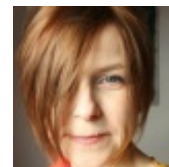


Book Review: The Justification of Europe: A Political Theory of Supranational Integration

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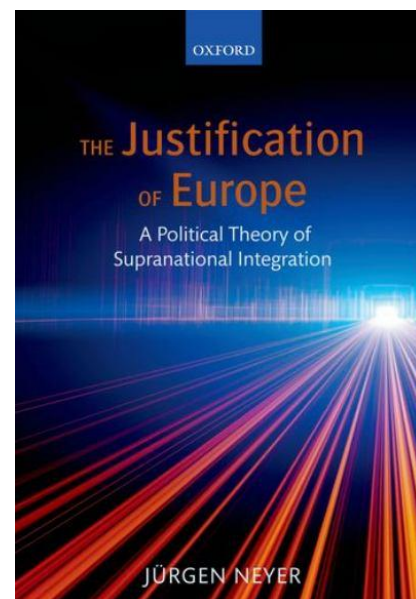
*The debate on the EU's legitimacy has long suffered from a number of serious misunderstandings. Supranational politics, **Jürgen Neyer** argues, is not about the making of public order in Europe but about internalizing external effects and fostering the individual right to justification. **Anamaria Dutceac Segesten** finds the book is a very enlightening read on matters of acute importance for thinking about a solution to the European legitimacy problem.*



The Justification of Europe: A Political Theory of Supranational Integration. Jürgen Neyer. Oxford University Press. October 2012.

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In *The Justification of Europe: A Political Theory of Supranational Integration*, [Jürgen Neyer](#) addresses a very pressing issue for the European Union. As I am writing this book review, one of the top [articles](#) in the British weekly *The Economist* bears the headline “A flawed temple”. Accompanying this gloomy statement we see a cartoon image of a pillar and pedestal deeply cracked, scarring the inscription EU DEMOCRACY. The main argument put forward by Neyer fits this illustration: the EU cannot be a democratic project, and if we hold it against an ideal-type of democracy it will inevitably show its cracks. Instead, a more productive way of understanding and solving the legitimacy problem of the Union, now threatening the very future of the European integration, is to replace democracy with justice as a fundamental concept.



Neyer's line of reasoning goes as this: Democracy cannot exist outside the nation-state. The nation-state is the only actor with the capacity to punish those who do not respect the legislation, capacity without which democracy cannot be guaranteed. The EU is not a state but a supranational structure. It lacks the ability to directly impose its decisions and depends on the voluntary cooperation of its Member States to implement these decisions. Supranationality, with its lack of coercive power, is the basic reason why democracy is impossible for the EU.



If democracy is an ideal that the EU can by nature never achieve, it is unprofitable to continuously criticize the EU for its democratic shortcomings. The solution is to replace democracy with justice, articulated as the *right to justification*. This right requires institutions that curtail the freedoms of citizens to give good reasons for doing so. An independent arbiter must also exist in order to evaluate the quality of the reasons put forth. Thus institutions are held accountable for their actions, and decisions are being taken through deliberations, producing “justifiable political outcomes” (p. 7).

Legitimacy obtained from the right to justification turns the EU into a “justified structure of justification”, even though this process is only in its infancy. The main obstacle on the Union's path towards a justified status is the “insufficient integration of national parliaments into the constitutional process” (p. 17). It follows that the solution to the legitimacy problem is giving the European and national parliaments increased control over EU law-making, and, generally, increasing the parliamentary control over the executive (both Commission and national) governments, something the Treaty of Lisbon has started to address, however imperfectly.

The existence of the unique supranational structure that is the European Union, and the slow steps towards an increased justification of EU policies, warrant Neyer a degree of optimism about the future of supranational politics. The nation-state is not challenged by supranationality; it is positively affected by it, becoming increasingly democratic by way of the pressure and framing that the supranational structures exert upon it. This optimism is conditioned on the existence of (economic) interdependence that affects the calculation of preferences of rational state actors.

Each of these elements in Neyer's general argument is detailed across the book's five parts. After setting the stage and presenting the method of normative realism (as opposed to an idealism divorced from empirical realities), Neyer defines what he means by supranationality and democracy, then discusses the concept of justice and its rule-based derivative, the right of justification. After analyzing the EU structures of justification as they exist today, Neyer formulates a critique of the current state of affairs, diagnosing and exemplifying the justice deficit of the EU, most detailed in the chapter in the "imperial foreign policy" of the EU (p. 169).

The book is clearly organized, impeccably edited, and written in a well-articulated although occasionally heavy prose. Readers unfamiliar with political theory and with some of the International Relations literature may find it a bit straining at the beginning, as may be the case with those less accustomed to legal theory, even though Neyer does a good job at defining and describing his main concepts.

Of all the arguments put forward, the most controversial is the replacement of democracy with justice as the main ground for legitimacy in the European Union. Democracy cannot be supranational, argues Neyer, but justice can be, and thus justice is more appropriate to measure legitimacy. But in which way is justice operationalized concretely? The right to justification requires institutions to be *transparent and accountable* to the citizens. At the same time, transparency and accountability are intrinsic elements of democracy. So be it democracy or justice, improving the quality of European governance are the norms of accountability and transparency, which should be explicitly at the core of the critique and reform of the EU.

Another point of contention I have with the text is the tendency to embrace a path dependency argument. "[T]he dualistic structure of the EU was never *meant* to be an institutional frame..." (p. 5) [my emphasis]. "Democracy has *developed historically* only inside, never beyond state structures" (p.6). Losing the dualistic core of the EU is unlikely, since "*from all we know today*, however nothing like this is possible" (p. 36). "Pooling... has been the primary mode of integration in the EU since its very beginning and *little has changed since then*" (p.36). I regard the existence of a path dependency as a matter of discussion and not as a general truth.

The interpretation of the change in the EU is also conservative. Is it really so that the EU has no coercive power? What about the imposition of sanctions or fees that businesses such as Microsoft have to pay? Another statement that may stand for empirical criticism: "The EU makes also no significant efforts at fostering a European-wide public discourse..." (p. 57). I believe there is enough information to argue that the EU, since the Adonnino Reports of 1985 and their idea of a People's Europe, has been striving to create a European public sphere, an example of which can be the sponsoring of Presseurop.eu, or the development of a social media communication strategy of the EU institutions (Twitter, Facebook) that engages much closer to the European citizen.

Besides these reservations, the book is a very enlightening read on matters of acute importance for thinking about a solution to the European legitimacy problem.

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