EUROPEAN UNIVERSITY INSTITUTE, FLORENCE

DEPARTMENT OF HISTORY AND CIVILIZATION

EUI Working Paper **HEC** No. 2001/5

Allegiance, Legitimation, Democracy and the European Union

MICHAEL NEWMAN

BADIA FIESOLANA, SAN DOMENICO (FI)

Introduction

The deepening of European integration, characterised by far greater penetration into the affairs of the member states, in a climate of increasing popular scepticism about the EU has raised a set of fundamental problems for the whole 'project'. If economic and political elites generally wish to continue to develop the process they can no longer rely on a 'permissive consensus' to accept their decisions. Hence their increasing preoccupation with the need to secure new bases of support, and their various initiatives to try, in 'Euro-speak', to bring the Union 'closer to its citizens' - for example by symbols such as passports, flags and anthems. All these effort are predicated on the conviction that the EU has legitimacy problems which need to be tackled so as to avoid crises whenever popular endorsement for new steps in integration is required. However, very considerable evidence – from Eurobarometer surveys, to Euro-election turnouts, to the recent Irish referendum over the Treaty of Nice – suggests that little or no progress has been made in enhancing the EU's legitimacy.

This paper begins by looking at some of the ways in which the EC/EU has sought to legitimate itself, and then suggests some reasons why they are unlikely to succeed. It then considers the concept of 'allegiance' and asks how helpful it is, or may be, in understanding the problems of the EU in relation to legitimacy. Finally, it raises some questions about the relationships between allegiance and democracy.

1. The Process of Legitimation

Issues about legitimacy have been present in relation to the European Community from its earliest origins, even if they were not high profile matters until much later. There was always the question: how could this new phenomenon secure sufficient support to ensure that it could carry out the purposes sought by the elites that had created it? It might seem that the existence of a treaty providing for a new legal order at a time of 'permissive consensus' meant that the Community did not *need* legitimacy in its early years. Yet this is surely an over-simplification. It did not need to bother too much about securing support from the peoples or even the parliaments of the original 'six' but this does not mean that it was inevitable that the ratification of the treaties would guarantee the establishment of a Community with significant supranational powers.

Resistance to this process was always possible even within sectors of the governments of the signatories. It could succeed only if the relevant forces within the latter were convinced of its validity. It would therefore be helpful if more research were carried out to discover how readily the bureaucracies of the original member states collaborated in the creation of the new system – for their involvement was obviously essential.

Another potential problem was obviously the reaction of domestic judicial systems to the building of the supranational legal order. And, as is now widely agreed, the extent of supranationalism in relation to Community law went beyond that originally envisaged in the Treaties and depended on the ECJ securing the doctrines of direct effect and legal supremacy during the sixties. In this respect it seems that the notion of judicial hierarchy was extremely important in the process of legitimation. The Treaty of Rome specified a new law in a limited field and the ECJ as its guardian and interpreter. Lower courts are expected to look to higher courts for judgments or arbitration in the event of difficult cases. In general, they did so in relation to the ECJ without difficulty and legal systems and lawyers within the member states thus accepted the legitimacy of a new legal order – and European Community law became a growth subject!

Throughout the period of the 'permissive consensus' the Community was thus becoming embedded within the member states through a process which required an acceptance of its legitimacy by the relevant actors within those states. The question is why those actors did not include 'the people' - or even parties and parliaments to any significant extent. Obviously, the most cynical explanation (emphasised by opponents of the EU) is to suggest that it was too dangerous to the project to involve people in a wider debate about its development. Had they understood what was going on, they might have opposed it. There was, no doubt, an element of this explicitly anti-democratic thinking involved. Another less cynical interpretation – but which comes close to the same result – would be to suggest that the neo-functionalist viewpoint was taken very seriously by the architects of the Community. That is, that they believed that the process of integration would initially convince the elites and that, once they were enmeshed in the new supranational system, there would be a trickle-down effect to the people. Or - and this may be the most likely explanation, but no more creditable – they simply did not think about it very much. The Commission thought it was engaged in an exciting new project to build a 'new Europe', the governments believed that the project was – in Alan Milward's words – 'rescuing the nation-

state', and no-one seemed to be making much fuss about it, so why *try* to involve the people?

Yet there were certainly glimmerings of the more recent concern about the issue of wider legitimacy even then. In the 1960s the Commission wanted a far more active social policy in order to turn the EEC into a 'real Community', but the governments thought that the Commission was getting far too close to the Trade Unions and in 1966 the Council took the initiative and restricted the Commission's role. Similarly, during the 1970s, the involvement in gender equality issues and the Action programme on poverty were partly designed to convince people that the Community had a 'human face' and was not simply economic. But such programmes – like Delors's later initiatives on 'social Europe' – suffered from the fundamental weakness that it was not possible to deliver the kind of social policy that might make a difference, given three problems:

> a) the fact that the overwhelming emphasis of the Community has been that of the capitalist market – something that was accentuated from the 1980s;

> b) the fact that the budget is too small for significant redistribution and the MS are unwilling to raise it;

> c) the fact that social policy has been a major aspect in the legitimation of the MS themselves and they (or some of them at least) have been unwilling to allow the Community to take any credit for welfare policies.

These problems bedevilled the attempt (most notably by Delors) to legitimate the Community through active social policies. But, of course, this attempt also coincided with the time in which it became increasingly evident that such legitimation was *needed*. For it is really from the 1980s onwards that both the EC's *visibility* and its lack of popular support has become increasingly evident.

Apart from social policy, much of the effort from the mid-1980s was in more symbolic (and cheaper) realms. There has been a very conscious emulation of the process of nation-state construction through attempts to forge the notion of a common identity. The most obvious of these have been through the establishment of the flag and the common passport (the European anthem of the 'ode to joy' being much less well known). How much importance should be paid to these? Cris Shore (2000) argues that they should be taken very seriously. As a social anthropologist, he points

out that symbols are integral to mobilising popular opinion and he quotes an official publication by Pascale Fontaine:

> Everyone nowadays recognises the sky-blue banner with 12 gold stars symbolising European unification, which we see more and more often flying alongside national flags in front of national buildings … What Community national does not enjoy following the 'European Community' sign in airport arrival halls, and passing through simply by showing the uniform passport adopted in 1985? To the sceptic, of course these symbolic measures may seem purely decorative. But because they strike most people's imaginations, and because they come close to the symbols that embody State sovereignty, they testify to the substantial progress made by an idea which has now been transformed from myth into reality. (Fontaine [1993]: 7-8, in Shore [2000]: 37)

There is surely some truth in this for, although it was only adopted 15 years ago, the EU flag is now so familiar. And the sentiments that Fontaine describes on passing through airport controls also strike a chord. Does this mean that all this is having a subliminal effect in legitimising the EU by making it appear 'state-like' in its symbolism? Shore also pays considerable attention to other phenomena which may have a similar impact and one of them has particular: the euro.

For a specialist in politics or economics, the EMU provokes thinking on such issues as the extent to which it involves a loss of economic autonomy for the member states, the deflationary aspect of the project, the issues of democratic control and so on. But Shore's approach is to consider the symbolic aspects of the replacement of national currency by euros. His argument is that money is very close in people's minds to the notion of a state. By transacting purchases and sales in a currency which is the same in different countries the idea of the EU as representing a single political territory can thus be expected to grow (and he suggests that the design itself, with its associations with architecture and building something new, is intended to foster this message). His claim is that, as far as the Commission is concerned, the political aspects of the euro are crucially important: that is, whether or not EMU makes sense economically, there is a definite intention to use the new currency to embed the EU in people's consciousness. This interpretation seems plausible.

Yet it is doubtful as to how far this strategy can succeed (irrespective of whether or not it is justified). It may be – as Shore seems to believe – that

the Commission still wants to build a federal European state and its approach through symbols (plus an official version of history and culture) is faithfully following a process of nation-state construction as theorised in Benedict Anderson's *Imagined Communities* (1983). But even if this were the case (which seems rather improbable), it is unlikely that it could succeed. Why is this?

The first, and rather obvious reason, is that the Commission is only one actor in the EU and not the most powerful one. It is one thing to stress its importance, with the ECJ, in providing an essential aspect of the drive to construct the new system, but quite another to suggest that it can create a new state without the active collaboration of the existing states. And the continuing role of those states is a key reason why the EU cannot succeed in legitimating itself through the above process, even if the subliminal effects of symbols are as important as Shore suggests. Put slightly differently: passports, flags, currency plus institutions, policies, and laws might be sufficient to embed the EU in people's consciousness as something that *exists* – even something that has power. But none of this is sufficient to provide it with the kind of legitimacy that it needs if it is to 'deepen' with stronger elements of supranationalism. Ralph Miliband's work, of more than thirty years ago, provides a helpful insight into the reasons for this.

 Miliband devoted a considerable section of *The State in Capitalist Society* (1969) to an attempt to answer a particular question. If, as he argued, capitalism was a system that overwhelmingly advanced the interests of the capitalist classes while the mass of the population would benefit from its elimination, why did that majority accept its continuation? Why did they not only acquiesce in it but often give it active consent and support? His answer was that this did not just 'happen': it was the result of an ongoing 'process of legitimation' in which the state itself and a whole range of non-state actors (including schools, universities, parties, religious groups, corporations, the media) combined to propound the view that the existing system was not only normatively justified but was based on 'common sense'. As he acknowledged, his argument owed much to Marx and Engels and, more specifically, to Gramsci's concept of 'hegemony'. But the specific relevance of Miliband's work was the way in which he demonstrated that the dominant viewpoint inculcated through the process of legitimation was reinforced through so many different agencies and sources. In other words, it was not simply a question of one identifiable source putting forward propaganda on behalf of the capitalist state. The whole ideological power of this process of legitimation was that the message

was *not* carried through one voice or in one form. It was carried through numerous sources, which differed very considerably in their emphasis, which did not all think of themselves as carrying a pro-system message at all, and which were often in sharp conflict with one another. For example, Miliband did not for a moment suggest that Social Democratic and Conservative Parties were the same or that academics all believed that capitalism was a good system. The point was rather that the overwhelming effect of all the agencies of socialisation was to propound a view which represented the existing political and economic system as either positively valid or, at the very least, the only possible one. Some discordant voices could reinforce this message for they showed that debate and opposition was also valued.[1]

The situation that Miliband identified when analysing the state in capitalist society contrasts sharply with that which obtains in relation to the EU. Had he been alive now he would, no doubt, have regarded the process of legitimation in relation to the *capitalist system* as stronger than ever, and the alternative as much weaker. But it is surely evident that the reinforcing sets of influences and agencies that he discerned in the process of legitimation of capitalism and the liberal-democratic state are simply not present in relation to the EU. Britain is exceptional in the extent of the power of 'Eurosceptic' agencies, but clearly the Murdoch press (particularly *The Sun*) and the Conservative Party have been rather significant sources of influence. Instead of helping to legitimate the EU, their main goal has been to de-legitimate it. In the majority of other EU countries the main parties and media are more supportive of the EU but, even so, they do not normally do much to help legitimate it. The major pre-occupations of the media and political parties in most of the countries most of the time remain national: apart from any other evidence, this is surely suggested by the overwhelmingly domestic orientation of the campaigns in Euro-elections.

But if this is so, there are surely also serious limits to the extent to which support for the EU can be enhanced through the current process of legitimation? If most governments continue to regard the EU as useful – even essential - for certain purposes, but not as their overwhelming priority, while some (e.g. Sweden, Denmark, UK) are quite opposed to aspects of it, they are not going to embark on a mission of persuasion.

---

[1] Yet Miliband was certainly not putting forward a Marcusian account of capitalism. He was not, that is, suggesting that the system was so powerful as to have effectively eliminated all traditional sources of opposition – even other forms of consciousness and thought. On the contrary, he was arguing – perhaps over-optimistically – that the threat of effective opposition by the working-classes and by socialists was ever-present. It was for this reason that the process of legitimation needed to be an ongoing activity.

And the other key moulders of opinion are still either nationally based or concerned with the global economy rather than the EU as such. If so, the Commission should perhaps be seen as a minor actor in comparison with some of the other agencies of influence.

This does not mean that the EU is unimportant: in both negative and positive ways it is very significant. But it is doubtful whether its past approach to legitimation can succeed. In other words, this approach will not eliminate the possibility of further referendum defeats, further indifference, and further xenophobic campaigns against the Union. I now want to consider whether the concept of allegiance can help in analysing some of these problems.

2. Allegiance

Alan Milward put the term on the map in relation to the EU in an article in 1995. (Milward: 1995)[2] His purpose there was to suggest that 'allegiance' might be a way of linking four otherwise discrete approaches to the study of European integration, and he defined it as follows:

> By allegiance is meant the analysis of all those elements which induce citizens to give their loyalty to institutions of governance, whether national, international and supranational. (1995: p.14)

Amongst other points, he notes that there was not particularly strong allegiance to nation-states in the nineteenth century (as shown, for example, by high emigration rates and comparatively low adoption of citizenship by migrants), while such allegiance appeared to reach its height in Western Europe between 1945 and the 1960s. The paradox here is that this latter period was the time in which European citizens were taxed at their highest levels. But it was also the time in which the national welfare systems attained their greatest importance. He therefore asks whether strong allegiance was constructed through the national welfare systems and also whether their partial dismantling in more recent decades – coupled with far more open international economic and financial systems – will mean that this was the historic high point of national

---

[2] Interestingly, though, Van Kersbergen (2000) points out that the idea of allegiance had already been a key theoretical idea in Milward's earlier work, *The European Rescue of the Nation-State* (Milward: 1992). Here it had been specifically important in relation to the concept that Kersbergen himself developed – that is 'double allegiance' both to the nation-state and to the EC. This will be discussed below.

allegiance. His open question is, I think, whether this could also mean an increase in allegiance to the EU.

Although he was keen to stress that allegiance was *not* simply reducible to material factors – noting, for example, that in Britain popular and elite loyalties to the Commonwealth idea outlived its economic benefits - the general weight of his remarks was in fact to stress the more tangible economic and social prerequisites for allegiance. But the term 'allegiance' was not defined or theorised – beyond the quotation given above. In a long review of Milward's work on European integration, Perry Anderson noted that his use of the term in the 1995 article was appropriate:

> It bespeaks not of civic participation but customary adhesion – obedience in exchange for benefits: Hobbes rather than Rousseau. This is certainly closer to Western realities. (Anderson: 1997:65)

Whether this was Milward's *intention* in choosing the term is not clear, but Anderson was justified in thinking that Milward's usage did seem to involve an exchange relationship – allegiance in return for (primarily material) benefits.

This was stated in a far more explicit way by Van Kersbergen, who built on Milward's work:

> [A]llegiance is defined – somewhat idiosyncratically perhaps – as the willingness of a national public to approve of and to support the decisions made by a government, in return for a more or less immediate and straightforward reward or benefit to which the public feels entitled on the basis of it having rendered approval and support. My general thesis is that national publics accept the efforts of their national state elites to build new trans- or supranational political institutions on the condition that this guarantees or reinforces economic and social security in the national context. (Van Kersbergen 2000: 4)

He then uses Milward's earlier work (Milward 1992) to elucidate the notion of 'double allegiance'. The suggestion is that allegiance remained *primarily* national, but that the governments could not have delivered the benefits on which that allegiance depended without creating the new form of controlled interdependence which the EC guaranteed. Van Kersbergen's basic argument is that allegiance to the EC/EU is conditional on the delivery of the benefits by national governments. So

long as they do this, populations are prepared to give a secondary allegiance to the EC/EU. However, if they fail to deliver – weakening allegiance at national level – this will also reduce support for European integration – for this secondary support is only utilitarian or evaluative (that is, based on an evaluation of its usefulness in helping the national government to deliver the benefits). And his conclusion about the current situation is pessimistic, for he suggests that for various reasons – including the single market – governments are increasingly less able to provide the necessary benefits. If so, as he puts it, 'allegiance is in double trouble, for both secondary and primary allegiance are threatened'. (Van Kersbergen 2000: 14).

These *conclusions* seem very plausible – that is, that, in the present situation there is a decline in support for both the EU and national governments . Van Kersbergen also offers some interesting suggestions as to why his concept of allegiance is preferable to that of legitimacy. Taking legitimacy as including legality, normative justifiability and legitimation, he argues that all these criteria may be met without allegiance occurring because the government does not or cannot deliver economic and social security. Allegiance simply deals with the relationship between the ruler and ruled in terms of the trade-off between them. He also believes that that the concept overcomes the issue of identity that often bedevils discussion, when, for example, it is argued that the weak (or non-existent) European identity prevents it from securing legitimacy:

> European allegiance does not depend on how people look at European integration. How a public understands the European Community ..or Union in a general way is most likely to be inconsequential. Moreover, it is unlikely that people evaluate the legitimacy of the EC or EU's political institutions and decision-making processes in any meaningful sense. Finally, the extent to which people are attached to locality, region or country is arguably not directly related to their "European" attachment….Instead, European allegiance must be viewed as originating in national allegiance. National allegiance, in turn, is contingent on national social and economic performance. (p.8)

This contains some important insights, but also appears a little too categorical in various respects. First, it is doubtful whether even the concept of 'double allegiance' is quite as clear cut in all states as Kersbergen implies. It would not, for example, seem to explain the traditionally high level of support for European integration in Italy (at

least until very recently) with the low level of support for national political institutions. Surely here the reverse situation has been present: that is, a belief that the EU is *more* likely to deliver the benefits – and more worthy of support – than the national institutions? If so, it is at least ambiguous to suggest that the national is the *primary* and the EU the *secondary* allegiance. Ignacio Sanchez-Cuenca makes this point more generally, with particular reference to the differences between Spain and Denmark:

> Support for integration….will be higher in those countries that have little to lose from transferring sovereignty to Europe. Countries suffering from severe problems such as corruption, poor performance of the state, low responsiveness of political parties, high structural unemployment, etc. might find a solution in the EU. On the other hand, countries with low corruption, an efficient democracy, a highly developed welfare state, etc. might be more reticent with respect to the integration project. (Sanchez-Cuenca 2000: 151)

Although Sanchez-Cuenca does not use the concept of allegiance explicitly, he is actually working on a very similar notion to that of Van Kersbergen. That is, he is suggesting that political support for both the EU and the nation-state are dependent upon instrumental calculations. In his view these are not simply economic, but, ultimately, he appears to believe that attitudes are determined by a kind of cost-benefit analysis in an exchange relationship. Yet this seems to me to be one of the most arguable aspects of Van Kersbergen's (and perhaps also Milward's) concept of allegiance.

Van Kersbergen notes that his definition of allegiance may be regarded as idiosyncratic, but does not explain *why* this is so, and then proceeds to deal with it historically in a very narrow sense:

> Historically, the concept described the relationship between a liege man and a liege lord and referred to the duty of the liege man to obey and support the liege lord and to the right of the latter to decide for the former. Allegiance is necessarily a relational concept and it is important to stress that in a relation properly described by allegiance the implied rights and duties are correlative. It is a dyadic relation where a subject has the right to be protected as well as the duty to obey and support and where the ruler has both the right to decide and the duty to provide security. Allegiance involves an exchange

relation between two parties and the currency of this bond as well as the guarantee of its stability consists of trust and security…

Putting it into the context of government and governed, he continues:

> This remarkable confidence is rooted in a double expectation, because both parties in the relation anticipate a reward or benefit: protection, security and prosperity in return for submission and support, and submission and support in return for protection, security and prosperity. Implied in this relation between a public and a government is that when protection and security are not guaranteed, then ultimately obedience and support decline, and when support and obedience are not delivered, then ultimately the capacity to rule – and therefore the capacity to deliver the goods – decreases. (Kersbergen 2000: 6)

As Anderson suggested in relation to Milward, this is certainly Hobbes rather than Rousseau. But is it 'allegiance', for it reduces the feudal relationship to a claim about its underlying structure – the exchange relationship - and ignores all other forms of allegiance. This requires illustration because it is relevant to an understanding of the possible relationships between the EU and the population of Europe.

Two broad categories of allegiance (which I will call 'strong' and 'weak') can be distinguished and each of these sub-divided. The following table illustrate this:

Table
Forms of Allegiance

a) *'Strong' Notions of Allegiance*

(i) feudal notions: allegiance by oath; absolute commitment based on symbols, 'ritual', customs, and hierarchy.

(ii) allegiance to 'our' side: my family or country or ethnic group [or football team] right or wrong. Strong notions of 'we' feelings in opposition to forms of 'otherness'. This form of allegiance is also associated with exclusive allegiance (or zero-sum allegiance): i.e. allegiance *either* to religion/party *or* country, *either* to this country *or* that etc.

(iii) allegiance to religious order or, for example, a Leninist party: absolute commitment, perhaps reinforced by oath, but also based on beliefs in ethical purposes.

b) *'Weak' Notions of Allegiance*

(i) sense of loyalty, but *conditional*: e.g. firm support for party/ religious grouping/state but only if it acts in accordance with specific ideals.

(ii) sense of solidarity with whole range of groupings (family, friends, tennis club,Trade Union, party, religious group, region, country, UN): i.e. non exclusive and varying in intensity.

(iii) allegiance as an exchange relationship in return for a service: removal of service leads to removal of support.

The first obvious point about this is that Van Kersbergen (and Milward?) are actually defining allegiance in relation to the weakest of all these senses. Taking a Marxist analogy, the implication seems to be that all other forms of allegiance are equivalent to a superstructure and the reality is the structure on which they are based. But even within Marxist circles, this is normally now regarded as a reductionist approach. Can we really regard the allegiance of the devout to their religion, or the Communist cadre to the Party, as adequately explained in terms of an exchange relationship? Surely not? This is not to suggest that the majority of people in the EU have this kind of allegiance to the state in which they live, but it is equally doubtful that their allegiances can be reduced to that of the exchange relationship. It would seem probable that the majority have some of the b(ii) notion, that several have some of b(i), and that there are still those with attitudes on the a (i-iii) scale. If so, it seems unlikely that allegiance to the nation-state is to be explained adequately by its success in providing economic and social benefits. The reasons for scepticism about this will be clarified by an exploration of the relationships between allegiance, political systems and democracy.

3. Allegiance, Political Systems and Democracy

It is surely right to suggest - as both Van Kersbergen and Milward do – the crucial importance of material factors as a basis for allegiance. If the

degree of support for liberal-democracy in Western Europe in the twenty years after the second world war is compared with that in the twenty years between the wars, the success of the full employment welfare state system was doubtless of crucial significance in explaining the difference. Similarly, the relative stagnation of most of the East European economies after the 1970s was certainly a major factor in the erosion of support for the regimes in the area. But if the importance of material factors in the determination of allegiance is acknowledged, this does not provide an answer to the key question: just *how important* are such factors? Few would claim that in early twenty-first century Europe such factors would be *sufficient* for, to suggest this, would entail the conclusion that a dictatorship delivering a high level of economic and social benefits would secure popular allegiance. It may be true that in some countries and amongst some sectors of the population a dictatorship could succeed in this way, but there are good grounds (in addition to normative ones) for resisting this as a general conclusion, for it seems highly unlikely that societies in which liberal-democratic systems are deeply embedded would acquiesce in their elimination in return for greater material benefits. Would it therefore be more appropriate to suggest that the delivery of such benefits is a *necessary* but not a *sufficient* condition for securing allegiance? Certainly, it is difficult to imagine any state maintaining support in a situation of a year on year decline in living standards. Yet although the 'necessary but not sufficient' formulation may be useful as a rule of thumb, some caution is still warranted. After all, there could conceivably be circumstances in which there was such a strong bond between society and state – perhaps because it was based on substantial social equality and effective participation - that a population accepted that adverse economic conditions were not the fault of its government. Van Kersbergen is thus undoubtedly justified in emphasising the importance of the provision of economic and social benefits as a basis for allegiance, but not to imply more than this. What, then, is missing from this kind of interpretation?

At the most general level, the missing factor may be characterised as the normative element. In other words, people's *beliefs* are of fundamental importance in influencing their allegiances. Yet their allegiances are obviously equally important in influencing their beliefs. Our outlook and values both lead us in particular directions in our associative life, but those associations can also change our attitudes. Many of these normative beliefs are, of course, moulded by the process of legitimation described by Miliband, but they are also shaped by the life experiences of individuals and groups. It thus follows that the formation and transformation of allegiances, of varying levels of intensity, are based on

some highly complex social interactions. A fundamental question is whether there has been such a shift in the nature of advanced capitalist society that a particular kind of allegiance – and therefore a particular kind of politics – is no longer possible. If this were the case, the question would not simply concern the distribution of allegiance between the state and the EU, but its content and characteristics.

In general, the post-war welfare states were underpinned by a commitment to avoid the mass unemployment and fascism of the inter-war years, and a degree of social solidarity, normally reinforced by trade unions and parties of the Left. The current era is characterised by a far greater normative emphasis on individualism, coupled with social fragmentation, a weakening of trade unions and an erosion of traditional forms of socialist ideology. It can therefore be asked whether it is possible to re-establish the kind of political allegiance that existed between 1945 and the 1960s if the social and normative conditions that it underpinned it no longer exist. While it is, of course, impossible to give a definite answer, two possible approaches in the formulation of such a response can be distinguished. The first would suggest that the changes in socio-economic conditions and normative preferences *determine* the nature of possible political allegiances. In a fragmented society, there may be support for single issue movements and young people may support anti-capitalist protests, but the values and allegiances which underpinned the post-war welfare can no longer be constructed. We live in post-modern societies and political systems need to recognise this. The second approach would attribute a greater role both to political leadership and unpredictable events and developments in shifting normative values and the nature and content of allegiances. On this set of assumptions, a form of politics and allegiance based on parties and organisations committed to social solidarity still seems possible.

The evidence can, of course, be read in different ways and no doubt the conclusions that are drawn are themselves influenced by the values and allegiances of the analyst. But whatever interpretation, or combination of interpretations, is chosen it would suggest that Van Kersbergen's approach is too schematic. Political allegiance is a far more complex phenomenon than he implies, and it can change in qualitative as well as quantitative terms. In my view, the nature and extent of allegiance at state level has never simply been a matter of its success in the provision of social and economic benefits and I would suggest that the current malaise of liberal-democratic systems (expressed, for example, through a decline in voting and party membership) is not only the result of material factors, but reflects deeper problems about power, participation and ideology. If

so, allegiance can be strengthened only if these fundamental issues are addressed.

If allegiance within the member-states is dependent on the quality of their democracy, is this also the case in relation to the EU? One common response is to answer in the affirmative and then to propose institutional reforms (borrowed from liberal-democracy within states) to remedy the 'democratic deficit'. Thus it has often been suggested that the distribution of institutional power is not only unjustifiable in democratic terms, but that it also alienates the electorate from the whole system. Changes in at this level are therefore advocated as solutions to the problems. For example, the cure for low turnout in Euro-elections has been seen to lie in a strengthening of the legislative and scrutiny role of the European Parliament. This, it has been implied, would enhance electoral participation and bring about engagement with the issues, gradually building a democratic culture within the EU. As an alternative to this concentration on the Parliament, it has also been argued that the Commission should be elected, either directly or through indirect elections by the European Parliament. But whether the focus is on the Parliament, the Commission or a combination of the two, the approach is similar in that the way forward is seen in terms of 'institutional tinkering'. Yet it seems that such proposals assume an identity between two problems that are actually quite distinct.

The first is whether there is a case on democratic grounds for strengthening the role of the EP within the decision-making system or for introducing the electoral principle into the Commission. The second is whether changes of this kind would enhance popular allegiance to the EU. The assumption often seems to be that an affirmative answer to the first question must imply an affirmative answer to the second. But both logic and the available evidence suggest that the assumption is unwarranted. In fact the powers of the EP have steadily *increased* since the first direct election, but turnout has *decreased* each time the European electorate has gone to the polls. Nor is there any reason for presuming that engagement with the EU, or increasing allegiance to it, would be enhanced by elections to the Commission. particularly given the declining voting rate in national elections. In fact, there is evidence that the problem for the majority of the population in relation to the EU is not the 'democratic deficit', as traditionally defined, for most do not have sufficient knowledge about the institutions to be able to locate any such 'deficit' (Blondel et al: 1998; Schild: 2001). Rather there is indifference to the Union as a whole because it is regarded as remote and a concern for the elites rather than ordinary people.

A totally divergent approach has been to regard the whole search for the democratisation of the EU as misguided. Some have based this position – explicitly or implicitly – on normative arguments in favour of inter-governmentalism and the supposition that the 'nation-state' is the only possible location for democracy. However, this is not always the case, for the goal of democracy may also be rejected because it is so difficult to envisage a democratic EU, not only in terms of practical politics, but even conceptually. If democracy requires both a *demos* and a sense of involvement with existing political institutions, the EU seems to lack both necessary conditions. Some have therefore concluded that, since the prerequisites for democratic allegiance do not exist, it is a chimera to attempt to construct a democratic system. This is again implicit in Van Kersbergen's view of allegiance to the EU as a dependent variable of allegiance to the member-state. If this were true, it would follow that the nature of the EU itself as a political system was irrelevant: provided that states could provide economic and social benefits, the 'feel-good' factor would spill over onto the EU, providing it with all the allegiance it needs. Yet this is surely implausible, for it implies that the 'permissive consensus' of the early period of integration could be restored. However, this is very unlikely.

For this would mean that all the concerns that are now raised about such issues as democracy, rights and citizenship in relation to the EU are simply derivative of problems arising in the the member states. The implication is thus that these issues – and the political and academic debates about them - would disappear if the problems at the level of the state were resolved. But this seems quite implausible, for the genie is now out of the bottle. Even though the EU may not be a major preoccupation for more than a tiny proportion of the population, there are far too many who now see the nature of its development as crucial for the restoration of a 'permissive consensus' to be a serious possibility.[3] And while the democratization of the EU and allied matters may not be a concern for the majority, the Irish referendum on the Treaty of Nice was only the most recent warning of the fact that European integration cannot secure even the necessary minimum of mass allegiance if the Union is perceived as remote and concerned only with the interests of elites. Yet if this is so, it presents those elites with some extremely difficult challenges, for allegiance to the EU will be a continuing problem.

---

[3] An important consideration in this respect is the importance of sections of the elite (for example, in national parliaments, the European Parliament and the media) in influencing public perception, and their inability to promote favourable opinions of the EU political system if they remain too critical of it themselves.

If Van Kersbergen's argument that the EU does not require any distinct form of allegiance is unconvincing, a variation of his approach is to argue that some form of allegiance is indeed necessary, but that this cannot be based on democracy in any full sense. For example, in a discussion of the allied concept of legitimacy, Scharpf (Scharpf: 2000) also argues that the pre-conditions for democratising the EU do not exist, but he does not suggest that its legitimacy is *entirely* dependent upon attitudes to the member states. Drawing a distinction between 'input' and 'output' legitimacy, he argues that the EU cannot secure 'input' legitimacy: that is, a legitimacy through the traditional democratic notions of influencing policy through participation, voting, party activity and so on. However, he maintains that it can achieve 'output' legitimacy through a demonstration of the beneficial effects of its activity in areas that the member states cannot attain by themselves - such as the legal regulation of market conditions across the Union as a whole. In other words, if the European electorate perceive the EU as providing added value to policies primarily operated at member state level, the EU can gain legitimacy through these additional outputs. The implication is that allegiance to the EU can be can be built on policy outcomes without democratic processes at this level.

This approach is helpful in several respects. First, it suggests that the EU can secure greater allegiance through policies of democratic relevance rather than through the barren route of emulating the nation-state either through symbolic processes or institutional construction. Secondly, it recognises the fact that allegiance can be significant even if it is relatively weak. For the implication of Scharpf's argument is that stronger forms of allegiance are likely to remain at member-state (and, no doubt, sub-state level) for the foreseeable future, and this is surely convincing. However, the theory also assumes that that there can be a bifurcation between democratic inputs and outputs. The suggestion that legitimacy or allegiance can be based on outputs alone is not persuasive (Beetham and Lord: 1998; Schild: 2001).

If outputs at EU level are dependent upon the highly imperfect forms of democratic input within the member states and the bargaining between the governments of those states, the peoples of Europe are in a very weak position to exert pressure. If allegiance within states needs to be developed through a revitalisation of democracy, what reason is there to believe that people will, or should, support such an elitist form of decision-making at European level? And there is a further problem in concentrating on outputs alone. For the integrity and honesty of the governments of the member states cannot be relied upon: if EU policies

appear popular with domestic electorates, governments are liable to take the credit themselves, but they will use the EU as a scapegoat for unpopular domestic strategies. It would therefore seem highly unlikely that adequate forms of allegiance could be secured purely through outputs. Yet if enhancing allegiance to the EU will depend upon democratic 'inputs' as well as 'outputs', this is far easier to state than to envisage.

Numerous authors have now suggested ways forward in sophisticated analyses. Some have argued forcefully in favour of referenda (Abromeit:1998), others for democratising the existing deliberative system (Hoskyns:2000) or for a constitutionalising process (Kuper:2000), while Philippe Schmitter has recently produced a whole tool-kit of reforms of varying degrees of ambition (Schmitter: 2000). While many of these proposals undoubtedly have merit, there appears to be a prior, and fundamental, set of problems which needs to be addressed: how can democratic participation be effected at EU level when there is a declining interest in politics within the member states? How can engagement in the EU be strengthened when allegiance to more traditional entities, such as trade unions, parties and parliaments, is waning? To ask the questions in this way implies a large part of the answer. For it does not seem likely that an effective form of democracy can be built at EU level unless it has already been revitalised at lower levels. It is surely only if there is active political engagement within localities and organisations of all kinds that the real pressure for the democratisation of the EU can emerge. And the extent of the EU dimension in domestic policy will become apparent to a far wider sector of society than at present only when there is more political activity at all levels to contest those policies. In this sense there is no separate problem of democratising the EU: it is simply an extension of the more general need to overcome the malaise affecting democracy in general. This implies that, in relation to the ways in which the EU might ultimately be democratised, we are, in Andrew Shonfield's memorable phrase, on a 'journey to an unknown destination'. (Shonfield: 1973) We cannot really envisage the ultimate shape and form such a democracy will take, but it is unlikely to be neat and tidy.

This is not very helpful in relation to the more immediate issue as to whether the EU is likely to secure the kind of allegiance it needs in the foreseeable future. However, paradoxically, the current malaise does provide some opportunities. For, the Union does need to win support if it is to develop. It is, of course, not clear whether it will be able to respond to its legitimacy crisis any more creatively than in the past. But its recent focus on *rights* provides an important new development, for this is a

terrain on which the EU must be defined in terms which differ from the member states that comprise it. No individual state can define rights for people across the whole territory of the EU: only the EU itself can do this. The Charter which was agreed at Nice was, no doubt, inadequate and its status has not yet been determined, but it provides a means of defining the nature of the EU as a political entity. Furthermore, the way in which the Charter was formulated involved a tentative step towards wider involvement in that definition by opening up participation to MEPs and MPs and allowing open submission of evidence by NGOs and other interested parties.

The Charter of Fundamental Rights may be disappointing in its results, but it provides a model for a particular approach which could be extended to other spheres, including the environment. The principle would be to define areas which clearly transcend the competence of any individual state, and to involve wider participation in the policy-making process. This could begin a process in which a separate allegiance to the EU began to develop which was based on a combination of effective participation ('inputs')and the emergence of new definitions of Europe ('outputs'): in other words, a democratic allegiance.

Of course, this might be over-optimistic and the EU might continue to seek allegiance through rather empty symbols based on the history of nation-state construction. But if it does this it may not be able to resolve its legitimacy problems or to secure the allegiance it requires. This leads to a final point. Alan Milward's initial use of the term 'allegiance' was analytical: he was asking whether it would be a useful concept to bring together different approaches to the study of European integration. But, of course, allegiance – like legitimacy – has normative overtones. It can be asked, analytically, under what circumstances people transfer their allegiances to or from the nation-state. But it can also be asked, normatively, under what circumstances they *should* do so. At the moment allegiance to the EU is pretty weak, and justifiably so. If this is to change, the EU has to *demonstrate* its validity and importance in the development of European democracy.

Michael Newman
University of North London

References

Abromeit, Heidrun (1998) *Democracy in Europe: Legitimising Politics in a Non-State Polity*, New York/Oxford:Berghan

Anderson, Benedict (1983) *Imagined Communities*, London: Verso

Anderson, Perry (1997) 'Under the Sign of the Interim' in Gowan, Peter and Anderson, Perry *The Question of Europe*, London: Verso

Beetham, David and Lord, Christopher (1998) *Legitimacy and the European Union*, London: Addison Wesley/Longman.

Blondel, Jean, Sinnott, Richard and Svensson, Palle (1998) *People and Parliament in the European Union – Participation, Democracy and Legitimacy*, Oxford: Clarendon Press.

Fontaine, Pascal (1993) *A Citizen's Europe* (2nd. ed.) Luxembourg: OOPEC

Hoskyns, Catherine (2000) 'Democratizing the EU: evidence and argument' in Hoskyns, Catherine and Newman, Michael (eds.) *Democratizing the European Union: Issues for the Twenty-First Century*, Manchester: Manchester University Press.

Kuper, Richard (2000) 'Democratization: A Constitutionalizing Process' in Hoskyns and Newman, *Democratizing the European Union*.

Miliband, Ralph (1969) *The State in Capitalist Society*, London: Weidenfeld and Nicolson.

Milward, Alan S (1992) *The European Rescue of the Nation State*, London: Routledge

Milward, Alan S. (1995) 'Allegiance – The Past and the Future', *Journal of European Integration History*, vol 1, no. 1. The essay is also published in a slightly shortened form in Gowan, Peter and Anderson, Perry (1997) eds. *The Question of Europe*, London: Verso.

Sanchez-Cuenca, Ignacio (2000) 'The Political Basis of Support for European Integration', *European Union Politics*, Vol 1, no.2.

Scharpf, Fritz (2000), *Governing in Europe: Effective and Democratic*, Oxford: Oxford University Press.

Schild, Joachim (2001), 'National v.European Identities', *Journal Of Common Market Studies*, Vol 29, No.2

Schmitter, Philippe (2000), *How to Democratize the European Union.....and Why Bother*? Oxford: Rowman and Littlefield.

Shonfield, Andrew (1973) *Europe: Journey to an Unknown Destination*, Harmondsworth: Penguin.

Shore, Cris (2000) *Building Europe: The Cultural Politics of European Integration* London: Routledge.

Van Kersbergen, Kees (2000) 'Political allegiance and European integration' *European Journal of Political Research* 37.