The Future of the EU between Independence and Interdependence

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Almost all contributions to the collection '*The End of Eurocrats' Dream*', edited by Damian Chalmers, Markus Jachtenfuchs and Christian Joerges touch upon a tension that has been implicit in the integration process from the very start, but has only explicitly manifested itself during the Euro-crisis: the tension between independence and interdependence. This tension is also evident in the refugee crisis, and in (the aftermath of) Brexit: how can we at once accept Member State autonomy (in fiscal policy, border control or deciding on the conditions for EU membership) while at the same time sustaining collective commitments towards, say, a monetary union, Schengen or free movement?

As many authors in the edited collection have highlighted, the Union's traditional answer to this question has been to use law in cutting through political opposition to its policy objectives, and in institutionalizing strong compliance mechanisms. In hindsight, and now that it is under pressure, it must be said that this approach has worked remarkably well for the first 50 years of European integration. It is little surprise, as highlighted in the book's introduction, that law (if not the traditions of the democratic *Rechtstaat*) have also been a frequent fall-back mechanism in the EU's 'rescue' of the Eurozone. The arrival in quick succession of the three major crises of the EU's history have highlighted, however, that using law only gets us to a certain point. Law lacks the capacity to resolve the tension between independence and interdependence in a manner that is legitimate and authoritative where it operatives in isolation from political contestation.

The most interesting contributions to the edited collection, in fact, go beyond this diagnosis of the problem, and suggest treatments options. For Kalypso Nikoladis and Max Watson, the path towards a more legitimate Union rests in a retreat from political and democratic hierarchy towards a model of mutual commitment in which Member States primary duty is to attempt to internalise the impacts of their actions on others. For Deirdre Curtin and Mark Bovens, any responsible answer to the crisis requires addressing the shift to executive power and providing transparency to a new executive triumvirate (in the form of the Commission, European Council and ECB) who have outpaced the Union's traditional accountability structures. For other contributors, such as Giandomenico Majone, the Union's increasing differentiation and diversity should not be constantly buffeted by attempts at monetary and fiscal centralization but seen as an opportunity to re-orient trans-national integration around a loose series of 'clubs', reflecting the self-determining choices of their members. The emphasis running through many of these suggestions of more strongly politicizing the EU's policy orientation and its effects on the scope for national decision-making is certainly one that we share. Our contribution here aims to direct attention to a conceptual puzzle that lies at the centre of the quest towards repoliticisation of the European integration process. That puzzle is institutional: at what level of government should we direct our efforts?

Brexit offers a perfect example of why this puzzle is so central to the reconstruction of the EU. Sara Hobolt's analysis of electoral data after the vote confirms what authors such as Mark Dawson and Rainer Baubock highlighted immediately after the vote: the process of integration has created a new cleavage, pitting against each other those in favour and those against globalization (and all that comes with it). Electoral data shows that the 'remain' camp

consisted of urban, well-educated and young voters, who fare well under (or are used to) conditions of global competition and global opportunity. On the other hand, the 'leave' camp consisted of rural, older, and less-educated voters. These categories feel that they have lost out – whether due to the effects of globalization or decades of relentless domestic austerity politics (both being closely associated with the EU project).

The outcome of the British referendum was met with shock and surprise across the continent. But how is it possible that such an evident and clear-cut cleavage remained hidden for so long? Wasn't politics meant to be sensitive to emerging discontent due to its representative nature? The answer to these questions is that this particular cleavage could not be expressed within the political institutional structure as we now have it. Politics, whether on the national or EU level, struggles to internalize this cleavage. A political view that could not be expressed through every-day politics was finally able to emerge on the 23rd of June.

On the EU level, the story is a well-known one: a commitment to globalization is written into the Treaties, whether in the free movement provisions, in the structure of EMU, or its state aid rules. These rules cannot be challenged politically, and are pushed through against political opposition by the use of law (as discussed above). On the national level, the price of politicizing this cleavage is very costly. Given that national politicians (or governments) are also unable to change the Union's policy orientation, contestation of the premises of globalization immediately meant contestation of the EU as a whole – as the British Conservatives quickly discovered. As Peter Mair put it beautifully, without possibility of criticism *within* the EU, dissatisfaction quickly translates as criticism *of* the EU.

The mainstream centre-right and centre-left parties in Europe have, as a consequence, never dared to attack the substantive orientation of the EU. While the centre-left may not agree with the liberal premises of the European market; and the centre-right may be uneasy with the free movement of persons; contestation of the EU is highly costly as the only available alternative to offer the electorate is withdrawal from the Union (and the policy freedom that withdrawal would imply). No other action by domestic parties can, after all, affect the deeper structural changes that large portions of the electorate would like to see. This tie-in between the European integration project and its substantive policy orientation also explains why parties on the extreme left and extreme right have a much easier sell. "If you don't like foreigners, we should leave the EU so that we can decide who comes into our country". "If we don't like the liberal nature of the EU's market, we should leave so that we can have a society focused less on the market." As a result of this close link between the integration process and its policy orientation, the mainstream political parties in the EU have been peddling contradictory narratives for years: they are in support of the European integration process, against some of its consequences, but, crucially, have no capacity to address those consequences. The result is the papering over of contradictory messages and possible negative effects in political narratives, the ensuing alienation of the electorate and rise of parties on the extreme of the spectrum that *can* offer internally coherent political narratives.

The Euro-crisis, upon which most of the contributions to this volume focus, highlights the same problem, wherein substantive policy choices are made while forgetting the main cleavage that splits the electorate. The crisis has been 'solved' by national actors rather than supranational actors. The main narrative has been one of Tsipras versus Merkel, of 'lazy' Greeks versus 'fascist' Germans. This 'national' cleavage is the result of the increasing hold of Member State executives over the EU's political direction. Both Merkel and Tsipras arrived in Brussels carrying a mandate from their domestic constituents – respectively in favour of and against austerity. Both, in other words, reflected their domestic democratic will. At the same time, both Member States participate in a complex structure (the EMU) that makes them interdependent. We cannot simultaneously have both austerity and investment in Greece. Something has got to give. What eventually gave – as we clearly saw in the summer of 2015 – was the national preferences of the smaller, poorer, or less

globalist states. The narrative thus became: Merkel (and Schäuble) beat Tsipras.

What the focus on 'national' cleavages in addressing the Euro-crisis hides, is that some Greek citizens may be in support of austerity – just as some German citizens may be against it. It hides that, perhaps, a majority of European citizens reject policies that demand a cut in healthcare that resulted in a growth of infant mortality rate with 40% in the first years of Greek austerity. Such dramatic policy choices cannot, in the long run, be sustained without a political process that can institutionalize and internalize dissent and contestation. If the EU doesn't want Brexit to be played out in the decades to come throughout its Member States (perhaps on the basis of austerity in Greece, or the dismantling of public services in France, or third-country resident migration policies in the Netherlands), it needs to think about how to internalize such contestation, rather than letting it reach a fever pitch whereby domestic parties see electoral gain in suggesting a break from the EU.

How can the EU do this? How can it internalize and institutionalize cleavages that emerge as the tension between independence and interdependence is played out in ever more salient policy domains? It would involve at least three steps. The first lies in opening up the Treaty objectives. At the moment, the substantive policy orientation of the EU is constitutionally defined in the Treaty. Free movement of capital, free movement of workers, and austerity are all impossible to challenge because they have been constitutionalised (or read as such by the European Court of Justice). In the absence of a simultaneous resistance in the 28 Member States against such preferences, these cannot be altered. Making the EU more sensitive to emerging cleavages would, then, at the very least, require that the Treaty is neutral about policy orientation, and that such decisions are made by political institutions, rather than taken out of their hands. To return to Peter Mair, it must be possible to contest and discuss the boundaries and opportunities of free movement (and many other policy objectives) *within* the EU's institutional structure rather than against that structure.

The second step lies in creating the structures through which cleavages can articulate themselves in a transnational, rather than national, fashion. Commentators have correctly highlighted that the cleavages that inform Brexit exist in all Member States. Likewise, in all Member States the electorate will be split between those who welcome refugees and those who prefer more restrictive migration policies; between those in favour of austerity and those against; between those in favour of ambitious climate change regulation and those against; between those in favour of TTIP and those against. If we accept that the EU is to make such policy choices, we need to make sure that the EU makes them in accordance with (rather than despite) the electorate's preferences. And so what would is sorely needed is a transnational civil society and political network that articulates these preferences. This might entail transnational policy groups, NGOs, or mass movements. It is not a coincidence that Habermas and Derrida saw the transnational protests against the war in Iraq – simultaneously taking place in Madrid, Paris, London, Berlin and Rome – as immensely meaningful: this was the articulation of a *transnational* cleavage that could legitimize transnational action. The irony is that such mobilization (see e.g. Germany's Pegida movement or the alliances between Eurosceptic groups in the European Parliament) is often currently most successfully found in deeply populist movements.

The third step is institutional, and brings us back to our conceptual puzzle. In conditions of interdependence, we cannot be sensitive to every dispute with EU policy on the national level. Yet, on the European level, we do not have an institutional settlement that is sufficiently sophisticated to *be* sensitive to such cleavages. This is exactly the mismatch that has led us to our current state of affairs. If national preferences do conflict with EU ones, these are felt in EU politics through bodies like the European Council, which carry few mechanisms to constructively manage them bar the damaging 'Merkel v Tsipras' divide discussed above. If we want to go beyond this divide, and politicize the substantive policy choices that the EU makes, we need to transform the institutional structure of the

EU. As we have argued elsewhere, this would entail limiting the power of the (European) Council in favour of the European Parliament; creating EU-wide political parties with political lists and agendas; tying legislative power and the right to initiative to the majority parties in the EP; and generating a culture of contestation – rather than consensus – within and between the different European institutions.

All these changes are highly unlikely to occur. But the lesson of the Euro-crisis and Brexit, as clearly articulated by many of the excellent contributions to the '*The End of the Eurocrats' Dream*', is that rejecting the possibility of contestation of the EU's aims, and resisting politicization of the direction in which the EU is traveling *is* a political choice. And pushing forward political choices without the political authority to back them up is a dangerous game. It is only to be hoped that Europe's elite (or its citizens) understand that if we want to keep the European dream alive, we need to make it a dream shared by its citizens (and not just its technocrats).

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