

*Legitimacy of a political system in Europe. A model for the world?*

... 'Historically considered (...) the nation state is a comparatively recent phenomenon.' ...

David Beetham

## Introduction

The ideology of nation state is one of the most successful political phenomenon of history. It managed to destroy the Habsburg and Soviet empire. It led to a reconceptualisation of history, morality and the place of a citizen.

... 'It is commonly assumed that nations in the modern state are the product of the disruption of the international – or rather pre-international – order of the medieval Christendom, and that they represent the projection on a collective national plane of the Renaissance spirit of adventurous and self-assertive individualism.'<sup>1</sup>... The enthusiasm of modern nation states is often blamed for the Great War of 1914 which was definitely ended only in 1945 with the conquest of Europe by two foreign powers: United States and Soviet Union.

No matter how far nationalism could be proclaimed guilty for the atrocities of the first half of the twentieth century it proved to be the most efficient source of political legitimacy. Ideologies trying to raise post-national sources of legitimacy, like communism or environmental movement, enjoyed and enjoy only a limited success. Both socialist and Christian democrats had to yield part of their political ideology and pay tribute to the nation. The war of former Yugoslavia is not the only sign of the continuing power of national claims. Catalan, Welsh, Slovakian and Chechenian political elites managed to alter significantly the European political landscape. Cosmopolitan ideas are shared mostly amongst those, who can afford it. Poverty, unemployment and exclusion are powerful sources of new waves of nationalism. People need community when they fail individually to face the reality. And a national community is by its virtue based on the exclusion of the others. Cosmopolitanism lacks a political adversary. Humanism is a peaceful idea and lacks some magnetism of charismatic leaders or easy solutions.

## Challenges

It is undisputable that small national communities face the challenge of economy reaching beyond a single nation state. Global companies create their own working communities, however they fail to guarantee a long-term safety for those whom they employ. Multi-national companies competing on the global financial market try to limit their responsibility towards

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<sup>1</sup> Carr E.H. Nationalism and After, MacMillan, London 1945 page I

any political authority. Share-holders are the only and ultimate source of legitimate decisions. Global capitalism is the last ideology that have survived from the XIX-th century virtually unchallenged. Probably the main reason for it is that it used to be endorsed by the victorious United States of America. However the climate seems to have changed recently and the alter-globalist movement is gaining increasing legitimacy and support. It gathers those who criticize the white-collar directors separated from the reality of starving communities. It claims that multi-national companies and governments of the developed countries should be held responsible for the effects of the current world order.

However the logic of confrontation does not help to create new solutions to the problems. United Nations fail to deliver in far too many instances. The vested interests of the nation states block any far reaching reform of the decision-making and implementing process. The recourse to the United Nations is mostly used instrumentally in order to prevent the opponents. The best organization to tackle the problems of anarchical, yet a society of states lacks legitimacy.

In such a situation we can see a new political initiative being implemented in Europe, by the means of the European Union. This project was furthered following the II world war by a mix of federalists, cosmopolitans and economists trying to find a solution to the post-war problems. Over time the international organization of European Coal and Steel Community has developed into a post-national polity coming into place over time. However the European Union established in Maastricht is facing all the problems of both nation state and modern economy. The claim of this essay is that it can sustain its functioning by gaining legitimacy through various means. Through the analysis of the efforts of European political elites, we may be able to understand better the situation of 'Western civilization' and thus draft a model for a global solution (with due respect to the cultural diversity).

#### EU legitimacy

What makes the citizens see the political authority as rightful, and therefore underpin the stability of a regime? The concept of legitimacy is one of the oldest in political debate. The term legitimacy (latin, legitimare – to declare lawful) confers an order or command an authoritative or binding character. Legitimacy transforms power into authority.<sup>2</sup> We can trace a change of the nature of the questions raised in social science. From the question why citizens should feel obliged to acknowledge the authority of government, it has moved into the study of political behaviour and beliefs. This reflects a shift from philosophy to sociology. In many cases legitimacy is 'a problem waiting to happen'. We can analyse it only ex post, when a revolution or public unrest emerges. On the other hand legitimacy is a precious resource for all the organizations that try to solve global problems. Until they gain such, they are not taken seriously in the media and are often ignored by the political elites.

Legitimacy can introduce new power (Marxist ideology) or justify the existing system. ...'Theocracy, aristocracy, technocracy and democracy are respectively linked to beliefs that the right to rule comes from God, from birth, from possession of exceptional human qualities or from the people.' ...<sup>3</sup> The main success of nation state is to limit the people to a single, in

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<sup>2</sup> Heywood Andrew, Politics, Palgrave 2002

<sup>3</sup> Lord Ch., Magonette Paul, E Pluribus Unum? Creative Disagreement about Legitimacy in the EU, Journal of Common Market Studies, Vol. 42, Number 1/2004 page 184

most cases ethnic group. However the problem of legitimacy is more complicated. Max Weber developed three basis on which legitimacy was established:<sup>4</sup>

- Traditional authority
- Charismatic authority
- Legal-rational authority

How can we measure the European Union against these measures? And if the EU can establish its legitimacy beyond the nation state, then other forms of post-national regime can prove justifiable and lawful.

Traditional authority is based on the notion that it has 'always existed'. The EU being a recent project cannot claim its historical credentials. However we can see that different kinds of tradition is evoked in the operation and official language in the member states. The tradition of Europe is for example used by German state that grants the 'Charlamagne medal' each year for those who support the integration process. The EU has also a concept of founding fathers among whose we find Robert Schumann, Jean Monnet, Alcide de Gasperi, Winston Churchill or Konrad Adenauer. Over time, following the creation of the Council of Europe in 1949, the European project was supplied with a flag, anthem and the Europe's day.<sup>5</sup> Hence, one can say that European tradition was mostly cultivated among elite groups, like Paneuropean and European Movements. This was not sufficient to generate a sense of belongingness among average citizens. On the other hand we can say that EU is the history in the making and the interpretation of the past is dependant on the present. Thus different elements of the past can be brought into light in line with the preferences of those who write it. Churchill probably never considered himself as a father of Europe.

Without any European demos there was no chances for a charismatic leader to emerge. One of the problems in charismatic leadership is the question of language. In the EU of 25 with 21 official languages the two main working languages: English and French do not appeal to a vast majority of 450 million citizens. On the other hand we can trace the emergence of a euro-speech with some words appearing unchanged in foreign languages. Expressions such as subsidiarity, community method, Luxembourg compromise, enlargement, ombudsman or co-decision cannot be understood outside of the EU context.

Over time, with new treaties and Eastern enlargement coming into force, the EU is being granted a distinct and autonomous personality. Therefore we cannot rule out that a political figure of the format of Jacques Delors or Javier Solana manage to grasp popular support or at least attention. However the European history gives us various examples of charismatic leaders that are not so seductive for the European project like Napoleon, Mussolini, Hitler, Haider or Berlusconi. In order to gather support those leaders tended to simplify the surrounding world with clear-cut divisions of what is good and bad, who is the member of the community and who is an alien-stranger. So maybe a charismatic leadership is not appropriate for those who want rather to transgress divisions and overcome animosity.

The last source of legitimacy links authority to a clearly and legally defined set of rules. This is usually accepted by a higher set of norms described as a constitution or constitutional order. The EU has definitely the latter one in the form of treaties and jurisdiction of the European Court of Justice. However this corpus of laws and precedents do not appeal to the citizens.

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<sup>4</sup> Weber Max, *Economy and Society*, 1922

<sup>5</sup> David C. How twelve stars were born, *Forum – Council of Europe*, December 1989

The legal structure of the EU is complicated because of the will to embrace the peculiarities of nation states and many vague compromises. The most recent effort towards drafting a treaty establishing a Constitution is a significant change in the up-to-date low-key process of incremental change. However there is still a long road ahead before it can become a legitimate source of law.

Legal-rational authority maintains limited government and promotes efficiency through a rational division of labour. However, Weber has described the price of such arrangement which is a more depersonalised and inhuman social environment, usually described as a bureaucracy. In fact this is one of the major charges against the directives created by faceless agents from Brussels. The direct link or a kind of representation is indispensable in a community based on the respect of its constitutive parts – the citizens. On the other hand one of the biggest threats to a legitimate order is the tyranny of the majority. However it is beyond the scope of this essay to touch all the questions linked with a liberal democracy and problems of bureaucratic solutions<sup>6</sup>.

### Governance

Weber's typology of legitimacy raised much criticism. It fails to provide us with the explanation why political authority is challenged as a result of unpopular policies. This area has been approached by a new way of thinking called governance approach. It focuses on established patterns of rule without an overall ruler. It has been created in opposition to the traditional understanding of an accountable government, which cannot be fully implemented in a polity like the EU. The political activity goes on in a structured way and the task of democratic regimes is to shape this activity so that it meets certain criteria that render it legitimate. The governance approach is especially useful to the regulation of global markets, international finance etc. performed through international co-operation.

... 'Within state boundaries, too, policy may be so complex that its successful formulation and execution demands interaction amongst a wide range of actors. For example, if it is to enjoy any prospect of policy success, a central government ministry must act in partnership with other levels of government, other public bodies, other associations in civil society, and the 'users' or consumers of the service or policy. Public administration seems increasingly to be made not by single executive agencies, but rather by networks.(...) **The concept of governance captures this complex mode of governing in the absence of the traditional hierarchical structures of government.'**...<sup>7</sup>

In order to analyse what criteria make a governance legitimate we need to employ the dimensions proposed by David Beetham and Christopher Lord in 1998. They evaluate the EU on three major levels:

- 1) identity
- 2) procedures
- 3) performance

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<sup>6</sup> see Dahl R. Democracy and its Critics, New Haven, Yale University Press, 1989

<sup>7</sup> Dobson Lynn, Weale Albert, Governance and Legitimacy, in Stubb and Wallace 'The European Union. How does it work?' Oxford, 2001 page 156

## Identity

The first issue can be explained as whether the citizens view the common institutions as 'ours'. Turning this question upside down we can explore whether a sort of 'us' generally exist. According to polls only 60 per cent of the citizens feel attached to Europe as well as to their country. In comparison 90 per cent feel attached to their country. However these results can be significantly altered by the new wave of enlargement. Many citizens of Central Europe are disappointed with the performance of their political elites. In many cases 'yes' in the referenda, whether to join the EU, was an articulation of a hope to be better governed and have access to the more civilized western Europe. For example in the Polish accession campaign billboards with famous people saying 'I am European' were a sign of a positive connotation of this term.

European citizenship was only introduced in the Treaty of Maastricht, that entered into force in November 1993. Therefore we should not expect rapid change over a ten-year period. Measures implementing these new right such as the office of Ombudsman or the right to vote in local and European elections are becoming operational over time.

The introduction of Euro in 12 member states in January 2002 is also a very recent phenomenon. Although it has been blamed for the increase of prices, it is also a vehicle of overlapping identity and easy price comparison (performance legitimacy). Together with the growing use of internet, the Eurozone is an open market for consumers. If Marx was right and 'living creates consciousness' then over time we should observe a growing attachment towards the Eurozone.

Another factor raising the value of European uniqueness is the discussion about the boundaries of Europe and the growing unilateralism of the United States. The intervention in Iraq was generally rejected by the populations of the enlarged EU, even against their elites. Anti-Americanism is a growing sentiment and unifying factor for trade unions (protesting against liberalism and globalisation) and youth (criticizing the American rejection of Kyoto agreement and the protocol on the International Criminal Court). European-ness have a potential of a new level of belonging. And for the first time it has a somehow clear point of reference (differentiation).

On the other hand far-right, anti-immigration and sovereignist political parties like FPÖ in Austria, Front National in France and League of Polish Families in Poland show the opposite tendency of rejecting the whole European project. Paradoxically they help create the EU as an autonomous subject of national debate, thus strengthening its general perception. A discussion on the difference between patriotism and national sovereignty is slowly emerging. New efforts to get over a simplistic division (national versus European) are already spreading, such as multiple loyalty (local, regional, national and global).

## Procedure

The second main criteria of legitimacy is the way the governance is performed. The most commonly recognized way of establishing binding rules is a very vague notion of democracy. There is a huge difference in the way the European democracies operate, ranging from a presidential (France) towards a strong parliamentary control of the Prime minister (Denmark). There does not exist a single yardstick to measure the democracy inside a polity. However we can unpack this concept into several sub-measures such as:

- 1) representative nature of the controlling and law-making institution
- 2) transparency of the law making process

- 3) limitation of the powers on various levels
- 4) political process being responsive to the claims expressed by the voters

It seems that the easiest way to answer charges about 'democratic deficit' is to increase the role of the directly elected European Parliament. However this does not take into account the complex nature of the EU, being not a unitary state governed according to a simple majority rule. There is a growing tendency to employ the experience of federal systems such as Switzerland or US. However the major co-legislator in the EU: the Council of Ministers derives itself from the meetings of foreign ministers who prefer a secretive diplomatic ways of procedure. The project prepared by the Convention chaired by Valery Giscard d'Estaing proposed a creation of a Legislative Council which would work openly, while meeting in order to pass legislation. The enlargement of 1 May 2004 will fundamentally alter the functioning of the ministers meeting in Justus Lipsius building.<sup>8</sup> The need for change is more recognized and reforms should follow.

The issue of democracy raises many other questions of not only horizontal but also vertical division of competences. The principles of subsidiarity and proportionality introduced in Maastricht and strengthened both legally and politically in the Draft Treaty establishing a Constitution is a very important measure.<sup>9</sup>

However the most important sign of a changing perception of the democracy inside the EU is the creation of the Convention on the Future of Europe by the European Council in Laeken in December 2002. The Convention was the most significant example of including national parliaments in the process of preparing 'constitutional changes' inside the EU. Although the deliberation inside the Convention between February 2002 and July 2003 was far from ideal speech acts, the very creation of such a body is a revolutionary step for both the proponents of the intergovernmental and federal vision. Both the Convention and its result in the form of a new Treaty are major signs of a changing nature of the European Union.

On the one hand member state governments agreed to restrict their agenda setting and drafting prerogatives in favour of a president supported by an independent Secretariat and a Praesidium composed of 12 members, elected not on the basis of their nationality but institutional belongingness. On the other hand, the European Parliament has recognized its limited legitimacy on the issue of treaty changes and agreed to share representativeness with the delegates of national parliaments that outnumbered the EP.<sup>10</sup> The EP has endorsed a new, open way of treaty preparation in order to increase the transparency and inclusiveness of this process (see Annex I).

The last but not least issue linked with the democratic procedure is the election of the quasi-governing body in the EU: the European Commission. Both the president and the college of commissioners is answerable to the democratically elected Parliament. The problem arises in way the candidate is appointed and whether the results of the European elections should be taken into account in this process.

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<sup>8</sup> headquarters of the Council of Ministers in the European district in Brussels

<sup>9</sup> According to the text submitted by Valery Giscard d'Estaing a majority of national parliaments will be able to block a law, that they deem in breach with the subsidiarity principle. European Court of Justice shall receive the competence to rule *ex post* whether a law does not exceed the EU competences.

<sup>10</sup> European Parliament was represented by 16 members and 16 alternates while each of the 28 countries (15 member states and 13 candidates) could send 2 members and 2 alternates. Altogether the national parliaments' members in the Convention formed the biggest, but the least homogenous group of 56 members, which gave them a virtual power of veto.

There is a clash of two visions of what the Commission should be. One sees it as a technocratic office preparing laws and running daily administration of EU funds and policies. It should work under the aegis of the European Council being the depository of political legitimacy<sup>11</sup>. The other vision, furthered by the federalists and most members of the EP supports the full powers of the Parliament in nominating and electing the president and thereafter its college. The final result will probably be set between a total de-politicisation (European Council being a principal) and full politicisation of the college (the EP performing the role of democratic will). One of the main procedural arrangement of the EU is its operation through consensus, thus avoiding alienation of any partner.

## Performance

One of the main reasons for supporting a regime is when its operation provides benefits to the citizens. These benefits can be differently described and ranked for different communities. The major reason for the operation of the EU was and still is the reduction of the chances of military conflicts, similar to those that destroyed the continent in the first half of the twentieth century. Nowadays a violent conflict between the members of the Union is virtually impossible. The interlinking of economies and political co-operation eliminate both the reasons and means towards raging any war. However the conflict in former Yugoslavia showed that stabilization of the interior is not sufficient and conflict in the neighbourhood also creates many political and humanitarian problems.

One of the main reasons for enlargement was the stabilization of the area freed by the fall of communism. No other organization has been so successful in maintaining peace. Positive experience can serve as an example for the peaceful settlement of conflicts in other areas of the globe. It is difficult to measure the uniqueness of the European structure, however it remains beyond doubt that the biggest state - Germany has kept a low profile of its foreign policy and contributed in a very large part towards the more or less smooth functioning of the system. The biggest threat to the co-operation remains the share of the budget paid by each nation. We are on the brink of the negotiations of a new financial perspective for the years 2007-2013. Yet, the economic problems of the main contributors created an unprecedented situation, where a sharp decrease of the budget is endorsed, while even the maintenance of existing policies in the enlarged Europe needs additional resources.

Economic development was one of the main reasons for the acceding countries to table their application. In order to meet the membership criteria many substantial adaptations and reforms have been performed. While overall the direction of these reforms was beneficial for their economies and facilitated by financial aid, new member states and their citizens wait for a premium for their effort.

Paradoxically, EU is no longer perceived as a haven of economic prosperity. This place has been captured by the American economic success of the last twenty years. European agricultural policy is the main subject of criticism from many new countries that were forced to introduce expensive regulatory arrangements. On the other hand, as in the case of Poland, agricultural sector has been abandoned during the economic transformation and has remained a 'museum' of unskilled workforce and served as a maintenance of those who were forced out of the labour market in the declining industries. EU is a very useful mechanism to protect the safety and hygiene of food and to tackle politically important issue of food prices. The

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<sup>11</sup> Heads of State and government meeting usually twice a semester, who discuss the broad political agenda and set the priorities

balance sheet of the EU performance is ambiguous. Many positive initiatives are criticized for the red tape they create. Only a stable economic growth can contribute to the performance legitimacy of the EU. Citizens are not aware which level of government is to be praised or blamed for the economic performance.

The EU economic policy was very successful in successive removal of economic barriers - a so called 'negative integration'. However the process of 'positive integration' is very hard to achieve among independent economic styles and different policy equilibria. The members of the Union are reluctant to create common policies in response to the challenges. One of the biggest problems in the western Europe is unemployment. It creates many social and political problems such as exclusion, criminality and reduces the opportunities for the younger generation. The fear of French dirigisme has prevented the Union from coordination in face of this problem. In fact the current enlargement exacerbates this problem with employers moving their factories to the countries with cheaper labour force. There is also a competition between countries in order to attract investments from outside the EU (Nissan from Japan, American companies). The solidarity is still rather pronounced that performed. And this perception of lack of solidarity has direct effect on the issue of a common identity.

The biggest tool of solidarity: structural funds are under challenge from those who want to remain net beneficiaries. However problem of redistribution appear in all sorts of communities and they cannot serve as the main charge towards a polity, whose major aim was not to reduce the disparities in the quality of life, but rather to deter violence between them.

One has to raise the claim of Juergen Habermas who identified a series of 'crises tendencies' within capitalist societies that endanger political stability<sup>12</sup>. He identified a contradiction between the logic of capitalist accumulation and the popular pressures emerging in democratic policies. The freedom needed by economic growth and accumulation is in opposition to the equality or social rights necessary to maintain democratic process. The states fail to meet the expectations of popular pressures on the one hand and on the other demands of the competitive free market. This tendency of over-demand was deemed by the neo-Marxists to be insolvable by the capitalist democracies. However the rise of the New Right in the 80-ies and the encouragement of individuals to take the responsibility for their welfare, has succeeded at least partly in the lowering of the public expectations.

The EU so far is not a locus of claims (apart from a very influential agricultural lobby). It enjoys the situation where its expenses can be channelled in more pro-active ways than the funds of the nation states usually are bound to (social security, unemployment benefits, education and health-care maintenance). The power of the EU is rather 'soft' and exercised by regulation and not direct enforcement. This creates a problem of the visibility of the EU action and therefore the stakes of its representing bodies (low turn-out in the European elections, a general contempt of the Brussels bureaucracy, suspicion of unregulated lobbying).

Summarising the previous paragraphs one can say that the complexity of the issue limits its usefulness for a political usage. Different sources and vectors of legitimacy cannot be successfully measured or ranked. The overall situation is more connected to a general feeling which is usually unrelated to any specific events or procedures. Therefore the recent trend in the European Union was to embark on a communicative action. Some researchers claimed that the legitimacy deficit is more a problem of lack of information or biased media than the

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<sup>12</sup> Habermas Juergen, Legitimation crisis, 1973

question of substance. This is particularly evident in the British press which is famous for the malicious interpretations and negative stance. The EU institutions and leaders have embarked on many projects to explain the EU to their citizens.

### Generating legitimacy

The two most important attempts to raise the popular profile of the EU institutions was the 'White paper on the governance' issued by the Commission in 2001 and the convocation of the Convention on the Future of Europe.<sup>13</sup>

The White Paper on Governance was a flagship of the Romano Prodi's Commission. It was to mark a clear departure from the scandal of the former cabinet lead by Jacques Santer. The project was to link two sources of legitimacy and thus raise the profile of the European Commission inside the power triangle.<sup>14</sup> Technocratic legitimacy of Commission's expertise and ability to offer 'Pareto-improving' solutions was to be seconded by a procedural one. The latter means proper consultation of stake holders, balance of interests, transparency and proportionality. From 1999 the Commission has been undergoing a process of internal change under the direction of vice-president Neil Kinnock. It was to change a popular image of an institution closed to the citizens, not transparent and discretionary in its choices of final outcomes. However the legitimacy of the Commission was undermined by the corruption scandal of the statistical office – Eurostat.

The debate over governance had been overshadowed in the year 2001 by the preparation to convene a Convention on the Future of Europe. It is a fascinating example of the convergence of many debates and institutional projects. The Convention is a unique case which show the merits and limits of many former approaches towards reforming the EU.<sup>15</sup> Its composition reflects a mix of legitimacy claims:

- 1) 15 representatives of the governments of the member states (indirect, state legitimacy).
- 2) 16 members of the European Parliament (parliamentary legitimacy)
- 3) 30 members of the national parliaments (national parliaments contribution)
- 4) 2 members of the Commission (technocratic legitimacy)
- 5) representatives of the candidate countries (1 for the governments and 2 for each national parliament) – legitimate claims of negotiating countries to have a say on the structure of the organization, they are in the process of joining.

It is very important to judge to what extent the Convention managed to shift from sheer bargaining towards deliberative communication. The main result of its operation is the agreement that a simple, comprehensive document should be a basis of the European Union. Simplification was a leitmotif of the 16 months of its proceedings. And the draft Treaty establishing a Constitution is both a solution to the vagueness of the EU project and a funding stone for an emerging European loyalty. It remains to be seen if the articles prepared by the Secretariat under John Kerr, adopted by the Praesidium and then discussed in the plenary shall endure the pressures of the Intergovernmental Conference which is to conclude in June 2004.

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<sup>13</sup> The creation of the Convention on the Charter of Fundamental Rights was rather an incremental initiative that did not succeed in securing public attention. However the Charter has been subsequently one of the major point of reference in the EU policy towards its citizens.

<sup>14</sup> It is usually assumed that the legislative decisions are negotiated inside the triangle formed by the Commission, Council of Ministers and the Parliament.

<sup>15</sup> The most famous is the Davignon's Report from 1979, Spinelli Draft Treaty adopted by the European Parliament in 1984, report of the Reflection Group preparing the Intergovernmental Conference in 1996

However the legacy of the Convention holds firmly so far showing that once a consensus has been achieved, it is difficult to alter the structure. We can observe that the greatest critics is aimed at the preamble and institutional proposals. Both were partly enforced by the President of the Convention – Valéry Giscard d'Estaing.

## Conclusion

Shall the Constitution alter the perception of the European Union? Paradoxically those who demand referendums on its signing are only strengthening the popular standing of the Brussels based institutions. Referenda will probably polarize public opinion according to the attachment to the national sovereignty. Those for whom the nation state is the ultimate source of legitimacy and belonging shall probably reject the new Treaty. Those who think that power can be negotiated on different levels shall support a new arrangement, as it does not alter the existing balance. More than two hundred years after its creation nation-state will be challenged, however not in order to be destroyed, but rather accommodated to the demands of citizens, economy and peace<sup>16</sup>. Maybe this will be a major step in the direction of a less 'anarchical society'?

Another question is of the applicability of the European example to the other parts of the globe. Nation state was a European innovation that spread around the world. Will other parts of the globe once again follow the European pattern. There is a growing interest in South Asia and Mercosur countries about the experience of European integration. However politics is not engineering and it cannot be repeated like bridge building or transport. It has to be accommodated to the cultural reality and historical references. The important question is whether in the long run United Nations will be composed from more than two hundred nation states or rather political entities similar the EU. Studying international history we cannot rule out such a possibility. We should remember that nation state is not a building brick of universe.

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<sup>16</sup> It is difficult to date the origins of the nation state however it is assumed that nationalism one of distinguishing elements of the French Revolution 1789-99. E.H.Carr distinguishes the first period of its formation between 1555 – peace in Augsburg and the Napoleonic wars ending in the Vienna Treaty of 1815. However for the purpose of this article I shall treat the referendum on the establishment of Napoleon's empire in 1804 as the delimitating point.

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### **Annex 1**

The Committee on Constitutional Affairs of the European Parliament.  
REPORT of on the Treaty of Nice and the future of the European Union  
4 May 2001 page 9 (extracts)

#### **Declaration on the future of Europe**

Endorses Declaration 23 on the future of Europe because **it constitutes an innovation in the procedure for a reform of the Treaties** based on efficient shared preparations and preceded by wide-ranging and thorough public debate;

**Believes that the debate should take place at both European and national level** considers that the national governments and parliaments will be responsible for carrying on the debate and assessing the outcome, in particular at national level; (...)

Takes the view that the **debate must be open to society** as a whole and must be accompanied by an appropriate information campaign in order to explain to Europeans what is at stake and to encourage them to participate actively in the debate (...)

Is of the opinion that the ultimate outcome of the next reform of the Treaties will depend crucially on the preparations; for this reason, advocates **the establishment of a Convention** (to start work at the beginning of 2002) **comprising members of the national parliaments, the European Parliament, the Commission and the governments**, the task of which would be to submit to the IGC a constitutional proposal based on the outcome of an extensive public debate and intended to serve as a basis for the IGC's work;

Takes the view that the **accession countries should be involved in the Convention as observers** until the accession treaties have been signed and as full members thereafter;

Believes that the IGC should be convened to meet in the second half of 2003 so as to enable the new treaty to be adopted in December of that year, thereby ensuring that, in 2004, the European elections can act as a democratic fillip to European integration and that it, together with the Commission, will be able to play its part in that process under the best possible conditions;

**Calls on the national parliaments, when expressing their views on the Treaty of Nice, to manifest their firm commitment to the convening of a Convention;**

States that the Treaty of Nice will be seen in the light of the results of the Laeken summit, which could open a possibility for overcoming its weaknesses; decides, furthermore, to take into account the results of the Laeken European Council when it is asked for its views on the opening of the next IGC;