Review Essay

Despotism in Brussels?

Misreading the European Union

Andrew Moravcsik

Democracy in Europe. BY LARRY SIEDENTOP. New York: Columbia University Press, 2001, 272 pp. $27.50.

The process of European integration that has produced the European Union (EU) is the most ambitious and most successful example of peaceful international cooperation in world history. In the last half-century, Europe has liberalized trade, coordinated macroeconomic policies, and centralized regulatory decision-making. The single market and single currency mean that most new western European laws and regulations covering commercial and financial matters now originate in Brussels rather than in national capitals. A majority of Europe's leaders, businesspeople, and citizens believe the EU has contributed to the spread of unprecedented prosperity, peace, and democracy throughout the region.

But Larry Siedentop, an American-born lecturer on political philosophy at Oxford University, believes that all is not well in Brussels. In *Democracy in Europe,* he argues that the specter of "bureaucratic despotism" haunts the continent. "The rapid accumulation of power in Brussels," he warns, is transforming the EU into a centralized "tyranny." Economic liberalization has produced an ironic consequence: the triumph of the French *dirigiste* model of a centralized, autonomous state bureaucracy. The EU is becoming an alien "government of strangers" imposed from a remote capital—akin to an early-modern absolutist state. Regulation by the Brussels bureaucracy erodes local self-government and corrupts individual Europeans by breeding "fear, sycophancy, and resentment" in place of traditional civic virtues such as

ANDREW MORAVCSIK is Professor of Government and Director of the European Union Center at Harvard University. He is the author of *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht.*

"emulation, self-reliance, and humility." If nothing is done to reverse the trend, European citizens will rise up against the EU in war or revolution. In sum, "the prospects for Europe are bleaker than they have been since 1945."

Only one solution, Siedentop maintains, can now save Europeans from the tyranny that befell their seventeenth- and eighteenth-century forebears: a written federal constitution that unambiguously defines the rights and responsibilities of the EU and of national and local governments. This constitution must eschew existing European models and take its cue from eighteenth-century America—James Madison's "compound republic"—with its complex separation of powers, split both horizontally (among branches of the EU) and vertically (among Brussels, the member states, and subnational bodies such as regional governments). But no pan-European constitutional debate has yet taken place, Siedentop complains, because the "triumph of economic language" has "impoverished" political discourse among European elites. Where, he asks repeatedly, are Europe's Madisons?

European constitutional construction will not be an easy task, Siedentop argues, for stable federal institutions rest on three shared cultural elements. The first is a common religion; a federal Europe must therefore be Christian. The second is formal designation of a common language, which can only be English. And the third is a shared legal culture, for which Siedentop recommends, somewhat vaguely, that the European constitution draw on the British common-law tradition that strengthens local elite politics and respect for lawyers and legal culture. A European federal constitution grounded in these values and finding institutional expression in a pan-European "senate" elected indirectly by national governments, Siedentop concludes, would create a transnational "political class" committed to the jealous defense of local self-government against the "new Leviathan." Europe would be saved from itself.

NO HEIR TO TOCQUEVILLE

Siedentop's book is titled *Democracy in Europe* because he takes Alexis de Tocqueville's eponymous classic as his explicit model. Siedentop begins with a nostalgic glance at the constitutional convention at Philadelphia in 1787, followed by an admiring recollection of how Tocqueville—of whom he is a biographer—illuminated the foundations of the young republic. The rest of the book boldly applies the Frenchman's theory of American politics in the 1830s to contemporary Europe, with no concession at all to the intervening 170 years and oceanic leap.

The parallel is intriguing. Tocqueville came to America convinced that the major political challenge of his age was to discover how a stable republic could be created on a scale larger than a city-state. In the United States he found an answer: the dispersion and devolution of political power through a written constitution, the rule of law, and federal decentralization. These formal institutions, Tocqueville believed, rested in turn on slowly evolving cultural predispositions for self-government, intermediate associations, respect for the law and lawyers, and Christian charity. This cultural and institutional view of modern democratic stability, Siedentop notes, was "bound, sooner or later, to suggest a possible

model for European federal union." *Democracy in Europe* takes up the challenge.

Since Siedentop's book appeared in the United Kingdom last year, it has enraptured the country's normally understated critics. Journalists herald it as "the subtlest and most sophisticated book on the EU" and "a book for every chancellery across our continent." But is Siedentop really the Tocqueville of European integration? Should readers on the American side of the Atlantic, where *Democracy in Europe* is now appearing, look to it as a guide to Europe's future?

The answer to both questions is no. Tocqueville's *Democracy in America* is an enduring classic because it combines sharp and sympathetic empirical observations with a profound and prescient theory of modern politics. *Democracy in Europe* offers neither. Instead Siedentop mixes an unsympathetic, often simply inaccurate description of European integration with a doctrinaire application of sociological and philosophical dogmas two centuries old. His engaging prose and enthusiasm for political philosophy mask a remarkable neglect of the historical record, the true nature of current European institutions, and current debates over European constitutionalism—all of which belie his claims. In the end, *Democracy in Europe* tells the reader much about the curiously persistent insularity of many Anglo-American commentators on Europe—with whom Siedentop shares more than he admits—and very little about the future of the region.

A NEW FRENCH EMPIRE?

Among the fundamental misunderstandings of European integration that underlie *Democracy in Europe*, three stand out. The first involves the history of the EU. Siedentop advances the peculiar claim that the EU is a French scheme. The French government, he believes, speaks the language of European federalism, but its underlying ambitions are no different from those of Louis XIV and Napoleon—namely, to dominate Europe politically and propagate the French administrative state across the continent. He points out, correctly, that one major EU initiative, the Common Agricultural Policy (CAP), has long benefited French farmers. He also asserts, incorrectly, that the French government suddenly embraced monetary union and federal ideology in response to German unification in 1989–90. These two facts, one true and one largely false, are hardly enough to sustain such an idiosyncratic interpretation of the history of the European project.

Siedentop relies instead on nineteenth-century diplomatic and intellectual prejudices, specifically the traditional British distrust of France's geopolitical pretensions on the continent, and the doctrine—last seriously advanced by Montesquieu, Hegel, and Carlyle—that great nations and great politicians disseminate distinctive, world-historical political ideals. There is more than a whiff of Oxford "high-table history" in this combination of quaint notions. It recalls the mid-1950s assessments of European integration by British elites, who viewed European unity as either a French geopolitical gambit or an idealist aberration. These mistaken beliefs resulted in the United Kingdom's exclusion from the continent for decades—misjudgments that leaders of the period such as Anthony Eden, foreign secretary in 1951–55 and prime minister in 1955–57, soon regretted.

Certainly this fanciful account of European integration has little in common with mainstream contemporary analyses (which Siedentop's bibliography pointedly, sometimes disdainfully, excludes). Most scholars today view the EU as a series of pragmatic responses to economic and geopolitical interdependence, influenced by all three of its most important member states (France, Germany, and the United Kingdom). France, to be sure, won big with the CAP and the use of French as one of the two de facto working languages in Brussels. Yet the EU's quasi-federal structure, as well as its substantive emphasis on free trade, antitrust policy, high agricultural prices, and an independent central bank, stemmed from German proposals, and its most recent emphases on economic deregulation and a defense policy compatible with NATO owe much to British initiatives. The EU's institutions—the European Commission, Court of Justice, Parliament, and Council of Ministers—do not reflect the philosophical ideals of any single national political culture but are instead pragmatic institutions designed to resolve disputes when special interests press for exceptions from free-trade rules and common regulatory standards. In this regard, the EU is much like the World Trade Organization (WTO), the North American Free Trade Agreement, or any other international institution.

EUROPE FOR PHILOSOPHERS

Even more curious than Siedentop's understanding of the EU's origins is his neglect of the fundamental institutional reason why European governments can and will continue to successfully resist centralization. The EU is hardly a nation-state, but it has in the 1957 Treaty of Rome—which founded the European Economic Community—a de facto federal constitution and a distinctive culture of constitutional deliberation around it. This document plays the role of a constitution in the straightforward sense that it establishes a stable, overarching structure of political authority in Europe. Its often-amended provisions define an enduring separation of power between Brussels and national governments; set forth ongoing procedures for EU legislation, adjudication, and implementation; prescribe the rights and duties of individual citizens; and assure compliance with EU rules.

Siedentop seems not to have noticed that the constitutional structure of Europe—taking the EU and the national systems together—already resembles the American federal model that he would impose on it. Vertical and horizontal separation of powers checks activism. National governments enjoy a monopoly on policymaking in many areas, primary responsibility for implementation, critical veto rights or requirements for majorities larger than 50 percent, control over federal legislation, and the power to block constitutional change. De facto bicameralism offers a strong counterweight to any potential centralization of power. Although the European Court of Justice (the EU's "supreme court") tends toward judicial activism, ultimate legal implementation occurs almost entirely through national courts—an even more decentralized system than the parallel state and federal legal order of the United States.

It is important to note that this decentralized form of European federalism is not based, implicitly or explicitly, on the narrow cultural values Siedentop believes necessary to stabilize federalism—religion,

language, and respect for local lawyers. Like most modern polities, the EU rests instead on pragmatic political practices consensually accepted by overlapping cultural and political groups. The true pillars of the EU—economic welfare, human rights, liberal democracy, and the rule of law—appeal to Europeans regardless of national or political identity. The resulting institution is stable not because it is culturally coherent, but because it serves the complex, increasingly interwoven interests of citizens in interdependent, advanced industrial democracies. No significant group in any member state favors withdrawal from this arrangement. Siedentop's conception of stable federalism is both dated and parochially American; the EU's success and durability prove that alternative conceptions are possible.

Only an intellectual historian concerned more with philosophical consistency than with practical consequences would counsel European governments to risk their successful postmodern, multinational experiment in order to impose the cultural values of eighteenth-century America. The EU's constitutional mandate changes through evolution, not revolution. Indeed, a 2005 constitutional conference of national governments, at which modifications to the Treaty of Rome must be unanimously ratified, is almost certain to implement only modest changes or simply give old policies new names. It might slightly expand the role of national parliaments and regional governments, although a similar German proposal enjoys only weak support today. Yet no intergovernmental consensus for radical change exists. In this atmosphere of moderation, Siedentop's proposals to adopt English as the EU language or Christianity as the EU religion are superfluous if not subversive.

Siedentop's views might be less strikingly out of tune with current policy had he not entirely ignored contemporary political debates. The reader of *Democracy in Europe* remains unaware of the intense and quite sophisticated evaluations of the prospects for EU democracy that Europe's leading public intellectuals, journalists, and politicians have been offering for more than a decade. Jürgen Habermas, Alain Minc, Anthony Giddens, Joseph Weiler, and Timothy Garton Ash head the list of hundreds of scholars debating the relationship of European culture to the legitimacy of its constitutional structure. The elite European press—from *Die Zeit* to the *Economist* to *Le Monde*—devote entire sections to the precise provisions of a European constitution. National constitutional courts, most recently in Germany, have implanted the issue of European political union at the heart of national legal debates. Referendums on the 1991 Maastricht Treaty in Denmark, France, and Ireland have sparked widespread, if somewhat demagogic, public deliberation. Most important, one is hard-pressed to find a major European politician who has not advanced a detailed proposal for European constitutional order. In the past two years alone, Prime Ministers Tony Blair of the United Kingdom and José-María Aznar of Spain, French President Jacques Chirac, German Foreign Minister Joschka Fischer, former Italian Premier Giuliano Amato, and European Commission President Romano Prodi have all laid out their visions for Europe. Siedentop not only fails to engage this raging debate, he explicitly denies its existence.

The issues in this debate transcend Siedentop's simple dichotomy between despotism and federalism. Is the "multilevel" federal structure in Europe—insulated EU policymaking in economics and direct national democracy in social, cultural, and political affairs—stable and desirable? Many social democrats contend that the modest level of popular participation in EU decision-making undermines legitimate European social protection. But defenders of the arrangement cite the widely recognized need to insulate certain political institutions—notably constitutional courts, central banks, antitrust prosecutors, foreign trade negotiators, and environmental agencies—from powerful (and often protectionist) special interests. Some commentators also question whether the emerging "multispeed" Europe, in which countries move ahead at different speeds on different issues, can make integration acceptable to the many different European nations. Can international organizations such as the EU be legitimated solely through economic benefits and a common liberal commitment to democracy, the rule of law, and social welfare provisions, or is more needed? Given the general decline in active citizenship across Western societies, what new, transnational forms of citizen participation can Europe devise? Siedentop is right to raise the issue of democratic legitimacy in the EU, but his eighteenth-century authorities have little to say about these distinctive twenty-first-century policy dilemmas.

WHO'S IN CHARGE HERE?

Siedentop's most fundamental error—one he shares with many in the European debate—is his assumption that the EU is a nation-state in the making and therefore ought to be held to the same democratic standards as its member states. Siedentop takes this assumption to its extreme. Any official, businessperson, journalist, or scholar who has spent time in Brussels would be astonished to read that the EU engages in "bureaucratic despotism" constructed on the basis of the "unreformed model of the French state." Here again, Siedentop provides almost no concrete justification for his arguments beyond a few dark allusions to the alleged power of Brussels bureaucrats to regulate the shapes of products such as sausages.

The EU bureaucracy is in fact tiny, leaderless, tightly constrained by national governments, and almost devoid of the power to tax, spend, or coerce. Indeed, the EU lacks nearly every characteristic that grants a modern European state (let alone the modern, *dirigiste* French state) its authority. Of the 20,000 employees of the European Commission, the EU's permanent bureaucracy, only about 2,500 have any decision-making capacity, the rest being translators and clerical workers. The commission thus employs fewer officials than any moderately sized European city and less than one percent of the number employed by the French state alone. Implementation of EU rules necessarily falls to national officials.

Sheer numbers would be unimportant, of course, if these Brussels bureaucrats were all-powerful, but executive power in the EU is so weak and diffuse that analysts cannot even agree where it resides, if anywhere. The commission enjoys some control over the legislative agenda, but new laws must also secure more than 71 percent of weighted national-government

votes—a larger proportion than that required to amend the American Constitution. National minorities with substantial influence therefore enjoy exceptional power to block unwanted legislation. New policies, major institutional changes, and budgetary matters generally require absolute unanimity. Moreover, the commission's legislative initiative on issues where greater public involvement is customary—say, environmental regulation, consumer protection, and executive appointments—is in practice falling to the directly elected European Parliament, which must give final assent to such legislation. Finally, the few areas of genuinely independent EU activity—such as constitutional adjudication, central banking, multilateral trade negotiations, and antitrust enforcement—are precisely those excluded from direct democratic control in most national polities, to allow the smooth and fair functioning of government.

The EU's power to tax and spend has long been capped at about two percent of what the national governments of its member states spend—a provision that can be altered only by unanimous approval of those members. Spending by the EU is dedicated largely to nondiscretionary expenditures subject to national veto. Furthermore, Brussels has no police force, military, or intelligence agency of any kind. Even if the most optimistic proponents of European defense get their way—an outcome that few analysts expect—the EU's rapid reaction force of 60,000 will total around two percent of the roughly three million European forces currently in NATO.

Constant scrutiny from 15 different governments, moreover, renders the EU more transparent and less corrupt than almost any national government in Europe. "Sunshine laws" reveal documents, newspapers widely report deliberations, and the near total absence of discretionary spending or bureaucratic adjudication almost eliminates common incentives for corruption. Recent scandals, often cited to demonstrate the extent of EU corruption, are exceptions that prove the rule. When appointed a European commissioner, for example, Edith Cresson—a former French prime minister whose political past was sleazy even by the low standards of her native country's politics—was unceremoniously removed from office when she could not withstand the transnational glare focused on Brussels.

Last and perhaps most important, the EU's legal scope remains essentially limited to a single project that is now almost complete—the creation of a single market for goods, services, and capital. National governments, by contrast, have a comprehensive constitutional mandate. Were the EU the only means for political representation in Europe, one might have reason to be more concerned about whether it encourages active citizenry—and about its possible biases. In fact, the EU has hardly any direct involvement in the partisan issues that dominate modern European politics: social welfare provisions, cultural identity, education, and family policy. Its role is modest in other intermittently prominent matters such as labor, immigration, energy, transportation, defense, and foreign policy.

Given these institutional and substantive limitations, it is simply absurd to describe the EU as "bureaucratic despotism." Brussels wields less discretionary power than the central authorities in any extant national federation, let alone a typical European

state. The only appropriate question is whether the EU is (or ever will be) a state at all. Most informed observers prefer to speak of a "postmodern polity" with a "multilevel governance system" in which the EU rules alongside, rather than in place of, national governments.

A decade ago, when the single market and agreement on monetary union followed in rapid succession, some thought the EU was heading inexorably toward nation-state status. But today this prognosis seems hopelessly dated. The current European trend is toward not centralization but consolidation and voluntary adherence to looser "concentric circles" of commitment. The treaties reached at EU intergovernmental conferences in Amsterdam in 1997 and Nice last year disappoint doctrinaire "Europeans" precisely because they limit the traditional state-like political institutions of the EU to internal market and monetary matters. Most recent EU initiatives—defense and foreign policy, crime fighting, immigration, fiscal policy, and social standards—are embedded in more loosely intergovernmental, often nonbinding, and even strictly voluntary institutions, much more like NATO or the WTO than the EU single-market institutions. The EU has focused primarily on widening itself to include new members, with the inevitable tendency to create uneven circles of differential obligations. The single market and currency increasingly appear not as the first major steps toward political union, but as the finishing touches on the construction of a European economic zone. If this is correct, then widespread concern about the EU's "democratic deficit" may well be misplaced.

ROMANTIC ISOLATION

Despite its factual inaccuracy and political romanticism, Siedentop's anachronistic philosophical purity appeals to many British critics—for reasons that may also tempt American readers. Under the combined pressure of a powerful foreign-owned tabloid press and a vocal minority among Tories, British policy debates about Europe have been mired for several decades in ideological and partisan polemics. Notions that disappeared decades ago in most European countries—among them an idealization of national and parliamentary sovereignty, and ritual denunciations of transnational federalism—crowd out sober debate. By contrast, the imperatives of global interdependence, the British national interest, the views of continental Europeans, and the true nature of EU policies and institutions are rarely discussed. Many in the United Kingdom find this strident debate tiresome; most foreigners find it incomprehensible. In this context, Siedentop's penchant for pure philosophy in lieu of empirical evidence and his neglect of broader European thinking pass largely unnoticed, and his straightforward (and quite correct) acknowledgment that the federal ideal is the only realistic one for Europe appears refreshing.

The political and cultural context for such debates is not so different in the United States, and therein lies the danger. Many Americans are coming to view the choice about multilateral institutions as an ideological conflict over sovereignty and independence rather than as a pragmatic question of how best to manage economic interdependence. Like many Britons, Americans often instinctively

distrust international organizations as distant and undemocratic. Add to this the general American ignorance about the EU and the self-flattering notion that Europeans should pattern themselves after the American model, and one can see why *Democracy in Europe* might easily find a wide and admiring readership on both sides of the Atlantic.

Yet American readers should resist the comforting claim that a general understanding of classic liberal thought and a bit of common sense can supplant detailed knowledge about, and experience with, contemporary Europe. Ironically, one of the harshest critics of such unquestioning reliance on ancient philosophy and impressionistic history was Tocqueville himself. *Democracy in America* was meant to be a profoundly modern book, not least because it broke with traditional deference to classical sources. Tocqueville replaced erudite allusions with detailed empirical observation of modern society and an incisive theory of modern politics. Just as Madison viewed the American Constitution as elaborating a wholly new concept of political order, so Tocqueville opened *Democracy in America* with the claim that "a new political science is needed for a world itself quite new." Siedentop's failure to provide a "new political science" for this era of economic and political globalization, and his neglect or outright disdain for those who do seek to give one, fatally undermine this provocative book. In embracing the letter of Tocqueville's approach, Siedentop betrays its spirit. The EU, the first postmodern institution in world politics and a possible harbinger of future global political structures, deserves better.