



The misunderstandings of European democracy

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Reviewed: Antoine Vauchez, *Démocratiser l'Europe*, Paris, Seuil, "La République des idées" collection, 2014, 100 pages.

Though an economic giant, the European Union still appears to be something of a political dwarf. Yet a political Europe does exist, but the unusual forms that this transnational power takes seem to prevent a clear understanding of its true nature. Under the guise of technocratic governance free from political wrangling, three non-representative institutions impose their agenda upon the people and national governments of Europe. This is the conclusion drawn by political scientist Antoine Vauchez, before going on to outline possible avenues for democratisation.

Just a few weeks before the eighth European elections (which took place on 22–25 May 2014), Antoine Vauchez published *Démocratiser l'Europe*, a short opus (94 pages excluding appendices and bibliography) in which he delivers a snappy, critical reflection on the way the European Union works. It takes as its starting point the observation that the EU is experiencing a profound "democratic crisis". While the issue is not new, it is true that the last four years have been at the front of the stage a government of Europe torn by the "Euro crisis" and give the diagnosis unprecedented drama since electoral crash of the Treaty establishing a Constitution for Europe (TCE) in 2005. But the aim of Antoine Vauchez's book is precisely to revoke this short-sighted chronology and subvert most of the theories that today monopolise explanations on the subject, along with the ways in which the debate tends to be driven. Indeed, the author seeks to show that the EU's "democratic crisis" is linked neither to economic conditions (deterioration of the fundamentals of European economies, explosion of public debt threatening to break up the eurozone), nor to recent changes in the political balance (domination of Germany, the majority of conservative and libertarian governments), or indeed to institutional changes (strengthening of the ECB) within the EU. Vauchez convincingly invites us to rethink both the history and the origin of the reasons for the EU's current state of "crisis", which he believes should be attributed to the considerable power acquired within, and wielded over, the European Parliament by "independent institutions", that is to say, those institutions whose members are not elected by direct universal suffrage: the European Commission, the European Court of Justice (ECJ) and the European Central Bank (ECB). The influence of the Commission and the ECB on the agenda and way in which the euro crisis has been managed is, according to the author, only the latest manifestation of a genetic "European democracy" disorder, in response to which he proposes a number of possible remedies, in order to democratise Europe.

Seeing Europe as it is

The thesis that Vauchez supports and defends in brisk, to-the-point fashion through this book can be summed up in a single sentence: our diagnosis of the crisis plaguing Europe is wrong because we

are wrong about Europe itself. We do not see the EU as it actually is, but rather as it should be or as it claims to be – moreover, we often see it through the ill-adjusted lenses that are concepts, categories and representations of national policy (“citizenship”, “government”, “parliament”, etc.). The author therefore undertakes to deconstruct this *trompe-l’œil* effect that blurs both expert views and the way citizens relate to Europe. In order to fully appreciate the nature of the opposing view he proposes, it is worth remembering that Antoine Vauchez, research director at the CNRS (French National Centre for Scientific Research, and more specifically the CESSP – European Centre for Sociology and Political Science – at the University of Paris-1), is one of the leading French specialists on European institutions, with many publications to his name on the role of legal experts in the construction of Europe. More specifically, we should add that he is one of the few political sociologists who, without refuting the validity of the canonical paradigms of European studies (where supporters of intergovernmentalism have opposed supporters of neofunctionalism for over six decades), proposes a different way of using the social sciences with regard to the “European object”. For these sociologists, the aim is to study the real, concrete aspects of Europe, through the sociography of its agents (commissioners, MEPs, judges, senior civil servants, lobbyists, etc.) and through the analysis of their interactions, as well as through the ethnographic and archival observation of the institutions and their effects (see in particular Joana and Smith 2002; Michel 2006; Guiraudon and Favell 2010; Georgakakis 2012; and Cohen 2012). This means scrutinising the EU *in light of the facts* and ignoring the statements and visions of the European government that are put into circulation by the institutional actors of the EU.

Vauchez expands upon this approach in this latest work by freeing himself – as befits a collection of publications whose name translates as “The Republic of Ideas” – from the standards of academic writing. “Taking Europe at its word,” writes Vauchez, “political science has made a speciality out of the exercise – as healthy as it is cruel – that is the “destruction of myths” (to use Norbert Elias’s expression). It consists of making an inventory of the differences between the political fictions of treaties and the practices of various actors in Brussels” (p. 25). The analysis, no longer bound by the conventions of academic argument (literature review, mandatory references, rhetorical and theoretical prejudices) that are usually seen as signs of objectivity and neutrality but which can also obscure the issues at stake, gains in terms of impact and readability. For a specialist audience, this work has the advantage of explaining the subtext of the controversies that run through the world of European studies, such as the debate on European public affairs. But its greatest strength lies in its ability to bring the key advances in terms of the political sociology of the European regime alive and make them accessible to a wider audience.

The troika of independent institutions: the European Commission, the European Court of Justice and the European Central Bank

From afar, the parliamentarisation the European institutional system is seen as the means of democratising it by completing its compliance with the tradition of representative regimes (Cohen and Knudsen 2012). Treaty after treaty, the granting of additional powers to the European Parliament intended to absolve the integration process of its “original vice [i.e. that of the Schuman Plan], which entrusted a High Authority composed of experts, carefully selected for their detachment from national political passions, with the management of the first common market for coal and steel” (p. 16). However, Vauchez reminds the reader that this scrupulous alignment with the paradigm of representative democracy, finally consecrated in black and white in the Lisbon Treaty, was accompanied by a simultaneous strengthening of the “troika” of independent institutions (the Commission, the ECB and the ECJ). It is in this paradox (or “misunderstanding”, as Vauchez puts it) that the specificity of European politics has developed: “The European *polis* does indeed exist, but it came into being under the auspices of institutions that typically rarely play leading roles: a court of justice, an administration, a central bank, and regulatory agencies. There is a desire to show that it is within the purview of these institutions, usually described as “non-

majority” bodies (as they are outside the realm of electoral legitimacy), that the terms and forms by which the government exercises Europe were invented” (p. 34). While the European powers obsequiously pay lip service to contemporary parliamentarianism, they are in no way limited by it in reality. They remain a “black box” to be explored.

Deconstructing the “black boxes” of the EU

Despite some significant advances, the persistent rhetoric of “European reform” has ultimately never managed to curb the power of these independent institutions that are so keen on implementing “stealth strategies” under their political and media “invisibility cloak” (p. 64ff.). The beginnings of an economic government of the euro and the European Stability Mechanism – late-blooming elements of the euro crisis – are emblematic of the pre-eminence of the independent institutions in the conception, decision-related design and implementation of European regulatory procedures. Transnational market actors (special interest groups) and actors of civil society (NGOs) alike contribute to this process of Europeanisation by tending to prioritise these bodies over the Parliament.¹ For these reasons, says Vauchez, “It is through ad hoc and informal structures that Europe has sought to respond to the crisis, thus continuing to widen the gap between the space of European democratic procedures and the space of policy decisions” (p. 23). The EU, in reality led by institutions that are exempted from the principles of representativeness and cut off from the spaces where citizenship is exercised, therefore appears to suffer structurally from a denial of democracy. The structure of a decision-making space set up in this way, protected from the public arenas of debate and from democratic procedures, is similar to the phenomenon observed by Fabien Desage and David Guéranger with regard to intermunicipal bodies in France, and which indeed they described, by analogy, as being similar to “the inner circle of Europe” (Desage and Guéranger 2011). In both cases, the argument of the sum of constraints and of socio-economic, institutional and territorial interests (found in the expression of multi-level government or “governance”) leads these discrete arenas of power towards a policy of compromise between elites that is deemed rational because it is supposedly free from the influence of “minor” interests (whether local, categor-based, sector-based or ideological).

In this unusual separation of powers, European rationales dominate and tend to favour, in the balance of power, the intrinsically transnational (because supposedly free from the influence of “minor” national interests) and pragmatic (more policy than politics) dimensions of the independent institutions – and therefore at the expense of the member states that express their views in the European Council, and of the MEPs, who constantly have to dispel the suspicion of being the brokers of national claims and resistances. On a political scene where legitimacy results principally from the possession of expertise, diplomats from member states and the elected representatives of the people are forced to convert to using Eurospeak and “express their interests in this neutralised, expert idiom that is unique to the ‘European project’” (p. 53–55). The three elite bodies (monetary, administrative and judicial) exert their influence on Europe without being subject to basic criteria of representativeness and without encountering any real opposition to their will. Vauchez illustrates this by recalling how the ECJ used three judgements in 2007 and 2008 (Viking, Laval, and Rüffert) to grant itself authority with regard to an aspect of labour law. The power asserted by the ECB in managing the Greek debt provides Vauchez with another equally convincing example, enabling him to suggest that “the continuous increase in the powers of the ECB, as well as of regulatory agencies and the ECJ, has produced an unprecedented extension of the chain of democratic delegation”. As a result, it becomes difficult to say who, in the relations between states (or peoples) and the independent institutions, is the principal and who is the agent – an additional source of confusion that affects the representation contract.

¹ The negotiation of norms and standards to organise competition and the internal market tends to result in a Europeanisation, whereby economic interests and technical expertise dominate. For more on this imposition of the entrepreneurial and commercial model by law, see also Alain Supiot (2010).

In the final part of the book (“Democratising the European Union”), Vauchez examines possible courses of action to change the dogma of the independent institutions. He describes the workings of a European democracy that defines itself above all as technical, objective and scientific in comparison to the old-fashioned ideologies and the electoral bargaining of national politics. European power derives much of its legitimacy from the expertise and a contemporary form of scientism, with its instruments (Eurobarometer), theorisations (“governance”) and indicators co-produced with the academic world. Without the reactions of academia and without the structure provided by salutary scholarly criticism (pp. 89–90), the European Union would remain a democracy without debate or controversy, and therefore bland and threatened by the political radicalisation of its detractors. The democratisation of Europe, concludes Vauchez in essence, is in the hands of Europeans.

In barely a hundred pages, the author usefully breaks down media clichés, as well as a certain scholarly orthodoxy of Europe. It is perhaps regrettable that the format of the book and the choice made by the author to scrutinise the EU institutions tends to result in an overly “insider” analysis of these bodies, in the sense that he refers only in passing to a number of factors external to Europe that nevertheless play a role in the unique anatomy of the European political system. If readers wish to gain a better understanding of the weight of the member states and the centre of gravity of the political majorities, the pressures of international politics, the recent (re-)appropriation of Europe by political parties and the role of non-state actors (lobbies, experts, NGOs), Antoine Vauchez’s previous publications are a good starting point, together with the other works mentioned in the bibliography of this review.

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