

Karolina M. CERN, Piotr W. JUCHACZ

**Post-Metaphysically Constructed  
National and Transnational Public Spheres  
and Their Content\***

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### **Correspondence to the Author:**

Dr Karolina M. Cern  
Institute of Philosophy  
Poznan University  
Ul. Szamarzewskiego 89  
60-569 Poznan, Poland

Dr Piotr W. Juchacz  
Institute of Philosophy  
Poznan University  
Ul. Szamarzewskiego 89  
60-569 Poznan, Poland

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## Abstract

The following article begins with recalling Habermasian interpretation of Kant's three kinds of imperatives and of a post-metaphysical shift that thanks to them happened in his practical philosophy. The usage of Kantian imperatives to the description of discursive will-formation seems to us an important key in understanding models of the public sphere applied and examined by CIDEL. That is why in the next step we analyse CIDEL's three models of the public sphere elucidating their interrelations with the problematics of pre-political values, political culture and Euro-citizens' identity. Our standpoint, which we are elaborating in the paper, is that the post-metaphysical – it means: 'discursively constructed' – European identity is possible to achieve, however under premises of a "never-ending story of *justification*" political and legal principles and also of a correlated with it *civic education* fostering democratic competences of Euro-citizens in order to spark the general (European) public and processes of Euro-legitimation.

Karolina M. CERN, Piotr W. JUCHACZ

## **Post-Metaphysically Constructed National and Transnational Public Spheres and Their Content\***

### **Introduction**

In our analysis we take into consideration the case of the European Union, however, we think it can be regarded as a good example for a more universalistic research in the public sphere.<sup>1</sup> Our standpoint belongs to a normative theory of democracy and it is a constructivist approach which means that our preliminary and general considerations on the theory of European Union Polity and the European Public Sphere – “namely, a communicative space in which relatively unconstrained debate, analysis and criticism of the political order can take place”<sup>2</sup> – are based on the hypothesis that they have to be primarily rooted in three constructed ideals: of a multicentric deliberative democratic regime, human rights and active (European) citizenship.

If we take a look at some questions put forward by Erik Fossum and Philip Schlesinger in their interesting research concerning the European Public Sphere

Do democratic opinion- and will-formation processes have to rest on a set of ‘pre-political’ values to produce democratically legitimate decisions? Does democracy presuppose a we-feeling, a sense of brotherhood and sisterhood ...? Is a sense of common destiny required for people to consider each other as compatriots willing to trust each other and take collective obligations?<sup>3</sup>

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<sup>1</sup> The paper will be published as a chapter in the following book: Tadeusz Buksiński, *Religions in the Public Spheres*, Peter Lang Verlag, Frankfurt am main 2011, pp. 153-172.

<sup>2</sup> John Erik Fossum, Philip Schlesinger, “The European Union and the public sphere. A communicative space in the making?” in: J.E. Fossum, P. Schlesinger (eds.), *The European Union and the public sphere. A communicative space in the making?*, London: Routledge, 2007, p. 1.

<sup>3</sup> *Ibidem*, p. 6.

– we can answer these questions as follows: Yes, but these are so called pre-political values that should be leading ideals promoted by a democratic education and deeply incorporated into the European public political culture.

The aforementioned point of view follows from our assumption that European citizenship is to be a political construction, free from any religious and metaphysical assumptions; it has to be – using the famous Rawlsian phrase – “political not metaphysical” also in this sense, that we just do not define it through such up-to-date obvious conceptual entanglements as national, regional, city, district or grass-root community. It must be strongly highlighted that we do not see them nor old-fashioned nor primitive nor unnecessary. Our hypothesis is that on *a certain* level of public sphere and European Polity considerations they should not be taken into account in the meaning: they should be overcome. This is the main idea we elucidate in the following article.

The first and the most profound issue, that we have to decide on in the beginning of our investigations, concerns the way we are going to treat the ideal of European Union Polity: either as a federation of countries or as one political organism. The constructed ideal is going to have regulative power and in our opinion the present political reality can be treated as a point of reference to both possible realistically utopian ideals: a federal one or a European-state polity one. The adjudication has profound consequences: speaking in Rawlsian terms, we can consider the European Union Polity either on assumptions of *The Laws of Peoples* or on assumptions of *Political Liberalism*. We choose the second possibility: we consider the European polity and its basic structure – “society’s main political, social and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next”<sup>4</sup> – as that of a closed society, “that is we are to regard it as self-contained and as having no relations with other societies.”<sup>5</sup> The European Union Polity is to be treated by us in this paper as a pluralist unified political community with a polycentric mode of governance.

Polycentric governance is “an arrangement for making binding decisions over a multiplicity of actors that delegate the authority of functional tasks to a set of dispersed and relatively autonomous agencies that are not controlled – *de jure or de facto* – by a single collective institution.”<sup>6</sup>

<sup>4</sup> John Rawls, *Political Liberalism*, New York: Columbia University Press, 1993, p. 11.

<sup>5</sup> *Ibidem*, p. 12.

<sup>6</sup> Philippe C. Schmitter & Sunhyuk Kim, „Prospects for Northeast Asian Integration: Lessons

## 1. The preliminary investigations: two kinds of public sphere

In this part of our investigations we preliminary divide the public sphere into a twofold phenomena, although it should be made into a threefold one. In fact, we do this in the next step, while at the moment we are interested in focusing on the basis, meaning and consequences of the first division as well as the functions of the two kinds of public sphere.

The first one is a public sphere formed by the problem of justice and it is connected with the *moral dimension* of human existence. The second one is a public sphere organized through values and herein there are uncovered *ethical backgrounds* of a community.

To explain the introduced distinction we recall Jürgen Habermas's interpretation of a post-metaphysical shift that happened in Immanuel Kant's practical philosophy.

Habermas puts it clearly, that a special "move to a post-meta-physical concept of autonomous morality"<sup>7</sup> was made just by Kant. This concept entails that the moral perspective is based on three kinds of abstraction: "(1) abstraction from the motives required of those involved, (2) abstraction from the particular situation, and (3) abstraction from existing institutions and forms of life"<sup>8</sup>. However, the most significant is the shift contained in these abstractions: from questioning the good life to questioning the best justified reasons for a certain action. Actually, the change of moral perspective towards questions concerning the best legitimated norms of action is a post-meta-physical burden.

The main idea of such an understanding of the post-metaphysical shift is that we no longer ask what sort of concepts and values forming different forms of life is better or more desirable neither for individuals nor for societies. On the contrary, in modern times, we let people choose them on their own and on this ground form pluralistic societies, where there is a plu-

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from Europe", conference paper, cited by J.E. Fossum, Ph. Schlesinger, *The European Union and the public sphere. A communicative space in the making?*, op. cit., p. 10.

<sup>7</sup> Jürgen Habermas, "Lawrence Kohlberg and Neo-Aristotelianism," in: idem, *Justification and Application. Remarks on Discourse Ethics*, transl. Ciaran P. Cronin, Cambridge, Massachusetts, and London, England: The MIT Press, 2001, p. 118.

<sup>8</sup> Ibidem, p. 118; cf. Jürgen Habermas, "Moral development and ego Identity," in: idem, *Communication and the Evolution of Society*, transl. Thomas McCarthy, Boston: Beacon Press, 1979, pp. 83–87, where he writes about: reflexivity as understanding and applying reflexive norms/principles (abstraction from a particular situation), abstraction and differentiation as distinguishing between heteronomy and autonomy (abstraction from the motives required of those involved) and generalization (distinguishing between particular and general norms, individuality and ego in general).

ralism of ultimate value orientations.<sup>9</sup> This pluralism is connected with the ethical question of the good life and co-constitutes lifeworlds embracing historical and biographical forms of life which are to be understood as specific backgrounds, “the unproblematic horizons” from which rational solving of moral problems derives its possibility.<sup>10</sup> While reflexive filtration of the best given reasons is possible and, what more, happens with a means of abstraction constituting in this way the best as possible (from the formal point of view) *normative systems* (in a certain time), the reflexive forming lifeworlds (through questioning and answering the ideas of the good life<sup>11</sup>) is much less possible and effective in spite of the fact it goes “hand in hand” with this first kind of process. The reason for this is, in Habermas’s opinion, following “ideas of the good life are not something we hold before us as an abstract ‘ought.’ Rather they shape the identities of groups and individuals in such a way that they form an intrinsic part of culture or personality.”<sup>12</sup> Questioning ideas of the good life converts in fact into two different phenomena: asking evaluative questions that are answerable only on the grounds of each unquestionable lifeworld on the one hand (Habermasian perspective), and in attempts to make the identities of groups and individuals more deliberately (reflexively) constituted, on the other.

The last issue concerning the concept of identity reveals to be of a high importance in the light of contemporary Europeanization processes.

Political and institutional restructuring is vital, but cognitive aspects, attitudes and feelings have to be taken into account as well. Communication among decision-making bodies, representatives and general publics has to be reinforced because millions of EU citizens

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<sup>9</sup> J. Habermas, “Lawrence Kohlberg and Neo-Aristotelianism,” op. cit., p. 122.

<sup>10</sup> Jürgen Habermas, “Discourse Ethics,” in: idem, *Moral Consciousness and Communicative Action*, transl. Christian Lenhardt, Shierry Weber Nicholsen, Cambridge, Massachusetts, and London, England: The MIT Press, 1999, pp. 104–109.

<sup>11</sup> „Norms and values therefore differ, first, in their references to obligatory rule-following versus theological action; second, in the binary versus graduated coding of their validity claims; third, in their absolute versus relative bindingness; and fourth, in the coherence criteria that systems of norms and systems of values must respectively satisfy. The fact that norms and values differ in these logical properties yields significant differences for their application as well. ... In the light of norms, I can decide what action is commanded; within the horizon of values, which behavior is recommended. ... Basic rights ... as norms, they regulate a matter in the equal interest of all; as values, they enter into a configuration with other values to compromise a symbolic order expressing the identity and form of life of a particular legal community.”; Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*, transl. W. Rehg, Cambridge, Massachusetts: The MIT Press, 1999, pp. 255–256.

<sup>12</sup> Ibidem, p. 108.

need to forge some kind of common identity. This is an indispensable precondition to the elaboration of the social solidarity without which the Union will never be able to develop into a strong polity.<sup>13</sup>

Now we have been led to the point where a special importance of EU citizens' identity comes into a light. It comes about with the identity that is situated in ethical forms of life, in so called lifeworlds.

## 2. CIDEL's three models of the public sphere

The aforementioned two kinds of the public sphere are incomplete, as it was stated above. When we scrutinize the idea and underpinnings of Habermasian investigations present in a Chapter 4 in *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*, especially in the section 4.2: *Communicative Power and the Genesis of Law*, then it becomes quite clear that they are founded on Kantian three kinds of imperatives presented in *The Groundwork of the Metaphysics of Morals (Gr)*:

- a) technical ones oriented at problem-solving (it means, at something possibly existing);
- b) wisdom advice: pragmatic imperatives oriented at happiness (it means, at "things" existing in a reality) and
- c) a categorical imperative oriented at a maxim's conformity to the moral law – the moral imperative oriented at something necessarily existing. The reasonable will-formation presented by Habermas in section 4.2. is structurally rooted in the Kantian division that has just been presented. It implies, that what has been lacking so far in our investigations, it is the third dimension of the public sphere corresponding to Kantian technical imperatives (a) on one hand, and Habermasian "procedurally regulated bargaining" as a third form (among: ethical-political discourses (b) and moral discourses (c) leading to legal ones) of pragmatic discourses that rationally form citizens' will.

This usage of Kantian imperatives in the description of discursive will-formation seems to us an important key in understanding three models of the public sphere applied and examined by CIDEL – research project *Citizenship and Democratic Legitimacy in the European Union* (2002–2005) scientifically coordinated by Erik Oddvar Eriksen. These three models are based on assumptions, accordingly, pertaining to three possible kinds of order emerging

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<sup>13</sup> Maria Heller, Ágnes Rényi, "EU enlargement, identity and the public sphere," in: J.E. Fossum, Ph. Schlessinger (eds.), *The European Union and the Public Sphere. A communicative space in the making?*, op. cit., p. 169.

in Europe: the European Union as (i) “a *problem-solving entity*”, (ii) “a *value-based community*” and (iii) “a *rights-based union*”.<sup>14</sup>

(i) The first model of public sphere, in accordance to the EU understood as a *problem solving entity*, unfolds: (a) “a partial public [that] is based on very weak institutional and constitutional supports”<sup>15</sup> and (b) while it is a practical problem-solving entity oriented it does not require in-depth democratic terms of European citizenship. In fact, this model has been operating during the EU policies formation so far and now it is under focused criticism and alternative solutions are requested for while discussing processes of Europeanization.

In Europe there is a long tradition of understanding integration instrumentally and functionally (de Saint-Simon and Thiery 1814), and EU integration has also been justified primarily in terms of substantive results and improved performance. ... In the literature, however, there are ample warnings that a political order tied together solely by utility calculations is unlikely to be viable.<sup>16</sup>

In other words, the philosophical-sociological tradition from Aristotle via Max Weber to Jürgen Habermas points out that an utilitarian/ consequentialist model of society or political entity is not to be sustained for a long time and sooner or later it had to collapse for the internal lack of legitimization of powers, decisions and institutions.

(ii) The second model of the public sphere referring to the European Union as a *value-based community* “presupposes a common European citizenship, ... include[s] common cultural factors, such a common language, a common identity, and a shared sense of community. These are seen to rest on pre-political values”<sup>17</sup> – it is written in CIDEL’s explanation of the basic terms founding this model. However, if we would like to be more precise we can implement at this moment Johan P. Olsen’s definitions of “cultural integration” and “integration as political institutionalization” of the EU.

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<sup>14</sup> John Erik Fossum, Philip Schlesinger, Geir O. Kværk (eds.), „Public Sphere and Civil Society? Transformations of the European Union,” *ARENA Report* 2007, no. 2, pp. 1–4.

<sup>15</sup> *Ibidem*, p. 3.

<sup>16</sup> Johan P. Olsen, *Europe in Search of Political Order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift and the co-existence of orders*, NY: Oxford University Press, 2007, p. 6.

<sup>17</sup> J.E. Fossum, Ph. Schlesinger, G.O. Kværk (eds.), “Public Sphere and Civil Society? Transformations of the European Union,” *op. cit.*, p. 3.

The first concept states that “*Cultural integration* implies that the beliefs of a social group fit together and make sense”.<sup>18</sup> Such a community (a social group) has hardly been conceived so far, if it has been at all. However, for us, the most problematic issue here is whether: a) religious beliefs would ever form a kind of such “shared beliefs” or b) all kinds of such beliefs (not only religious ones) shall be understood as aiming at answering just the ethical question of a good life.

Moreover, there can be formulated a different approach to an interpretation of *a value-based community*, especially when we move in the dimension of political culture.

Integration as *political institutionalization* refers to: (1) structures, rules, roles, and practices specifying legitimate authority relations and codes of appropriate behaviour; (2) shared purposes, identities, traditions of interpretation and principles of legitimacy that explain and justify practices and provide a basis for activating moral and emotional allegiances and solidarity; (3) common resources which create capability and capacity to act in a coordinated way.<sup>19</sup>

This kind of community, although has not been so far achieved in the EU either, seems to show through the idea of “Future Europe construction” contained in the Lisbon Treatise’ Preamble (TUE 2007), and – what we would like to underscore and exploit here:

a) it better fits the idea of a pre-political community based on pre-political values (e.g. *principles* of legitimacy, of a well-ordered society, moral and emotional solidarity to the commitment to the ideas of freedom and justice);

b) this community can be constructed in the dynamic interrelations with the third CIDEL’s model; it means that this refers to much better than neither CIDEL’s own (narrow) interpretation of the values-based community nor the “pure cultural” interpretation of the community via “cultural integration.”

So, in fact, we agree with Habermas claiming, that in such an interpretation of (pre-political) values they are to be recognized as “deontological principles, such as human dignity, solidarity, self-realization”<sup>20</sup> etc. Pre-political values deal with political principles of basic political and legal arguments.<sup>21</sup> From this perspective we can call a value-based

<sup>18</sup> J.P. Olsen, *Europe in Search of Political Order*, op. cit., p. 23.

<sup>19</sup> Ibidem, p. 23.

<sup>20</sup> J. Habermas, *Between Facts and Norms*, op. cit., p. 257.

<sup>21</sup> Cf. Ronald Dworkin, *A Matter of Principle*, Harvard University Press, 9<sup>th</sup> printing 2000, part

community as a community of shared political principles that are, in fact, recalling some moral ideas, especially those ones that are connected with different interpretations of justice, these ones, finally, which have to pass a threefold abstraction before they enter a political public sphere.

(iii) The third model of the public sphere, indicated by the European Union interpreted as a *rights-based union*, relies on both: strong and also general publics, when a strong public enhances the democratic traits of a polity “through ensuring representation and accountability”.<sup>22</sup> As Olsen points out,

A polity is likely to be more stable if it is (also) cemented together by a collective identity, (i.e. a shared conception of who citizens are and what community they belong to and are emotionally attached to), by shared habits and by shared conceptions of ‘good governance’, rights and obligations, appropriate behaviour and fair outcomes.<sup>23</sup>

This concept of a strong public has to be supplemented with the concept of a general public, that is a lively, citizens-involving sphere of active demonstration of legitimization (or its lack) for a democratic European governance. CIDEL’s investigations show that there is a special kind of deficit of the general public sphere in the EU.<sup>24</sup> Patrizia Nanz emphasizes that “only through a deep-seated habit of arguing or engaging in public debates with fellow citizens across national borders can solidarity among them and loyalty to the institutions of Europe be fostered.”<sup>25</sup>

Here are three notable issues that can highlight them. The first one is the question concerning a place of religion in the public sphere: is it be located in the second model of the public sphere: *value-based community*, that is, a community encompassing possible modes of co-constituting lifeworlds? Should it be a community of any religious values – is *this* a dimension (of religious values) that enables the European community’s construction?

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one: *The Political Basis of Law*.

<sup>22</sup> J.E. Fossum, Ph. Schlesinger, G.O. Kværk (eds.), “Public Sphere and Civil Society? Transformations of the European Union,” op. cit., p. 4.

<sup>23</sup> J. Olsen, *Europe in Search of Political Order*, op. cit., p. 24.

<sup>24</sup> J.E. Fossum, Ph. Schlesinger, G.O. Kværk (eds.), “Public Sphere and Civil Society? Transformations of the European Union,” op. cit., p. 4.

<sup>25</sup> Patrizia Nanz, “Multiple voices: An Interdiscursive Concept of the European Public Sphere,” in: J.E. Fossum, Ph. Schlesinger, G.O. Kværk (eds.), “Public Sphere and Civil Society? Transformations of the European Union,” op. cit., p. 12.

The second question, no less ambitious and challenging, is as follows: how to arouse general public here? The problem here appears: what is the correlation, if there is any, between founding under-pinnings for a values-based community on one hand and sparking the general public on the other?

The third question, with regard to an understanding of European integration as a political institutionalization, is following: perhaps the other kind of pre-political values meet better either conditions for sparking the general public sphere of the EU and possibilities for “the Future Europe construction,” namely: ideals of a multicentric deliberative democratic regime, respect for human rights, active (European) citizenship and tied together democratic education as a crucial junction value of the three ideals?

### **3. Post-metaphysical construction of the normative ideal of European Identity**

Nanz states, that for an aforementioned “discursive constructedness” of European identity, located in the second CIDEL’s model of the public sphere: *value-based community*, three Habermasian presumptions should be modified:

a) “... post-national identities, rather than an overarching normative ideal [it means: “constitutional patriotism”], become *intercultural* or ‘interdiscursively’ constructed in the sense that they are formed in an ongoing dialogical interaction *between* cultural or national discourses or ‘voices’ (Bakhtin).”<sup>26</sup>

b) The second obstacle in the way of European identity construction she sees in the standpoint of “theorists of deliberative democracy”, mainly of Habermas, who call for “a single, all-encompassing open civic public sphere,”<sup>27</sup> while, from her point of view, “conflict resolution in situations of fundamental cultural heterogeneity [which potentially the EU must face] will require less consent and agreement (based on a shared political culture) than a process of cooperation, and above all the capacity (and the willingness) to dialogically explore and negotiate (social and cultural) differences.”<sup>28</sup> That is the reason why she underscores the processes of cooperation more than their results embodied in some agreements. She seems to regard as more binding for citizens the processes of their cooperation themselves than resulting in findings and achieved goals.

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<sup>26</sup> Ibidem, p. 18.

<sup>27</sup> Ibidem.

<sup>28</sup> Ibidem.

c) Nanz finds as a third kind of problematic theoretical assumption of “the theorists of deliberative democracy” the concept of gradual “division of political labour between informal public and the formal institutions that regulate the flow of influence among powerful, non-governmental agents. This is particularly true of the EU’s multi-level governance ...”<sup>29</sup> She seems to be perfectly right on this point very broadly discussed in the literature on European integration.

Though we generally agree with Nanz about the phenomenon describing the present status quo of European integration processes, we see quite differently the role and significance of the normative claims she discusses with. Firstly, we agree with Olsen claiming that “There is a need for normative theories of democratic legitimacy – theoretical ideas that prescribe indicators of democratic quality beyond the nation-state framework and that provide a basis for a critical perspective on European government and society.”<sup>30</sup> The critical function of normative theories is not to be overestimated.

Secondly, from our standpoint, there is a presumption here, in Habermas’s thought, that a minimum of consensus is normatively required indeed, to construct such an intercultural European identity. However, that “minimum of consensus” refers to the discourse principle (D) applied to a political dimension in order to enable the “interdiscursive construction” of a political community and its identity. There are two things one necessarily must remember: the “result” of institutionalization of the discourse principle is the *democratic principle*, in fact (it means, when we look at the “legal code”/basic rights (1)–(5)),<sup>31</sup> it is the deliberative democracy principle. The second issue is that this *deliberative democracy principle* puts no less attention to the mobilization of a communicative power in society, to the processes of saturation the pure “legal code”/basic rights (1)–(5), than just to achieved results (institutionalized agreements) – otherwise the law would not be legitimated and the Habermasian project would collapse,<sup>32</sup> what he is perfectly aware of.

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<sup>29</sup> Ibidem.

<sup>30</sup> J.P. Olsen, *Europe in Search of Political Order*, op. cit., pp. 128–129.

<sup>31</sup> J. Habermas, *Between Facts and Norms*, op. cit., p. 125.

<sup>32</sup> Accordingly, he clarifies this “neverending story of justification” as follows: “The validity we claim for our utterances and for practices of justification differs from the *social validity or acceptance (soziale Geltung)* of actually established standards and expectations whose stability is based merely on settled custom or the threat of sanctions. The ideal moment of unconditionality is deeply ingrained in factual processes of communication, because validity claims are Janus-faced: as claims, they overshoot every context; at the same time they must be both raised and accepted here and now if they are to support an agreement effective for coordination – for this there is no ‘null context’. The universalistic meaning of the claimed validity exceeds all contexts, but only the local, binding act of acceptance enables validity

Thirdly, the “neverending story of justification” political, legal principles evoking communicative powers of Euro-citizens produces, or just may produce, the Euro-identity that is in question. As Olsen points out:

Over time it will become obvious that an increasingly heterogeneous Union cannot be based solely on the aggregation of existing national preferences. Governing the Union will require the development of some degree of constitutional patriotism, civic virtue and duty, and a logic of appropriateness, as well as an increased willingness to redistribute resources. Such developments, if achievable at all, can only occur through politicization and citizen involvement.<sup>33</sup>

So far it has been shown that theorist/-s of deliberative democracy pay no less attention to the processes of communicative will-formation as directly a process, than, for example, “interdiscursive *interculturalists*.” Now it is to be elucidated in what sense the communicative actions are aiming at European identity *as a normative ideal* which just is a crucial and problematic claim, indeed. And we will try to do it a little bit in defiance of Habermas himself. For understanding this “normative ideal” we must firmly and originally understand the idea of construction which appears for the first time *expressis verbis* in Martin Heidegger’s *Kant and the Problem of Metaphysics*. Of course, for the first time, that is important for the social sciences, the idea occurs in Kantian *The Groundwork of the Metaphysics of Morals* and Heidegger seems to reflexively elaborate it for his own.

The idea of a construction refers to the future which reveals that as a possibility of our self-understanding. It is not about denying the importance of the past, traditions, individual biography or the common history of a certain society, but rather about the mode of understanding aiming at the gathering together what has been so far variegated or multipartite. The inevitable diversity of human (co-)exis-tences and their conduct can be unfolded in their unity, however, of course, never in an empirical way (for an empirical dimension is diverse and must stay diverse by its definition), but rather by pointing out the possible underpinnings – the concept, the ideal, the idea – of *reinterpretation* of this diversity. This *reinterpretation* is not to be contingent and accidental, on the contrary, it must meet the requirements of new

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claims to bear the burden of social integration for a context bound everyday practice.” Ibidem, p. 21.

<sup>33</sup> J.P. Olsen, *Europe in Search of Political Order*, op. cit., p. 134.

possibilities being found.<sup>34</sup> Other words speaking, construction of the European identity is in fact a construction of a certain kind of comprehensive framework that would hammer out the possibility and conditions for building answers to the question “who we are,” such answers which would gather as much of the diversity together as it is possible. The idea of generating possibilities of comprehensive unification of diversity implies the following:

**A.** In those possibilities the open structure of understanding is inscribed. The aim and the very sense of the phrase “open structure” is here to give rise to new alternatives instead of limiting, closing or just recalling existing ones (as there always exists only diversity and the sought after unity is the strategy of interpretation with as a little harm to plurality as it is possible).

**B.** The normative burden of these possibilities that enable us to form answers is their *inclusiveness*. Now it is thought here as a double-kick turn:

1. First of all, the *objectivity* of possibilities discussed here means exactly “inclusiveness”. To the extent that the possibilities enable people to *participate in the processes* of answering or answers-building, they are “objective” and not just something being worked out, a kind of fantasy. The more inclusive and citizens involving the comprehensive framework is, the more objective are the possibilities of co-understanding by citizens themselves (not just their representatives). From exactly this point of view, the very important and fundamental issue of legitimization, i.e. public legitimization, is revealed as secondary, it means as well- and deeply rooted in the 21<sup>st</sup> Century understanding of the notion of objectivity (and that makes this issue so important).

On our path of rethinking the notion of objectivity, especially in the field of philosophy and, generally, social sciences, we can recall Edmund Husserl who made the first step: from objectivity understood as meeting special subjective requirements of grasping an object – to “intersubjective” conditions of elaborating the understanding of an object; or we can recall Martin Heidegger who moved considerations forward, towards conditions and structures of cooperative understanding ourselves and our activity in the world (one of them, but not especially peculiar, can be subject-object relation maintaining).

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<sup>34</sup> For example in the case of Kantian moral philosophy it is about the conditions under which our will, that happens to be good as well as happens to be wrong (that is will’s diversity embodied in every human being), become a good one with no doubts and no reservations. Kantian constructivism refers to the definite circumstances building, namely: necessary forms of motives of human action (here, necessary is the maxim conformity to moral law), under which our will acts well as a reasonable will (not just an arbitrary one).

2. Secondly, following the chosen path unwaveringly, the *source* of objectivity appears to be understood here normatively and not descriptively. As it refers to the comprehensive framework for answer-giving, it means, to possibilities of answer-building and it is due to the picture of the unifying future (possibilities which are to be “saturated”) that includes as many people and their understandings of “who we are” as it is possible, the descriptive categories are of secondary use. In other words, to describe or measure some kind of phenomena objectively, we must primarily have the unifying picture<sup>35</sup> ahead of what it should be like. For “objectivity” means now *inclusiveness*, involving as many people (here: citizens) as it is possible in a cooperative defining the situation in which we all find ourselves, then this unifying picture refers to possibility conditions of the process of this cooperative defining the situation. Now, “possibility conditions” turn out to be necessary *rights* that enable people (citizens) to join this special process of cooperation. All of these imply, that without normative understanding of the “inclusiveness”, the concept would stay “empty”, that means “left” for any arbitrary – because accidental – saturation in a meaning (e.g. by the part of financial elites, cultural elites etc.).

C. Inclusiveness, from our perspective, is a contemporary answer to the principle of universalization proclaimed in the field of discourse ethics. The process of comprehensive cooperation to work on must be based on some common fundamental principles (norms) that are met by all cooperants, even if we reflexively presume that the achieved acceptance is solely temporary and it has a binding force only until the moment when a better (more inclusive) solution is found by all its addressees. In the context of the present situation of the European Union, we find the idea of human rights (expressed in the Charter incorporated into the Lisbon Treaty 2007) more attractive: we regard it as an idea that meets the normative requirement of inclusiveness in a broader and also deeper dimension than, for example, the idea of religious common roots investigation.

In our considerations we have not been aiming at being disparaging in the meaning of any religion in private or public dimension of human life. What is more, we do agree that the question concerning what makes sense for human life is important and should be asked in the public sphere, but in a general one, where it can be subjected to the threefold abstraction in order to be formulated in a more universalistic, *resp.* inclusive way.

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<sup>35</sup> Exactly, to this idea of a “unifying picture” seems to recall the Dworkinian idea of integrity applied in the first line to the interpretation and in the second line to the political community.

The general framework of public spheres we see in their strong and normative core (referring to the strong public sphere) under-pinned by the idea of inclusiveness that is more or less aptly articulated through the human rights approach, thus we postulate the dynamic understanding of the idea of human rights: their content is and will stay straight ahead for democratic (European) citizens. However, the truth is that these two ideas are incomplete unless we do not point out the third correlative idea introducing the passage between them, the passage that requires the same legal, but above all social recognition as it is that two ideas join together. We can state here that a democratic education can be the most profound demand for reflexive shaping “a deep seated habit of arguing or engaging in public debates.”

**4. Post-metaphysical construction  
of a values-based public sphere with the device of  
“a deep seated habit of arguing or engaging  
in public debates”**

The process of (European) identity building cannot include neither coercive nor compulsory traits. However, there can be induced some practices of triggering and releasing communicative powers in European society that would through communicative processes themselves and in achieved goals unfold the under-standings of EU functioning as the premises for a common European identity. Both deeply rooted values and principles as well as the processes of the public justification of them can display (construct) a European identity, because exactly “practice of legitimization and delegitimization makes the European public sphere thinkable as a (still unfinished) project and that accounts for its dynamic expansion.”<sup>36</sup>

Though, that could happen if and only if the communicative processes of justifying validity claims through the general public sphere would not be like a comet sparking in the sky now and then, but rather formed on the everyday course of all European citizens lives on all possible/available levels.

The equal inclusion of *all* citizens – underscores Habermas himself – in civil society not only calls for a political culture which prevents liberal attitudes from being confused with indifference. Inclusion can be achieved only if certain material conditions are also

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<sup>36</sup> Hans-Jörg Trenz, „In Search of the European Public Sphere: Between normative overstretch and empirical disenchantment,” *ARENA, Working Paper* 2008, June, no. 12, p. 2.

met: among other things, full integration in kindergartens, school, and universities in order to offset social disadvantages ...<sup>37</sup>

The ideas of inclusiveness and the process of a deliberative saturation of human rights with the meanings can be regarded as viable when citizens not only “have” democratic institutions but basically when they have *habits of democratic using* of such institutions. “Democratic institutions of freedom disintegrate without the initiatives of a population *accustomed to freedom*”<sup>38</sup> – to recall Habermas once more – neither without peaceful, tolerant cooperation; we can add from our part. The idea of a democratic education indicates such an elaboration of democratic habits which are reflexively shaped (not just mechanically imbued), because they come along with the critical reflexive attitudes of citizens.

Democratic education, first of all, is oriented at building com-petences of cooperative problem solving which presumes a mutual recognition from and to all participants. Further, these imply the competence of joining, sustaining or building a community.

In a democratic community, the work of the group and the responsibility for it is shared by all participants, and basic policies and plans are the product of all. It is often overlooked that democracy, more than any other mode of social life, lays the heaviest obligations on its members. In some respects, it is always easier to follow the dictates of authority and thus escape the necessity for making decisions and shouldering the responsibility for them ...<sup>39</sup>

Democratic citizenship is not an innate idea or inborn competence and it calls for the special shaping of human interactions from very early times – the times of kindergartens. Democratic, that is, empowered citizens participation lays some obligations on their shoulders and they may seem to them especially heavy if citizens are not accustomed to solving them, or solve collaboratively in the atmosphere of mutual respect. On the other hand, and if a sound responsibility for decision making affecting ourselves and other people that live more or less around us – is awoken, then it can very deeply motivate people and become an important element of we-feelings.

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<sup>37</sup> Jürgen Habermas, *Europe. The Faltering Project*, transl. Ciaran Cronin, Polity Press, 2009, p. 69.

<sup>38</sup> J. Habermas, *Between Facts and Norms*, op. cit., p. 131.

<sup>39</sup> Glenn Max Wingo, *Philosophies of Education: An Introduction*, D.C. Heath and Company, 1974, p. 156.

Amy Gutmann writes about the need of democratic education in a multicultural society that the US already is as follows:

Schools are the major realm in which every nonadult member of society should, if possible, be taught the skills and virtues that are necessary for effective citizenship in an increasingly complex and interdependent society. Well-run schools model some of the most basic skills and virtues that need to be conveyed to students: they institutionalize fair procedures, honor individual rights, and expect everyone who is part of the school to demonstrate mutual respect by doing his or her share to contribute to its educational mission.<sup>40</sup>

There is a special kind of controversy here, in the European Union, connected with the problem mentioned above. It puts forward a question of an educative authority: should it be still national or rather a post-national, the European one? The Member States of the EU are not so easy to relegate their authority to European institutions, for processes of education are processes of identity building as well.<sup>41</sup> And we think that democratic/civic education (and at this moment of our history – nothing more than that) should be thought and tailored in the same fashion for all Euro-citizens to enable them discursive communication and this way participation in processes of will-formation. But we would like to highlight that even “the debates over the nature of a political community are rhetorical events with a potential for educating and socializing Europeans.”<sup>42</sup>

### Conclusions

Religions belong to the ethical sphere. They are a very important part of reasonable comprehensive doctrines, that form the issues for forming the reasons supporting (or not) normative universal claims. Religion based reasons can appear in a political public sphere but only on the condition they come through the threefold abstraction that appeared in Kantian philosophy. It means, in a religious background we can formulate good reasons which in the process of becoming such good reasons must split up with its origins with regard to the universal claim of the norms that good reasons stand for as analogous of the truth.

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<sup>40</sup> Amy Gutmann, “Why Should Schools Care about Civic Education?” in: Lorraine M. McDonnell, P. Michael Timpane, Roger Benjamin (eds.), *Rediscovering the Democratic Purposes of Education*, Lawrence: University Press of Kansas, 2000, p. 80.

<sup>41</sup> J.P. Olsen, *Europe in Search of Political Order*, op. cit., p. 78.

<sup>42</sup> *Ibidem*, pp. 178–179.

Our scrutiny over the public spheres in the EU and tied with it the issue of Euro-citizens shows that citizens of the EU need more possibilities for cooperation on common goals (debates on regulations, laws, functioning of institutions etc.) that forms the we-feeling.

In democracies it is often assumed that the capacity for learning and adaptation depend on the degree to which citizens form a community of inquiry and communication which legitimates criticism and opposition, makes actors continuously re-examine established 'truths' based on collective experience, and makes them accept the force of reason and impartial principles.<sup>43</sup>

What makes people a certain kind of a community are common (a) values; (b) norms (including legal rules); (c) work for the sake of something (a teleological perspective, so called problem-solving capacities); (d) instant cooperation while achieving different purposes. What makes people come together most is what was made together. So, in the EU what is needed are common publics and political institutions: public hearings, citizens' juries, experts-groups, ethical commissions which are on a lower level than intergovernmental working, and elaborating citizens' views on the most important European issues. However, most of all the common democratic/civic education is needed all over the European Union in order to build and shape Euro-citizens' habits of instant participation in processes of a discursive will-formation. Without such a reasonable education that entailed also certain *habits* no common project for the Future Europe Construction seems to be viable.

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<sup>43</sup> Ibidem, p. 47.

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