Politics and Governance
2025 • Volume 13 • Article 10072
https://doi.org/10.17645/pag.10072

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Open Access Journal

Sovereignty Crises and the EU's Moral Challenge

Elia R. G. Pusterla [1] and **Francesca Pusterla Piccin** [1,2]

[1] Faculty of Economics and Management, Free University of Bozen-Bolzano, Italy
[2] European Institute, London School of Economics and Political Science, UK

Correspondence: Elia R. G. Pusterla (elia.pusterla@icloud.com)

Submitted: 7 February 2025 **Accepted:** 21 May 2025 **Published:** 7 August 2025

Issue: This article is part of the issue "Debating Europe: Politicization, Contestation, and Democratization" edited by Claudia Wiesner (Fulda University of Applied Sciences) and Meta Novak (University of Ljubljana), fully open access at https://doi.org/10.17645/pag.i452

Abstract

This article investigates the potential responsibility of the European Union (EU) for its ongoing state of permanent crisis, contending that this condition is not merely incidental or externally imposed but rather fundamentally woven into the EU's political framework. By situating the analysis at the intersection of political philosophy and the conceptual analysis of the *idea of Europe*, the article reconceptualises *crisis* not as an exceptional anomaly but as an expression of a deeper moral and symbolic failure, engaging with academic debates on how Europeanness shapes the EU's identity, legitimacy, and integrative tensions. Drawing on the works of thinkers such as Jacques Derrida and Rodolphe Gasché, it further explores the idea that the EU's recurrent crises reverberate a failure to articulate a form of sovereignty that is adequate to the uniqueness of the European historical and normative trajectory. In this context, the current rise of sovereignism does not express the need to re-appropriate sovereignty as such but rather the inalienability of the symbolic benefits inherent in such rhetoric. Sovereignism is read less as a genuine demand for enhanced state power and more as a manifestation of the EU's inability to offer a compelling political and moral alternative. Hence, the article advocates for developing a moral sovereignty that can transcend the exhausted logic of state-centric authority. Ultimately, it posits that the EU's most pressing challenge lies in affirming its political legitimacy not through technocratic governance but through a renewed ethical commitment to the European ideal as an infinite, humanist task.

Keywords

crisis; Europe; European Union; Jacques Derrida; morality; Rodolphe Gasché; sovereignty

1. Introduction

The article explores the relationship between the European Union (EU) and the crises characterising its trajectory, investigating its potential responsibility. This purpose highlights the need to assess whether the EU, aside from external actors' challenges to European political integration, shares responsibility for these crises and, if so, how it does so. This investigation is increasingly necessary, as the persistent occurrence of crises themselves appears evident (Nugent et al., 2023; Voltolini et al., 2020) and has even become a condition of "normality" (Rhinard, 2024), assuming this has not always been the case. If this assertion is valid, particularly if the crisis is permanent and indistinguishable from endogeneity within the EU, it is crucial to understand the foundational aspects and the EU's potential role. Hence, is it appropriate to talk about a crisis rather than an "EU way"? This does not entail rehabilitating the value of the crisis through determinist and appreciative lenses. Instead, it raises the question of the extent to which, today, it is legitimate to believe that the EU can and desires to offer (primarily to it*self*) a political alternative regarding the permanent crisis overwhelming it. Indeed, as noted by Le Goff (2005), the concept of crisis—understood as the tension between opposing polarities—has historically been central to Europe and its integrative identity. To comprehend the "permanent crisis" of the EU, it is essential to establish a connection between the EU and Europe, to examine whether the structural conflict inherent in this permanent crisis is an immutable aspect of the EU's identity for its being European, or it represents a political limitation that the EU could potentially transcend, should it choose to pursue that path.

Two premises are necessary. First, the EU should not be misunderstood as a receptacle for all crises. Some, such as pandemics, may affect the EU, regardless of its responsibility, like any other polity. Second, the EU's permanent crisis discussed here is not so much related to the potentially varying nature of the crises it faces but the (varying?) affirmation of its capacity (and possible will) to cope with them. Understanding the EU's current political responsibility is crucial, especially when unforeseen challenges test its agency. Regardless of its institutional competences and legal responsibilities, the hypothesis is that, unlike, for example, sovereign states, there is a permanent crisis regarding the EU's affirmative definition and institutional determination of the political dimension of its *actions* that perhaps emerges particularly evident when it comes to its *reactions* (to crises).

Ulrich Beck and Edgar Grande allow capturing an essential aspect of such a permanent crisis, as rooted in and endogenous to the integration process of the EU and somehow its peculiar expression:

> The basic problem of both the current debate on European integration and of European integration research is that Europe has still not found an answer to two fundamental questions. *What is Europe?* And, closely related to that: *What should Europe be?* (Beck & Grande, 2011, p. 21, emphasis added)

Accordingly, the issue of the EU inherently entails—or is expected to entail—a speculative contemplation that is automatically situated within the conceptual framework of pursuing some *idea of Europe*. Despite the various crises afflicting the former, establishing this idealist connection between the EU and Europe is neither uncommon nor surprising unless one fails to recognise it as a given. That is not the case. As a unique political entity—Jacques Delors, former president of the European Commission, famously coined the acronym "OPNI" (*Objet Politique Non-Identifié*) in 1985—the EU initially rose in 1951 under the name of the European Coal and Steel Community. Since then, it has massively grown but never fully encompassed the

entirety of the European continent from geographical, cultural, political, and various other perspectives. From its inception, the EU has aligned with its European features, fostering a sense of "Europeanness." However, the specifics of what this entails—mainly what a European political institution can or must do—remain unclear. Adopting a deconstructionist posture inquiring into the EU foundations and questioning its taken-for-granted assumptions, what does it imply for the EU—as for other potential actors—to embody some "Europeanness" and/or an idea of Europe (Valéry, 1919), and what specific idea does this encompass? Assuming one wants it, what does it mean for a political entity to be a bearer of Europeanness and perhaps bring about "Europe"? Must the EU embody Europe, and does it aspire to? What are the implications if it both must and wishes to? Could it be that these implications—potentially challenging and perhaps not entirely appealing for a polity like the EU—are linked to the EU's ongoing and permanent crisis, or rather its failure to be what it could, should, and perhaps even wishes to be?

To this day, the connection between the EU's political values and its institutional practices remains ambiguous. The EU was founded on a commendable project committed to peace and the promotion and respect of human rights. However, when examining these values the EU professes to uphold, several crises come to the forefront, such as the recent migration crises and the contentious management of refugee camps in Greece (Achilli, 2022). The EU's response to these critical situations, among other possible examples, pressures the credibility of its commitment to the aforementioned values. The EU's credibility hinges not only on defining its principles but also on the political capacity to uphold them. Therefore, it is essential to differentiate between claims and evidence of political resolution to implement them effectively, particularly in times of crisis. Thus, the permanent crisis of the EU resembles an identity crisis—one that may even precede any subsequent institutional aspects.

Beck and Grande raise two foundational questions about the EU's identity and normativity—topics still largely unresolved today. They present their argumentative diagnosis and methodological corollary as follows:

> In short: *Europe still does not have an idea of itself*. In our opinion, this is primarily because the debate on Europe is dominated by outdated concepts. The possibility of grasping the historical and theoretical novelty of the EU is blocked in particular by the "methodological nationalism" with its fixation on the state. (Beck & Grande, 2011, p. 21, emphasis added)

In the current identity vacuum of the EU—identified with Europe and straightforwardly called "to be Europe"—conceptual poverty prevails, revealing a shortage of diverse ideas to grasp the essence of the European integrative project. This critical oversight primarily stems from reliance on an inadequate, nationalist-informed method of thought. This limits the epistemological scope by curbing heuristic access to European identity. The EU's need for access to its own identity sounds Heideggerian since "the 'letting be' of Being [making] possible its disclosure or truth (*aletheia*) to *Dasein*" occurs as "a self-*discovery* in which the self is dispersed in or returned to the world from which it arose" (Baynes, 2008, pp. 575–576):

> Methodological nationalism narrows the horizon of intellectual perception and diverts attention to false alternatives which is as true of the advocates as of the critics of the European project. The "nation-state" view acknowledges two, and only two, versions of the European project of regional integration—either intergovernmental cooperation in an alliance of sovereign states…or supranational federalism with its aim of establishing a federal state superseding the existing nation-states in Europe. (Beck & Grande, 2011, p. 21)

At this juncture, from a methodological perspective, grasping the permanence of the EU's crisis—characterised by both identity-related and existentialist challenges—imposes an adequate conceptual take (Wiesner, 2023). This methodological practice aids in generating heuristic tools to enhance understanding of the observed event and deepens the investigation of the relationship between the EU and the idea of Europe. The conceptual context of the crisis, which still needs further clarification, is inevitably included. Roberto Esposito emphasises the need for a "philosophy for Europe," where philosophy shifts from being a mere conceptual receptacle to a genuine response to the crisis posed by centrifugal forces that threaten self-identity and its meaning. He explains:

> If it is true, as Hegel wrote, that the need for philosophy arises when "the power of unification disappears from human life and oppositions lose their living relation and interaction … then nothing is more relevant than a philosophy for Europe. What goes by the name of "Union" has never faced a greater risk of coming apart, unless the oppositions that divide it manage to stick together in a meaningful relationship. Rather than relating to each other through their differences, its parts seem to be dispersed in an unrelated multiplicity that lacks even the constitutive force of conflict. The separation affects not just the member countries but something more profound, which pertains to the very incentive for staying together—as if the reality of Europe had become drastically estranged from its purpose, flattening into the bare fact of its geography. In the new order that the world is assuming, when everything calls for a strong European polarity, Europe appears devoid not only of a recognisable body but even of a soul. For this reason it might well be said that, even more than being separated internally, Europe is separated from itself—from what it should mean. The interests of its members, not to mention the values they bear, find no place of composition and not even a clear front over which to divide. They diverge in a lazy manner, which alternates between disorder and indifference. None of the big questions that touch its peoples to the core—from the still festering wound of the economic recession to the growing pressure of migratory flows and to the unprecedented threat of terrorism—produces a shared response, while politics itself is rejected by larger and larger segments of the citizenry. And all this is happening right at a time when only a high-profile political vision—what Nietzsche called "grand politics"—could adequately respond to the economic, social, and military challenges that press upon us. (Esposito, 2018, pp. 1–2)

Our article begins by highlighting the urgent need for philosophical inquiry about Europe and its crises—particularly its permanent and significant crisis that makes the EU a politically inanimate and alienated entity, leading to an endangered Europe "separated from itself" in the current institutional context. First, it underscores the need for an appropriate framework informed by philosophical insights on crisis and Europe. This methodological approach elucidates the complex foundational challenges facing contemporary politics and Western political philosophy, with the project of a European Union positioned at its historical and political core. Second, the article emphasises the need to reckon with the moral dimension central to any possible post-crisis EU politics. It suggests that the crisis is inherent to the EU as an institution, manifested in the absence of ideal political symbols that extend beyond the outdated logic of nation-state sovereignty, within whose antiquated rationale the philosophically necessary audacity of the politics–morality binomial finds little, if any, space for expression. In this context, the rise of sovereignism is addressed as ostensibly suggesting, prima facie, a disintegrative backlash towards greater member states' sovereignty. However, Jacques Derrida's analysis reveals that this rhetoric often conveys symbolic advantages rather than indicating a genuine desire for sovereignty. Consequently, sovereignism emerges as

a clumsy facade that conceals a latent, yet significant, drive for enhanced philosophical conceptuality wherein the political and moral dimensions are considered convergent and operatively pursued. The article argues how the EU confronts the daunting challenge in establishing a qualified form of moral sovereignty that exceeds traditional state sovereignty, requiring a critical reassessment of political expectations, as explored through Rodolphe Gasché's perspective.

2. Crisis and Critique

Several crisis typologies can be identified when examining the EU's relationship with its politico-historical trajectory (F. Pusterla, 2016). Indeed:

> If crises are disruptors to existing orders, the last two decades in Europe have witnessed a fair share of disruptions. Crises have roiled the continent, from ash clouds to Brexit, from bird and swine flues to financial and economic crises, and from migration influxes to, most recently, the Covid-19 pandemic and the Russian invasion of Ukraine. (Nugent et al., 2023, p. 1)

If one considers events of a migratory, economic, and military nature, it is reasonable to anticipate Neill Nugent et al.'s timeline should be pushed back by at least a few decades (one could consider, for example, the implosion of the former Yugoslavia, which reintroduced warfare onto European soil in 1991 for the first time since World War II). Indeed, this consideration is essential when addressing crises that pertain to a more institutional and "internal" nature of the political-economic system of EU governance. Examples include the 2005 Dutch and French rejections and the relative failure of the EU's Constitutional Treaty (Laursen, 2008), Grexit, and Brexit. Indeed, the root of this second kind of crisis—albeit not entirely distinguishable from the first—can be traced back to the "empty chair crisis" of 1965–1966 (Schimmelfennig, 2023). All these crises—and other possible ones—render a legitimate sense of their permanence, as if the EU inherently fosters a structural predisposition to crisis. Regardless of its variety, as mentioned, the permanent nature of the EU crisis is, therefore, widely acknowledged. It is essential to grasp the relationship between the application of the concept of crisis to the EU and its purported vocation for Europeanness. This understanding corresponds to a need to frame the philosophical perimeter of *crisis* and *Europe*. Indeed, it is important to understand whether the concept of crisis applied today to the analysis of the EU and its various political manifestations of Europeanness is influenced, and in what way, by some notion of crisis related to the very idea of Europe. It is, therefore, a question of examining the relationship between the notion of crisis as a potential identity factor for Europe and the EU itself, should it prioritise the operational expression of a certain Europeanness. How characteristic is the notion of crisis—still to be grasped—to identify a certain Europeanness in the EU? And what notion of crisis (permanent or not) would express the Europeanness of the EU?

To better understand the philosophical interplay between crisis and European identity, a preliminary reflection on the EU as a historical-anthropological challenge gains relevance:

> Many years ago, a philosopher who was also a high functionary of the emergent Europe, Alexandre Kojève, maintained that *Homo sapiens* had arrived at the end of its history and at this point had before it only two possibilities: access to a post-historical animality (incarnated by the "American Way of Life") or snobbism (incarnated by the Japanese …). Between a completely reanimalized America and a Japan that remained human solely on condition of renouncing any historical content, Europe could offer the

> alternative of a culture that remains human and vital even after the end of history, because it is capable of confronting itself with its own history in its totality and of drawing from this confrontation a new life. (Agamben, 2019, Chapter 1)

That the identity challenge for the EU qua Europe could be articulated through synthetic logic that opposes polarities that are a priori distant is not a new or exotic fact. On the contrary, it is deeply anchored to the *idea of Europe*:

> How, if at all, should we conceive the cultural identity of the cultural region that we call "Europe"? An observation frequently made about Europe's cultural identity is that it is the bearer of more than one heritage: *from the start everything European is hybrid*. (Glendinning, 2014, p. 30)

Simon Glendinning alludes to the coexistence in the idea of Europe, and since its origin—according to Emmanuel Levinas, as he mentions—of *faith* and *reason*: "Europe is the Bible and the Greeks" (Levinas, 2001, p. 182). Yet, as a gloss on Derrida on the issue, Glendinning explains that "the interplay of these influences is not just one lively 'culture kampf' in our world among others but is originary for our world" (Glendinning, 2014, p. 30). From this perspective, the EU's permanent crisis cannot be seen as merely a result of opposing needs and logics that it must synthesise now more than ever. Conversely, the EU's call for this synthetic exercise appears to be a coherent outcome of its intrinsic European identity and adherence to its historical trajectory.

In the wake of Glendinning's investigation into the crisis of Europe—addressed through explorations of eminent authors such as Martin Heidegger, Jean-Paul Sartre, Emmanuel Levinas, Jacques Derrida, and Rodolphe Gasché, and often in relation to Husserl (1970)—Engin F. Isin delves into a deeper dimension of "crisis." Preliminarily, David Macey displays Husserl's relevance in the debate:

> Husserl's last great work, *The Crisis of European Sciences and Transcendental Phenomenology* (1936) … was written against the background of the rise of Fascism and speaks pessimistically of the sickness affecting the nations of Europe. Speaking in terms reminiscent of Horkheimer and Adorno's dialectic of Enlightenment, Husserl now describes how the use of reason has been perverted into irrationalism and a perverted rationalism. (Macey, 2001, p. 192)

Given the importance of Husserl's diagnosis of Europe's *sickness*, Isin poses a crucial question: "If in fact the crisis of Europe is more fundamental than the current crisis that engulfs it, then how do we diagnose that fundamental crisis? How do we address the question 'What is called Europe?'" (Isin, 2014, p. 108). This idea of a deeper and more substantial—thus capitalised—"Crisis within crisis" is associated with the latent presence of an unstable synthesis of faith and reason (per Glendinning's polarity), resulting in a precarious equilibrium that remains inefficient to express Europe's inherent identity. However, there still exists the risk of using even this concept of a deeper and "capitalised" crisis by replicating the same epistemological closure Beck and Grande denounced on the nationalist approach to the EU. As per Glendinning on Europe's hybridity, one must critique the concept of "crisis" as a performative limitation of possibilities. In other words, regardless of how permanent and profound it may be, interpreting a crisis as a priori always and inevitably a condition that precedes disaster (albeit one whose arrival and event is as perpetually foretold as it is continually *deferred* [Derrida, 1992]) represents a conception of crisis that arbitrarily restricts its conceptual history and, perhaps most importantly, its connection to that of Europe. Accordingly, Isin quotes Gasché:

> The question of Europe is always "at once a chance and a danger" (Gasché, 2009, p. 287). To capture this aspect of Europe as a concept it is never adequate to recall the question as a question of crisis. To begin with "crisis," Gasché says, would suggest that Europe as a concept and idea was once stable or intact and that now it is destabilised. As a starting point for reflecting on Europe, the trope of crisis is equivalent to the idea that Europe is identical with itself. (Isin, 2014, p. 112)

To precisely avoid falling into easy apriorism regarding the permanence of a crisis as a contingent fact for the EU's identity and/or exogenous interruption of the EU's internal coherence, one must, therefore, resort to a *critique of crisis*, especially within Europe/EU's conceptual framework. Considering the shared etymology of critique and crisis—from the Greek verb κρίνω, *krínō*—this semantically overabundant *critique* becomes functional in establishing the genuinely problematic aspects of crisis (as opposed to those that could also be useful) beyond the pejorative rhetoric about it, sic et simpliciter, and the related summary judgments about it. Precisely, the etymological investigation of crisis (κρίσις, *krísis*) helps to grasp and reiterate these facets, or the logical existence of both positive and negative acceptations of crisis, although the former are elided from the meaning currently in vogue.

The verb *krínō* encompasses five linked and complementary main areas of meaning: (a) to *separate* and *distinguish* between things or concepts; (b) *judging* and *evaluating* a well-considered opinion about something or someone; (c) *decide* and *choosing* to make decisions between alternatives; (d) *condemning* and *praising a verdict* in a legal or moral context to indicate a sentence; and (e) *interpreting* and *understanding* to analyse and assign meaning to something within a given context. To this semantic convergence, one must also add an essential acceptation of crisis as a "state of health," reminiscent of Husserl's words on European pathology:

> For the Greeks the term "crisis" had relatively clearly demarcated meanings in the spheres of law, medicine, and theology. … Since then the concept of crisis … [relates to] the concept of illness itself [which] presupposes a state of health—however conceived—that is either to be restored again or which will, at a specified time, result in death. (Koselleck & Richter, 2006, pp. 358–361)

The concept of crisis is therefore clearly linked to decisions since, as well as within politics and law, in the medical field, the performativity of crisis fundamentally centres on making decisions (which can even imply concerns of bio-ethical order and digging into issues of moral philosophy).

This telling etymology of crisis introducing and forging this critical approach works as a prolepsis to the analysis of the EU's permanent crisis here addressed to show how the notion of crisis, as precisely per its enriching etymology, relates to decision, and in the EU framework, to the issue of the decision-making process within the European institutions where supranational and intergovernmental pressures and relative visions of the EU are opposed (Ludlow, 1999). Whether meaning, for instance, the preference of one alternative over another or the turning point for better or worse (Pickett, 2007), speculatively, a decision-making process transpires along a continuum delineated by contrasting polarities that frame the decision as either a necessity—thus rendering it *imposed* by contingency—or as a possibility, implying it is a matter of preference—more or less *suggested* by contingency. Hence, in the frame of this critique, such an etymology is as stimulating as the use of the term today, also within EU studies.

One frequently encounters the rhetorical assertion that crisis, regardless of its rather negative acceptation, represents an opportunity, a possibility. Accordingly, it is with a similar argument—applicable to the permanence of the European crisis—that Rodolphe Gasché introduces his reading of Jan Patočka's "L'Europe après l'Europe" (Patočka, 2007):

> [I]t is clear that after Europe has come to an end, we are not simply done with Europe. The end of Europe, in the sense of the loss of its economical and political supremacy in the world, presents Europe with an opportunity; with a chance, as the Czech philosopher puts it, to reconceive of itself. (Gasché, 2018, p. 392)

Although this "opportunity/possibility argument" may seem slightly corny, it is not. On the one hand, applying this relatively optimistic interpretation to the term crisis with some superficiality is tempting. On the other hand, understanding the positive acceptation of a crisis requires a more subtle reflection.

Krísis indicates a disease progression's *turning point* or a *critical*, *decisive* point. Accordingly, the mentioned empty chair crisis grasps this nuance very well and applies to the EU's case and to the implications for any quest for a European identity, or what Patočka calls "to reconceive of itself": "The empty chair crisis of 1965, resolved in the Luxembourg Compromise of 1966, forms part of the dramatic past of the European Union, and is for many a turning-point in European political integration" (Ludlow, 2006, p. 79). Although it can be argued that there are original sins in the very project of European integration, the roots of which are said to be rooted in historical logic steeped in nationalism and imperialism (López Bofill, 2023), nobody wants to a priori exclude the above-mentioned "goodwill" of the initial impulse to the EU's project. Yet, whatever the state of health from which the EU set out in 1951 (under the coat-of-arms of the European Coal and Steel Community), the essence of its complexity was revealed through a crisis in which the crisis–decision binomial strengthens and becomes the expressive figure of the EU itself. In this critique, the fundamental feature of the current permanence of the crisis manifests itself as a crisis of the crisis. In other words, we are faced with an inability/not knowing how to decide on deciding. The problem of deciding lies at the core of the crisis critique and relates to the European identity that the EU should—and perhaps even wants—to embody. In this sense, we can say that, on the one hand, the crisis in the strict sense has been resolved and has shown subsequent progress in the health of the EU, which has continued to endure. On the other hand, the emergence of the EU's difficulty in making decisions under these circumstances has marked a worsening state of health from which the EU has yet to emerge.

At this stage, it is time to remember the distinction between necessity and possibility from the perspective of a critique of the crisis. In other words, could the crisis of the empty chair have been resolved in a "more European" way than the EU has been able to do by revealing its crisis of the crisis? The answer to such a question is impossible because it is difficult to determine to what extent contingency imposed such an event. What is possible instead is to determine to what extent such an "in-decision" or decisional impasse is in line with the decisional prerogative of the concept of crisis. The crisis may indicate the turning point towards either deterioration or recovery, but also, foremost, a decision that, in Aristotle, takes the form of a *distinctive force*, a *separation* (Rocci, 1995, p. 1090). Accordingly, the term crisis in this classical sense is a receptacle of juristic notions whose *topos*, the court, becomes the theatrical scene for separations and distinctions (of responsibilities) through trials, judgments, sentences, accusations, decisions, verdicts, determinations, quarrels, lawsuits, disputes, and other judicial acts. Assuming, then, that the EU, in the

context of and stemming from the empty chair crisis, had demonstrated something resembling an indecisive decision (perhaps un-European), what might it be? What separating and distinctive force, presumably European or hopefully European, would have been absent in that circumstance? Comparing two judicial *topoi* that likely represent a hybrid European moment and a distinctly non-hybrid one is beneficial to grasp this point.

On the one hand, there is Socrates's trial, where Plato describes his preceptor as accused of "impiety"—a serious religious offence in Athenian law and Greek thought (E. R. G. Pusterla & Garibay-Petersen, 2024)—specifically for corrupting the Athenian youth by promoting values and beliefs not directed towards the city's gods but to foreign daemons. On the other hand, Josef K's literary trial in Franz Kafka's *The Trial*, in which an alienated accused ignores both the charges against him and his guilt or innocence. The fundamental lessons derived from these two trials carry significant political connotation that merits discussion in relation to the term crisis. Socrates's trial is inherently political due to its stake for the foundational values of the polis and, by extension, the alleged survival of Athens as a political community. Therefore, the institutions of the polis react and favour a crisis, in the sense used by Sophocles in *Philoctetes*, or in making *the choice of just men* (Rocci, 1995, p. 1090). This brings the ethical and moral dimensions underlying the crisis to the forefront: The critical accusation against Socrates revolves around his adherence to the polis's morality. Cicero was among the first to translate the Greek term *ethos* (ἔθος), which encompasses sacred customs, with the Latin word *mores*, referring to the customs, habits, or ways of life within a community from which morality is derived. Ultimately, Socrates remains bound to the values of the polis, choosing the death penalty over exile even though he disagrees with the sentence—a decision that would have compromised his ability to adhere to the sacred laws of the polis itself (E. R. G. Pusterla & Garibay-Petersen, 2024). In contrast, K's process depicts a dystopic scenario where the mechanisms of law operate organically, yet their logical foundation remains accessible. Surprisingly, despite the elusive nature of this for the accused, a moral aspect persists in this second situation. Morality is ascribed to the functioning and service of the law that society has established, rendering K's position regarding this aspect of little consequence.

In tracing the historical-cultural trajectory that delineates the first and second processes, one observes a repositioning of the moral question surrounding the (political) crisis. This shift transitions from a crisis situated within normativity, characterised by the decisive force of a dubious moral judgement, to a crisis utterly detached from such decisiveness, existing beyond the scope of normativity and unable to engage with it. The well-known sentence addressed to K by a judicial character imbued with evident sacred-religious significance aptly describes, using Derrida's term, this resulting "undecidability" (Derrida, 2004, 2010): "That means I belong to the court," said the priest, "so why should I want anything from you? The court does not want anything from you. It receives you when you come and dismisses you when you go" (Kafka, 2009, p. 160).

Now, how do these crises relate to the EU? In what sense does the EU confront dilemmas between at least two clearly defined moral alternatives, as seen in the first scenario? Or, perhaps more troubling, to experience Kafkaesque situations where it is unclear what should be morally decided? To address this question and fully grasp the complexities of an appropriate response, a further step must be taken to explore the crisis in the context of Europe. In his seminal book entitled *Europe, or the Infinite Task*, Gasché delves into this topic through the lenses of Edmund Husserl's aforementioned unfinished work *The Crisis of European Sciences and Transcendental Phenomenology*:

> As Husserl suggests at the beginning of *The Crisis*, what "Europe" stands for is the project of reshaping humankind in light of "the questions which are decisive for a genuine humanity" (1970, p. 6), in other words, questions that concern humanity's, and not geographical Europe's, self-understanding. "Europe," then, is the project of a reshaping of the relations among individuals, groups, and nations, in light of what it means to be human rather than in terms of membership in an ethnia, with its particular customs and traditions. (Gasché, 2009, p. 23)

These words masterfully articulate the profound ontological/anthropological significance of the political effort that Europe is called to undertake. Moreover, Gasché connects the causes of this endeavour to its Greek roots:

> With the birth of Greek philosophy, that is, with the idea of a "humanity which seeks to exist, and is only possible, through philosophical reason, moving endlessly from latent to manifest reason and forever seeking its own norms through this, its genuine human nature," a task has been set for Europe—a *telos* with respect to which it is to define itself in order to be properly itself. "Inborn in European humanity," this telos of realization of true humanity, is the end toward which it must stretch in order to be Europe. (Gasché, 2009, p. 33)

Europe, therefore, seems to be invested with a remarkable normativity, characterised by being fully active and accomplished (*en télei ékhein*). It takes on the role of the promoter of a task that is both infinite and universal. This endeavour requires not only the choice of fostering its self-awareness but also self-alienation, all in the interest of fully realising a humanity that, by its very nature, cannot be hindered by minor, and at times trivial, particularisms of any kind (Gasché, 2009, p. 43).

But why should Europe bear all this normativity, especially given its potential to herald crises? Europe is tasked with this heavy and ambitious responsibility under its imbrication—once again highlighting hybridity—originating from Greek philosophy, which first transcended the primitive cognitive stage associated with the diffusion of pre-scientific practices such as orphic and cosmogonist myths. Thus, Husserl's emphasis on reason and rationality emerges as a possible, though non-exclusive, component of a strategy for Europe's full development and/as its task:

> Edmund Husserl, who, in the wake of a long tradition, retraces the idea of Europe to that of philosophy—that is, to the Greek idea of a rational science and a universal truth that not only meets the demand of being able to account for itself, but that also imposes itself without distinction on everybody—Patočka's [idea], by contrast, locates the origin of Europe in the Greek, Platonic conception of the "care of the soul" (*epimeleia tes psyches*) … .For Patočka, this conception of the care of the soul is not an altogether different motif from the Husserlian notion of reason and rationality. On the contrary, the motif of tending to the soul consists only in a recasting and deepening of the foundations of European rationality in order to be able to overcome the crises of Europe. (Gasché, 2018, p. 393)

Husserl's rational-universal approach unequivocally signals a strategy that conforms to valuable and necessary moral criteria for realising Europe and humanity. Patočka outlines the form of morality and moral conformity that is being referenced:

> Ultimately, the gaze into what is, is a gaze into the idea beyond all ideas: the idea of Good (*agathon*) which must not be understood in a narrow moral sense, but which has "ethical" implications in a way that concerns the intelligibility of all that is. It is, therefore, crucial to understand that the notion of the care of the soul is not simply an approach that concerns the life of an individual, but is, from the start, intrinsically tied to the life of a community. (Gasché, 2018, p. 393)

The crisis of Europe, as emphasised by Husserl and Patočka, revolves around the arrived *presence of a lack* of that notion of *good* preceding moral choices in both an individual and collective sense. Thus, the critique of the crisis centres on the moral issue at play. In the context of the permanent crisis of the EU, the question is less about understanding why the European integration project faces setbacks and prolonged periods of decision-making stalemate, and more about whether this integrative and supranational project aligns with the uniquely European legacy of striving, and taking responsibility, for deciding—with all the risks involved—for the *ultimate good*. In this light, the empty chair crisis, often regarded as the symbolic precursor of the EU's subsequent crises, represents more than a turning point that could lead to either positive or negative outcomes. It signifies a deeper state of moral undecidability regarding the implications of choosing one path over another and the distinctions between them. In other words, the crisis of crisis pertains to the very foundation(s) of the EU project; it transcends the mere question of whether the project can evolve and advance. Instead, it raises the critical inquiry of whether, even if the project successfully develops, it would culminate in a full realisation of Europe and humanity, or at least in a genuine, decisive effort to progress in this direction. Given these premises, it is essential to explore the scope of the EU's potential role as a decision-maker and inheritor of a critical, deciding force that is currently somewhat lacking.

3. Crisis and Decision

As discussed, *crisis* pertains to both decisions, understood as the problematic practice of adequate choices (is it justifiable to condemn Socrates to save the polis?), and, more fundamentally and even earlier, to the very possibility of *deciding*, making a choice. The EU's permanent crisis seems to be situated logically between the lack of a possibly sound founding decision and the very capability of deciding (thus determining what is good). However, the situation becomes more complicated since a project like that of the EU may not have the possibility of not deciding, being precisely constrained by the contingent necessity of giving itself the possibility of deciding.

In discussing the challenges posed by the EU's possible in-potentiality (i.e. potentiality not to, in Agamben's jargon) to comply with the necessity of deciding, the reference to Derrida's concept of undecidability—where established, logical *categories* differentiating between opposites are put into crisis—proves significant. The initial crisis emerges as an allegation of non-conformity to good opposed to evil. It necessitates an effort to defend these presumedly well-established categories and elucidate their origin, assuming such origin ever truly existed. Jacques DeVille's connection of Derrida's undecidability with the fundamental issue of justice emphasises this dilemma, framed in moral terms of good (De Ville, 2011, p. 1). Indeed, the accuser, tasked with deciding, ultimately finds himself in the position of the accused, compelled to justify the decision and substantiate the very possibility of rendering a cogent decision. In this circular merging of the roles of accuser and accused, the subject must navigate the transition from a moral decision regarding the good to the political implications of that decision. Consequently, by assuming the undecidable aspects of crises as heuristically pertinent to the understanding and depiction of the crisis of Europe as discussed by Husserl and

Patočka, as well as by Gasché more recently (Gasché, 2016, p. 304), these intertwined roles offer a heuristic bridge between Europe's crisis and the EU's crisis. Indeed, with respect to the latent question of the extent to which the understanding of the European crisis—which may have originated independently of any EU crisis—can illuminate the latter, the hypothesis regarding their substantial juxtaposition hinges on their respective undecidability. To this end, cutting-edge analyses of the EU's normative political theory (Neyer & Wiener, 2011) can be summarised as follows:

> Although highlighting the EU's possibility to become a pioneer of new forms of politics … contributors implicitly signal the substantial pliability of the EU's historical and, perhaps, future trajectory. This is not simply determined by the unpredictability of the future per se, but also by the EU's inability to unambiguously define and illustrate its political plan and identity. (E. R. G. Pusterla, 2012, p. 151)

This position clarifies the issue quite effectively. The juxtaposition of the EU crisis with the European crisis is possible insofar as both show a similar reluctance to confront the need to decide. Without delving into specific historical details, it may be beneficial to distinguish between the varying degrees of hybridity in European phases. In other words, European history, marked by the emergence and affirmation of modern states, does not appear to have preserved the same hybridity that characterised classical and pre-modern Europe.

To this end, Schmitt's theory of secularisation (Schmitt, 2005) on the transition from religious to legal language in modernity does not portray a hybrid—and potentially poietic—condition as depicted by Glendinning in relation to European origins and challenge, but rather its strenuous negation. It reflects a practice that aligns closely with legal positivist "expectations" championed by Bentham, a formidable proponent of this perspective (Bentham, 1988; Kelly, 2009; E. R. G. Pusterla, 2016). In light of this "de-hybridisation" process through modern secularism, Schmitt's assertion holds merit: "All key concepts of the modern doctrine of the state are secularized theological concepts, which suggests that a political theory that continues to use these concepts needs a theological foundation" (Vinx, 2019). This epistemological approach to conceptualisation not only aligns with Beck and Grande's methodological call but also evokes the intricate relationship between decision and sovereignty. Regardless of the judgment one might wish to express about the merits of the question—Schmitt is notoriously critical (Schmitt, 2007/1932, pp. 81–96)—it is undisputed that the legal positivist approach to the emergence of modern states has aimed to redefine sovereignty, thereby "modernising" it and liberating it from aspects considered archaic and outdated. This intent is primarily articulated through exercising sovereignty that focuses on governmental legitimacy, which seeks to fulfil citizens' expectations, particularly in providing public goods (Duguit, 1922, 2005). This "governmental" sovereignty, using the terminology of European studies, hinges on "output legitimacy" (Scharpf, 1999) and positions any given sovereign institution in competition with other potential competitors within the outputs market, however one defines it.

This approach to sovereign legitimacy, in itself, seems neither new nor outrageous. Ultimately, even the ancient forms of thaumaturgical sovereignty—particularly in Greece (Miglio, 2011; Severino, 2011, 2018)—implied the sovereign power to grant the subject the authority to administer life and death (Derrida, 2008). Ultimately, there exists a *logic of responsibility* toward these subjects—not so far from Patočka's care—by no means negligible, especially within the context of European integration and the EU project. Thus, it is unsurprising that European integration theorists have expressed the need to affirm the EU's *responsibility*, particularly in promoting and defending democratic values and solidarity among member states (Habermas,

2012), human rights, migrants, and democratic governance (Benhabib, 2004), in reducing inequalities between member states (Sen, 2009), and social cohesion among them (Balibar, 2016). Such appeals arise from the permanent crisis of the EU and its inefficiencies and are articulated primarily in moral terms. In this context, the aforementioned responsibilities of the EU would be regarded as "moral responsibility."

Regardless of their legitimacy or legitimisation, these moral responsibilities do not appear moral in the classical sense. In essence, they do not diverge from the legal positivism articulated by modern states. What distinguishes European and EU moral responsibility concerning the quality of goods provided to citizens and populations from that already pursued at the state level since modernity? The moral responsibility of the EU is articulated differently, framed in terms of a "right to justification" (Forst, 2014)—a dynamic where the accuser and the accused risk merging—or as a global ethical role for the EU (Held, 2004). In these contexts, one can identify the presence of moral responsibility in deciding to satisfy additional needs not strictly necessary for the survival of "a state" but likely crucial for the survival of another political institution that may otherwise appear redundant as a supplementary state power on a larger scale.

At this stage, the crisis of Europe has the features of a legitimacy crisis regarding its morality with relevant pragmatic premises. These may be exemplified in the topicality of sovereignty associated with the rise of sovereignism. The EU is perceived as a possible obstacle to the priorities of this movement, evoking the intrinsic connection between sovereignty and decision. According to Schmitt, the decision encapsulates and articulates sovereignty (Schmitt, 2005). Historically, the EU has navigated the complex issue of sovereignty, as evidenced by the recent surge of sovereignism. That EU decisions are surreptitious forms of sovereignty limiting and eroding that of individual member states—and may even yield outcomes worse than what those states' sovereign possibilities could achieve—lies at the heart of the sovereigntist narrative. In such a context of profound Euroscepticism, the EU refrains from confronting the sovereignty issue directly and avoids asserting its sovereignty, particularly in a manner that could be seen as competitive with that of its member states. Pragmatically, the EU has, at least in rhetorical terms, effectively *sovereignly banished sovereignty* from its politics.

This prompts an examination of the often-debated inseparability between *politics* and *sovereignty* (Barbour & Pavlich, 2010; Bickerton et al., 2007), particularly given that the EU avoids making formal sovereignty claims (Adler-Nissen & Gammeltoft-Hansen, 2008). Hence, the EU would formally be *political* but not *sovereign*; its presence and integrative process would undoubtedly be political without, in principle, affecting sovereignty (Walker, 2011). Considering that sovereignty is often understood as implying the political decision on the exception to the law and its possible suspension or abrogation (Agamben, 1998; Schmitt, 2005), how can the EU navigate and circumvent sovereignty without relinquishing any decisive prerogatives or possibility for an additive political positioning and, ultimately, its inherent political character? One possible hypothesis is that the EU is, pragmatically, embracing a political in-potentiality. Therefore, it is worthwhile considering how Giorgio Agamben elaborates on the relationship between the potentiality not to be and sovereignty:

> For the sovereign ban, which applies to the exception in no longer applying, corresponds to the structure of potentiality, which maintains itself in relation to actuality precisely through its ability not to be. Potentiality (in its double appearance as potentiality to and as potentiality not to) is that through which Being founds itself sovereignly, which is to say, without anything preceding or determining it (*superiorem non recognoscens*) other than its own ability not to be. (Agamben, 1998, p. 32)

Agamben's analysis suggests that the EU might act as if the relationship between politics and sovereignty can be overlooked, as though EU politics could *not-to-be* associated with sovereignty any longer. In doing so, the EU would effectively decide not to decide, thereby aporetically deciding in the perhaps most absolute, somehow "supreme" way. However, this in-decision—the choice to embrace the potentiality to not decide—does not seem to be without consequences, nor does it guarantee absoluteness. Consequently, the EU's attempt to circumvent the political–sovereignty connection may have instead reproduced the same dynamics that the EU sought to avoid, namely the centrality of sovereignty—marked by its longstanding complexity and "contemporary crisis" (Raschke, 2024)—which could perhaps not be escaped unless one institution also gives up with being political itself:

> Because every decision (by its essence a decision is exceptional and sovereign) must escape the order of the possible, of what is already possible and programmable for the supposed subject of the decision, because every decision worthy of the name must be this exceptional scandal of a passive decision or decision of the other, the difference between the deciding decision and the undecided decision itself becomes undecidable, and then the supposed decision, the exceptionally sovereign decision looks, like two peas in a pod, just like an indecision, an unwilling, a nonliberty, a non intention, an unconsciousness and an irrationality, etc. (Derrida, 2009, p. 33)

Derrida's words are unambiguous. The EU's potential strategy to avoid the sovereignty trap of deciding renders its political project inscrutable, presuming it exists and is inherently rational. Moreover, regarding sovereignism, it is essential to highlight that the urgency to reaffirm state sovereignty is a functional illusion. Regarding Derrida's theory of sovereignty, while this concept is imbued with rhetoric as alluring as improbable (Derrida, 2009, Session II), it fundamentally articulates the political need to interrogate humanity and its possible full expression. This rhetorical sovereignty here expressed holds merit—we have discovered one!—in illuminating the absence and lack within the European project articulated by the EU. Challenging the EU because it threatens the sovereignty of member states exhibits a rather optimistic view of the possibility for states to attain a more substantial sovereignty (Fabbrini & Zgaga, 2022). Thus, the sovereigntist opposition to the EU conceals a deeper discomfort about the lack of ulterior (ideally *superior*, sovereign) foundation for the EU's project, one that requires bold sovereign decisions and normative responsibility to illustrate an idea of how the EU aims and aspires to express the European call to actuate humanity through and within the polis. Ultimately, the sovereigntist hostility towards the EU underscores a palpable *malaise* concerning the incapacity of contemporary politics and political thought to provide such a "vision," a gap the EU appears reluctant to address. This does not merely challenge the authority of the EU due to its possible inefficiencies, but also because it fails to deliver more than what individual states attempt to provide, despite their own blatant failures.

4. Conclusion: The EU's Moral Responsibility

The concluding remarks move along the trajectory from Gasché's reflections on the idea of Europe to Derrida's on sovereignty. Acknowledging Europe's hybrid nature, which is consubstantial with the synthetic exercise of the same as its self-generative practice, it is asserted that, despite the historically rooted distinction between politics and morals, the EU finds itself in the perhaps daunting yet inevitable need to justify its existence as a political authority that transcends the narrow expectations associated with the "only" idea of state sovereignty. Viewing the EU through modern state sovereignty fails to capture its European aspects and does not align

with the normative nature of the "European" determination; the European vocation predates the rationalist pressures of legal positivism.

Instead, the EU must take responsibility for deciding, even at the cost of making mistakes. In this regard, the crisis represents a contingent or permanent situation in which it is necessary to determine itself. However, by failing to do so, primarily, the EU irresponsibly overlooks the fact that a crisis can also present a contingent opportunity for deciding (for the good), rather than merely an unwelcome contingency to escape (to avoid the evil). In any (etymological) sense, crisis and decision are consubstantial. Now, not deciding in a crisis context is also a decision—one that may manifest as a denial of the crisis's existence, an assumption that the crisis will resolve on its own, or even a reluctance to move beyond the state of crisis as the critical status quo may serve to uphold institutional preservation. None of these approaches adequately addresses the responsibilities that the EU, as a politically responsive institution—capable of recognising even the most critical political demands from within or outside—inevitably faces (E. R. G. Pusterla & Pusterla Piccin, 2025).

If a comprehensible apprehension of deciding on the outlawed, violent, and authoritarian state of exception drives the EU to avoid deciding, thereby adhering to a self-imposed—and in these terms—convenient permanence of crisis, then one might find some sympathy for the EU's reluctance to act. However, in not deciding, the EU risks significant consequences, as it undermines its political character. Consequently, the EU would be liable to do politics without being political, or a-political politics, which resembles a market-driven distortion of capitalist economic traction, likely insufficiently focused on human actuation (Everson, 2011; Hardt & Negri, 2000).

Indeed, regarding the permanent EU crisis and the political practice deriving from it, the EU adopts a position of (in-)significant ambiguity, especially about the insoluble relationship between decision and sovereignty. This stance opens the EU to criticism for favouring a modus operandi that leans toward a form of politics devoid of decision, thereby resulting in negative politics by subtraction rather than positive politics by addition. Consequently, the risk is that the EU's action seems more intent on evading wrong political decisions than striving for good ones. The underlying rationale suggests it is better not to decide than to make mistakes. This renunciatory approach, possibly rooted in historical experiences of harsh expression of political sovereignty, at least partially absolves the EU from immediate condemnation of its intentions. However, what is unforgivably flawed about the seemingly good intention to avert conflict is the belief that one can sidestep the errors of decisions through a form of non-sovereignty that only apparently does not decide. Instead, this in-decision still exerts sovereignty, albeit in a very arguable political way that certainly does not express ambitions about the positive and responsible actuation of humanity through and within politics. Indeed, the indecision that the EU may exhibit—stemming from fear, cunning, and a sense of impossibility—articulates a version of sovereignty characterised by in-decision, thereby undermining the moral character of the decision that ought to be reclaimed.

The EU is called to embody a political idea of sovereignty higher than sovereignty, or *moral supremacy*. The EU's exit from the current crisis certainly depends on the ability, but perhaps even before on its willingness, to build a bridge between the political and the moral. The EU's emphasis on the latter, hitherto unfulfilled or timidly expressed, is fundamental to justify the EU's original contribution to politics. Indeed, by embracing the profound normativity of Europeanness and, consistently with Beck and Grande's call to conceptualise the EU beyond conventional frameworks, the EU must summon the courage to

reconceptualise sovereignty integrating morality, perhaps exploring and expanding upon alternative linguistic expressions akin to its earlier attempts to introduce the concept of supremacy. However, this endeavour can only be meaningful if the EU acknowledges and affirms the substantial, beyond merely formal, distinction between its possible project of moral supremacy and modern states' sovereignty. To achieve this and get rid of its permanent, *decisive* crisis, the EU must bravely reconsider an idea of European morality that, in the spirit of Esposito's insights, could serve as a *moral philosophy for Europe*. Envisioning a different approach to the EU's politics and another sovereignty that is not state-centric, but instead originates from a distinctly European identity, has the potential to reclaim the genuine European origins—perhaps too quickly overlooked (Reale, 2003). Such a reimagining could assert *moral supremacy*—so bold in its vision of the good that it genuinely inspires courageous commitment among its citizens.

Acknowledgments

The authors would like to thank the academic editors of this thematic issue, as well as the blind reviewers, for their valuable comments and suggestions. We extend our gratitude to Dr Cristóbal Garibay-Petersen for our conversations.

Funding

Open access funding is from the Autonomous Province of Bozen/Bolzano under Grant Agreement No 11497/2023 for the Seal of Excellence project PROVVEDA under Marie Skłodowska-Curie action High-Quality Project under HORIZON-MSCA-2022-PF-01-01. The research leading to this article is funded by the Autonomous Province of Bozen/Bolzano under the PROVVEDA and ARIANNA projects.

Conflict of Interests

The authors declare no conflict of interests.

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About the Authors

Elia R. G. Pusterla is a political theorist doing postdoctoral research at the Free University of Bozen-Bolzano. His work bridges political philosophy, postmodern thought, and international relations, focusing on sovereignty and continental thinkers. He has published widely and serves as associate editor of *Political Research Exchange*.

Francesca Pusterla Piccin is a postdoctoral researcher at the Free University of Bozen-Bolzano. Her research lies at the intersection of political science, international relations, and European studies, with a thematic focus on humanitarian aid, migration, and development. She has published in peer-reviewed journals and authored monographs on these subjects.