

JÜRGEN HABERMAS



Europe The Faltering Project JÜRGEN HABERMAS

Translated by

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This English edition differs in some respects from the original German text. Several pieces have been removed and three new pieces have been added: 'What is Meant by a "Post-secular Society?"', 'The Constitutionalization of International Law and the Problems of Legitimating a Constitution for World Society', and the Afterword, 'Lessons of the Financial Crisis'.

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Author's Preface

Today all that remains of Enzensberger's eulogy to European diversity – *Europe!* – is the sighing tone. A discussion with the German foreign minister Frank-Walter Steinmeier provided me with an occasion for further reflection on the future of Europe and for trying to dispel the self-delusion that the danger of the European Union regressing into the all-too-familiar power games of the national governments has been banished by the Lisbon Summit. The course of European unification has been determined until now by the governments. But they now seem to be at their wits' end. Perhaps it is time for them to hand over responsibility for the future destiny of Europe to their peoples. Besides, I make a plea for a 'bipolar' unity of the West. I supplement the main topic with some occasional 'philosophical-political profiles' and with two texts on the role of the public sphere. The final essay is particularly close to my heart. It deals with the structuring influence that a normative theory of the public sphere can have on the design of empirical research. Specialist journals have their problems with this topic because the social sciences and philosophy have drifted further apart than the founders of critical theory could ever have imagined.

> Jürgen Habermas Starnberg, November 2007

¹See my commentary on this in Acta Politica 40/3 (2005): 384–92.

Translator's Preface

In the interview which concludes this volume, which was conducted as it was on the eve of the recent US presidential election and against the background of a mounting global financial crisis, Jürgen Habermas takes stock of the disastrous consequences of the decades-long dominance of neoliberal economic policy and of the neoconservative radicalization of US foreign policy under the Bush administration. Among the things that set his voice apart from the rising chorus of criticisms of neoliberalism and neoconservatism is his resolutely forward-looking perspective. remarkable in a thinker entering his ninth decade, and the analytic framework he brings to bear on these developments. Perhaps the most important issue these developments pose for him is whether the likely waning of US global dominance will herald a return to major power rivalry in international relations, as the so-called realists would have it, or whether it will prompt moves towards realizing the form of 'global governance without a world government' which he advocates. It may come as a surprise to some readers that Habermas attaches so much importance to another crisis – namely the constitutional crisis of the European Union and the stalling of the process of European unification - in deciding which of these competing models of global political governance may prevail in the coming decades. Habermas's theoretical engagement with the project of European integration features more or less centrally in most of the essays collected in this volume. But why, one may ask, does he attach so much global political importance to this seemingly provincial concern?

Habermas's writings on European issues must be understood against the background of his cosmopolitan model of global governance, which he contrasts with the realist vision of international relations. Realists argue that international relations are fundamentally anarchic and that a stable international order can be achieved only through a balance of power based on voluntary treaties between sovereign states. Habermas's contrasting model, which is inspired in part by Kant's cosmopolitanism, is predicated on the assumption that the individual and political basic rights on which democratic constitutions are founded also apply in principle to relations between states, organizations, and individuals across national borders. Thus for him the key issue in pacifying international relations concerns the form in which the institutions and procedures of political legitimation familiar from constitutional democracies can be extended to governance above the national level. Although this question remained moot during the post-war period of superpower rivalry, since 1989 at the latest – and since the acceleration in processes of globalization across different dimensions of world society – the need for new forms of political regulation above the national level has become increasingly apparent. The current financial crisis provides compelling evidence, if such is needed, that economic globalization poses political challenges which can be met only through concerted responses by the international community. Globalized markets have so far outstripped the regulatory competences of even the most powerful governments, and of existing regional and global economic regimes, that inclusive and representative global political institutions provide the only hope of bringing the rampant anarchy under control.

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Habermas's proposed model of a future global political order (of which he provides an exposition and defense in Chapter 7) differs from more idealistic forms of cosmopolitanism in rejecting the goal of a world government that would supersede existing democratic nation-states. A world government is not viable because no single regime could possibly master the complexity of the matters in need of regulation - not to mention the problems raised by the diversity of languages, cultures, religions, and traditions within world society. It is not a normatively desirable goal either, because existing nation-states (or, at any rate those with more or less democratic constitutions) have a prima facie claim to continuing to exist as the legitimate representatives of their populations (and as the expressions of their national histories, traditions, and cultures). Thus a viable global political order will have to comprise at least two levels: the national level of the existing legitimate nation-states and of their populations; and the supranational level of a world organization tasked with enforcing human rights throughout the world. The nationstates would remain primarily responsible for securing the human rights and the well-being of their populations: they would retain their monopoly on the legitimate use of violence and would supply the world organization with the means of coercion it required in order to prevent or punish violations of human rights. This arrangement would restrict state sovereignty to the extent that government officials would no longer enjoy immunity from prosecution, and the right to go to war in pursuit of national interests would be abolished.

To these two levels of global governance would have to be added a third, *transnational* level, concerned with regulating matters of collective concern such as global economic crises and climate change, and based on inclusive negotiations and fair compromises among all concerned (including governments and regional and international organizations). In contrast to the 'thin' regime of human rights implementation at the supranational level, recourse

to military power and criminal prosecution could play no role at the transnational level, so that agreement upon, and compliance with, regulatory regimes would have to be secured through compromises which are sensitive to conflicts of interests and imbalances of power in a global society. Thus Habermas refers to the 'thick' regulatory regimes which he envisages at the transnational level as the 'global domestic policy' of an emerging world society.

Realists will, of course, object that such a model is simply unrealistic (in the colloquial sense) or utopian. For why should a superpower like the United States accept the associated constraints on its scope for action (for instance in military matters) and make the necessary compromises in the pursuit of its national interests? Faced with this kind of objection, it is important to recognize that, even though the model involves certain unavoidable abstractions and idealizations, it is by no means simply an ideal opposed to existing international political realities. On the contrary, it represents an attempt to think through to their logical conclusion developments in the system of international institutions since the end of the nineteenth century and in international law since the end of the Second World War. To take the latter, since the Nuremberg and Tokyo War Trials and the 1949 UN Declaration of Human Rights, human rights principles have become ever more deeply anchored in international law and have assumed concrete institutional form in the United Nations. Indeed a possible route to the kind of supranational regime based on human rights which Habermas advocates would be through a reform of the United Nations in which the General Assembly would assume the role of a lower house, composed of representatives of the world's populations, and the Security Council would become an executive organ which would include representatives of all the member governments and would no longer be subject to the vetoes of a handful of powerful members. Thus the requisite project of reform can be described as a 'constitutionalization of international law'.

because it would involve developing existing principles of international law into a 'thin' constitution for the emerging world society.

It becomes clear against this background why the European project possesses both exemplary and strategic significance for Habermas. For if we consider where, under current conditions, the inspiration and concrete impulses for realizing such a global political order might come from, one likely answer is the European Union. The emerging major powers, such as China, India, Russia, and Brazil, are likely to be too preoccupied with the socially and environmentally disruptive consequences of explosive economic growth (and its inevitable cyclical downturns) to play a leading role in constructing a new global order. The most likely candidate to assume a leading role is the United States, for it will remain the most influential global power for the foreseeable future and it is in its own interest to bind these emerging powers into a more consensual global political order before they are in a position to challenge its superpower status. However, as Habermas argues, the United States - even under an enlightened President Obama, who manages to restore some of the respect and influence squandered by the Bush administration – cannot be expected to take the necessary initiatives without the material and moral support of its European ally. For President Obama is himself facing the daunting challenges of a domestic economic downturn and of extricating the United States from its military involvements in Iraq and Afghanistan without further destabilizing the region. And now that the neoconservative project of unilateral hegemony has been discredited, there is likely to be a resurgence of realist ideology among the Washington elites. For realism has deep historical roots in US political culture reaching back to the Monroe Doctrine.

Moreover, the development of the European Union from a treaty-based international alliance for economic cooperation into a body exercising extensive legislative, judicial, and administrative functions and including most European countries can be seen as a regional exemplification (though an incomplete and imperfect one) of the model of global governance outlined. The EU has the potential to serve as a model for regional regimes in other parts of the world and as a catalyst for developments toward a new global order – provided that the process of political integration continues. A major problem, though, is that the recent eastward expansion of the EU has stretched the regulatory capacities of its institutions to breaking point and has aggravated a constitutional crisis which is threatening to derail political integration before it has been accomplished. The European Constitution (which was adopted by the member states, subject to ratification, in 2004) was supposed to address the problem of the 'democratic deficit' of the EU - namely the unrepresentativeness and remoteness of its most powerful institutions and the relative weakness of its only directly elected body, the European Parliament - while making possible the institutional reforms needed to cope with the increased regulatory burdens of a body which has grown to include twenty-seven member states. However, the constitutional process was put on hold indefinitely by the failure of the French and Dutch voters to ratify the constitution in 2005. In response to this debacle, the Lisbon Treaty, which is subject to less stringent ratification requirements, was adopted in 2007, in an effort to streamline the EU institutions and thus to make the enlarged Union more governable. However, as Habermas argues, it merely cements the existing status quo and thus in effect stymies the constitutional process - and even its fate is currently in the balance following the failure of Ireland to ratify it in a referendum in June 2008.

For Habermas, one of the most serious consequences of the internal divisions is the EU's relative lack of global political influence, for want of a joint foreign and security policy which would enable it to respond in coherent ways to security and economy challenges. For example, because the member states tend to operate as individual countries pursuing their own national interests even in the context of joint military operations (whether under the aegis of the UN or of NATO), the EU was not able provide an effective counterweight to the United States when the latter was bent on invading Iraq, in violation of international law. Moreover, the incoherent response of the leading European economic powers to the current financial crisis seems to confirm a fatal tendency to fall back into the old patterns of nation-state rivalries.

The constitutional crisis reflects the deep ideological division within the EU between so-called Eurosceptics, who regard the EU primarily as a zone of economic cooperation and think that the lack of deeper political integration presents no obstacle to further enlargement, and federalists, who make the deepening of the political union a precondition for any further enlargement. This division mirrors the broader theoretical conflict between realists and those who think that the basic principles of constitutional democracy should also be implemented beyond the national level. Thus the fate of the process of European integration can be seen as a kind of 'crucial experiment' for Habermas's project of the constitutionalization of international law. In the light of this ideological cleavage. Habermas argues in Chapter 6 that the only way out of the current European dilemma is to continue the process of political integration at different speeds, with the EU adopting a policy of 'graduated integration'. This would enable the core of integrationist states, under the leadership of the founding members France. Germany, and Italy. to pursue a deeper political union by adopting a joint constitution, whereas the countries in the Eurosceptic camp - primarily Great Britain and the Scandinavian countries - could opt out for the present but would be free to join the integrationist core at any time in the future.

Among the theoretical issues at stake in controversies over the future of the EU and of the global political order, one which receives extensive treatment in this volume is that of the role of public reason as a source of democratic legitimation (see, in particular, Chapters 4, 8, and 9, and the discussions of three exemplary public intellectuals in the opening essays). Habermas defends a deliberative model of democracy which seeks to integrate the central insights of the dominant liberal and republican traditions - namely their focus on individual rights and on a shared national ethos respectively - within a communicative model of democratic legitimation. One of its distinctive features is the central role it accords to the public sphere. a role comprising both the formal processes of deliberation within constitutional institutions such as parliament and the courts and the informal discussion and debate within society at large, as it is mediated by the press and other organs of information and opinion. This model rests on the controversial empirical assumption that suitably open discussions of political issues can lead to convergence on reasonable public opinions, which are in turn capable of influencing the political process. In other words, it assumes that an appropriately structured system of public communication can have a 'rationalizing' effect on political decision-making and thus on the political organization of society in general, and it can thereby enhance the legitimacy of legislation and administration and strengthen bonds of social solidarity. In Chapter 9, 'Political Communication in Media Society', Habermas offers one of his most detailed analyses to date of the empirical data that tend to support these conclusions and of how reasonable and politically influential public opinions can arise under contemporary conditions of mass communication.

The question which the deliberative model raises for the process of European integration (and, by extension, for the model of a constitutionalization of international law) is whether the rationalizing function which Habermas ascribes to public communication can also operate above the national level. For example, one of the contentious issues in the controversy between Euroscep-

tics and integrationists is over whether a European-wide public sphere is possible. At first sight, the empirical realities of the European politics would seem to preclude such a possibility. Until now, European politics has been conducted within the member states largely in terms of national issues, with little mutual influence between debates in the different countries. Then, of course, there is the issue of the multilingual character of the Union: how could a joint public sphere develop among a European population divided by a multiplicity of different languages? A possible answer would be through the emergence of a higher-level European public sphere, superimposed on the existing national spheres, in which issues would be aired and discussed in a shared second language (presumably English). However, Habermas rejects this 'layered cake' model as unworkable and undesirable. It is not clear whether it is even realizable – for example, how large a readership could an English-language European daily newspaper be expected to command? But, even if the model could be realized, it would almost inevitably be confined to an educated elite, who could be expected to master English sufficiently well to engage in or with political debates, and it would endanger one of the most attractive features of the EU: its cultural diversity. The solution lies instead, Habermas argues, in the existing national public spheres becoming responsive, and thus 'permeable', to one another through the activity of cultural and journalistic translators and mediators. The key factor in communicative legitimation on the deliberative model is not that everyone across Europe should read the same newspapers and watch the same television programs, but that they should address the same issues simultaneously, in more or less the same terms. This requires only that people in one member state should be informed about, and be able to respond to – and hence, potentially, to influence – debates over issues of joint concern in the other member states.

In these brief prefatory remarks I have been able to touch on only a portion of the issues discussed in these

essays. Readers from a variety of backgrounds and disciplines - or simply those who, whatever their view of Habermas's theoretical program, are curious about the recent intellectual biography of one of the most influential thinkers of our time – will find much to interest them in these essays: his deeply personal and intellectually engaging leave-taking from his friend and colleague, Richard Rorty, in the first essay; the extraordinary rapprochement with a thinker, Jacques Derrida, who for decades seemed to be his antipode – and a subversive critique of Heidegger - in the second; an homage to a major American public intellectual, Ronald Dworkin, in the third; the wideranging discussions of European politics in the second part and the extension of his models of deliberative democracy and of the public sphere to the global level in the third part; and the breathtaking survey of recent global political development, which strikes some familiar chords while eschewing triumphalism, in the closing interview. Taken together, these essays provide further impressive testimony to the undiminished vitality and creativity of critical thinking in the tradition of the Enlightenment.

A Note on the Translation

A few chapters from the corresponding German volume, *Ach*, *Europa* (Suhrkamp Verlag, 2008), have been omitted from the English edition, which includes instead a number of texts written since the appearance of the German counterpart (specifically, Chapters 5 and 7 and the 'Afterword' of the present volume). Readers should keep in mind that the translation contains numerous departures from the literal meaning of the German texts, which the author introduced into earlier English versions and which have been retained here with his consent. Generally these involve deletions or insertions of words or short phrases, but in some cases the author has added longer passages. Among the numerous problems posed by

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the translation, just one seems to merit special mention here: the key term 'Weltinnenpolitik' has been translated either as 'global/world domestic politics' or as 'global/world domestic policy' depending on whether the emphasis seemed to be on the negotiation institutions and procedures which the author proposes at the transnational level or on the policies which would be agreed upon in the envisaged negotiation system.

Part I **Portraits**

1

'... And to define America, her athletic Democracy': In Memory of Richard Rorty*

In view of the highly personal occasion that brings us together today, please allow me to begin with a private recollection.

I first encountered Richard Rorty at a conference on Heidegger held in San Diego in 1974. At the opening of the conference, a video of an interview with the absent Herbert Marcuse was screened in which he described his relationship with Heidegger in the early 1930s in milder terms than the sharp post-war correspondence between them would have led one to expect. Much to my annoyance, this set the tone of unpolitical veneration of Heidegger that prevailed throughout the entire conference. Only Marjorie Green, who had also studied in Freiburg prior to 1933, made a brusque comment to the effect that, at the time, at most the closer circle of Heidegger students, to which Marcuse belonged, could have been deceived as to the true political outlook of their mentor.

In this ambivalent mood I then heard a professor from Princeton, who was until then known to me only as the editor of a celebrated collection of essays on the linguistic turn, put forward a provocative comparison. He tried to harmonize the dissonant voices of three world-famous

^{*}Address to a memorial service held at Stanford University on 2 November 2007

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soloists in a strange concert: Dewey, the radical democrat and the most political among the pragmatists, featured in this chorus alongside Heidegger, the very embodiment of the arrogant German mandarin par excellence. The third member of this unequal alliance was Wittgenstein, from whose *Philosophical Investigations* I had learnt so much; but he, too, was not completely free of the prejudices of the German ideology with its intellectual fetishism, and he cut a strange figure alongside Dewey.²

Certainly, from the perspective of Humboldt and philosophical hermeneutics, a consideration of the world-disclosing function of language reveals an original affinity between Heidegger and Wittgenstein. This discovery must have fascinated Rorty, once he had been convinced by Thomas Kuhn to read the history of science in contextualist terms. But how did Dewey, the embodiment of the democratic wing of the Young Hegelians that we so sorely lacked in Europe, fit into this constellation? Dewey's way of thinking, if anyone's, stood in stark contrast to the German–Hellenistic pretentiousness, to the lofty tone and elitist arrogance of the few who claim a privileged access to truth against the many.

At that time, I found the juxtaposition so obscene that I lost my composure in the discussion. Surprisingly enough, the distinguished colleague from Princeton was not in the least irritated by the robust protest from the German backwoods; he was instead so kind as to invite me to his seminar. For me, that visit to Princeton marked the beginning of a friendship as happy and rewarding as it was instructive. On the bedrock of shared political convictions we could express and accept our philosophical differences with ease. Thus something of the 'priority of politics over philosophy' for which Dick also explicitly argued with me proved itself in practice and served as a tacit basis of our ongoing relationship. As regards Heidegger, incidentally, my initial agitation proved to be unfounded. Dick likewise felt a greater affinity with the pragmatist Heidegger of the early sections of Being and

Time than with the esoteric thinker who hearkened to the voice of Being.³

Following our first meeting, Dick sent me an offprint of his essay 'The World well Lost', whose title's ironic allusion should have already alerted me to the intellectual and writer behind the philosopher Richard Rorty. However, I read the essay, with its rigorous analytical argumentation, in the way one tends to read articles from the Journal of Philosophy. Only with hindsight did I realize that it was a preliminary draft of the critique of the modern paradigm of epistemology he was to publish a couple of years later as Philosophy and the Mirror of Nature (1979), a book destined to have such an unprecedented impact. What was revolutionary in this study was less the critical reconstruction of the linguistic turn, taken in different ways by Heidegger and by Wittgenstein, than the insistence on one crucial consequence of the shift from 'consciousness' to 'language'. Rorty systematically deconstructed the spectator model of 'representative' or 'factdepicting' thinking. This critique struck at the heart of a discipline which, since Russell and Carnap, was preoccupied with achieving scientific respectability through a logical and semantic treatment of fundamental epistemological issues, first raised during the seventeenth century. Allow me to remind you briefly of the key issue here. If facts cannot be conceived independently of the propositional structure of our language and if the truth of opinions and statements can be corrected only by other opinions and statements, then any idea of truth as correspondence between sentences and facts 'out there' is misleading. We cannot describe nature in a language we assume to be nature's own language. On the pragmatist interpretation, the 'depiction' of reality is replaced by a problem-solving 'coping' with the challenges of an overcomplex world. In other words, we acquire our knowledge of facts through our constructive dealings with a disconcerting environment. Nature provides only indirect answers, because all of its answers remain bound to the