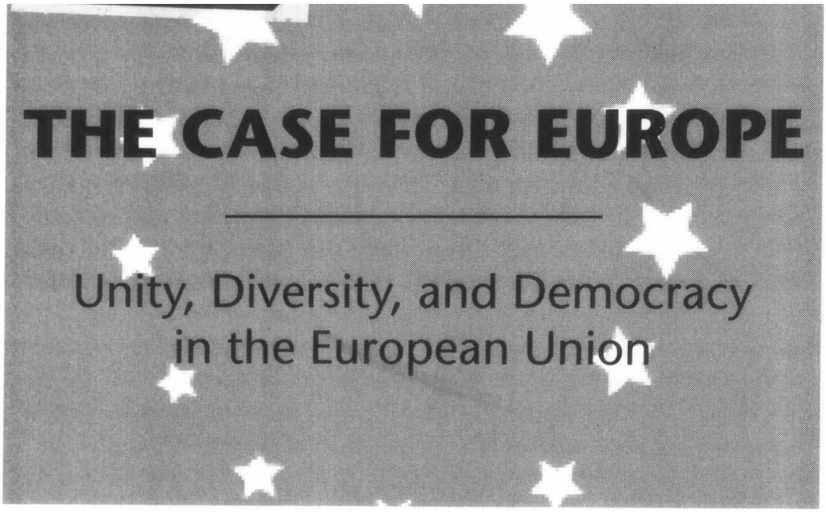
THE CASE FOR EUROPE

UNITY, DIVERSITY, AND DEMOCRACY IN THE EUROPEAN UNION

Philippe de Schoutheete



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Published in the United States of America in 2000 by
Lynne Rienner Publishers, Inc.
1800 30th Street, Boulder, Colorado 80301
www.rienner.com

and in the United Kingdom by
Lynne Rienner Publishers, Inc.
3 Henrietta Street, Covent Garden, London WC2E 8LU

Library of Congress Cataloging-in-Publication Data
Schoutheete, Philippe de, 1932–
[Europe pour tous. English]
The case for Europe : unity, diversity, and democracy in the European Union / Philippe de Schoutheete.
p. cm.
Includes bibliographical references and index.
ISBN 1-55587-898-9 (hc)
ISBN 1-55587-900-4 (pb)
1. European Union. I. Title.
JN30 .S3713 2000
341.242'2—dc21 99-089753

British Cataloguing in Publication Data
A Cataloguing in Publication record for this book
is available from the British Library.

Printed and bound in the United States of America

The paper used in this publication meets the requirements of the American National Standard for Permanence of Paper for Printed Library Materials Z39.48-1984.

5 4 3 2 1

FOREWORD

Jacques Delors

The labyrinths of the European Union are full of promises and disappointments. To enter, an informed guide is required. Ambassador Philippe de Schoutheete is that guide, equipped with vast knowledge and unequaled professional experience that he has acquired through active and long-standing involvement in European affairs.

His profound and unfailing faith in the ideal of a united Europe by no means detracts from his lucidity in helping us to penetrate the welter of information and to distinguish real from virtual, truth from falsehood, and promises made from what may be harsh reality.

The original edition of this book was published a few weeks after the European Council meeting in Amsterdam (17 June 1997), which witnessed the adoption of a new treaty and the confirmation of the previous commitments to achieve economic and monetary union.

As a basic clarification, it is worth recalling that the Treaty of Amsterdam merely amends and extends the existing treaties. A future codification of these treaties is essential, but in its absence, it is virtually impossible for the average citizen to understand the imbroglio of legislative texts. All the more reason to follow the guide, who provides us with material for thought by turning the spotlight on some

essential topics, presented in pairs, linked either by dialectic or by opposition.

The path he follows implies frequent flashbacks to the history of Europe. Without that it would be impossible to understand either Europe's originality in relation to other countries or regional groupings, or the demons that torment it, or indeed the historical references that are so frequently used to bolster opposition to European integration. The origins of certain reactions will, however, emerge more clearly when considering the historical significance of the concepts of empire and nation. That is the starting point of the idea that the European venture is justified by the will to avoid all hegemony, whether exercised by an external power or by one or other of the member states.

If that demonstration fails to dispel the skepticism of the modern apostles of nationalism, I would invite them to consider the discussion on the relationship between law and politics. As emphasized by the author, "Law and politics mingle and are mutually supportive."

It is true that the European Union, or at least its Community pillar, is founded on two clear principles: direct effect of European law and its precedence over national law. It is not just a matter of efficiency, easily justified by the creation and proper working of a common economic area. European law should also be considered as a means of enabling sovereign states to live together and to act jointly, without needing prior intergovernmental discussions.

These principles of law constitute the nation-state's guarantee that the joint exercise of sovereignty will indeed be confined to the spheres that are clearly defined in the treaty. They also provide protection for the citizen, who can resort to the Court of Justice to confirm or re-establish his or her rights. The Treaty of Amsterdam—and this is one of its few positive aspects—has recently extended those rights, thus contributing to the gradual creation of a European public space.

Returning to that obsessive concept of Europe as a "destroyer" of nations and, in contrast, to the guarantees offered by a European legal system, Philippe de Schoutheete invites us to ponder the distinction between subsidiarity and intervention. Thus, he sheds light

on the debate that Europeans have been wrestling with for several years concerning the optimal distribution of powers between the European level on the one hand and the national and regional levels on the other. Subsidiarity is a fine concept, as old as the Reformation that put it forward before the Catholic Church in turn sought to make use of it. The debate on this subject is full of hypocrisy and lies, as you will see—hence the current embarrassment of the member states, which, by invoking subsidiarity, often sought to veil their attachment to corporatist interests or to rekindle the fears of their citizens. This, incidentally, finally dismisses a number of artificial nightmares, as is clearly illustrated by the French commotion over raw milk cheeses.

Yet nothing is clearly settled, and it is understandable that the "man in the street" wants to know who does what and who is answerable to the electorate. From that point of view, I have always emphasized both the merits of a federal approach to the institutional problem and the vital necessity of reinforcing national cohesion, which has been weakened by the erosion of basic solidarities and by the absence of a visible and recognized enemy. Thank you, Europe, at least for that legacy of peace among us!

The political object taking shape before our eyes has no precedent in the history of institutions. It is all the more complex on that account because it is difficult to forget Montesquieu and to theorize on the networklike heterogeneous entity that has emerged particularly from the Maastricht and Amsterdam Treaties. As the author admits, it is "difficult to describe and to explain. It has no emotive value." That is the substance of the most vital issue to be considered.

How can one relate to this complex and technical Europe? How can one get involved in it? In the name of what objectives? Power—but its necessity and feasibility must first be explained. Competition—which implies unity and brings strength. Solidarity—which is already evident to a greater extent than is believed in common policies.

This brings us back to a classic dilemma of politics in a democracy. Building a united Europe requires historical analysis and a long-term vision. Who, in this "fast food" world, still has the will, the courage, and the ability to lead a nation toward that horizon,

despite the difficulties of the moment and the various sacrifices that, in any case, will need to be made in the interests of survival?

The task is huge and work has barely begun. We need to explain Europe, its ends and its means, through the education we offer to the young, and we need to invent simplicity so as to render the stakes more comprehensible and the operation of the system more accessible to the average citizen. To achieve that, we must first abandon the easy option of finding a scapegoat: in this case, the nebula of "Brussels," concealing institutions and responsibilities, an alibi to sweeten any bitter pill.

It is not surprising, under the circumstances, that the credibility of the European venture decreases with each downturn of the economy and, more seriously today, in the face of our inability to fight against mass unemployment and a return to poverty.

I am firmly convinced that the problem is also rooted in the poor functioning of our national democracies; in nationalism, which invites each of us to retreat into our own niche; in audiovisual voyeurism, which will sometimes bring you to tears but later will reinforce your skepticism.

Nevertheless, because some of us are convinced that the union of European countries constitutes the condition of our survival, let us not retreat into the elitist stance of "those who were right, but who were misunderstood"; let us continue the fight, and above all, let us shed light on it strongly and in all clarity.

Why was the political part of the Maastricht Treaty ill conceived and ultimately inoperative? Why does the Treaty of Amsterdam in fact conceal a fiasco: the inability to conceive and define the framework of a European Union that has a historic duty to extend to our brothers and sisters in Eastern and Central Europe, too long separated from us by a disastrous decree of history? Because we can no longer distinguish the ends from the means! The single market with no internal borders and the single currency are in fact just means. What matters is, why are we fighting for this? Or, if you prefer, what are the objectives of our common enterprise? Had that question been raised in plain terms at the beginning of the latest intergovernmental conference, the masks would ultimately have dropped. A crisis would

have arisen. It would have been of greater value than this mediocre and partial compromise.

On reading this book, you will discover the answer, or rather the answers, to that vital question. I hope that our political leaders may draw inspiration from it and, with a surge of lucidity and courage, confront the real issues. In the meantime, let us help them by informing public opinion. Let us help them by suggesting appropriate solutions. We will thereby contribute to the construction of a Europe that is united but rich in its diversity; strong because of its solidarity; powerful and generous and therefore influential.

FOREWORD

Stanley Hoffmann

Philippe de Schoutheete's book is only one among dozens of volumes devoted to the study of the European Union. But it has one overwhelming merit that distinguishes it from so many others: it goes to the heart of the decisive issues, it focuses on essentials. On the often Byzantine uniqueness of the Union's institutional structure, on the complex relationship between those institutions and the national publics, on the challenge of diversity in this quasi-federation of nation states (as Delors has called it), on the difficult leap from issues of welfare, trade, and money to issues of foreign policy and defense, de Schoutheete displays a remarkable talent for combining a penetrating and shrewd analysis with a firm sense of the new Europe's unfinished mission.

I would like to draw attention to his conclusions. They point to the tension between the method that has made possible the gradual development of the Union, in geographical and in functional scope—a focus on small steps, pragmatic compromises, and the setting up of specific policies and complicated procedures—and the ultimate purpose of the whole enterprise. The method can be defended easily: the participants never would have been able to agree on a common vision or design; progress could only come stealthily, with each member believing that its chances for determining the ultimate shape

of the Union were intact. But the costs have been high. At every stage, the clash of visions manifests itself, so to speak, behind the stage. Also, as the scope of the enterprise expands, it becomes increasingly difficult to keep it away from the anxieties and doubts of the people whose fate it now so deeply affects, and to continue to treat it as the preserve of a small group of elites (political figures, bureaucrats, pressure group leaders—the producers rather than the consumers).

The institutional system, with its mix of democratic and technocratic agencies, has the virtue (if this is the right word) of being capable of either being pushed in a more federal direction or remaining as remote from the public and dominated by governments and their deals as the "sovereignists" of various countries still wish it to be. The limited results of the Amsterdam Treaty's attempt at reform—the essentially intergovernmental nature of the incipient foreign and defense policy—show how hard it remains to move in a more federal direction. Those who, like Jacques Delors and Philippe de Schoutheete, wish the Union to go in this direction have to take some formidable difficulties into account. One of these is the likely effects of enlargement. It is now clear that in a few years we will have a Union of twenty or twenty-one members, with six or seven more knocking at the door. To be sure, the present institutions can be reformed so that an increase in the number of members does not provoke a breakdown; but no reform can conceal the fact that the more members there are, the less likely it is that unity of vision and an agreement on final design can be obtained. There may well have to be a differentiation between a "hard core" and laggards, as de Schoutheete recognizes.

A second problem is that there can be no real federal Europe, no truly meaningful European citizenship, unless the Parliament becomes truly European in its mode of selection and campaigning. There can be no European nation, but there could be a federation of nations—if the common institutions are not simply a juxtaposition of national ministers helped by a common bureaucracy and flanked by an assembly chosen after an election waged almost exclusively on national issues. Thus, what is needed is the creation of a European

public space, with common debates on common issues. So far, public space has remained national. How willing are governments to create a common, European, public space? How willing are the media to "Europeanize" their coverage, the parties to form, at the European level, more than marriages of convenience? The multiplicity of languages does not help.

Third, for the European Union to become a "complete" power in the world, after so many years as a "civilian" power, much more will be needed than a high official in charge of common defense and diplomatic policies and a more frequent resort to qualified majority voting in the Council. Kosovo may have had an effect on the EU comparable to that of the Suez crisis on the Community in the late 1950s, but three formidable obstacles remain: The smaller members show far less eagerness than the bigger ones in this domain; the costs of an effective military program are high, and the states that would have to pay most are handicapped by the famous requirements of monetary stability set up for the creation of EMU, as well as by the magnitude of their domestic needs; and the United States is not resigned to the emancipation of the European members of NATO. U.S. officials know that many of NATO's smaller powers are not unhappy at relying on the United States for their protection (and for paying for it), and that the UK, a recent convert to a common European defense, is still quite vulnerable to U.S. pressure and blandishments.

These are some of the key issues for Europe's future. They are sufficiently knotty to make progress laborious and slow. The uncertainties in Russia's future could also weigh heavily (and divisively) on the EU. However, at the beginning of the twenty-first century, there are reasons for optimism. Who would have predicted in 1945 that former mortal enemies would pool their sovereignty as extensively as they have, that the Franco-German antagonism would be succeeded by a highly effective *couple franco-allemand*, that the UK would begin to pull away from the special relationship with the United States that Churchill deemed vital? Much has been accomplished. The huge tasks that lie ahead are illuminated by Philippe de Schoutheete in this wise and far-sighted volume.

CONTENTS

INTRODUCTION

Despite the number of publications, the mass of documents, and the avalanche of information on European affairs, it is often said that the public lacks points of reference, a sense of distance, and hence the perspective, the analytical categories, and the simple concepts that would enable it to judge them. This book is merely a modest effort, obviously subjective and partial, aimed at remedying that situation. It is an attempt to rationalize and present certain European debates by reference to a few basic concepts.

It has deliberately been kept brief in the hope that it will be read. Superficial, the expert might say, because this book is intended not for experts but for ordinary men and women who are interested in the European Union. For that same reason, it avoids acronyms, which belong to technocratic language, and footnotes, which belong to scholarly language. Readers will find references that may be of interest to them at the end of the book.

The aim here is not really to convince the reader. In my experience, one only ever convinces those who are already convinced. It is, however, intended to promote a better understanding of the Union, and perhaps to provoke thought, which is already a considerable ambition. It does not seek to be original. European affairs have been so frequently debated, reiterated, and rebuked that originality is an illusion.

Because the book lays no claim to originality, it contains numer-

ous quotations. That is, first, a matter of honesty: to avoid giving the impression that I alone have discovered what others have produced before me. But the quotations are also intended to convey a certain sense of history. The European structure is not the recent fruit of the fastidious work of a handful of technocrats. It embodies a collective response, spanning a period of fifty years, to the challenges of the twentieth century. It is rooted in the history of our civilization: the history of events and the history of ideas. It reflects an element of political reality and an element of dream, but that dream is not idle fancy, as Alain Duhamel observes. The quotations are an attempt to demonstrate that continuity in time. In that respect, I would associate myself with Michel Eyquem de Montaigne: "It could be said of me that in this book I have only made up a bunch of other men's flowers, providing of my own only the string that binds them together."

Chapter 1

CONCEPT AND ACTION

What has most distinguished men is that those who performed great deeds perceived the extent to which they were possible before others.

—Cardinal de Retz

The concept of Europe is rooted in history and mythology. For better and for worse! It was to some extent connected with the idea of "Christianity," which during the Middle Ages played a decisive civilizing and cultural role, while veiling the excesses of the Crusades or of the Inquisition. Later, it coincided more or less with the idea of "civilized nations," which underpinned the philosophy of Enlightenment, but which was also to provide an ideological basis for colonial expansion. In that abstract and distant form, the concept of European unity is now embedded in the subconscious of our nations as a common trunk of values, traditions, and history, which neither cultural diversity nor the bloodiest confrontations have been able to erase permanently, even in the paroxysm of conflicts, "The long history of what one might refer to as the call for Europe reflects the underlying idea that there is such a thing as a European 'common heritage'" (Millon-Delsol 1993).

That abstract and slightly mythical Europe was the Europe that