

Public opinion in the EU institutions' discourses on EU legitimacy from the beginnings of integration to today

Politique européenne No 54/2016

Claudia Sternberg [p.24-56]

FINAL DRAFT POST REFEREEING, PRE FORMATTING, WITH PAGE NUMBERS ADDED

This article offers a long-term historical account of changing and competing references to public opinion and “what the people want”, and of the projected relationship between the two, in legitimisation discourses by EU or Community institutions from the 1950s to today. It describes shifts from taking a generally permissive public opinion for granted, over an increased emphasis on the need to act upon and shape it, to a distinct turn, starting in the mid-1970s and in full swing by the 1980s, towards centring any claims regarding Community legitimacy on citizen expectations. The next chapter in the history of discourses around public opinion was marked by the growing and incontrovertible politicization and polarization of public opinion. This came to a head in the context of the constitutional, euro, refugee, and most recently Brexit crises, but was already beginning to show at the times of the Maastricht and constitutional treaties. By now the discursive balance of plausibility has irrevocably been tilted in favour of discourses acknowledging the political nature of the stakes of EU politics, as opposed to de-politicising them. The challenge is to develop mechanisms of channelling and reconciling clashing preferences, interests, and identities, recognising differences without claiming to harmonise them.

L'opinion publique dans les discours des institutions européennes sur la légitimité de l'UE, des débuts de l'intégration européenne à aujourd'hui

Cet article développe une perspective historique de longue durée sur les références, changeantes et concurrentes, à l'opinion publique et à “ce que veut le peuple” dans les discours de légitimation de l'UE et des institutions communautaires, des années 1950 à nos jours. Il rend compte du passage d'une première séquence, où le consensus permissif de l'opinion publique à l'égard de l'intégration européenne est tenu pour acquis, tout en insistant de plus en plus sur la nécessité d'agir sur cette opinion publique et de la façonner, à une deuxième séquence, suite à un tournant important à partir du milieu des années 1970 et surtout des années 1980, durant laquelle toutes les revendications relatives à la légitimité communautaire se fondent sur les attentes des citoyens. Le chapitre suivant dans l'histoire des discours sur l'opinion publique a été marqué par une politisation et une polarisation croissante et incontestable de cette opinion publique. Cette tendance est apparue flagrante dans le contexte des diverses crises – constitutionnelle, de l'Euro, des réfugiés, et plus récemment du Brexit – qui traversent l'UE même si elle commençait à être visible dès le traité de Maastricht et le traité constitutionnel. Désormais, l'équilibre discursif penche irrévocablement en faveur des discours reconnaissant la nature profondément politique des enjeux de la politique de l'UE, plutôt que de ceux visant à les dépolitiser. Le défi consiste alors à développer des mécanismes permettant de canaliser et de concilier des préférences, des intérêts et des identités contradictoires, en reconnaissant ces différences, sans pour autant prétendre les harmoniser.

Public opinion in the EU institutions' discourses on EU legitimacy from the beginnings of integration to today

Claudia Sternberg

European Institute, University College London

Calls to strengthen the link between the European Union (EU) and “what the people want” are no new phenomenon. Indeed, this article suggests, this pledge has been a central topos in discourses around the EU’s legitimacy since the mid-1970s. In common with a widespread intuitive automatism, EU agents have tended implicitly or explicitly to take public opinion to be reflective or even constitutive of the will of the people. The EU has devoted considerable resources to surveying public opinion, including through the Eurobarometer series introduced in 1973, which measures as well as constructs European public opinion and popular will. EU polls have been used not only to align the EU and its actions with citizen attitudes, but also to manipulate more effectively how people felt about those. Through these and other lenses, this article traces the changing roles played by public opinion and popular will, and the projected relationship between the two, in discourses of the EU institutions over the course of integration history.

More particularly, it reconstructs long-term trends and shifts in EU official constructions and contestations of what legitimacy might mean in the case of the EU, from the 1950s onwards. Specifically, the Commission, and not least its Directorate General (DG) Communication (or DG Information, as it was called until 1999), emphasised public opinion particularly conspicuously in talking about EU legitimacy, but so too did the European Parliament (EP) and its advocates. General discursive patterns were reflected furthermore in statements by the European Council and by individual political leaders. These institutions and their representatives thus form the discursive actors represented in the reading offered below.

The sources made referred to include official declarations, reports or strategy papers, speeches, interviews, and successive treaty preambles. They were selected in an iterative cycle to illustrate key discursive positions and patterns relevant to the public opinion/EU legitimacy nexus. These, in turn,

[26]

were identified on the basis of research presented in a monograph offering a broader discursive history of contests over EU legitimacy in EU-official as well as wider public discourses, and drawing on a much more comprehensive corpus (Sternberg, 2013). The method applied is non-quantitative interpretive textual analysis; dedicated to argument and narrative strategies and patterns including lines of argument recurrent across texts, the grounds on which they make their points, what they take for granted, and the explicit and implicit understandings in which they are entrenched (see Yanow and Schwartz-Shea, 2006; Sternberg, 2013, 1-12).

The article focuses on discourses concerning how legitimate the EU was, and what this would mean in the first place. A central part of this discursive stage of contests over meaning around EU legitimacy was, as expected, occupied by discussions of “democracy” and its variably defined constituent elements (see Sternberg, 2013). This article looks at these in the context of related constructions of public opinion and popular will, and of how these related to each other and the EU’s overall legitimacy. More generally, the article forms

part of an effort to promote a distinctive way of approaching political legitimacy, namely one that steers a course between two usually deeply divided camps of scholarship: on the one hand, normative accounts debating the conditions under which people ought to accept something as legitimate and, on the other, empirical research into the extent and causes of their doing so. It does so by looking at the standards that particular actors apply in discussing, projecting, or contesting political legitimacy (see Sternberg, 2013, 2015; see also Beetham, 2013).

For both groups of scholars studying political legitimacy, public opinion constitutes a central parameter. The second, empirical and essentially behaviouralist school of thought approaches political legitimacy as social or empirical legitimacy in the eyes of those subject to authority; effectively measurable as public opinion. Indeed this literature tends to use word “legitimacy” synonymously with the empirical belief in this legitimacy, or with social support or public opinion affirmative of such legitimacy. Indeed “legitimacy” is one of the few words that refer both to beliefs and to the thing about which beliefs are held’ (Bodansky, 2012, 327, fn. 9). Normative accounts, too, tend to presuppose a strong link between public opinion, or popular support, and legitimacy. In common with their behaviouralist counterparts, they often share the assumption that empirical beliefs in such legitimacy, or popular support, are essential for the EU, or any legal or political system or regime, to exist and to function. This assumption is applied to beliefs both among those [27]

sustaining the system through their work or office (Hart, 1961) and among the wider public. The usual premise is that a certain degree of legitimacy in the eyes of those subjected to political power is indispensable if this power is to be stable and exercised efficiently, and if compliance is to be secured without costly and in the long run unsustainable coercion (Bodansky, 2012, 333; see e.g. Höffe, 2007, 20; Scharpf, 2009, 173). Along these lines, legitimacy may be conceived as a ‘social norm’ that encourages people to support the ruler, polity, regime, or specific actions, or to follow the norms supporting them, or to respond to calls for action (Horne, 2009). There has, however, been ‘surprisingly little empirical work by either international lawyers or political scientists to determine what standards of legitimacy actors actually apply and how much difference these beliefs make in practice’ (Bodansky, 2012, 324; for exceptions see Gilley, 2009; Lake, 2010). In this context, this article contributes to a small but growing body of work that seeks to fill this gap by studying empirically the norms and conceptions of legitimacy expressed by particular discursive actors in particular, contingent contexts, in this case the EU institutions over the course of integration history (see Beetham, 2013; Sternberg, 2013, 2015). The article’s unique angle within this literature moreover, rests on its inductive exploration of processes of knowledge production and meaning making regarding the EU’s legitimacy, its *longue durée* approach – and its particular focus on the role of public opinion in the projections involved.

The reading below is structured around a number of key discursive patterns or positions. It opens with a discussion of early apparent silences regarding public opinion, or rather a pervasive implication in early legitimisation patterns that people could but endorse European integration as a project. It moves on to address concurrent early references to public opinion and to a need to act upon it (Section 2), not least in the context of advocacy of a strong and directly elected European parliament (section 3). Sections 4 and 5 discuss the shift in official rhetoric from the mid-1970s onwards towards “listening to what the people want”, and towards a discourse emphasising a dialogue or communication with European citizens. The two final sections analyse the discursive management by the EU institutions of the Maastricht crisis as well as the EU’s ongoing “polycrisis” ushered in by the failed

constitutional treaty and exacerbated of late by the euro, refugee, and Brexit crises, respectively. The concluding section reflects on possible lessons to draw from this discursive history.

[28]

Early silences, and the promise of peace, prosperity, and progress

At face value, the foundational discourses legitimating the European Communities and the emerging political order during their first decade were surprisingly silent on the matter of how the public may have felt about the integration project. On closer inspection, however, they made substantial claims about what people in post-war Europe supposedly needed, and wanted; essentially, to avoid future war and to recover economically. Early legitimating discourses centred crucially on the promise of peace and prosperity through European integration. They were infused with silent assumptions or claims regarding the uncontroversial and uncontested nature of these ends and goals of integration. Many even applied this assumption of uncontestedness to the institutional and distributional choices inevitable in pursuing them (e.g. EPA 1960b, 16-7; see Sternberg, 2015).

The public, according to the fundamental understanding underlying much of early legitimating discourse, could only see reason, given the urgency, moral righteousness, and forward-looking nature of the enterprise. And early public opinion data – to the extent that it was available in a systematic manner before the mid-1960s and the introduction of the Eurobarometer series in 1974 (see below) – by and large confirmed a popular ‘permissive consensus’, all the while giving ‘no clues at as to what it [was] about the system that [was] attractive or why’ (Lindberg and Scheingold, 1970, 39). The interpretive textual source work carried out for this article indicates that three specific narrative patterns helped to project that the European publics were fundamentally susceptible to an ostensibly indisputable, compelling message.

First, a pervasive storyline positioned the early Communities as absolutely necessary and indispensable; a matter of no alternative and even of survival (Luns, 1957; Mansholt, 1962). The enormity of the stakes at hand belittled any differences of opinion regarding how exactly to proceed, and how to divide up the burdens and benefits involved. The indispensability paradigm rested on an emphasis on the member states’ growing interdependence, which resulted not only from deliberate institution building, but also from external constraints such as technological and industrial developments and international competition, the emerging Cold-War and need to contain Germany – and ultimately the shared threat of extinction ‘if we did nothing’ (Monnet, 1978, 289). A second discursive pattern presenting European integration as a “no

[29]

brainer” framed the member states’ interests as converging into a common European interest or “European common good”, furthered by integration in its emerging form. Again, the implication was that this European common good was and could only be the object of a general agreement. Evoked was a kind of Rousseauian “general will” oriented towards the common good, and emanating from insight into what this consisted of. Discourses projecting a common European good often implied a given moral predisposition towards it, and a principled obligation to pursue it through integration. A third discourse had European integration as embodying ‘progress’, and standing for man rising above circumstances and

doing 'something brave' (Hallstein, 951, 15). This was embedded in the overall emphasis at the time on social engineering, expert knowledge, technology, technocratic governance, and an active state; auguring the 'gradual triumph of the rational and the technocratic over the political' (Pentland, 1981, 551) and the 'victory of economics over politics' with its 'excited demands', passions, nationalist impulses, and warfare (Haas, 1968 [1963], 159). The constitutionalisation of Community law and the idea and practice of 'administrative governance', ruled and legitimated by the 'normative-legal principle' (Lindseth, 2010, 2), were further ways of de-politicising or shifting the Communities and their governance beyond the realm of contestation and majoritarian politics.

All these discourses worked in a fundamentally top-down manner. They were based on the offer, and efficient provision, of solutions to people's pressing problems, or on legitimation by 'output efficiency' and the effective promotion of 'the common welfare of the constituency in question', as opposed to 'input authenticity', or an alignment with the 'authentic preferences of the members of a constituency' (Scharpf, 1999, 6-9; see Sternberg, 2015). Yet they tended to take for granted that the Europeans' relevant predilections, needs, thoughts, and desires were of a certain nature. Now, if a political order is to be legitimated through its performance, this presupposes some agreement on, or legitimate mechanisms of defining, the ends and goals and remit of its actions so as to make them reflect the relevant constituency's preferences (see Sternberg, 2015). The tendency in early legitimating discourses to take for granted a basic general agreement regarding these – and a match between what the Communities offered (or promised) and what people wanted – worked towards the projection of input as well as output legitimacy (see Sternberg, 2015, 615).

As to democracy as a source of legitimacy for the young European Communities, or as offering mechanisms of will formation regarding their objectives,

[30]

in stark contrast to the more recent treaties or declarations neither the Paris nor Rome Treaties even contained the words 'democracy' or 'democratic'; nor did the 1950 Schuman Declaration. This is symptomatic of how early constructions of the Communities' legitimacy tended to focus more on their being helpful or useful, rather than democratic. In this they presupposed that the ways in which the Communities were being helpful/useful were so obviously desirable as to overshadow any disagreement about what the Communities should be doing and how, or how to divide up the burdens and benefits of the endeavour. In any case, to what extent 'the democratic nature of the regimes of post-war western Europe rendered them legitimate in the eyes of their populations', was a complex question (Conway and Romijn, 2004, 380). Against the experience of authoritarianism, many people still harboured distrust in unobstructed mass politics and the majoritarian elements of democracy, and in what an unmediated and uncontained majority will could entail.

This distrust in the rule of majorities extended to an unreserved and open-ended engagement with public opinion. From a pro-integration perspective, to allow too much popular input, and to engage in too much detail with public opinion, risked obstructing the integration process (e.g. Monnet, 1978, 93). Overexposure to public opinion and its manifold components would also have challenged the above discourses around a common European good, and may well have undermined at the overall consensus narrative that the public by and large endorsed the integration project – or that they much cared about it. After all, given the much narrower range of Community activities and policies than today, there were few opportunities for the early Communities to reach the wider public.

For these reasons (among others), the early Communities' 'mode of operation' was

essentially technocratic and corporatist, targeting specifically ‘the men [sic] who exercise leading functions in all fields’ (CEC, 1958, 14) through early practices of ‘engrenage’, or involving networks of stakeholders and interest groups (Featherstone, 1994, 150, 155; Tsakatika, 2005, 199). So were, in part, early legitimation techniques, which likewise emphasised the need for elite capture rather than bringing the people at large on board. While the public at large may have been “permissive” or indifferent, domestic political elites, including political parties and elected representatives were certainly split over the issues of what the Communities should be doing and how, and in which institutional framework, including over how supranational the Communities should be (see e.g. Gillingham, 2003; Gilbert, 2008). The

[31]

hope was that economic and other stakeholders would persuade political representatives of the benefits of integration, and over time exert pressure on elites to embrace it (e.g. Haas, 1958). In this light, early information policies in particular were geared specifically towards these stakeholder elites. The Press and Information Service of the European Coal and Steel Community’s (ECSC) High Authority created in 1952 formed a basis for a European information policy carried out, from 1958, under the Joint Service for Press and Information for the European Communities. It developed ‘clear ideas’ regarding the dual purpose of external information (Rye, 2009, 149-150; see Rabier, 1998). One of its objectives, accordingly, was to provide economic and technical information for concerned interests, in particular the industrial and commercial communities.

Early references to public opinion

Concurrently though, early information policy was also committed to targeting the wider public. Jean Monnet, as president of the High Authority of the ECSC, explained:

‘Our Community will only truly be realized if the actions it takes are made public and explained publicly [...] to the people of our Community’ (1955:46). Jean-Jacques Rabier, the Joint Press and Information Service’s first director, dubbed himself and those working on the Community information policy “fonctionnaires-militants” or “missionaries” who ‘openly admitted their desire to nurture a European consciousness’ and to influence public opinion (Calligaro, 2013, 15; see Rabier, 1955, 25).¹

At the level of general rhetoric, the Hallstein Commission (1958-1967), and Walter Hallstein himself in particular, communicated on ‘numerous occasions’ the view that the ultimate purpose of functional and economic integration was political union; and that ‘social integration’, and public endorsement

[32]

¹ One recent historiographical study suggests, against this account, that early (1952, 72) European information policy, too, was essentially elitist in that it targeted the wider public if at all then indirectly, through multipliers and opinion leaders; lucid about the technical nature of community action, which made it unsuitable to appealing to a broader public, early information policy accordingly pursued no objective of creating a European identity (Reinfeldt, 2014). Others have described the information policy pioneers’ ‘frustrated’, but existing, ‘ambitions’ when it came to identity building and reaching a wider public in practice (Ludlow, 1998).

of the integration project, was ‘a condition upon which successful political integration would depend’. Interestingly, the ‘emphasis on the need to change the minds of the people of Europe’ and to forge a ‘new public opinion’ and ‘European public community, the realization of which would demand a new European spirit’ was expressed in the EP in ‘even stronger terms’ than in the Hallstein Commission (Rye, 2009, 150).

Public opinion did thus feature in discourses around the new Communities’ legitimacy. What is more, they already tended to frame public opinion as a ‘problem’ (Aldrin, 2009), as being in need of being ‘won over’ but also, importantly, of being guided and contained. Even though the first decades of integration evolved against the background of a “permissive consensus”, official as well as national public discourses already showed an embryonic but growing attentiveness to the fact that public opinion was at best ‘indifferent’ and definitely ‘not committed’ (CEC, 1972, 34), claiming ‘what the Communities lack is popular support’ (EP, 1963,16). This was a problem not so much from a normative perspective, but rather in instrumental terms. Europe’s “silent majority” was ‘largely ineffective’, the Commission deplored for instance (CEC, 1972,34). The term “ineffective” was used here in the sense that this majority did not help to further the cause of integration or help make it sustainable. Yet both would ‘not be possible [...] without the help of leaders and active support of public opinion’ (CEC, 1958,14, emphasis added, see also EPA 1960b, 16). In a nutshell, the ‘pressure of public opinion’ had to be mobilised so as to ‘advance Europe’ (Leo Tindemans, cited in Frankfurter Allgemeine, 14/07/1976, see 07/06/1979).

The Communities’ key asset in winning over the public, according to a pervading theme in pro-Community discourses throughout the 1950s and 60s, was to provide ‘improved living conditions’, a ‘higher standard of living’, and cheaper consumption in the member states (Messina Declaration, 1955; see further Sternberg, 2013, 18-20). The centrality of this emblem of better living conditions through integration again attested to the great emphasis placed on output-based legitimation strategies in the early years of integration – and on winning public support through performance.

European elections and public opinion

The European Parliament (EP) and its predecessor, the EPA, in particular, were often attributed a special role in securing popular support from the very beginning of the European Communities – and not just by the Assembly itself. The Commission’s First General Report, for example, commended the EPA for bringing ‘the public opinion of the Community to the support of all steps or endeavours made in service of Europe’ (CEC, 1958, 14). The Assembly’s central and complex role in relation to public opinion in this discourse came to light in the advocacy for direct elections to the EP, first held in 1979. The preceding campaign and the surrounding discourses had made generous reference to public opinion. They framed the EP as a mediator with regard to public opinion, as its ‘sounding board’ but also a ‘stimulator’, both ‘expressing and shaping political opinion’ (CEC, 1972, 34, 29). In this discourse, a strong and directly elected EP was projected not only as representing the electorate’s interests, preferences, and desires, but also acting upon public opinion and effectively mobilising public support.

Pro-election advocacy also took on early de-politicisation and technocratic discourses and techniques, promising nothing less than the end of ‘the reign of the technocrats’ (Frankfurter Allgemeine, 14/07/1976). Instead they reinvigorated competing (particularly federalist and persisting national) traditions that did insist on (electoral) democracy as a

condition of legitimacy (see Sternberg, 2013, 45-49). A central argument for a strong and elected EP turned on the 'eminently political' nature of what the Communities were doing (see e.g. EPA, 1960b, 16-17). The political nature of integration and Community politics, the argument went, clashed with their technocratic methods that acted as guards against public interference. This argument typically rested both on claims about the feasibility or sustainability of integration, and on normative claims about ideal conditions of legitimacy. In addition to its positive effect on popular support, a strong elected EP was canvassed on the grounds that it would help to improve political representation in Europe, defined in various ideal-typical ways (Pitkin, 1967). Specifically it would strengthen formal representation, 'free elections' being the only known means for 'expressing the will of the people' and doing them justice 'not [as] objects but [as] subjects of the law' (EPA, 1960b, 16-17). Further, such an EP would promote substantive representation, or the Communities' responsiveness to citizen preferences, needs, and desires, in line with its role in keeping 'the Commission in close and permanent touch with political and human realities' (CECE, 1961, 19).

[34]

Probably the most important, widespread, and vocal argument put forward in favour of European elections, however, referred to what would come under Pitkin's final kind of symbolic representation, whereby a political order or its elites are representative because the people believe in them and trust them to represent their interests. Pro-election advocacy rested prominently on the claim that elections were the way 'to associate the peoples to the building of Europe' (EPA, 1960a, 834; see also EPA, 1960b, 16). European elections and 'electoral symbolism' were seen to possess the diffuse power of inciting such an essentially emotive response on the part of the electorate, making citizens 'feel more concerned by the enterprise' and 'want to live together' (Le Monde, 12/06/1979), 'making triumph the European idea in public opinion' (EP, 1963, 25), and forging a 'European consciousness' in them (EPA, 1960b, 16, 1). A strong and elected EP, it was claimed at the time, would lead directly to public endorsement.

The shift towards "Listening to what the people want": 1976-1980s

References to the EP as both acting upon and representing public opinion anticipated a radical shift in discourses around Community legitimacy – all the more necessary as the financial and economic crises of the 1970s and early 1980s undermined the Communities' claim to effectively providing prosperity and improved living conditions. With the "cake" no longer growing, narratives of integration as Pareto-efficient and furthering an uncontroversial common European good came under attack. Renewed international tensions weakened the promise of peace as well. Europe had lost 'guiding light, namely the political consensus on our reasons for undertaking this joint task' (CEC, 1976, 11). Proposals regarding how to revitalise integration and reaffirm this consensus, as well as later on regarding how to legitimate the deepening of integration with the 1986 Single European Act and "Project 1992" (of completing the single market by this date) reflected and promoted a sea change in discourses around EU legitimacy. This change was to become hegemonic in official rhetoric and translated into actual policy in the context of the inter-institutional People's Europe campaign of the 1980s that was to "bring Europe closer to its citizens".

At the core of this fundamental shift in legitimacy discourses lay, on one hand, a change of perspective. Henceforth problems and potentials of

[35]

Community or EU legitimacy were approached from the viewpoint of the European citizens. Official legitimization rhetoric now turned on “what the citizens wanted”: ‘We must listen to our people. What do the Europeans want? What do they expect from a united Europe?’ (CEC, 1976, 11). On the other hand, this turn towards citizen expectations and public opinion went hand in hand with a discourse on “responsiveness” to citizen expectations as a paramount basis for any claim to Community legitimacy.

The need to align integration with public opinion and citizen sensitivities was perhaps the most central motif of the People’s Europe rhetoric. The 1984 Fontainebleau Council defined the People’s Europe through the target that ‘the Community should respond to the expectations of the people of Europe’ (Council, 1984; CEC, 1976, 13, 1985, 5). In the logic of the People’s Europe, the uppermost measuring stick in determining a new ‘common vision of Europe’ and of what exactly the Community should deliver, was whatever it took to make people desire European integration. The ‘need to redefine the objectives of European integration’ in line with what would make its subjects endorse it (here EP 1984; see also e.g. CEC, 1988, 4) became a frequent motif in discourses on the Community’s legitimacy, beginning already in the late 1970s, and becoming more pervasive in the 1980s.

Meanwhile citizen expectations, the will of the people, and public attitudes had an ambiguous status in these discourses. At face value the “citizen” and “responsiveness” turns may look like a rebalancing of legitimacy-related arguments in favour of those grounded on input authenticity (as in, political choices reflecting ‘the authentic preferences of the members of a constituency’), and away from the earlier more exclusive emphasis on legitimacy resulting from performance outputs noted above. The new official discourse reached beyond performance-oriented legitimization patterns in that it complemented them with appeals to the citizen’s sense of self and her feeling close to, and to some extent in control of, Community governance. The idea, however, was still to maintain, or save, the Community’s reputation, capabilities and legitimacy as an effective and relevant problem-solver by making its output ‘more responsive’ and more relevant to the European citizens and their needs (CEC, 1976, 11). If efficient performance was to grant legitimacy to the Community, it had to be the right kind of performance of the right kind of tasks – which, of course, presupposed knowledge about, and a display of interest in, those concerns, needs, and desires closest to citizens’ hearts. It was in this way that the discursive turn towards “what the people want” essentially revamped the output legitimacy paradigm by more effectively

[36]

targeting the right kinds of outputs, on the basis of public opinion regarding what the ends and goals of Community action and integration should be. This, of course, illustrates that the two kinds of legitimacy necessarily go together (Sternberg, 2015).

Citizen expectations, moreover, played an equivocal part in these discourses about bringing Europe closer to what the citizens wanted in that these citizen expectations were framed both as an independent source of legitimacy (for integration as a whole as well as specific institutional or policy solutions), and as an object of manipulation (usually to the end of reviving and advancing the integration process). Rationalisations of this ambiguous status were often circular; discourses around the People’s Europe typically started from the premise that the Europeans were fundamentally ‘still in favour of closer links between our peoples’ and of deepening integration (here CEC, 1976, 11). On this basis, they gave the Community agency both in interpreting and in shaping citizen preferences, and in providing

‘a channel for their ideals’ – so that they could respond ‘to the views of its citizens’ (CEC, 1985, 19). Because people wanted integration, they had to be made, and made to be seen, to want it even more.

The People’s Europe rhetoric established the will of the people again as both a normative imperative and a matter of political necessity. For example, ‘[i]n democratic countries the will of governments alone is not sufficient for such an undertaking [supranational integration]. The need for it, its advantages and its gradual achievement must be perceived by everyone so that effort and sacrifices are freely accepted. Europe must be close to its citizens’ (CEC, 1976, 26). This wording was deliberately vague as to whether what would be ‘sufficient’ was the subject of a normative statement or of an empirical prediction about practicality; it framed a favourable popular opinion as vital both for justifying and for advancing integration.

Either way, mobilising popular support was an explicit aim of the new citizen-focused rhetoric and of the People’s Europe campaign. It was to be achieved not least by attributing some importance to what citizens thought and felt about the European construction. At the same time, the new language did not go as far as to offer a re-imagination of the will of the people as somehow indispensable for authorising, controlling, or holding accountable political power, or as the location of popular sovereignty. Furthermore, while it did call for promoting acceptance by the citizens, it did not propose inviting them to express their will open-endedly – and disregarded the possibility of

[37]

bottom-up preferences against integration. That ‘effort and sacrifices’ had to be undertaken was down to ‘need’: it was not open to discussion. Effectively, the new emphasis on public opinion called for reinforcing citizen acceptance by promoting popular insight into the necessity and benefits of the project, stipulated already by the foundational indispensability storyline.

Communicating with public opinion

In addition, making the Communities responsive to citizen expectations was to happen not so much through majoritarian mechanisms of democratic representation, but by establishing a “dialogue” between the European Community and the European citizens – a further rallying cry in the People’s Europe imagery. The people had to be listened to, and to be taken seriously, and they had to be informed, persuaded about what they were getting – in short, communicated with. Tellingly, in this regard, DG Information became DG Communication in 1999.

A first step in establishing this dialogue had been to better understand what the people actually wanted. In 1974, the Eurobarometer was introduced to measure the ‘atmospheric pressure’ of public opinion (Eurobarometer, 1/1974, 2; see Aldrin, 2010), framed as an optimised way of listening to what people wanted, thought, and felt. Like all opinion polls (Manin, 1997, 231), the Eurobarometer was a construct of, as well as a tool to gauge, the popular will and a European public opinion. This is because interviewees might not actually have conscious, pre-fabricated attitudes, and hence have to ‘make it up as they go along’, exposed to the suggestion implicit in the polling design and situation (Zaller, 1992, 76). Collecting information about ‘European public opinion’, the attitudes of ‘Community citizens’ and ‘European consumers’ helped to create these very categories – and ultimately

that of a European 'people' (see Shore, 2000, 30-31). Questions regarding a European identity, too, constructed as much as measured such an identity by implying it already existed. In a 2003 interview, founding director Jacques-René Rabier embraced the Eurobarometer's mission to help to build a 'European consciousness': 'It was not just about learning about European public opinion, but also about advertising to this opinion what the citizens of this or that country thought about the same topics'. One of the surveys' principal objectives was to 'reveal the Europeans to each other' – thus projecting a community of European citizens engaged in mutual exchange and a community of fate (Rabier, 2003, 1, 5).

[38]

Importantly, and in addition, the polls provided regular "scientific" evidence for strong, and up to 1991 consistently rising, levels of support for EU membership (71 per cent in 1991, Eurobarometer, 37/June 1992, 8). This obviously played into the hands of a campaign that projected a Community that was close to, and endorsed by, the Europeans. Approval figures were lower when people were asked if their own country benefited from the Community. Hence, while to most Europeans their country's membership did command support, they did not view this as producing concrete benefits to the same extent. In order to promote this perception, the Eurobarometer collected information on the citizens' concerns and needs; in short, on what might be perceived as benefits. And this is where its real strength lay with regards to promoting the Community to its citizens.

Another declared objective of the Eurobarometer was to 'guide the information policy' – by providing information on 'who we are talking to, what we should talk about, and how we should talk about it' (Rabier, 2003, 1, 5). Information policies, like Community action more broadly, were supposed to focus pragmatically on 'those areas of greatest importance [and 'irritation'] to the citizen in his daily life' (CEC, 1985, 20) – in other words, those areas that could be expected to increase citizen support. The Commission proudly harmonised its general information campaign with the citizens' 'preoccupations of everyday life', drawing the public's 'attention to the fact that the health, safety, information, and economic interests of the consumer have been the main focus of legislation' (CEC, 1988, 10-11).

To be sure, this pragmatic aspiration of using knowledge about public opinion to shape Community action not only characterised information campaigns, but was supposed to prioritise and structure the actual content of this action (see e.g. CEC, 1985, 20). Accordingly, policy and institutional reform should be planned with the anticipated effect of specific measures on popular approval in mind. Or, phrased more positively, they should be planned with a view to giving the citizens what they wanted most. In reality, the Eurobarometer might have been better suited for testing people's reactions to particular policy offers and information strategies, and fine-tuning the latter to the former, than for developing new policies or even reforming the Community institutionally in response to their wishes. Where Eurobarometer results were cited with regard to the actual definition of policy, it was often to give weight to independently defined political demands, or to rationalise policy (Shore, 2000, 31; Sternberg, 2013, 84-85). On the whole, it was the wrapping more than the content that was adjusted to fit what had been detected in popular

[39]

opinion – which of course undermined claims that the Eurobarometer helped make the Community and its policies more responsive to citizen expectations.

The Community's information and well as communication policies for their part used specific techniques of actively influencing popular perceptions of integration or specific policies and

reforms, and crucially what the Europeans wanted out of integration and expected from it. This continued an argument developed by the ECSC Information Service (see above), as early as the 1950s, that the public had not only 'inform[ed]' but also 'educate[d]' (Rye 2009, 149-150). A 1993 expert group report reflecting on the Community's information and communication policy deemed that, so as to alter public attitudes favourably, it 'is not more information that is required. Indeed, there may already be too much information in the sense that it is boring, irrelevant and "cold". What is needed is more communication: messages that stimulate, excite, motivate and move people: stimuli that change their attitudes' (De Clercq, 1993, 10). In 1999 in due course, the Directorate-General Information was re-dubbed DG Communication in this vein. The expert group chaired by MEP Willy De Clercq thus recommended branding and positioning the European Union as a 'good product' (1993, 13), tailored towards specific different target groups, with an emphasis of its benefits 'for me' (1993, 7); and drawing on professional advertising and public relations tools (see also Shore, 2000, 55-56). For the example of "selling the single market" (and later the euro) to the public, official communication and legitimation techniques further included the quantification of the projected benefits, which made the costs of not having it more tangible (Sternberg, 2013, 86-88).

The De Clercq Report further reflected a redefinition of what constituted "information" in evolving communication and information policies. At the same time as calling to move beyond "mere information", its epitaph read: 'A man who is not informed is a subject; an informed man is a citizen' (by the French demographer, anthropologist and economic historian Alfred Sauvy). This framed the provision of information – in its proposed extended meaning that included stimulation, inspiration, mobilisation, and selectiveness – as a condition of citizenship, or even as constitutive of citizenship as such. It implied that citizenship was something that could be conferred and promoted by way of top-down information and communication policies and top-down action upon public knowledge and attitudes.

Public opinion in the discursive management of the Maastricht crisis

The Community's honeymoon with public opinion solidly behind the single market after first a drop following the economic difficulties of the late 1970s and early 1980s (Eurobarometer 29/June 1988, 28-33), came to an abrupt ending with the difficult ratification of the Maastricht Treaty. This combined with plummeting support rates. EU-official discourses widely recognised the Maastricht crisis as a watershed in the EU's relationship with public opinion: 'things will never again be as comfortable for politicians as they had been before: public opinion matters' (Eurobarometer Nr 38, December 1992, iv). It mattered not least in that political actors could no longer act on the assumption that the citizens would not interfere with the deepening and widening of integration; the public had lost 'confidence' in this very idea (e.g. Council 1992c, 411; EP, 1995, 2).

One explanation offered by the EU institutions attributed popular scepticism to an 'information gap' (e.g. Eurobarometer, Nr 38, December 1992, x). This continued the old presumption that 'the public [did] not understand European affairs', and that better information and communication would 'help it understand' (Walters and Haahr, 2005b, 75). The Commission rationalised this strategy by referring to statistical evidence on the correlation between, on the one hand, levels of awareness and knowledge of the EU and, on the other, positive attitudes towards it (e.g. CEC, 2001, 11). On these grounds, efforts and

resources devoted to EU information and communication policies were multiplied throughout the 1990s and 2000s (CEC, 2001, 11, 2002, 11; Council, 1992a, 396, 1992b, 409; Delors, 1993; see Meyer, 1999, 624).

During and immediately after the treaty's thorny ratification, politicians and EU representatives ascribed dropping public support rates to the EU's 'democratic deficit, [which] all of a sudden [became] very visible and audible, real and evident' (Eurobarometer, Nr 38, December 1992, vi), and henceforth an omnipresent catchphrase. The dominant discourse treated the EU's democratic deficit as the main challenge in overcoming the crisis of popular confidence, marking a departure from the limited discursive space afforded to democracy earlier on.

In part, the phrase 'democratic deficit' was simply used to denote a lack of popular support (see Sternberg, 2013, 125-126), echoing understandings of legitimacy as social, empirical (belief in) legitimacy. In addition, the post-

[41]

Maastricht discourses of the EU institutions re-imagined the EU's relationship with public opinion and the will of the people. They stretched the meaning of "democracy" beyond the traditional understanding as in parliamentary democracy, offering more instant fixes than 'tactical' alternatives (Lodge, 1994, 344) to the ongoing, but lengthy and gradual if steady process empowering the EP (see Rittberger, 2005).

Four such re-definitions or re-adaptations of "democracy" for the case of the EU stood out in particular. Two principal elements of the Commission's immediately proclaimed 'crusade for democracy', in 'close cooperation' with the EP, centred, firstly, on the 'openness' or 'transparency' of EU decision making as well as, secondly, the principle of 'subsidiarity' (Delors, 1993). Both the transparency/openness and the subsidiarity discourses did partly claim to bring about a more 'democratic' EU in the formal representation – or accountability-related senses, or by invoking deliberative democratic ideals of public will-formation informing decision-making. More importantly though, they claimed to bring the EU closer to its citizens, and to rally lost (and much-needed) popular support (e.g. Council, 1992b, 409, 1991; EP, 1995, 4; see Mather, 2006, 78; and e.g. Council, 1992a, 396, 1992b, 410; EP, 1995, I). More specifically, improving the openness and transparency of legislative and bureaucratic procedures was hailed as increasing citizen influence in that it would 'ensure a better informed public debate on its activities' (Council, 1992b, 409) and bring its actions 'into the light of public scrutiny' (Prodi, 1999), in addition to improving the national parliaments' scrutiny of the EU (Council, 1992c, 412-413). In effect, the people's role in the logic of the transparency/openness discourse was rather limited to observing than sanctioning or actually decisions. Subsidiarity, in turn, was presented as part of the answer to a widespread popular and political discourse according to which the greater the number of citizens were included, the less their individual votes counted. Subsidiarity was to limit on the number of decisions taken at the supranational level, suggesting likewise that decisions would be taken under the citizens' critical gaze, scrutiny and control at lower levels of decision making (e.g. CEC, 1995, 5). The subsidiarity discourse implied a natural link between subsidiarity and transparency – and between both and democratic control and public support (e.g. CEC, 1995, 5). Subsidiarity in particular was often simply equated with 'nearness' or 'closeness' to the citizens (see e.g. CEC, 1995, 5; Council, 1992b, 410; EP, 1995, 2). Both openness/ transparency and subsidiarity were thus framed as bringing the EU closer to its citizens both in the sense of changing EU decision and policy making, and by promising to improve public opinion and mobilise popular support.

[42]

Third, a later key development peaked around the turn of the century, in the discourses of the EU institutions in response to the EU's post-Maastricht legitimacy crisis. This presented 'governance' as the answer to the Union's popular approval and legitimacy problems (CEC, 2001; Prodi, 2000, 2001). Governance was pitched as a direct appeal to public opinion, popular sensitivities and expectations. It supposedly offered a much-needed solution for the globally measured phenomenon of citizens' 'alienation from politics' (CEC, 2001, 32; see Norris, 1999), for disappointing levels of support for the EU, as well as increasing 'disenchantment' among citizens across liberal democracies with the established model of democracy and their 'growing crisis of faith' in their parliamentary representatives, all expressed in low election turnouts (Prodi, 2001). Since "democracy", nonetheless, remained an indispensable prerequisite for credible claims to political and EU legitimacy, re-defining "democracy" and equating it with "governance" was an obvious strategy: 'When we speak of "governance" we are, in fact, discussing democracy' (Prodi, 2001; see similarly CEC, 2001, 32). What is more, governance was elevated to a superior type of democracy, 'more complete and thoroughgoing' than traditional parliamentary representation (Prodi, 2001).

What made governance superior to representative, electoral democracy according to this discourse was its claim to being the 'kind of democracy our fellow-citizens want' (Prodi, 2001). This of course amounted to a direct appeal to supposed popular opinion or preferences. It is this claim to greater responsiveness to citizen concerns, needs, and desires that lay at the heart of the governance discourse, and it extended to the content of policy- and other decision-making. Greater responsiveness, and efficient performance, was to be achieved specifically through the involvement and top-down consultation of civil society – in effect organised interest groups – as opposed to accountability to, authorisation by, or representation of the people as a whole or the individual citizens (see e.g. Mather, 2006; Magnette, 2003). The Commission did not even need to consult Parliament in this new paradigm (see Kohler-Koch, 2000, 522). Rather, it drew on interest group representatives, giving a voice to those who would be affected and hence knew best which options would lead to optimal delivery, and who had expert knowledge. In this vein the Commission's White Paper on European Governance explicitly pledged to raise popular 'confidence in expert advice' (CEC, 2001, 19). It 'may be regarded as a restatement of the Technocratic Europe's *raison d'être* – "leave it to the experts"', and not least also because it structurally favoured informed and organised citizen groups (Mather, 2006, 85; see Tsakatika, 2005, 208-209, 215).

[43]

Popular approval (and normative claims to legitimacy) in the governance paradigm once again resulted to a considerable degree from the efficient delivery of specific tasks that the citizens expected and wished to be fulfilled. Output efficiency persisted as a parallel legitimisation frame to civil society involvement and participation. Indeed it was given a higher priority than the EU's democratic credentials, however defined (see also Tsakatika, 2005, 202; Lord and Magnette, 2004, 4-5): 'Effective action by European institutions is the greatest source of their legitimacy' (Prodi, 2000; see e.g. CEC, 1995, 2, 5). Returning the EU to the confidence of its citizens, in this paradigm, above all presupposed the EU delivering efficient problem-solving, persuading them in particular that the EU was 'our only hope' in 'response to galloping globalisation' (Prodi, 2001). What had changed was that the governance conception of participation, in terms of civil society consultation, which provided a new means of identifying citizen needs that could then (be claimed to) be catered for, much as the supposed 'dialogue with the citizens' analysed above had promised already,

but more effectively.

'[I]nvolving civil society' offered an alternative to identifying citizen expectations both through polls and classic mechanisms of representative democracy. Its prime benefit lay in the 'important role' it could play 'in giving voice to the concerns of citizens and delivering services that meet people's needs' (CEC, 2001, 14). Consulting organised networks and interest groups was more effective in this respect than opinion polls because it specifically targeted actually affected as well as mobilised citizens. It was also more effective than direct popular participation could ever hope to be, which would always concern a complex mixture of issues. 'Participation is not about institutionalising protest. It is about more effective policy shaping' (CEC, 2001, 15). The governance discourse assumed that European citizens ultimately preferred delegating civic participation in political decision-making and policy-making to civil society organisations over parliamentary representation. They did so because this gave them what they wanted, or at least what was best for them – which, at the end of the day, would reflect itself in approval rates.

Partly in parallel and partly later, official discourses around EU legitimacy and democracy finally moved on to focus prominently on changing public opinion, namely in the direction of fostering a shared sense of European identity, constitutional patriotism, and demos-hood (Sternberg, 2013, 133-151). These discourses culminated in the project of a "European constitution". Both of these deficiencies, of a European identity and a European demos, had been the objects of central arguments in critiques of the EU's democracy deficits,

[44]

and of attempts at improving its now comparatively weak and indifferent popular support (Sternberg, 2013, 115-126). In this logic, public attitudes had to be changed so as to make the EU more democratic and legitimate, and the EU had to be made more democratic and more normatively legitimate so as to increase its popular support.

Constraining dissensus and the EU's polycrisis

If public opinion had forcefully entered the stage of contests over EU legitimacy with the Maastricht crisis, in the two decades or so since then it has become an even greater force to be reckoned with. It manifested its power in the referendums on the constitutional treaty and, with a vengeance, in the recent Brexit vote, but also in the forceful popular resistance and the scepticism or disapproval measured in opinion polls regarding how the EU and Europe's leaders have handled the Euro and sovereign debt crises, as well as the ongoing refugee crisis. A 'constraining dissensus' of public opinion has replaced any earlier permissive consensus (Hooghe and Marks, 2009). Public opinion is now significantly limiting the EU's range of action. With Brexit imminent and other potential exit votes on the horizon, it is possibly even placing a question mark over the EU's very existence, at least in its current form.

The EU institutions have acknowledged this development, at least in their rhetoric. Commission President-elect Jean-Claude Juncker, for example, recognised the urgency and seriousness of the situation in his opening statement to the EP: 'I am convinced that this will be the last-chance Commission: either we will succeed in bringing our citizens closer to Europe, or we will fail. Either we will succeed in making Europe a political whole that deals with the big issues [...], or we will fail' (Juncker, 2014). This statement continues preceding discursive traditions discussed above in two ways. On the one hand, it is the citizens that

need to be brought closer to Europe, rather than the other way round – symptomatic also of the People’s Europe rhetoric or any efforts to actively shape public opinion. What might just be reflected in Juncker’s pledge, in a more committed way than previously, is a true consideration that the EU itself, rather than citizen opinions, has to change if this is to succeed. On the other, it is through (making Europe capable of) delivering efficient problem solving, and addressing ‘the big issues’ facing the EU, that its survival in its current form will be ensured. This is

[45]

in keeping with an overall, if over time at least superficially decreasing, bias towards output-based legitimisation strategies. This bias effectively persisted even after the turn in official discourses or legitimisation techniques towards the European citizens and their sensitivities – with the difference that now the outputs of EU action were framed as having to be as “responsive” as possible to what the citizens wanted.

The challenge today, of course, is that the European public harbours very different, and mutually incompatible ideas regarding what it would mean to ‘deal with the big issues’. This is now even more irrefutable than at the time of popular misgivings with Maastricht and monetary union, with different enlargements, or of earlier conflicts over what path to take in European integration. Efficient performance alone cannot maintain, or re-constitute, the EU’s claim to legitimacy. Not just any way of addressing these issues will do to improve the EU’s legitimacy in the eyes of the population – any choice of a course of action over other options that is to have this effect needs a plausible connection to what the people consider correct and desirable. The discursive history of contests over EU legitimacy suggests that output – and input – grounded legitimacy can durably work only if they go together (Sternberg, 2015). The recent politicisation and polarisation of opinions, interests, and values (see de Wilde, 2011; Hooghe and Marks, 2012) suggests likewise, and even more powerfully, that interlocking input and output legitimacy cannot so much require merely a simple match between outputs and citizen preferences, as aspired to by the People’s Europe discourse. Such a match has meanwhile shown itself downright impossible given the incontrovertible heterogeneity and fundamental clash of citizen preferences and interests. Rather, such an interlocking hence seems to require opportunities and structures appraising and channelling this contestation, recognising fundamental difference without seeking to harmonise it (Nicolaidis, Sternberg and Gartzou-Katsouyanni, forthcoming).

The absence of a consensus on what kinds of policies the EU should deliver has become impossible to deny. By voting in referendums or by taking to the streets against austerity measures, the European people have forcefully expressed not only how far their ideas on what to do diverge, but also their will to influence decisions about their countries’ and Europe’s future (Sternberg, 2015b). Politicisation is no longer, if it ever was, something that could conceivably be contained so as to dodge the risk of an uncontrollable intensification of conflict, and ultimately disintegration (see e.g. Bartolini, 2005). The discursive history of EU legitimisation can be told as a story of a

[46]

push and pull between de-politicising forces and counter-forces that actively politicised the stakes of EU politics. It is a story of how it increasingly became undeniable that virtually any solution in integration politics creates winners and losers, of how any discourses glossing over this, and emphasising harmony, effectively became counter-productive. If there is one key lesson, it is that any claims about the EU’s legitimacy, in order to be plausible, have to openly acknowledge the essentially controversial nature of EU politics. Europe’s current

'polycrisis' (Juncker again) drives this point home with particular force.

Conclusion

To summarise, the above brief discourse-historical trajectory of the role of public opinion in contests over Community legitimacy illustrates a number of changes and shifts. The foundational years and decades were marked by an important focus on delivering on the central promise of peace, prosperity and progress through European integration, as well as the projection of a convergence of interests in a European "common good", and a European "general will" directed at furthering it. The nature and desirability of these ends and goals of integration were framed effectively as non-controversial "no brainers". Against the recent experience of totalitarianism, a certain distrust of majority popular opinion prevailed. On the whole, early legitimisation discourses were characterised by an often-silent assumption that public opinion would come around to the "indispensability" and absolute, survival-securing necessity as well as desirability and moral rectitude of integration as it was evolving. Indeed, the first decades of integration did occur against the comfortable backdrop of a popular permissive consensus over integration. Still, there were early references to public opinion as indifferent and not sufficiently committed; as in need of being informed, persuaded, and brought on board because it could be a valuable asset in advancing the cause of integration and consolidating its course so far. Public opinion played a similar role in advocacy for European elections, at least partly as a political leverage, but also as essentially "winnable" and susceptible to the flattery of being taken seriously and given the right to exercise democratic control and influence through a strong and directly elected EP.

It was in reaction to near-existential threats to central legitimating storylines that official Community rhetoric shifted fundamentally. In particular, the

[47]

conflicts of the 1960s over how supranational the Communities should be undermined the storyline that pretty much everyone agreed on what the Communities should be doing and how; and the economic and financial crises of the 1970s, combined with the end of *détente*, challenged the promises of peace, prosperity and better living conditions, as well as the comfortable backdrop of a popular permissive consensus. Greater endorsement or mobilisation on the part of the public was needed to sustain and advance the integration project. In response, official EU rhetoric and legitimisation patterns changed to focus on "what the people wanted" (so that then its legitimacy could be claimed, partly, on grounds that it represented or delivered this). This change of perspective was mainstreamed, in official discourse as well as (especially information and communication) policy, in the People's Europe campaign of the 1980s. To be sure, the fact that official rhetoric revolved centrally around the European citizens and their needs and sensitivities did not necessarily mean that these citizens got more of an actual say. Both the People's-Europe and post-Maastricht EU-official legitimisation discourses centred on democratic responsiveness. They prioritised this over democratic accountability or authorisation, often linking responsiveness with modes of governance ensuring efficient performance, even at the expense of representativeness, participation, or democratic control, and generally seeking alternatives to majoritarian modes of democracy and their procedures. Responsiveness was to be achieved more by improving knowledge about public opinion or consulting stakeholders than through traditional majoritarian mechanisms of representation. The citizens remained

objects and spectators rather than authors of EU action in these discourses. If the will and expectations of the people were at the epicentre of these discourses, they had a double status in both, acting both as an object of manipulation and an independent source of legitimacy.

The failure of the constitutional draft treaty in turn marked, with hindsight, only the beginning of an incontrovertible politicization and polarization of public opinion regarding European integration. This has intensified more recently in the context of the constitutional, euro, refugee, and most recently Brexit crises, but was already beginning to show at the time of the Maastricht and constitutional treaties. Meanwhile the discursive balance of plausibility has irrevocably tilted in favour of discourses acknowledging this politicisation as well as the political nature of the stakes of EU politics, as opposed to de-politicising them. The discursive history sketched in this article saw EU official discourses (against the background of wider public, academic, legal, and other critiques) give increasing space and recognition

[48]

to sceptical and increasingly polarised public opinion, interests, values, and preferences. Yet, it also saw them trying essentially to limit the impact, or obstructive potential, on the actual course of EU politics or integration: by framing citizen expectations as an object of manipulation at the same time as a political leverage and independent source of legitimacy, and by framing the public as objects or spectators rather than authors of EU action, albeit responsive to them.

Europe's only option today seems to be to embrace the fact of politicisation; to strengthen and establish mechanisms of both formal and more informal, participatory democracy as well as protest-politics to mediate essential differences of opinion, and to a discursive climate that embraces contestation and disagreement as a source of the EU's legitimacy, rather than merely a threat to it. The challenge is to develop mechanisms of channelling and reconciling clashing preferences, interests, and identities, recognising differences without claiming to harmonise them, all the while preserving counter-majoritarian safeguards in a constitutional settlement that continues to face challenges of social legitimacy.

As for the relationship between public opinion and the will of the people, and of both with political legitimacy, what lessons might be drawn from the discourse-historical narrative sketched in this article? A plausible claim to public support has increasingly proved a condition of plausibility in most discourses constructing legitimacy for the case of the EU and European integration. This may be due in part to the EU's nature as a relatively new political order, layered over that of existing nation-states, and by now disposing over a significant range of action over them – how legitimate can it be if a significant proportions of its citizens reject it, or prominent ones of its actions? Yet even discourses that started from accepting the legitimacy of this order as a whole, and that historically focused, say, on the top-down delivery of specific tasks, did frame the choice of such tasks, or the ends and goals of EU action in line with public preferences and expectations. They did so partly by framing public opinion as shorthand for “what the people want”, or at least as a good gauge or reflection of it, while also constructing a supposed will of the people.

In the struggle for EU legitimacy, public opinion has been used as a way of catering to the will of citizens more effectively, as witnessed in the use of EU polls in defining, justifying, or asserting policy preferences or in tweaking information strategies in line with what messages their targets wanted, and

[49]

were able to, receive. The mentioned discourse projecting a dialogue or communication with the EU citizens, which rested importantly on improving statistical knowledge about their predilections, preferences, and attitudes, effectively claimed to offer an alternative to the mechanisms of representative or deliberative democracy, the legitimating potential of which was also difficult to realise (as when even a directly elected and progressively strengthened EP failed to buffer the EU's claim to legitimacy, or when a European public sphere was slow to materialise). Discourses around the involvement of civil society and "governance" harboured an even more explicit promise of a more "authentic" kind of democracy, better at giving people what they wanted than a merely vote-based, majoritarian type. By contrast, the referendums held on successive treaty changes, the constitutional draft treaty, and most powerfully of all the Brexit vote underlined the unpredictable nature of letting the will of the people be formed and formulated through such democratic processes as referendum campaigns and debates, where public opinion shifted in many cases from initially supportive to ultimately opposed (Atikcan, 2015). Where the will of the people was formed through mechanisms of representative, majoritarian, or deliberative democracy, including elections, referendums, or public deliberation more broadly, the process of will formation has had the potential of changing public opinion – but not always favourably from the point of view of those who wished to give the people a greater voice so as to improve their support, and not as foreseen by the advocates of a strong European Parliament or a European constitutional moment.

References

- Aldrin, P. (2009). "L'Union européenne face à l'opinion: construction et usages politiques de l'opinion comme problème communautaire." *Savoir/Agir* 07(1): 13-23.
- Aldrin, P. (2010). "L'invention de l'opinion publique européenne: génèse intellectuelle et politique de l'Eurobaromètre (1950-1973)." *Politix: Revue des sciences sociales du politique* 23(1): 079-101.
- Atikcan, E. Ö. (2015). *Framing the European Union: The Power of Political Arguments in Shaping European Integration*. Cambridge, Cambridge University Press.
- Bartolini, S. (2005). *Restructuring Europe: Centre Formation, System Building and Political Structuring Between the Nation-State and the European Union*. Oxford, Oxford University Press.
- Beetham, D. (2013). *The Legitimation of Power*. 2nd Edition. Basingstoke, Palgrave Macmillan.
- Bodansky, D. (2012). *Legitimacy in International Law and International Relations. Interdisciplinary Perspectives on International Law and International Relations*. J. L. Dunoff and M. A. Pollack. Cambridge, Cambridge University Press: 321-342.
- Calligaro, O. (2013). *Negotiating Europe : EU promotion of Europeanness since the 1950s*. New York, Palgrave Macmillan.
- CEC (1958). "First General Report on the Activities of the Community (January 1, 1958 to September 17, 1958)." Retrieved 30 November, 2016, from <http://aei.pitt.edu/30804/>.
- CEC (1961). "Fourth General Report on the Activities of the Community (16 May 1960

- 30 April 1961)." Retrieved 30 November, 2016, from aei.pitt.edu/30807/.

CEC (1972). "Report of the Working Party Examining the Problem of the Enlargement of the Powers of the European Parliament. "Vedel Report"." Bulletin of the European Communities, Supplement 4/72. Retrieved 30 November, 2016, from aei.pitt.edu/5587/1/5587.pdf.

CEC (1976). "European Union. Report by Mr. Leo Tindemans, Prime Minister of Belgium, to the European Council, 27 December 1975." Bulletin of the European Communities **Supplement 1/76**: 11-35.

CEC (1985). "Reports from the Ad Hoc Committee on a People's Europe, Brussels, chaired by Pietro Adonnino, 25 and 26 June 1985, and 29 and 30 March 1985." Bulletin of the European Economic Community **Supplement 7/85**: 2-33.

CEC (1988). "A People's Europe. Communication from the Commission to the European Parliament (7 July 1988). COM 88 331/final." Bulletin of the European Communities **Supplement 2**.

CEC (1995). "Report on the Operation of the Treaty on European Union (presented by the Commission)." (SEC (95) 731 final. 10/05/1995).

CEC (2001). "European Governance. A White Paper." (COM (2001) 428 final. 25.07.2001).

Conway, M. and P. Romijn (2004). "Introduction to Theme Issue: Political Legitimacy in Mid-Twentieth Century Europe." Contemporary European History **13**(04): 377-388.

Council (1984). "Conclusions of the Sessions of the European Council (1975-1990), Fontainebleau, 25 and 26 June." Bulletin of the European Communities **6**(1984): 10-11.

Council (1992a [1994]). European Council in Lisbon (26/27 June 1992). Conclusions of the Presidency. The Ratification of the Maastricht Treaty: Issues, Debates and Future Implications. F. Laursen and S. Vanhoonacker. Maastricht, European Institute of Public Administration/Martinus Nijhof: 393-406.

Council (1992b [1994]). European Council of Birmingham (16 October 1992). Conclusions of the Presidency. The Ratification of the Maastricht Treaty: Issues, Debates and Future Implications. F. Laursen and S. Vanhoonacker. Maastricht, European Institute of Public Administration. **(from EC Bulletin, October 1992:7-9):** 407-410.

Council (1992c [1994]). European Council in Edinburgh (11/12 December 1992). Conclusions of the Presidency and Annexes. The Ratification of the Maastricht Treaty: Issues, Debates and Future Implications. F. Laursen and S. Vanhoonacker. Maastricht, European Institute of Public Administration/Martinus Nijhof: 411-441.

De Clerq, W. (1993, March 1993). "Reflection on Information and Communication Policy of the European Community. Report by the Group of Experts chaired by Mr. Willy De Clercq, Member of the European Parliament." Retrieved 30 November, 2016, from <http://aei.pitt.edu/29870/>.

de Wilde, P. (2011). "No Polity for Old Politics? A Framework for Analyzing the Politicization of European Integration." Journal of European Integration **33**(5): 559-575.

Delors, J. (1993). "Address to the European Parliament, 10/02/1993, on the occasion

of the investiture debate following appointment of the new Commission." Retrieved 30 November, 2016, from http://europa.eu/rapid/press-release_SPEECH-93-8_en.htm?locale=env.

EP (1963). "Rapport fait au nom de la commission politique sur les compétences et les pouvoirs du Parlement européen. Rapporteur Hans Furler. Documents de séance 31, 14 juin 1983 [Report on behalf of the Political Committee on the competencies and powers of the European Parliament] " EP Session Documents 1963-64 **31, 14 June 1963**: 1-37.

EP (1984). "Draft Treaty Establishing the European Union, Adopted on 14 February 1984 ('Spinelli Draft')." Bulletin of the European Communities **1984**(2).

EP (1995). "Reflection Group's Report. A Strategy for Europe. Messina 02/06/1995 and Brussels 05/12/1995." Retrieved 30 November, 2016, from http://www.europarl.europa.eu/enlargement/cu/agreements/reflex1_en.htm.

EPA (1960a). "Textes relatifs à l'élection de l'Assemblée parlementaire européenne au suffrage universel direct - Texts on the Election of the Parliamentary Assembly by Direct Universal Suffrage." Official Journal of the European Communities **60, 2 June 1960**.

EPA (1960b). "Rapport fait au nom la commission des affaires politiques et des questions institutionnelles sur l'élection de l'Assemblée parlementaire européenne au suffrage universel direct. Rapporteurs Emilio Battista, Fernand Dehousse, Maurice Faure, W.J. Schuijt, and Ludwig Metzger." EP Session Documents 1960-61 **30 April 1960, Document 22**.

Featherstone, K. (1994). "Jean Monnet and the "Democratic Deficit" in the European Union." Journal of Common Market Studies **32**(2): 149-170.

Gilbert, M. (2008). "Narrating the Process: Questioning the Progressive Story of European Integration." Journal of Common Market Studies **46**(3): 641-662.

Gilley, B. (2009). *The Right to Rule. How States Win and Lose Legitimacy*. New York, Columbia University Press.

Gillingham, J. (2003). *European Integration, 1950-2000: Superstate or New Market Economy?* Cambridge, Cambridge University Press.

Haas, E. B. (1968). *Technocracy, Pluralism and the New Europe*. International Regionalism. J. Nye. Boston, MA, Little Brown: 149-176.

Hallstein, W. (1951). "Der Schuman-Plan. Nachschrift des am 28. April 1951 in der Aula der Johann-Wolfgang-Goethe-Universität Frankfurt am Main gehaltenen Vortrages." Retrieved 30 November, 2016, from http://www.cvce.eu/en/obj/vortrag_von_walter_hallstein_zum_schuman_plan_28_april_1951-de-81868a56-1b45-446e-a572-f14085701773.html.

Hart, H. L. A. (1961). *The Concept of Law*. Oxford, Clarendon Press.

Höffe, O. (2007). *Democracy in an Age of Globalisation*. Dordrecht, Springer.

Hooghe, L. and G. Marks (2009). "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus." *British Journal of Political Science* **39**(1): 1-23.

Hooghe, L. and G. Marks (2012). *Politicization*. The Oxford Handbook of the European

- Union. E. Jones, A. Menon and S. Weatherill. Oxford, Oxford Univ Press: 840-853.
- Horne, C. (2009). "A Social Norms Approach to Legitimacy." *American Behavioral Scientist* **53**(3): 400-415.
- Juncker, J.-C. (2014). "A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. Political Guidelines for the next European Commission. Opening Statement in the European Parliament Plenary Session. Strasbourg, 15 July 2014." Retrieved 30 November 2016, from http://ec.europa.eu/priorities/sites/beta-political/files/juncker-political-guidelines_en.pdf.
- Kohler-Koch, B. (2000). "Framing: the Bottleneck of Constructing Legitimate Institutions." *Journal of European Public Policy* **7**(4): 513-531.
- Lake, D. A. (2010). "Building Legitimate States After Civil Wars."
- Lindseth, P. L. (2010). *Power and Legitimacy : Reconciling Europe and the Nation-State*, Oxford University Press.
- Lodge, J. (1994). "Transparency and Democratic Legitimacy." *Journal of Common Market Studies* **32**(3): 343-368.
- Lord, C. and P. Magnette (2004). "E Pluribus Unum? Creative Disagreement about Legitimacy in the EU." *Journal of Common Market Studies* **42**(1): 183-202.
- Ludlow, N. P. (1998). *Frustrated ambitions: the European Commission and the formation of a European identity, 1958-1967. Institutions européennes et identités européennes*. M.-T. Bitsch, W. Loth and R. Poidevin. Bruxelles, Bruylant: 307-326.
- Luns, J. (1957). "Address given by Joseph Luns at the ceremony held to mark the signing of the Rome Treaties (Rome, 25 March 1957)." Retrieved 30 November, 2016, from http://www.cvce.eu/en/obj/address_given_by_joseph_luns_at_the_ceremony_held_to_mark_the_signing_of_the_rome_treaties_rome_25_march_1957-en-897c0a02-4e66-445f-82ad-5939f78008f0.html.
- Magnette, P. (2003). "European Governance and Civic Participation: Beyond Elitist Citizenship?" *Political Studies* **51**(1): 144-160.
- Manin, B. (1997). *The Principles of Representative Government*. Cambridge, Cambridge University Press.
- Mansholt, S. (1962). "On the Threshold of a Common Agricultural Policy." *Bulletin of the European Economic Community* **1962**(3): 5-6.
- Mather, J. (2006). *Legitimizing the European Union. Aspirations, Inputs and Performance*. Houndsmill, Basingstoke, and New York, Palgrave Macmillan.
- Meyer, C. (1999). "Political Legitimacy and the Invisibility of Politics: Exploring the European Union's Communication Deficit." *Journal of Common Market Studies* **37**(4): 617-639.
- Monnet, J. (1955). *Les états-Unis d'Europe ont commencé: la Communauté Européenne du Charbon et de l'Acier: discours et allocutions, 1952-1954*. Paris, Robert Laffont.
- Monnet, J. (1978). *Memoirs*. London, Collins.
- Norris, P., Ed. (1999). *Critical Citizens: Global Support for Democratic Government*.

Oxford, Oxford University Press.

Nicolaïdis, K., C. Sternberg, and K. Gartzou-Katsouyanni (forthcoming): *The Greco-German Affair in the Euro Crisis: Mutual Recognition Lost?* London, Palgrave.

Pentland, C. (1981). *Political Theories of European Integration: Between Science and Ideology. Les communautés européennes en fonctionnement / The European Communities in Action*. D. Lasok and P. Soldatos. Brussels, Bruylant.

Pitkin, H. F. (1967). *The Concept of Representation*. Berkeley/Los Angeles, University of California Press.

Prodi, R. (1999). "Speech by Romano Prodi, President of the European Commission to the European Parliament, 14 September." RAPID. The Press and Communication Service of the European Commission. SPEECH/99/114. Retrieved 30 November, 2016, from http://europa.eu/rapid/press-release_SPEECH-99-114_en.htm.

Prodi, R. (2000). "Speech to the European Parliament on 15/02/2000. 'Shaping the New Europe'." Retrieved 30 November, 2016, from europa.eu/rapid/press-release_SPEECH-00-41_en.doc.

Prodi, R. (2001). "Speech to the European Parliament on 04/09/2001. 'The European Union and its Citizens: a Matter of Democracy'." Retrieved 30 November, 2016, from europa.eu/rapid/press-release_SPEECH-01-365_en.pdf.

Rabier, J.-R. (1998). Interviewed by Gérard Bossuat, European University Institute, Oral History Project. Retrieved 30 November, 2016, from archives.eui.eu/en/files/transcript/15906.pdf.

Rabier, J.-R. (2003). "Entretien avec M. Jacques-René Rabier, fondateur de l'Eurobaromètre, 21 octobre 2003." Retrieved 30 November, 2016, from ec.europa.eu/public_opinion/docs/entretien_rabier.

Rabier, J.-R. (2008). *La naissance d'une politique d'information sur la Communauté Européenne (1952-1967). Naissance et développement de l'information européenne: actes des journées d'étude de Louvain-la-Neuve des 22 mai et 14 novembre 1990*. F. Dassetto, M. Dumoulin and Y. Conrad. Brussels, Peter Lang: 21-32.

Reinfeldt, A. (2014). *Unter Ausschluss der Öffentlichkeit? Akteure und Strategien supranationaler Informationspolitik in der Gründungsphase der europäischen Integration, 1952-1972*. Stuttgart, Franz Steiner.

Rittberger, B. (2005). *Building Europe's Parliament: Democratic Representation Beyond the Nation State*. Oxford, Oxford University Press.

Rye, L. (2009). *The Origins of Community Information Policy: Educating Europeans. The History of the European Union: Origins of a Trans- and Supranational Polity 1950-72*. W. Kaiser, B. Leucht and M. Rasmussen. New York, Routledge: 148-166.

Scharpf, F. (1999). *Governing in Europe. Effective and Democratic?* Oxford, Oxford University Press.

Scharpf, F. (2009). "Legitimacy in the Multilevel European Polity." *European Political Science Review* 1(02): 173-204.

Shore, C. (2000). *Building Europe. The Cultural Politics of European Integration*.

London, Routledge. Sternberg, C. S. (2013). *The Struggle for EU Legitimacy: Public Contestation, 1950-2005*. Basingstoke, Palgrave.

Sternberg, C. (2015). "Political legitimacy between democracy and effectiveness: trade-offs, interdependencies, and discursive constructions by the EU institutions." *European Political Science Review* **7**(4): 615-638.

Tsakatika, M. (2005). "Claims to Legitimacy: The European Commission between Continuity and Change." *Journal of Common Market Studies* **43**(1): 193-220.

Yanow, D. and P. Schwartz-Shea (2006). *Interpretation and Method. Empirical Research Methods and the Interpretive Turn*. Armonk, N.Y., M.E. Sharpe.

Zaller, J. R. (1992). *The Nature and Origins of Mass Opinion*. Cambridge, Cambridge University Press.