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The European Union in search of political identity and legitimacy: Is more Politics the Answer?

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Abstract

The problems of identity and legitimacy in the EU are significant, but tangentially interconnected. The problems for EU identity derive not solely from the fact that European citizens have not developed much sense of being European because they have not been doing a lot in the EU; it is also that national elites have not been saying much about what the EU has been doing—except in moments of crisis. The problems for legitimacy derive not only from the ways in which the EU works—with more emphasis on ‘output’ for the people and ‘throughput’ with’ the people than ‘input’ by and of the people. It is also that the EU’s development challenges nationally constructed identities at the same time that it alters the traditional workings of national democracy. And this in turn adds to problems for citizen identification with the EU and their perceptions of its legitimacy. So the question is: would politicizing the EU help build more identity and legitimacy? Or would this only increase the problems?

General note:

*Opinions expressed in this paper are those of the author
and not necessarily those of the Institute.*

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INTRODUCTION¹

The problems of identity and legitimacy in the EU have been debated at great length and from just about every angle and discipline possible (see also Schild 2001; Herrmann, Risse and Brewer 2004; McLaren 2006; Lucarelli et al. 2010). But two sets of questions remain largely unexplored. The first set relates to how European nation-states build their own political identity as nation-states and as member-states in the EU, and to how such political identity constructions in turn affect the EU political identity of their citizens. The second set of questions relates to how closely EU political legitimacy is linked to identity, and whether further politicization of the EU would solve the problems of identity and/or legitimacy.

In what follows, I do not define identity in any great detail but rather seek to show that we miss a vital element in the construction of identity if we fail to recognize that it not only involves a sense of belonging to Europe and active engagement in Europe but also that it demands communication about Europe. European identity is established not just by the ways in which member-state elites and citizens self-identify as *being* European or by the extent to which they are engaged in *doing* things European but also by what they are *saying* about Europe as they engage with Europe and identify themselves as European.

Thus, I argue that the problems for identity in the EU derive not solely from the fact that European citizens—as opposed to elites—have not developed much sense of *being* European because they have not been *doing* a lot in the EU by contrast with their active engagement within their national polities, for which they also have a strong sense of identification. It is that national elites have not been *saying* what the EU has been doing. This is largely because they have been more focused on saying what they have been doing at the national level in order to reinforce national citizens' sense of national identity. All of this enhances citizens'

¹ This paper extends the arguments made in “Identity and Legitimacy in the European Union: Is more Politics the Answer?” forthcoming in *Debating Political Identity and Legitimacy in the European Union* eds. Sonia Lucarelli, Furio Cerutti and Vivien Schmidt (London: Routledge, 2010 forthcoming)

identification with the nation-state and does nothing for their identification with the EU. And it also does little for citizens' sense of the EU's political legitimacy.

The linkages between identity and legitimacy are not entirely straightforward, however. The two constitute separate processes of political construction. Whereas the former involves the development of peoples' shared sense of constituting a political community, the latter relates to peoples' sense that the political institutions of that community along with the decisions emanating from it conform to accepted and acceptable standards. These two processes are often inter-linked in the EU, as each may have an impact on the other in the building (or undermining) of political identity or legitimacy. But they are not always interrelated, since it is possible to build a European identity without enhancing the EU's legitimacy and vice-versa. Moreover, although a lack of European identity can certainly have an impact on EU legitimacy, EU legitimacy does not entirely depend on European citizens having a sense of European identity. Rather, legitimacy also derives from separate perceptions of the democratic nature of the processes and outcomes of European Union level governance. Thus, even though it is the case that member-state elites and citizens do not have much self-identification as Europeans, they nevertheless generally accept EU level processes and outcomes as politically legitimate. And they may even do so where these raise specific legitimacy problems for their own member-states.

The linkages between identity and legitimacy are further complicated by the multi-level nature of the European Union, in which the interaction effects go both ways. They are not only bottom up, as just noted, with national level conceptions of identity and legitimacy affecting the development of EU identity and legitimacy, but also top-down, with the development of the EU itself having an impact on national level legitimacy as well as identity. This is because the European Union, by its very existence, has had a significant disruptive impact on its member-states' traditional bases for national identity and democratic legitimacy. The development of the EU as a supranational entity above the nation-state challenges nationally constructed identities built on traditional conceptions of sovereignty and

community at the same time that it alters the traditional workings of national democracies, thereby threatening long-standing procedural rules for and substantive ideas about national democratic legitimacy. All of this in turn adds to problems for citizen identification with the EU and their perceptions of its democratic legitimacy, in particular when national elites fail to recognize let alone communicate about or constructively deal with these issues.

The analytic framework used in the first part of this essay is what I call ‘discursive institutionalism,’ which focuses on the substantive content of ideas and the interactive processes of discourse in institutional context (Schmidt 2002, 2006, 2008, 2009a). In political science, it is close to what international relations theorists term ‘constructivism’ (Wendt 1995, Risse 2000) or ‘discourse analysis’ (Diez 2001), what comparative politics specialists call the ‘ideational turn’ (Blyth 1997), and what political philosophers consider in terms of ‘reflexive’ theory—so long as it is noted that my emphasis is on theoretical evaluation of ‘what is’ rather than normative idealization of ‘what ought to be.’ The concerns of this essay are to elucidate not just ideas about identity (*being*) and legitimacy but also the interactive processes of discourse (*saying*) about identity and legitimacy, or ‘what is said to whom where when how and why,’ that serve to reconstruct such ideas in processes of communicative interaction.

In political elites’ identity-building discourse, much depends upon the substantive content of their ideas, including the quality of the narrative or the framing of the issues that are key to establishing identity (Diez Medrano 2003; Bruter 2004; Eder 2010). The discourse also depends, however, upon whether elites’ cognitive arguments speak sufficiently to the necessity of what they are *doing* in building the nation or the EU and whether their normative arguments speak persuasively to its appropriateness (March and Olsen 1989) by resonating with long-standing and/or newly emerging values related to citizen’s sense of *being* a part of the nation.

The discursive interactions through which such ideas are generated and legitimized are also important. These include not only the ‘coordinative’ discourse among policy actors, as

they conceptualize, deliberate, and reach agreement on ideas developed in epistemic communities (Haas 1992), such as in the construction of the euro (Verdun 2000), or promoted by advocacy coalitions (Sabatier 1998) and conveyed by policy entrepreneurs (Fligstein and Mara-Drita 1996) in the creation of the Single Market. Such interactions also consist of the ‘communicative’ discourse of political leaders with the public, in which ideas developed in the coordinative sphere are conveyed by political entrepreneurs and “ideational leaders” (Stiller 2007) for discussion, deliberation, and ‘communicative action’ (Habermas 1989). The public involved may include the ‘informed publics’ (Rein and Schön 1994) of interest groups, opinion leaders, and the media, the ‘strong publics’ constituted by parliamentary actors (Eriksen and Fossum 2002), or the more general public of citizens.

In the EU, whereas there has been a long-standing, elaborate top-to-top coordinative discourse among policy elites in the EU policymaking process, the communicative discourse has generally been thin and top-down, from political elites to general publics, with relatively little bottom-up construction of citizen ideas or discourse about Europe except at defining moments, on accession to the EU or with Treaties that require referenda. This lack of *saying*, I will argue, is at least partly responsible for EU citizens’ lack of a sense of *being* European and for their increasing questioning of the legitimacy of the EU, despite a lot of elite (but not citizen) *doing* over the past sixty years in the construction of the European Union.

The second part of the essay, on EU legitimacy, is a mix of approaches. Here we add to a discursive institutionalist focus on the interactive construction of legitimacy through the logics of communication in the EU’s deliberative sphere a focus on the institutional forms and practices of the EU, in which the framework for analysis is mainly historical and rational choice institutionalist, as scholars explore the historical logics of path dependent institutions and the rationalist logics of calculation in the EU’s institutions (see Scharpf 1997, 1999; Pierson 1996; Bulmer 1998, 2009). The paper here demonstrates that the problems for legitimacy are not only structural and path dependent, in the way the EU was and is institutionally organized, split between national and EU levels. Nor are they mainly the result

of the logic of rationalist interaction within the existing incentive structures. They are also ideational and discursive, as leaders fail to legitimate and citizens fail to deliberate. How citizens think and talk about the EU and its institutions, that is, their identities, values, and discourse, are as important for the democratic construction of legitimacy as are the democratic practices that infuse the institutions with legitimacy.

1. CONSTRUCTING IDENTITY IN EUROPE

Constructing identity is a complex process in which a sense of belonging derives not only from the presence of a ‘we-feeling’ based on common values, culture, or ethnicity but also from citizens’ active participation in a political community and the articulation—generally by political elites—of what constitutes that identity. This means that identity is a political construction that involves not just *being* but also *doing* and *saying*. In the EU, the complicating factor for all three such processes is that alongside nation-state identity construction is the building of member-state identity in Europe—which includes not only ideas about what member-states are *doing* in Europe but also their visions for Europe—and the development of citizen identity as European. The problem for the EU is that citizens’ sense of *being* European has not developed significantly. There are many reasons for this, as the other chapters in this volume make clear. But one significant problem is that EU identity-building discourse has been subordinated to national identity-building discourse about the nation-state as well as the member-state in Europe.

By using the terms *being*, *doing*, and *saying*, I do not mean to suggest that these terms can easily be separated other than analytically. Much the contrary, I separate them to show the problems that arise when they are separated. Thus, I share with Furio Cerutti (2008, 2010) the notion that identity is not so much a state of *being* as a process of identification which leads to feelings of belonging, which is why *doing* things together is an integral part of the process of identification. But I also suggest that *doing* is not enough, since awareness of what one is doing is necessary for the process of identification, and this comes largely from *saying* what citizens are doing. The production and communication of narratives, then, in the sense elaborated by Klaus Eder (2010), is a necessary component for the creation of a collective identity. But it is important to see narratives not solely as ideas about boundaries that help to define citizens’ identity—in terms of Eder’s third theory about identity. Rather, narratives should also be seen as part of a deliberative process of the public sphere, in which the generation, communication, and contestation of such narratives contributes equally to the construction of identity—which includes what Eder has termed the second theory about

identity, encompassing the Habermasian ‘normative identity theory,’ although here we eschew its normative components to define a more empirical, non-idealized approach to discourse and deliberation.

1.1. Nation-State Identity

Nation-state identity tends to begin with citizens’ sense of ‘nationhood,’ or that which binds them through ties of collective identity, shared culture and values, common language(s), historical memories, myths of origin, a sense of membership, and a sense of common destiny. These define a sense of *being* and belonging to a given country. Identity is never only being, however, since any sense of being is often the result of long historical processes of *doing* together, which build a sense of belonging (Howorth 2000). *Doing* is closely tied to notions of citizenship, the building blocks of which include social and political rights, participation, and belonging as part of a political community even more than of a cultural community (Bellamy 2004), and therefore also naturally plays a legitimacy-building function (as we shall see below). But even *doing* is not enough to ensure a sense of being. *Saying* what citizens are doing together is also essential to developing a sense of being (Schmidt 2006). This is often seen as the job of political elites whose ‘communicative’ discourse to the general public is all about providing the public with information about and legitimation for their governing practices and government projects. But elites are not the only ones involved in saying what the polity is doing. Citizens need also to be actively involved. Habermas (1996, p. 495) supports this view when he insists that political community need not be based primarily on ethno-cultural identity, or *being*, but rather on “the practices of citizens who exercise their rights to participation and communication,” that is, on *doing* and *saying*. Politics, in other words, is also very important to creating a sense of identity not just through acting together, say, in the process of voting, but also through public deliberation about what one should do.

The state has naturally taken an active role in constructing such a sense of national identity or ‘imagined political community,’ by using mass communication, mass education, historiography, and conscription to consolidate the nation (Anderson 1991, pp. 6-7). State-

centered elites seek to build a sense of identity in citizens by disseminating ideas about identity both directly, through their own communicative discourse to the general public, and indirectly, through the institutional structures created for the dissemination of ideas about that identity. State institutionalization of collective memories through symbols and monuments are also important in the creation of ‘realms of memory’ (Nora 1997) while ‘institutional memories’ are the ways in which states may seek to influence public understandings of the past, sometimes in opposition to ‘collective memories,’ in order to promote public acceptance of its policies in the present (Lebow 2006).

Such national identity building is a constant process of construction. In recent years, EU member-state leaders have engaged in a lot of discourse about national identity in response to a sense of crisis brought on not just by Europeanization but by internal transformations involving institutional reforms relating to devolution and changes in the make-up of the population, related in particular to immigration. In the UK, for example, the identity crisis has centered on devolution, and concerns about the unraveling of the very idea of union, in particular as increasing numbers of Scots in particular have favored independence. Prime Minister Gordon Brown’s effort to reinforce patriotism by emphasizing the sense of ‘Britishness’ went so far as to propose inventing a motto akin to France’s *liberté, égalité, fraternité* to be deliberated and voted on by a committee of citizens. No surprise that this proved the butt of innumerable jokes, including a contest by *The Times of London* (Nov. 22, 2007) which came up with the winning motto: “No motto please, we’re British” as well as the very telling “At least we’re not French.” In France, by contrast, the identity crisis has focused on the nature of republican citizenship and *laïcité* (secularism), in particular in response to the headscarf issue. Immigration has also been closely linked to issues of identity, as in the presidential elections campaign of 2007 when candidate Nicolas Sarkozy reframed the issue by claiming immigrants to be equally French, at the same time that he focused on the issue of ‘national identity,’ promising to name a new ministry for Immigration, Integration, National Identity, and Development in Solidarity (*developpement solidaire*)—thereby capturing votes from the extreme right (and massively reducing the National Front’s constituency). It is

telling that two years later, the French Minister of the Interior announced the opening of a new national debate on identity and 'what it means to be French' (*Le Monde* 26 Oct, 2009).

Other countries have been similarly concerned about immigration and how this affects questions of national identity and citizenship. In the Netherlands, the very image of the country as a tolerant society has come into question, first raised in Pym Fortyn's election campaign, when he argued for intolerance of the 'intolerant' (read Muslim immigrants) in order to maintain a tolerant society. Denmark has instituted the most draconian of immigration laws, largely because of the quid-pro-quo of the minority conservative government and the extreme right anti-immigration party, which relies on it to get its legislative program passed. In Germany, questions of identity have divided the former East from the West not only with regard to postwar collective memories but also in the coming to terms with the Nazi past. In Poland, the question of identity has split nationalist conservative Catholics, represented by the *Kaczyński* twins, from center left secularists and former dissidents. In Belgium, the dissolution of the country itself has been under debate, as increasing numbers of the Flemish favor cutting the French loose.

Questions of national identity, in short, remain highly salient for national politicians and their constituents. But this is the result of a wide range of pressures on national polities, globalization among them, and is not exclusively related to Europeanization.

1.2. Member-State Identity in Europe

National leaders lately have spent much more time focused on redefining national identity than of speaking of their country's identity in Europe. But all member-states have at one point or another developed a communicative discourse on Europe, if only at critical moments of accession or of treaty ratification. The difficulty for the EU with regard to building a EU identity is not just that national leaders are busily engaged in the task of building national identity, and therefore are less likely to speak to the building of the EU. It is also that there is a plurality of nationally imagined Europes, as the member-states imagine the EU through their

own lenses of *being*, that is, in terms of national values and culture, and of *doing* in Europe, that is, in terms of their purposes and goals. This has come out over the years in terms of what leaders have been *saying* about those purposes, thereby projecting to their citizens very different senses of *being* European (see Schmidt 2009c).

These differing member-state identities in the EU have largely been framed by political leaders' communicative discourses in response to the need to build legitimacy for the EU, in particular with regard to legitimating national participation in the EU to national publics at defining moments such as accession or major treaty renegotiation. But although such identities tend to be articulated most clearly by national political leaders, they should be understood as the product of much wider discourse and deliberation in society at large, with politicians in governing and opposition parties, civil servants, the media, informed publics, experts, interest groups, associations, social movements, and civil society contributing to the shaping of public attitudes as well as to political leaders' own articulated narratives or stories. The 'bottom-up' nature of the discursive interactions have taken on increasing importance over time, as the EU has developed institutionally and the public has become more aware of the EU and what it does.

In the early years, because the EU benefited from the 'permissive consensus' of national citizens in most member-states up until the 1990s, most member-states' European identity up until then was largely defined and articulated by national policy and political elites without much public input. Moreover, while the 'coordinative' discourse among and between policy elites at the EU and national level was highly elaborate across those earlier years of European construction and has continued to be, the 'communicative' discourse between political elites and the general public about the EU was not. It is mainly since the 1990s that larger public debates have occurred, and these primarily during referenda or parliamentary votes surrounding the ratification of treaties on the EU's institutional arrangements and policy reach. These debates show that leaders' top-down communicative discourses have increasingly been subject to bottom-up deliberative processes, not only through the media—as

in the UK's euroskeptical press—but also the general public, which has not only spoken loudly through its votes in referenda (as in the French and Dutch referenda on the Constitutional Treaty and the Irish on the Lisbon Treaty) and protest action in national capitals but also softly through its disaffection from the EU, as seen in surveys, polls, and movement to the extremes on the right or left (see below). Part of the problem is in the very nature of referenda, in which voters often don't respond to the question asked, and may seek to punish national politicians or voice their concerns about the economy. It is also because of the quality of the debate, in which political leaders' discourse is often unpersuasive by comparison with that of the 'no' camp. But equally importantly, it is about the fact that referenda on EU treaties are the only place for national citizens to voice their concerns directly about EU policies—and therefore serve as rallying points for unlikely alliances of citizens on the right concerned about sovereignty and identity issues, on the left about neo-liberalism, globalization, and their effects on the welfare state.

Member-states' sense of identity in the EU takes many forms, and speaks volumes to how much their national sense of identity influences how they see their actual role in the EU. For example, French leaders' communicative discourse beginning with de Gaulle consistently emphasized the country's political leadership in Europe, with all that that was to bring in terms of gains not only in economic interest but also in identity, by enhancing the country's *grandeur* and continuing its civilizing mission with regard to the universal rights of man, thereby enabling them to ignore any challenges to 'Republican state' sovereignty. By contrast, the British pro-EU discourse since Macmillan consistently focused on the gains in economic interest while remaining silent on the losses to parliamentary sovereignty and the 'historically established rights of Englishmen'—which helps explain the strength of the Euro-skeptics and Britain's role as the EU's 'awkward partner.' The German and Italian discourses have been much less concerned with questions of sovereignty and rights than of identity. German discourse since Adenauer portrayed Germany as France's willing partner in leading Europe forward, with EU membership cast as enhancing a German-as-European national identity, out of a troubled past '*being*' into an economically prosperous '*doing*.' Italian discourse since

De Gasperi presented Italy as the enthusiastic follower, with an Italian-as-European identity serving as a source of national pride, and with the EU itself serving as the rescue of the nation-state (Schmidt 2009c).

The problem today is that many of these long-standing discourses no longer *say* what these countries have been *doing* or what they have *become*—leaving national publics without clear guidance as to what to think. French leaders' problem, in particular under Chirac in the run-up to the 2005 referendum, was that while they continued to evoke the original vision of French leadership in Europe, as good for the economy and identity, the public saw that France was no longer leading Europe, felt in crisis over national identity, and increasingly blamed EU neo-liberalism for the country's economic difficulties (Schmidt 2007). During the referendum campaign, French elites themselves split on their support for European integration, in particular on the left—which is why the referendum was lost—but also on the right. Only with President Sarkozy may this have been reversed, since he revived the discourse of French leadership in Europe as well as occasionally its reality, for example, during the French Presidency of the EU or the economic crisis of 2008. The British, by contrast, struggle with their lack of any vision of Britain in Europe, since the discourse of economic interest does not respond to growing concerns about sovereignty and identity. Worse, the idea of British separateness in Europe could very well lead to the reality of British separation from Europe—in particular were the euroskeptic tendencies of the Conservative party to prevail during the Prime Ministership of Conservative party leader David Cameron. Even the Germans and Italians have problems. The Germans need to update their vision of 'German-as-European' in light of the changes related to unification and fading memories of World War II, especially since citizens increasingly question the benefits of membership and worry about the EU's impact on the social market economy. This came to a head with the Greek sovereign debt crisis and loan bailout of May 2010, when the media discourse was all about 'good' Germans who saved and 'bad'—read profligate—Greeks who spent—not to mention the further loan guarantee mechanism. The Italians need to concern themselves not so much with their vision of Italy in Europe as with their implementation of European rules in Italy, since their pride in

being European is likely to suffer if they do not do more to bring the country into conformity with EU law (Schmidt 2006; 2009c).

The Dutch, moreover, although also largely pro-European, voted 'no' in the referendum on the Constitutional Treaty by an even larger margin than the French (NL 61% vs. FR 55%). The reasons had not only to do, as in France, with the ability of the 'no' camp to galvanize members of the electorate on the right and the left opposed to a disparate policy range of policies, but also because the 'yes' camp was unable to deliver a persuasive message in what was the first referendum ever for the Netherlands. The problem was not only a lack of ideas and experience but also the invisibility of the EU to the citizens, given the absence of any discourse about the EU over the long-term. Politicians had seemingly long assumed that it was the EU's role to legitimize Europe, and when they talked (rarely) about the EU, they tended to use technocratic language, making it even more alien from the citizens and not of interest for the media to report on (WRR 2007). The Irish 'no' in the first vote on the Lisbon Treaty resulted from a similar late and lame response of political leaders to a highly active and persuasive 'no' campaign, or even to anticipate the need to come in early, despite the fact that they had already had the experience of a 'no' vote for the Nice Treaty.

For the new member-states, it is still too early to say what the long-standing communicative discourse will be. But it is clear that under the Kaszyinski twins' government, Poland outdid even Britain as the nay-saying awkward partner, with a discourse that highlighted threats to sovereignty and identity. In the Czech Republic, President Vaclav Klaus' discourse has been all about national identity and sovereignty as threatened by the EU, which helps explain why he held up the signing of the Lisbon Treaty and doesn't fly the EU flag from his residence, the Castle, claiming that it reminds him of the Soviet flag that was flown in the years of communism.

1.3. Member-State Visions for Europe's Identity

Although the current twenty-seven member-states have at least twenty-seven different identities in the EU (see Nicolaïdis and Lacroix 2010; Risse 2010), their ideas about Europe's identity can nevertheless be loosely divided into four basic, non-mutually-exclusive discourses about the EU (see Schmidt 2009c; following Sjørnsen 2007 for the first three kinds of discourse, Howorth 2007 for the fourth). They include a pragmatic discourse about the EU as a borderless problem-solving entity ensuring free markets and regional security, which is generally characteristic of the UK, Scandinavian countries, and the Central and Eastern European countries; a normative discourse about the EU as a bordered values-based community, most identified with France and Germany, but also Austria, Belgium, the Netherlands, Italy, and Luxembourg; a principled discourse about the EU as a border-free, rights-based post-national union, attributed to the Commission and to philosophers like Habermas (2001) and Beck and Grande (2007); and a strategic discourse about the EU as global actor 'doing international relations differently' through multilateralism, humanitarian aid, and peace keeping. This has increasingly become the preferred discourse of member-state leaders generally, with the EU depicted as 'project' rather than 'process' (Sarkozy) or as having 'projects' (Brown), in their efforts to respond to global challenges such as economic crisis, climate change, poverty, and terrorism. But agreement on what to do can always be undermined by disagreements on what the EU is and how far it should expand—whether as widening free market, deepening values-based community, or democratizing rights-based union.

The main question with regard to these differing visions of Europe is: which of these would help constitute greater member-state identity in Europe? All might. But the first pragmatic discourse of problem-solving entity would provide the thinnest of identities, based on trading together or securing the European space, and leaving the borders amorphous, open, and undefined. The second normative discourse of a values-based community probably would build the thickest of identities, since it most closely approximates the kind found in nation-states based on common values, solidarity, and clear borders. The third principled

discourse on constitutionalized rights also would establish a rather thin identity, given the lack of borders or values-based ‘we-feeling,’ notwithstanding Habermas’ (2001) suggestion that ‘constitutional patriotism’ could be the basis for a common European identity. The fourth strategic discourse arguably provides the bases for a thicker identity than the principled discourse, because it adds *doing* to the universalist *being*, by putting troops on the ground to guarantee human rights. But putting troops on the ground often demands a greater sense of values-based community solidarity. Without this, the first body-bags coming home could raise questions in member-states not only about ‘why we fight’ but also about why we are doing this as part of the EU in the first place, unless it were accompanied by a sufficiently persuasive legitimating discourse focused on building a strong ‘member-state in Europe’ identity. This may help explain why, so far, most ESDP missions also go out under the UN flag.

What is the spillover of national discourse and debate about member-state identity in the EU and member-state visions for the EU on citizens’ European identity? Not much, it would appear, judging from the relatively low EU identity of European citizens.

1.4. Citizen’s EU Identity

In the EU, while citizens’ national identity, that is, their sense of *being* a national citizen is very ‘thick,’ their European identity in the sense of *being* European is comparatively thin. Only when EU identity is considered a composite of EU, national, and even regional level identification does anything close to a majority of member-state citizens appear to have a European identity. The question, then, is why, despite a lot of elite *doing* at the EU level, that is, participating in the construction of the EU, have European citizens have not developed much of a sense of *being* European.

Specialized surveys as well as social psychological experiments point to the growing sense of belonging to Europe (see Duchesne and Frogner 1995; Hermann, Brewer, and Risse 2004; Hooghe and Marks 2005), but it remains at a relatively low level, especially compared with

national identity. In-depth focus-group studies also demonstrate this, as in the study of French, British, and French-speaking Belgians, which takes note of citizens' continuing sense of distance from the EU, and confusion about it (Duchesne et al. 2008a).

Eurobarometer polls, moreover, have long shown that citizens' sense of *being* European is very weak in any primary sense of belonging. In 2004, the last time a question was directly asked about citizens' sense of European identity, only 3.9% of citizens saw themselves as in the future having a European only identity and 8.8%, a European identity first, national second (Eurobarometer April 2004). It was not even all that strong as a combination of national and European identity (43.3% of citizens), since it was lower than those who had a sense of national identity only (44%). Identification with Europe also varied greatly among member-states. For the bigger member-states between 1996 and 2004, for example, Eurobarometer polls showed that the Germans went from a composite identity of national and European at 35% in 1996 to the EU average of 46% in 2004; the British hovered around a low 30% for that entire time period; the Italians remained near to or above a high 60%; and the French near to or above an average 50% (Eurobarometers 1996-2004—see Schmidt 2006a, Ch. 4).

Not much in all of this had changed by 2008, when the United Kingdom was the only EU member-state in which a relative majority of respondents to a Eurobarometer poll (EB 69 2008) had a negative view of their country's membership in the European Union (32%). Note that in this same poll, 73% of the Irish had a positive view of their country's membership in the EU, with 82% strongly believing that the country had on balance benefited from being a member of the EU. But a majority nevertheless voted 'no' in the referendum on the Lisbon Treaty.

As for the 12.7% or 47 million citizens who thought of themselves as *being* mostly European (only European or European before national) in 2004, Neil Fligstein (2008) found that these were the elite, or upper classes, of Europe: the best educated, most well-off, more politically left, and younger, who tended to travel more, used a second language, and

interacted more with other Europeans. He explained the lack of EU identity as the failure of these European elites to forge a cross-class alliance with the bulk of EU citizens at the lower echelons of society, building on Karl Deutsch's analysis of the bases for nationalism. And he concluded that the EU's development would therefore be stalled in the future because this minimal sense of identity has not changed much over time. But if European identity barely exists and hasn't changed over time, and yet the EU has gone from almost nothing to a regional power, then we could conclude that national *being* not building to a European *being* does not necessarily affect EU *doing*. The puzzle is why the inverse hasn't worked. With all the *doing* in the EU over the past sixty plus years, why has so little sense of *being* European developed among European citizens aside from the elites?

The most basic answer is that while national elites have been doing a lot in the EU, they have been *saying* very little about what the EU has been doing, by contrast with what they have been saying about what they have themselves been *doing* at the national level or as national leaders at the EU level. This makes it very difficult for national citizens to develop much sense of identification with Europe, given that they themselves have been *doing* relatively little in the EU. Identity building among member-state citizens suffers from the EU's lack of a common language, of a Europe-wide mass communication system, or of Europe-wide election campaigns and elections for EU level governance. The only way in which citizens can participate directly, moreover, through elections for the European Parliament (EP), does comparatively little for identity-building, given that EP elections are second order elections in which national rather than EU issues are most often the focus, in which voting is often a referendum on the performance of national governments (especially in midterm), and in which abstention rates are on average very high compared to national elections (see Van der Eijk and Franklin 2004). In addition, the EU itself lacks the levers of constraint used by states, such as conscription, forced language and educational policies, and so on, to build a sense of EU identity on its own. Thus, the EU depends for the building of a sense of *being* European on national elites *saying* what the EU has been *doing*.

But why, then, have national political elites, who after all double as European elites, not been *saying* much about what the EU has been *doing* so as to increase a sense of EU *being*? It is because national political elites have also been in the business of *saying* what the nation-state has been *doing* in their efforts to reinforce a national sense of *being*, in particular in light of the encroachments of European integration (as noted above). In addition, national leaders *qua* national leaders (as opposed to *qua* EU co-decision-makers in the Council) themselves have little incentive to speak of Europe. Why expend scarce political resources on the EU when their political futures depend on national elections that are mainly focused on national issues? This is why they focus on those issues for which they are fully responsible, talking less about the policy areas that have moved up to the EU and more about those they fully control, such as pensions, social policy, employment policy, purchasing power, crime in the streets, education, and so on.

Studies of the European public sphere support this, showing that the amount of discussion of the EU by elites as reported in quality newspapers has tended to be quite low across time, and has not gone up significantly. The UK, predictably, made the fewest references to EU actors (going from 5% in 1990 to 8% in 2002), followed by France (11% to 13%) and Germany (8% to 13%), with Italy the highest (7% to 17%) (Koopmans 2004, pp. 22-4). But even in the Netherlands, where the increase in the discussion of European issues was spectacular (going from 16 percent in 1990 to 50 percent in 2002), only a quarter of the news commentaries (27 percent) were written in consequence of a European event, with close to two-thirds (60 percent) following domestic developments. Thus, rather than Europeanization of Dutch politics, one can talk of the “Netherlandization” of European politics (de Beus and Mak, this volume).

The paucity of discourse by political leaders about Europe also leads to the poverty of citizen knowledge about the EU, itself equally useful for building identity. After all, if you don't understand what you're part of, how likely are you to feel a part of it? Eurobarometer (2005) data on knowledge and understanding of the EU show that one in five respondents

(19%) admitted to having no knowledge or almost none and one in two (51%) admitted to having a limited knowledge as opposed to only one in four (27%) claiming reasonable knowledge and only one in fifty (2%), great knowledge. This is corroborated by tests of that knowledge, in one of which only 29% knew that it was false to say that the last European Parliament election was in June 2002—presumably, the only ones who had voted in the elections in June 2004!

This said, some countries are more likely to talk about the EU than others, which goes back to deeper questions of national views of the EU and its impact on questions of identity (elaborated above). Where this is positive, as in Germany and Italy, one is more likely to find substantial discussion of the EU, along with legitimization of EU policies through reference to the EU, than in countries where there are greater concerns about the impact on sovereignty and identity—as in the UK and France or Poland and the Czech Republic.

European identity, in short, just like national identity, is in a constant process of construction. And to build a sense of *being* European requires not just active engagement in EU policies and institutions, or *doing*, but also communication about such activity, or *saying*. And it has been the lack of communication about EU activity that has undermined the construction of European identity.

2. CONSTRUCTING EUROPEAN LEGITIMACY

The lack of communication about EU activity also naturally has had an impact on legitimacy, since *saying* needs to be added to the processes of *doing* in order to ensure that the actions of the EU are not just acceptable but also accepted. EU legitimacy, like EU identity, is very thin, and it too cannot be separated from the national level of democratic governance. But EU legitimacy is mainly tangentially connected to EU citizen identification. Rather, it is dependent on perceptions of such 'democratic' qualities as the EU's representativeness and responsiveness to citizens, whether indirect through national governments in the Council or direct through European parliamentary representation and/or interest intermediation; along with its accessibility, accountability, transparency, and effectiveness.

The EU's very institutional presence, however, makes for legitimacy problems in national politics and representative democracy more generally. Although European integration is not responsible for the crisis in representative democracy, which is a more general problem (see Dalton 2003), it further contributes to the crisis in its member-states in ways not found in traditional nation-states. This is because the EU's member-states do not have the same flexibility in responding to citizen concerns as in a traditional nation-state at the same time that citizens do not have the same ability to express their concerns effectively through voting. Whereas in nation-states, citizen concerns can all be dealt with directly by nation-state governments, for better or worse, in EU member-states, many such concerns have to be dealt with through common policies in the EU, for better or worse. And whereas the citizens of nation-states can make their approval or disapproval of national government policies clear directly, through voting their governments in or out, the citizens of the EU's member-states cannot 'vote the scoundrels out' at the EU level. As a result, they tend to hold national politicians accountable for EU policies for which they are not fully responsible, over which they often have little control, and to which they may not even be politically committed.

2.1. EU Democracy and Legitimacy

The special problem of the EU, then, is related to the institutional realities of EU ‘politics’ and its impact on national politics. EU politics has little in common with national politics, given its lack of a directly elected president, a strong legislature, and vigorous political parties and partisan competition. At the EU level, national partisan politics has been marginalized, as party differences and left-right political contestation have been submerged by the general quest for consensus and compromise (Ladrech 2002, 2010). Most importantly, however, EU politics is not really much about politics in the traditional sense of party and partisanship, since it is mostly about interests, whether national interests in the Council of Ministers, the public interest in the European Parliament, or organized interests in the Commission. The upshot is that the EU consists largely of ‘*policy without politics*’ (Schmidt 2006, Ch. 4).

Moreover, EU level ‘*policy without politics*’ makes for national ‘*politics without policy*,’ as increasing numbers of policies are removed from the national political arena to be transferred to the EU, leaving national citizens with little direct input on the EU-related policies that affect them, and only national politicians to hold to account for them (Schmidt 2006, Ch. 4). This has already had a variety of destabilizing effects on national politics, including citizen demobilization on the one hand or radicalization on the other (Mair 2006; van der Eijk and Franklin 2004). And even though increased interest-based politics may enhance associative democracy, it will do little or nothing for representative democracy.

The problems for the EU with regard to democratic legitimacy are due in large measure to the fragmentation between EU and national levels of the legitimizing mechanisms that tend to operate simultaneously in any national democracy—political participation *by* the people, citizen representation *of* the people, effective governance *for* the people and, adding a preposition to the classical formula, interest consultation *with* the people (Schmidt 2006, pp. 21-29). The EU level of governance is mainly characterized by governance *for* the people through effective rule-making—or ‘output’ legitimacy (Scharpf 1999), in particular through the regulatory state (Majone 1998)—and by governance *with* the people through efficient,

accountable, and transparent decision-making plus and elaborate interest consultation process—or what I call ‘throughput’ legitimacy (Schmidt 2010). The national level retains government *by* and *of* the people through political participation and citizen representation—or ‘input’ legitimacy (Scharpf 1999).

This split in legitimizing mechanisms does not in and of itself mean that the EU taken as a whole is democratically illegitimate (see Schmidt 2009b). The EU gains input legitimacy *by* and *of* the people indirectly through national governments’ indirect representation in the Council and their implementation of EU rules as well as directly by the (weaker) direct representation afforded by the European Parliament (which has been further strengthened by the Lisbon Treaty). Moreover, the EU’s output governance *for* the people can be seen to serve an ‘efficiency promoting function’ (Menon and Weatherill 2008)—by doing things for the member-states that they cannot do on their own in areas such as the internal market, international trade negotiations, and the single currency. Moreover, one could argue that output governance *for* the people also comes out of what Polanyi (2001) in *The Great Transformation* argued was the movement/countermovement process of social re-equilibration of economic liberalization, with EU market-correcting alongside EU market-making, as in European Court of Justice (ECJ) rulings in such areas as gender equality, regional equality, environmental protection, and laws promoting family solidarity in the case of labour mobility (Caporaso and Tarrow 2008). We could also show how the EU’s throughput governance *with* the people gives voice to a whole range of actors who may be marginalized in their national polities, and whose common interests are better expressed at the EU level, such as in gender equality and sexual harassment laws (Zippel 2006).

But all these positive aspects of EU legitimacy notwithstanding, the split in legitimizing mechanisms causes significant problems for democratic politics in EU member states. The central problem is that the EU’s ‘*policy without politics*’ leads to depoliticized EU policy debates that do not resonate with European citizens, who are more used to the left/right divides of national debates and often worry about the REAL left/right politics behind EU

policies, especially because they have no direct say over them (Schmidt, 2006, pp. 163-8; Barbier, 2008, pp. 231-5). This kind of *saying* what the EU is *doing*, in other words, building neither legitimacy nor identity, or *being*. The problems with the lack of debate about real politics became clear with the controversy over the Bolkestein directive on services liberalization, which proposed to allow home-country rules to apply on a range of issues related to pay and social protection. In the run-up to the referendum on the Constitutional Treaty in France, it conjured up nightmares of ‘Polish plumbers’ taking French jobs and spurring a race to the bottom in wages and social protection, all of which contributed to the negative outcome of the vote (Schmidt, 2007). Although the Commission’s services initiative, along with ECJ decisions in the Laval and Viking cases curtailing national unions’ rights to strike, could be seen positively from a EU level perspective as promoting a Polanyian, apolitical market-correcting governance for all Europeans, it can just as readily be seen negatively from a national level perspective as a politically neo-liberal post-Polanyian destruction of national labour and welfare systems (Höpner and Schäfer, 2007). And all of this in turn raises questions about whether the EU really does govern effectively *for* the people.

These examples illustrate two main theoretical drawbacks to ‘output’ legitimacy. First, as Furio Cerutti (2008, and this volume) has argued, performance-based legitimacy of the ‘output’ variety is insufficient for legitimization, since outcomes also require a kind of ‘Weberian legitimacy,’ by which he means the substantive values and principles guiding the performance, that make the performance valued. This is at the heart of the legitimacy problems of recent Commission liberalizing directives and ECJ cases. More generally, while the EU’s substantive legitimacy seemed assured in the early years, due to the ‘permissive consensus’ in which citizens largely ignored the EU and its outcomes, a ‘constraining dissensus’ has emerged in recent years (Hix 1999; Hooghe and Marks 1999; Van der Eijk and Franklin 1996; and Niedermayer and Sinnott 1995) along with the rise of euroskepticism.

Second, the contested outcomes of the Commission and the ECJ, as non-majoritarian institutions also raise questions about the legitimacy of ‘output’ democracy as such. At the

national level, non-majoritarian institutions are legitimate because established by national political institutions that have the capacity to alter them if they so choose, and could thus be seen to operate in the ‘shadow of national politics.’ At the EU level, there is no such political balancing of non-majoritarian decisions. The decision rules make it almost impossible to alter those decisions, let alone to change the non-majoritarian institutions themselves; and there is no political government that could force the issue—as in the US in the case of FDR’s threat to pack the Supreme Court if it did not stop ruling his decisions unconstitutional.

Output democracy *for* the people is not the only democratic legitimizing mechanism in question, however. ‘Input’ democracy *by* and *of* the people also is, as we have already seen, given the way in which the EU’s depoliticized ‘policy without politics’ has emptied national politics of substance. The EU Commission and increasingly the European Parliament (EP) have attempted to remedy this problem via increased throughput legitimacy. This involves not only greater transparency via more access to information but also more pluralist interest-based consultation *with* the people, by bringing in more interest groups and members of ‘civil society,’ as a way to counterbalance the lack of governance *by* the people (Greenwood, 2007). But regardless of how open to public interest consultation *with* the people the EU may be, the problem for national citizens is that this kind of supranational policymaking is very far from the kind of input participation *by* and representation *of* the people they tend to see as the most legitimate. And it is in any case not open to most of them, given the difficulties of transnational mobilization for most citizens. Even ‘civil society’ is not what it seems. The problem with all such throughput decision-making processes *with* the people, whether at the global, EU, or even national level in big nation-states like the US is that ‘civil society’ is increasingly ‘expertocracy’ (Skocpol, 2004), and thus removed from actual citizens. This means that governance with some *of* the people and possibly not *for* all of the people is meant to make up for the lack of governance *by* and *of* the people (Schmidt 2006, p. 28).

How have EU leaders responded to this range of pressures on national politics and rising public concerns about Europeanization and its impact on identity and legitimacy? Not in

ways that would serve to attenuate public concerns or ameliorate the legitimacy problems. Generally speaking, the Commission has consciously sought to depoliticize EU policy by presenting its initiatives in neutral or ‘reasonable’ language, and by using communications techniques such as its ‘Plan D’ for democracy (Barbier 2008, pp. 231-2). National leaders have been perfectly happy with the depoliticized language of EU level ‘policy without politics’ because this leaves them free in their national capitals to put any kind of political ‘spin’ of the left, right, or centre on EU policies.

As for what they *say* about those policies, rather than discourses legitimizing the transfer of decision-making responsibility upwards to the EU as the way to solve national, European, and global problems *for* the people, national politicians have tended to engage mainly in blame-shifting and credit-taking. On policy issues, national leaders tend to blame Europeanization for unpopular policies because “the EU made me do it” and to take credit for the popular ones without ever mentioning the EU—largely because this suited their short-term electoral goals (Schmidt 2006, pp. 37-43). On ‘polity’ issues, or the EU’s institutional impact on national democracy, national leaders have generally been silent—except at moments of treaty referenda, when it was too late, as we saw in France, the Netherlands, and Ireland. As such, they have not even acknowledged the problems of decreasing national democratic access to decision-making, let alone attempted to remedy them. In all of these cases, national leaders only increase citizens’ sense of powerlessness in the face of supranational forces to which they must adapt, and over which they have no control. And Commission officials only make it worse when, in pronouncements after referenda, they insist that they will go ahead regardless of voters’ views.

It is only very recently that we have begun to see a shift in the discourse, as national leaders have been talking about the need for EU and global action to confront the major challenges of today. The fact that EU leaders have been calling for global financial regulation, global action on climate change, poverty, terrorism, and more, are all essential elements of enhanced EU output governance *for* the people. This, however, is only one part of the

solution. It certainly does nothing for throughput governance *with* the people with regard to increasing access beyond the expertocracy, or ‘pluralizing’ the EU. It does little for input governance *by* and *of* the people, which would require more ‘politicizing’ of EU level institutions. And it does little to alleviate citizen concerns about the impact of EU economic policies on national socio-economic arrangements.

2.2. EU Policy with Politics?

So is the answer to EU legitimacy and identity problems to bring in more ‘policy *with* politics’ at the EU level? There have been many proposals for political reform, too many to list let alone to go into detail here (for one, see Hix, 2008). Most such proposals focus on increasing representative politics, or governance *by* and *of* the people at the EU level, mainly through more political competition in the European Parliament, Commission, and/or the Council. The assumption is that more politics would produce citizens who would be *doing* more in the EU, through engagement in elections, and *saying* more about it to one another, via deliberation about the issues raised, thus building more of a European identity.

But although such politicization speaks to citizen ‘input’ *by* and *of* the people, it does not address the impact of the EU on ‘output’ *for* the people. There is little question that politicization could have negative effects on governing effectiveness *for* the people, by introducing yet another source of division into deliberations already burdened by considerations of national, public, and special interests among the member-states (Majone, 1998; Scharpf, 2003, 2007; Schmidt, 2006, p. 270). Moreover, it could undermine the kind of trust that the Commission has garnered over the years by being seen as an impartial arbiter, above the political fray, focused on technical competence rather than on partisanship. The end of ‘*policy without politics*’ could also lead to stalemates that would only increase citizens’ disaffection from and dissatisfaction with the EU. This said, ‘*policy with politics*’, if done right, need not unduly affect governing effectiveness at the same time that it could have positive effects on citizens’ sense of identification with the EU and its political legitimacy.

Politicization, in any event, will be increasingly hard to avoid, given the awakening of the ‘sleeping giant’ of cross-cutting cleavages in Member States, with the rise of splits between pro-Europeans and Eurosceptics in mainstream parties of the right and the left (van der Eijk and Franklin, 2004), and the likelihood of much more hotly contested, politicized EP elections than in the past, even if they remain second-order elections. With the Lisbon Treaty, politicization is likely to go further, given the election by the European Parliament of the Commission President. It is also possible to imagine political campaigns across Europe in EP elections, with primaries organized by the major EU political parties across Europe. All of this could be a good thing for democracy if EU-wide political parties become stronger, if they produce platforms with ideas on policy and polity issues that resonate with citizens, and if this in turn produces substantive political debates across the EU about what it should do. Exactly how the electoral politics would play itself out in practice remains in question, however. Although there are good arguments for increasing the majoritarian politics of the Council and the EP (Hix 2008), in particular to avoid the stalemates of extremely proportional representation systems, as in Italy prior to the 1990s and arguably also since 2006, the EU lacks the collective identity and legitimacy necessary for the kind of majoritarian one party rule of a Britain or a France. It would do better with the kind of proportional representation system of a Germany in which, once the right-left polarization of elections campaigns is over, compromise and consensus-seeking rules, in particular at times of grand coalitions.

The EU’s increasing legitimacy cannot be based on electoral politics alone, however. It needs to be linked to institutional reforms providing, for example, for greater EP involvement at the beginning stages of policy formulation. Reforms here could involve linking relevant EP members and committees to the Commission’s expert committees in the comitology process. Even without this, however, the Commission could lay out the political dimensions of its policy initiatives, rather than presenting them as purely technical, while the European Parliament could do more to debate the issues (Magnetite, 2003; Schmidt, 2006, pp. 268-9). In addition, the EP could be more fully connected to national parliaments – and needs to be, way beyond the provisions in the Lisbon Treaty. This may be the only way to ensure greater

national parliamentary engagement with EU issues, beyond the few that become topics of Europe-wide controversy, such as the services directive. Greater citizen access to the EP either directly or through the national parliaments is another area crying out for reform, as the Lamassoure report (2008) made clear, since citizens don't know their rights or how to ensure them through EU institutions.

Another remedy to EU legitimacy problems would be through more *pluralist politics*. This is a national task as much as an EU level one, however. At the national level, political leaders' discourse should make it clear to national publics that national governments are not the only voices which can speak for national interests and values, but that citizens – as opposed to just experts – can and should have more direct input into supranational decision-making. In addition to informing citizens of the pluralist nature of supranational governance *with* the people, they need to help citizens to organize themselves so as to gain access and influence in European decision-making – providing funding, information, and strategic advice – as opposed to trying to avoid citizen involvement. Moreover, they need to put procedures into place to enable citizens to participate in the national formulation processes focused on EU decision-making. All of this would also afford the already activist citizens and social movements better access and input at both EU and national levels.

3. CONCLUSION

In the European Union, EU level identity and legitimacy are closely bound up with member-state national identity and legitimacy as well as with member-state identity in Europe and visions for Europe, and depend in large measure on national leaders and publics *speaking* of Europe. But because national leaders focus most of their energy on the national level, the EU level has been left wanting. The result is that EU citizens' sense of *being* European remains underdeveloped, in particular in light of how much the EU have been *doing* in recent years, which in turn creates problems for EU substantive legitimacy, even when its procedural legitimacy is not question. Increasing EU policy *with* politics may produce some identity-enhancing effects, if done carefully. The main question remains, however, about whether we are putting the cart before the horse if politicization comes before identity or legitimacy. If EU citizens have little sense of identity in the EU and increasingly question its legitimacy, then would politicizing the EU necessarily have the effect of building identity and legitimacy or of further undermining it?

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