

The Greek referendum offers an opportunity to challenge the EU's preoccupation with the 'politics of emergency'

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Following months of discussions, Greece missed the deadline for a 1.5 billion euro payment to the IMF on 30 June. [Jonathan White](#) assesses what the Greek debt crisis says about the wider process of European integration. He writes that EU decision-making has come to be shaped by a form of 'emergency politics' since the financial crisis, with the principles of representative democracy becoming marginalised by executive power. He notes that the Greek government now appears to be pioneering its own form of unconventional politics, but crucially one that is being pursued with a democratic mandate.



Not for the first time in recent years, the EU seems to be living through a state of emergency. Events come thick and fast, mixed with [uncertainty](#) and alarm. Repeating a familiar phrase that speaks to the high stakes of the moment, Merkel has [warned](#) that 'if the euro fails, then Europe fails'. She might have added: if Europe fails, it fails despite the stated intention of all key players to preserve it.

A state of emergency is not just a grand term for chaos though. It describes a distinctive mode of rule. Following the formula of 'exceptional measures for exceptional times', leaders invoke crisis as a cue to abandon the standard procedures of politics. In place of public consultation and rule-bound decision, the discretion of executive power typically comes to the fore. In the present situation, acting in ways unscripted and largely unconstrained, it is the institutions of the 'Troika' – the Commission, ECB and IMF – and the Eurogroup which have taken up this role. Their appeals to authority rest on the doctrine of emergency – on the notion that, in exceptional times, security can be guaranteed only by the privileged insight of those at the top. The Greek government currently plays the role of the existential threat from which protection is sought.

As a mode of rule, the politics of emergency has now shaped the EU for some time. Many of the key measures of crisis response since 2011, from the financial stability mechanisms to the new protocols of budgetary supervision in the Fiscal Compact, have been [irregular](#) in their origins, sometimes outside the EU framework altogether, and rationalised as necessary responses to urgent threats. Faced with the protracted processes of EU law-making, Europe's executive powers have tended to prefer ad hoc arrangements that leave considerable room for manoeuvre. That so many crucial negotiations have consequently taken place behind closed doors, in the manner of interstate diplomacy, offers circular support for the protagonists' claims to be the only ones with true insight into the situation at hand.

This transnational form of emergency rule is quite different from the kinds one associates with nation-states in times of crisis. The familiar image sees discretionary power wielded by a unitary sovereign, over-stepping the laws of the land to protect the polity from danger. In the EU by contrast, rather than one dominant actor one sees the precarious coordination of several. As the treatment of Greece has shown, the institutions of the Troika and the major national governments are inclined to work as a team, guided by shared goals and ideological affinities, yet institutionally they remain fragmented. No single agent reigns supreme – indeed, what authority they have comes precisely from their mutual interactions, as the statements of some shore up the actions of others. Emergency rule in the transnational setting is collaborative.

Equally distinctively, EU exceptionalism does not for the most part involve a direct assault on the law. One of the challenges for those who would hold executive power to account is that the exercise of discretion frequently hits salient political norms *without* involving a breach of formal rules – not least because the rules are incomplete. Discretion here means working *around* the law, sacrificing uncodified norms such as the principle of unanimity or the

authority of democratic procedures, rather than suspending or contravening the law outright.

In the face of legal constraints, executives tend to step outside existing structures to create new procedures unconstrained by formal rules. The rise of the Eurogroup expresses this well. Could there be a more striking affirmation of the principle of unbound discretion than the words [reportedly delivered](#) to Yanis Varoufakis by the Group's secretariat at the meeting of 27 June 2015: 'The Eurogroup is an informal group. Thus it is not bound by Treaties or written regulations. While unanimity is conventionally adhered to, the Eurogroup President is not bound to explicit rules.'

This discretionary mode of rule poses a clear challenge for political opposition. Where executive decision-making escapes ordinary procedures, yet avoids an overt collision with the law, the ability to contest it is weakened. Because parliaments are kept at arm's length, the principle of legitimate opposition is undermined. With weakened institutional underpinning, and faced with choices framed as survival or oblivion, dissenting voices are easily cast as irresponsible, unreasonable and bent on destruction – as the kind of people who might, in Jean-Claude Juncker's [words](#), 'commit suicide for fear of death'. And because executive illegality may be difficult to show, the judiciary will generally be a weak substitute as a constraint on power. The [recent ruling](#) of the EU Court of Justice on the policy-making of the European Central Bank supports this.

The Greek government has apparently decided that the best way to oppose the discretion of Europe's principal powers is by pioneering its own form of unconventional politics. Its recent actions, backed on the streets by a significant proportion of the Greek population, suggest the possibility of raising a challenge to executive domination, albeit by adopting some of the same techniques of emergency politics. Unconventional measures and the credible threat of them – prototypically: debt default – coupled with high-stakes rhetoric about the future of Greece and Europe as a whole amount to something like a counter-emergency. Crucially, of course, these manoeuvres differ from the emergency politics of the Troika and partners in being pursued with a democratic mandate, possibly to be shortly renewed.

The arguments presented in this article are developed at greater length in the author's recent journal article in [Political Studies](#) and in a forthcoming article titled 'Authority after Emergency Rule' in the [Modern Law Review](#) 78 (4).

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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