

**LEGITIMISING EUROPEAN INTEGRATION: PERSPECTIVES AND
DISCOURSES OF LEGITIMACY IN THE EUROPEAN UNION**

European Community Studies Association 1997

Seattle, Washington, 29 May - 1 June 1997

Paper for panel 'EC's Law Community: Subsidiarity,
Citizenship and Legitimacy in the EU', Sunday June 1, 9-
11am

Helen Drake, Loughborough University, GB
Department of European Studies, Loughborough University
LEICS. LE11 3TU, G.B
email: h.p.drake@lboro.ac.uk

Please do not cite, quote or circulate without the author's
permission

LEGITIMISING EUROPEAN INTEGRATION: PERSPECTIVES AND
DISCOURSES OF LEGITIMACY IN THE EUROPEAN UNION

Helen Drake
Loughborough University

Abstract

In the would-be polity of the European Union (EU), legitimacy is experienced as a problematical phenomenon. It is frequently treated as synonymous with 'democracy', yet the EU's design is such that, in theory, legitimacy in the EU derives not only from formal, democratic representation, but from norms of rationality, efficiency and bureaucracy. This paper marshals and classifies the existing and contrasting politico-legal approaches to legitimacy in the EU context with the aim of establishing a set of parameters according to which the legitimacy of the EU's institutions, and the integration process and its outcomes, can be both appraised, and compared with the legitimisation of politics in other political systems.

Introduction: The Concept of Legitimacy and its Uses in the Politics of the European Union

This paper starts from the premiss that there is a debate in the European Union about legitimacy. This debate is conducted, first, in the sense of an ongoing exchange of views, perspectives and opinions in the *academic community* studying the EU. Discussions of legitimacy at this level revolve around the attempt to apply theoretical perspectives of legitimacy drawn from studies of nation and state-building to the case of the EU, an apparently would-be polity in the making.

Studies of the EU, however, have to address a process, European integration, whose beginnings can be traced to a blueprint in which the founders of the European Communities prioritised the institutionalisation of authority and the administration of things, in pursuit of European peace and prosperity, over the organisation of democracy and the governance of people.¹ This means the definition of legitimacy in relation to the EU must extend beyond the mechanics and procedures of democratic representation – the so-called democratic deficit debate – to embrace criteria of efficiency and effectiveness as conditions for the legitimacy of political decisions at the European level; and to the myth of a European 'project' or 'model' of society which in itself justifies and propels, that is to say legitimates, ever closer union between the peoples of Europe. Our paper explores the extent to which the official discourse of reform taking place at the level of the IGC reflects or falls short of the reach of the academic debate on legitimacy.

We can also identify concern and interest in legitimacy at the level of what we can call the *public space* of EU affairs, which includes opinions – public, political, interested – and their relays – national medias, amongst others. Most actors here are national, with the notion of a truly European, transnational public space characterised by trans-European issues and interest groups, or a European civil society whose cleavages are other than national, notable by its infancy, if not non-existence. In this composite of national public spaces, the meaning and application of legitimacy is diffuse and, often, in the hands of sceptics and nihilists, defined in terms of its lack or absence; defined, for example, in relation to perceptions of the unaccountability of 'Brussels'; or the perceived loss of national sovereignty experienced by the member states of the EU as they become ever deeper and irreversibly locked into the forward motion of economic and political integration.

Legitimacy in this respect is taken to mean the expression of all that is desirable in the relations between citizens

and their rulers, and whose imperfections, if not absence, marks the EU out as a less than perfect, and possibly less than desirable, polity. Legitimacy in this debate is portrayed in its narrowest sense, that of the representative potential and duty of electoral politics conducted at the national level. We see in this paper that this level of debate is, paradoxically, reinforced by the IGC's parameters of legitimacy and reform.

At the level of political *decision-makers* in the member states of the EU, the debate surrounding legitimacy is more instrumental, and frequently turned to national political ends, in the sense of 'Europe' (European integration) serving as a device (such as a 'shield' - negative; or a 'mobilising myth' - more positive²) to legitimate national governmental action and policy, specifically on Europe but also more generally, and usually when such policy is unpopular or feared to be so.

Hence President Chirac of France dissolved the French National Assembly in April 1997 and called early legislative elections with the explicit purpose of gathering a political majority behind his decision to accelerate France's preparations for a single European currency, a decision which could well require the implementation of unpopular measures of domestic economic policy. Since 'Europe', according to Chirac, is no longer to be seen by the French as a '*problématique*' but a '*dimension*' of French politics, then French politics henceforth had better be conducted explicitly in response to European constraints and opportunities. The fact that the French Foreign Minister, Hervé de Charrette, later in the 1997 legislative election campaign could claim that: 'This election will not determine France's European policy, but French politics', and that the question the elections posed to voters was not 'What Europe do you want?' but 'What France do you want?'³, reminds us, however, that no matter how relevant the European dimension is in reality to national policy-making, electorates are nationally-defined and so must be, ultimately, leaders' appeals for electoral support.

Legitimising 'Europe' for the benefit of national electorates in fact takes place elsewhere, at the level of *EU negotiations* and *renegotiations* of the founding texts of the Communities/Union. By the late 1990s, 'legitimacy' had become an increasingly useful term deployed by national leaders at the EU level to express atonement for the past sins and failings of integration; to explain why previous integration might have been unpopular: not because it was unwelcome *per se*, but because it had not been 'correctly' - legitimately - arrived at or presented. Such an application of the term had become necessary in the wake of the events of the 1980s, during which the scope of integration had spread so far as to create, finally, a single European market, with practical consequences for people's lives and professions, and seemingly 'run' by a

team of politicians-cum-bureacrats, the European Commission, under the guidance of a charismatic president Jacques Delors, who was unelected and apparently unopposed by the EU peoples' representatives at the national level.

Integration had also become more political, as the leaders of the EU met ever more frequently to revise Europe's founding texts ever more thoroughly in order to reform the EU's structures ever more radically so as to respond to a constantly evolving international context in which the 'givens' present at the creation of the European Communities - a divided and politically challenged Germany; a US protectorship of its European allies within the framework of the Cold War and the Atlantic Alliance - dissolved one by one into the thin air of the post Cold War world order. New challenges - migration, immigration, internal security and external defence, unemployment and social inequalities, enlarging Community structures devised for six member states to accommodate fifteen upwards - simultaneously fell one after the other into the remit of the EU's decision makers, necessitating the negotiation of solutions mutually acceptable to member states and compatible with the generally accepted view that 'Europe' must constantly be on the move, and in a forward direction, in order to respond adequately to the frighteningly new context.

The so-called legitimacy crisis of the early 1990s, to which the Maastricht Treaty both responded and which it fuelled, was after all no sudden crisis at all, but the culmination of a set of circumstances in which all aspects of European integration - processes, procedures, institutions, leadership, goals and *raison d'être* - came into serious question for the first time in the forty-year history of the EU, as the permissive consensus of its foundations gave way to the re-nationalised voicing of concerns and challenges about the quality of people's lives, the direction they were taking, and the degree of control individuals and national politicians could hope to exercise over them.

By the mid-1990s, political leaders found themselves required to legitimise - justify, rationalise - further integration, where their predecessors merely had had to maintain a tacit ambiguity about the ultimate costs, benefits and objectives of ever further integration, while simultaneously combining to slow the process down to a crawl. Until the combination, in the mid-1980s, of a Jacques Delors driven by a value-laden vision of European unity and the experience and character to achieve it; an intransigent Margaret Thatcher bent on recreating Great Britain without the help of a European superstate; a François Mitterrand in need of a 'mobilising myth' to replace the lyrical illusions of a Socialist France; a Helmut Kohl gearing his country for change; and a Felipe Gonzalez whose career and country's fortunes rested on facilitating Spain's transition from poor relation of the countries of the EU to 'big' EU member, European leaders

had not had to concern themselves with legitimising the effects of integration; other than in the pleasantly vague terms of the peace and prosperity promised by an open economy.

By the mid-1990s, the concept of legitimacy had thus, in many respects become an opportunity and not a threat for the political leaders of the EU, to the extent that the concept of making Europe legitimate - in the ways which we explore in this paper - appeared as the ultimate and only key to unlocking public support (mediated as ever through national representation in the first instance) for the increasingly constraining reasons compelling politicians towards more and more integration.⁴ "Selling" Europe to its "consumers" became the watchword for the revision of the founding treaties in the Intergovernmental Conference of 1996-7, and illustrations of this can be found in the texts used for negotiation at the IGC, as we demonstrate below. To note that this is the case is not deliberately to write of the EU from a sceptical perspective, but to develop a perspective on the EU and its own discourse - the rhetoric of its leaders' joint and common appeals for support - which imposes a critical analysis of the terminology of legitimacy, in order to contribute to the debates identified above which, however tentatively or diffusely, have concluded that the question of rationalising European integration, of justifying and explaining it, of constructing a discourse of cause and effect, intention and outcome, is central to the development of the EU as a fully-fledged polity of recognisable form. What interests us is the political leaders' recognition that public support for further integration is conditional, i.e. not to be taken for granted; their responses to this state of affairs; the limitations to these responses and explanations thereof.

This paper therefore explores the notion that the late-1990s bout of treaty reform - i.e. institutional and constitutional reform - taking place at the level of the IGC is significant from the perspective of a theoretical and practical interest in legitimacy in the EU context. This significance is illustrated by the assumptions and claims contained within the texts serving as the baseline documents for negotiated reform, foremost of which the Dublin Draft Treaty of December 1996 issued by the Irish EU Presidency at the close of its term. This text has a self-proclaimed mission of clarification and communication of the stakes of reform to national governments and their peoples (electorates), and adopts a normative if not prescriptive tone in relation to the reasons for deeper and wider European integration. These are reasons designed explicitly to be 'sold' on to 'buyers' of the project, designated by the text as a clearly identifiable, and to a large degree homogeneous, 'target market'. This is a text whose explicit goals include self-legitimation.

Our hypothesis is that even a cursory analysis of the draft treaty text, taken in the context of the background depicted above to the EU's legitimacy 'crisis', provides us with evidence that there is in the integrationist orthodoxy, a restricted model of legitimacy, which both explains and cuts across national positions (however entrenched) on institutional reform, on the question of the EU's identity and 'personality', and on the question of its borders in functional, political and temporal, as well as spatial terms. This is an instrumentalist and limited approach, at this EU negotiating level, to the intrinsic value of legitimacy and to the political deployment of the concept at the EU level.

By considering the Draft Treaty text from this perspective - aiming to detect the dominant and recessive models of legitimacy at work in the ultimately consensual orthodoxy of EU politics - this paper hopes to contribute to the process whereby the theory and practice of legitimacy in the EU are brought into line, and considers the relationship between the working model of legitimacy that emerges from the 1997 round of EU negotiations and constitution-building, and the debates on and about legitimacy taking place 'on the ground' in national politics, as seen, for example, in the British and French electoral campaigns and results of 1997. As a point of departure for a comparison of the treatment of legitimacy in the EU with that in the case of national politics, we make some references to the case of France, with which we are most familiar, pointing out where frames of reference for the treatment of legitimacy appear to be nationally-rooted, or to transcend national cleavages, and why. Such references would need to be extended in a future research agenda to other member states in order to establish a comparative framework for the study of legitimacy in the politics of the EU and its member states. Our approach, finally, is as resolutely interdisciplinary as the Dublin Draft Treaty is as firmly self-regarding of its communicative intentions and potential, in the hope and expectation that such interdisciplinarity is duly and adequately sensitised to the multiple faces of integration at the European level.

The European Union, Today and Tomorrow: a discourse of self-legitimation?

How does the official discourse of legitimacy operate at the level of the EU's IGC? What are its reference points? Here we draw on the Dublin draft treaty to make a number of preliminary observations and remarks. We bear in mind at all times the limitations of this approach, given that the draft treaty at one level exists as a compromise text to facilitate intergovernmental negotiations on reform, and bring about a consensus agreement. At this level we should not be overly concerned by the terminology of the text, or its message beyond that of appeals for consensus.

But the draft treaty explicitly purports to be more than a facilitating device for negotiations, in that over and above its compromise proposals, it provides a commentary and line, or tone, which is intended to in turn set the tone of the negotiations themselves. It purports to be a communications device, the carrier and promoter of 'shoulds' and 'woulds' i.e. of an orthodoxy of relations in the EU between the ruler and the ruled; between the European project and those on whom it is to be imposed. It presupposes a homogeneous group - the citizens - whose wants, needs and wishes have been identified and codified, and in response to which the text suggests solutions. While the text acknowledges where national governments diverge on key areas of reform, it is the contention here that it - inevitably given its primary function in the negotiations - presents such divergences as if they were of secondary significance in relation to an agreed set of values and ideals concerning integration in principle, and the EU as an emergent polity in practice. In other words, the texts promotes a perceived orthodoxy: that what legitimates the EU is...the EU. This of course is not surprising - what would be surprising would be an IGC convened to dissolve the EU - but it is important to recognise this self-legitimising characteristic, since it effectively masks the competing views and models of legitimacy contained within its proposals, themselves a reflection of divergent national positions.

The draft treaty is structured along the line of its formal predecessors in that in respect of each of its substantive areas it simultaneously addresses: the text's own *purpose* and *status*; the *fundamental values* and *principles of European integration* and the status of the institutions; the guiding *objectives* of the Union (its promises); the *tasks* of the Union's institutions (turning promises into policy; what the Community/Union does); *methods* and *procedures* for reaching objectives (decision-making and institutional provisions; how to reach objectives and perform tasks, with increasing reference to the principle of subsidiarity); a commentary on the conditions of all these foundations and other matters deemed outside the treaty's reach; *after-thoughts* and reminders of national differences; and the *options* and *exceptions* to which they have given rise (protocols and declarations). By analysing the text chronologically we can comment on the significance of each of these areas in the text's discussion - or rather assumptions - about legitimacy in the EU, and the text's own role of legitimation.

Communicating certainty: the legitimacy of medium and message

The draft treaty initially and explicitly states its aims of clarity and of setting the standard for the accessibility and 'understandability' of the IGC outcome. Its concluding sections, moreover, remind member states of the desirability of simplifying the treaties 'so as to make

the Union's goals and operation easier for the public to understand.' The introduction to the document states:

The process of explaining the IGC is not one to be reserved for the end of the Conference. Accordingly, the presentation chosen for the outline draft Treaty involves both an introductory explanatory memorandum and an explanation at the beginning of each section and chapter of what is proposed. The aim is to explain clearly and precisely...the challenges which are being addressed and the solutions proposed. The Presidency hopes that this outline draft Treaty will help significantly in the task of explaining to the people of Europe what is at stake.'

It is because the document is self-consciously aware of its communicative aims and therefore, we can assume, of its language, that the approach we have chosen focuses on the means of expression chosen by the texts' authors and the messages these convey, and we accept the integrity of its self-referential claims to establish the guidelines for the successful communication of reform to the citizenry of the EU.

Defining the 'target market', its needs and wants

A first point to make in respect of the text's communicative objectives is that it presumes an audience - the people of Europe - designated both as 'peoples' and 'citizens' of Europe. European 'citizens', of course were created by the Maastricht Treaty, and the concept has given rise to a considerable academic debate turning on the legal identity, and political rights and duties of such a citizen. What is of interest here is that the term is used to designate citizens both of the EU, as invented by Maastricht, and citizens in their respective national guises. This is significant in that if the notion of a European citizen goes unchallenged and uncontested, then the legitimacy of the EU as an entity, as a structure representative of and responsive to these citizens is logically also a reality; this is the first of several assumptions about the bases of the EU's legitimacy made in the document, and left unchallenged and unexplored.

This citizenry, moreover, is assumed to need things explained clearly and uniformly to it, if its allegiance to European integration, via national ratifications of Maastricht II, is to be ensured. This audience is presumed to be homogenous ('The European Union belongs to its citizens'; 'The Conference must make the union more relevant to its citizens and more responsive to their concerns'); and the text claims to know what it needs and wants ('People wish to live in a Union in which their fundamental rights are fully respected. They wish to be able to live and to move freely within the Union...'; 'Citizens attach particular importance to employment').

Such confidence in the needs of its targets forces a prescriptive tone onto the text, and a sense of its authors

knowing what's best. In this respect, the text would ironically seem to perpetuate the elitism that has long characterised the integration process, and which the negotiators of Maastricht II are explicitly addressing, by including in the revised treaty both principles and policy in response to a perceived 'popular' request. By assuming full knowledge of a/ who composes the 'popular' voice, and that it is one voice; and b/ what the popular request amounts to, the negotiators of reform are perpetuating a situation whereby individuals at the national level may have good cause to feel alienated from a process in which their interests are assumed to be homogeneous, their voice united and hijacked, and their needs met by yet more integration and its proponents.

These comments provide another perspective on what we have already referred to (see footnotes) by the French notion of *la pensée unique*: the idea that there is in fact no alternative to further integration, and that the legitimacy of integration in fact resides in nothing more complicated than making integration palatable through a/making EU institutions more democratic, accountable, open and transparent and b/ making the output - the policy - of these institutions more relevant to the objects of the output eg. by including in the treaty chapters or provisions on employment and the environment. The fact alone that European integration proceeds by the writing and re-writing of constitutive texts then presented to national populations for approval, in the manner of eg. the Constitution of the French Fifth Republic being submitted to national referendum in 1958, suggests, however, the imposition on these populations, of a choice between a ready-made text offering a given value-system and the means to put it into political practice, and the less attractive option of the great unknown.

These criteria of legitimacy - 'good' institutions, democratically speaking, and 'good' policy - operate within a parameters which may, however, **themselves** be deemed illegitimate by portions of the supposedly homogeneous European population, but against which there is no recourse: for the Draft Treaty's **real** intended - and imagined - audience is of course composed of pro-Europeans; for anti-Europeans or even for sceptics, there is no text available. This is to say that the voice of traditionally sceptical member states such as the UK (pre and post-May 1st 1997), or Denmark, are nonetheless contained within an orthodox text in which any disagreement over the goals and principles of European integration are subsumed, submerged in fact, into discussions of policy differences and their solutions. The French goal of *Europe-puissance* (a strong Europe with a firm economic, financial and defence identity)], as opposed to the more nebulous *Europe-espace* (a trading area of open borders) which the French do not want, is in fact the dominant gene in the DNA of Europeanism, as is the notion that the EU's institutions can be continually improved upon until they reach a

standard of democracy and legitimacy which, when arrived at, will be acknowledged as the attainment of perfection.

The legitimacy of shared principles

Inevitably, then, the treaty text lays out a number of basic principles on which its first set of proposals - for a European 'area of freedom, security and justice' - are based and justified. As a first comment we can echo the points made above: that however worthwhile and acceptable these principles objectively, their inclusion into the draft text imbues them with a 'rightness' and acceptability which is assumed rather than proven. ('The people of the Union rightly insist that they should be allowed to benefit fully from the freedom which the development of the European Union makes possible, and at the same time be protected from threats to their personal security.'; 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are upheld by Member States.').

Furthermore, it is suggested that Maastricht II include a new procedure for dealing with breaches of such principles by member states; and reinforces existing provisions for ensuring that only states upholding these principles may join the Union. The principles of the Union as enunciated in the text are therefore raised into barriers for entry to, and trouble-free membership of, the Union, and are deemed to represent a source of legitimacy for the Union and its 'rightness' in a world of competing values and political practices. We are not suggesting that such an undertaking is itself illegitimate, undesirable or misplaced, but are highlighting the existence of a set of powerful criteria of legitimacy which are implicit in the discourse of integration as expressed by this text, but which any normative theory of legitimacy for the EU would have to explicitly incorporate and relativise.

The legitimacy of a European social space and model: citizens' rights

The next section of the draft treaty - The Union and its Citizens - portrays an EU in which the existence of community, social conscience, and the coherent articulation by European citizens of social preferences are taken as givens. It acknowledges that national and European citizenship are complementary and not mutually exclusive, and assumes detailed knowledge of what the European half of the citizenship equation wants for itself and others:

*Making the Union more relevant and comprehensible to its citizens is a major aim which runs through the work of the Conference and is reflected in all chapters of this document. Section II [of the document] addresses a number of issues which affect citizens in their daily lives and how they perceive the Union and its institutions. People want the opportunity to work. **They***

want a decent society not just for themselves but for all. They want to live in a clean environment. As consumers living in the largest market in the world, they want adequate protection. They want the institutions of the Union, of their Union, to be comprehensible and transparent. They want the Union to play the role which it must play in certain areas while leaving for action at the level of the Member States matters which are more properly addressed at that level. Their citizenship of the Union complements and does not replace their national citizenship.

This section of the draft text is indeed given over to practical - policy - ways in which the citizens' wishes, thus perceived, can be fulfilled. On the question of *employment* (over which member states disagree as far as the extent of the Union's role in providing employment is concerned), the suggested compromise is that a 'high level of employment' (not 'full employment') is added to the Union's *objectives* (alongside the Community's original aims of the promotion of balanced and sustainable economic and social progress); and that to the Community's (not Union's) list of existing *tasks* (which derive from its overall objectives) of promoting the harmonious and balanced development of economic activities and sustainable and non-inflationary growth respecting the environment, is added a high degree of 'competitiveness' and convergence of economic performance.... The *means* by which these objectives and tasks are to be fulfilled is to promote a coordination process between member states, and to recognise the European Council's duty to give political impetus in respect of the Union's designated objectives; furthermore, a new title on employment is suggested, which would remind the member states of the Community's role in *encouraging, supporting and complementing, while respecting* the member states' action to promote employment, and exhorting the member states to view employment as a *common concern*.

There are echoes here of both Jacques Delors's input to the Commission's 1993 White Paper on Growth, Competitiveness and Employment,⁵ which bore the hallmarks of Delors's personal recipe for socio-economic relations and policy at the national level - a mix of socio-economic competition, coordination and solidarity blended by market forces and the state - and of the member states's muted reactions to Delors's exhortations in and surrounding the 1993 White Paper that more could be done at the Community level to promote and guarantee employment, and that the member states should be aware of the dangers of the failure to act in a coordinated fashion in this respect. The Dublin draft treaty itself suggests the outline of a *modèle de société* for the EU, in which member states agree to sign up to certain objectives, and commit themselves to instruments, allowing them to pursue these objectives through the tasks of coordination and strategic planning.

The fact that this is an area of disagreement between the member states indicates that the legitimacy supposedly to be derived from giving the citizens what they want (i.e. jobs, in this case), is subject to the legitimacy derived from member state governments having the right and the margin of manoeuvre to take action directly upon their own citizens; here is an example of a flaw in the argument that European and national citizenry are complementary and mutually beneficial: it may well be the case, for example, that an individual's employment prospects may best be served by him/her being a European citizen i.e. by European-wide action; his/her national citizenship, however, may condemn him/her to action by a national government acting in a 'sovereign' fashion, ostensibly because in this case it is the national, not European elite that knows best. The legitimacy of the EU institutions to speak on behalf of its populations, therefore, is not as uncontested as the overall tone of this text would make it seem, as we will see even more clearly below when discussing the text's provisions for greater democratic legitimacy through the institutions of the EU.

Social policy, environmental policy, consumer policy, transparency and subsidiarity are the remaining headings of the section of the draft treaty dedicated to addressing the Union and its citizens. As with employment, *social* provisions highlight the divergence between the EU's wish to treat policy as a matter of *general European interest*, and certain individual governments' beliefs that in this area citizenship and policy-making are national matters, deriving from strictly national traditions of employment-social-industrial relations. A latent model of European development, as promoted by Delors during his presidency, and identified by President Chirac in 1996 in his 'memorandum for a European social model' (presented to and politely shelved by the Italian presidency at the Turin summit), and definitions of national sovereignty incorporating a vision of ideal market-state relations, are also, therefore, to be found co-habiting in this text, serving to undermine any sense in which 'Europe' can in reality be legitimated in terms of its uncontested capacity and ability to get people - citizens - back to work.

On *environment* policy, the texts' authors assume knowledge of the 'high degree of public support for action at Union level', leading to the suggestion that sustainable development become an *explicit* treaty objective; that sustainable development and a high level of protection of the environment be worked into all the Union's tasks. Here too, however, as with employment and social provisions, national differences persist over the means the EU should have at its disposal to fulfil these new aims and accomplish its tasks with this new reference point in mind, for example in the form of extended qualified majority voting.

Here too then, the *general interest*, so insistently pervasive in the text's overall message, seems legitimate

only to the point at which it does not encroach upon perceptions of national interest and sovereignty (more of which below). The general interest, finally, when re-defined as *consumers' interests* ('Citizens are also consumers. Their interests and concerns as consumers should be taken on board effectively in EU legislation'), is limited to 'contributions' by the Community to protecting this interest, and to 'taking into account' these interests when making policy elsewhere; i.e a limited and non-binding delineation of the Community role in this respect.

The draft's provisions for *transparency* assume that EU policy-making will be deemed more legitimate by citizens if those citizens can see what is happening, and have access to the records of decisions once they are reached ('Greater transparency and openness in the operation of the Union and its institutions are essential in order to ensure that the Union is understood and accepted by its citizens.'). 'Transparency' does not, however, extend to increasing citizens' participation in that process, nor their ability to indirectly influence it; it is rather a question of having access to it and its workings once it is a *fait accompli*. This raises questions, we suggest, about the extent of the significance of such measures in real terms, and their likely success in augmenting the 'amount' of legitimacy in and surrounding the EU political system. *Subsidiarity* is similarly intended to reassure citizens that the right people are taking decisions that affect them; also, behind the principle of subsidiarity presumably lies the notion that citizens will have a better chance of affecting, or even participating, in decisions if they are taken at the closest level of government to the citizen.

Taken together, therefore, transparency and subsidiarity can be seen as laying the groundwork for a redefinition of relations in the EU between the ruler and the ruled, between the ruled and the rules s/he is governed by and possibly thereby for an increase in citizen participation.⁶ This intention, if realised, would go some way to enhancing the legitimacy of both the content and process of the EU decision-making machine, taking legitimacy in this context to mean the 'understandability' and 'acceptability' of policy and its effects, as referred to in the draft treaty's opening sections. But such qualities presuppose a form of agreement between member state governments concerning the methods and processes of public policy-making, an agreement that does not at first sight appear to be all that forthcoming.

The differences between member state governments concerning the ideal power relations in the EU (what is referred to as the 'balance' between the EU's institutions) are best demonstrated by their discussions on the areas at the heart of the IGC, and its chief areas of difficulty: institutional reform, and EU foreign policy. Thus far in our analysis we have demonstrated that the EU seeks to

establish its legitimacy as an political entity by claiming to be, essentially: a collector and promoter (imposer?) of certain shared values, such as open government and environmental protection; a listening ear to and voice for the concerns and needs, wishes of 'its' citizens, when these are not compelled to act (and be acted upon) as national citizens; a scribe of the collected wisdom over time (the orthodoxy) of the practice of European integration; a friendly face to policy that needs to be taken at the European level.

In the public and political debates, however, as we have seen, legitimacy is accorded a far narrower definition, and an altogether different focus: what is deemed legitimate or illegitimate about 'Europe' is the extent to which it successfully reconciles the **representation** of sovereign **States** through the institutions of the EU with provisions for the **representation** of their **peoples** at the European level. Put another way: Europeans are to be allowed to cohere as such (and we have already seen how the treaty insists on their existence as a body) and to claim representation as such, and make demands as such (the preceding sections of the treaty were happy to acknowledge its demands), providing that in the process they do not interfere with the rightful claim of sovereign states to speak on their behalf.

The narrowest definition of democratic legitimacy, therefore, as the right of peoples to free and fair political representation, and which holds its own in the integrationist orthodoxy as much as the legitimacy of good public policy as we see below, could be said to be subjugated to a different but related definition of legitimacy which concerns the authority of the State to take action in the name of maintaining the integrity (possibly indivisibility) of the State. Seen from this perspective, the member states' attempts (see below) to arrive at an agreement in the IGC over the reform of the EU's institutions can be seen as a process whereby member states - at least certain of them - are trying to pursue and reinforce their 'rescue' (Milward) as intact nation states in the European forum.

Hence within the sub-debate on the 'democratic deficit' of the EU - the idea that voters are not adequately represented at the European level in relation to the effects that the European level can have on voters - opposing voices can be clearly heard, and muster into opposing camps: those that prioritise the efficiency of political action at the European level in the European interest; and those that prioritise national state representation and interest over European effectiveness and the European interest. Or, rather: member states such as France and Britain, and particularly France, can be seen as attempting to marry *efficient* EU institutions with maintaining their *national weight* therein; this translates as a view of the general interest as little more than a national interest writ large to the European scale.

Put more diplomatically, France's policy, for example, can be seen as the simultaneous attempt to maintain its national weight in the institutions where it believes policy is decided, or should be decided, and where the general interest is effectively negotiated (i.e. the European Council and the Council of Ministers); to trade its national weight for efficiency and effectiveness in those institutions (the Commission and the European Parliament) whose *inefficiency* could conceivably obstruct the general interest as defined by those institutions in which national states trade relative weight; and to involve at the *national* level those institutions and political forces (political parties, national parliaments) which are as much an expression of the *national* sovereign will of the people as the national executive (the President and the government).

This is a French 'model' of legitimacy, invoked here simply to illustrate how in the draft treaty's exploration of the 'democratic deficit' (which it in fact leaves to the Heads of State and government to resolve at the June 1997 Amsterdam summit, unsurprisingly) there are at work competing conceptions of the shape of democratic legitimacy, and so of the democracy appropriate for the EU's institutions; shapes we could crudely caricature and polarise as 'federal European state' (Germany - but not the German Constitutional Court?); and '(con)federation of nation-states' (France and Britain), and whose competition we can trace in the draft treaty's discourse, as we see below.

The legitimacy of representation at the EU level

The draft treaty covers the various dimensions to the legitimacy of representation at the EU level, and in these respects make a direct if ill-defined mention of the term 'legitimacy':

*'The institutions must function efficiently and effectively now and in the future; the balance between institutions must be respected; and they must operate as democratically and as openly as possible so that their representative nature is clearly seen and their **legitimacy** in the eyes of the public is maintained and reinforced' (Dutch draft, p.99)*

'Legitimacy' is mentioned directly a second time in relation to the question of the reweighting of national votes in the Council of Ministers when voting by qualified majority: 'It is argued that this [the reduction of the population required for a QMV, inevitable under current rules as a by-product of enlargement] would affect the **legitimacy** of the Union's decision-making.' In other words, since QMV is problematic *per se* for the legitimation of EU decisions by national-level democratic representation (because states can be outvoted), member states are seeking to optimise their influence - the extent of their legitimacy - within the QMV system.

*The legitimacy of **democratic** representation*

The direct mentions of 'legitimacy' in the text are therefore in relation to a perceived democratic deficit whereby national populations - the peoples of Europe, as opposed to a people of Europeans - are not sufficiently represented by their States in the EU's institutions, or are not seen to be sufficiently represented by the States concerned. This is a limited definition and application of the concept of legitimacy, it being defined as nationally delineated populations being adequately and fairly represented in the EU decision and policy making process through the voice of their States, and the idea that the larger States must be adequately catered for in a Union increasingly formed of 'small' member states.

There is an alternative view acknowledged in the draft that legitimacy thus defined is in fact not a problem at all; that:

..in a diverse Union of shifting interests, it is unrealistic to think all smaller States would act collectively against the group of larger States; that, in all conceivable cases, a qualified majority would represent a majority of the population of the Union; that is is the role of the European Parliament to represent the population of the Union and that, as well as population, the fact that each Member of the Council represents a sovereign State must also be taken into account.'

In this alternative perspective, legitimacy is still defined in terms of the direct representation of voters through the electoral process i.e democratic due form and process, formal and objective legitimacy, but here it is acknowledged that it is also the EP that should do the representing, along partisan and issue-based, as well as national lines. This comes closer to a model of legitimacy in which cleavages other than the national are taken into consideration, and which corresponds to the model to which the founding fathers might have been operating, but of which the end point - the culmination - of legitimacy is the 'right' result for the majority of the EP's electorate. This is not to deny the significance of the electoral process in democratic politics, clearly, but to identify that the text is suggesting here that the EU's legitimacy starts and finishes with the representation of the majority of the EU's population, via either the sovereign state (absolute) line or the partisan, European (federal) line or, somehow, both.

The legitimacy of efficient representation

The legitimacy derived from *efficient* EU institutions is significant in comparison to the legitimacy of *representation* only insofar as it does not interfere with these lines of representation, nor with the 'balance' between the electorally representative and the other

institutions. Hence the efficiency of the Commission 'and its public acceptability throughout the Union' is dismissed as 'already common ground'; proposals to enhance the Commission President's authority within the Commission are couched in terms of improving the efficiency of that institution, rather than its reach or authority; and proposals to make the Commission President more authoritative as defined by his democratic accountability, diverge either side of the absolute/sovereign-federal dividing line: should s/he be more responsible to the EP or to the European Council? The outcome will probably be a mix of both, and so will be a muddying, a fudging of the model of legitimacy being constructed. Similarly, the role of the *national parliaments* is couched in terms of the efficiency of their scrutiny role, and their greater involvement in the activities of the Union is exhorted, but 'without upsetting the balances in the current decision-making procedures and without complicating the Union's decision-making process'.

The summary, by the presidency in the draft treaty, of proposals for a *dual majority* in the Council in order to recognise both populations and sovereign states and their relative weight, and for the '*enhanced cooperation*' and '*flexibility*' which would leave groups of states free to go ahead with further integration leaving others behind, but eager to follow suit (the Fouchet plan by any other name?), provide further evidence of the limitations to the *general interest* as legitimiser of the EU, in that all the provisions for institutional reform rest primarily on the protection of national interests and their differentials, defined primarily in terms of *national states* and 'their' *national populations*. The line of representation ('federal') leading from the individual citizen through European political parties to the European Parliament, and from there into the Council/European Council/Commission machinery, is very much secondary to the provisions for legitimising the actions of national states and their leaders, and provisions for flexibility seem to be at odds with the initial and overall tone of the text, in which the wholeness and indivisibility of Europe's being, of its people's concerns and of the EU's duty to respond in kind - i.e. in the general European interest - were insistently emphasised.

Redefining legitimacy in the EU

We would appear to have reached a point where our exploration of the existence of 'legitimacy' as a principle or practical working concept in the Dublin Draft Treaty of December 1996 has led us back to the long-standing and much analysed divide between intergovernmental and supranational approaches to European integration and cooperation, a divide reflected in the legitimacy debate in national differences at the negotiating table over a/ the means of representation of nation-States and national populations in the EU's institutions; and b/ the extent to which the general European interest can/should exist as an entity in

its own right other than as a lowest common denominator of compromised national interests, and should be represented and exercised in its own right (eg. through the Commission or the European Parliament). Our exploration has also, however, attempted to demonstrate that such differences increasingly co-exist with what we have termed a Europeanist orthodoxy, in which European integration *per se*, the institutions of the EU *per se* and the forward movement of the whole integration process as such, have to seek legitimation as a whole, as an entity, in order to keep the movement on the rails (to borrow from a familiar metaphor of integration), and moving ahead.

In order to formulate such an appeal for legitimation by Europe's 'citizens', the text of the orthodoxy has had to construct (or imagine) a view of the European Union in which the EU as a would-be polity rests on an uncontested view of the EU's future, and on the EU's credibility as promoter and protector of certain key values regarding socio-economic progress and social relations. To a certain extent, the process of European integration and institution-building has always required of its supporters a degree of suspension of disbelief in the ability of a European entity to mould its constituent parts into a homogenous value and belief system (cf. the 1950s' founding texts' objectives of prosperity etc. and challenges to this 'capitalist' model during eg. the 1970s by socialists). But as the EU in the 1990s has had to respond to more and more challenges coming from the international context, the importance of its credibility and legitimacy as an entity has become all the more acute, leading it into the temptation of disregarding dissenting voices, and failing to provide legitimate space for the expression of such voices, at precisely the moment they become louder and more frequently heard.

It could be argued, however, that the true legitimacy of the EU is to be sought and found in its capacity to represent and contain opposing and dissenting voices, **not** simply those expressed at the State level about the maintaining of national governmental weight and prestige in the concert of European nation-states, but also those which, generally speaking at the national level, have found their way into the laps of extremists such as the French National Front and the like. The question of true interest, it is suggested, regarding the legitimacy of European integration as a powerful process and force in late twentieth century politics, is how to respond to the doubters and sceptics which have increasingly been raising their voice at the national level (through referenda and the like); how to make possible *l'autre politique* - the constructive scepticism the British New Labour and the French rejuvenating Socialist Party claim they are aiming to offer their supporters. Attempts to respond to serious-minded scepticism with more, but more transparent or consumer-friendly integration, may not suffice.⁷

The provisions in the Draft Treaty for 'flexible integration' and 'enhanced cooperation' neatly summarise a/the persistence of opposing governmental preferences for integration over cooperation and vice versa; and b/ give the lie to the notion that the integration process and its institutions compose an indivisible whole, although such a notion has **always** constituted the orthodoxy of the Communities and the Union (its only serious challenge coming in 1961-2 with de Gaulle's Fouchet Plan for a Union of States, defeated by the Five). Taken with the rest of the content of the draft text, and alongside the tone of the text as we described and explored it above, these developments (for how to keep the process moving, even if at the expense of the cohesion of the Union), suggest a number of final comments and questions, in summary and with reference to a future possible research agenda for the study of legitimacy in the EU:

Conclusions

1. The status of the legitimacy debate at the level of the political practice of intergovernmental negotiation is junior and tributary to the struggle for relative state power and influence. In this struggle, legitimacy defined as the democratic representation of Europeans as such is subjugated to the claims of these member states (almost all) legitimately to represent the sovereign will of its national people. The continued European rescue of the nation state is at stake.

2. The above does not help resolve the central dilemma for member state governments, which is that they are locked and tied into European integration and cooperation for principally economic reasons, and so must make joint and common claims to the legitimacy of this economic enterprise. This quest for self-justification is sought in claims that the EU in its past, present and future incarnations represents more than an economic enterprise; that it is the principle carrier and guarantor of certain fundamental rights and values: the democratic process; respect for human rights and social justice; community and rule of law; peace between nations and European (world?) prosperity: i.e. that the EU is a community of values.

The EEC/EC/EU of course has always sought to justify itself in these terms; cf. the preambles and opening articles of its founding texts. But over time, as the EU has got larger and its composition more heterogeneous, the attempt to construct an orthodoxy and a model of political, social and economic (and cultural, had de Gaulle had his way) relations has become increasingly difficult. Hence since the early 1990s, a strand of the official discourse on integration has in fact increasingly insisted upon the right to difference; the virtues of diversity; and as an expression of this, the enduring strength of nations. Jacques Delors's recent coining of the concept of the EU as

a 'Federation of Nation-States' is a good example of such claims to unity in diversity and cohesion in difference, and usefully contrasts, at least superficially, with President Chirac's declaration, on dissolving the French National Assembly in April 1997, that '*L'Europe c'est l'union et l'union, c'est la force*' (while his representatives at the IGC simultaneously argued for a multi-speed 'Union'). It might be the case that in response to the imagined question: 'The EU - what for?', a successful future defence and security identity for the EU would update and refresh the Community's original promise to deliver and maintain European peace, so enhancing the EU's credibility as an international actor, a factor assumed by decision-makers to contribute to the EU's legitimacy.

3/ The problem with the 'diversity in union' approach is how to legitimate it, institutionally and existentially. We have seen that the draft text, by way of example, emphasises the homogeneity of European citizenry over the identity of difference; the unity of purpose over the diversity of values; and the prescriptive quality of European integration over any normative approach to legitimacy in the EU domain. It deals with 'legitimacy' in institutional terms by acknowledging the differentials in state power and institutionalising them; but deals with its existential dimension by assuming not diversity but communality. This amounts to saying that the current discourse of institutional and constitutional reform does not in fact address the problem of legitimising an increasingly pervasive force - ever more integration - through the support of an increasingly differentiated and, arguably, disaffected diversity of opinion.

4/ Our previous comment leads us to enquire whether theories of legitimacy have any advance over the reality of political practice in the EU i.e. to ask whether the theory contains any keys as to the future bases of the EU's leaders' claims to legitimacy, both when acting in unison when reconstituting the EU's founding texts, and as individual national representatives seeking to get these texts ratified by national populations.

Studies of the submissions of the various EU institutions to the 1996-7 IGC (de Búrca, 1996) have identified the themes underlying the 'quest for legitimacy' in the forum of the IGC as citizenship; democracy; subsidiarity; and openness, transparency and accessibility. Other writers have detected similar themes underlying reforms pre-dating the revision of the Maastricht treaty (Lodge, *JCMS* 1994). Yet other authors, claiming to offer a comprehensive account of legitimacy in its EU context (Weiler, Obvradovic), have adopted and developed perspectives such as the formality/informality; objectivity/subjectivity; political/social dimensions of the legitimation of political authority; the role of beliefs about and

perceptions of such legitimation, and its origins - or lack of them - in myths and values shared by Europeans.⁸

Weberian interpretations of the legitimation of authority in the EU have also proved relevant in explaining the bureaucratic politics of the European Commission, including the leadership of its President Delors between 1985 and 1995, looking to Delors's combination of leadership skills and his appeals to past and future European values (akin to appeals to 'traditional' sources of legitimate authority as defined by Weber) for explanations of how President Delors activated the rules (the rational-legal authority) of the Community towards a successful relaunch of the single market programme in 1985 (Drake, 1996; Page and Wouters, 1994).⁹

Within these theoretical explorations of legitimacy we can see some common ground and, at the edges, areas where explanations of the legitimation of authority designed for the national context fall short of explaining the 'acceptability' or 'rightness' (Lodge), or not, of the European Union. Theories of the formality of democratic due process and representation of the citizen through his or her vote, for example, are drafted in to compile opposing versions of EU legitimacy: that the EU project is legitimated through the European Parliament, its direct elections and transnational political parties and party groupings (a version usually equated with a federalist perception of Europe's ideal union); or that the EU is only to be deemed legitimate once the channels for the representation of the EU's component national populations, through national parliaments and national governments, with due consideration taken of their relative size and - less tangible - their 'weight' and prestige amongst EU nations have been perfected.

Theories of the legitimation of bureaucratic authority, in contrast, serve to explain how and why Delors emerged from within the Commission to take control of and lend direction to the Community's bureaucracy, the forms his appeals to support took, and their limitations. Such theories have similarly been adapted to explore how the European Commission, through the political background and support of the individual Commissioners, could logically emerge as a site of political leadership and representation in competition with the European Parliament, national parliaments or national governments, legitimised in keeping with the criteria set down in the experimental working model of politics launched by Monnet and Schuman in the 1950s.

Obradovic's analysis of the myths of origin supporting beliefs in legitimacy, and the role of a sense of moral obligation in the conferring of legitimacy by individuals on a political system; Weiler's notion of the social legitimacy of the 'unitarian' ethos of integration,¹⁰ point to the possible sources of the EU's legitimacy crisis, if

it has one: the limitations of traditional definitions of demos and democracy; a failure to recognise that in the democratic politics of the post-modern age, democratic representation is to be taken for granted; that the struggle of rulers to establish the legitimacy of government and governance begins, not ends, with the announcement of an electoral victory at the polls. Legitimation increasingly covers areas such as the successful implementation of policy (with growing trends towards legal recourse for policy failures); the successful communication of policy objectives; the ability to provide consensual government when the ends demand it; a rejection of sectarianism and the politics of difference and division. In such 'post-modern', 'modular' approaches to the question of legitimacy, the perceived democratic deficit of the EU is but one of the dilemmas the EU faces in earning its acceptability, the 'new legitimacy' also encompassing questions of identity, values, ethics and idealism in relation to the European project and its effects.

5. The theory and practice of legitimacy in the EU taken in combination, therefore, suggests that what is required is a redefinition of the parameters of the legitimacy debate (can a debate exist when its parameters - more integration - are not negotiable?) to incorporate the possibility of voicing qualified scepticism regarding process and substance and *finalité* (end points); an enhanced commitment to the goals of social justice; and a reconsideration of the power relations between people and sovereign states, nationally and at the European level. National phenomena such as rising electoral absenteeism (France), and wholesale rejections of incumbent political leaderships and their values (the UK), may suggest that theories of legitimacy accounting for the variables of individual and social identities; of complementary definitions of ethos and demos; of the constructive criticism of state-people relationships in post-modern society, are as relevant to the European as to the national level, and are necessary complements to discussions of legitimacy at the EU level currently limited by their state-centric focus, the logic of absolute state power, a supranational vs. intergovernmental preoccupation, and a belief in the self-legitimising quality of constitutional and institutional reform by elites.

The iconoclasm of interdisciplinarity may offer a contribution to to the process of lifting the veils of ambiguity (lexical, political, cultural) surrounding legitimacy in the debate on EU reform; and reinforce existing suggestions that the 'debate' on legitimacy contained within the reform procedures is in fact no debate at all, and as such is potentially more harmful than beneficial to the IGC's professed aim of self-legitimation.

Notes and references

¹Shackleton, 1994, p. 5; Rose, 1995, p. 67.

²'Shield': V. Schmidt re French economic policy-making; 'mobilising myth': J. Hayward, re. France, 1992 and the Single Market campaign.

³ Hervé de Charette, *Statements* 13 may 97: 'Cette élection n'a pas à trancher la politique européenne de la France, elle a à trancher la politique française.' '...cette élection n'est pas: "Quelle Europe voulez-vous" mais "quelle France voulez-vous?"'

⁴In the French case this can be seen as a dimension of the need for government to justify the '*pensée unique*' of the open economy, the market and their values, and of the difficulty for opposition parties to formulate '*une autre politique*' towards European integration and its constraints.

⁵ The White Paper was published as: *The White Paper on growth, competitiveness and employment. The challenges and ways forward into the 21st century*, COM (93) 700 final (5.12.93).

⁶See Hauser on the significance of 'the participation of citizens in the political decision making process' as a source of legitimacy (p.25). And p. 30: 'EU institutions provide no primary source for democratic legitimization. The democratic systems of the Member States are the primary source for democratic legitimization of EU legislation. Because citizen participation is only guaranteed on the national and not on the European level, democratic legitimization needs clearly defined restrictions on the transfer of sovereignty.'

⁷cf. Tony Blair at the Noordwijk summit, Friday 23 May 1997 reported in *The Observer* 25 May 1997, p. 24: Blair told his EU partners 'they needed to refocus the whole direction of Europe, including their underlying belief that the solution to Europe's ills lay in ever greater integration.' Blair was quoted as saying: 'The EU must refocus on the things that really matter to people. It requires a people's Europe addressing the people's priorities, less obsessed with ourselves and our institutions and more focused on the things that matter to people - jobs, competitiveness, fraud, environment and the way their money is spent.' nb: still assuming knowledge of what the people want, but willing at least to expose the orthodoxy: that more integration is good integration.

⁸Obradovic, pp. 192 & 196: 'Essentially, legitimacy reflects the belief that one system is just because it embodies an accepted superior justificatory principle, the myth. The justificatory message communicated by the myth creates an effective device for legitimation. The myth is understood here in its broad sense as the symbolic values through which people share an idea of origin, continuity, historical memories, collective remembrance, common heritage and tradition, as well as a common destiny, which has often involved a binding political process by which one ethnol has become hegemonic vis-à-vis the rest. Myth expresses and maintains social solidarity because it refers to values of belongingness and originality and a sense of shared collective identity and fate. Such a myth of origin as the ultimate source of legitimacy is missing from the European venture. (...) Thus the lack of a mythological discourse of European integration makes dubious an attempt to enhance policy legitimacy in the EU.'

⁹Obradovic equates support for this aspect of the Weberian thesis (that the 'belief in legality, the readiness to conform with the rules that are formally correct and that have been imposed by correct procedure' is nothing less than the 'most usual basis of legitimacy' in modern societies) with approaches to the study of legitimacy in the EU based on the 'rule of law' as a legitimising factor, in which Community law is deemed to legitimise the entire EU order, an argument Obradovic refuses. We agree: Weber's work on the legitimation of authority is most convincing in relation to the EU if taken as a whole i.e. taking legitimacy in modern society to rest on a combination of rational-legal, charismatic and traditional forms of legitimation, as is suggested in Weber's later political writings. See Drake, 1996.

¹⁰'The unity vision of the promised land sees, then, as its "ideal type" a European polity that finally and decisively replaces its hitherto warring member states in a political union of federal governance. The community vision sees as its "ideal type" a political union in which Community and member state continue their uneasy coexistence, although with an ever-increasing embrace.' Weiler, 'After Maastricht', p. 38.

Bibliography

- Abélès, M., 'A la recherche d'un espace public communautaire', *Pouvoirs* 69, April 1994, pp. 117-128.
- Abélès, M., 'L'Europe en trois questions', *Esprit* 202, June 1994, pp. 98-108.
- Andeweg, R., 'The Reshaping of National Party Systems', *West European Politics* 18, 3, 1995, pp. 58-78.
- Barker, R., *Political Legitimacy and the State* (Oxford, Clarendon Press, 1990).
- Cohen, R. and Toland, J. D., *State Formation and Political Legitimacy* (New Brunswick, Transaction Books, 1988).
- de Búrca, Gráinne, 'The Quest for Legitimacy in the European Union', *The Modern Law Review* 59, 3, May 1996, pp. 349-376.
- Dehousse, R., 'Constitutional Reform in the European Community: Are there Alternatives to the Majoritarian Avenue?', *West European Politics* 18, 3, 1995, pp. 118-135.
- Drake, H., 'The Legitimation of Authority in the European Union. A Study of the European Commission with special reference to the Commission Presidency of Jacques Delors, 1985-1995', PhD Thesis, Aston University, 1996.
- Franklin, M. N. Van der Eijk, C. and Marsh, M., 'Referendum Outcomes and Trust in Government: Public Support for Europe in the Wake of Maastricht', *West European Politics* 18, 3, 1995, pp. 101-117.
- García, S. (ed.), *European Identity and the search for legitimacy* (Pinter, 1993).
- Geddes, A., 'Immigrant and Ethnic Minorities and the EU's "Democratic Deficit"', *Journal of Common Market Studies* 33, 2, June 1995, pp. 197-217.
- Hauser, H. and Müller, A., 'Legitimacy: the Missing Link for Explaining EU-Institution Building', *Aussenwirtschaft* 50, 1995, pp. 17-42.
- Hix, S., 'Parties at the European Level and the Legitimacy of EU Socio-Economic Policy', *Journal of Common Market Studies* 33, 4, December 1995, pp. 527-554.
- Hooghe, L., 'Subnational Mobilisation in the European Union', *West European Politics* 18, 3, 1995, pp. 175-198.
- Howe, P., 'A Community of Europeans: the Requisite Underpinnings', *Journal of Common Market Studies* 33, 1, March 1995, pp. 27-46.
- Judge, D., 'The Failure of National Parliaments?', *West European Politics* 18, 3, 1995, pp. 79-100.
- Koslowski, R., 'Intra-EU Migration, Citizenship and Political Union', *Journal of Common Market Studies* 32, 3, September 1994, pp. 369-402.
- Laffan, B., 'The Politics of Identity and Political Order in Europe', *Journal of Common Market Studies* 34, 1, March 1996, pp. 81-102.
- Lodge, J., 'Transparency and Democratic Legitimacy', *Journal of Common Market Studies* 32, 3, September 1994, pp. 343-368.
- Milward, A., *The European Rescue of the Nation-State* (London, Routledge, 1994).

- Obradovic, D., 'Policy Legitimacy and the European Union', *Journal of Common Market Studies* 34, 2, June 1996, pp. 191-219.
- Page, E. C. and Wouters, L., 'Bureaucratic Politics and Political Leadership in Brussels', *Public Administration* 72, 3, Autumn 1994, pp. 445-459.
- Shackleton, M., 'The Internal Legitimacy Crisis of the European Union', Europa Institute Occasional Paper no. 1, Edinburgh University, May 1994.
- Smith, J., 'The 1994 European Elections: Twelve into One Won't Go' *West European Politics* 18, 3, 1995, pp. 199-217.
- Wallace, H., 'Deepening and Widening: Problems of Legitimacy for the EC' in S. Garcia (ed.), *European Identity and the Search for Legitimacy* (Pinter, 1993).
- Wallace, W. and Smith, J., 'Democracy or Technocracy? European Integration and the Problem of Popular Consent', *West European Politics* 18, 3, 1995, pp. 137-157.
- Weiler, J.H.H. et al, 'European Democracy and its Critique', *West European Politics* 18, 3, July 1995, pp. 4-39.
- Weiler, J.H.H. and Modrall, J., 'Institutional Reform: Consensus or Majority?', *European Law Review* 10, 1985, pp. 316-333.
- Weiler, J.H.H., 'After Maastricht: Community Legitimacy in Post-1992 Europe' in W. J. Adams (ed.), *Singular Europe. Economy and Polity of the European Community after 1992* (Ann Arbor, University of Michigan Press, 1992).
- Weiler, J.H.H., 'The Reformation of European Constitutionalism', *Journal of Common Market Studies* 35, 1, March 1997, pp. 97-131.
- Zetterholm, S. (ed.), *National Cultures and European Integration* (Berg, 1994.)