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The European Constitutional Compromise

AS RATIFICATION OF THE TREATY establishing a Constitution for Europe is proceeding and heated debates are taking place in the context of referendum campaigns, some politicians, including former Europhile prime ministers in France have argued that they will vote “no” because the treaty is not ambitious enough while others believe a “no” vote means reining in an emerging “superstate.” The treaty is in fact modest, given constitutional value to past incremental developments. Could we expect a different outcome? In this issue Andrew Moravcsik provides an answer: “What we see now is what we get” and the “EU has reached a plateau.” He explores the reasons that may explain that we may be witnessing a moment of stable political equilibrium. And makes an additional argument that is quite relevant to the current referenda debates in European public spheres: the current constitutional promise is democratically legitimate. Andrew Moravcsik presented this article at a conference that EUSA co-organized at Princeton University this fall.

-Virginie Guiraudon- EUSA Forum editor

The European Constitutional Compromise *Andrew Moravcsik*

IN EUROPEAN POLICY-MAKING TODAY there exists a tension between rhetoric and reality—a tension that makes this an appropriate moment to take stock of European integration. Over the past half-century the European Union has successfully expanded its substantive mandate and institutional mechanisms until its scope, institutions and overall significance are without parallel among international organizations. Tariffs, quotas, and most customs barriers within Europe have been all but eliminated. In regulatory areas such as environmental policy, competition, agricultural, and industrial standardization policy, the EU is a dominant regional and global force. Similarly the EU is a bone fide superpower in the area of global trade. The European Court of Justice has established the supremacy of EU law, the right of individuals to file suits, and constitutional review for consistency with the Treaty of Rome, which is binding through the near-uniform acceptance of its decisions by domestic courts. The powers of the directly elected European Parliament have steadily increased

over the past decade. The European Commission enjoys exceptional autonomy among international secretariats. Under the aegis of the European Council, thousands of meetings among national officials, ministers and heads of state and government are held annually, resulting in hundreds of pieces of legislation.

Since in the 1950s, this spectacular record of growth and achievement has sparked controversy. Over the years, analysts invoke concepts like the “Monnet method,” “neo-functionalism,” “spillover,” and the ‘bicycle theory.’ According to this view, held by Jean Monnet and theorized by Ernst Haas, integration begets integration through an essentially unbounded process of spillover. From the perspective of Euro-enthusiasts, this is desirable, since if integration ceased, the ‘rider’ might fall off and progress to date will be lost. Eurosceptics, led by British and American conservatives, warn of the rise of a ‘superstate’ in Brussels run by democratically illegitimate technocrats—a ‘bureaucratic despotism’ recalling the ancien regime in France and, in a few more extreme formulations, the Nazi dictatorship in Germany.

Over the past two decades, bitter battles between Euro-enthusiasts and Euro-sceptics have grabbed headlines and tempted political entrepreneurs. Yet these battles disguise broad agreement on two fundamental assumptions. First, something akin to a federal nation-state is the natural outgrowth of current developments in Europe, as substantive issues demand ever more centralized solutions. Second, in order to be legitimate such a federal state must be substantially more democratic—that is, more accountable to popular majorities than the EU is today. It was on the basis that the Amsterdam and Nice treaties, and the recent draft constitution, were negotiated; it is on a different understanding of these same two points that Euroskeptics have opposed their negotiation and ratification.

Yet, as is so often the case in ideological debates, the middle is missing. For what is most striking about the last 15 years of constitutional change in the EU is the conservatism of the result. Voting weights and the structure of the Commission have been adjusted, the use of qualified majority voting and the prerogatives of the Parliament have been expanded at the expense of the Commission, and the EU has reinforced essentially intergovernmental cooperation (mostly outside the core “first pillar” of EU institutions) in a number of areas, including immigration and foreign(continued on p.3)

(continued from p. 1) policy. Yet when all is said and done, the expansion in substantive policy coordination has been modest. Taken together, all the institutional changes aimed at deepening the EU undertaken since the Maastricht Treaty of 1992 have not had as much impact as the process of enlargement—and even the latter has not generated fundamental institutional change or a decisive expansion in the substantive scope of policy-making under the “Community method.”

Perhaps, then, we are starting to glimpse the “European Constitutional Compromise” (or, if you are British, “constitutional settlement”) that is the logical endpoint of European integration for the medium-term. The EU appears to have reached a plateau. It may expand geographically, reform institutionally, and deepen substantively, but all this will take place largely within existing contours of European constitutional structures. What we see now is what we get. My central contentions here are that this arrangement is truly stable, due to the lack of functional pressures and institutional opportunities, and that the result is arguably a democratically legitimate form of constitutional governance.

The Functional Scope of the European Union

The main impetus toward European integration has traditionally been functional. Major steps forward in the development of European institutions have traditionally rested on “grand projets” such as the customs union, common agricultural policy, single market, single currency, or Eastern enlargement. (This is true, if we are to believe prevailing neo-functional theories of judicial expansion, even in the case of the striking assertion of ECJ supremacy and autonomy.) In each case, the pressure to manage substantive policies stemming from new forms of regional interdependence motivated governments to make new institutional commitments.

Yet perhaps the most striking characteristic of the EU as a constitutional system is its limited substantive scope of its mandate. Certainly its role is far more limited than most commentators think. The limited nature of the mandate for EU policy-making under the existing constitutional compromise demonstrates why this is so. Current European policy-making can be divided into three categories. One contains areas of EU discretion or strict rules: monetary policy, anti-trust policy, and restrictions on internal tariffs and quotas. The second contains areas of joint decision-making by EU member states within common institutions. These include external trade policy, industrial standards, agricultural policy, various economic regulatory matters, certain rules regarding establishment, investment and service provision, and (between Strasbourg and Luxembourg) basic human rights. Finally, there are areas essentially untouched by direct EU policy-making, including taxation, fiscal policy, social welfare, health care, pensions, education, defense, active cultural policy, spending, and most law and order.

Today none among the latter policies that remain national appears a promising candidate for communitarization. The

single market has been declared complete, though incremental expansion continues. In other areas—defense policy, immigration and asylum, law and order, fiscal policy, social policy, even indirect tax harmonization, should it come to pass—EU policy plays a subordinate role. EU policy in these areas tends to proceed by unanimity, with a subordinate role, if any, for the Commission, Parliament and Court.

The limited substantive scope of the EU is, in many respects, disguised by the existing literature on the EU. Literature on EU policy-making focuses, understandably, on areas of intense EU activity. There is, for example, a considerable literature on the expansion of EU activity in areas like immigration, social policy, and defense. Yet this is in certain respects misleading. Even in areas where there is considerable progress, it is quite limited. By “selecting on the dependent variable,” EU policy-making literature creates the impression of unbounded expansion of policy-making, whereas we often observe new policy-making only within very limited sphere of policy externalities.

Consider the following tension between rhetoric and reality. Fifteen years ago Jacques Delors famously predicted that someday 80% of economic policy-making in Europe would be centralized in Brussels. This prediction has become a fundamental “factoid” in discussions of Europe, and is often cited as 80% of current lawmaking in all issues in Europe comes from the EU. European government ministers, who often use the EU as an excuse for legislative proposals, have recently argued that 60% of domestic legislation originates with the EU. Recent academic studies demonstrate that the actual number is in fact somewhere between 15 and 20%.

Consider immigration policy, such cooperation consists largely of “soft” norms for national policies, coordinated activity vis-à-vis third countries, the exchange of data, codification of existing international obligations, and administrative coordination of parallel national policies (such as the granting of visas and passports). This takes place with reduced norms or oversight by the Commission, Parliament or Court, while national governments retain near total discretion in setting rules, deciding individual cases, imposing overall controls on immigration, designing programs to encouraging or inhibiting immigration, and nearly all other discretionary aspects of their status once in EU member states. There appears, moreover, to be little evidence of policy externalities that would give rise to pressures for centralized harmonization of such decisions.

Consider also what many consider to be the area of greatest promise in the EU, namely social policy. This issue has generated an enormous academic literature and considerable political attention, focusing primarily on the innovative “open method of coordination.” EU member states are engaged in OMC, which leads them to exchange information, benchmark policies, and evaluate results. Again, the academic literature is enthusiastic. Leading constitutional lawyers view this process as a striking formal innovation. Leading policy

analysts view it as a fundamental shift in the nature of regulation, if not modern state formation. Leading political philosophers and social theorists view the consensus on social welfare as the central element in an emerging European identity. Leading Socialists view it as the basis for balancing the “neo-liberal” tendencies of the EU. Yet all (to my knowledge) controlled empirical studies of the process of European social policy cooperation agree that its substantive results to date have been extremely modest—if indeed they are present at all. There is some sketchy evidence that governments may have used the information exchange to help plan social reforms, but no solid evidence either of any impact on or policy learning with regard to substantive policy—though some studies point to the ways in which certain governments have improved their administrative procedures, perhaps in part as a result of OMC lessons.

More fundamentally for our concern here, little evidence suggests the existence, viewed from the perspective of the national governments, of an underlying problem of negative policy externalities that an EU social policy could plausibly mitigate. The most sophisticated studies of current social welfare policy point to potential problems of a “race to the bottom” among European governments, but little evidence that such problems exist in the present or are inevitable in the future. As a constraint on social spending, domestic demographic, fiscal and policy constraints weigh larger than regional interdependence or policy-making externalities. Moreover, given that the central issue facing European governments is how to consolidate and stabilize welfare systems in the face of tighter constraints, it is unclear that a European floor under social policy is justified at all. Finally, to the extent that there are policy externalities to social policy, there is no agreement on the distributional implications of such a policy. To take only the simplest aspect, how would a European social policy balance the claims of rich and poor countries? To be blunt, to what extent should European intervention in social policy aim to redistribute wealth toward a German worker and to what extent toward a Polish one? This is why, although there is considerable discussion of social policy in Europe today, concrete progress and proposals are in fact quite modest and scattered. There are areas—the issues of giving notice before employment changes or gender mainstreaming, for example—but few more basic issues of social welfare reform. The area of greatest concern to social democrats, namely fiscal policy coordination, has nothing to do with social policy per se.

The Institutional Form of the European Union

The limited scope of substantive policy-making in the EU is in large part a function of the way the European constitutional settlement has been embedded in EU institutions. Institutional constraints on EU policy today go far beyond the fact that wealthier member states, notably Germany, are less willing than in the past to provide modest side-payments to

facilitate interstate bargains. Such constraints reside in the very essence of the EU’s institutional structure, which imposes exceedingly tight limits on policy innovation. These make extensive change through everyday policy-making or through constitutional revision unlikely. The EU combines elements of the consensus democracy of the Netherlands, the federalism of Canada, the checks and balances of the US, and the reduced fiscal capacity of Switzerland. The result is an institution that, broadly speaking, does not tax, spend, implement or coerce and, in many areas, does not even hold a legal monopoly on public authority. This limits the issues it can handle, absent a redesign of its structure far more fundamental than anything contemplated at the recent constitutional convention.

The EU has no police, no army, no significant intelligence capacity—and no realistic prospect of obtaining any of these. Even if the most ambitious plans currently on the table in European defense were fully realized, the EU would manage only 2 per cent of European NATO forces—and these forces could be employed only for a narrow range of peace-keeping tasks. Any deployment can take place only with the consent of the home countries—a “coalition of the willing” approach that makes current efforts to create joint European military forces are intergovernmental commitments as consistent with NATO as with the EU. Fiscal constraints will mean some rationalization of defense procurement, yet the EU does not envisage thereby gaining control over military spending. Similarly, although the EU helps to co-ordinate efforts to combat international crime, the structure of national police, criminal justice, and punishment systems remains essentially unchanged—save for some information sharing.

The ability to tax, spend, and redistribute wealth is the pre-eminent activity of the modern state, yet the EU does little of this. Its ability to tax is capped at about 1.3 per cent of the combined GNP of its members—representing only about 2 per cent of the public spending by European national and local governments (as compared to 70% of US public spending by the federal government). EU funds are transfers from national governments, not direct taxation; and their disbursement is directed to a small range of policies like the Common Agricultural Policy, regional funds and development aid—leaving little room for discretionary spending by Brussels technocrats. (Efforts to develop such a capacity were cut back by member states.) Even in areas of the EU’s greatest fiscal activity, most public funding remains national. France is the biggest CAP beneficiary, but national sources provide two thirds of French farm spending—often enough to counteract EU influence where desired. None of this can change without the unanimous consent of the member states.

To be sure, great power resides in the ability to oversee detailed implementation. But who implements most EU regulations? Not the Brussels bureaucracy. For the EU’s employees, which number less than 30,000—of which 4-5,000 are real decision-makers—constitute a workforce no larger

that that of a medium-sized European city. They number about one-fortieth of the civilian federal workforce in the US, a country noted for the small size of federal civilian employment. So the task of implementing EU regulations falls to national parliaments and officials. Thus, while it is hard for such governments to avoid compliance permanently, they can shade it to benefit this or that domestic group, and delay it for years.

The EU is thus condemned in perpetuity to be what one scholar terms a “regulatory polity”—a system with instruments of regulation, but little fiscal discretion. It is similarly condemned not to implement its own regulations. Both aspects are critical because the most important issues that remain in the hands of national policy-makers—issues such as social welfare provision, health care, pensions, defense, education, and local infrastructural policy—all involve both discretionary taxation and fiscal capacity, as well as complex systems of bureaucratic monitoring and implementation.

The EU’s ability to act, even in those areas where it enjoys legal competence, is further constrained by the checks and balances among Brussels institutions. The EU is not a system of parliamentary sovereignty but one of separation of powers, with political authority and discretion divided vertically amongst the commission, council, parliament and court, and horizontally amongst local, national and transnational levels. The Commission must propose (by majority), the Council of Ministers must decide (by supermajority), European parliamentarians must assent (by absolute majority) and, if the result is challenged, the European court must approve. National parliaments or officials must then transpose directives into national law, and national bureaucracies must implement them. Formally, this makes everyday legislation as or more difficult to pass as constitutional revision would be in most advanced industrial democracies. As for constitutional change in the EU, it requires unanimity, often with public ratification, in the member states—a standard higher than any modern democracy except perhaps Switzerland. Such a system is deeply resistant to any fundamental transformation without consensus among a wide variety of actors.

The only salient exception to this rule concerns the actions of the ECJ, whose policy autonomy is in fact expanded by the constraints on EU decision-making. Still the ECJ is itself limited by political and legal constraints imposed by member states, as its recent, more cautious approach to certain problems suggests. In the scholarly literature, much has been made of this area of neo-functionalist policy-making in a sea of intergovernmental agreement. Whereas this exception merits closer attention, it does not fundamentally alter the prognosis for the basic trajectory of the EU’s institutional evolution.

The Democratic Legitimacy of the European Union

Legitimacy has two meanings with regard to the contemporary EU. It is used to designate the extent to which the

EU is consistent with basic democratic principles, and it is used to refer to the level of support and trust among European publics. The conventional view is that the EU has a double legitimacy crisis, and that the second (public support) follows from the first (philosophical consistency). Critics of current EU institutions, both among Europhiles and Europhobes, argue that EU decision-making is both unstable and illegitimate because it is not based on direct democratic consent. For the past half-decade, this has been, the most widespread public argument for fundamental constitutional reform of the EU.

It is not hard to see why EU institutions seem democratically illegitimate. Only one branch of the EU is directly elected: the European Parliament (EP). The EP is far weaker than national counterparts, and its elections are decentralized, apathetic affairs, in which a small number of voters select among national parties on the basis of national rather than EU issues. The European Commission is widely perceived as a remote technocracy. The European Court of Justice, with 15 appointed judges, is unusually powerful by European standards. Most powerful amongst Brussels institutions, the Council of Ministers assembles national ministers, diplomats and officials, who often deliberate in secret. On the right of politics, some believe the EU is infringing on personal liberty. On the left, many view the EU as a throwback to the fiscally weak, neo-liberal state of the 19th century—EU directives promote wider and deeper markets, with a limited range of balancing social policies.

Yet recent events in the EU, and in particular the experience of the constitutional convention, suggest the opposite. Neither member states nor populations view the EU as democratically illegitimate—at least not to an extent that leads them to act to redress it. And this tacit consent to the EU is consistent with basic democratic theory.

Let us consider first the abstract democratic theory. As I have argued in detail elsewhere, most critics of the EU’s legitimacy compare it to utopian forms of deliberative democracy. If we adopt more reasonable and realistic criteria—and, in particular, if we compare EU governance to the decision-making procedures of its European member states in dealing with similar issues—then the claim that the EU is democratically illegitimate is simply unsupported by the evidence. This is true for three reasons.

(1) Indirect Democratic Accountability. Constitutional checks and balances, indirect democratic control via national governments, and the growing powers of the European Parliament are enough to ensure that EU policy-making is, in nearly all cases, clean, transparent, effective and responsive to the demands of European citizens. Europeanization does not, in this sense, undermine democratic control. Indeed, it is very difficult to point to areas where the EU acts inconsistently with mobilized mass public opinion. Where such opinion is engaged, as on environmental issues, genetically modi-

fied organisms, foreign policy, and other issues, the EU appears responsive. There is no evidence, as I have noted above, that the EU is a primary force behind downward pressure on European social welfare systems.

Cross national studies reveal that its regulatory process is as transparent and open to pressure from interested parties as those of either the US or Switzerland. Its general legislative process is arguably more transparent than those in any of its member states. Its politics are relatively uncorrupt, not least due to the lack of control over discretionary funds.

(2) Delegation. Whereas some might object that the EU relies too much on technocrats and judges to resolve essentially political questions involving the sensitive apportionment of cost, benefit and risk. And it is true that some of the most important EU institutions, such as the central bank and constitutional court, are of this type. Yet there is little that is distinctively “European” about this pattern of delegation. It is generally accepted amongst political commentators that the late 20th century has been a period of the “decline of parliaments” and the rise of courts, public administrations and the “core executive”—not least in Britain. Democratic accountability in such bodies is imposed not simply through indirect control through majoritarian institutions, but also through complex systems of indirect representation, selection of representatives, procedural norms, and precise balances among branches of government. The key point for understanding European integration is this: EU judges and technocrats enjoy the greatest autonomy in precisely those areas—central banking, constitutional adjudication, criminal and civil prosecution, technical administration and economic diplomacy—in which many advanced democracies, including EU states, also insulate themselves from direct political contestation.

The functional similarities between delegation in domestic and EU settings suggests that political insulation of certain decisions is no historical accident. Most non-majoritarian institutions have been created in the EU and elsewhere for compelling reasons. Some non-majoritarian institutions are designed to provide greater efficiency and expertise in areas where most citizens remain “rationally ignorant” or non-participatory, as in the case of expert bodies. Other non-majoritarian institutions dispense impartial and equitable justice, rights, and entitlements for individuals and minority groups, as in the case of constitutional courts, which are often seen as defending individual or minority prerogatives against the immediate “tyranny of the majority.” This tendency has spread in recent years as increasing numbers of governmental functions have been recognized as human rights that are judicially or administratively enforced, often at the international level. And some non-majoritarian institutions afford majorities fair and unbiased representation in cases where broader representation is biased. Insulated institutions can help redress biases in national democratic representation, particular where government policy can be captured by narrow but powerful

interest groups who oppose the interests of majorities with diffuse, longer-term, less self-conscious concerns. Free trade is the most obvious example. Many of the same Europeans who criticize the democratic deficit also call for the US to retain “fast track” authority to pass trade liberalization—nothing less than empowering the US executive to act with minimal legislative constraint. In such cases, the EU is more representative of public preferences precisely because it is less directly democratic.

On this account only one EU institution is problematic: the European Central Bank. The ECB enjoys more political independence than any national exemplar, even though the technical (optimal currency area) justification for the bank itself is weaker. This implies that some counterweight to the ECB is

(3) Deliberation. The third and most important point about EU democracy is that its non-deliberative qualities are inherent. Some critics concede the existence of limited government and democratic accountability in the EU but none the less observe that the European constitutional settlement has failed to promote the transnational political parties, identities and discourses that might help render European political participation meaningful. It is widely assumed among current EU policy-makers that only greater active participation of this deliberative variety can counter increasingly negative public perceptions of the EU. This view is related to widespread support among political philosophers for more “deliberative” or “strong” democracy in the belief that it will reconnect to the political process an apathetic and passive citizenry. In this view, the EU is only a more extreme manifestation of trends that have long been sapping civic virtue and dampening active participation in western democracies.

This view rests on the curious premise that the creation of more opportunities for direct participation or public deliberation would automatically generate a deeper sense of political community in Europe or, at the least, muster greater popular support for EU institutions. As a general claim, there is good reason to doubt that this is the case. In modern democracies, there is in fact no correlation between participation and popularity of political institutions. “Insulated” institutions—constitutional courts, some regulators, police forces—are often the most trusted and popular with the public. Legislatures are generally disliked, to put it charitably. And the EU itself has not increased in popularity with the significant expansion in the powers of the EP over the past five years.

Even if increased participation were desirable, it is highly unlikely to occur. European voters do not fully exploit their current opportunities to participate in existing European elections. Nor have they shown much interest in efforts to include “civil society” in the workings of the constitutional convention. Research suggests that this is not because they believe that their participation is ineffective or that institutions like the EP are unimportant. One is forced to conclude that it

is because they do not care.

Why are they apathetic? The most plausible reason for apathy is that the scope of EU regulatory activity tends to be inversely correlated with the importance of issues in the minds of European voters. Of the five most salient issues in European societies today—health care, education, law and order, pension and social security policy, and taxes—none is primarily an EU competence. Amongst the next ten issues in the minds of the public, only a few (managing the economy, the environment, and the issue of “Europe” itself) could be considered major EU concerns. In contrast, the affairs of the EU—trade liberalization, agriculture, removal of non-tariff barriers, technical regulation in environmental and other areas, foreign aid and foreign policy co-ordination—tend to be of low priority in most European polities. Monetary policy lies somewhere in the middle. In a world without salient issues, new institutional avenues for participation, such as referendums and constitutional conventions, do not necessarily encourage rich deliberation by an engaged population. Instead they lead to unstable plebiscitary politics in which individuals have no incentive to reconcile their concrete interests with their political choices. This is the lesson of referenda on recent treaties. Consider the Irish referendum on the Nice Treaty, in which public opinion shifted by dozens of percentage points in response to offhand statements by the Commission president, driving citizens in one of the countries that benefits most per capita from EU membership to vote against an innocuous document. Ignorance was so great that the slogan “If you don’t know, vote no” carried the day. This is no way to inspire serious democratic deliberation—or a perception of legitimacy. Numerous EU countries now seem set to relive this experience with the draft constitutional treaty.

The recent episode of constitution-making has been, in a certain sense, a grand political experiment to test this proposition. Why was a constitutional convention held? The explicit reason on the part of federalist insiders was the hope that they would circumvent the haggling and vetoes of national states. European federalists—in the old-fashioned Altiero Spinelli sense of the term—hoped finally to realize their dream of an active and engaged pan-European citizenry. Pragmatists hoped to combat rising apathy and cynicism towards the EU by radically simplifying the treaty of Rome, more clearly delineating national and central prerogatives, and creating opportunities for democratic participation. Everyone gambled that an open, web-savvy 21st-century reenactment of Philadelphia in 1787 would engage citizens and politicians of all stripes, sparking an epochal public debate on the meaning and future of the EU.

It was not to be. Two hundred conventionnels came, they deliberated and, 16 months later, little had changed. Few Europeans were aware of the convention’s existence, and only a handful could explain what happened there. Only Eurosceptics paid attention, exploiting public ignorance to breed conspiratorial suspicion. So the task of preparing a

constitutional draft was left, as tasks so often are in EU affairs, to parliamentarians, diplomats and Brussels insiders. No wonder, then, that the resulting document is so conservative: a constitutional compromise that consolidates a decade or two of creeping change. European governments took few steps toward democratizing the EU, beyond a continued expansion of the powers of the EP.

Despite the modesty of the constitutional treaty, politicians are now being forced to pay back their borrowed public support with interest, as they guide the proposed document through national referenda. Of course those who keep the democratic faith will complain that it was precisely because of this that the constitution is viewed skeptically by many—but there is little evidence that this is the case. Instead, in order to give individuals a reason to care enough about EU politics to deliberate intelligently, it would be necessary to give them a stake in creating new political cleavages based on self-interest—as occurred historically in past episodes of democratization. Some have proposed that agricultural support and structural funds should be replaced with a massive redistribution of rights and resources from rich to poor, old to young, and from national citizens to immigrants. Indeed, such schemes would surely succeed in “democratizing” the EU, but only at the expense of its further existence.

Conclusion: The Constitutional Compromise

The multilevel governance system of the European Union is the only distinctively new form of state organization to emerge and prosper since the rise of the democratic social welfare state at the turn of the 20th century. Recent events suggest that it may now have reached, through a characteristically incremental process, a stable political equilibrium. This “constitutional compromise” is unlikely to be upset by major functional challenges, autonomous institutional evolution, or demands for democratic accountability. There is, moreover, an undeniable normative attraction to a system that preserves national democratic politics for those issues most salient in the minds of citizens, but delegates to more indirect democratic forms those issues that are of less concern, or on which there is an administrative or legal consensus. In this respect, the EU is a mature polity, one that—contrary to what analysts from Haas and Monnet to the present have written—no longer needs to move forward to consolidate its current benefits. Analyses of the broader importance of the EU in European politics, global affairs, and democratic theory might do usefully start from this premise.

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