

REVIEW of Bart M.J. Szewczyk' *European Sovereignty, Legitimacy and Power* (August 2023)

Born in Poland, raised in New York, Bart M.J. Szewczyk holds a PhD from Cambridge, a JD from Yale Law School, an MPA from Princeton and a BS in Economics from the University of Pennsylvania.

Soon after the election of Joe Biden, and the return of the neocons to the State Department, he moved to Europe, commuting between Brussels, where he serves as one of the eyes of the Biden's neocons at the European Commission think-tank (European Political Strategy Centre), and Paris where he teaches at Science Po as Adjunct Professor.

During the covid lockdown period he kept busy writing *Europe's Grand Strategy : Navigating a New World Order* (2020) and *Partners of first resort : America, Europe and the Future of the West* (2020).

In his last book *European Sovereignty, Legitimacy and Power* (Routledge, 2021), he attempts to define the concepts of power, sovereignty, legitimacy, legality as applying to a new ""ideal-type political order", that of the EU, stuck between those of an international organization, a regulatory agency, and - Heaven forbid - an inchoate sovereign state or federation of states.

The first lines of Preface betrays his deep motivation, and worry :

« European sovereignty, a novel concept launched recently by French President Emmanuel Macron and former European Commission President Jean-Claude Juncker, is part and parcel of a long-standing debate over the past twenty-five years over the source of the European Union (EU's) legitimacy ».

They reappear a few pages down in the first paragraph of his Introduction :

« In his September 2018 State of the European Union speech, titled The Hour of European Sovereignty, ... Jean-Claude Juncker outlined elements of an ambitious new concept... He argued that the geopolitical context compels Europe to become stronger, ... and a global player by further pooling national sovereignty... The previous year, French President Emmanuel Macron likewise called for 'a sovereign, united and democratic Europe' ... No mere rhetorical device, this concept is currently used by the French Elysée to organize disparate lines of policy across security, defense, economics, migration, social affairs, technology, culture, and education. ... it became enshrined in the new Franco-German Treaty of Aachen signed in January 2019, which called for a 'united, efficient, sovereign and strong European Union.'»

That was of course at the end of Trump's reign, when Macron could qualify NATO as brain-dead. From January 2021, Biden, Zelensky and Putin completely changed the European geopolitical landscape. That is also when Szewczyk got back to writing. He first analyses the three concepts of sovereignty, legitimacy and power listed in the title (part I). In part II he traces the changes brought to the structure of the EC by four successive treaties - 1992 : Maastricht, 1997 : Amsterdam, 2001 : Nice, 2007 : Lisbon - that established the EU. He does so by describing how these changes affect the competences of the 3 main EU institutions - the Council of ministers, the Commission and the Parliament - as they rather clumsily try to follow the phases of EU Eastward enlargement. He then harkens back to the theme of "democratic deficit" already invoked by the brexiteers, to further develop it.

The crux of his argument is that the introduction of QMV (Qualified Majority Voting) by the Treaty of Lisbon allowing the European Council to impose its decisions not only to a minority of dissenting member states (of which the governments were democratically elected) but also to majorities of voting European citizens, renders these decisions illegitimate, if not illegal (p.66). He does not mention the defects of other voting systems, among which that of the US presidential elections which 5 times in the US history allowed electoral colleges to elect a president against candidates who have gotten a majority of individual voters.

See:

[https://en.wikipedia.org/
wiki/
list_of_United_States_presidential_elections_in_which_the_winner_lost_the_popular_vote](https://en.wikipedia.org/wiki/list_of_United_States_presidential_elections_in_which_the_winner_lost_the_popular_vote)

Nor does he mention other features of the US system that discredit its claim of being the paragon of democracy. First of all the fact that voting rights are within the competence of states, some of which do not apply the principle of universal voting rights, that which gives each adult citizen the right to vote. As a result some American citizens are, in some states, are denied the right to vote.

An other feature of the US system, the appointment of the Supreme Court judges by the President, that is the Executive, represents an infraction to the principle of the separation of powers and the independence of the judiciary branch of power.

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To reduce the "democratic deficit" of the EU, while keeping it from acquiring more competences at the expense of democratically elected national governments in all the fields - security, defense, immigration, fiscal policy, culture, language - substantially advancing the EU closer to a federal structure, Szewczyk advocates basing it on two pillars: a European sovereignty consisting of the sum of member states' sovereignties, while consolidating its legitimacy by enriching the content of an European citizenship still in the making.

In the first part of his book, he admits that all power is ultimately based on force (p.44). The US as a state is the product of the Civil War, the French Republic of the French Revolution, the People's Republic of China on Mao's Long March and Communist Revolution. A power can be qualified as sovereign if it is accepted or not contested within and if it is considered as such by other surrounding powers. Legitimacy comes out of the lasting approval, acceptance of a regime by its citizens or subjects, and/or absence of revolt against it - which evokes the Chinese doctrine of Heaven's Mandate. That is when a regime coincides with the interests of the majority of the citizens. The final criterion *a posteriori* would then be that a regime has been legitimate as long as it has not been overturned. And last, a regime can be legal, that is fulfill the criteria of sovereignty recognized by international law, without being recognized as legitimate by all states. Examples abound (p.96).

Szewczyk concludes that (p. 168) the EU is legitimate as long as "[its] authority ... emanates from the legitimization provided by the national democratic process in each EU Member State. However, even when the EU cannot achieve unanimity of state consent, as anticipated with MV, it can claim authority for its independent exercise of power through promoting European citizenship across the Union." That is if and when it coincides with the interests and "dignity" of European citizens, that is of citizens of States members of the EU. Developing a sense of European citizenship could be the "mobilizing myth" that

Romano Prodi called for in his report "Constructing a political Europe" (p.67). With that conclusion, Szewczyk limits any further progress in the integration of Europe to the field of Human Rights.

That sounds beautiful, but Europe already has several foundational myths, historical, cultural, religious. Reducing its legitimacy to that of a Free Trade Area - a level playing field for investors - and a Human Rights Defense agency, while cutting out all perspective of "strategic autonomy" in the fields of security, defense, international relations, as well as the pooling of the debts of member states (*mutualisation*) and fiscal harmonization amounts to make it an annex of NATO and the Anglosphere, as sort of Commonwealth 0.3.

It seems that Szewczyk completely ignores the horizon that the EC and the EU have pursued for some 70 years to replace it with that which the Anglosphere and its spearhead the US neocons want it to be, leveraging to that aim some of the Eastern European countries which were accepted in 1995 and 2004, mainly Poland and the Baltic States.

Referring to Robert Cooper, Szewczyk defines that new ideal type political order, as a "type of empire" (p. 172) or "transnational citizenship" (p.168) within a "liberal international democracy" (172). He does not mention that a former formulation of the same concept was in the early 2000s, calling for a right of interference by liberal democracies, "the new liberal imperialism" (https://www.theguardian.com/world/2002/apr/07/1?CMP=share_btn_link). Neither does he mention that that concept was used to justify regime change interventions in the Middle East and Eastern Europe.

Among the solutions to the EU democratic deficit most often evoked by Continental Europeans is the direct election of the President of the Council or Commission of the EU. Szewczyk probably has not understood the very complex system of "group of parties" in the EU Parliament for as he writes on the direct or indirect election of the Council or of the Commission, he dismisses them under the pretext that they "would only exacerbate the EU's sovereignty-legitimacy problem by creating a greater gap between EU authority and power thus accentuating the potential conflict between European institutions and national governments. From his stand point ameliorating the EU's democratic deficit would actually exacerbate the EU's legitimacy deficit."

He rightly diagnoses the lack of a pan-european debate (p. 75) due partly to the linguistic variety of the continent, and despite some rudimentary mastery of English by continental elites but does not seek ways out other than accepting subservience to the domination of English.

The only way he sees to consolidate the European edifice is one that pleases the US, England, Poland and a few other Eastern European countries. It would consist in completing the Luxembourg Compromise - by which any member state can invoke his "vital national interests" to veto a decision of the Council - with a hypothetic "Strasbourg Compromise" by which every decision by the Council or act by an EU agency, would be measured by the yardstick of their conformity to the Human Rights Charter and Convention and their advancing the interests of individual citizens. But, among the catalog of values in the Lisbon Treaty that should orient the EU's external policy he does not elaborate much on the "development of developing countries (sic) ... [and] encouraging integration of the world economy" (p. 114).

Reading a work redundant with legalistic gibberish, quoting only American, British and a few Polish writers, work of which the index does not even mention the € currency, nor the EU international relations, one cannot escape the feeling that its only purpose is to further inhibit any potential move by Old Europe, still the industrial and financial engine of the EU, already tied down by sanctions on trade with its traditional Eurasian neighbors and partners in Asia.

When it comes to define democracy, power, sovereignty, legitimacy, exclusive

reference to Western sources (pp. 8 et sq.) complete ignorance of Indian and Chinese political theories definitely make him sound "passé". Poland is still looking to the West for Europe's New frontier when Old Europe - Germany, France, and a few other southern and southwestern European countries - had already long understood the New Frontier was to the East. Why should we ally with losers, with the past, when we live on the same continental ground as the bearers of the future's torch?

In his Conclusion, comes "le mot de la fin": " In short, ameliorating the EU's democratic deficit would actually exacerbate the EU's legitimacy deficit ... [for] Ultimately, EU sovereignty is kept in check by each national sovereign's right to exit the EU". If Poland or some Baltic country were to dangle that eventuality, the EU should perhaps accept their exit, and let them ask subsidies from NATO.

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