

A TORY PLEBISCITE

BY ANDREW MORAVCSIK

The governance of the EU is closer to the ideal of Lockean liberalism than the US or British constitutions. A referendum is unjustified

THERE WOULD BE something charming—quaintly reminiscent of Trollope perhaps—in the image of Britons “from pub landlords to vicars” forming a queue to vote in the *Daily Mail* “referendum” on the proposed EU constitution. Charming, that is, if it were not so corrosive of proper democratic debate.

The current campaign for a referendum shows just what is wrong with plebiscitary democracy. It is a clever campaign because it uses and abuses two of the highest political values in the west: limited government and democracy. Limiting government by blocking activities of “foreign” institutions may seem prudent, yet it is impractical in an interdependent world. Plebiscitary democracy—politics by referendum—seems unimpeachably “democratic” on the surface, yet in fact it empowers the rich, the ignorant, the negative, and the ideological. Voters lack the time, commitment or expertise to engage fully in complex issues—particularly when, as in the case of the EU, their main concerns are not on the agenda. Referendums in the US have shown that under such circumstances, huge amounts of money, slick consultants and access to the media are required to win.

No wonder Vote 2004, the pro-referendum group backed by the Tory peer and ad-man Maurice Saatchi, aims to spend £2.5m on advertising. This is no grassroots uprising by traditional Britons. It is instead a media campaign waged by a network of right-wing Tories, fearful of becoming their country’s third party, backed by a concert of conservative journalists working mainly for foreign newspaper owners.

The politics of referendums require that complex messages be boiled down to slogans—a trend we can see happening. “Under the proposed dispensation,”

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cries the *Telegraph*, “the member nations will have substantially less autonomy than, say, individual US states.”

Yet does the EU really pose a threat to limited government? A glance across the Atlantic reveals the reverse. In the US, the federal government employs 1.5m military forces and hundreds of thousands of police; the EU has none. The US feds are responsible for 70 per cent of US public taxation and spending; the EU is responsible for 2 per cent of Europe’s. Washington employs about 2.5m civilians, Brussels about 30,000. True, the EU is pre-eminent in certain



realms of economic and financial management, and some regulatory matters. Yet with such weak powers to tax, spend, coerce or implement, it can never hope to influence, as does the US government, the policies voters say they care about most—health, pensions, education, crime. These remain national.

Of course a referendum might be justified if it were the only way to reassert control over a fundamentally undemocratic EU. Yet European governance is arguably as (or more) limited, open, and transparent—certainly closer to the ideal of Lockean liberalism—as the US constitution, let alone the centralised British constitution. EU legislation has to traverse an obstacle course of checks and balances: 60–80 per cent support in the council of ministers, the majority of a directly elected parliament and a commission appointed by national governments, domestic implementation by national governments, and eventual oversight by the court. Those issues on which European officials enjoy auton-

omy—central banking, constitutional adjudication of individual rights, antitrust prosecution, oversight of certain safety regulations and, to an extent, international trade negotiations—are also those that most countries leave to expert, autonomous technocrats and judges rather than elected politicians.

The EU, with its myriad avenues for institutional action and its plethora of national political cultures, is among the most transparent of political systems—surely more so than Britain. In Brussels, there are almost no official secrets. Without secrecy and fiscal discretion, there is also very little corruption. It is unthinkable that three European newspaper chains with activist owners holding strong political views and usually allied to one political party could control nearly 65 per cent of the European newspaper market. Only in Britain.

The draft treaty is unlikely to change any of this significantly. Already gone are the European parliament’s ambitious plans for centralised democratic governance. The national veto will be retained in taxation, defence and foreign policy. Defence co-operation outside of Nato has little chance. Vetoes and opt-outs are likely to hedge social policy and the British government has already imposed an opt-out on common border and asylum controls. Language obliging member governments to “actively and unreservedly support” a common foreign policy is unenforceable. Reform of criminal law is marginal. Institutionally, Tories should welcome a European president rather than the current revolving national presidency, because it strengthens large states and the intergovernmental council at the expense of the commission. The real losers are the radical democrats and federalists, whose grand constitutional dreams of popular congresses, upper houses of national officials, and an expansion of competences have been shattered. Overall, the result will solidify the European status quo, with little impact on citizens’ lives. No wonder Romano Prodi is among the draft’s loudest critics in Brussels.

A referendum would be justified if it encouraged serious debate and public education concerning these matters. But the current campaign in Britain makes it clear that sober deliberation is not the goal. If it were, proponents would not have been launched the campaign over

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six months before a final (surely much diluted) draft is available. Instead, the aim is entirely negative: to use exaggerated claims about unfinished phrases to whip up public opposition. Euroscepticism is a fundamentalist doctrine. Its proponents know that the more they rest their case on ideals like “independence” and “sovereignty,” the better they will do with the public. Detailed, pragmatic considerations spell defeat for them. Thus they make no effort to formulate coherent, practical alternatives. Those pro-Europeans on the left and centre who believe it is time to have a once-and-for-all scrap over the EU should choose another battleground.

The appeal to plebiscitary democracy is in many cases sheer political opportunism. Why does an advocate of an independent Bank of England, such as William Rees-Mogg, not welcome Lockean separation of powers and deference to what political scientists call “insulated authority” in the EU? Why does David Heathcoat-Amory, who in the past four months cast two votes against reforming the House of Lords on the grounds that it provides independent expertise, not favour a measure of indirect “expert democracy” in the EU? Why do the heirs of the Thatcher and Major governments, which rejected plebiscitary democracy for the 1987 Single European Act (expanding majority voting for the single market) and the 1992 Maastricht treaty (moving towards a single currency and modest EU justice and defence policies) demand a plebiscite for the far less radical constitution? Why do Eurosceptics reject democratic legitimacy through a strengthened European parliament?

When we scour away the superficial appeals to plebiscitary democracy, we find nationalism. Not the benign sort that leads people to take pride in the strengths, virtues and quirks of national institutions, but the sort that needs enemies at home and abroad. This is clearest in the language of the referendum supporters: that of wartime mobilisation (“the biggest betrayal in our history”) and hereditary enemies (“1588: We saw off the Spanish. 1805: We saw off the French. 1940: We saw off the Germans. 2003: Blair surrenders Britain to Europe”). This rhetoric died out decades ago on the continent, except on the neofascist right. It lives on in Britain, and a referendum would make it the coin of the realm. ■