for the world that preceded the world society.

**T**HE SECOND PART OF *THE CRISIS OF THE European Union* consists of a lengthy academic article entitled "The Concept of Human Dignity and The Realistic Utopia of Human Rights." Habermas here explores the intimate relationship between human dignity and human rights. His is a decidedly anti-metaphysical conception of human dignity. Human rights arose historically from "the out-



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rage of the humiliated at the violation of their human dignity." Human dignity is the "portal" that allows an egalitarian conception of morality to be "imported into law." There are no transcendental standards to ground human dignity or by which to judge the claims of the humiliated and outraged or the abuses of the powerful. Nor is there any emphasis on spiritual inwardness or moral self-command as essential elements of human dignity. Human dignity is an egalitarian *ideal* that connects "the morality of equal respect for everyone with positive law and democratic lawmaking," thus making possible a political order founded on human rights. In such an order, respect is *deserved*, not earned, and is nothing less than a fundamental human right. Rights in principle are open-ended and the struggle for "recognition" knows no end. There are no limits to the new rights that can be discovered and fought for in the name of egalitarian justice.

Human rights are, for Habermas, a "realistic utopia" that anchors the idea of the just society first in constitutional states and then in the world society as such. Yet, he is deeply suspicious when an "imperialist" power such as the United States promotes human rights and political freedom in the name of universal values. Such promotion of human rights springs from "the false, centralized universalism" of empire, while true modernity consists of "the decentralized universalism of equal respect for everyone." In one of the interviews that accompanies the book, Habermas allows himself to be carried away about the "transformative" consequences of the election of Barack Obama. He imagines a United States that abandons its "counterproductive stance" toward the United Nations and that places itself at the head of the "reform movement" dedicated to the establishment of world citizenship. A "liberal and visionary" president and a "political culture in which normative impulses find an impressive resonance" give Habermas hope, however briefly, that the United States might even buy into the Habermasian project. To say the least, he woefully understates the depth of the American consensus that identifies democratic self-government with the persistence of national independence and self-government in the international sphere.

As recent events have shown, global and domestic financial markets require prudent regulation. But instead of an equitable analysis of the place and limits of government and the market in a free society, Habermas subjects his readers to a one-sided polemic against everything associated with "neo-liberalism." In Habermas's world, markets are always associated with injustice, inequality, corruption, and environmental degradation; conversely, government intervention is always presumed

to be at the service of solidarity, fairness, and the expansion of human dignity.

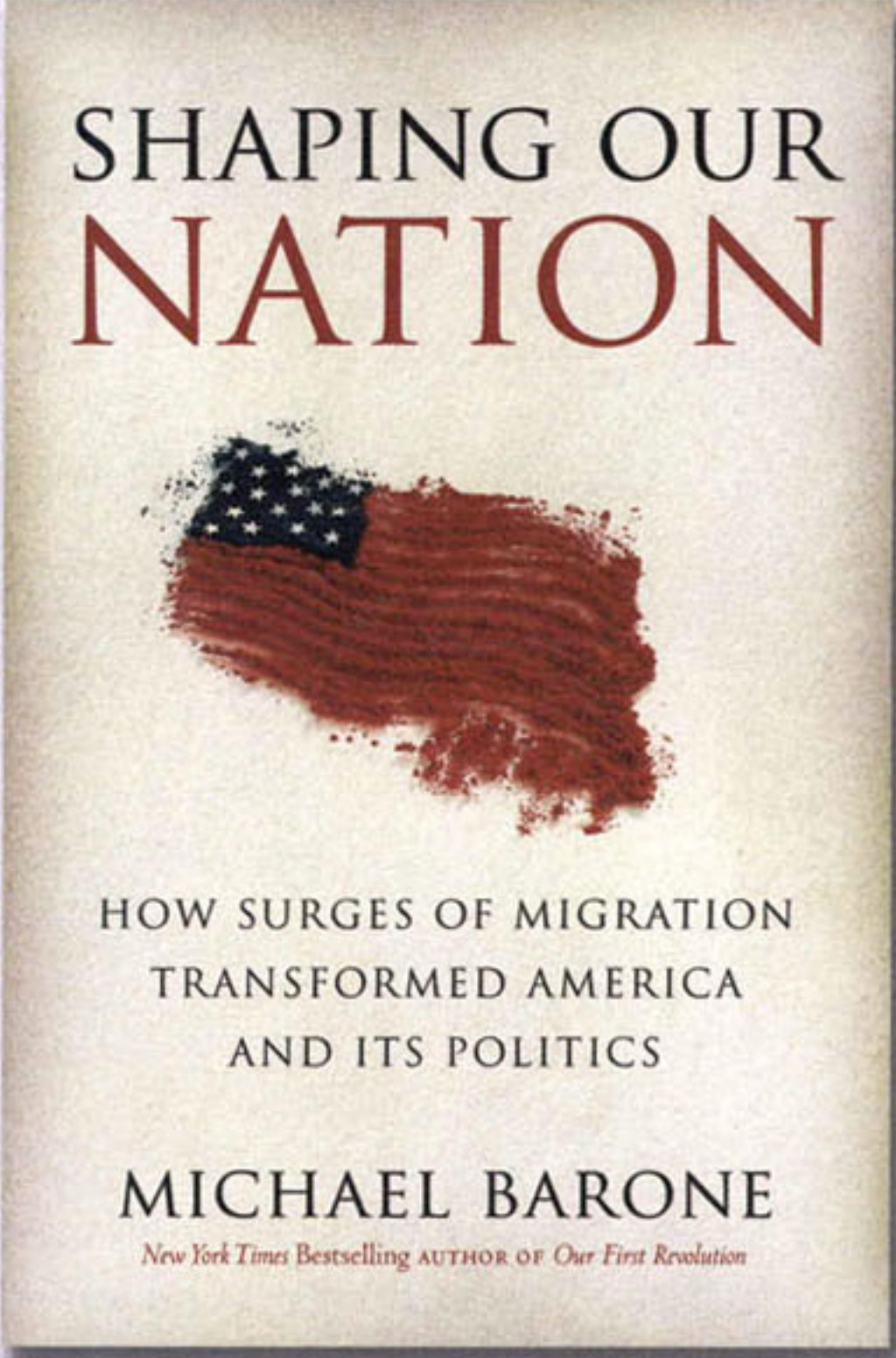
**B**UT FOR ALL HIS CRITICISMS OF "GLOBALIZATION," Habermas wants to promote globalism on a truly untenable scale. He is impatient with democratic citizens in Europe who remain preoccupied with national issues and who still look for national solutions to economic problems. He is disturbed by the fact that "to date there has not been a single European election or referendum in any country that wasn't ultimately about national issues and tickets." He laments the fact that a serious "social movement," comparable to the clamorous movement that led to the phasing out of atomic energy in Germany, has not developed on behalf of "Europe." He is particularly critical of those Germans who would like Germany to become a "normal" nation-state. He acknowledges Germany's "long path to the West" and her undeniably democratic credentials. But in light of the terrible experiences of Hitler and the Holocaust, he wants Germans to remain a "morally defeated people" who are compelled to endless self-criticism and who can only find their moral bearing "in the post-national constellation." An honest, anti-totalitarian *German* patriotism that draws on the best traditions of Germany and the West is not an option for Habermas. He is committed to democracy in the specifically Habermasian sense of the term but not to the German nation as an essential vehicle of a German version of liberty and self-government. It angers him that the German Constitutional Court would even *raise* questions of national sovereignty when it ruled on the constitutionality of the Maastricht and Lisbon Treaties.

Europe is undoubtedly at a crossroads. One path leads to the further weakening of the democratic nation-state in the name of transnationalism and "global governance." The other path points to the renewal of the European project on the solid foundation of self-respecting and self-governing nations who remain pillars of whatever is noble and durable in the European adventure. Habermas is the theorist *par excellence* of the first path, the thinker who advises Europeans to sever the final connection between democracy and the nation. For this reason, despite its limits, *The Crisis of the European Union* ought to be consulted by anyone who wants to understand the nature of this ill-advised project.

*Daniel J. Mahoney holds the Augustine Chair in Distinguished Scholarship at Assumption College and is the author, most recently, of The Conservative Foundations of the Liberal Order: Defending Democracy Against Its Modern Enemies and Immoderate Friends (ISI Books).*

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