

The Unique Character of the European Union

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OLIVER BLACKLEY, JUN 22 2011

The European Union (EU) is a modern political phenomenon that has risen out of the social, historical and economic context of the 20th century. Furthermore, this context has created a political system which is unique in comparison to all others. Although it has traits that bear resemblance to the political systems of federal states as well as intergovernmental organisations (IGOs), it remains one of a kind, *sui generis*, as a political system. (McKay 2005). This essay will contend that this is the case by assessing the main characteristics and functionalities of the European Union, and thereby demonstrating that it shares characteristics with both federal governments and intergovernmental organisations and, hence, that it is a unique political system. Thus, this essay will focus on the EU's executive function, political inputs, democratic tradition and practices, judicial system, economics, foreign and security policy, and its cultural facets.

However, in order to achieve this, a definition of both intergovernmental organisations and federal political systems must be made. IGOs are defined by Wilkinson as: organisations that are "founded by governments which recognize that it is in their national interest to obtain multilateral agreements and pursue actions to deal with threats, challenges or problems that cannot be dealt with at the unilateral level." (Wilkinson 2007, p79). This emphasises the fact that IGOs are typically extensions of diplomacy between states, and not necessarily binding for states or reflective of cultural values. Federal states are described by Riker as a "political organisation in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities in which it makes final decisions." (McKay 2005, p23). These definitions will be used throughout this essay.

The EU has executive power in that the bodies that make up its decision making process, the European Commission, the Council of Ministers, and the European Parliament, legislate laws and measures that significantly influence all member states. (Bache 2006, p256). These measures cover economic and environmental matters, as well as those of foreign policy, defence and security policy (Pinder 2007). The extent of the EU's executive power is illustrated by the fact that "some scholars estimate that the EU sets over 80 per cent of rules governing [economic matters] in member states' markets." (Hix 2005).

However, whilst the EU holds a large degree of executive power over the national governments of member states, the administrative powers, i.e. "the implementation of law, the distribution of public revenues, and the passing of secondary and tertiary rules and regulations" (Hix 2005, p27) are separated from the EU's executive, as it is the individual member states who are responsible for the implementation of policy. As Rumford (2002, p50) writes: the "EU is characterized by multi-level governance... [which] relies on action taken at a whole series of levels (local, regional, national, supranational)." This is more characteristic of an Inter-governmental organisation than a supranational state, as these are typically separate from the states that they are comprised of (Wilkinson 2007, p79-80). It follows that the EU is one of its own kind, as its characteristics distinguish it from both typical IGO's and typical federal states.

The EU's collective decisions have a wide and significant impact on the member states and their citizens. This has created a large number of interest groups making demands of the system (Hix 2005, p3). A characteristic of the political system of a state is that its external and internal demands are channelled through political institutions (Easton 1957, 389-390). Furthermore, this is often done by means of "intermediary organisations such as interest

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groups or political parties (Hix 2005, p2). Thus, the EU represents the interests of its citizens and interests in the same way that a federal state would.

The national governments of the member states are, however, given “the most powerful and institutionalised position in the EU system.” This central role of national governments reflects the EU’s similarity to an Inter-governmental organisation (Hix 2005, p3). Furthermore, the neo-realist school of thought within International Relations would contend that states within the EU are the main actors in European politics, and that their actions are made rationally to fulfil their egoistic desires. Hence, the interactions between them within the EU are simply an extension of ‘normal diplomacy’ (Peterson 1999, p6-7). The central role of the nation-state in political-inputs demonstrates that the EU has characteristics like those of an IGO. This furthers the hypothesis that the EU is a unique political system.

Democracy is fundamental to the European Union; it is a condition of entry for all applicant countries and is championed as a part of European identity (Rumford 2002, p209-210). Elections to the European Parliament are held every five years by direct universal suffrage for a five year term, (CIA 2009) with seats allotted proportionally to the size of the member state’s population (BBC 2009). These are characteristics that liken the EU to a modern federal system.

However, the extent to which the EU is democratic is “hotly contested” (Rumford 2002, p215). This is due to the fact that the EU does not have a group of individuals who are “accountable for what is decided in the EU, nor an opposition that can be elected in their place.” (Dobson 2003, p158). Despite this, as has been argued earlier, the EU carries out governance of member states. “The EU is thus a system of governance without government.” (Dobson 2003, p158). Thus, many scholars argue that the EU has a “democratic deficit” (Kohler-Koch 2007, p1). In fact, all of the EU’s democracy is derived from the liberal traditions of the member states. In this sense, democracy in the EU comes from the member states rather than the Union itself (Rumford 2002, p215). Hence, the EU is a unique political system because it “governs without government” but also has a democratic tradition through its member states.

One of the EU’s features that distinguishes it from most from intergovernmental organisations is its judicial system; the EU has a judicial system that is separate from its legislature, like a modern states. As Kennedy writes: “What most distinguishes the European Communities from all previous models of international cooperation is its system of law, and its obligatory system of enforcement of treaty obligations.” (Kennedy 2006, p126). Thus, the European Union’s judicial system has some of the “basic doctrines of a federal legal system: the direct effect of EU law on individual citizens... and the supremacy of EU laws over domestic laws and constitutions.” (Hix 2005, p142). Thus, the binding nature of most of the provisions and decisions made by the EU, as ensured by the judiciary, characterise it as a federal state.

The European judicial system is, nonetheless, distinguished from those of modern states. Firstly, the EU does not have a bill of rights, making the decisions by nature more arbitrary as judges have more flexibility in the interpreting of laws (Hix 2005, p142). Secondly, the judicial system does not have the “ability to police the boundaries of competences between the states and central government.”[1] I.e., the European Court of Justice can only act on issues that it can handle better than the national courts, and this is determined by the European Commission, rather than a concrete set of rules (Hix 2005, p126). Thus, the EU’s judicial system is distinguished from that of a modern state, yet its power also distinguishes the EU from other Intergovernmental organisations. This demonstrates further that the EU is a unique political system.

The European Union is characterized by what is often referred to as the most successful common market in the world. This has been achieved by the removal of barriers to trade such as tariffs as well as other economic initiatives such as regulation concerning competition (Lipsey 2007, p628-629). To a certain extent, the progress towards making a Single European Market over the last fifty years has been similar to the initial economic unification of federal states such as Germany in the 19th Century; standards are established and tolls and tariffs are reduced or removed completely. This creation of standards is similar to Europe today: with the European Union regulating all products produced within each member state to a certain level so as to fully implement the Single Market initiative (Lipsey 2007, p628). The Single European Market initiative, specifically the Cohesion policy, reflects a federal system further in that it provides financial assistance to the EU’s less economically developed states (Sbragia 2003,

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p127). This distribution of resources reflects a centralized system that is typical of federal political systems. Finally, introduction of a single currency across the majority of countries in the Eurozone highlights further the extent to which economic unity is present in the EU. Hence, this level of economic integration in the absence of the *same level* of the aforementioned political integration highlights the extent to which the EU is a unique political system.

Besides economic and political unity, the EU is unified to a degree in foreign and security policy through the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) (Hix 2005, p374). However, despite these measures, “the EU has exploited [the potential to be a major force in shaping global events] more in the economic sphere than in the political and security spheres.” (Hix 2005, p404). This is demonstrated by the fact that the EU, whilst capable of responding coherently to less sensitive issues such as support of new democracies in Central and Eastern Europe, is typically unable to deliver a coherent response to issues that directly affect EU foreign policy and security, such as the crises in the former Yugoslavia in the early 1990’s (Hix 2005, p404 ;Bache 2006, p515). This demonstrates the EU’s similarity to an IGO such as the United Nations (UN).

However, unlike the member states of the UN*[2], EU members are *obliged* to follow directives that relate directly to security policy. For example, member states are obliged to ensure that all communications providers maintain records of all emails and calls over the past two years as part of the effort to combat terrorism (BBC 2009). Thus, despite the fact that the EU is typified by a lack of concerted measures to respond to international events and crises, it is still distinguished from IGOs by its capacity to introduce measures similar to those made by a federal government. This demonstrates further that the EU is a unique political system.

Finally, the EU is characterized by a very diverse culture, imbued with a diverse set of languages and cultural beliefs. (Dobson 2003, p168) In this respect, the EU is similar to an intergovernmental organisation. This is demonstrated further by the fact that the EU has no codified constitution declaring the values it adheres and subscribes to as the United States does. Thus, the EU is distinguished from federal political systems by its diverse culture.

However, the members states of the EU share more than membership status; as Dobson and Weale write:

“[The Europeans] want to remain as separate and diverse peoples, but peoples united in a multiplicity of ways around core values and projects they hold in common, such as a commitment to liberal democracy, respect for the rule of law, the promotion of human rights and a decent society, and welfare and prosperity.” (Dobson 2003, p168).

Thus, as far as cultural cohesion is concerned, the EU does share many characteristics with a federal political system that represents a nation and the culture thereof. This highlights the uniqueness of the EU’s political system.

To conclude, this essay has demonstrated that the EU’s traits are shared with both federal political systems and intergovernmental organisations. This highlights the context within which the EU has developed since the end of the Second World War. Hence, the European Union is a system *sui generis*; it is one of a kind. This essay also raises implicit questions of the impact of recent and future treaties; will the EU continue developing until it develops into either a federal state or an intergovernmental organisation, or will it remain a unique political system?

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[1] German constitutional laws call this *Kompetenz-Kompetenz*.

[2] Although certain Security Council decisions are binding, the laws of UN member states do not oblige the government to observe these ruling, a stark contrast to the EU.

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