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The more (European integration) there is, the more (Euroscepticism) there is: Euroscepticism as reactive identity formation and the importance of opposition. Where might the EU institutions go from here?

Martin Westlake



DEPARTMENT OF EUROPEAN POLITICAL  
AND GOVERNANCE STUDIES

Bruges Political Research Papers

73 / 2019





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European Political and Governance Studies /  
Etudes politiques et de gouvernance européennes

Bruges Political Research Papers / Cahiers de recherche politique de Bruges

No 73 / January 2019

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by Martin Westlake

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## About the author

Martin Westlake has spent over four decades studying European integration and working in European Union government and politics. Having completed a first degree in philosophy, politics and economics at University College, Oxford, he went on to take a master's degree at the Johns Hopkins University School of Advanced International Studies (Bologna Center) and a PhD at the European University Institute in Florence. Since beginning his professional life as a clerk to the Parliamentary Assembly of the Council of Europe in Strasbourg, he has worked in the Council of Ministers and the European Commission, with the European Parliament and, from 2003, in the European Economic and Social Committee, where he served as Secretary-General, 2008-2013. Martin Westlake has published widely on the European institutions and on European and British politics. He is currently a Visiting Professor, College of Europe, Bruges, Visiting Senior Fellow, European Institute and David Davies of Landinam Fellow, Department of International Relations, LSE, London.

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## **Abstract**

The first part of this paper examines the evolution of the EU in relation to the themes of reactive identity formation, a relentless positive integration narrative, the importance of opposition within the EU system, and the need for more politics. The second section reviews recent historical research showing that consensuality and supranationality have been intertwined in constructive complicity since the outset of the European integration process, but also how subsequent majority requirements and pernicious electoral arithmetic have consolidated this 'consensus lock', particularly in the European Parliament. The last section concludes that more opposition and politics within the system may be necessary but will not of themselves automatically be sufficient to bring about a functioning parliamentary democracy at EU level.





## **Introduction: Sections, Themes and Definitions**

I have argued elsewhere that the European Union has, through Treaty provisions and incremental change, opted consistently and decisively for a parliamentary and party-based democratic system, but that a system with such aspects does not, of itself, necessarily lead to a 'healthy' democratic arrangement (Westlake, 2017; Westlake 2019). On the contrary, there are plenty of historical examples of systems with such aspects which have proved to be dysfunctional and even precarious.

In this paper, I would like first to examine the proposition that growing Euroscepticism is inevitable, necessary, and may even be 'healthy'. I will further consider the proposition that it should be recognised as a natural phenomenon and, in its 'pure' form, not 'demonised' but, rather, brought within the overall system. This proposition may seem an eccentric one for a former senior EU official and avowed pro-European to choose. It might indeed seem particularly strange and puzzling to be arguing in such a way in the post-Brexit referendum/post-Article 50 period. However, I am interested in longer-term, underlying trends and where these might lead, and one theme that particularly interests me is possible future party systems at European Union level, given that the EU now indeed seems irrevocably set on a parliamentary, party-based democratic system. In that context, I have addressed the *Spitzenkandidaten* procedure and the longer-term trends that led to it (Westlake, 2016). As I argue in that paper, the *Spitzenkandidaten* procedure will surely impinge on the future evolution of the European Union as a political system. In the two further publications referenced above (Westlake, 2017 and 2019), I have speculated about possible future European Union party-political parliamentary systems and their 'discontents'.

In the first section of this paper, I would like to take a closer look at the concept of reactive identity formation and then, second, at the possible negative effects in that context of a relentlessly positive integration narrative. I would like, third, to examine the importance of

opposition *within* a system, and of *an opposition* within the EU system, before, lastly, looking at some arguments in favour of more disputes, and hence more politics, within and about the EU system. In particular, I am going to borrow from four articles/papers whose general arguments continue to be overlooked: Hans-Jörg Trenz and Pieter de Wilde, 'Denouncing European Integration: Euroscepticism as reactive identity formation' (2009); Mark Gilbert, 'Narrating the Process: Questioning the Progressive Story of European Integration,' (2008); Peter Mair, 'Political Opposition and the European Union' (2007); and Stefan Auer, "'New Europe': Between Cosmopolitan Dreams and Nationalist Nightmares' (2010).

In the second section of this paper I will look briefly at some recent and as yet unpublished research (von Zon, 2018) which shows the way in which, from the very outset of the European integration process in the 1950s, consensus has been favoured over politics, with disputes being marginalised and opposition muted, excluded or disqualified (van Zon, 2018). This process was particularly marked in the European Parliament and its predecessor, the ECSC's Common Assembly, and was largely inherited by the directly-elected European Parliament in 1979. As van Zon argues:

The period between roughly 1954 and 1979 is thus often portrayed as a waiting room, in which the Parliament was wholly dependent on the benevolence of the member states for small extensions of its competences and, ultimately, elections. In doing so, scholars overlook the fact that the first directly-elected MEPs entered an institution with an established institutional culture, working routine and self-perception, circumstances they built upon with new vigour instead of transforming them altogether (2018, p. 5).

As van Zon's research shows, consensuality and supranationality were very soon intertwined in a sort of constructive complicity. The post-1979 directly-elected Parliament did not undo that interrelationship but, rather, consolidated and built upon it, with the requirements for centrist consensus subsequently being hard-wired in through treaty- and rules-based provisions and also by what I term 'pernicious electoral arithmetic'.

The concluding section of this paper will consider the question as to where the EU institutions and the EU political system might go from here. It will briefly consider the writings

of two political philosophers, David Marquand in the 1970s, and Chantal Mouffe in the 2000s, and what their theories might tell us about the EU's future political system. The paper will conclude that bringing politics into the system is perhaps *necessary* but will not of itself necessarily be *sufficient* to bring about a functioning parliamentary democracy at EU level.<sup>1</sup>

Though it is difficult, given current political trends, this paper will seek to maintain a definitional distinction between Euroscepticism, populism, and xenophobia. A simple definition of terms follows. I have deliberately opted for the simplest definitions, though I am of course aware of far more considered reflections about these terms (see, for example, Lecomte (2010) and Brack (2018, especially p. 60)):

- **Euroscepticism:** 'opposition to or scepticism of the increasing powers of the European Union';
- **Populism:** 'a political strategy based on a calculated appeal to the interests or prejudices of ordinary people';
- **Xenophobia:** 'fear or contempt of that which is foreign, especially of strangers or people from different countries or cultures'.

For good measure, 'scepticism' itself is defined as 'the view that there is no certain knowledge without justification.'

From these definitions, it follows that a Eurosceptic need not be a populist nor xenophobic. Clearly, a number of political parties have made such an elision, or fusion, of these different attitudes (with considerable electoral effect). Such is the case, for example, of the AfD in Germany, the French *Front National/Rassemblement National*, the *Lega* in Italy, and the United Kingdom Independence Party (UKIP). Nevertheless, for the purposes of this paper, I hope it is still possible to tease 'Euroscepticism' as a political phenomenon, away from anti-

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<sup>1</sup> None of the ideas this paper develops are original, nor particularly recent – only the juxtaposition of these different arguments is mine. This paper is very much a work in progress – a think piece, designed to encourage debate. Any and all criticism would therefore be particularly welcome.

immigration, as a political stance (the German CSU, for example, is a pro-European but increasingly anti-immigration party). I should perhaps also note that a concern about levels of immigration, or of perceived inadequate social integration of immigrants, is not xenophobic – or, at least, not necessarily so.<sup>2</sup> However, for the purposes of this paper, what I would like to get away from is the political argument and populist perception that the European integration process and unsustainable levels of immigration are somehow coterminous and that therefore to be Eurosceptical is to be anti-immigration and *vice versa*.

## **Part One: reactive identity formation, the ever-positive European integration narrative, the necessity of opposition, and the need for more politics**

### **Reactive identity formation**

I turn now to the argument that Euroscepticism is inevitable and call ‘in evidence’ the arguments of Hans-Jörg Trenz and Pieter de Wilde. Their basic thesis is that the emergence of generalised Euroscepticism should not of itself be a matter of concern to pro-integrationists and federalists. Euroscepticism, they argue, is a ‘natural’ by-product of European integration – it is a reactive phenomenon. The more there is of ‘Europe’, the more there is to react against. ‘The existing body of literature on Euroscepticism,’ they argue:

is often biased contrasting European values and normative positions on European integration against the alleged Eurosceptic threat. This has sometimes resulted in strong evaluative statements on the aggressive nature of Euroscepticism that corrodes the European project or even predicts the end of European integration (p. 1).

Instead, they propose that:

Euroscepticism should rather be understood as a discursive formation in the making. As such, Euroscepticism is part of the general dynamics of contesting and justifying European integration... The assessment of the worth of European integration rather takes place through narratives and counter-narratives, which claim belonging and demarcate the boundaries of the emerging European social and political space (p. 2).

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<sup>2</sup> Philippe Legrain (2007, 2015, 2017, 2018) to take one example, has consistently mounted a powerful economic and cultural case in favour of intra-European immigration and immigration more generally.

Euroscepticism has...:

opened new spaces of popular democracy against imposed unification, in which different actors compete with expressions of popular sovereignty and differentiated claims of belonging (p. 18).

Thus, polity contestation of the European Union is, they argue, intrinsically linked to the new salience of identity politics in Europe. This ‘objective’ or ‘empirical’ approach lies outside the normative framework that would see, say, the avoidance of a war as a ‘good’. Euroscepticism is, rather, the refusal of other and the assertion of self. The more there is of the other, the more there is assertion of self.<sup>3</sup> Euroscepticism is a kind of contestation that (barring anarchical theory) is only possible in the absence of polity consensus (see the second section in this paper on the EU’s ‘enforced’ consensus). The unfinished nature of the European Union, argue Trenz and de Wilde, makes Euroscepticism ‘possible and expectable’ (p. 6). Were the Union to find an end state, whatever that might be, there would, sooner or later, be generalised acceptance of that end state. Euroscepticism is, therefore, reactive identity formation. They conclude:

We should not simply discard Euroscepticism as being irrational, emotional or marginal. Euroscepticism is not something to be solved or to be overcome by better or more rational ways of communicating with the public. It is something that will remain prominent for as long as the European Union seeks to consolidate its future (p. 18).

In effect, Euroscepticism is inevitable (‘expectable’). I would like, briefly, to push this argument a little bit further by posing a hypothetical question: have pro-integrationists misunderstood the nature of Euroscepticism? In particular, have they been wrong to see Eurosceptics as somehow being ‘the enemy’?<sup>4</sup> By refusing to recognise Euroscepticism as a legitimate phenomenon, and by refusing to enter into debate about the relative merits or de-

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<sup>3</sup> Charles De Gaulle captured the essence of the idea when he declared that ‘One needs adversaries to exist’ (though the quotation might be apocryphal, alas).

<sup>4</sup> See Petr Kaniok (2012) for a development of this theme. Fitzgibbon et al (2017) meanwhile bring together a collection of analyses about the emergence of Euroscepticism beyond domestic politics and hence as a trans-national phenomenon.

merits of ‘more’ or ‘less’ Europe, have the pro-integrationists pushed it beyond the pale of respectability, in particular to where the twin temptations of populism and xenophobia lie – that is, the anti-immigration arguments that are currently bearing far greater electoral fruit than the first populist wave of anti-single currency arguments?

To argue, as passionate federalists tend to, that the only legitimate position for a patriotic EU citizen is to favour unconditionally further integration immediately places Eurosceptics beyond the pale in a way which frequently generates resentment. Why, it might be asked, should federalists automatically occupy the moral high ground, especially given that many Eurosceptics are internationalists who favour a different form of cooperation which is no less legitimate from a *moral* point of view? To characterize Eurosceptics as reactionary nationalists might generate good copy among the faithful but also, Trezn and de Wilde argue, generates reactive identity formation.

### **The ever-positive European integration narrative**

I’d like to turn briefly now to Mark Gilbert’s thesis. ‘Underlying scholarship on the EU’, he argues:

is the conviction that the institutions of the EU are the outcome of a historical process whereby national institutions are being superseded and replaced by supranational ones (p. 641).

Gilbert criticizes this tendency, for two reasons:

First, ... the progressive conception has led to the story of the EU being told in over-simplified and unhistorical ways. Second, ... the progressive conception has blinded authors to the possibility that alternative narratives of European integration are possible and that these may come to predominate if the European project loses its aura of success (p. 641).<sup>5</sup>

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<sup>5</sup> And for a fascinating examination of the way in which the EU integration process has effectively ‘appropriated’ to its own exclusive narrative all of Europe’s successes, thus obscuring other integration and cooperation processes, see Patel (2013).

Gilbert argues that much writing on the history of European integration is characterized by ‘certain common rhetorical devices’:

a) *choice of terms*: construction metaphors abound. References to Europe’s ‘path’, ‘march’, ‘advance’, ‘progress’ are also commonplace. Moments of relative inactivity are described as ‘stagnation’ ... The process is nevertheless always ‘re-launched’ or ‘revived’ after moments of difficulty. In general, narratives *personify* the process, turning it into a creature with a vital life of its own that enables it to overcome ‘setbacks’ – to mention another commonly-employed word.

b) *authorial judgements*: the standard used to measure whether major decisions were successes or failures is almost always whether they augmented or reduced the overall degree of supranationality within the Community. ...it is a general rule that orthodox historiography uses approving language to describe increases in supranationalism but employs words like ‘limited’, ‘minor’, ‘tinkering’, ‘piecemeal’ and so on whenever relatively few gains were made for the principle of supranationality (p. 645).

Of course, vocabulary always matters, but Gilbert’s point is that ‘academic concepts and narratives shape the perceptions of politicians and hence influence their actions.’ (p. 659):

... the seeming reluctance ... to understand that there is popular discontent with the democratic deficit in Europe and that the EU is widely regarded as a big part of a wider problem of disenfranchisement and disempowerment, has surely been influenced by the boundless faith in the resilience of the European project that is a common theme in all the narratives I have been discussing (p. 659).

Returning briefly to the concept of ‘reactive identity formation’, could it be that, by adhering to this progressive narrative, pro-integrationists have further consolidated the impression of relentless progress which, in turn, has confirmed Euroscepticism in its reactive stance?<sup>6</sup>

### **The necessity of opposition**

I turn now to the argument that opposition (Euroscepticism) is necessary, and here I am admittedly straying onto slightly more normative territory. In his 2007 article Peter Mair stressed something which, once understood, is blindingly obvious: both government and

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<sup>6</sup> The sort of implied relentless that enabled Boris Johnson, when declaring his position in favour of ‘Brexit’ before the 2016 referendum, to argue that the European Union was a project that had ‘basically been going on for decades, which I think is in real danger of getting out of proper democratic control.’ (*Guardian*, 21 February 2016)

opposition are important to democracy. At the European Union level there is no government, and hence there can be no opposition. The EU could be described as a ‘polity without politics’ (see Vivien Schmidt, 2016, for a detailed treatment of this theme). Membership of the European Commission, the closest thing to an executive, does strangely apolitical things to its members.<sup>7</sup> (In that context, the so-called ‘politicization’ of the current European Commission would seem to be a misnomer.)

Echoing the analyses of Robert A. Dahl (1965, 1966), Mair distinguished between three different types, or modes, of opposition. *Classic opposition* is the concept with which we are most familiar. Those not in government oppose by offering alternatives to the policies pursued by the government, whilst at the same time recognising and respecting the right of the government to govern. Secondly, there is *opposition of principle*, in which those opposed to the government object not only to the government and its policies but to the whole system of governance. In other words, they oppose the government and refuse to acknowledge its legitimacy. Third, there is what Dahl called the *elimination of opposition*. This is government by cartel, when there are no longer any substantive or meaningful differences between parties and the only opposition left is against personalities. There is, in Dahl’s terms, a ‘surplus of consensus’ (1965, p. 19. I shall return to that term in the second section below).

The three modes of opposition are inter-related. The more space there is for classic opposition, the less there is for opposition in principle, and of course there can be no cartel. However, as Mair points out, ‘if political actors lack the opportunity to develop classical opposition, then they either submit entirely, leading to the elimination of opposition, or they revolt.’ He concludes:

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<sup>7</sup> In that context I frequently cite the cases of Martin Bangemann and Karel Van Miert in the Santer Commission. The former, a liberal in tooth and claw, busied himself building an industrial policy, whilst the latter, a socialist Commissioner with responsibility for competition policy, effectively busied himself overseeing deregulation.



Once we cannot organize opposition *in* the EU, we are then almost forced to organise opposition *to* the EU. To be critical of the policies promulgated by Brussels is therefore to be critical of the polity; to object to the process is therefore to object to the product... In other words, we either submit, and hence we accept the elimination of opposition, or we mobilize an opposition of principle and become intrinsically Eurosceptic (2007, p. 7).

Mair further (and presciently) argued that this development is ‘beginning to reach down into the domestic sphere, in that the growing weight of the EU, and its indirect impact on national politics, also helps to foster democratic deficits, and hence also limits the scope for classical opposition at the national level’ (2007, p. 15). Mair went on to develop his analysis, but I would like to leave his primary argument there, hanging in the air; because there can be no opposition to a government, there is growing opposition to the system.<sup>8</sup>

### **The need for more politics**

I come now to the article by Stefan Auer in which he seeks ‘to expose some limitations of dominant discourses about European integration.’ (2010, p. 1163) Auer argued:

The attempt to move towards a more federalist Europe underpinned by the ideal of ‘post-national citizenship’ (Habermas) is both unrealistic and undesirable. The populism and ethno-centric nationalism endangering the European project emerged in Europe not *despite* the cosmopolitan agendas of its elites, but arguably, in response to their ambitious agendas. A more realistic view on nationalism is imperative for a better understanding of European integration; one capable of addressing the appeal of populist politics. (Ibid., p. 1163)

Although Auer seeks to consider the phenomenon of growing populism in Eastern Europe and the new Member States in particular, he asks himself the rhetorical question as to why populist politics is so popular in Europe, ‘both east *and* west.’ He seeks to address a key aspect of the issue by ‘exposing the limitations of dominant discourses of the post-1989 project of European unity as formulated in the west.’ He seeks to demonstrate that:

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<sup>8</sup> In effect, Mair’s thesis was a re-working of Albert O’Hirschman’s classic 1970 text, *Exit, Voice and Loyalty: Responses to decline in firms, organizations, and states*. Mair’s posthumously-published *Ruling the Void: The Hollowing of Western Democracy* took his arguments still further, but the simple essential theory is that the voter either puts up, or shuts up, or seeks to leave. Christopher Bickerton has recently taken Mair’s general thesis and applied it more generally to what he describes as being an ‘over-constitutionalized’ EU (Bickerton, 2018, p. 11)

the attempts to move towards a more federalist Europe – whether ‘The United States of Europe’ (Habermas, 2008), or a ‘cosmopolitan Europe’ (Beck, 2006), both underpinned by the ideal of ‘post-national citizenship’ (Habermas, 2001) – are both unrealistic and undesirable. National electorates resist this move whenever they can. Whether we like it or not, ‘nations matter’ in Europe (Calhoun, 2007). A more realistic view on nationalism is imperative for a better understanding of European integration, one capable of addressing the appeal of populist politics. It is unhelpful to wish away people’s concerns for national sovereignty, just as it is implausible to return to a Europe of six, nine or 12 Member States (whether that construct is called ‘Core Europe’, ‘Old Europe’ or ‘Avante-Garde Europe’) (p. 1164).

Auer pleads ‘for a Europe that accepts nationhoods, a Europe comfortable with a vast variety of political cultures’ (ibid).

Like Gilbert, Auer considers also the theme of competing narratives and what he terms ‘the politics of memory in Europe’ (2010, p. 1175). Auer observes that the times of the permissive consensus about integration are gone: ‘The initial method of European unification, in which enlightened elites pursued ambitious integrationist projects on the assumption that ‘ordinary people’ would eventually appreciate their advantages, no longer applies’ (2010, p. 1179). His contention is that enthusiasts of the European Union, owing partly to their distorted views of Europe’s past and their unrealistic expectations about its future, may well be contributing ‘to the demise of the very Europe they favour:

A Europe of 27 or more Member States is, by necessity, more heterogeneous, diverse and difficult to govern. However, it is important to stop seeing this as a burden to overcome. It should be seen as an opportunity: more disputes bring on more politics (2010, p. 1179).

But Auer does not advocate ‘confrontation and strife in Europe.’ (Ibid., p. 1180) Instead, he calls for a more realistic view of European politics that is based on the insight that politics is fundamentally about dealing with conflicts. He argues that this is also the way in which the ‘New Europe’ can further shape Europe’s future. Europe’s citizens will not become engaged if there is consensus or, worse, silence. Rather, ‘Europe needs to engage its citizens by making its polity more political:

That is, by opening it to fierce political contestation about its aims, and the ways in which best to achieve them. The peoples of Europe need to be presented with different choices about the future of Europe. This is why elites in the ‘Old Europe’ need to overcome their

fear of the New Europe and embrace the conflictual nature of politics in a Europe to come (2010, p. 1180).

It is time, in other words, for the EU institutions, and perhaps particularly the European Parliament, to overcome what might be termed ‘the consensus lock’, but can they?<sup>9</sup>

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<sup>9</sup> Van Middelaar (2015) has argued that the eurozone crisis and Russian interference in Ukraine at last brought a form of politics to the EU, by demonstrating to Europeans why government (and not just governance) was necessary. However, he went on to argue that, ‘EU integration, after ‘permissive consensus’ and ‘constraining dissensus’ could be moving to the era of *binding dissensus*.’ (p. 1) The theorists examined in the first section of this paper would argue that such ‘binding dissensus’ is far from the sort of ‘proper politics’ that the EU ideally requires.

## **Part Two: the ‘consensus lock’, its historical origins, consolidation and pernicious electoral arithmetic**

### **Historical origins**

Through his historical research, Van Zon (2018) convincingly demonstrates how many of the distinctive traits of today’s directly-elected European Parliament can be traced all the way back to the Common Assembly of the European Coal and Steel Community. Space precludes a lengthy treatment of his findings, but in the following paragraphs I shall consider some of the more noteworthy.

A first aspect is that Common Assembly members were, to a considerable degree, self-selecting and like-minded. In the first place, they were delegated from national parliaments, so those that got appointed tended to be those that were interested in furthering the integration process and were prepared to make sacrifices, in terms of time and travel, to do so. This was even more the case given that over half of the 78 members of the Common Assembly were already seated in the Parliamentary Assembly of the Council of Europe (something the member states had expressed a preference for in a protocol to the Treaty of Paris). Thus, over half the first members of the Common Assembly sat in three different assemblies. Understandably, a great deal of what would now be called ‘socialisation’ occurred. This was further facilitated by the considerable preponderance of lawyers and constitutionalists among the original membership.

A second aspect is that membership of the Common Assembly was exclusive, rather than representative, with an emphasis on shared values. Thus, despite their significant representation in Italy and France, the Italian and French Communist Parties were excluded (or, rather, simply not nominated), expressly because of their anti-system views and opposition to European integration in particular. The Italian Socialist Party which, under Pietro Nenni’s

leadership, collaborated closely with the Communist Party, was also excluded. And despite winning 52 seats in the 1956 French elections, Pierre Poujade's *Union et fraternité française* was similarly denied representation. The deliberate exclusion of such parties further encouraged consensualism among those parties that were represented: 'What remained was a contingent of internationally-oriented and moderate politicians' (von Zon, 2018, p. 12).

A third aspect is that members of the Common Assembly very rapidly came to consider their institution as being supranational. They were encouraged in this by Jean Monnet, the first president of the 'main' supranational body, the High Authority. At the first plenary session of the Assembly on 11 September 1952, he declared:

The Members of the High Authority have taken on the solemn commitment not to accept or demand instructions and to refrain from any act that is incompatible with the supra-national character of their mandate. Your task has the same character. In the exercise of your Office, you are representatives of the entire community.

This not only created a feeling of solidarity between the two supranational institutions in the Community, but also led Members of the Assembly to see themselves as representing the European citizen, as opposed to national citizens. But such citizens were a concept, not a reality, which in turn led the members to exercise a benign but patrician form of representation – this was more than Burkean, since no electorate had expressly entrusted them with the task. As van Middelaar put it, the "Strasbourgers spoke on behalf of ideal citizens who did not exist, with an expectation both that such citizens would emerge and that they themselves, as educators, could help achieve this" (2013, p. 278).

A fourth aspect is that political groups were rapidly formed and became the chief actors within the Assembly, with budgets and secretariats and, in the nature of the institution: 'Where political groups took a common stance, they invariably took a European stance' (von Zon, 2018, p. 11). This, in turn, put great emphasis on conformism and the suppression, or at the least the muffling, of dissension. When, as rarely occurred, the Socialist Group couldn't agree with the

Christian Democrats, for example, its members abstained or left the chamber, rather than expressly voting against.

A fifth aspect is that, whether in the constitutional, political or consultative domains, the Assembly created working mechanisms (Committees, rapporteurs) that immediately militated in favour of compromise and consensus and the garnering of the maximum number of votes, on the understanding that the institution's voice was strongest when a maximum of its members voted in favour of a position or a proposal. As van Zon puts it, 'Unanimity was thought to be a stronger expression of their representative function than dissension' (2018, p. 28). From the outset, therefore, the Assembly denied itself politics in favour of the furthering of its institutional ambitions. Nowhere was this more evident than in the Assembly's work on direct elections. There was a tacit acceptance that the Assembly would have to give voters strong reasons to turn out, because otherwise 'bad Europeans' could be elected by default. As van Zon notes, 'One working group member characterised communist voters as being very disciplined and having strong convictions, the two very factors most MEPs feared most ordinary Europeans were lacking when it came to European elections' (2018, p. 60).

As van Zon goes on to document, by the time direct elections finally came along in 1979, the die had long since been cast. Far from starting with a *tabula rasa*, the first directly-elected Parliament effectively continued in the direction that had been set back in the 1950s, consolidating the delegated Parliament's fundamentally consensual and centrist working methods.

### **Consolidation (treaty- and rules-based provisions)**

The first and most demanding Treaty-based provision for majority voting was the original Article 144 in the Treaty of Rome (taken over almost word-for-word from the Treaty of Paris), regarding the censure motion. To wield this power – something the Parliament has

never managed to do – it must muster ‘a two-thirds majority of the votes cast, representing a majority of the members of the Assembly’. When, in the 1970s, the Parliament first gained significant budgetary powers (1970, 1975, 1977), these were counter-balanced by various majority requirements (absolute majorities, and three-fifths or two-thirds of the votes cast). In a similar vein, when the Parliament was first granted legislative powers under the Single European Act (1986), these were counter-balanced by absolute majority requirements (Westlake, 1994, pp. 199-201). And the same trend has continued with many of the additional powers that the Parliament has won through treaty change.

At the same time, though, the Parliament has, through its rule-making autonomy, imposed significant additional majority requirements upon itself, in part on the basis of the old logic that the Parliament, as an institution, is always strongest when it can muster the most possible votes in favour of a position or a proposal. However, as the next section shows, such absolute majority requirements have also further consolidated and strengthened the ‘consensus lock’, because absolute majorities (not to mention the even bigger majorities required in the budgetary context) are only possible through some sort of coordinated voting between the two main groups, the S&D and the EPP. This pernicious electoral arithmetic further precludes the sort of adversarial politics that characterises so many of the national parliaments in the Member States.

## Pernicious electoral arithmetic

Table 1: the ‘consensus lock’ and pernicious electoral arithmetic

Year	S&D	ALDE	EPP	Total EP seats	Abs. majority	Total three parties	As %age of total EP seats	S&D plus EPP	As %age of total EP seats
1979	113	40	107	410	206	260	63.4	220	53.6
1984	130	31	110	434	218	271	62.4	240	55.2
1989	180	49	121	518	260	350	67.5	301	58.1
1994	198	43	157	567	284	398	70.1	355	62.6
1999	180	50	233	626	314	463	73.9	413	65.9
2004	200	88	268	732	367	556	75.9	468	63.9
2009	184	84	265	736	369	533	72.4	449	61.0
2014	191	64	214	751	376	469	62.4	405	53.9

Table 1 shows the number of seats won by the three main centre parties that have been represented in the European Parliament since 1979 (and, indeed, since 1952). Several observations are in order. The first is that no single party/group has ever come close to winning an absolute majority on its own. In other words, a coalition of some sort has always been necessary. The second is that the most viable coalition, in terms of consistently generating more than the absolute majority in key parliamentary votes, has invariably been a centrist one (meaning EPP plus S&D).<sup>10</sup> This, in turn, has invariably led to more-or less explicit position-sharing agreements between these two parties/groups, almost invariably with the full mandate being split into two halves and shared. Thus, of the sixteen presidencies of the Parliament to date, seven have been EPP and six have been S&D, and the three exceptions (Simone Veil, Liberal, 1979-1982, Henry Plumb, British Conservative, 1987-1989, and Pat Cox, Liberal, 2002-2004) were immediately followed by a reversion to form and alternance between the two

<sup>10</sup> The socialist/social democrat group in the Parliament has undergone several name changes. I refer to it here throughout by its current title, Socialists & Democrats, or S&D.



main groups (the EPP and S&D respectively). The third observation is that, since a 2004 high, the centrist coalition has been in relative electoral decline. There are various reasons for this – more member states, more parties, the rise of Euroscepticism, and so on – but the effect on the centrist coalition is, almost paradoxically, to consolidate and reinforce it. Last but not least, since 1979, this pernicious electoral arithmetic, especially when taken together with majority requirements, means that alternance in power, as a function of elections (as opposed to consensual power-sharing agreements), has never been possible. Thus, not only was the old, pre-1979 consensus lock inherited and consolidated by the directly-elected Parliament, but pernicious electoral arithmetic has further consolidated it.

Of course, the ‘consensus lock’, as I have described it is not just about the European Parliament. The European Commission (still a college and one that very rarely votes and is now explicitly dependent on a centrist coalition in the Parliament) and the Council and Coreper, with their deeply ingrained tradition of finding the broadest possible agreement (ideally, unanimity), have played their part. Indeed, Heather Grabbé has memorably described the European Union as having become ‘one vast consensus-generating machine’ (2016). Referring back to the discussion in Section one, Mair and Auer would argue that such a system effectively denies politics and produces (Dahl’s term) a ‘surplus of consensus.’

So where might the European Union institutions go from here?

The European Union has increasingly locked itself into a version of party-political parliamentary democracy, based on the following aspects (Westlake, 2017, 2019):

- A parliament periodically elected by universal suffrage;
- An embryonic executive held to account by the parliament;
- Embryonic political parties at union level (though supported by public funding rather than membership contributions);

- An electoral linkage between the (results of the?)<sup>11</sup> elections and the leadership/composition of the embryonic executive (the *Spitzenkandidaten* procedure).

This process has occurred against a general backdrop characterised by the following developments:

- The relative decline of parliaments;
- The decline of deferential societies and mass membership political parties;
- Decreasing electoral participation in general and turnout in European elections in particular (Kopf, 2017);
- Decreasing support for mainstream traditional political parties;
- The rise of Eurosceptical, populist and anti-system parties;

In addition, the EU's chosen model of party-political parliamentary democracy, with its implicit assumptions about clear alternatives and alternance in power, has been badly undermined by several further developments:

- An emphasis on consensus within and among the EU's supranational institutions – above all, the Commission and the Parliament;
- The evolution of mechanisms to encourage and consolidate consensus, including Treaty-based and rules-based majority requirements;
- Tendencies to exclude or marginalise non-consensual forces;
- Pernicious electoral arithmetic increasingly forcing the main, already consensual party groupings into more-or-less explicit coalitions.

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<sup>11</sup> On the mysterious and unexplained differences in wording of the various language versions of the Lisbon Treaty's Article 9D, see Westlake, 2016, pp. 39-40.

The May 2019 European elections are still a few months away, but recent opinion polling would seem to suggest that many of the trends identified above are going to continue. *Politico*'s poll of polls, downloaded on 2 January 2019 (*Politico*, 2019), strongly suggests that, in a post-Brexit Parliament, the only viable potential coalition would be some sort of agreement between the European People's Party, the Socialists & Democrats, and the Alliance of Liberals and Democrats for Europe, with the latter (especially if the projected 20 MEPs of Emmanuel Macron's *La République En Marche!* party aligns with it) playing the role of 'king-maker'. And even such a coalition risks being only marginally viable. As Table 2 shows, a left-green coalition would fall 57 votes short, and a so-called 'Jamaica' coalition would fall 54 votes short. As the opinion polls currently stand, only a centrist coalition of the EPP, ALDE and the S&D would muster a comfortable working majority. Of course, these calculations need to be taken with a big pinch of salt. The left might win more seats,<sup>12</sup> or it might win less. Some groups might dissolve and/or reform. The Eurosceptical parties might do better, or worse. New parties could pick off seats (the *Politico* poll of polls gives them 39 seats). But the pernicious centrist arithmetic is still very much present.

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<sup>12</sup> *The Economist* has recently speculated about big gains for the left ('Breaking point 2010,' *The Economist*, 7 July 2018, p. 6), though this seems somewhat tongue-in-cheek.

Table 2: possible coalitions in the 2019-2024 (post-Brexit) European Parliament

*Note: an absolute majority would require 353 votes in the 705-seat Parliament*

**A centre-left coalition:** European United Left (53) plus Socialists & Democrats (130) plus Greens/European Free Alliance (44) plus Alliance of Liberals and Democrats for Europe (69) = 296 (57 votes short of a majority)

**A ‘Jamaica’ coalition:** European People’s Party (186) plus Alliance of Liberals and Democrats for Europe (69) plus Greens/European Free Alliance (44) = 299 (54 votes short of a majority)

**A centre-right coalition:** Alliance of Liberals and Democrats for Europe (69) plus European People’s Party (186) = 284 (100 votes short of a majority)

**A right/Eurosceptic coalition:** European Conservatives and Reformists (49) plus Europe of Freedom and Democracy (44) plus Europe of Nations and Freedom (63) = 156 (197 votes short of a majority)

**A grand centrist coalition:** European People’s Party (186) plus Alliance of Liberals and Democrats for Europe (69) plus Socialists & Democrats (130) = 385 (32 votes *beyond* a majority)

Supposing such a grand centrist coalition were to come into being in June/July 2019, what might then occur? The logic of the *Spitzenkandidaten* procedure and of those who are determined to make it stick will almost certainly lead the European Council to nominate an EPP candidate proposed by the European Parliament (since the EPP will be the largest grouping in the new Parliament) – Manfred Weber. But the EPP will not have been able to propose such a candidate alone; rather, it will have been the result of an agreement between the three groups forming the coalition. The logic of the situation will almost certainly lead to a traditional ‘package deal’ of appointments. If the EPP ‘takes’ the Commission, then the S&D Group (assuming it comes second) could claim the Presidency of the European Council, and the ALDE Group could claim the position of High Representative and Commission Vice-President, for example (or *vice-versa*, depending on their relative numerical strength). Other high positions could and probably would come into play, in particular, the presidency of the Parliament itself (and the presidencies of the groups), and the presidency of the European Central Bank – if that has not already been decided. Such a package deal would almost certainly involve other traditional considerations, such as gender, nationality, and north-south/east-west and larger/smaller member state.

Such a grand centrist coalition is, it should be pointed out, among the *best possible* outcomes of the May 2019 European elections. It is possible, if not currently probable, that not even such a grand centrist coalition will be viable (if the European People's Party and the Socialists & Democrats do worse than the polls currently predict, for example). Under those circumstances, there are two probable alternative scenarios. One would be an attempt to bring the Greens and/or the European United Left into the centrist coalition. Presumably, no similar gesture could be made towards the Eurosceptical/populist right. The other scenario would therefore be a failure to rally a viable majority, which would spell chaos for the whole system, since the Parliament would not be able to amass the necessary majorities to approve the proposed President of the Commission, the proposed High Representative and subsequently the proposed College of Commissioners. History suggests that the European Union's actors will do all that they can to avoid such a chaotic or anarchic situation, with all that it would imply for the budgetary and legislative procedures and the politics of the Union. In short, under either the best or the worst scenario, in terms of the relative electoral performances of the party-political groupings, the most probable outcome will be some sort of grand centrist coalition.

In 1871 the then-British poet laureate Alfred Austin is reported to have written a notoriously poor poem, 'On the illness of the Prince of Wales', with a modernistic nod to the then-new technology of the telegram. The poem concluded, 'O'er the wires the electric message came,/He is no better, he is much the same.' If anything like the speculative scenarios sketched out in this section comes to pass, then the European voter will be entitled to ask what, if anything, has changed, or is everything much the same? For the European Union will once again have proved itself to be, in Grabbé's memorable words, 'one vast consensus-generating machine' and will risk continuing to be perceived as a technocratic, centrist, elitist organisation in which, as was the case from the 1950s onwards, government is *for* the people, but not by

them and in which any opinion other than the *'right'* opinion is marginalised by the centrist consensus.

The European Union and its institutions cannot now go back on some seventy years of history and evolution. But if the theses considered in this paper are valid, then the increasingly urgent challenge is how to bring more politics *into* the system, as a way of avoiding ever greater anti-system forces. Can the EU's institutions, and particularly its Parliament, find a way to overcome the consensus lock without critical destabilization? Can political groupings at the level of the European Parliament give Europeans a sense of different policy options, not just within the system but about the system and the way it develops? For, if potential voters do not feel that their vote will make any difference (Mair described it as 'this evident evasion of opposition in Europe' (2007, p. 12)), then they will either not vote, or they will vote for those who promise, in one way or another, to change the system – or even to destroy it.

Perhaps it is time to revisit Chantal Mouffe's seminal work, *On the Political* (2005), more aptly entitled, in the French translation, *L'Illusion du Consensus* (2016). In effect, the sociological concept of reactive identity formation is part of the post-structural realisation that identity is always relational or, put another way, if there is an 'us' there will always be a 'them'. As Mouffe argues, the challenge is how to avoid the constantly present possibility of violent conflict, what she calls 'antagonism' (2005, pp. 15-16). Politics, Mouffe further argues, is defined as the collective practices through which order is nevertheless created. The challenge and the trick for democratic politics, she declares, is to cast the 'us/them' relationship in such a way that antagonism is transformed into 'agonism'. The antagonistic is not eradicated but is sublimated as a plurality of ideological conflicts that are given *legitimate* forms of expression within a shared symbolic space (p.20); a space that, in the context of this paper, latter day commentators refer to as 'the common European space'. For Mouffe, a parliamentary system facilitates partisan conflict, which is a regulated form of identity politics *within* the system.

However, the *sine qua non* for such a parliamentary system to work is for there to be effective choice and convincing distinctions, and for voters, in effect, to be able to be ‘us’ and ‘them’ within the system.<sup>13</sup> The trick of the populists and the Eurosceptics has been to paint the system as being ‘them’, even though they are, necessarily, a part of it.<sup>14</sup>

What would such an ‘us/them’ cleavage look like *within* the EU system? It is surely not the traditional left/right cleavage that has been of declining relevance for some time – and even, as Stein Rokkan argued already in the 1950s, since before the Second World War. Nor can it be, if Mouffe’s analysis is correct, the current centrist consensual bloc (which, as we have seen in, is steadily shrinking), surrounded by the arguably unpalatable or the unacceptable, excluded through the rules-based system.

In 1979 the British political philosopher and commentator David Marquand (1979) wrote a forward-looking analysis of the European Parliament on the eve of the first direct elections. He speculated about a ‘Party Europe’ and predicted that, ultimately, a nationalist-supra-nationalist system would evolve. This evolution would not be quick or tidy and would probably overlap ‘in a puzzling and superficially illogical way’ (p. 126) with the existing left-right system. However, what was under discussion was ‘the possible emergence of *a system appropriate to a continent*’ (p. 126, my emphasis).

Marquand argued that analogies with existing state systems were misleading. Rather, the right analogy was with United States’ party politics in the 1830s and 1840s. Then, the American Whigs and Democrats were:

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<sup>13</sup> Although Noam Chomsky has cynically observed, “The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion but allow very lively debate within that spectrum.” (Chomsky, 1998, p. 43)

<sup>14</sup> Indeed, Nigel Farage has happily gone on the record about how UKIP could not possibly have developed its electoral force in the UK electoral context if it had not had access to resources at EU level (Farage, 2014). Those resources were not just financial: the European Parliament’s own communication services provided UKIP with the clips that would later appear on You Tube, with Farage, for example, notoriously declaring that Herman Van Rompuy, the then-President of the European Council, had ‘the charisma of a damp rag and the appearance of a low-grade bank clerk’ (<https://www.youtube.com/watch?v=bypLwI5AQvY&vI=en>) or, more recently, ‘high fiving’ with Jean-Claude Juncker, the President of the European Commission, in the European Parliament’s chamber (<https://www.youtube.com/watch?v=iy391W-A108>).

loose coalitions of state parties, which usually operated at the state level, but which came together once every four years to contest presidential elections. They were held together, to the extent that they were held together at all, by their views on federal questions. Their views on state questions were often not merely different but opposed (Marquand, 1979, p. 125).

Though Marquand acknowledged that the American analogy could not be pushed too far, he insisted that it was a useful backdrop. Seen against it, ‘the divisions within the nationalist and supra-nationalist camps in present-day Europe are neither particularly surprising nor particularly deep’ (1979, p. 126).

As I have written elsewhere,

Are we not witnessing Marquand’s prediction gradually becoming a reality? It is neither quick nor tidy, but maybe, just maybe, Europe’s pro-integration parties – whatever their ideological divides in the domestic political context – are increasingly engaging in loose political coalitions at the EU level. The questions then arise; what will face them, or what should face them? (Westlake, 2017, p. 27)

The ‘elision’ I referred to in the introduction between Euroscepticism, populism, and varying degrees of xenophobia (or, at the more acceptable level of the spectrum, anti-immigration stances), makes these awkward questions to ask at the moment, although research (for example, Vasilopoulou, 2017) confirms that there are many varieties of party-based Euroscepticism, not all of them necessarily of extreme, far-right, or xenophobic stance or tendency. In any case, for the time being, Eurosceptic forces within the European Parliament are fragmented and spread across a number of different groupings that, notwithstanding Steve Bannon’s sweet attentions, are unable to merge their views and interests sufficiently to form any sort of coherent opposition.<sup>15</sup> However, their numbers did grow significantly in the May 2014 European elections (Dye, 2015), and the *Spitzenkandidaten* procedure might just in the

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<sup>15</sup> However, two sister papers at the Bath UACES Conference demonstrated how Eurosceptic MEPs are becoming increasingly coherent practitioners within the EP system, notwithstanding the various obstacles put in their way: Beim and Brack, 2018, and Ripoll Servant and Panning, 2018.



future (2024? 2029?) give such parties a potential rallying point to enhance their cohesion, even if it remains a loose electoral coalition.<sup>16</sup>

Such a scenario is pure speculation, but it does give rise to some further awkward questions. Would such an opposition *within* the system be desirable? Or would the ‘elision’ referred to above put such an opposition beyond the pale in a way that, say, the Italian Communist Party was excluded from government in Italy? At the same time, perhaps the rise of a more coherent opposition of some sort will oblige the current ‘governing coalition’ to organise itself more effectively in order to maintain its oligopolistic hold on power. In which case, might the Union not end up with a continental version of Giovanni Sartori’s ‘polarized pluralism’ (see, e.g., Hanning, 1984)? By analogy, could a future Union<sup>17</sup> find itself with a loose but dominant governing bloc on the pro-European, pro-integration end of the spectrum and a smaller anti-integration, anti-immigration bloc to its right, condemned by the perceived extremism of its views, never to be ‘allowed’ into governance but nevertheless being of sufficient weight and importance to act as a constantly destabilizing element within the system? In other words, internalising opposition by itself may be necessary, but the sort of party-political system that evolves thereafter is an equally important consideration.

To conclude, in this paper I have explored the argument that Euroscepticism may be regarded as reactive identity formation and therefore a natural by-product of the integration

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<sup>16</sup> But, as I have argued elsewhere, “Whichever it is, we should not allow the centre ground of European politics to be dragged to the unsavoury right. We should recognise that there is a respectable strain of Euroscepticism, a strain that deserves to be taken seriously, that deserves to be engaged in open and informed debate, and not dismissed as eccentricity or opportunistic populism. It may, for all we know, be an emerging form of loyal opposition. We must help it to peel itself away from the unsavoury extremes and to remain true to the European Union’s attachment to ‘the inviolable and inalienable rights of the human person’ and ‘the principles of liberty, democracy and respect for human rights and fundamental freedoms’ that are enshrined in the preamble to the Lisbon Treaty. We must insist not only on clarity of discourse on issues such as immigration and asylum, but also try to make the positive case... This isn’t easy. Immigration is an awkward issue on the doorstep. But the concerns for which immigration is all too often a proxy need to be thrashed out through informed political discourse. We need to explore and address people’s fears, not agree with them. Above all, I believe that Ban Ki-Moon is right. We have been a model for the world and I fervently believe that we should remain one.” (Westlake, 2010)

<sup>17</sup> This paper assumes there will be a future Union though, of course, there is a burgeoning speculative literature about the EU’s demise, supposedly provoked, in one way or another, by immigration (for example, Gillingham (2018), Krastev (2017), Murray (2017), Thompson (2018), *The Economist* (2018)).

process; the ‘more Europe’ there is, the more reason there is to react and the more there is to react against. I have further explored the argument that the vocabulary and the analyses of pro-integrationists, in their search for positive narratives, have perhaps created the impression of a relentless or inevitable process which has in itself exacerbated such identity reactivity. I have subsequently considered how, in effect, the growing strength of opposition to the integration process is a measure of the process’s success – or its perceived success, and not its failure. And I have considered the argument that consensus – the European Union’s natural (and very effective) mode of politics until now – might be a ‘bad thing’, inasmuch as such a ‘surplus of consensus’ is a denial of politics, and that disputes, meaning more politics, might actually be a ‘good thing.’ I have considered how the absence of a formal opposition within the EU system might be as important as the absence of a formal government, which leads to the question of how the European Union might allow for more opposition within the system, since the absence could, and almost certainly will, otherwise lead to increasing opposition to the system itself. Beyond that, though, there lurk further questions; in particular, what sort of opposition, and what sort of party political system?

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