A coercive policy-making state? How the EU is alienating its citizens

*The remit of EU institutions has expanded inexorably, writes **Jeremy Richardson**, all while their policy-making style has shifted from a consensus-based process towards a more coercive, top-down one. At the same time, the EU's focus on interest groups might have also exacerbated the problem of the democratic deficit by distancing the EU from broader public opinion. These realities have contributed to both Brexit and the broader 'populist revolt' across Member States.*

It is conventional wisdom that immigration played a central role in the 2016 EU Referendum. But what about the long-term role of European elites and EU institutions in (unwittingly) creating the seismic conditions for the Brexit vote in the first place? How did the increasing alienation ('the populist revolt') from the EU arise? Is it that voters are ill-informed about the benefits of the EU, or is that European elites have spent 60 years building a policy-making state, accompanied by a policy-making style which has become increasingly coercive?

The EU's paradox is that it has achieved so much, from peace within its borders to practical day-to-day matters such as cleaner water, yet has managed to so alienate many of its citizens that the future of the EU is under threat. The case of motor vehicle safety is a typical example of this paradox. It is a technical issue yet is also very important for most citizens. Few would dispute the need for some common international standards. The EU, as is often the case, met this need. Thus, on 1 November 2014 new safety features became mandatory for every new car, van, truck, and bus sold in the EU.

Yet this example would probably be seen by UKIP as Brussels 'interference'. Somehow, the EU's public policy-making has become increasingly 'framed' as unjustified interference in national sovereignty. Part of the explanation is that even very technical legislation is actually coercive. It is not optional. One irony of Brexit is that a huge proportion of sensible public policy under which British citizens now live emanates from the EU and will likely stay in place long after Britain's exit. Some laws will be repealed or amended, but a significant proportion will be unchanged. They were introduced by the EU for good reasons, and were often supported by the UK governments.

The EU has not passed a lot of bad legislation, but it has constructed a superstructure of public policy via a process of Brussels-based elite policy-making which has raced ahead of what European peoples want. At the same time, the EU has acquired the power to decide a vast range public policies affecting its citizens. This steady transfer of sovereignty means that the EU has begun to look much more like a sovereign state than a collection of sovereign states working together to solve problems.

All of the EU's institutions (but especially the European Commission) have been very adept at task expansion. What is a natural law of organizational behaviour captures the central issue in the UK's referendum. The Leavers were right in arguing that the EU had extended its policy remit at the expense of the Member States. The supremacy of EU law and the powers of the European Court of Justice are the most visible examples of this. However, if one institution is to be the focus of anti-EU sentiment, the Commission should take pride of place. It has been the main policy entrepreneur. It is a body of public servants both committed to the European ideal and looking for work.

Similarly, the European Parliament, though containing Eurosceptics, has also been a pro-integration legislature looking for work, wanting more European integration and more powers for itself. Even the Member States have been active in the tectonic shift of power to the supranational level. The argument that intractable policy problems are best solved at the EU level has generally held sway, notwithstanding opt-outs and multi-speed integration. Even deeply Eurosceptic Member States like the UK have agreed to increased Europeanization and have occasionally been advocates, such the UK's strong support for the Single European Act.

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Finally, there is the role of interest groups in Europeanization. A striking aspect of the process is the development of a dense EU-level interest group system. Many observers (including me) saw this trend as going a long way to addressing the EU's democratic deficit. Many groups, such as women's and environmental groups concluded that they would gain more policy concessions at the European level. What had been denied at the national level was often granted at the EU level. Similarly, business groups have seen benefit in working under one set of Euro regulations than under many different national regulations. It is no accident that most conventional interest groups in Britain were in favour of 'remain'. The result has been the emergence of an almost symbiotic relationship between the Commission, particularly, and interest groups.

However, the close integration of interest groups into Commission deliberations might have had the perverse effect of distancing the EU from broader public opinion. The shift in focus from the national to the EU level by interest groups might have exacerbated the problem of the democratic deficit. Interest groups do not equal 'the public' as was seen in the UK's referendum. Moreover, the interest groups could not deliver the votes of their members for the remain cause.

We have seen the gradual creation of a broadly-based European elite in favour of a continuous process of integration, a Brussels 'group think', quite detached from ordinary folk in the fish and chip shop queue in, say, Hartlepool. Head in the sand, the Euro-elite created a vacuum at the national level, which new anti-EU parties have filled.

To be fair to the EU institutions, particularly the Commission, they some time ago recognised that it was time to ease off on the accelerator, thus reducing the flow of new legislation and also trying to have better regulation. This recognition was much too late. European elites really had become out of touch with their peoples and were very slow to spot what was going on under their very noses.

The EU's expansionary trajectory was bound to lead to the EU hitting the buffers, unless one believes that notions of national sovereignty were long since dead and buried. National leaders might have subscribed to this view, to at least some degree, but their peoples had not abandoned notions of the independent nation state and national identity, however unrealistic as concepts they might be in a globalised world.

The substance of EU integration has not been the only problem. The EU policy *style* has to some degree shifted from a consensus-based process of policy formation (that is a process of consensus formation *within* the European elite) towards a more *coercive*, top-down policy style. EU policy-formulation is characterised by bargaining and consensus, but there is often a mailed fist within that velvet glove to subsequently enforce that consensus. Once in place, EU law has bite. However 'good' EU laws might be, it is the EU's bite that has grabbed the attention of voters.

The irony of Brexit is that a different kind of EU might emerge. It is clear that 'ever closer union' is going to be a hard sell. The EU needs to become more minimalist and less coercive. If the EU's institutions make this (big!) cultural shift, Britain need not leave the EU after all.

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Note: the above draws on the author's published article in *Political Quarterly*.

About the Author

Jeremy Richardson is an Emeritus Fellow at Nuffield College, Oxford, and Adjunct Professor at the National Centre for Research on Europe, University of Canterbury, NZ. His books include the edited collections "Policy Styles in Western Europe" and "Constructing a Policy-making State? Policy Dynamics in the EU".

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