

# EMU and the Legitimation Problems of the European Union

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## Introduction

The Maastricht Treaty was not only a step towards a more integrated Western Europe. It also revealed some of the legitimation problems that the European integration process has. In 1997, it is widely acknowledged that there is both a lot of resistance towards deepening the Union and 'a democratic deficit' within the very structure of the Union institutions. That is, there is a major legitimation problem, if not a potential crisis, in a narrow sense of lack of support for further integration.

If the plans concerning the Economic and Monetary Union are realised, on 1 January 2002 the national currencies of the "ins" will be replaced by the euro<sup>1</sup>. National central banks will be incorporated into the European Central Bank. These changes touch some of the core symbols of the autonomy of the European nation-states. Yet, EMU is not only about important political symbols. The measures towards "durable fiscal discipline" that will be part of EMU can be argued to have far-reaching substantial consequences with respect to national and EU-European economic and social policies. *Ceteris paribus*, one should perhaps expect these reforms to deepen the legitimation problems of the EU. In the longer run, one possible outcome of this might be the – partial? – disintegration of the Union.

On the other hand, a successful EMU would contribute to further transformations of social space in Europe (as well as more globally). As will be argued in this chapter, it is an essential question whether these European-wide social spaces could also become *political*? Perhaps a single currency unit and a shared understanding of the common source of – perhaps problems of – economic and social policies will change the concerns of EU-European political actors? Indeed, an imagined spatial whole and a shared economic-political agenda might, in principle, make a difference with respect to the development of the Union. Yet, both the Monnet method of integration and the substance of EMU are meant to be closing down rather than opening up potential *political* spaces<sup>2</sup>.

Of course, the future cannot be predicted. We live in a world of open – and sometimes, at least metaphorically speaking, chaotic – causal systems, where

1 After that, there will be a transformation period of six months. By 1 July 2002, the process of replacement will be completed. For details, see Bempt 1997.

2 For the arguments in favour of isolating central banks from the operation of openly political processes and procedures, see Teivainen 1997, in this volume.

empirical invariances do not occur. All relevant things are rarely equal and the world itself is qualitatively transformable. Hence, in this paper I shall not try to predict the future. Also, although a perfectly justified approach in itself, I shall not attempt to build systematical scenarios concerning future possibilities. Instead, I shall try to grasp and also evaluate some of the most important elements in the processes of (de)legitimation of the EU. Max Weber's studies on modernisation and legitimation, as well as the theory of the "legitimation crisis" of the late-capitalist societies by Jürgen Habermas are still of some help in this<sup>3</sup>. I am also going to utilise more recent theorising about social spaces, power and democracy in trying to go deeper in scrutinising the ongoing (de)legitimation processes of the Union.

One can nonetheless claim that under certain conjunctural conditions, the already existing – but still partially only latent – legitimation crisis might well be actualised. It is, indeed, a central argument that from the point of view of legitimation processes the single market project, to be completed with the third phase of EMU, is an inherently contradictory one. But a large part of this chapter is dedicated to the scrutiny of the *possible normative reasons for the validity of the rule* of the Union and to the discussion of the conditions for regional political spaces and communities. This discussion helps, in turn, to understand better the conditions for articulating the lack of legitimacy not only in terms of resistance towards participating in (further) integration projects but also in terms of attempts to transform the substance of the Union and the content of its policies.

### Passive and uninformed consent in post-Maastricht EU-Europe: 'public opinion' as an empirical measure of legitimation

Often the legitimation of different EU projects is discussed in terms of legitimation as the representation of already existing opinions and values – or in terms of 'public opinion'. 'Public opinion', which might also be, at least in some way, represented by an elected body, might then also be taken as the norm for a legitimate rule or policy. In this view, 'public opinion' authorises both the institutional system in question and a certain kind of policy-making.

3 The problem with using these classics of German sociology is that they too easily tie one into a web of metaphysical assumptions that one might/should otherwise find unacceptable. Weber's combination of Humean positivism, Diltheyan hermeneutics and neo-Kantian categories is perhaps more alien to me than Habermas's 'theory of communicative action', but even the latter, despite its criticism of Cartesianism, still struggles with the typical splits and dualisms of Western metaphysics. My justification for utilising Weber and Habermas anyway is that they can help me to make an important point about the legitimation problems of the EU; but I have to be careful enough in trying to read them consistently from a post-structuralised critical realist perspective. Concerning critical realism, see, in particular, Bhaskar 1994; and for a somewhat post-structuralised version of it, see Patomäki 1992a and 1996a.

By referring to this kind of 'public opinion', it is possible, for instance, to claim that the fundamental problem of legitimacy of the EU may well remain despite the European-wide parliamentary elections and the (slight) increases in the power of the European Parliament. They might remain even if there were further reforms along the same lines, because it might well be the case that actual policies go against the tenets of 'public opinion', thus perhaps also making the institutional system itself illegitimate:

"At every stage of the process there is a 'distortion of public opinion': from public wishes to their electoral expression (depending on the number and position of electoral alternatives); from electoral expression to representational expression (depending on electoral and constitutional rules); and from representational expression to policy expression (depending on the process of government and policy formation)."<sup>4</sup>

But this formulation raises the question: What is this presupposed 'non-distorted public opinion' – here also called "public wishes" – then? A typical interpretation is that 'public opinion' consists of privately held preferences and can be operationalised as the majority opinion on a given issue<sup>5</sup>. By analogy to a referendum, 'public opinion' could therefore be represented, or perhaps simulated, by 'public opinion' polls. In this manner, the popularity of the Union, its reforms and its policies are tested in the opinion-polls and particularly in the so called *Eurobarometers* all the time. Thus we have a large volume of statistics about how many people actually are in favour of their country's membership or for existence of the EU; or in favour of some more specific projects such as the single European currency or a common central bank, or against some or all of these.

According to *Eurobarometer 44, 1996*, an almost absolute majority of European citizens supported the introduction of the single currency, *euro*, just before the Christmas 1995 (47/54%), while more than one third were against it (33/37%)<sup>6</sup>. Although less popular than common defence or common foreign policy, the pattern of support for these main elements of EMU has been relatively stable since 1990, almost always with the absolute majority of the adult population supporting these ideas. The only exception to this rule has been the less than 50% support for the single currency, the *euro*, between mid-October and mid-December 1995. Even during that period, clearly more peo-

<sup>4</sup> Hix 1995, 528.

<sup>5</sup> This view goes back to John Locke 1663, II: §140, who equated the consent of the majority with the consent of the representatives in the Parliament: "...everyone who enjoys his share of protection, should pay out his estate or portion for the maintenance of it. But still it must be with his own consent, i.e. the consent of the majority, giving it either by themselves, or their representatives chosen by them."

<sup>6</sup> *Eurobarometer 44*, 49. The first figure is for the standard *Eurobarometer*, the latter for the "Flash Eurobarometer" carried out by telephone interview between the 10th and 20th December 1995, just after the Madrid meeting of the European Council.

ple were in favour than against the single currency. Perhaps all is then well?<sup>7</sup> Perhaps there is no acute legitimation problem, despite the apparent problems in many parts of the Union, and despite the widely acknowledged lack of legitimacy and democratic procedures.

One problem for the Union and its projects is that the relevant constituencies are still national. The relevant counterfactual is not a EU-wide referendum but a multiplicity of national referendums. In the UK and Denmark, as well as in the new memberstates (Austria, Finland and Sweden), EMU is very unpopular, with less than one third of the population supporting the single European currency. Even more importantly, also in Germany support for the single currency has been low (34%)<sup>8</sup> although a December 1996 poll – organised by *Daily Telegraph* and some other European newspapers – indicates that about half of the population would vote against EMU, and half of it in favour<sup>9</sup>. Furthermore, one could point out that even in France, where 58% of the potential voters were in favour in the autumn of 1995, there was also stiff resistance to President Jacques Chirac's and Prime Minister Alain Juppé's plans for social expenditure cuts that were intended to prepare France to meet the convergence criteria<sup>10</sup>. Thus the majority of Frenchmen have in fact ambiguous opinions about EMU. Although the *Daily Telegraph* poll indicated that the French think that the sacrifices caused by the convergence criteria are worth of their price<sup>11</sup>, the French voted for the socialist in the elections of the spring 1997. The socialist leader Lionel Jospin had promised to renegotiate the stability pact although he could not live up to his promise in the Amsterdam summit in June 1997.

Is there anything in the *Eurobarometers* that would explain why people have these particular preferences and opinions in different member countries as well as in the EU as a whole? Most EU-Europeans feel, and indeed are, badly informed about EMU issues<sup>12</sup>. They have rather uncertain opinions about EMU's overall economic effects<sup>13</sup>. Even if they do not quite know why EMU is about to take place, they seem to think that the single currency would "make life easier for people who travel across borders", "make it easier to shop around Europe as prices will be comparable" and "eliminate charges for changing from one currency to another". These would also help in "cutting down the cost of doing business between Monetary Union member states".<sup>14</sup>

<sup>7</sup> However, when writing this chapter, the *Eurobarometer* conducted in late 1995 is also the most recent one. Note that in the earlier *Eurobarometers*, the popularity of the European Central Bank, too, was measured. It used to be more popular than the single currency. For some reason, in *Eurobarometer 44* the figures for the latter are now lacking (at the same as the single currency turns out to be less popular than before).

<sup>8</sup> *Ibid.*, 51.

<sup>9</sup> "Europe Turning Against Europe", *Electronic Telegraph*, <http://www.telegraph.co.uk:80/et?a...10.html&pg=/et/97/1/10/neur10.html>. The October-November *Eurobarometer 46* (published in May 1997) supports this, although also there the opposition against EMU is stronger. The German figures there are 39% in favour, 42% against.

<sup>10</sup> See BUSW June 26 1996.

<sup>11</sup> See note 9.

<sup>12</sup> *Eurobarometer 44*, 52.

<sup>13</sup> *Ibid.*, 56.

<sup>14</sup> *Ibid.*, 56.



Thus a main part of the rather passive support for EMU seems to stem from economic calculation of costs and benefits for the individuals themselves and, directly or by analogy, to "business"<sup>15</sup>. On the other side, the criticism of EMU is more public, political and wholistic, even if also tends to be more nationalistic. The greatest doubts about EMU are related to the fear that "their country will lose much of its identity" and that the country "will lose control over its economic policy". And although *Eurobarometer 44* does not say it directly, there seems to be a widespread suspicion concerning a possible connection between EMU and growing and/or high unemployment in the member countries. Moreover, it seems to be clear that in the countries most antipathetic to single currency the fear over the loss of national identity and control over economic policy is the strongest.<sup>16</sup>

The 'public opinions' of different member countries may, at least in principle, cause the process to be halted or even abandoned. Denmark and the UK, in which 'public opinion' seems to be clearly against EMU, both have the legal option to stay out<sup>17</sup>. Also the numerous "pre-ins" may stay outside of EMU for a long time, perhaps because "they want" to stay outside, perhaps because they do not meet the convergence criteria. The German government has to act against the 'public opinion' among its electorate and must have the *Bundestag* on its side. There is always the possibility that the French electorate will start to see the connections between the expenditure cuts and convergence criteria in a new light, thus making Frenchmen more critical of EMU. There are thus a number of 'public opinion' contingencies that may have a pivotal impact upon the future of EMU.

But 'public opinion' itself is contingent in another way. Those preparing the *Eurobarometer* are aware of this:

"As is well known, public opinion poll results, e.g. percentage distributions of answers, may be (and indeed most of the times are) quite different as soon as the same issue is addressed with different questions, wording and/or replies offered. This applies also if only one of the key terms changes in an otherwise identical set of question-cum-replies offered."<sup>18</sup>

15 One could also argue that the arguments in favour of the Union and its projects tend to be very individualistic, utilitarian and economist throughout the Union. For instance, Virtanen, 1994, shows in an in-depth, discourse-analytic study about the Finnish parliamentary debates in 1992, when the membership application was discussed there, that the proponents' logic was economic and oriented towards quantitative values and the future (thus it was progressivist in a sense that neoliberalism is progressivist). According to Miles & Redmond 1996, the same seems to be more or less, and most of the time, true of all the countries particularly outside the area of the original six.

16 *Eurobarometer 44*, 56-57. To the question "will EMU create more jobs?", 52% said no, 30% yes.

17 The Danes extracted from the European Council at Edinburgh a declaration that Denmark would not participate in the currency union. The UK exacted a protocol to the Maastricht Treaty allowing the Westminster Parliament to exercise its own discretion about sterling's participation in stage three. Note that in the course of the ratification, the *Bundestag* decided to adopt unilaterally a similar provision. Duff 1994, 22.

18 *Eurobarometer 41*, 1994, v.

This is because the meanings of questions such as "are you for or against: there should be a European Monetary Union with a European Central Bank pursuing a policy of monetary stability that is fighting inflation (EURO CENTRAL BANK)?" are not unambiguous in their meanings. Quite to the contrary. Meanings are always contextual, depending on social time, place/space and the contexts of a linguistic expression. Context-dependent properties such as attitudes tend to be unsuitable for quantification<sup>19</sup>. Questions can be phrased and framed in different ways, but also the phrases and frames get their meanings contextually. There is no guarantee of the sameness of the meaning of a given question in different contexts, times and places, or, for that matter, of the existence of a singular 'public opinion'.<sup>20</sup> Thus, the presuppositions of the urge of the opinion-poll makers may not be that well-taken:

"If one wants to measure the 'real' change of public opinion over time, one must keep the wording of one's question (as well as the wording and format of the replies offered) fully identical. Different results obtained at two different points in time may otherwise be either due to a real change in public opinion or simply to the difference in question wording (and/or format)."<sup>21</sup>

It might well be possible and desirable to continue with exactly the same questions one year after the other and also to sometimes use the method of the so-called "split ballot" to find out something about the impact of possible changes in some of the key terms<sup>22</sup>. But to talk about the "real change of public opinion" in this way presupposes that we know what the undistorted or "real public opinion" is or should be. This is something that is questioned by Jacques Derrida, among others:

"Exceeding electoral representation, public opinion is *de jure* neither the *general will* nor the *nation*, neither *ideology* nor the sum total of *private* opinions analyzed through sociological techniques or modern poll-taking institutions. It does not speak in the first person, it is neither subject nor object ('we', 'one'). One *cites* it, one makes it speak, ventriloquizes it ('the

19 "If we do insist on quantifying them, we should at least be extremely wary of how these results are interpreted. Only if objects are qualitatively invariant is the order in which we measure or change them irrelevant." Sayer 1992, 177.

20 We have both theoretical and empirical reasons to believe that this is the case. Theoretically, the claim is that actors always have multiple selves and conflicting motives, goals and actions. Because there are no clear structural factors to condition people's choices in opinion polls, fortuitous situational and contextual factors must be crucial. Thus, even seemingly very minor contextual changes and changes in the frameworks within which issues are presented may make a decisive difference. Available systematical empirical evidence clearly confirms that this is, indeed, the case. See, for instance, Kangas forthcoming.

21 *Eurobarometer 41*, v.

22 In *Eurobarometer 41*, two split ballots - where half of the population is addressed with a questions that is phrased in slightly different terms - concerning defence/security and fighting against/dealing with unemployment at the European level showed clear differences in opinion contingent on the phrases and terms used.



real country', 'the silent majority', Nixon's 'moral majority', Bush's 'mainstream', etc.), but this 'average' sometimes retains the power to resist the means 'proper to guiding public opinion', to resist this 'art of changing' public opinion that, as Rousseau again says, 'neither reason, nor virtue, nor laws' have.<sup>23</sup>

This passage takes up three important points. Firstly, as already stated, it is not clear what 'public opinion' is supposed to be. In fact, it cannot be the sum total of *private* opinions analyzed through sociological techniques or modern poll-taking institutions, for then it would not be *public* opinion<sup>24</sup>. An entirely private opinion, unlike a private language, might perhaps be seen as a possibility, at least in principle, given that one is able and willing to bracket the contextuality of meanings from the picture. Yet, to treat 'public opinion' only in terms of an aggregation of individual, private opinions is to exclude everything that has to do with communication, discourses and, indeed, *public* from 'public opinion'. Also the process of will-formation is thereby excluded from the picture, because will-formation is first and foremost a public, communicative process<sup>25</sup>.

Many of the alternative theoretical categories such as 'general will' (Rousseau), 'ideology' (Marx) or 'nation' (Herder, Weber) are also partially unsatisfactory, for various reasons. It is true that they all might be able to account for the *public* nature of 'public opinion'. The concept of 'general will' might well be able to emphasise the importance of 'republican virtues' and a conception of 'common good' for a well-functioning democracy. But it is caught in the trap between subjectivism and objectivism, without any third possibility that would help to mediate between the two and to avoid conflating all differences into unity.<sup>26</sup> A 'nation' can perhaps be redefined in terms of national, public discourses, that is, in terms of how meaning is generated and structured in national contexts. These national discourses would then be meeting each other and also competing at the EU-European level.<sup>27</sup> But the

23 Derrida 1992, 87–88.

24 It is only relatively recently that 'public opinion' has acquired the meaning of public opinion polls. Before it referred only to the public discussion and opinion-formation on political matters.

25 At least for the participants, even if it might also be secretive towards the outsiders.

26 "The general will contains *two dimensions which must coordinate perfectly* in the Rousseauian vision of the good life. The first consists of citizens banding together to will proposals that could apply to everyone generally. The second consists of citizens discovering through deliberation, in circumstances of individual purity and pursuit of collective unity, a single, objective conclusion, bestowing legitimacy on the result because it is true. These two dimensions are brought into perfect coordination through *Rousseauian insistence that citizens, properly motivated, must uncover a single, true will when they gather together to consider general issues.* The insistence that generality and singularity be coordinated is grounded in Rousseau's natural religion." Connolly 1993, 62–63. Italics added.

27 See Wæver 1995a, 246–251; and in a sense, also Engelmann et al. 1997, in this volume. This conception, although it acknowledges the changes in, and some of the differences within, the national discourses, seems ultimately to be sticking to the Rousseauian assumption that the unity of a discourse is defined by the national political community.

presupposition of this otherwise promising approach is that these discourses are always essentially national. The Marxist or Gramscian notion of 'ideology' implies, among other things, a denial of this, for in this kind of conception political discourses are essentially connected to classes, reflecting their identities and interests, correctly or falsely. These classes can also be transnational by their very nature.<sup>28</sup> The *prima facie* plausibility of this approach<sup>29</sup>, too, should encourage us to go beyond frameworks where public discourses are assumed to be essentially national. Indeed, there might not be any such ahistorical deep-structure – national, class-based, civilizational or whatever – determining *a priori* the essential character and social location of public discourses and public will-formation.

Secondly, by directly propagandistic means or with the help of much more tacit and indirect ways of controlling education and media, 'public opinion' can also be manipulated<sup>30</sup>. Also the measurement of 'public opinion' can be manipulated by framing the question in a suitable way<sup>31</sup>. Yet, 'public opinion' is often also vacillating and vague, and sometimes not only uncontrollable but also unpredictable, largely due to the – partially also self-referential – interdependence of individual beliefs and actions. "De facto and de jure, opinion can change from one day to the next". "Literally *ephemeral*, it has no status because it does not have to be stable, not even constantly unstable".<sup>32</sup> Thus, this (imagined) "average", which is represented in *Eurobarometer*, too, sometimes retains the power to resist the means "proper to guiding public opinion," to resist this "art of changing" 'public opinion'. Moreover, in the unifying but also fragmentary European Union, this art of changing public opinion has so many different actors (nation-states and nations, lobbying organisations representing classes, strata and groups etc.). some of which are al-

28 Cf. Cox 1987, 358–360, and 1996, 111 and 122–123. Cox tries to be very careful in trying to avoid reification of any account of a "class" and has, in 1993 and 1996, Ch.8, also introduced the notion of "civilization" to account for the importance of cultural differences in world politics.

29 In Patomäki 1995, 44–48 and 52–54, I nonetheless criticise this approach's generative economism and occasional lapses into deep-structuralism.

30 Herman & Chomsky, 1994, 298, write, on the basis of their explorations of the US mass media, that our "propaganda model [of the US media] suggests that the 'societal purpose' of the media is inculcate and defend the economic, social and political agenda of privileged groups that dominate the domestic society and the state. The media serves this purpose in many ways: through selection of topics, distribution of concerns, framing of issues, filtering of information, emphasis and tone, and by keeping the debate within the bounds of acceptable premises." This might well be, and indeed seems to be, happening in the EU-Europe as well, although no detailed and systematic studies on this topic seem to be available.

31 Consider the question "are you for or against: there should be a European Monetary Union with a European Central Bank pursuing a policy monetary stability that is fighting inflation (EURO CENTRAL BANK)?" For the sake of the argument, substitute "is fighting inflation" for "is fighting inflation and is causing unemployment" and imagine the changes in the 'public opinion' that would emerge because of this change in the description of EMU.

32 Derrida op.cit., 85.



ways disagreeing, that it would be implausible to believe that a univocal guidance or "manufacturing of consent" could be under present conditions taking place in EU-Europe. Manipulation of 'public opinion' is to some extent possible, and many actors might be involved in it in Europe, consciously or unconsciously, but there are limits to it.

Finally, it often escapes the attention of those who talk about opinion polls that their talk is actually also constitutive of certain social realities. Indeed, in many practices, public opinion polls are used discursively. 'Public opinion' can be referred to as something authoritative or a source of legitimation of a certain rule and/or policies. Indeed, it is one of the theories of political legitimation that legitimacy means, or *should* mean, that already existing opinions and values are and should be represented in the political decision making. For instance, the thesis about the "distortion of public opinion" presupposes this as the norm. Furthermore, 'public opinion' can also play a role in the strategic calculations of the actors. For instance, some Brits are calculating the possibilities open for "Bonn and Paris" as follows:

"If the two parties tried to weaken the rules [of entering the third phase of EMU] significantly, reaction in Germany would range from dismay to outrage. With elections in 1998 that would make life difficult for Chancellor Kohl, especially with his main opponents already raising doubts about EMU. It has long been hard to convince the German public that the Euro would be as good as the Deutschmark of which they are so proud. Public opinion regularly registers a 70pc opposition to EMU for that reason."<sup>33</sup>

This point about Kohl's strategic difficulties in Germany is then used to support the view that the whole EMU project might collapse with turbulent consequences in the financial markets. "So there could be a lot of turmoil in the markets. Britain could not avoid that entirely but at least, with no commitment to EMU or indeed the ERM, *we* should be relatively free from the more turbulent developments."<sup>34</sup> Indeed, 'public opinion' is not only something that "one *cites*, makes speak and ventriloquizes"; it also plays a role in the strategic calculations of political actors. Thus 'public opinion', as a socially institutionalised category and imagined being, is co-constitutive of many discursive practices in a number of ways. These discursive practices include, of course, those of the mass media. Thus, talk about 'public opinion' can also have an impact – or more technically, illocutionary and perlocutionary effects – on the opinions of the individuals that are privatised and measured in the *Eurobarometers*, among many other poll-taking institutions.

For these reasons (the ambiguity of the meaning of 'public opinion', the possibility of manipulation of 'public opinion', and the way talk about 'public opinion' takes part in constructing social realities), it is too simplistic to stay at the level of opinion polls only, or to stick to the theory of legitimation according to which legitimation is, and also should be, based on representa-

<sup>33</sup> DM, January 26, 1996.

<sup>34</sup> Ibid. Italics added. Note how the relevant 'we' is constructed.

tion of already existing opinions. In addition, there should be an attempt to *explain* the will-formation processes of both individuals and relevant collectivities (nations, classes etc.), also, but not only, in terms of discourses in spaces that are public at least for the participants. The statistical results of poll-taking should therefore be understood as external, surface-level traces of the multiple layerings of historical, complex, contradictory and complementary determinations to which they owe their vague and ambiguous identities, multiple meanings and possible futures<sup>35</sup>. We should go deeper into the analysis of these determinations in order to be able to grasp the legitimation problems of the EU and the role of the development of EMU in them.

#### Understanding and explaining legitimacy in a (late-)modern political community

I have now argued that it is not enough to discuss the legitimation problems of different EU projects *only* in terms of 'legitimation' stemming from the already given 'public opinion', whether measured in opinion polls or in real referendums or elections, and whether "undistorted" or not.<sup>36</sup> How could we then try to grasp legitimacy and legitimation processes in a better manner? The concept of 'legitimacy' is contested and multi-dimensional by its very nature<sup>37</sup>. It is not easy to capture different, yet valid insights into a coherent theory of legitimation. A further but no less severe problem is that these theories take the boundaries of a political community for granted. Yet, the European Union is a very complicated case of a political community (possibly) in the making. This processual nature of the Union and its very complicated spatial nature has to be taken into account in any assessment of its legitimation problems.

#### *Multiplicity of legitimations*

In general, legitimacy can be seen in terms of implicit or explicit authorisation of practices and relations of domination. With a heavier emphasis on the normative nature of legitimacy, it can also refer to legal and/or moral-ethical

<sup>35</sup> Cf. Alker 1988, 234.

<sup>36</sup> At the moment, when a decision has to be taken by voting, this kind of 'public opinion' plays, of course, an important role. Moreover, if a legitimation crisis were to actualise in the EU, it would most likely assume the form of the defeat of Europeanism in different crucial elections and/or referendums (although this is not the only possibility; an intensive opposition, capable of using strikes, demonstrations etc. could make a difference as well).

<sup>37</sup> See e.g. Connolly 1987.

*validity*, which can be justified with different kinds of reasons<sup>38</sup>. The issue of legitimacy then turns into the question of whether and why the order *deserves the allegiance* of its members. There is a difference between descriptive and normative claims about legitimacy, although it is methodologically impossible – and often also not desirable – to keep them strictly distinct<sup>39</sup>. The fact is that an *illegitimate rule*, that is, a system of formalised and legalised relations of domination that cannot be justified or authorised with publicly valid good reasons, can be in force even for a long time. A lack of good reasons for the validity of a rule is only a potential source of its *actual crisis*, not to speak of causes for its transformations. Even a normative criticism that is based merely on the already-existing, immanent considerations, and should therefore be potentially very convincing, is only a potential source of a crisis and/or change.

The European Union gains – or lacks – its legitimacy under the conditions of late-modernity<sup>40</sup>. Many of these conditions are more or less common throughout the Union (and in the globalising world, also outside of it). Since the 18th century and Enlightenment, many political theorists have discussed *modernisation* in terms of the desacralisation of nature<sup>41</sup>, tradition and political authority, the conventionalisation of life, the crystallisation of the modern (nation-)state, and the consequent primacy of the consenting, individual agent in bestowing legitimacy to a political rule, among other things. The conditions of modern, Occidental legitimacy can, of course, be understood in different ways:

”Even if modernity is not unique (it is too early to tell), it is at least distinctive. In its optimistic moments it defines itself by contrast to earlier periods which are darker, more superstitious, less free, less rational, less productive, less civilized [...]. Its opponents often endorse these differen-

38 However, for Weber 1978, 31, ‘validity’ is *not* a normative concept, except in the strictly legal sense. Weber argues that for a sociologist, validity is an empirical concept: “[...] social action may be guided by the belief in the existence of a legitimate order. The probability that action will actually be so governed will be called the validity of order in question.” Habermas 1976, 97, criticises this: “If belief in legitimacy is conceived as an empirical phenomenon without an immanent relation to truth, the grounds upon which it is explicitly based have only psychological significance”. Legitimacy would then turn into a matter of “institutionalised prejudices and observable behavioral dispositions” only. However, Habermas argues that the grounds for legitimacy “can be tested and criticized independently of the psychological effect of these grounds”.

39 In the process of understanding the reasons for an alleged validity of a rule, it is not enough to stay at the descriptive-hermeneutical level only. At some point, explanation and criticism are also needed, and in a sense they are unavoidable, because “as soon as we ascribe to the actors the same judgemental competence that we claim for ourselves as interpreters [...], we relinquish an immunity that was until then methodologically guaranteed.” Habermas 1984, 119; cf. also Patomäki 1992a, 184–185.

40 To the extent that the European Union is a relevant focus of legitimation, which is by no means clear always. By the term ‘late-modernity’ I refer to the world in which modernity has not only become thoroughly consolidated but has also become problematised and questioned and seen possibly only as a particular epoch in human history.

41 Weber 1978, 37: “The validity of a social order by virtue of the sacredness of tradition is the oldest and most universal type of legitimacy.”

tations while grading them differently. Modernity has lost a world of rich tradition, a secure place in the order of being, a well-grounded morality, a spiritual sensibility [...]; and these vacated places have been filled by bureaucracy, nationalism, rampant subjectivism, an all-consuming state, a consumer culture, a commercialised world or, perhaps, a disciplinary society.”<sup>42</sup>

Both ways, we have lived with modernity for a long time, and these features of modernity also condition legitimation processes. These conditions include the practices, positions and modes or orientations of action of the monetarised, capitalist market-economy. For Max Weber<sup>43</sup>, as money, the abstract, quantitative and most impersonal media, operates in the modern capitalist market-economies, it also gives rise to a rationally calculative orientation of action, which, in Weber’s somewhat gloomy vision of historical developments<sup>44</sup>, tends to displace other action-orientations, namely those that are based on ethical values or meanings that are significant to the lives and action-orientations of individuals and collectives. In Weber’s understanding, this kind of rationalization influences the modern processes of legitimation. Firstly, the belief in the legitimacy of a given collective rule (*Herrschaft*) tends to be based on formal rationality and, up to an extent, also on the amount and distribution of the surplus social product – as seen from the point of view of self-regarding, calculative individuals and groups. Yet, this is never enough, for there is the generally observable need of any power to justify itself. Every system attempts to establish and to cultivate the belief in its legitimacy, because:

”Purely material interests and calculations of advantages as the basis of solidarity [...] result [...] in a relatively unstable situation. Normally other elements, affectual and ideal, supplement such interests. In certain exceptional cases the former alone may be decisive. In everyday life these relationships, like others, are governed by custom and material calculation of advantage. But custom, personal advantage, purely ideal or affectual motives of solidarity do not form a sufficiently reliable basis for a given domination. In addition there is normally a further element, a belief in *legitimacy*.”<sup>45</sup>

42 Connolly 1993, 1. As will turn out, the argument of this chapter is also in line with some of the critics of modernity, although in a qualified way.

43 A good explication and commentary on Weber on this account is Gronow 1987.

44 Weber can be, and has been, read not only as a somewhat pessimistic student of rationalisation and modernisation but also as the advocator of value-neutrality and “modern sociological techniques of field and survey research” and as an opponent of state bureaucracy. Of the latter, more pro-behaviouralism and pro-Western Modernism reading, see Roth 1978, particularly lvii–lxii.

45 Weber 1978, 213.



Weber goes on to qualify his view as follows:

"Naturally, the legitimacy of a system of domination may be treated sociologically only as the probability that to a relevant degree the appropriate attitudes will exist, and the corresponding practical conduct ensue. It is by no means true that every case of submissiveness to persons in positions of power primarily (or even at all) is oriented to this belief [in the legitimacy of the rule]. Loyalty may be hypocritically simulated by the individuals or by whole groups on purely opportunistic grounds, or carried out in practice for reasons of material self-interest. Or people may submit from individual weakness and helplessness because there is no acceptable alternative. But these considerations are not decisive for the classification of types of domination. What is important is the fact that in a given case the particular claim to legitimacy is to a significant degree, and according to its type, treated as "valid"; that this confirms the position of the persons claiming authority and that it helps to determine the choice of means of its exercise."<sup>46</sup>

Whether explicit or implicit, there are many possible kinds of reasons for consent and authorisation. Consent may stem from a hypocritical (dis)simulation by the individuals or by whole groups on purely opportunistic grounds, or it can be carried out in practice for reasons of material self-interest. Or people may submit from individual weakness and helplessness – or ignorance – because there appear to be no acceptable alternative. What is important, however, is the fact that the rule must be also treated as valid and thereby believed to be morally and ethico-politically legitimate, "to a significant degree", in order for it to be "stable". That is, there must be also explicitly *normative* reasons for the validity of a rule.

Of course, also the more explicitly normative reasons can be based on *different kinds of normative grounds*, which is illustrated by the debate between classical and new conservatives, liberalists and leftist radicals. Conservatives – many of whom may be in the very late 20th century labelled as "fundamentalists", correctly or incorrectly – try to find ways to de-conventionalise areas of social life by restoring the sense of sacredness, naturalness or necessity in them<sup>47</sup>. Indeed, it is still possible and plausible, even in the late-modern world, possibly as an explicit reaction against the processes of globalisation, to justify, or at least try to justify, the rule of a polity by claiming that it is based on

46 Ibid., 214. See also notes 38 and 39.

47 "The profound influence of detraditionalizing influences explains why the concept and the existence of fundamentalism have become so important. The fundamentalist is someone who seeks to defend tradition in the traditional way – in circumstances where that defence has become intrinsically problematic." (Giddens 1994, 84).

sacred and/or natural traditions and laws, whether theological, biological, or social, or on otherwise "necessary" rules and principles<sup>48</sup>.

Traces of sacredness, naturalness and necessity can also be found in many modern theories of justice, freedom, rightness, democracy and nation, although overtly they may well be represented in much more relativistic and tolerant terms<sup>49</sup>. Be that as it may, typical liberalists try to limit the question of political legitimacy to certain constitutional principles governing nation-states by also maintaining lines of separation between the state and the economy, as well as between national and "international", and by adopting different standards of legitimacy for each sphere.

However, unlike for the ideal typical liberalists, for the conservatives and radicals it is not only the procedures that matter but also the *substance*. Yet, the conservatives and the radicals make this argument in totally opposite ways. For the leftist radicals, the idea is to try to envisage an enlarged set of potentially politicisable conventions in different spheres of life, the validity of which could be reflected and discussed – or debated and struggled over – by a wide set of relevant actors.<sup>50</sup> This would be legitimisation *via* an enlarged or radicalised notion of democracy, which, so the theory goes, is actually also establishing itself in a growing number of social contexts.

#### *The instability of a rule without good normative reasons*

The point of Weber about the "instability" of a legitimacy of a (late)modern rule can now be re-explicated as follows. It is not only the case that actors are

48 This can be done in explicit opposition to the globalising/Westernising/USAmericanising practices of the modern world, as, more genuinely, in the many instances of Islamic fundamentalism, or, more hypocritically or nihilistically, on the basis of modern existential decisionism, as in the case of many forms of nationalism and extremist leftism. The nihilist, existentialist line goes: "Once I have chosen these values, they will be fundamental for my existence, although I know they lack all grounds".

Of the fundamentalist reactions to globalization and detraditionalization, nationalist fundamentalism, in particular, assumes typically the form of *securitisation* of all political issues in terms of threats to collective identities and ways of life. As Barry Buzan in Waever et al. 1993, 43, puts it: "Extreme nationalism might see any form of foreign presence as a threat to the pure existence and reproduction of a national identity". In the 1990's, the growing violence against foreigners and the spread of neo-nazism among young people in Western Europe are nonetheless matters of relatively small minorities only. The radical right-wing parties that have been successful in many elections usually distance themselves from the reactionary politics of neo-fascism and neo-nazism as well as from their proclivity for violence. These New Right parties tend to combine liberal freedoms and authoritarianism – even fundamentalism – in an uneasy and unstable fashion. See Giddens 1994, 40; and more thoroughly Beitz 1994.

49 Deconstruction is, among other things, an ethico-politically motivated way of reading texts that aims at showing the emptiness of the implicit or explicit assumptions concerning the sacredness, naturalness and/or necessity of contingent social phenomena; see, for instance, Bernstein 1991 and, in the context of normative IR theories, Patomäki 1992b.

50 See Connolly 1987, 280. This conception informs also the essay at hand.

often indifferent, ignorant, hypocritical, materialistic, weak and/or opportunistic, and that there can be different kinds of normative beliefs in the legitimacy of a given system or policy; it is also the case that beliefs in legitimacy are interdependent and partially dependent on the actual practices of rule-following. To grasp this, suppose that members of a modern political community are, implicitly or explicitly, practically or discursively, *committed to the claim* for legitimacy of the procedure of political decision-making and/or for the substantial outcomes of it (policies, legal principles and rules, and integration projects).<sup>51</sup> This means that actors generally *follow* the procedures and/or the concrete obligations and rules in their day-to-day practices, quite often without explicit reflection on their normative validity, and for a wide variety of reasons. However, the validity can also always be problematised. Consequently, a demand for explicit *reasons* for this validity will emerge. A perception or the argument that there is consensuality in the rule can be such a reason, or at least a contributing factor to the belief that there is such a reason.<sup>52</sup> A supposed consensus, "overlapping" or otherwise<sup>53</sup>, can support a belief in the validity of a rule. The same can be said of 'public opinion', which can be used both to support and also to criticise policies and, more generally, the validity of a rule.

Note that there are also different kinds of social contexts in which different kinds of reasons are generally assumed to be valid<sup>54</sup>. Thus, EMU can be perceived to be a good thing, because it seems to be economically beneficial, and *because this line of reasoning is assumed to be generally valid in this particular context*. Actual practices can support this assumption. Actors, at least in the relevant reference groups, might be generally and mutually understood to be behaving this way in this context. But it is always potentially possible that

51 The liberal-democratic idea of parliamentary accountability means that it is assumed that the *procedure* is in itself always legitimate while concrete policies of parties and politicians might lose their support and thereby their legitimacy (or more prosaically, just support), too. In the case of the EU, it is far from clear what is the procedure that could be assumed to be legitimate. And as it will turn out, the legitimacy of the Union is often assumed to be stemming more from the success of concrete policies and projects than from the political procedure.

52 The plausibility of a thesis is always assessed within a socially constructed system, and is thereby not independent of the actual or presumed opinions of the others. See Rescher 1976; Wittgenstein, 1969, #110.

53 'Overlapping consensus' is a conception of John Rawls, 1985, who claims that there is this kind of a presupposed minimum consensus in the Western liberal-democracies (Rawls had not seen the rise of more extremist and particularly right-wing solutions that have gained popularity in many parts of Western Europe). This supposed 'overlapping consensus' "includes all the opposing philosophical and religious doctrines likely to persist and gain adherence in a more or less just constitutional democratic society" (ibid., 225-226). The idea is that certain shared ideas and principles of political culture can be "formulated clearly enough to be combined into a conception of *political justice* congenial to our most firmly held convictions". Rawls goes on to argue that this conception is the more stable the more it can support different comprehensive doctrines (see ibid., 250-251).

54 To repeat: it is well known that since the reasons for practical decisions are context-bound, the decisions and choices of actors change with the contexts. See Kangas forthcoming.

this kind of reasoning can become problematised and the demand for more generally valid normative reasons can emerge, with possible feedback effects. Once a rule is questioned, the lack of good normative reasons can become acute. In a less total sense, also the development of 'public opinion', both as it is referred to as an important democratic authority, and also as it is strategically utilised in public discourses, can have similar kinds of feedback effects. Once 'public opinion' turns to be against X, it can also support further criticism<sup>55</sup>.

Hence, there are possible feedback links between different beliefs, actual obedience and the commitment to accept the – procedural or substantial – legitimacy of a state (the standard case for modern theories of legitimation), ruling party, bureaucracy, or an organisation such as the European Union, or more specifically to support their policies or substantial political projects. This interdependence may create an impression of firm continuity, but sometimes it can give rise to rapid changes also. Hence, by utilising an analogy to chaos theory<sup>56</sup>, one could in principle even go so far as to argue that in some cases it is possible that a single person's – seen as a modern, responsible individual – or group's reaction to an event of wider importance may make all the difference between a massive uprising and a latent bandwagon that never takes off. That is, it can have a 'butterfly effect'.<sup>57</sup> Of course, this is only a thought experiment, for in most cases a relatively isolated actor's opinions and actions cannot change the processes of legitimation much or at all.

Again, there should be also a move deep-wards: we should try to *explain* the will-formation processes of both individuals and relevant collectivities (nations, classes etc.). The pro or con *attitudes* of actors are only external, surface-level traces of the multiple layerings of historical, complex, contradictory and complementary determinations to which they owe their vague and ambiguous identities, multiple meanings and possible futures. Naturally, the formation-processes of many elements of being of the (modern, individualised) actors and practices often take a long time. They can be said to be deep-rooted, particularly to the extent that they are sedimented in the *longue durée*

55 Nonetheless, it is notable, in the context of struggles over EMU, how the political elites have been able to tame this possibility in countries such as Germany and Finland, where 'public opinion' is clearly against the project, yet the political elites seem to be able to get it accepted.

56 In the social sciences, in particular, chaos theory can be applied only metaphorically. It presupposes the acausal and astructural language of mathematics and closed systems. It lacks the categories of 'producing', 'generating', or 'forcing' of which I take to indicate causality. Cf. Sayer 1992, 179.

57 Kuran 1991 tries to explain the Eastern European revolutions in these terms.



of (modern) history<sup>58</sup>. Nonetheless, although there is often a lot of deep-rooted continuity, a major economic crisis or a major global event, for instance, can produce different outcomes in two contexts that differ only relatively trivially. It is always a conjunction of contextual elements – many of them perhaps intrinsically or seemingly unimportant and thus they tend to go, in a period of relative stability, unnoticed – that determine the flow of political events. These events and episodes, in turn, take part in restructuring actors and also their "attitudes" on different issues.

At this point, two crucial questions emerge. Firstly, what are the political spaces where problematisation of a political rule can take place? Secondly, what are the political identities and communities that are presupposed in the arguments for or against X? These questions are interrelated. The first is a question about *where* the public discourses and processes of will-formation take place as well as about *what kinds of places or spatial wholes are imagined* in these discourses and processes. But these where-about and imagined spatial wholes take part in defining the borders of political identities and communities. To the extent that both the where-about and the imagined spatial wholes are national-statist even in the context of the EU, the resistance and opposition against the integration process and its specific projects such as the third phase of EMU, as well as against the overall procedures of the EU, will be articulated in ways which tend to contribute to fragmentation and disintegration of the Union back into the national-statist units<sup>59</sup>.

58 Although we should acknowledge the famous dictum of Marx about modern history that there is a strong tendency "for all that is solid to melt into air" because of modernisation, development of capitalism and acceleration of processes in space and time, we should also acknowledge the continuities that there are. A person, for instance, can be thought to be, analogically, like a mountain cliff sedimentally stratified by the layers of different geo-historical epochs (see Bhaskar 1994, 68). But since a mountain cliff is a rather passive and unreflective entity, a better analogy is perhaps to an artificial intelligence (AI) computer programme collecting information, re-programming itself on the basis of that information, also by re-organising its way of collecting information, and then, in certain (later) time-space contexts, acting upon those programmes. But, of course, this latter metaphor is overtly cognitivist (however cf. Schrod 1991) and excludes the layers of the *longue durée* of history as well as the unconscious, implicit and practical ways of personality formation.

59 Wæver 1995b, 73, makes the point that this specter is actually also part of the official EU discourse, in which fragmentation and integration are put against each other, as are Balkanisation/re-nationalisation and the European Union. In principle, the resistance and opposition against Union and its developments could in principle also be articulated in terms of cultural/ethnic nations or in terms of (sub)regions. In practice, the associations and organisations representing these tend to be rather pro-European Union since the Union is seen as a counterforce to the repressive nation-states.

**Further on the role of normative reasons  
in the (late)modern processes  
of legitimation: are post-national  
political communities possible?**

Weber himself was a German nationalist. According to Weber, the modern processes of rationalization do not leave intact the nature and borders of potential political communities. Weber claims that even in the face of the spread of instrumental reason to every sphere of life outside of intimate relations, there still remains a capacity to decide autonomously about those "ultimate values" *that really matter* for the lives of human beings and communities. This autonomy of will may be realised either by an individual, particularly in the sphere of intimate relations, or by a national collectivity in the sphere of politics.<sup>60</sup> Weber took it for granted that an autonomous collective act of will, reproducing and/or creating values in a quasi-Nietzschean manner, presupposed both the existence of a nation and a modern, administrative state that has the legitimate control of violence in a given territory. All modern states are national and *natio* is the (only) modern large-scale community which is based on at least *some shared values*; otherwise these shared values tend to be lacking in the modern, secularised and rationalised world. Nation's shared values are, in turn, based on language, religion, customs and political memories, and with the help of these also on the possibility of a "cultural and political mission".<sup>61</sup> For Weber, the collective capacity to *decide autonomously about ultimate values* can thus be realised only *by a national state*, because only there we can still find some shared values. This is the modern, rather existentialist understanding of the social world that formed the basis for Weber's own German nationalism.

Hence, what is at stake in this theory of rationalisation is also the nature and boundaries of political communities, i.e. both the possible real political spaces and the imagined, politically relevant spatial wholes. If Weber is right, (even) in the (late)modern world there can be merely political communities *as* nation-states. For Habermas, however, the modernisation that was established with capitalism has been merely a partial realisation of "modern structures of consciousness", and even that "selective pattern" is anyhow more multidimensional and complex than what Weber thinks<sup>62</sup>. In addition to "cognitive-instrumental rationality", we can also find "moral-practical rationality" and aesthetic-practical rationality", all united by the procedures of communicative rationality. As a matter of fact, even in Weber's own theory instrumental rationality is not, and cannot be, ubiquitous:

60 In this reading of Weber, I follow Walker 1993, 56.

61 See Smith 1986, 28–33; cf. Weber 1968, 395–398.

62 Habermas 1984, 221.

"It is only within normatively established limits that legal subjects are permitted to act purposive rationally without conventions. Thus for the institutionalization of purposive-rational action, a kind of normative consensus is required, which stands under the idea of free (discursive) agreement and autonomous (willed) enactment..."<sup>63</sup>

Habermas's own point is that a rational discourse about norms and about (many but not all) moral and ethical ideals is not only possible but also actual in many modern institutions and practices, albeit only partially and . These discourses that are going on all the time follow certain formal and universalistic procedures – even if the substance is always embedded in a particularistic horizon – and are therefore not confined within the boundaries of a *natio* or a national state. Yet, for Habermas it is not enough to contest the moral-existentialist decisionism of Weber which is related to his nationalism. In a cosmopolitan, Kantian-Marxian fashion, Habermas suggests that rationalisation and modernisation may eventually lead, or at least *should* lead, to a reconstruction of the political community. Instead of a national community, it would be possible eventually to have regional and even global, post-national political communities<sup>64</sup>. The European Union might be an example of such a regional political community. There would be some constitutive, universalist principles underlying it, and also giving legitimacy to it, but

"... the same legal principles would also have to be interpreted from the vantage point of different national traditions and histories. One's own national tradition will, in each case, have to be appropriated in such a manner that it is related to and relativized by the vantage point of other national cultures. It must be connected with the overlapping consensus of a common, supranationally shared political culture of the European Community. Particularist anchoring of *this sort* would in no way impair the universalist meaning of popular sovereignty and human rights."<sup>65</sup>

What precisely would this "overlapping consensus" of Europe be? Is the "overlapping consensus" really the condition for a *political* community? What is, in fact, now justifying and legitimating the particular order or rule of the European Union? And what are – or would be, given that "so far the political public sphere is fragmented into national units"<sup>66</sup> – the public spaces in which these discourses are supposed to take place? Is the process of EU integration really based on a logic that would be able to break the boundaries of the nation-states and the Weberian assumptions about the nature of modern political communities?

63 Ibid., 256.

64 To be sure, here Habermas sticks to the rather problematical Enlightenment tradition according to which it is possible to find universal stages in the evolution of mankind.

65 Habermas 1994, 27–28.

66 Ibid., 29.

### A post-national political community in the making?: functionalist transformation of loyalties vs. democratic legitimation in the EU

The European Union can be seen as a post-national political community in the making. How should we understand the processes of legitimation in these kinds of systems that question the nature and boundaries of modern nation-based political communities? In what way could the EU, as a (would-be) post-national political community in the making, become a main focus of legitimation and even deserve legitimacy, given also the general late-modern conditions of the globalising world?

After the failure of post-World War II federalistic projects, the Western European integration process started as a functionalistic system of cooperation loosely along the lines of the theories of Jean Monnet<sup>67</sup> and David Mitrany<sup>68</sup>. The idea of both the "Monnet method" and Mitrany's functionalism was that political loyalties and identities as well as beliefs in legitimacy should more or less *automatically follow the transfer of technical, economic and welfare functions* from the nation-state to international and regional organisations such as the ECSC and EEC. Although in the 1990's, particularly, in the Maastricht Treaty and in the IGC '96, there are some attempts to introduce explicitly political notions such as, and in particular that of, *citizenship*, the functionalist line of thinking still characterises the development of the Union and its integration projects. This is evident also, and perhaps particularly, in the case of the attempt to create and complete European Monetary Union. The question is then: How viable and sustainable is the functionalistic method of 'legitimation by (the alleged) success in performance'?

At this point it is, however, worth remembering that the original (background) justification for many European integration/federation projects was the need to avoid the repetition of the catastrophes of the First and Second World Wars<sup>69</sup>. This still plays a role in the public discussions about the Union and its legitimacy. However, it can be argued that very few people believe that the Hobbesian argument, according to which there would be a war of all against all without a partially centralised system of governance<sup>70</sup>, is sufficient in the long run for cultivating the belief in the EU's legitimacy. Quite to the

67 As officially articulated in by Robert Schuman, 1994, in May 1950.

68 Mitrany 1943 and 1975.

69 A famous statement to this effect is Churchill 1994, originally in 1946.

70 Hobbes's *Leviathan* can be read as a rhetorical – but also as a thoroughly onto-theological – argument that tried to convince readers to submit their wills to the sovereign authority of the absolute monarch. Unless they do this, he argued, they risk, under the conditions of a modern society, the peace of their society. The "state of the nature" was thus an imagined future possibility, meant to be a "shock therapy" for those who doubted the validity of the rule of the Monarch. The argument from the "state of nature" was targeted against the more democratic or Cromwellian reformers of Britain, who were, in Hobbes's opinion, causing civil war(s) and political violence. See e.g. Neal 1988; cf. Connolly 1993, 16–40; and Hobbes's 1974, 101, own point about the historical non-existence of the "state of nature".



contrary. There are good reasons concerning the possibility of developing the Union further that tend to go against this kind of Hobbesian endeavour to legitimate the Union. Perhaps the most important of them is that at some moment of community-building the latent mutual aggressivity of collectivities or subcollectivities must be forgotten, otherwise the specter of (perhaps destructive) disintegration of the Union would be all the time present<sup>71</sup>. In contrast to the basic tenets of the Hobbesian politics of, and legitimation by, fear, continually reproduced mutual suspicions and a lack of trust and confidence in the others as well as in the common future would in fact be an obstacle to many development projects of the Union. Almost everything presupposes mutual trust and confidence: concerted action, peaceful changes, new integration projects and, not least, public politics and democratic struggles over the content and substance of the EU.

The suspicion about the viability of the Hobbesian approach, as well as the unsuccessfulness of the projects of the League of Nations and the constitution of a federalist Europe, were of course also behind development of the functionalist integration strategy. The functionalist line of transferring authority is seen by Mitrany as an *alternative* to the Hobbesian argument for a coercive central government. Mitrany's theory is basically about how to gradually transfer sovereignty from the nation-states to international and global organs. He talks about *authority*, which implies also the possibility of being able to give justifying reasons for (the validity of) a rule. Authority in the Mitranyan sense and legitimation are thus related.

By utilising an analogy between central authorities within states and international functional organisations, Mitrany claims that "...under the social pressures of our time [...] authority is increasingly transferred from local bodies to central executives"<sup>72</sup> and indicates that the development will continue towards the "international level" (not only in Europe, but world-wide). There are two ways whereby authority can be transferred, either by conquest or by *consent*. The status of the new authority will depend on how far the transfer of sovereignty from national groups is both willing and continuous. Mitrany argues that if we are in favour of transferring authority by consent, the incremental strategy is by far the wisest one:

"It would indeed be sounder and wiser to speak not of the surrender but of sharing of sovereignty: when ten or twenty national authorities, each of whom had performed a certain task for itself, can be induced to perform

71 This kind of forgetting is the condition for (i) EU-Europe to be a security community, and for (ii) peaceful changes in Europe. Cf. Patomäki 1992, 350-351. *Without a security community there cannot be a proper political community*. Wæver 1995c, 13, argues that "a security community is not (defined by) *de facto* (statistical or probabilistic) guarantee of non-war, but it is the fact that use of military force is *not imaginable*". To keep on insisting, in everyday political discourses, that there is a real danger there, may in this respect be counterproductive for the creation of a security community. For the necessary connections between a security community, the possibility of peaceful changes and also context-revising *politics* can be found in Patomäki & Wæver 1995, 6-19.

72 Mitrany 1943,

the task jointly, they will to that end quite naturally pool their sovereign authority insofar as the *good performance of the task* demands it."<sup>73</sup>

This reveals the objectivist-normative theory of political legitimation that is behind the functionalist integration strategy. Authority is due to "the good performance of the tasks", quite independently of political ideologies or even of the actual beliefs of different political actors or citizens. Or to put it in other terms, this is legitimacy by performance and success, instead of legitimacy by sacred or natural principles, by a value-based content and direction, by a just and valid procedure, or by democratic participation. Yet, in a manner of Lockean, more democratic theory of legitimation, Mitrany also talks about how this strategy is and must be based on *consent*, that is on the implicitly or explicitly affirmative wills of a multiplicity of different actors. There is a partial contradiction here between technocratic elitism and commitment to (at least passive) democratic legitimation. This is expressed in passages such as:

"Most of the tasks before us are not formal issues, such as the rights of man, but practical tasks in the nature of social services. They need practical co-operation rather than formal submission to the will of a majority; when it is a matter of willing and active participation formal amendment of established compacts is not the best way to make progress."<sup>74</sup>

This raises a few important questions. In the absence of "formal submission to the will of a majority", who is going to judge what is "good performance" in "practical cooperation". Who is authorised to make what decisions? Who is accountable about what to whom by which procedures? There is no answer in Mitrany to these questions. In a parallel manner, there is no substitute at the level of the EC/EU for the principle of 'people's sovereignty' which implied that ultimately state-related decision-makers are both authorised by, and accountable to, the "people" within the borders of the nation-state. After forty years of development since the Treaty of Rome, the relations of authorisation and accountability in the EC/EU can be accurately described to have "tortuous Byzantine complexities"<sup>75</sup> with *no direct relation* to any singular or even plural "people(s)". Legitimation is, first and foremost, thought to be

73 *ibid.*, 9.

74 *ibid.*, 10.

75 Harvey 1995, 26.

stemming from success in the appropriate tasks, and, secondly, indirectly via the procedures of accountability of the liberal-democratic member-states<sup>76</sup>.

This is also true after the few steps towards democratisation that were defined in the TEU. In addition to the somewhat empty concept of citizenship<sup>77</sup>, these steps are thought to include the principles of subsidiarity and transparency. The *principle of subsidiarity* says that the "the Community shall take action only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States"<sup>78</sup>. This principle only determines, in a negative way, the appropriate tasks for the Union and thereby authorises Community actions in terms of technical effectiveness and functional appropriateness. The *principle of transparency* attempts to guarantee that successes or failures are visible and trustable by denoting a requirement that "acts of government be understandable to the persons concerned and, *where appropriate*, accessible to the public, reasoned and clearly drafted"<sup>79</sup>.

How does all this look in the light of the Weberian and Habermasian theories of legitimation? As we remember, according to Weber, the belief in the legitimacy of a given modern collective rule (*Herrschaft*) tends to be based on legal-formal rationality and, up to an extent, also on the amount and (re)distribution of the surplus social product (as assessed by self-interested parties). In the EU, legal-formal rationality plays a less important role than a Weberian understanding would indicate. Authority is simply and straightforwardly based on "the good performance of the tasks" as well as on the EU's alleged capability to generate more material wealth for EU-Europeans. Whether it is able to

76 This indirect legitimation is problematical not only because of its indirect nature but also because of the growing lack of trust in the traditional state institutions themselves. As Beitz 1994, 2, argues, "the political climate of the 1980's was characterized by disenchantment with the major social and political institutions and deep distrust in their workings [...] and increased political fragmentation and electoral volatility". This disenchantment and distrust that has also continued in the 1990's, can be explained in terms of declining authority of the state because of globalisation (Strange 1996); in terms of the adverse development of the clientelistic systems – that were built into many Western European models of welfare state – under the conditions of transnationalisation of economy (Guzzini 1995); as well as in terms of the inherent contradictions of the liberalist welfare-state itself, that has come under pressure also because of globalising social relations (see Patomäki 1996b).

77 Although Meehan 1993 argues that the Community already provides many legal and social rights, and that there is also *potential* for a more political conception of citizenship (there are already some political rights, particularly franchise rights in the elections of the EU Parliament), for instance Neunreither 1995, 11, claims that "the various possible items of functional citizenship have nothing more in common than commodities you put in your purchasing trolley in a supermarket". The latter metaphor is telling also because most of the rights of Union citizenship have to do with movements and actions in the market-places. But there are also some other rights. Mostly they have been defined in the laws of the member states or in other international treaties dealing with general human rights. In fact, "if one looks closely, the TEU has frozen the existing status of nationals of Member States, and has only marginally added new and relevant elements to it"; d'Oliveira 1995, 69.

78 In Article 3b EC Treaty.

79 Neuwahl 1995, 40. Italics added.

do that is, of course, a contested issue. The interpretations will also depend on the real-historical developments.

From the point of view of Weber's theory of legitimation, there are anyhow essential lacks and absences in the authorisation of the rule of the EU. Firstly, there is no redistributive mechanism at the European level. The completion of the single market project with the third phase of EMU will contribute to the further erosion of the European welfare-states, yet there is no "social Europe". The developments in the 1980's and 1990's can even be characterised as "social and fiscal dumping". Moreover, the politics of blame avoidance tends to put the responsibility for this on the Union, even when the political elites in the member states would be willing to implement these policies anyway.<sup>80</sup> Therefore, the hope for legitimation of the Union itself must stem from the idea that the total socially produced wealth will grow so much that it will "trickle down" even to the worst-off groups and classes, and that this growth can be attributed to the single market<sup>81</sup>. But there is no guarantee about how this kind of "trickling-down" would occur, and even more importantly, about how it would be interpreted in Europe.

Now, what Habermas calls "mass loyalty" – see Figure 1 – stems always from the reproduced moral systems and their accompanying, symbolically structured interpretations, although these spontaneous interpretative reactions to mediated news and lived experiences are merely elements in the complicated feedback systems of legitimising processes<sup>82</sup>. Also in Habermas's theory, loyalties can also be partially "bought" by social welfare-performances, but even these material benefits and services have to be interpreted in the symbolically structured discourses. It is important to emphasise that symbolically structured discourses – and related forms of agency – are not independent of the "economic system". These connections include the internal relations between economic practices and modes of action/actors, as well as indirect and in many cases at least partially contradictory connections between fiscal skim-off and mass loyalty<sup>83</sup>.

80 See Leander & Guzzini 1997, in this volume.

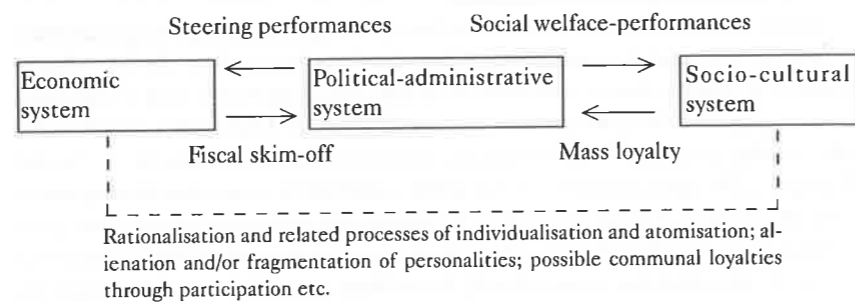
81 For an account of the substance of the neoliberalising ideas on which the Maastricht Treaty and also European Monetary Union are built, see Gill 1997, in this volume.

82 The figure is modified from Habermas 1976, 5; the discussions can be found in the following pages.

83 The connection is contradictory because social welfare services and benefits have to be financed with taxes, but more taxes might mean less investments and thereby a potentially smaller tax-base. The classical formulation of this contradiction can be found in Offe & Ronger 1982. In the literature on global political economy, this thesis has been advanced as the thesis about the structural power of transnational capital. See Gill & Law 1993.



Figure 1. Habermas' schema of legitimation.



Note that also in the European Union, the nation-states still take care of taxation and welfare services. The "exchange" between social-welfare services and mass loyalty is thus at best *indirect* in the case of the EU, mostly simply non-existent. As a report by the European Parliament tries to explain the situation in EU-Europe:

"There are undoubted difficulties in advocating some form of redistribution between member-states. The first is that the relative absence of solidarity makes it politically implausible to expect taxpayers in prosperous areas to be willing to pay for social expenditure in less favoured parts of the Union. A second problem is that Member States regard social expenditure as a competence that should be subject to the principle of subsidiarity. The significant differences between Member States in institutional frameworks for the delivery of social policy also make it awkward to devise a viable system for delivering any support at the European level. Nevertheless, if 'union' is to be taken seriously in Europe, these are issues that need to be confronted."<sup>84</sup>

The report goes on to point out that also the Union's capacity to respond is modest. Even the enhanced Community budget in 1999 will be only 1,27% of Community GDP, almost half of which goes to agricultural subsidies. In the light of these facts and the above discussions, we can now make sense of the fact that the main part of the support for EMU seems to stem from the economic calculation of costs and benefits for the individuals themselves and, directly or by analogy, to "business". We can also perhaps now comprehend the ignorance of many EU citizens of EMU and their feeling that the EU is, in many ways, far away from their everyday concerns. In the absence of communal solidarity at the Union level, and given that EMU's wider social and political implications are suppressed (particularly in the official EU discourse), it is understandable that the appropriate rationality in the context of assessing EMU is often based on the self-regarding and short-sighted calculation of costs and benefits.

<sup>84</sup> EP 1994, ix-x.

Secondly, it is also essential to remember the claim of Weber – who was very pessimistic about the fate of values in the processes of modernisation and rationalisation – that *legitimation based on the simple generation and redistribution of wealth cannot be enough*. There is "the generally observable need of any power [...] to justify itself". Yet, the Monnet method was in fact devised to enable the Union to avoid the quest for more value-based justification. As Stanley Hoffman puts it:

"The Monnet method, for all its charm, is a fine example of the void [of values...]. For it does not provide an answer to the question: Where do we want to go? In fact, it dismisses the question. It says: It does not matter where we go as long as we go somewhere together. It puts form over content, substitutes procedure for substance, sacrifices direction to motion; hence both its attractiveness and its limits. It attracts all those who want to be in motion, yet have not defined their purpose."<sup>85</sup>

But despite the lack of explicit content, substance and direction articulated in terms of values and ideals, there is of course always some content and substance. In the beginning of the EEC, the purposes were defined in the Bretton Woods system of "embedded liberalism": multilateral arrangements to guarantee the openness of world markets combined with domestic interventionism to guarantee domestic stability and legitimation<sup>86</sup>. In the case of EMU, however, the content and substance is the quasi-constitutional locking-in of neoliberal/monetarist economic policies<sup>87</sup>. Even if represented only as technical issues and in terms of the Monnet method, fundamentally these purposes, too, are thoroughly *political*.

In the context of the developments of global political economy of the 1990's, the functionalist strategy of transferring authority has a major weakness, namely the likely lack of viable legitimation, due to two reasons. Firstly, as already argued, there is no explicit social purpose. Rather the global, regional and transnational economic forces have become increasingly disembedded. Sec-

<sup>85</sup> Hoffman 1995, 32.

<sup>86</sup> Ruggie 1982, 393. In assessing the endurance of 'embedded liberalism', Ruggie's *ibid.*, 415, argued that although inflation has become "the dominant domestic means of dealing with distributional strife in advanced capitalist societies", there are no real alternatives to this normative framework. However, later Ruggie 1995 has argued that the compromise of 'embedded liberalism' is rapidly eroding and therefore there is a growing disembeddedness of international economic forces. In this more recent article, Ruggie *ibid.*, 524–526, also warns about the possible political consequences of neoliberal policies.

<sup>87</sup> See Gill 1992, and Gill 1997, in this volume.

ondly, depending on real-historical developments<sup>88</sup>, the "good performance of the tasks" may turn out to be not good enough. Simultaneously, the Byzantine complex systems of authorisation and indirect relations of accountability might turn out to be not convincing enough. A re-assessment of the legitimation of the Union and its policies by political actors may lead to an *actual* legitimation crisis – perhaps under the conditions of a stagnating economy<sup>89</sup>. The politics of blame avoidance, the vacillating and unpredictable nature of 'public opinion' and the effects of feedback loops in the processes of actual opinion-formation and legitimation may contribute to deepening the actual legitimation crisis<sup>90</sup>. The crisis may be even further deepened once it is generally acknowledged that it is extremely hard to change anything (at least in standard democratic ways)<sup>91</sup>. Hence, to establish and cultivate the belief in the legitimacy of the EU seems to be very difficult *in the absence of* capacities for social welfare performances; of rules and principles of direct accountability or peaceful changes of basic principles; of either shared values, symbols and a direction, or a shared political culture within which there could be struggles over values, symbols and a direction; and of public, political participation of citizens in the transformative processes of the Union.

88 It is not only the growth of economy and changes in income distributions, or their felt effects, that matter, but also the wider socio-cultural developments, whether conceived in terms of "the disintegration of the certainties of industrial society and the the compulsion to find and invent new certainties for oneself and others without them" (Beck 1994, 14) or in terms of *postmodernization of culture under the conditions of late capitalism* in which "the frantic economic urgency of producing fresh waves of ever more novel-seeming goods (from clothing to airplanes), at ever greater rates of turnover, now assigns an increasingly essential structural function and position to aesthetic innovation and experimentation" (Jameson 1984, 56). Moreover, it also depends on the world history, on the developments in global world politics.

89 For instance, Rudi Dornbusch 1996, 114, argues that, under the present conditions of the European economy, "the combination of overtly tight monetary policy and determined budget-cutting suggests a tough time ahead for Europe".

90 It would be an interesting path of inquiry to study the national variations in the possible reactions towards creating a single currency and central bank, given their likely or potential economic and other consequences. Why is it particularly the Latin part of the EU that seems to be supporting the single currency and the European central bank, despite the weaknesses in their economies? "The likelihood that EMU will have adverse social consequences is greatest for Greece, Italy, Spain and Portugal, which start the process with varying degrees of difficulty over inflation, government deficits and unemployment." (EP 1994, v; naturally, of these Greece is not a Latin country). Or we should presume instead that national variations should be explained in terms of the perceived weaknesses of the currencies vis-à-vis the *Deutschmark* and in terms of the myopic nationalism that is still relatively strong in the new member-states? Or perhaps the different kinds of welfare states and the underlying "social contracts" might explain the differences in different 'public opinions'? Yet, these questions would force us to leave partially aside the prospect of a deeper legitimation crisis of the Union. Moreover, it would leave some of the pivotal elements of the legitimation process and thereby some of the political possibilities unscrutinised, and would leave the assumption that European political discourses are necessarily national intact. Thus, I prefer to concentrate in this paper on the latter elements.

91 In particular, see Teivainen 1997, in this volume.

Although in the *Eurobarometers* many of the Union projects appear rather popular, at least in some parts of the Union, the legitimacy of the Union stands on very thin ice. So does its possible development towards a *political community*. In addition to the already existing 'public opinion' contingencies, the alleged technocratic success in the "steering performances" may not be quite enough in the moment of widespread politisation of EU developments. The only remaining resource for legitimation would be another recourse to the Hobbesian argument: "Do we really want to start disintegration and Balkanization and go back to power politics?"

A consistent Weberian would only hasten to add to this analysis that the only, or at least the best, alternative for the European Union to survive in the long run would be to imagine and create a European *natio*, as a system of shared values, metaphorically imagined to constitute "a community"<sup>92</sup>. A standard liberal-democrat would point out further that in order to achieve legitimacy, this political community should also apply the constitutional principles of liberal-democratic procedures. However, for Habermas, as we remember, the problem is rather about the conditions for creating a European, post-national federation *without* a corresponding *natio*. The federation would have to be connected with an overlapping consensus of a common, supranationally shared *political culture* of the European Union, and it would have to be anchored in the universalist principles of *popular sovereignty* and *human rights*.

#### Spatial dimensions of late-modern practices and their connections to legitimation

Even forty years after the Treaty of Rome, why is there still a lack of solidarity and 'we' feeling in the Union<sup>93</sup>? This lack seems to be stopping short all attempts to create redistributive systems of solidarity or value-based directions of the Union. Moreover, why is it the case that the Union seems to be so "far away" from the citizens? Why does "Brussels" appear rather as a distant and

92 In a Weberian manner the Commission introduced in the 1980's and early 1990's a number of political symbols that are usually connected to the nation-states. These include the cover of passports, a flag, an anthem, and a formal citizenship. However, Wæver (1995c, 31) argues that "where Brussels still a few years back desperately tried to create some Euro-national identity, it is today much more careful about 'European cultural identity' and tries to avoid trampling directly into the most sensitive areas of the nations".

93 Of course, there are some differences between the original six and the countries that have joined later. Miles & Redmond, 1996, argue that by enlarging, step by step, the EU has incorporated a majority of dissident members who are resistant to federalising the Union. Thereby, the intergovernmental tendencies have been reinforced. The explanation is that within the original six member-states the discourses have constantly included *at least some, even if rather vague ideals about the project of Europe* whereas the new-comers were explicitly motivated only by economic advantages or by reasons of political expediency. They joined in order to "avoid isolation rather than because of any shared common (federal) vision of the EU's future development". *Ibid.*, 291. The problem with this analysis is, however, that it tends to reify nation-states and their public discourses.



anonymous bureaucratic monster than as a political space in which one could participate in the European political processes<sup>94</sup>? Under these late-modern, European conditions, how would it be possible to envisage "a shared supranational political culture" in a Habermasian manner? What kinds of political spaces are presupposed in this idea? Answering these questions is essentially a matter of scrutinising the construction of the boundaries of a *political community*. This line of inquiry also tends to take us back to the questions that we have already posed. What and where are the *political spaces* in Europe in which political wills and 'public opinions' are formed and where the problematisation of a political rule can take place? What are the political identities and communities that are presupposed in the arguments presented in these spaces for or against X (or EMU in particular)?<sup>95</sup> Why these particular ones?

Spatiality is constitutive for social beings. Following Heidegger, one can argue that *social space* is a function of actors' concern/interest and of those artificial entities – functional "equipments" – that the actors encounter in their everyday concern of getting something done<sup>96</sup>. Spatiality is also a function of existential concern and practical possibilities. Importantly, what is near or far away, that is, the 'dis-tance' of things, processes and people, is basically about *accessibility and inaccessibility*, given certain historically constructed concerns, much more than about physically measured distance as such. Hubert Dreyfus explains Heidegger's idea of nearness as follows:

"It seems that for Heidegger for something to be near it must be *both* something I am coping with and something absorbing my attention. It cannot be just the street under my feet, nor can it be a friend far away in Paris no matter how intense my concern. What is near is that with which I am currently absorbedly coping."<sup>97</sup>

But if the "I" of this passage was talking to this friend in Paris on the phone or exchanging e-mail messages, right now and "here" (with quotation marks indicating that in this case "here" refers to interaction in shared time, without presence in the same physical space), with the friend, he or she would be *near in the Heideggerian sense of 'dis-tance'*. Of course, physical touching or doing-of-things-together would only be possible in a limited sense. But many things can be done and organised by phone or an e-mail connection, and it is clear that one can be "absorbedly coping" with these – physically far-away – things. Social spaces may thus emerge with new technological means. Emergent social spaces can also become *political spaces*. New technologies as facilities may

94 Neunreither 1995, 12, argues that this is also how the EU is represented in the national political discourses and media. If unpopular decisions are taken, media, parties and governments "shy away from responsibility and blame the decision on the anonymous monster of the 'Brussels bureaucracy'".

95 See also Engelmann et al. 1997, in this volume.

96 I am here following the excellent commentary on *Being and Time* by Dreyfus 1991, particularly Ch.7.

97 Ibid., 134.

therefore take part in enabling new political possibilities for speech and action<sup>98</sup>, analogically to the way novel printing techniques and the spread of newspapers created the possibilities for new political spaces that emerged between the 15th and 20th century Europe. Although these new political spaces tended to assume – particularly from the 19th century onwards – a national character<sup>99</sup>, at the turn of the 20th and 21st century the situation might be qualitatively quite different.

Hence, when explaining the spatial aspects of political communication and community, we should be interested in the (i) *concerns* of historically constructed social beings, who are always coping with something that is absorbing their attention, and (ii) in the real and imagined<sup>100</sup> *accessibility/inaccessibility* of the (always at least potentially political) entity or process in question. Technological possibilities tend to make speech and action across time and space possible, thus enabling and co-generating flows of goods, money, people, labour power, information etc. as well as social networks of communication, trade, production and mutual aid, given the characteristic concerns of actors. These concerns can include, for instance, profit-making in the capitalist market-place, or a longing for a friend in Paris, or discussing – or even making political decisions on – European affairs. The everyday involvement with these flows and networks requires specific rights and resources on the part of the actors<sup>101</sup>. Indeed, the modes of accessibility depend on the relevant social hierarchies and their effects (including the resource distribution); on the way public and private spaces are divided, and possibly also on the surveillance of

98 On this basis, Neunreither 1995, 18, envisages new democratic possibilities in complex societies: "The final goal should be the 'interactive citizen', that is, one who on the basis of modern information possibilities is able and motivated to participate in a dialogue both with other citizens and with those exercising public power".

99 The classical study of nationalism by Deutsch 1966, 96, defines 'people' in terms of communication "that permits a common history to be perceived as common". Gellner 1983 claims that industrial society, with its division of labour and requirements of mobility, made a "universal high and literate culture" and related systems of education and "abstract means of communication" practically necessary. The latter systems and means were organised along national-statist lines. Anderson 1991, 46 in turn, emphasises the new possibilities for communal imagination that were made possible by these new abstract means of communication, developed under capitalism: "... the convergence of capitalism and print technology on the fatal diversity of human language created the possibility of a new form of imagined community, which in its basic morphology set the stage for the modern nation".

100 Imagination is not "just imagination". Everything that is absent, that is not readily at hand, must be imagined in order to be thinkable at all and to be an active concern of actors. Without this kind of imagination any (coordination of) *social action* would be impossible.

101 Here I am largely following Harvey 1990, 218–239.

certain kinds of public spaces<sup>102</sup>; and on the spatial systems of inclusion, exclusion and agglomeration.

It seems that there have emerged many kinds of European-wide social spaces, some of them actually reaching far beyond the borders of the Union, or only going through them, others consistently co-created and co-reproduced by the Union. The development towards a single market is, indeed, a case in point. The existence and functioning of the markets for goods, services and capital presuppose, among other things, complex technical and legal possibilities for transactions across physical space and time. The Treaty of Rome, the TEU as well as the practices of the European Court are based on the idea that a set of basic economic-liberalist freedoms – the free exchange of goods, the free movement of labour, the freedom of entrepreneurial domicile, the freedom of service transactions, and the freedom of currency movements – are the basic rights. Besides creating a legal infrastructure for a "single market", the European Union continues to be active in creating an equivalent technical infrastructure by building communication and transportation systems as well as transnational networks of education and research & development<sup>103</sup>. The goal of creating a real "single, common market" along these lines will have been mostly reached with the advent of the currency union and the establishment of an autonomous European central bank.

There is one important exception, however. Labour markets are still far from being unified. At least in practice it is in most cases difficult to get a job in another EU country. Language is one of the problems, but there are also many other reasons why in practice "foreign", yet EU-European applicants for a job tend to be considered to be inferior to "domestic" applicants. For most EU-Europeans, the idea of applying for a permanent job outside of one's "own country" is, under "normal" circumstances, alien. Besides the postmodern – existentialist – vagabonds<sup>104</sup> who are also willing to take, at least occasionally, badly paid and sometimes semi- or illegal jobs (which are sometimes nonetheless allocated mainly to Third World immigrants), only

102 Note that by 'public space', one can refer, following Arendt 1958, 198, to "the space of appearance in the widest sense of the term, namely *the organization of the people as it arises out of acting and speaking together*, and its true space lies between people living together for this purpose, no matter where they happen to be". In the second, in the sense of Foucault 1979, 200, 'public space' refers to a *panopticon space of surveillance* where "each individual, in his place, is securely confined to a cell from which he is seen from the front by the supervisor; but the side walls prevent him from coming into contact with his companions. He is seen, but he does not see; he is the object of information, never a subject of communication." A public space can thus be about participation in common processes and pluralistic actions together with others in shared spaces; or it can be about control and surveillance from above. In the opinion polls, for instance, actors are treated mostly in a panopticon way, even if somewhat "democratically" (their opinions are asked, after all).

103 For the current problems in creating the infrastructure for trans-European networks and spaces, see Vickerman 1994.

104 Bauman 1993, 240 et. passim. sees the 'vagabonds' as an approximation of a 'tourist', who only goes through places without any sense of connections – and thereby without any moral sentiments. A 'vagabond' structures, to some extent, the sites he happens to occupy, only to "dismantle the structure again as he leaves".

the highly educated and well-positioned upper stratum may see itself as mobile beyond and across borders. This has far-reaching consequences for the spatial location and perhaps also for the imagination of most actors.

Think about the everyday time-space paths of those EU-European people who do not belong to the mobile parts of society. For this majority, what would be the plausible way of imagining what is 'near' and what is 'far-away'? What for them are, and can be, the imagined structures of attraction/repulsion, distance/desire and access/denial? Of course, there are other things than the unification of labour markets that contribute to the reproduction and/or transformation of representations of space. Furthermore, any hypothesis concerning the representations of space should be tested by empirical and discourse-analytical research. Nonetheless, with these reservations, we can perhaps presume that most EU-European employees and thereby the everyday lives of most "people" – as persons with intimate relations and particularistic loyalties or as farmers, (in many cases unemployed) workers or civil servants, entrepreneurs, and citizens – are far from being as mobile as big organisations, capital, goods and money and the related classes/groups of actors.<sup>105</sup>

Moreover, the utilisation of, and involvement with, European-wide (and/or transregional and global) systems of transportation, communication, media and education presuppose specific rights and resources. These systems are not available to different actors in the same way. Not everybody has access to fax-machines and the Internet or can afford to travel around Europe by train or plane regularly. Further, not everybody is or will be educated in another EU member country. Not everybody is willing or able to watch the satellite channels on TV or follow other than "domestic" newspapers, also because these typically require skills in other than their native language. Nor are all EU-European actors relying upon these systems when they are 'absorbedly coping' with something in their everyday lives that is anyway always taking place in specific spatial settings, that is, in the (partially) socially constructed rural and urban spaces these actors go through in their everyday time-space paths. Yet, there are actors who are doing all these things all the time.

The stratum of late-modern, partially trans- and/or supranationalised society that Cox, for instance, calls the 'transnational managerial class', has the resources for being able (at least partially) to disembed space from a specific

105 In addition, this holds true also for the unions of organised labour. For these reasons, Harvey 1990, 238–239, argues that "capital continues to dominate [...] in part through superior command over space and time, even when opposition movements gain control over a particular place for a time. The 'othernesses' and 'regional resistances' that postmodernist politics emphasize can flourish in a particular place. But they are all too often subject to the power of capital over the co-ordination of universal fragmented space and the march of capitalism's global historical time that lies outside of purview of any particular one of them."



location or place<sup>106</sup>. Also, many of their everyday technical-practical problems – such as investment decisions or organisational problems or sales of a multinational corporation, or developing new European-wide systems of higher education or research and development – presuppose everyday communication and interaction across wide spans of time and space. We may assume that these interactions change understandings of distance and create new plausible possibilities to imagine the relations between distance and desire, access and denial as well as spatially associated attraction and repulsion.

However, there is no reason to believe that the reach of accessibility and practices of distanciation should be confined within the borders of the Union. For some actors it may do that, but for others non-EU-European countries, areas and regions are also open as well. Europeanisation is also an episode in the processes of reconfiguration of wider social forces<sup>107</sup>, even though Europe is also in many respects *sui generis*. Moreover, and this is crucial from the point of view of analysing the legitimation problems of the Union, the mobile strata of EU-Europe do not constitute any kind of European public sphere. In the everyday time-space paths of these actors, it is very difficult to find any public spaces in the Arendtian sense of the term<sup>108</sup>.

Consider the offices of multinational corporations or financial institutes or the negotiation rooms of a member-state Ministry – or of the EU for that matter. They are constituted as private, closed and non-public spaces. With the qualification that the "public offices" are not 'private' strictly (legally) speaking, and with exceptions such as the European Parliament and the European Court of Justice, there are only few publicly visible places for European public debates. Consider other parts of the everyday life-paths of the mobile strata of Europe. Airports, trains, taxis and hotels are equally not meant to form a space "where actors would appear to others as others appear to them, where (wo)men would not exist merely like other living or inanimate things but by making their social and political appearances explicitly". In the Arendtian sense, public spaces should be a pluralistic and symmetrical space

106 Using classical Marxist terminology, Cox 1996, 111, argues that the 'transnational managerial class', "having its own ideology, strategy, and institutions of collective action", is a class both in itself and for itself. Cox *ibid.*, 122, qualifies his views as follows: "The evidence of the existence of a transnational managerial class lies in actual form of **organization, the elaboration of ideology, financial supports, and the behaviour of individuals. Other structures stand as rival tendencies – e.g., national capital and its interests** sustained by a whole other structure of loyalties, agencies, etc. Individuals or firms and state agencies may in some phases of their activity be caught up now in one, now in another, tendency. Thus the membership of the class may be continually shifting, **though the structure remains.**"

107 **The global economy, consisting of global – and in many cases, post-Fordist – organisations of production, and of global finance, is an economic space that is transcending most country and regional borders. According to Cox 1993, 283–284, Europeans have to define their own social and political identity by making their choices among options that constitute the European manifestation of the global tendencies and related social forces or relations. But, of course, the Europeans could also take part in transforming some of these tendencies and relations.**

108 See the note 102.

for speech and action, but in airports, trains, taxis and hotels, among other homogenised places, other actors appear more or less just like living or inanimate *things*, or total strangers with whom they only share the airport, train and hotel rules and codes, and most of the other spaces are closed and private. Moreover, discussions on public matters – including those of the EU – still take place mostly in the national media, that is, national newspapers, magazines, TV and radio.

To emphasise, what is near or far-away, that is, the 'dis-tance' of things, processes and people, is basically about the real and imagined *accessibility and inaccessibility*, given certain historically constructed concerns, much more than about physically measured distance as such. It is plausible to assume that EU-Europe as a political-economic region has been witnessing a widening gap between different kinds of actors along the lines of accessibility and distanciation. On the one hand, there are the groups of actors that are marginalised/excluded from the speeded-up and often transnationalised processes or who are otherwise more tied to a particular place and, in many cases, to the *natio* as an imagined community. These groups include the part of the population that is excluded from many processes or at least marginalised in its capabilities of taking part in these processes, namely the long-term unemployed, persistent poor and disadvantaged ethnic groups who have fallen through the nets of the (in many cases cut-down) welfare states. Many of them have become gettoised in particular urban locations.<sup>109</sup> Also, it can be said to include also those illegal and legal bottom-dog workers, often working in the context of post-Fordist production relations, who are without the guarantees and insurances of the more traditional and better organised Fordist labour force. In addition to these more or less marginalised people – who, in most cases, are not therefore very mobile or do not have imagined and/or real access to the systems of communication and transportation – there is also the large group of people that is tied to the land and to a rural locality or to an urban setting with more traditional ties. Many farmers and industrial workers – still being connected to Fordist contexts – belong to this category. The situation of many service-sector workers is very reminiscent.

What implications does this tentative analysis have with respect to the legitimation problems of the Union? Before the 1980's, integration projects were based on the idea that "the people weren't ready to agree to integration, so you had to get on without telling them too much what was happening"<sup>110</sup>. The *ex post actu* legitimation was thought to stem from the "the good

109 Dahrendorf 1994, 14–16, among others, talks about 'the new underclass' that has emerged in most countries of the rich OECD world. "These are people – long-term unemployed, persistent poor, disadvantaged groups, or all of these and more – who have fallen through the net. They have lost regular and guaranteed access to markets, especially the labour market, to the political community, to networks of social legislation." According to Dahrendorf, this new underclass is unlikely to organize itself and to defend their similar but not common interests.

110 Quoted, for instance, in Laffan 1996, 83.

performance of the tasks", quite independently of political ideologies or even of the actual beliefs of different political actors or citizens. However, after the Single European Act (1987) and the Maastricht Treaty (1992), and in the era of projects to develop a common foreign security policy and to complete the single market plan with the currency union and the establishment of an autonomous European central bank, it can be argued that "we" (EU-Europeans) are already beyond the point when things could continue to go unnoticed in that way<sup>111</sup>. Yet, it is still very unclear whether the Union is a direct focus of legitimation at all.

However, a lot depends on the definition of the relevant group of actors. Quite revealingly, Wæver talks about the gap between the state and the *natio* in this respect. Although integration problems are often discussed in terms of the resistance of the states, the resistance to integration tends to come increasingly from those who are articulating their ideas in terms of nations, instead of states:

"... state and nation move apart and become separate focal points for international relations. [...] This makes it necessary to pay attention (... to) how the logics of the nation operate -- sometimes even rather small nations [...] have still the negative power to block [integration projects] because the system transforming process is a cooperative endeavour that distributes semi-veto power rather widely."<sup>112</sup>

According to Wæver, the "nations" continue to be oriented towards defending their separate identities and interests (defined in terms of national identities). But for the political class governing the internationalised states<sup>113</sup> in the Union -- and, of course, even more so for the eurocrats themselves -- it has become natural to discuss the integration projects in their own terms, sometimes also from the point of view of the good and interests of the Union as a whole. That is, the Union is partially, at least, a taken-for-granted background assumption of the political discourse of the European political class, even when conceived in semi-intergovernmentalist terms<sup>114</sup>.

111 Laffan, *ibid.*, argues that because of the more recent developments in the integration process, there is a "legitimacy crisis in the Union that demonstrates the limits of the Monnet method" while the Union is moving from issues of instrumental problem-solving to fundamental questions about its nature.

112 Wæver 1995a, 262.

113 The 'internationalisation of states' is, naturally, not only an EU-European phenomenon, although it is sometimes discussed in terms of the time allocated by different state-bureaucracies to EU-affairs (which is usually quite a lot). More generally, Cox 1987, 253 *et. passim.*, discusses the internationalising of states in terms of their adjustments to the exigencies of the world economy and systems of regional and global governance. He also argues that the further the internationalisation of states continues, "the more it provokes countertendencies sustained by domestic social groups that have been disadvantaged or excluded in the new domestic realignments".

114 With the partial exception of the political elite of the UK; see Engelmann *et. al.* 1997, in this volume.

But we should also take into account other categories than states and nations. It is not only the internationalised states, but also -- and perhaps even more importantly -- the 'transnational managerial class' that is in the process of being disembedded, in many important respects, from the imagined national communities. It is noteworthy that the initiatives to deepen West-European integration have often come from here. A case in point is the Maastricht Treaty, the substance of which was built, to a large extent, on the ideas of the European Roundtable of Industrialists (ERT). The ERT is the association of the forty biggest EU-European multinational corporations that was created in the early 1980's to promote a European response to the challenges of global economy in terms of deregulation, building a European-wide infrastructure, reindustrialisation and active competition policy. The role of the ERT in the process leading to the Maastricht Treaty shows how the transnational managerial class can have privileged access to publicity and decision-makers and thereby a lot of agenda-setting power in the Union.<sup>115</sup> Indeed, the basic ideas of the TEU -- the single market, the five basic freedoms, and the creation of further technical possibilities for coordinating time and space and the implosion of spatial distances, also by establishing a single currency -- are well in accordance with the self-understanding and world-view of this stratum of late-capitalist, late-modern Western Europe.

Hence, given the nature of the process of creating and reproducing European-wide social spaces, it is clear that technological and legal possibilities for transforming accessibility and distancing do not as such imply innovative re-representations of *political space* in Europe. The possibility of imagining EU-Europe as any kind of *political community* remains latent, if not explicitly suppressed in some respects. There is no reason to expect, as some do, that by using "a technical lever" such as the single currency it would be possible to "create a community that we don't dare to create by an active political will"<sup>116</sup>. The single currency might be one more step towards a more integrated social (economic) space, and the currency might be a symbol of unity and power. But the explicit substance of the single market project, and EMU, goes strictly against any politicisation of anything.

What is Europe and what could it be? It seems that to emancipate this question from the prison of the Monnet method is not simply a matter of changing the integration method. To the contrary, it would seem to presuppose transformations of many other, late-modern, both European and global, social relations. The aim should thus be to make the already existing European-wide social spaces explicitly *political*, which would also require reconstituting the border-lines between private and public, as well as to make all

115 The ERT secretariat was set up in 1983 in Paris. Influential newspapers and journals such as *The Economist*, *The Financial Times*, *The International Herald Tribune*, *Le Figaro*, *Le Matin*, *de Volkskrant*, *Les Echos*, *Der Spiegel* and many trade journals began immediately to report on the novel group. For instance, the agenda of Francois Mitterrand's 'turn to Europe' in 1983-85 had been set for him by the ERT. See Cowles 1995.

116 Guéhenno 1996, 1, is a case in point.



these politicised social spaces *more democratically accessible*<sup>117</sup>. Then it might also be more plausible to expect that the main opposition against substantial projects and policies of the Union would be articulated, first and foremost, in terms of post-national identities and transformations of the Union, instead of national resistance against taking part in (further) steps towards "deepening integration". At best, EMU's contribution to this goal can be an indirect one: by co-causing an actual legitimation crisis, it might be able to contribute to a major change in the substance and *de facto* direction of the European integration processes – if these processes are able to survive the legitimation crisis.

**Conclusion: is there already  
a legitimation crisis?**

At the surface level, the legitimation problems of the EU and, more particularly, of EMU, have to do only with 'public opinion' both in the Union and within different member-states. It is easy to see many 'public opinion' contingencies working against the realisation of EMU. Yet, there are deeper problems involved. At this point a warning is in order, however. When we are trying to scrutinise the multiple layerings of historical, complex, contradictory and complementary determinations which give rise to actors' attitudes and opinions, we have to remember that there are always the possibilities of overlapping, intersecting, condensing, elongated, divergent, convergent and also contradictory causal processes and spatio-temporalities<sup>118</sup>. Hence, when analysing the development of open systems such as the European region – the development of which is, as a matter of principle, impossible to predict – we should take into account as many of them as possible. Any assessment of the legitimation processes and their inherent possibilities must therefore be based on practical judgements about the overall effects of many very different tendencies.

By going beyond an actualist<sup>119</sup> 'public opinion' analysis, one can see some of the deeper processes at work. These include the processes of globalisation and the way EU-Europe will be positioning in the global economy, because changes in the production relations generate also new actor-identities. These deeper processes at work include also cultural developments in the late-modern, late-capitalist world. Furthermore, from a Weberian perspective, it is also possible to explicate the impacts of the (globalizing) capitalist market-economy on the legitimation of a (late-)modern rule or relations of domination. Although capitalist market-economies give rise to a rationally calculative orientation of action, which tends to displace other action-orientations in many different social contexts, Weber argues that any "stable" modern rule none-

117 See also Patomäki 1996b and c.

118 Cf. Bhaskar 1993, 52–56.

119 Bhaskar 1994, 250, defines 'actualism' as the position that implies the reduction of the necessary and the possible, constitutive of the domain of the real, to the actual.

theless requires legitimation also in terms of justified reasons for normative validity. Following Habermas, these reasons and justification cannot be treated merely as "behavioural dispositions". It is also a question of whether and why the order or rule deserves the allegiance of its members. In the legitimation processes of the post-Second World War European states, the supposedly good, normative reasons – typically articulated in terms of national self-determination, democracy, people's sovereignty and redistributive justice or welfare performances – have, indeed, played an important role.

From the legitimacy point of view, the European single market project, to be completed with the single currency and central bank, is an inherently contradictory one. On the one hand, there is an attempt, "under the social pressures of our time", to transfer authority increasingly from national bodies to central European bodies. The legitimacy of both this transfer and the Union itself is assumed to be stemming from "success" in the "good performance of the tasks". And from the alleged benefits of the single market. But the further the process goes the less this kind of legitimation will be enough. Although the single currency and the European central bank seem to be relatively popular in many parts of the Union, as measured by the *Eurobarometers*, and although in some of the other parts of the Union – particularly in Germany and in Finland – the governments seem to be able to implement the third phase of EMU even in spite of national 'public opinion', there is thus no guarantee of the viability of EMU, not even after it has been established.

In fact, the single market project itself, in its present form, is taking part in undermining the conditions for the possibility of finding new sources of legitimation for the Union. It does this by "constitutionalising" the developments towards an independent and unaccountable European central bank and its monetarist economic policies. It seems to be very difficult to change these in accordance with any democratic procedures. Particularly outside of Germany and France, the arguments for EMU are often presented as merely technical or economic, and the effects of EMU are explicitly meant to close down political spaces instead of opening them up. At the same time, the convergence criteria, the aim of "economic stability", and the priority given to the fight against inflation are widely perceived to be co-causing unemployment and social and fiscal dumping. Moreover, because the integration process has already gone so far, as symbolised by the single currency and its indication of a singular space, the quest for normative justification is bound to go beyond the possibilities provided by the Monnet method and functionalist thinking. Yet, at the moment, there are only a few rather vague attempts to go beyond the Hobbesian and functionalist justification of the EU rule.

Hence, there already is, and will be, a quest for further reasons that would give the Union the legitimation that it would urgently need. For one thing, there is a quest for a direction and identity of Europe. Some of the possibilities for direction and identity are, in fact, rather sinister in the light of European historical experiences. Nationalism, nation-states, aggressivity and the claims for superiority are among European traditions. They might again emerge as problems at the new level, particularly if there are going to be European histories, justifying the unity of the continent, that are not able come to terms

with the past of violence and colonialism<sup>120</sup>. But there are also other possibilities for the Union to try to deserve the allegiance of its citizen-members<sup>121</sup>. Indeed, from a normative point of view there already is a quest for legitimation in terms of democratic participation, authorisation and accountability, and also in terms of redistributive justice.

Perhaps there is then a legitimation crisis? But what does it mean to say that there is a legitimation crisis? Interestingly, Habermas points out that in classical aesthetics, crisis signifies the turning point of a fateful process or episode:

"Fate is fulfilled in the revelation of conflicting norms against which the identities of the participants shatter, unless they are able to summon up the strength to win back their freedom by shattering the mythical power of fate through the formation of new identities."<sup>122</sup>

Even this leaves open many possibilities. It may be that the actualised crisis is not resolved, and then the identity in question may disappear (as an example, one might think about what happened to Yugoslavia, although the disappearance of an identity might also be entirely peaceful). This may be particularly prone to happen if there is a European-wide social (economic) space, but only a vague political space and identity. And then, naturally, the crisis can be resolved in many different ways. It is possible that the symptoms of crisis may lead, by way of an anticipation of the approaching crisis, to another round of modest innovations that help to muddle through a little bit further with the integration process. Ultimately, however, this leaves the problem untackled. There may also be a partial disintegration of the Union and the formation of a smaller Union with a renewed identity. Or perhaps the Union as whole – even as an enlarged entity – will survive the crisis with a new identity, direction and principles of legitimation.

Is there then already a legitimation crisis? At the empirical, actualist level, we might simply be interested in measuring legitimation only in terms of success in implementing integration projects – and at this stage EMU in particular – with explicit or implicit, informed or uninformed, active or passive consent. Should we call it a crisis if there are member states that might not join EMU because of the lack of popular support for it? Or should we also try to evaluate the prospects for EMU in a more speculative way? Because of the interconnections of the legitimation processes, because of the nature of the legitimation feedback loops, and because of the vagueness, ephemerality and partial unpredictability of 'public opinion', the quest for a justification that is

120 Duroselle 1990 is an example of this kind of a tendency for creating (smooth) histories for Europe.

121 The problems of identity and citizenship are complicated, if the aim is to avoid the Scylla of inter-governmentalist functionalism and the Charybdis of creating a new European nation-state. For an analysis of the possibilities for European identity and citizenship, see Patomäki 1994 and 1996c.

122 Habermas 1976, 2.

now lacking might lead, under certain conjunctural conditions, to an actual and more widespread legitimation crisis of EMU and, even, of the European Union as a political rule. Yet, the argument that there is a crisis can also be made in a normative way. In this sense, if a system of formalised and legalised relations of domination cannot be justified or authorised with publicly valid good reasons, it is in crisis. To be sure, there are explicit, justifying reasons for the rule or order in EU-Europe, but at this stage of the integration process, according to my practical-political judgement, they are no longer good enough.

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