

“Ultimately, the member states decide” – interview with Andrew Moravcsik on the Scottish referendum and European Union politics

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One week after the Scottish vote, has life for the EU come back to normal?

Life is short, and we should not spend so much time on things that are highly unlikely to occur. About 75% of what we read in the newspaper concerns things that might happen and don't. The Scottish referendum was one such story. It turned out to be closer than people thought, but the probability that it was ever going to pass was always in single digits. (The same goes, by the way, for the probability that Britain will ever vote to pull out of the EU or that the British government, faced with such a vote, would actually do so.) So why was so much attention paid to it? In ten years, nobody will talk about the possibility of Scottish independence anymore from an international relations or EU perspective.

Insofar as the Scottish referendum is worthy of our attention, it is almost entirely from an internal British perspective. One, if you try to reconstruct rationally the set of considerations for the Scottish people in this referendum, and you see that close to 50% of the Scottish people voted in favor of independence, then it shows that the political process in Scotland got out of control. That is interesting, but not from an EU perspective. Two, it has left the UK in a bit of constitutional turmoil, which could change how domestic politics is made in that country.

Was the discussion on whether an independent Scotland would have been able to remain part of the European Union – both legally and politically – then entirely futile?

This is not an interesting question, because it involves too many hypotheticals. Interesting questions arise from what we know. We know this: the heads of state and government, all 28 of them, are set against encouraging separatist movements within an EU member state. In fact, the British government was the government most positively inclined toward it, as they did go along with the Scottish wishes to some extent. Others were more opposed. I do not want to suggest that the Spanish government is taking a particularly sensitive stance towards the Catalan independence movement, but from a practical, political standpoint, independence is a complete nightmare not just for the Spanish government, but for all EU governments – regardless of what you think of the ethical case, or the legal case, or the issue of self-determination, balancing values and so on. The instant that EU internal borders are up for decision on the basis of inexpensive expressions of popular demand, anything is up for grabs. Think about a country like Belgium where you could end up renegotiating village by village where the border is. Leaders do not support this, because they know that such a process would be incredibly disruptive and the adjustment costs would be higher than the potential gains. Whatever would have or could have happened with Scotland, we do know this about the attitude of leaders, and I take this seriously. While I understand the ethical arguments as to why one might support independence movements, the precedent is scary and there is no political majority in favor of it. While I have no position on these issues, I do understand that view.

So would you agree with [Joseph H.H. Weiler](#) that the Scottish referendum reflected a regressive tendency of nationalism and disintegration threatening the very idea upon which the European Union was built?

No, I don't think that is an accurate description. Of course I respect the views of Prof. Weiler, a friend and former colleague. But it makes this into an issue of principle—nationalism vs. cosmopolitanism—when it is not. (The practical problem of assuring legal stability, which I have alluded to above, is different.) I disagree that issues like Scotland represent a broad nationalist challenge to the EU for the following two reasons. First, it treats as nationalistic a general problem, whereas in fact they are complex circumstances that are more complex, but also rarer. Look at the cases that might erupt: Scotland, Catalonia, Belgium or Northern Italy. These are not cases where people are simply indulging in some atavistic 19th-century primitive nationalism. These are unusual

circumstances places where national feelings converge with other cleavages to make separation a plausible proposition. Catalonia, for example, has a certain economic relationship to the rest of Spain, a certain history, a certain language, a certain position on the border, a certain politics, etc. In Belgium, religious, social and economic cleavages cut the same way. In Britain, it was as much a fight about Labour versus the Tories as it was a fight about nationality per se, plus there are geographical, religious, historical and other differences. Such circumstances are in fact pretty rare, and they do not imply adherence to some overarching “national” principle.

Moreover, unlike Joseph Weiler, I do not believe that the European Union was initially built on—or is currently held together primarily by—some anti-nationalist ideology. In my view, what holds the European Union together today is the self-interest of countries in what is by far the most interdependent region in the world. They must manage concrete real-world issues that matter to people—and this is impossible without the EU: the environment, trade, trucks going through the Alps, or whether consumer products are safe. This has been my consistent scholarly position, and I believe that the view that the EU is primarily based on some post-national idea is incompatible with the current historiography, which has (since Alan Milward and others) uncovered more and more evidence for such pragmatic, material motivations. Of course this does not mean that there aren’t pockets of anti-nationalist ideologies to be found. Germany for example has always been a more federalist country. But, by and large, what got most countries involved was an economic interest. There is nothing wrong with this. In fact, it is a much more solid and enduring basis for European integration than some lofty feeling of being “European,” which, as we have recently seen, can be here today and gone tomorrow.

Should the EU have taken a clearer stance on the fate of an independent Scotland vis-à-vis the EU?

A public position? Say, by the member states in the European Council? That is a tactical question. The EU did not take a public stance on the Scottish referendum, but they hinted that if Scotland voted “yes”, then the law would be applied. This meant: all member states get a vote on membership, which means Edinburgh would have to deal with London. They did not trumpet this position though, nor did they tell the Scottish people what to do. That would have been foolish, tactically. The EU does not tell a self-conscious people what to do, unless it is in a matter to which they have previously consented. Here, the EU learned from the Austrian example: when Austria formed a right-wing government in the early 2000s, it was a mistake to tell the Austrians what to do. Similarly, while I respect my colleagues who believe that the European Union ought to tell for example the Hungarians what to do, and I think in an ideal world, there is an almost irrefutable case to be made for more carefully balanced committees of people who could then impose financial sanctions, I also recognize that, as a matter of practical politics, that is unlikely to change Hungarian behavior and make them more well-behaved, improve Hungarian popular opinion, or make anyone more pro-European. Nor is it something we want to encourage heads of state and government to generalize. There is a big difference between practical politics, where tactics and constraints matter, and what we might ideally like to see.

Are there any lessons to be learned from the Scottish case in terms of how the EU behaved?

Yes, there are lessons to be learned. Say you’re Catalonia and thinking about independence, you should be prepared to strike a deal with Madrid. Because it is the Spanish government in Madrid that will decide whether or not you enter the EU, at least in the medium term. In the long term – ten years down the line, or even fifteen – maybe other deals are conceivable, if a given situation becomes a *fait accompli*. People normally adjust to the real world, eventually. Yet we see in the EU that countries are prepared to act unreasonably to hold things up for a considerable amount of time, even if it is unreasonable. If the EU cannot force Greece or Cyprus to resolve the Cyprus or Macedonia issues, it will not be able to force Madrid or anybody else to let a separatist movement that declares independence into the EU. I believe that is the lesson. The EU has no basis to take more decisive action. It surely cannot distinguish between legitimate and illegitimate movements, there are no criteria for it to do so, unless there is a clear case of massive human rights violations. Maybe that’s not just, but the Council of Ministers will not get itself into deciding self-determination questions in the absence of clear criteria. It might be different if there were massive human rights violations. But that is not the case. And that is where the discussion ends for me, because it is the point when we get into the hypothetical.

So if there is no clear legal answer to it, there is no political answer to it...

...the political answer is dead clear. There must be unanimous consent. That is a legal answer, but it is also the political answer. Nobody has any interest in micromanaging who is a legitimate member of the EU and who is not. Therefore, a people who wants to take this decision should be aware that they will be in a difficult position for quite some time. And the EU is not going to help them. Because it can't, and probably shouldn't, because it would not be politically viable. The EU has already gotten itself into too many issues that are too ambitious for it to handle, such as, in my estimation, the monetary union. It should not do more things that are beyond its technical capacity and current ability to legitimate.

If this is how it is, but not necessarily how it should be, how should it be?

In an ideal world, that is to say in a transaction-cost-free world, you might try to set up borders that maximize the average probability that everybody was in a jurisdiction that was closest to their ideal notion of what their collective identity should be in a given point in time. You would probably try to balance this collective identity against the need to have entities that are still politically and economically viable in terms of size, so that you don't end up with a map that looks like Europe did in 1600. But that is not realistic, because people are adaptive and because things change. Nowadays, countries in the EU tolerate a great deal of diversity within their boundaries and you can live in relative autonomy in a federation. Therefore, becoming independent is not a matter of life and death anymore. We see this in the Scottish referendum, where the "Yes" camp had to invent issues. Example: the major issue that the Scottish nationalists raised was health care, which they argued needed to be decentralized and therefore, Scotland should become independent. But Scottish people did not need independence in order to decentralize health care; in fact, health care was already decentralized. Federal arrangements offer such varieties in institutional arrangements nowadays that the moral case for complete independence is relatively weak if you consider how much the everyday life that the average person lives will really be affected by it—certainly in a case where people speak the same language. When you weigh the costs against that relatively small case, it's hard to make the argument and I see why politicians would want to be cautious.

As a result of the Scottish vote, the United Kingdom will now see a discussion on devolution that might well result in strengthening Scotland's autonomy within the United Kingdom. Do we witness a strengthening of the regions?

Let me say, first, that I find all this richly ironic—for two reasons. One is academic and the other is political.

When I first started researching EU questions, everybody was discussing the decreasing role of member states as more power was turned over to central EU institutions. Many people argued that these EU institutions were usurping authority. Now, coming to the ironic part, the policy scholars always cited was regional policy, and the example was Britain. The argument was that the EU Commission was able to micro-manage regional policy in order to change the priorities of national governments: according to that argument, the EU was able to target money at Scotland or Wales to certain purposes and thereby subvert the priorities of the British government. Yet when my student [Mark Pollack](#), who now teaches at Temple University, and others actually studied it empirically, they found that because the British government has considerably larger financial resources than the EU, it was capable of neutralizing almost all EU action, so that there was no net effect at all. In other words, the member states decide how centralized or decentralized they will be, and not the EU. Maybe this is as it should be, since people should have this right democratically. Since I entered the field of EU studies, I have lived through waves of people arguing that the EU will somehow outrun the nation states and I have seen little of it—except, of course, in one salient area, the monetary policy, and with regrettable effects. In fact the Scottish referendum underscores this. If the relationship between Scotland and Great Britain (or England) changes, it will be because of local concerns, not EU concerns.

The second irony is much more "real world." As I said at the start, the referendum was from the beginning a domestic issue and, while it does not have consequences for the EU, it will have domestic consequences. It is a regrettable case (of which we see many in advanced industrial democracies these days) of the interests of several opposed extreme groups—in this case, Scottish Nationalists and British Tories—coinciding to lead to an ironic and not entirely desirable conclusion. The Scottish Nationalists want more autonomy within the UK, even if it is hard to see why this is in the policy, financial or political interests of the Scots as a people. They have exploited the national issue to make this seem attractive. The Tories would like to reduce the size of government

and marginalize the influence of Labour in England and Great Britain, a goal to which a decentralization of policy-making in Parliament and an increase in policies that are purely “English” would lead. Of course the best policy for the median Briton would be more of a compromise, as in a Continental coalitional system, but the combination of increasing federalism and Britain’s first-past-the-post electoral system could give a perverse outcome.

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