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Justifications and critique in the European Union:
a study of legitimacy in practice

Dissertation

Mgr. Ing. Olga Gheorghiev

Supervisor: Mgr. Nicolas Maslowski, DEA, Ph.D.

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Prague   Olga Gheorghiev

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ABSTRACT

Inspired by the pragmatic sociology of critique developed by Luc Boltanski and his collaborators, this thesis examines how legitimacy is produced in public debates at the EU level through the craft of justification and critique among competent actors. In doing so, this research takes aim at three specific episodes in the history of the European integration that share in common the qualities of uncertainty of outcome, controversy in public debate and the urgency to reach a form of consensus and thus to resolve the created uncertainty. The examined events are the following: the Eastern enlargement of the European Union, the ratification of the Lisbon Treaty, and the adoption of specific measures in reaction to the European sovereign debt crisis.

The theoretical part of this thesis situates the potential of the sociology of critical capacities for the study of the EU among other theoretical traditions, pointing out directions in which this particular theoretical framework could cover some of the limitations of other approaches. This is followed by the empirical part, which is divided in three chapters for each of the examined historical episodes. While structured somewhat symmetrically, each of the three analysed situations illustrate different crucial elements and individually contribute to a better understanding of the mechanism through which legitimacy claims are tested, contested, rejected or accepted based on specific rules of acceptability.

ABSTRAKT

Tato práce, inspirovaná pragmatickou sociologií kritiky vyvinutou Lucem Boltanskim a jeho spolupracovníky, zkoumá, jakým způsobem je vytvářena legitimita ve veřejných debatách na úrovni EU prostřednictvím praktik ospravedlňování a kritiky mezi kompetentními aktéry. Tento výzkum se přitom zaměřuje na tři konkrétní epizody v historii evropské integrace, které mají společné rysy nejistoty výsledku, kontroverze ve veřejné debatě a naléhavé potřeby dosáhnout určité formy konsensu, a tím vyřešit vzniklou nejistotu. Zkoumané události jsou následující: východní rozšíření Evropské unie, ratifikace Lisabonské smlouvy a přijetí konkrétních opatření v reakci na evropskou dluhovou krizi.

Teoretická část této práce zařazuje mezi další teoretické tradice potenciál sociologie kritických kapacit pro studium EU a poukazuje na směry, v nichž by tento konkrétní teoretický rámec mohl pokrývat některá omezení jiných přístupů. Následuje empirická část, která je rozdělena do tří kapitol pro každou ze zkoumaných historických epizod. Ačkoli jsou strukturovány poněkud symetricky, každá ze tří analyzovaných situací ilustruje různé klíčové prvky a jednotlivě přispívá k lepšímu porozumění mechanismu, jehož prostřednictvím jsou pokusy o získávání legitimity testovány, zpochybňovány, odmítány nebo přijímány na základě konkrétních pravidel přijatelnosti.

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ABBREVIATIONS

CAP	Common Agricultural Policy
CEECs	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
EC	European Community
ECB	European Central Bank
ECOFIN	Economic and Financial Affairs Council
EEC	European Economic Community
EFSF	European Financial Stability Facility
EMU	European Monetary Union
EPP	European People's Party
EU	European Union
IMF	International Monetary Fund
PES	Party of European Socialists
SGP	Stability and Growth Pact
TEU	Treaty on the European Union

INTRODUCTION

The questions that this research aims to address were inspired by an earlier inquiry that I made as part of my master's thesis, which focused on the phenomenon of economic nationalism in the European Union (EU). Although that was not primarily the objective of that thesis, I found it particularly interesting to look at how practices of economic nationalism, albeit situated against the spirit of fair competition in the European single market, managed to be somewhat successfully defended in public debates at the EU level. Although this was well before the idea for this dissertation materialised, one thing became very clear: justifications matter. What first was designed as an inquiry into how something hardly defensible seeks legitimacy in the public eye soon became an exploration of how international relations, and European integration in particular, can be perceived as a sum of practices of critique, legitimacy claims and resulting compromises with strong impacts on social order.

While it became clear that such research involves the application of certain sociological concepts to a subject matter typically addressed by the discipline of International Relations, the objective was to develop a theoretical framework that goes beyond what is generally expected from sociology's contribution to the study of the EU. As it will be explained in what follows, sociological approaches inspired the study of international relations through the prism of constructivism, which perceived actors as social agents that interact in a shared system of meaning. Constructivist approaches, however, seem to have become "stuck" in diametric opposition with rationalist

approaches that assign a secondary role to norms and values suggesting that rational actors act based on interests, authority and hierarchies. In this context, the purpose was to go beyond rationalist/constructivist dualisms, and critical sociology proved a particularly inspiring path for theoretical inquiry with a particular focus on the concept of legitimacy in the EU. At the same time, the focus remained on justifications during public debates, for which the theoretical tradition known as the pragmatic sociology of critical capacities was a particularly befitting framework.

This thesis is thus inspired by an approach developed by the French sociologist Luc Boltanski together with his collaborators. Among them was Laurent Thévenot, with whom Boltanski wrote *On Justification* (2006), a book in which the authors elaborate a complex theory on the normative dimension of practices of justification and critique.

Building on the framework developed in *On Justification*, this thesis examines **how legitimacy is produced in public debates at the EU level through the craft of justification and critique among competent actors**.

At the same time, the purpose of this research was to provide a strong empirical analysis of the constitutive effect of ideas and values critically evaluated in the communicative process. In doing so, a cooperation with historical accounts of events was essential, which led to an approach inspired, in part, by the integration of history and sociology. In addition, theoretical inspirations were drawn from studies that go against a fixation on the nation-state, focus on social phenomena situated in an international or transnational context and follow these phenomena in action, in a continuous process of change[1].

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[1] For a more detailed look at theoretical approaches inspired by historical sociology see, for example, "Situating Historical Sociology" by Arnason and Maslowski (2015) or *Historická sociologie: teorie dlouhodobých vývojových procesů* by Jiří Šubrt (2007).

This thesis takes aim at three specific episodes in the history of European integration that share in common the qualities of uncertainty of outcome, controversy in public debate and the urgency to reach a form of agreement and thus to resolve the created uncertainty. The examined events are the following: the Eastern enlargement of the European Union, the ratification of the Lisbon Treaty, and the adoption of specific measures in reaction to the European sovereign debt crisis. The focus on three different events was meant to ensure a wide spectrum of the norms invoked during legitimacy struggles, as well as to show their varying relevance and importance. The relevant qualitative data was collected at the Historical Archives of the European Union in Florence with a focus on transcripts of parliamentary debates, press releases, memoranda and oral or written declarations for each specific situation. The context for the analysed material is completed using secondary sources.

The thesis is structured as follows. The first part situates the potential of the sociology of critical capacities for the study of the EU among other theoretical traditions, pointing out directions in which this particular theoretical framework could cover some of the limitations of other approaches. As the chapter shall point out, the EU, or the idea of European Integration, can hardly be approached a single and fixed subject of research. The multitude of existing theoretical perspectives does not vary only from an epistemological point of view alone; they also approach different objects of research in relation to the EU. What is central for the conceptual framing of this thesis, is that the EU is perceived as structured by practices through which actors communicate their intentions, express disagreements, negotiate and reach compromises. Practices of negotiation performed in a specific institutional or transnational social context with the purpose to produce legitimacy represent in this thesis the unit of analysis.

The empirical part of the research is divided into three chapters for each of the examined historical episodes. While structured somewhat symmetrically, each of the three analysed situations illustrate different crucial elements and individually contribute to a better understanding of the mechanisms through which legitimacy claims are tested, contested, rejected or accepted based on specific rules of acceptability. The first of the examined situation aims to identify the normative framework that dominated the claims for legitimacy made within the negotiation process for the Eastern enlargement. It also shows on which moral grounds the references to these normative principles were challenged and how this impacted the final outcome.

Next, this thesis introduces a situation that occurred a few years later and concerned the much-disputed ratification of the European Constitution, which later became the Treaty of Lisbon. This chapter introduces new normative backgrounds invoked in order to back claims for legitimacy and shows how the decision to ratify the Treaty, as well as its content, is a result of a continuous struggle to reach compromises between incompatible moral interpretations.

Finally, the last examined historical episode refers to the impact of the 2009 European debt crisis on legitimacy claims as part of negotiations at the EU level. This final chapter identifies the dominating normative backgrounds in relation to the economic dimension of the European economic project or, more precisely, the practices of justification and critique that came into conflict in the process of negotiation and determined the economic order and institutional design of the EU's economic integration. This also reflects on the idea of community and its legitimacy created from an arrangement between the altruism specific to a particular normative backgrounds and efficiency particular to a distinct set of norms. This ideal-type is then juxtaposed with the

nature of the European community as it manifested itself prior to and during the sovereign

debt crisis.

PART I: TOWARDS A PRAGMATIC APPROACH IN THE STUDY OF

THE EUROPEAN UNION

The purpose of this first part is to situate the theoretical framework that stands at the basis of this thesis among other theoretical approaches that apply a sociological perspective to the study of the European community/Union[2]. Furthermore, this chapter identifies the potential of pragmatic sociology of critique to cover certain areas and perspectives of EU studies that other approaches omitted.

In fact, the use of "theoretical approaches" for the sociological perspectives that this chapter studies may not be truly convincing or suitable, because "approach" here implies a fixed or common object of study, whereas the EU, or European integration, cannot be represented methodologically and epistemologically by one research identity. The following contributions are therefore selected, introduced and arranged in a strategic way that historically and thematically leads to this thesis' methodological and theoretical central framework.

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[2] This thesis will be using the notions of European community and European Union interchangeably.

1 SOCIOLOGICAL APPROACHES TO THE STUDY OF THE EUROPEAN UNION: BEYOND CONSTRUCTIVISM AND INTERGOVERNMENTALISM TOWARDS CRITICAL SOCIOLOGY

Sociological approaches were already at the centre of the first contributions that theorised the concept of a European community in the making. Ernst Haas (1958) introduced a fundamental neo-functionalist interpretation of the roots and nature of European regional integration and built a theoretical framework around the concept of "policy spillover", according to which cooperation in one area would obligatorily generate pressures for cooperation and integration in other areas. His main research programmes aimed to understand how human collectivities could move beyond the limits of the nation-state and, in particular, how elites socialise as part of supranational community construction processes. In this, he opposed realism, which strongly dominated the discipline of international relations, by relying on the actors' "soft" capacity for rational choice (Wiener, Jørgensen, and Christianse 2001). As suggested by the constructivist paradigm, Haas defined the actors' interests as value-derived and their choices as conditioned by the prevailing democratic order. He also recognised the actors' capacity to adapt, rethink or redefine both their values and the means to realise them. In these terms, he interpreted and attempted to predict the shift from a nationally- to a supranationally- based set of interests. Many authors would agree that this shift never truly and completely occurred. Instead, one can observe a co-existence of different sets of interests, which rely on a national, supranational, and other interpretations of values and norms, as it will be addressed in what follows.

Similarly, Karl Deutsch dedicated his extensive work to the study of European integration processes from the perspective of social constructivism. In his research (1960,

1969), he constructed a transactionalist theory for the study of the link between various types of transnational transactions, and a growing sense of belongingness to a supranational community (Delhey, Verbalyte, Aplowski and Deutschmann 2018). In his view, the collective identity and public support for integration would positively correlate with interactions across borders and, as a result, the people of Europe would increasingly gain awareness of their shared values, beliefs and interests, and embrace a common identity (Deutsch, 1960).

Unlike Deutsch and Haas, Amitai Etzioni (1965) did not believe that citizens' allegiance from a national to a supranational level would shift automatically as a result of transactional processes. This assumption, according to Etzioni, results from an understatement of the importance of national identity. Studying regional integration, and European integration specifically, he argued instead that economic and administrative integration should be accompanied by actions focused on supranational community building.

1.1 CONSTRUCTIVISM IN THE STUDY OF THE EUROPEAN COMMUNITY

During the following decades, the above-presented initial sociological approaches were not pursued in any remarkable way. The last thirty years, however, saw a renewed interest in applying sociological toolkits to the study of European integration (Saurugger, 2008a).

One of the approaches associated most often with sociology in political science is constructivism. The relation to sociology is evident in the importance that constructivists give to the understanding of socialisation to norms and the formation of identities in order to explain social action by EU institutions and member states representatives (Saurugger and Mérand 2010).

In their contribution to the *Journal of European Public Policy* from 1999, Christiansen *et al.* analyse the potential of social constructivism in the study of European integration and make several key observations. Inquiries from a constructivist perspective look into the role of rules, norms, ideas and uses of language in polity formation, and at the changing character of identities[3], or more specifically, the transformative impact that the integration process has on the European state system and its constituent units. Notions such as intersubjectivity (Ruggie, 1998) and social context are crucial, from the constructivists' point of view, to the process of integration (Christiansen, Jorgensen and Wiener, 1999). As opposed to rational choice theories that perceive actors' interests to be exogenous, constructivist perspectives explore processes of endogenous identity formation.

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[3] For an exhaustive analysis of the classical roots of social constructivism see *What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge* by John Gerard Ruggie (1998).

The importance of constructivist empirical studies for a research area otherwise dominated by international relations or political studies was also analysed by Ruggie (1998), who pointed out that

"Constructivism is about human consciousness and its role in international life. (…) Constructivist empirical studies are documenting the impact of principled beliefs on patterns of international outcomes and include, among other subjects, decolonisation, (…) the growing significance of human rights, the role of multilateral norms in stabilising the consequences of rapid international change" (Ruggie 1998, 867).

With its assumptions regarding the role of norms, institutions, routinised and institutionalised practices, discourse, symbolic politics, communicative action or collective identity formation, constructivism separates itself from other approaches not only epistemologically, but also by emphasising social ontologies (Christiansen, Jorgensen and Wiener 1999).

The association with sociology relies thus on the study of production and reproduction of social practices, as well as on the assumption that individual actors are social agents that interact in a shared system of meaning (Saurugger and Mérand 2010). The link between sociology and constructivism is also expressed in the work of authors that explore and analyse not only the process of socialisation, learning processes or identity construction, but also focus on the role of conflict and innovative use of ideas by social actors. Nicolas Jabko (2006), for example, in his analysis of the creation of the European Single Market, which he names "the quiet revolution", noted that

"actors who had a stake in the institutional status quo were not going to give in without a fight—however powerful the logic of interests, institutions, or ideas. Thus, the quiet revolution could not have taken place without some creative crafting of new institutional settlements that were broadly acceptable to a majority of actors" (Jabko 2006, 3).

The formation of the European Single Market and the popularisation of market ideas such as deregulation was not, according to the author, a direct result of the perpetration of neoliberal ideology, instead,

"The European Union's quiet revolution was the product of an innovative political strategy by an actor that used market ideas as a way to compensate for a lack of power resources. Simple constructivist explanations do not work very well, yet ideational dynamics should not be dismissed entirely (…). In the 1980s and 1990s, *the market* served as a rallying banner for pro-European actors to advance their integrationist goals" (Jabko 2006, 4).

While basing his work on the assumption that ideas and beliefs are socially constructed, Jabko attempted to expand this constructivist thinking by also considering the strategic capacities of actors.

1.2 SITUATING INTERGOVERNMENTALISM AMONG SOCIOLOGICAL

APPROACHES

While still in the mainstream of theoretical approaches to the study of European integration, constructivism is far from being the only theoretical framework that grounded itself in EU studies. Approaches known as institutionalism, or multi-level governance suggest alternative analytical perspectives. Among these approaches, however, intergovernmentalism stands in strong opposition to some of the assumptions constructivists make.

As the integration process entered a period of tensions in the 1960s, which culminated in the "Empty chair" crisis, the neofunctionalist/constructivist approach faced significant criticism, in particular from realist theorists. While the criticism took broader forms, and concerned the constructivist paradigm in its entirety, still, a couple of main ideas could be summarised. Without completely ruling out the role of ideas and norms in the process of European integration, Andrew Moravcsik, for example, notes the weak capacity of constructivist theories to put forward testable propositions. Moravcsik assigns only a secondary role to norms and values as factors influencing international behaviour and suggests that decisions for and against deeper European integration are influenced by three factors: underlying economic interests (geopolitical ideas play a secondary role here); relative power (understood in terms of asymmetrical interdependence); and the need for credible commitments to certain policies (ideology playing a distinctly secondary role) (Moravcsik 1993). From the point of view of the intergovernmentalist theories, claims about the constitutive effect of ideas and values remain vague and thus difficult to empirically challenge. EU member states act and cooperate as the main,

rational actors, while the EU's internal functioning is based on authority and hierarchy (Saurugger and Mérand 2010).

Despite its critical stance towards constructivism, there are certain sociological aspects that could be traced to the intergovernmentalist approach, particularly in what concerns the formation and the role of the nation-state. As Saurugger and Mérand (2010), as well as Favell and Guiraudon (2010) point out, historical sociologists systematically deal with the concept of nation-state, in particular when studying social conflict or economic domination. Socio-economic data, as Favell and Guiraudon (2010) noted, remain particular to national contexts and classifications. In other words, both intergovernmentalists and historical sociologists recognise the "field of power" defined by the nation-state (Saurugger and Mérand 2010, Bourdieu 1999).

At the same time, sociological approaches part with intergovernmentalists in that, from a historico-sociological point of view, the state is perceived as a structure, rather than an actor (McNamara 2010). Consequently, sociological approaches to EU studies often draw a parallel between social mechanisms that lead to the formation and consolidation of the nation-state and social mechanisms that contribute to the creation of a supranational structure in a similar manner. There are several notable contributions to be mentioned in this sense. Kathleen McNamara (2010) looks at the formation of the EU through the prism of macrohistorical sociology pioneered by Charles Tilly. McNamara thus draws a parallel between ways in which political authority is constructed at a state and European levels, emphasising a difference consisting in a subtler administrative and ideological production of cultural legitimacy specific to EU governance. Stefano Bartolini (2006) looks at how the process of Europeanisation challenges the economic, political and cultural boundaries of the nation-state and creates additional space for the

formation of social identities independent from policies grounded in the idea of nationality.

Therefore, although historical sociology shares a preoccupation with the nation state with intergovernmentalism, there is, however, an important difference in how the two approaches view interest formation. Adepts of liberal intergovernmentalism, such as Andrew Moravcsik, perceive states as central actors that negotiate policy coordination in order to achieve a successful intergovernmental regime. Their behaviour "reflects the rational actions of governments constrained at home by domestic societal pressures and abroad by their strategic environment" (Moravcsik 1993, 474). While this approach relies on fairly stable preferences of rational actors represented by states, sociological approaches point to an insufficient attention given to the role of social conflict in shaping and changing these preferences (Saurugger 2008b).

To a large extent, mainstream approaches to the study of European integration are contained within the limits of the intergovernmentalist approach, inspired by rationalism in the study of international relations on one side, and constructivism, inspired by sociological approaches, on the other. Either way, the main matter of concern traditionally focused on the extent to which preferences and interests are constituted by norms and structure and vice-versa.

This discussion is, however, limiting in the sense that it fails to provide sufficient room for theoretical manoeuvre and to be conducive to a conceptualisation of the different sets of incompatible norms and ideas that constitute the social context. It also fails, from the point of view of this thesis, to grasp the complexity and fluctuations in the ways actors define their interests and preferences, as well as the capacities actors employ when navigating between different sets of norms in order to legitimise their behaviour. The

concept of legitimacy could, in this context, represent the missing link between actors' interests and the norms constituting the environment they navigate.

It is this thesis' purpose to turn again to social theory in order to overcome ambivalent thinking determined either by the constructivist understanding that "governmental elites act on the basis of consistency with collective ideas or discourses irreducible to material interests" (Wiener, Jørgensen, and Christiansen 2001, 103-104), or by approaches according to which underlying economic interests are central to actors' behaviour (Moravcsik 1998). For this, this thesis draws inspiration from more recent sociological approaches, which are more empirical and less *meta-theoretical* in their essence.

2 CRITICAL SOCIOLOGY AND THE STUDY OF LEGITIMACY IN THE EUROPEAN UNION

When exploring the potential of critical sociology for the study of European integration for the purposes of this thesis, the concept of legitimacy, or democratic legitimacy, is of particular interest. It is this thesis' assumption that critical social theory and, as will later be shown, the sociology of critical capacities, could succeed in some areas of European integration studies where previously illustrated sociological attempts failed, in particular by undermining the role of legitimacy in social and political action. In this sense, several theoretical approaches stand out.

2.1 The notions of public sphere and governmentality in EU studies

A prominent direction inspired by critical sociology focuses on the study of the EU as a public sphere. The notion of the public sphere was conceptualised in the pioneering work of Jürgen Habermas in the early 1960s. The public sphere is understood as an intermediary space between state and society, in which institutions are critically debated. In the case of the European Union, the public sphere consists of debates in the European parliament, conventions of European parties and other political gatherings, as well as mass media and all other spaces that provide opportunities for public criticisms central to the democratic order. Public sphere theories prove particularly useful when applied to the study of the EU and its democratic legitimacy by introducing a normative dimension to democratic theories. More specifically, this theoretical framework is particularly relevant for studies analysing the role of public communication in monitoring, facilitating or hindering a decision-making process guided by norms, and thus rendering it legitimate and accountable (Ferree, Gamson, Gerhards and Rucht 2002). A fully functional public sphere in Europe should, according to this framework, fulfil a range of criteria such as transparency, validation, legitimation, responsiveness, accountability, and participation (de Vreese 2007). The public sphere therefore should not have merely an informative role, but should also encourage citizens to critically discuss and evaluate the performance of political actors and demand accountability and legitimacy (Zimmermann and Favell 2011). The democratic legitimacy of the European Union is here conditioned by the communicative process between the individual and the collective, both at the national and supranational levels.

Empirical studies that draw from this theory often focus on the study of mass media[4], and in particular on differences between national and supranational discourses, or differences between national discourses in the member states. This also illustrates the limits of this approach, as the basic units for analysis remain the member states.

Another tradition that inspired critical research on the EU refers to Michel Foucault's theory of governmentality. Foucault understands governmentality as a political rationality of government, together with its technologies for the organisation and exercise of power. Governmentality designated "the way in which the conduct of individuals or of groups might be directed — the government of children, of communities, of families, of the sick (…) To govern in this sense, is to control the possible field of action of others" (Foucault 2002, 326, 341). The rationalities of the government represent discursive formations defined by specific structures of power in order to present the "truth" in relation to the respective fields of governance, such as the legal order of citizenship and rights. As for legitimacy-seeking, the purpose of these discursive formations is to make up reality as a set of "problematisations" (Merlingen 2003) that invite and legitimise government interventions. For the purpose of EU studies, certain empirical works examined the question of how the European union and its citizens are "discursively constructed as a governable entity, and by use of which political technologies it is governed effectively" (Zimmermann and Favell 2011, 494). This further concerns the question of the regulatory state, modes of surveillance or regulated freedom of movement. Walters and Haar, for example, noted that "by foregrounding regulatory practice [the EU is] able to convey something of the uniqueness of the EU: how it is able to govern extended social and economic spaces without possessing anything like the

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[4] For specific examples see the EUROPUB project, as well as *The making of a European public sphere* by Ruud Koopmans and Paul Statham (2010), or "Investigating deliberativeness comparatively" by Hartmut Wessler (2008).

administrative apparatus or financial capacity of a nation-state" (Walters and Haar 2005, 14). Discourse and practice are the basic units of analysis in works drawing on this approach, which doesn't limit them to unique political entities like the EU or the member states, instead they can focus on various subjects and spaces that define the EU (Zimmermann and Favell 2011). Similarly, the purpose of these findings is not to identify answers for the political and social change as previous meta-theoretical sociological approaches have, there is no need to assume that the direction it is headed is a supranational state. Instead these works focus on an empirical study of discourse through discursive analysis of policy papers, official publications, speeches or media articles and unveil what the institutions do and how, with the purpose of tracing ways in which legitimate authority and mechanisms of domination are codified in law (Lemke 2002). Applying this theoretical framework to the study of the European Union, Zimmermann and Favell (2011) note that the "problematisation" of the European Union through the use of the idea of democracy and of a "European 'demos' of conscious, involved and – at some level – supportive European citizens" constituted the discursive element that invited and legitimised governmental interventions (Zimmermann and Favell 2011, 495).

2.2 FROM BOURDIEU TOWARDS PRAGMATIC SOCIOLOGY OF CRITIQUE

Pierre Bourdieu's social theory represents another important point of departure for contributions both on the EU[5], and international relations in general[6]. By introducing a strong empirical dimension, Bourdieu advanced sociological approaches beyond mainstream forms of constructivism. In his view, ideas, norms, and values are embedded in practices, making their separation from actors' interests and preferences impossible (Atkinson 2020). He criticised social constructivist attempts to discuss the effect of norms on practices without taking into consideration power struggles or the symbolic violence of consensus (Bourdieu 1989, Bigo 2011). He equally opposed the use of vague and abstract terms when discussing state and society without the backing of testable empirical research. Bourdieu viewed norms as "the product of the strength of historical trajectories of an immanent set of actions incorporated into an ethos and a habitus" (Bigo 2013). Norms neither followed rational interests, nor resulted from shared ideas and values. In order to understand social actions, it was central to Bourdieu and the social theorists he inspired to study the social creation of institutions and the genesis of rules and norms. His main tools became the now intensively used and cited concepts of field, capital and habitus (Bourdieu 1993). The concept of habitus provides particularly fruitful paths for research in international relations as it can serve to mediate between the societal and the individual. In addition, Bourdieu's theory is in its essence a theory of domination (Pouliot and Mérand 2013), which makes it compatible with the discipline of international

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[5] For examples, see *Democracy, social resources and political power in the European Union* (2005) by Niilo Kauppi or "Governance and State Power: A Network Analysis of European Security" (2010) by Frédéric Mérand, Stéphanie C. Hofmann and Bastien Irondelle.
[6] See "Pierre Bourdieu and International Relations: Power of Practices, Practices and Power" (2011) by Didier Bigo

relations, concerned with concepts such as power relations, hierarchical structures and conflict. Adrian Favell (2006) notes that the advantage of Bourdieu's approach lies in the elimination of "normative, overtly pro-European inflections of the democracy and citizenship literature", offering instead "an unsentimental analysis of the careers and organisational strategies of key European players, stressing the interplay between structure and agency in a much more empirically specifiable form" (Favell 2006, 127).

In his study on the EU, Kauppi (2003) works with the notion of "political field" to designate the field within European society in which decision making processes, legitimacy for political action and symbolic violence is obtained through the accumulation of political capital, by actors such as high-ranking politicians, trade unionists, and lobbyists, under the constraints of material and symbolic resources (Zimmermann and Favell 2011). At the same time, these agents face competition and are left with limited space for manoeuvre given the existence of other agents in the field, such as representatives from mass media and academia. The advantage of this methodological toolkit lies in its relative independency from limiting concepts such as the state or ideology, which allows it to be applied to the study of all types of institutions and other political entities, such as the EU. Through this prism, the study of European integration would entail an examination of social change involving practices, norms and identities within the European political field (Kauppi 2003). In order to keep his research empirically grounded, Kauppi works with case studies in which he analyses the activity of political actors such as bureaucrats, politicians or intellectuals and their relation to European transformation processes. Here, the struggle for democratic legitimacy is explained as follows: while the EU has taken up some functions of the national state, this was not followed by the creation of an effective civil society within the political field that makes up the EU, thus, "the dominance of executive resources and of domestic political

culture has prevented the development of democratic accountability" (Kauppi 2003, 184). The dominance of executive resources in this context refers to a disproportionate divide of power between executive and legislative networks at the European level.

As shown above, the question of legitimacy in the European Union represents an important concern that distinguishes critical sociology from classical approaches focusing on the EU. Different traditions of critical sociology introduce distinct perspectives, with democratic legitimacy conceptualised as depending on a functional public sphere scrutinised by a critical communicative process, its principles being constructed by those in power; or as depending on the extent to which democratic accountability is developed in the European political field. Despite these differences, the attention given to the role of legitimacy opens a debate in European studies that escapes the dichotomy determined by the intergovernmentalist/constructivist debate. More importantly, critical sociology opens up the opportunity for a different kind of analysis, more reflexive and empirically oriented, with an emphasis on fieldwork that studies the interconnectedness of norms, interests and action. This is otherwise a challenging pursuit for earlier sociological approaches to the study of the EU, such as constructivism. In order to defend against criticism of their lack of testable hypotheses, constructivists tend to emphasise the determinant effect of norms and other structural elements by treating them as independent variables, contributing thus to the structure/agency dualism. In this respect, critical sociology focuses less on European institutional structures and member states as units of analysis, and more on capturing the complex processes at the centre of European integration. In doing so, critical approaches rely on analyses at the micro level and on intense fieldwork.

Nevertheless, the above-presented critical approaches have their limitations. While the theoretical framework of this thesis builds on the notion of the EU as a public

sphere, existing studies on public debates fall short of considering the complex normative dimension of public criticism and the plurality of moral standards. At the same time, research on the EU inspired by the theory of governmentality or by Bourdieu's theory of domination fail to recognise the capacities of analysed subjects to formulate legitimate criticisms, measure reality against various moral standards, recognise injustices and demand the change, or the maintenance, of the status-quo. The theoretical framework this thesis adopts will build on these limitations.

3 FROM CRITICAL SOCIOLOGY TO SOCIOLOGY OF CRITICAL CAPACITIES IN THE STUDY OF THE EU

It becomes clear that the focus of critical sociology on the European Union is linked to an interest in developing socially grounded areas of research that overcome the material/ideational dualism. Additionally, the mentioned approaches show that points of departure for research can not only be the behaviours of institutions and member states, but also exchanges and interactions between individuals, situations of conflict and power imbalance, as well as the role of particular norms within these interactions.

This thesis focuses on a little explored critical perspective in international relations, which has at its centre concepts such as practice, the uncertain character of political reality, moral ambiguity, justification and legitimacy. More specifically, it focuses on justification and critique as social practices in international relations, as means to test various legitimacy claims in situations of uncertainty. In this sense, this chapter introduces the work of French sociologist Luc Boltanski and his collaborators, known primarily as the pragmatic sociology of critical capacity. In the following subchapters, the thesis introduces a conceptual framework and a research methodology through which the potential of the sociology of critical capacity for the study of the EU will be explored.

3.1 THE PRAGMATIC SOCIOLOGY OF CRITIQUE AND THE CONCEPT OF PRACTICE IN EU STUDIES

The concept of practice in international relations was given particular attention in recent years as an attempt to develop a new, socially grounded understanding of this particular area of research (Gardinger 2016). A practice perspective, in which the pragmatic sociology of critique is inscribed, opens an innovative research agenda for EU studies. In this context, practices are perceived as competent, intentional performances that play a significant role in European politics, and which are closely linked to language, communication and discourse. In this sense, through the performativity of language, practices generate social action (Foucault 2002) or, as Adler and Pouliot (2011, 2) put it, "practice forces us to engage with the relationship between agency and the social and natural environments, with both material and discursive factors, and with the simultaneous processes of stability and change". According to the authors, the concept of practice is an analytical category just as structures, agency, ideas or rationality, and it serves as a unit of analysis for a variety of theories, there isn't, therefore, one single theory of practice (Adler and Pouliot 2011).

Pragmatic sociology shares important attributes with practice theories in that it is concerned with process and evolution, as opposed to perceiving the world as static and fixed, while also emphasising a close link between knowledge and action. As Bueger and Gadinger (2018) put it, it is a "prioritisation of process over substance, relation over separateness, and activity over passivity" (Bueger and Gadinger 2018, 19). In the spirit of phenomenology, Boltanski describes the programme of his approach as a "return to

the things themselves" (Boltanski 2013, 44), with a focus on situations of disputes, in which actors are producing criticisms and justifications.

The label "pragmatic" in this context does not imply a direct legacy from the philosophical pragmatism represented by John Dewey, Charles S. Pierce or George H. Mead. Boltanki's pragmatism is still very much anchored in the discipline of sociology, the adjective *pragmatic* refers rather to the central role that the empirical dimension takes in his programme (Boltanski 2011).

As Boltanski views it himself (Susen and Rennes 2010), the notion of pragmatic sociology for his theoretical approach was used primarily by people outside his research group. The intention was not to clearly define his framework with a particular theoretical strand, on the contrary, he rather conceived his work as "a never-ending endeavour, whose flaws should by no means be concealed" (Susen and Rennes 2010, 3). In fact, he considered that even Bourdieu's framework, one of his great influences, was not as rigid as some of his followers mistakenly thought it to be. However, the "pragmatic" quality was not at all incidental—pragmatism, and linguistic pragmatism in particular, played a pivotal role in Boltanski's conceptual framework development. As a result, his approach came to be known as the "pragmatic turn" in sociology, in reference to other pragmatic authors such as Laurent Thévenot, Eve Chiapello, Nicolas Dodier, Michèle Lamont or Michel de Certeau.

The strong empirical dimension implied by pragmatic sociology's methodology relies on the centrality of the *micro* level, or that of social situations. This does not mean the level of study is that opposed to the *macro*, on the contrary, the *macro* is achieved and defined through the study of practices in particular situations (Barthe *et al.* 2013). In the context of European studies, this approach has an important epistemological impact in the sense that it considers international practices a central object of research and it

therefore engages in research through conducting fieldwork and analysing how these competent performances and strategic interactions generate social change.

The potential of practices in overcoming previously mentioned dualisms is explored by Boltanski in his attempt to put together the *macro* and the *micro*, or as he puts it, the phenomenological and the structural levels (Susen and Rennes 2010). As it will later be explored, this tension is, to a certain extent, similar to the realist/constructivist debate in international relations—Boltanski's reflections on this matter are therefore key in overcoming this dichotomy. A similar concern can be also found in Bourdieu's work, as the concept of habitus, too, allows for a bridge between analysing the world as it is grasped "within situations" (Susen and Rennes 2010, 4), where actors manifest themselves as inventive and capable of critical thinking, and the world as viewed from an external position, where concepts such as structure, constraints or inequality reproduction become evident (Susen and Rennes 2010, 5). The notion of habitus is, however, used to grasp the relation between the *character* of individual subjects at the *micro* level, and that of the culture they find themselves in at the *macro* level. It is here where Boltanski objects: he doesn't find the macro level of *cultures* as defined by one distinct *character*[7]. Inspired by Erving Goffman's ethnomethodology, Boltanski refers here to the plurality of factors that define the structure of the situation and the multiplicity of reasons that define action based on a specific context. Applied to the study of international relations, this approach offers a promising alternative to the realist/idealist dichotomy, by engaging both with the singular level of interests and experiences, as well as with the structures and totalities that encompasses them. As Boltanski puts it, "one of the initial projects proposed by the sociology of critique was, in a sense, to reconstruct critical theory by going in a direction taken by the early Frankfurt

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[7] Boltanski refers here to modern occidental societies in particular.

School, a paradigmatic direction at whose heart lies the dialectic between the reality of singularity and the construction of totality" (Susen and Rennes 2010, 9). Practices of critique and justification are for this purpose crucial—by questioning singular experiences, the actors draw a bridge between their reality and the totality, or structures, that encompass it. To this extent, the concept of practice escapes the structure/agency dualism. As Adler and Pouliot (2011, 16) explain,

"Practices translate structural background intersubjective knowledge into intentional acts and endow them with social meaning. Structure, in turn, shows up in practices in the form of standards of competence that are socially recognised. There is, then, a normative or rule-like dimension to practice, which is bound up in its application. While performed by individual human beings, practices are possessions of collectives insofar as their meanings belong to communities of practice. 'Suspended' between structures and agency, practices are simultaneously enacted (agency) and inserted within a social context or political order (structure)."

Transposed to an international level, international practices are not very different. They refer to actions and interactions between political actors in political settings. In the EU context, these are competent performances that unfold during parliamentary debates, press conferences, and during other formal or informal discussions. Participating officials have in common a degree of competence that enables them to engage in actions of justification and critique. As the selected case studies will illustrate, political actors systematically engage in competent performances, in which they either contest or justify particular aspects of the social order, their competence resurfacing through their ability to read and adapt their performance to particular situations.

3.2 THE FRAGILITY OF REALITY AND THE INSTABILITY OF PRACTICE

Of all of the previously mentioned traditions of critical sociology, Pierre Bourdieu's analytical framework was particularly influential for Luc Boltanski. The two sociologists have collaborated closely during the 1970s, until Boltanski established his own research group dedicated to the study of the pragmatic sociology of critique, as opposed to Bourdieu's critical sociology (Maslowski 2014).

Boltanski's "intellectual emancipation" (Gadinger 2016, 188) began with his research on the group of business workers popularly known in French society as *cadres*, where he was confronted with the difficulty of defining the analysed group based on a single distinct constitution (Boltanski 1982). His findings led him to divert in his theoretical approach away from Bourdieu's concept of habitus. While Bourdieu was interested in analysing how class inequalities are being systematically reproduced and are forming the social order, Boltanski distanced himself from deterministic approaches and put greater emphasis on the uncertainty of social order, or on what he referred to as "the fragility of reality" (Susen and Rennes 2010, 150). However, as Boltanski himself points out, he was not interested in suggesting a new programme that went against Bourdieu's sociology of critique, his aim was rather to "renew the possibility of a critical sociology", by extending it towards a sociology of critical practice (Boltanski 2013, 44).

As Schindler and Wille (2015) pointed out, the deterministic nature of habitus does not allow us to grasp the uncertainty, which has an essential role in the social order. While habitus remains "a useful concept if one wants to account for the reproduction of relations of domination, it is not the best tool to think through dynamics of change" (Schindler and Wille 2015, 5). Pragmatic sociology of critique could offer a promising

perspective on how change occurs in international practice by exploring the notion of uncertainty. As part of routinised negotiations and interactions at the international level, the legitimacy of the status quo is systematically contested and open for reinterpretation. This becomes particularly evident in critical moments such as disputes, controversial situations and situations of great uncertainty, and it is these conditions that can produce change. This is precisely what Boltanski explores in his vast body of work: how are actors able navigate the disorder of the social and the material and the plurality of interpretations of social reality in order to reach an agreement by raising and confronting legitimacy claims.

To Boltanski, reflexivity is central to actors' actions (Boltanski and Thévenot 2006, 25-32). His research on cadres (1982) led him to develop an interest in taking the actors' critical capacities seriously. The assumption of actors' critical competences is fundamental, as it allows them to interpret situations and navigate through uncertain and critical moments. The fragility of reality that Boltanski refers to is therefore always in need of interpretation by actors equipped with competence.

In studying his subjects, Boltanski avoids applying externally defined categories, instead, he studies how these groups define themselves. This approach led to extending his analytical framework by incorporating notions such as disputes, denunciation and conflict. In dedicating significant attention to uncertainty in the social life, pragmatic sociology is interested in studying the processes of change as they relate to uncertainty of the social order, and in this it differs from Bourdieu's approach, which focuses more on explaining reproduction, than change (Bueger and Gadinger 2014). In a nutshell, Boltanski looks at how the social order is disrupted by frankly critical actors (Boltanski 2011, 26).

The situations the actors find themselves in are the subject of analysis and, in the process, the analyst attempts to link the micro level, which consists of actions and situations, with the macro level, defined by rules, normative orders and moral principles. By observing social practices, one can unravel how actors navigate the plurality of a situation's moral interpretations, build context dependent justifications, win legitimacy struggles and effect social change.

The methodological premise of "following the actors" (Boltanski and Thévenot 2006, 11-12) rejects the division between the analyst and the analysed subjects. This is, in fact, one of the main characteristic of the pragmatic approach developed in *On Critique* (2011) —Boltanski is highly sceptical of research based on an external position for the social scientist and of the implication that the analyst holds superior knowledge on the nature of social reality (Blokker 2011). He therefore adopts a symmetrical approach (Guggenheim and Potthast 2019) to subjects of study. The notion of symmetry also refers to the plurality of possible moral interpretations of a situation, or the plurality of orders of worth, as they are applied in order to make sense of a situation with a symmetrical set of concepts. The sociological description of how actors act in situations of conflict and controversy should, according to Boltanski (2011), take different forms of justification and critique seriously and analyse how and why interpretations of a situation are tested and either accepted as legitimate or rejected. Engaging in critique is no longer the quality of the sociologist, but a capacity of the actors themselves (Guggenheim and Potthast 2019). In other words, in Boltanski's view, there is no such thing as an objective standpoint, social practices are internally related to ways in which actors themselves perceive the nature of situations, their experiences can be grasped only if their perspective is taken as fundamental (Celikates 2006). The actors revealed by Boltanski's inquiries present therefore different qualities than those defined by, for example, Bourdieu's

sociology of domination. Pragmatic sociology views actors as active, openly critical, capable of

> "unmasking the hidden foibles and intentions of their opponents, and, furthermore, not hesitating to adopt, when it suits them, the schemata of critical sociology that could have been popularised by education and by the media. They pressed home their demands, condemned injustices, produced evidence to support their complaints, or developed arguments to defend themselves against criticisms levelled against them" (Boltanski 2013, 45).

This standpoint then also determines how the social world is interpreted—instead of it being defined by passively or unconsciously accepted domination, Boltanski reveals an order determined by disputes, critiques, conflicts and attempts to reach agreements.

It is important to mention here that pragmatic sociology is not interested in uncovering hidden individual interests in actors' practices of justification and critique. Its main task isn't to look beyond the actors' constructed arguments and see their true intentions and more or less conscious calculations. This being said, the methodological framework still works with the concept of interest. However, while rationalism, for example, perceives interest in the study of international relations as a fundamental explanatory factor for action and discourse, pragmatic sociology allows for an interpretation of interest as a notion that goes through changes and transformations across situations of controversy and polemics, and that is rather a product of action, instead of an inexhaustible resource for it (Barthe *et al.* 2013). The pragmatic sociology of critique allows for a distinction between different forms of action in which the actors engage and different dynamics that are created between them. In certain situations, action may consist in an explicit formulation and presentation of actors' interests, while in other cases, it

may take the form of denouncing others' interests as incompatible with the idea of fairness, the general good, or with certain obligations of impartiality.

3.3 THE NORMATIVE DIMENSION OF PRACTICES

One of the main ambitions of Boltanski's research group, which counted members like Laurent Thévenot, Alain Desrosières, Michael Pollak, and others, was to study the notion of normativity and its relation to social life. This is what gained the name of *moral sociology* for his research programme. According to Boltanski, this was a reference to *L'économie comme science morale et politique* by Albert Hirschman (1994). Otherwise, Boltanski's approach also became known as pragmatic sociology of critique or sociology of critical capacities. It is important here to note that Boltanski and his research group, however, did not attempt to develop a "normative theory of justice" (Gadinger 2016, 190). While pragmatic sociology recognises the actors' capacity for reflexive judgement and their sense for justice, their manifestation takes places within particular situations of dispute, defined by particular normative grounds, or "orders of worth" (Boltanski and Thévenot 2006).

The notion of competent performances necessarily involves a strong normative dimension, because it involves the assessment of whether a practice was done according to a specific standard and following a complex scrutinising process (Adler and Pouilot 2011). Critique in this context strives to be just and legitimate based on certain equivalencies, and this is where the normative dimension of this conceptual framework becomes evident. The assumption here is that norms play a crucial role in social action providing actors with "a socially legitimised vocabulary to make sense of their own experience" (Borghi 2011, 324). As Borghi (2011) points out, social action cannot be entirely explained as either dictated by self-interest, or as forced by exogenous factors. In order to interpret action in specific situations, one needs to analyse the mobilised

normative background (Borghi 2011). As it will be later addressed, Boltanski and Thévenot (2006) identify a plurality of normative backgrounds, or regimes of justification, through which actors interpret and make sense of contexts of action. These regimes transcend situations, and actors manifest their critical capacities by choosing, consciously or not, which regime of justification to mobilise.

Justifications and critique as practices are, according to pragmatic sociology, "critical operations that people carry out when they want to show their disagreement without resorting to violence and the ways they construct, display, and conclude more or less lasting agreements" (Boltanski and Thévenot 2006, 25). This implies commonly accepted principles of legitimacy within particular modes of existence, according to which actors driven by moral rightness test each other's moral claims. The process of mutually accepting the critique or justification is reinforced by context-dependent rules and shared understandings. Given the plurality of situations, the normativity in practice is not as regular as, for example, Bourdieu's theory sees it.

In Boltanski and Thévenot's *On Justification* (2006), the authors develop a theoretical model of the sense of justice expressed in social interactions and define the cognitive tools and principles of evaluation implemented by actors in disputes. The subtitle "Economies of Worth" refers to the situated worlds that actors find themselves in, defined as specific principles of evaluation, or "orders of worth" (du Gay and Morgan 2013, 16-18). Orders of worth in this theoretical framework designate the highest normative principles, which define the morality of a situation. The assumption here is, as du Gay and Morgan (2013, 16) put it, that social actors "esteem certain characteristics or forms of practices, behaviours, or institutional structures". Their value, however, is particular to specific economies in which the situated action takes place. Boltanski defines a certain number of modes of existence; he emphasises, however, the irreducible

plurality of available practical-theoretical viewpoints in social reality (Blokker 2011). In *On Justification* (2006), Boltanski and Thévenot describe in detail a number of potential modes of existence or economies, worlds, or *cités*, based on theoretical tropes and canonical texts from political philosophy. The authors suggest a methodological toolkit that makes it possible to describe people's actions not "as the realisation of potentialities inscribed in structures, or as the execution of a ready-made programme, but inasmuch as they presuppose that decisions and risks are taken in the light of the uncertain situations in which people find themselves" (Boltanski and Chiapello 2005, xi). The authors therefore do not interpret normative principles and ideals that people adhere to as ideological masks or manifestations of false consciousness, and do not reduce the creation of social order as a result of an interplay of external forces and unaware actors. In order to uncover discrepancies between actors' expectations and the social order as it is, Boltanski suggests taking the actors' point of view as fundamental, together with their moral sense and ordinary sense of justice (du Gay and Morgan 2013, 21).

Boltanski and Thévenot identify six regimes of justification: the world of inspiration, where worth is measured in terms of creativity; the domestic world, where people's worth depends on a hierarchy of trust based on a chain of personal dependencies; the world of renown, in which the measurement of people's worth depends on conventional signs of public esteem; the civic world, where worth is related to collective interest; the market world, in which greatness is defined in terms of wealth and competition; and the industrial world, where worth is defined by efficiency and productivity (Boltanski and Thévenot 1999).

The actors' action of critique or justification, which Boltanski also refers to as tests, can take a reformist or a radical form. Reformist or reality tests refer to calls for justice within the same normative framework, or what Boltanski calls *world*. Radical or

existential tests call into question the normative background itself, asserting that another reality, defined by other moral principles, is possible. In order for a compromise around specific issues to be achieved, it is essential that reality or existential tests take place and bring "an explicit formulation of valid proof" (Boltanski and Thévenot 2000, 212). The tests, or *épreuves*, are therefore principles of justice based on which uncertainty expressed in controversies (*situations troublées*) is resolved. According to Boltanski and Thévenot, tests "designate procedures that are capable of reducing the uncertainty of a situation through the achievement of agreement as to the qualification of the beings involved. In this sense, a test encompasses both an evaluation according to a moral standard and an assessment according to the standard of truth" (Boltanski and Thévenot 2006, 360). Other than being based on specific normative grounds, which grants it acceptability in terms of justice, the formulation of valid proof requires a "construction of assemblies of objects, arrangements that hold together, the fitness of which can be demonstrated" (Gadinger 2016). The practices of justification and critique must follow, according to pragmatic sociology, certain rules of acceptability and seek legitimacy from others by proving that their actions are contributing to the "common good" (*bien commun*) specific to that situation or reality. Examples of the common good are creativeness in the inspired world, the collective interest in the civic world, productivity and efficiency in the industrial world or profit in the market world. A line of argument will be accepted as legitimate when the actors behind it prove that the justified action will contribute to the common good specific to one of the worlds. For example, during the debate around the new directive on privacy rules for the digital age, known as the General Data Protection Regulation, the main argumentative logic of those in favour of the directive was built on the idea that citizens' interests and rights in terms of their privacy and data protection

come before the interests of companies that manage people's private information. The invoked common good in this case is the collective interest specific to the civic world.

Although significantly limited, a promising body of work attempted at applying, in various forms, pragmatic sociology's methodological toolkit to the study of international relations. Perhaps among the most significant in this regard are the contributions of Gadinger (2013, 2016, 2018), in which the author analysed the public hearings in the United States Senate related to the prisoner abuse controversy during the war on terror. The author illustrated "the normativity of practice and the fragile nature of political reality" (Gadinger 2016, 199) by looking at the legitimacy struggles on what was the most significant *common good* for the American people, with actors such as members of the US military seeking legitimacy for their actions by invoking the principles of effectiveness and control, while at the same time, members of the opposition where accusing the actions of the Department of Defence of being unethical within a democracy, therefore basing their critique based on the civic world's order of worth. Gadinger's example illustrates how disputing actors use different, even incomparable principles of legitimacy, or, as Gadinger puts it, "different criteria of judgement on definitions about the good, the just, or the morally right thing to do, which includes distinct culturally rooted grammars of legitimate behaviour" (Gadinger 2016, 201). Furthermore, the analysis of these public hearings revealed what Boltanski refers to as the fragile nature of institutions as "bodiless beings" (Boltanski 2013, 45-48) that struggle to maintain or regain credibility.

3.4 ON LEGITIMACY IN THE EU FROM A PRAGMATIC PERSPECTIVE

The question of legitimacy in the European Union has recently gained significant academic interest, particularly in a political context defined by an ever-present debate on the need and nature of fundamental reforms. Given the unique character of the Union as a supranational structure, for which the characteristics of a state are very close, and yet unattainable, the sources for political legitimacy in decision making processes became a crucial subject matter in EU literature.

As perhaps anticipated, many of these contributions refer back to Max Weber's work on legitimacy as a concept detached from philosophical legacy and redefined as a social fact, or a social order that has "the prestige of being considered binding" (Weber 1978, 31). More importantly for the purpose of this thesis, in Weber's reconceptualisation of legitimacy, as Steffek (2003) points out, norms take up the role of independent variables in a causal relationship with social action. Through this, norms are assigned actual social function and are regarded as more than simple criteria of evaluation for political regimes. Legitimacy thus became a necessary component when explaining social action and Weber's definition became part of the classical repertoire. Boltanski and Thévenot's contribution could, however, shed light on certain ambiguities related to legitimacy's role for social action, as well as unveil its relevance for the study of such a structure as unique as the European Union. In their critique of Weber's definition of legitimacy, the authors attempt to clarify what is meant by *legitimacy* (Boltanski and Thévenot 2000). Firstly, it is pointed out that sociological contributions have referenced it in more than one sense. As a necessary element of social action, legitimacy designates the "validity of an order" (Weber 1978), or a "stability" (Boltanski and Thévenot 2000,

214) that exists independently of individual interests or attempts at justification and critique. The concept of legitimacy is also referenced as an "after the fact" confirmation of domination in a power relation—in this context, one talks more about "legitimation" (Boltanski and Thévenot 2000, 214) in reference to a capacity to make people believe that the given action lines up with the ideal to which it appeals. As the authors point out, the interpretation referring to legitimation "as a matter of belief and thus a collectively held illusion" came to dominate classical sociology. It is important to note these two different definitions, as this also allows us to make a distinction between norm and ideal. However, neither interpretations do not take into consideration the notion of competence. In their critique (Boltanski and Thévenot 2000, 214), Boltanski and Thévenot make the hypothesis that actors are competent enough in order to distinguish legitimate arrangements from illegitimate ones:

"legitimate means that when arguments and arrangements are confronted with criticisms they can be the subject of justifications that are valid in all generality, and that they can be used to support universalisable agreements. Illegitimate means that they cannot be justified, and that they cannot support agreements that concern the generality of the common good, even if they can be mobilised by the actors in certain situations to support certain arrangements to the advantage of the parties" (Boltanski and Thévenot 2000, 215).

In his text on sources for legitimacy beyond the nation-state, Steffek (2003) relies on Weber's conceptualisation of legitimacy and adopts a definition which implies that organisations and its members are following rules, decisions or commands because they regard them as binding (Steffek 2003).

In Boltanski and Thévenot's approach, however, one finds increased importance placed on the imperative of justification when seeking legitimacy for social action. What creates legitimation is not only the fact of acceptance, or the mere fact of having consented to a certain normative reasoning. The authors suggest that another crucial element is the imperative of justification and critique, when the normative reasoning is scrutinised, subjected to tests, confronted with other normative rationalities, or, inversely, defended and successfully justified (Boltanski and Thévenot 2006). This is particularly pertinent for the case of the European Union, which is defined by a regime of action that respects core principles of equality and sets aside any possibility of violence, and which must enable public discourses of justification in order to preserve its values. Moreover, it is a regime of action in which both practices of justification and of critique must happen publicly in order to be considered legitimate. In the absence of an authority that universally validates arguments, attempts at justification are made based on the assumption of a common knowledge among participants, on which arguments and arrangements can rely. Consensus, and consensus on international level in particular, is constantly open to re-negotiation, or in Boltanski's terms, to tests. It is therefore this thesis's argument that it is precisely the constant exercise of critique, justification and legitimation that accounts for the main source of legitimacy for political action in the European Union.

These reflections are similar to the account of modern legitimation through rational discourse as developed by the already mentioned Jürgen Habermas, who again refers to Max Weber in making a case for "the connection between belief in the legitimacy of orders and their potential for justification, on the one hand, and to their factual validity on the other" (Habermas 1988, 99). In a context in which it is impossible for all parties to participate in the rational exchange of arguments, Habermas concludes that a legitimate

consensus is that which all parties would reach in principle (Habermas 1988). Here again, the European Union appears as a unique example and the concept of legitimacy in the decision-making at a European level is often linked to what EU studies refer to as *democratic deficit*. As Trenz and Eder (2004) noted, Europe has "become a new experimental field for pushing all kinds of claims and normative expectations about the desirable ends and means of European integration" (Trenz and Eder 2004, 6). The discourse around the nature of integration is as a consequence complex and at times difficult to grasp, and to a large extent, this is due to systematic contestations, demands for justifications and proofs of legitimacy that actors constantly demand of each other.

What does however define the normative principles that these demands for justification rely on in the European Union? In this sense, EU studies often reflect on the idea of common identity, as well as on the concept of democratic representation. A recurrent theme in this still growing body of work is the exceptionalism, or the *sui generis* character of what developed in the post-war Europe (Mair 2005). It refers to the idea that the European Union is not a national state or a conventional supranational state, nor is it an international organisation. It does not represent an extension of a particular national political system, nor has it yet developed into a political unit of its own. Most importantly, it is often pointed out, both at the academic and non-academic level, that Europe lacks the so-called *demos*, and certain authors interpret this as closely related to the potential for democratic participation in decision making processes. Neunreither and Wiener (2000, 148), for example, claim that

"there is no chance of a possible EU democracy, because there is no European people, no *demos*. No demos, no democracy—quite simple. What we then might be able to secure for the EU at most is some kind of limited legitimacy, either based on a general set of procedures, and/or an acknowledged output".

Other authors, such as Beck (2004), reflect upon the chances for a reinvention, or re-birth of Europe, with its *demos* being represented by a cosmopolite community, a step towards the achievement of true democracy within what is now the European Union, as well as undisputable legitimacy for decision making processes. Indeed, cultural coherence isn't necessarily a pre-requisite for democracy to exist, there are of course both theoretical and empirical accounts of democratic solutions for culturally segmented or plural societies. Effectively, this has to do with institutions constructed in a way that allows for cross community cooperation or subsidiarity (Mair 2005). Again, some critics point out that at an institutional level also, the EU is only half way there towards a coherent democracy. Despite attempts at transforming the issue of democratic deficit into an issue of public concern, expressed primarily during negotiations surrounding the adoption of the Maastricht Treaty, the European parliament, the most legitimate of the EU institutions in theory, is often accused of remaining largely invisible, or irrelevant to majority of EU citizens.

As it will be, however, pointed out in the following chapters, both an existing *demos* in terms of a coherent identity and a cosmopolite community bounded by similar beliefs were already heavily referenced when, for example, the proponents of European Eastern enlargements were making their case and seeking legitimacy for the inclusion of the post-communist Central and Eastern Europe in the European community, which suggests that regardless of how incomplete either of the processes are, they already represent an important source for legitimacy and accountability in negotiations and decision making processes.

It is imperative here to note a difference between legitimacy and democracy in how this thesis conceptualises it. Democracy, as a concept defined by principles of

popular control and political equality, represents, in the context of the European Union, a source of legitimacy congruent with what Boltanski calls the civic world.

At the same time, as the following chapters aim at proving, it is not the only source of legitimacy referenced when seeking accountability in situations of controversy, and it so happens that at times, principles of popular control and political equality have to give way to other legitimate concerns.

As the following chapters intend to outline, the nature of the common good in the European Union can constitute a highly controversial issue, as notions of justice or the will of people are not always compatible with those of stability, order, efficiency or profit. Simply put, there is no such thing as a uniquely determined common good, or, as Schumpeter (2003, 251) puts it, conflict

"is due not primarily to the fact that some people may want things other than

the common good but to the much more fundamental fact that to different individuals

and groups the common good is bound to mean different things".

Just as it is an individual level, the assumption here is that disagreement in the European Union is inevitable. Representatives weight their various interests and values against each other, so that every actor carries at one point or another the burden of judgement, justification and critique. Disagreement often rises from incompatible definitions of the common good, which lines up with Dahl's (1989, 283) affirmation that the "description of a feasible political ideal must begin with the assumption that conflict over the common good is an inevitable part of the normal political life".

The theoretical framework suggested by Boltanski and his collaborators can help to conceptualise competing sources of legitimacy. According to the sociology of critical capacity, the resulting disputes or disagreements are caused either by a violation of the

referenced principle of justification or by the application of the wrong principle altogether (Boltanski and Thévenot 2006). As was already mentioned, legitimacy is not reduced to democracy, or in other words, to the civic world. Other legitimate concerns can be expressed in the vocabulary of, for example, the industrial or market world; disputes can thus result from the application of incompatible principles of justification within the same situation. Alternatively, practices of critique can also result from the violation of the referenced principle of justification. An argument grounded, for example, in the vocabulary of the civic world, can face strong criticism from within from actors that point to the absence of effective representation in the political system of the European Union and to the alleged dominance of Europe's political and administrative elites at the expense of its citizens and collective decision-making. In this case, the norm remains valid in theory, and yet it is contested and proved invalid in practice. In other situations, the civic worlds' principle of legitimacy is not even invoked, instead, the common good is bound to the ideas of stability, efficiency, discipline and workable solutions. Grounded in what Boltanski defines as the industrial world, legitimacy and the common good would in this case be contingent on performance and rely on a factual dimension or, more specifically, the regulatory state. This has seemed to be the case, for example, during the debates on policies following the financial crisis in the EU. It matters, in other words, how the parties themselves frame legitimacy. From this it follows that claims for legitimacy are situation-bound and ought to be studied in context, which would allow for an analysis of both the normative and empirical dimensions. The role of norms for social and political action should therefore be studied in specific political and historical contexts, the relationship between normative arguments and political reasoning is situation-bound, and should be examined accordingly.

PART II: EXAMINING CONFLICT AND LOGICS OF COMPROMISE IN THE EUROPEAN UNION THROUGH THE PRAGMATIC SOCIOLOGY OF CRITIQUE

Before proceeding with analyses of conflicts and models of compromise in practices of negotiation at the European level, this section introduces a conceptual programme inspired by the pragmatic sociology of critique through which the EU, as a site of social interaction, will be examined. This methodological toolkit consolidates the analytical vocabulary adopted in this thesis. Its use maintains a structural consistency in the examination of the three different situations in the history of the European Union.

PRACTICES

The EU is perceived as structured by practices through which actors communicate their intentions, express disagreements, negotiate and reach compromises. Practices of negotiation thus represent the unit of analysis in this thesis. Practices are performed within a specific social context, a situation. In the EU, the context of their occurrence is institutional and transnational. Intentions may be communicated in textual form, in working papers, reports, press releases and other official and non-official documentation, as well as in performances at summits, meetings, or during parliamentary debates. An assemblage of everyday more or less competent practices creates the complex picture of European politics. The dominating uncertainty of social life confers practices the capacity of exerting social change. They can be disruptive and be performed in situations of crisis or follow routines and patterns of action, they can thus perpetuate stability or initiate social change. At the same time, practices must follow certain rules of acceptability, or, in the words of Adler and Pouliot (2011, 21),

> "when interests diverge markedly, practices serve as structural, discursive,
> and epistemic focal points that make possible common knowledge and enable actors
> to play the international game according to similar rules, or at least in a way that is
> mutually recognisable".

In accordance with the model inspired by the work of Luc Boltanski and Laurent Thévenot (2006), which perceives social life as entrapped in uncertainty that leads to

sequences of disputes, controversies, but also agreements, practices through which actors are socialising, are centred around the notions of critique and justification. Within these negotiation practices, there is a strong reliance on normative references. Practices of justification aim to eliminate uncertainty by confirming the legitimacy of the status-quo. In the European political context, a speech by a prominent politician in which he or she glorifies the potential of the European integration project could serve as an example of practices of justification. Inversely, practices of critique challenge the presented reality and in specific situations, point out discrepancies between the reality of action and the normative dimension that makes the specific action socially meaningful, and ultimately, legitimate. In this case, the European politician would accuse another politician, institution or national government of acting against the principles it proclaims to adhere to.

As a result, legitimacy is not a constant quality that the EU possesses, it is instead constantly sought, challenged and confirmed through practice.

NORMATIVE BACKGROUNDS

The overall assumed normative basis of the EU is that of a transparent and authentic community, in which political representatives take up the responsibility of implementing and adhering to certain officially proclaimed ideals, the legal order and the moral norms acknowledged across the community. In this context, individual practices of justification and critique represent social activities classifiable into either successful or unsuccessful performances based on certain social and moral standards or, in other words, normative backgrounds (Gadinger 2016, 197). From here, the normative dimension of

practices becomes obvious: it is consistently re-enacted in the practices that become socially meaningful in this way.

In this sense, Luc Boltanski and Laurent Thévenot (2006, 7-9) differentiate between the general and the particular. The process of justification and critique connects particular situations and actions with a higher level of general rules and moral standards based on which performances are evaluated and which transcend specific situations. Luc Boltanski and Laurent Thévenot (2006) define a number of symmetrical ways of generalising, which this thesis will refer to as regimes of justification or worlds. The symmetry lies in the fact that each of these regimes is based on orders of worth constructed symmetrically, with the highest worth representing an equally valid common good within each of the specific regimes.

In what follows, this thesis will explore the normative dimension of action in the European context by tracing references to various worlds as defined by Boltanski and Thévenot (2006) in the process of publicly made claims for legitimacy. As it will be demonstrated, these competing public claims rely on a certain heritage of normative references. In their most stable form, these are expressed in treaties, European directives, or in other legally binding forms. These are strong, unquestionable references. Other normative frames were strengthened and exist through decisions made in the past and that were largely approved, or in other words, precedents; other examples are based on implicit international or diplomatic etiquette, tradition and prevalence. While they are valid in their essence, invoking generally accepted normative backgrounds in legitimacy struggles may not suffice, if their relevance in the interpretation of specific situations is also not proven. Successful logics of argumentation must therefore rely on both *stable*, and *relevant* normative references. In the explored situations of controversies, this thesis does not perceive normative backgrounds as static. In situations of uncertainty, competent

actors do not simply make reference to static normative backgrounds that exist independent of specific situations. Actors must also activate and prove the relevancy of specific moral standards in the interpretation of given situations. It is a continuous struggle of seeking legitimacy. Norms are therefore characterised by activation, reutilisation, continuity or discontinuity. They can be reproduced, reinforced and replaced by competent actors.

ACTORS

At the EU level, practices are performed by elected or otherwise appointed, officially mandated and authorised representatives of member states, collectives and institutions. The structure of the framework presented here is simplified in the sense that it does not account for something similar to what Boltanski calls "hermeneutical contradiction" in reference to the relation between institutions and their spokespersons (Boltanski 2011, 84). For reasons of simplicity, this thesis will not address the potential ruptures between mandated representatives and the collective whose opinion they are supposed to channel. When looking at practices communicated in textual forms or otherwise, the agents behind them are perceived as expressing themselves from the position of a representative, rather than "in their own name and from their own body", as Boltanski puts it in reference to Ernst Kantorowicz's famous phrase (Boltanski 2011, 85). It is precisely this tension between the embodiment of an institution and the separate existence of the agent embodying it that Boltanski defines as hermeneutical contradiction. In this thesis, the positions of actors will exclusively be understood as the positions they are mandated to justify or criticise.

In the process of communicating intentions through practices of negotiation, actors socialise with each other. This thesis thus looks at how they communicate and interpret intentions in specific situations and institutional settings. In this context, another key element is the notion of competence. Given the uncertainty that actors find themselves in and the normative dimension of their action, actors' moral competence is expressed in their capacity to recognise normative backgrounds attached to specific situations and produce socially meaningful justifications and critiques or, in other words, moral judgements. Given the increased level of uncertainty and fragility, situations of dispute paly a particular role in highlighting actors' competence in making moral judgements. Actors interpret and criticise the intentions of others, or argue their own case. Either way, the purpose is to follow them "en situation" (Boltanski 2011, 24).

TESTS

Legitimacy tests or trials are a crucial analytical tool in this thesis. An important element in the picture of the EU as a social scene structured by interactions are the critical moments in which disagreements or disputes arise and uncertainty needs to be resolved. This, as Boltanski explains (2011), occurs through tests. The social world that the EU represents can be viewed as the scene of trials. There are specifically defined rules of acceptability for participants' behaviour in their attempts to defend or criticise each other's views, and their capacity to follow these rules is constantly tested. In their competition for legitimacy, competent actors can put to test both the extent to which the situation at hand is in line with the set of values it aspires to, and the relevance of a specific normative background for the given situation. Through tests, therefore, actors aim to

overcome uncertainties in moral interpretations of specific situations or actions, as well as conflicts rising from a clash between different normative backgrounds.

Boltanski defines three types of tests that actors face when making legitimacy claims (Boltanski 2011, 103). *Truth* tests refer to practices of justification or confirmation of an already established relationship between "symbolic forms" (Boltanski 2011, 103) and the texture of the situation it refers to. These operations aim to reconfirm the dominating normative background and maintain the way in which reality is interpreted, preventing any instances of uncertainty or doubt. In the context of the European Union, such practices are focused for example around speeches recalling the visions of the European community's founding fathers or various ceremonies celebrating common achievements of the EU. At their core, these practices are tautological, repetitive statements and represent the antipode of critique. Their purpose is the stabilisation and the strengthening of the normative status quo.

Inversely, *reality* tests imply a critical assessment composed of several steps. Actors first introduce a set of values, or normative background, and then assess the extent to which this normative reference translates in the texture of the situation at hand. By putting to test the reality of legitimacy claims, actors express doubt over the supposed relation between the micro and the macro, or, in other words, between the analysed situation and the moral background through which it is interpreted. Boltanski refers to this relation as "factual judgement" and "value judgement" (Boltanski 2013, 107). Unlike *truth* tests, which are activated in order to reinforce order, *reality* tests demand the authentication of granted legitimacy.

Reality tests are the main type of tests that actors engage in during situations of conflict at the European level. Examples of accusations of discrepancies between actions and moral expectations may refer to nationalistic practices that distort competition on the

single European market or insufficient efforts from specific member states or European political parties in tackling the environmental crisis.

The third kind, *existential* tests, are not as common within European situations of conflict. Existential tests refer to practices that demand strong, disruptive effects. As will be demonstrated in what follows, radical forms of critique are rare within such established, formalised and regulated practices as EU level negotiations. These forms of critique are frequent outside these formal routines and can be articulated in different art forms, intellectual debates or in otherwise informal spaces, situated outside any moral framework that the social and political fabric of the EU would consider acceptable.

Truth or *reality* tests in which competent actors engage are a key step in attributing worth, thus legitimacy, to specific actions. Through this step, legitimacy is questioned, defended or annulled, and normative backgrounds are reconfirmed or replaced by others. Tests also rely on material tools, such as references in treaties, statistics, the Bible etc., depending on the situations at hand and the normative backgrounds invoked in their interpretation. The test is successfully passed if the practice in question is deemed to contribute to and be in line with the common good of a particular regime of justification. Within the industrial regime of justification, a legitimate practice would be one based on efficiency and optimisation, while in the civic world, the highest order of worth would be conferred to actions inspired by solidarity and the collective interest.

In addition to the tools mentioned from the material world such as legal references or statistics, ways in which tests are conducted are also supported and constrained by what Boltanski calls the semantic security of institutions (Boltanski 2011, 76), in reference to specific linguistic forms or symbolic expressions that confer value and meaning to objects and which are fixed by institutions.

In the frame outlined by Boltanski, institutions are two-sided (Boltanski 2013, 50). Besides the aspect previously defined by critical sociology as "symbolic violence", referring to the imposition of norms by an identity with greater social power on a subordinate group (Bourdieu 1989), Boltanski identifies another aspect of institutions and refers to it as semantic security, or "the task of maintaining in working order the current formats and rules and, hence, the task of confirmation of the *reality of reality*" (Boltanski 2013, 52). In the context of the European Union, semantic security would refer to the set of rules, procedures, spaces in which debates traditionally occur, procedures of contestation and other patterns of public behaviour generally expected from representatives.

The following image shows the dynamic between the above-presented notions. In situations of uncertainty, competent actors produce moral judgements and interpretations by putting to test competing legitimacy claims built through references to normative backgrounds deemed relevant for the situation at hand.

Figure 1. *Legitimacy claims in situations of uncertainty*
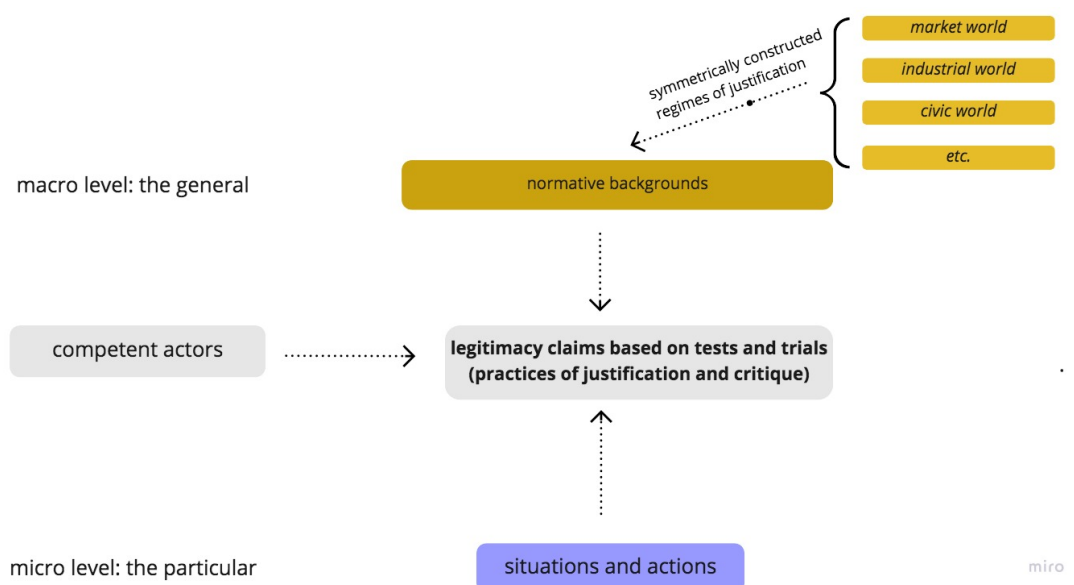
Source: own elaboration

DATA RESOURCES AND THE ANALYTICAL PROCESS

In this thesis, specific situations of controversy will serve as the objects of research. The empirical segment that follows considers three case studies based on three situations of uncertainty and controversy in the history of the European Union. The primary characteristics that influenced the selection of these situations were their uncertainty and their potential for dispute given the unpredictability of outcome. At the same time, the intention was to show as broad a spectrum of involved interpretations as possible, which gave the opportunity for the analysis of a plurality of moral judgements that clashed within the same situation. It was decided to focus on more than one situation as this allowed for the observation of how the same regimes of justifications manifests themselves differently in distinct combinations and compromises with other regimes. The first introduced situation is the European Eastern enlargement from 2004, when practices of critique and justification were predominantly grounded in what Boltanski and Thévenot define as the *civic* world. The second analysed dispute concerns the ratification of the Lisbon Treaty, which was largely determined by tensions between the national and supranational levels. In order to better capture this clash between incompatible moral interpretations, the chapter introduces a new regime of justification capable of accounting for the order of worth corresponding to national interests. The third and final controversy concerns practices of critique and justifications that actors engaged in prior to and following the European sovereign debt crisis. This situation reveals a monopoly of the *industrial* world on justification and the different forms that industrial justification can take.

Once the selection of situations was defined, the next step concerned the compilation of relevant data. The objective was to identify and collect official

documentation that reflected the positions of various actors in each situation. In practice, this involved transcripts of parliamentary debates, press releases, memoranda, oral or written declarations and so on. The process began through a collaboration with an archivist from the Historical Archives of the European Union in Florence, followed by a two-week work visit at the Archives in autumn 2018. The visit proved highly productive as access was ensured both to the physical and the digital archives. Of particular use was the access granted to the archives of Agence Europe, an international and independent press agency, specialised in information on the activities of the European Union. This source provided direct quotes from most relevant actors in each of the analysed situations, with the possibility of identifying necessary material chronologically, as well as using keywords. The search was focused on results generated in English and French. In a final step, additional information needed for context was sought in secondary sources.

During the analytical process, the collected data was divided into three parts based on each individual situation, which became subject to a qualitative analysis.

1 THE EASTERN EUROPEAN ENLARGEMENT AND THE DOMINANCE OF THE CIVIC LOGIC OF ARGUMENTATION

The decision of the Luxembourg European Council in December 1997 to launch accession negotiations with a first group of Central and Eastern European countries (CEECs) in March 1998 was remarkable, as it was taken without any prior strategies concerning internal institutional reforms and in the absence of any substantial debate on the future nature of an enlarged Union. Although the Council stated a commitment to "the development of the Union and its policies so that it can make a fitting response to the challenges coming up" (European Council 1997), there were still ongoing debates over the potential risks related to the financial costs of the enlargement, as well as a lack of consensus on how these costs would be distributed among European member states and institutions. Moreover, the radical economic and institutional adaptations demanded from the candidate states risked provoking an opposite effect in the future, inciting resentment towards the enlarged European Union and jeopardising its legitimacy (Sjursen 2002).

And yet, when the enlargement efforts culminated in the Luxembourg Council in 1997, the process was unstoppable, in March 1998 the EU officially began entry negotiations with the six best-prepared applicants (Poland, Hungary, the Czech Republic, Slovenia, Estonia and Cyprus), while the remaining five countries (Romania, Slovakia, Bulgaria, Latvia and Lithuania) from Central and Eastern Europe, and Malta, had their accession negotiations postponed until sufficient political and economic progress was attained. Nevertheless, in December 1999, the Helsinki European Council decided to open accession negotiations with all twelve applicant countries and for the EU to be ready for enlargement after 2002.

The fundamental puzzle of this defining moment in the history of the European Union is the question of how it was possible for this particular course of events to come about. Why did none of the members use their veto option, given the risks and the costs that the enlargement process entailed? How was a unanimous agreement on enlargement possible under the circumstances where there was no agreement on future concrete reforms that an enlarged Union would require?

This chapter argues that a theoretical framework inspired by the pragmatic sociology of critique could help illuminate some of these persisting questions and move the debate beyond the rationalist/constructivist dualisms. It focuses on the complexity of the normative dimension in key negotiating practices that led to enlargement.

The chapter begins with a critical look at previous sociological approaches to studying enlargement and introduces the methodological framework inspired by the pragmatic sociology of critique. Next, it focuses on the *civic world* as one of the regimes of justification around which the dominant discourse on enlargement evolved. In the last two parts, the chapter examines the practices of justification built on *civic* principles of legitimacy and how these principles conflicted with other moral interpretations of the same situation. The chapter concludes with a reflection on actors' critical capacities to build legitimate justifications and constantly put to test each other's claims. It highlights the role of situation-bound normative references in seeking and obtaining legitimacy for one's action and the actors' capacity to systematically test and prove the compliance of their actions with normative backgrounds.

1.1 CONCEPTUALISING ENLARGEMENT FROM A SOCIOLOGICAL

PERSPECTIVE

The contemporary debate on enlargement is often limited to a confrontation between rationalist and constructivist approaches that largely define the discipline of international relations. While rationalist theories argue that action is driven by actors' exogenous interests, with their main purpose being to maximise material self-interest in strategic bargaining, constructivist approaches challenge these theories' explanatory power and make a case for the decisive role of non-material factors. In the study of Eastern enlargement, these factors would refer to the role of collective identity in the European Union, as well as the norms and values the Union shared with CEECs. This ultimately creates room for methodological frameworks inspired by sociological theories. Arguments in the literature on enlargement that appear in a sociological format are generally built on the concept of norms and their decisive role in the Community's decision to enlarge (Schimmelfennig 2001, Sedelmeier 2000, Sjursen 2002). Although most of these approaches share in common a critique of rationalist explanations of enlargement, they vary in their understanding and definition of the mechanisms through which norms are complied with.

Frank Schimmelfennig in his study of enlargement (1999) concludes that Eastern enlargement was not at the time expected to produce net benefits for the EU. Moreover, agreements based on association would have been economically a more efficient institutional arrangement, while those member states that might have profited from enlargement could not possess enough bargaining power in order to prevent other members from vetoing the process. In this way, Schimmelfennig makes the argument that

rationalist approaches ultimately fail to explain why the EU decided to start accession negotiations with CEECs, and suggests instead a theoretical framework that relies on rhetorical action (Schimmelfennig 1999, 65). According to the author, actors strengthened their bargaining power by referencing institutional norms, given that since its beginning, "European integration has been legitimated by the ideology of a pan-European community of liberal-democratic states" (Schimmelfennig 2001, 48). References to the constitutive values and norms of the EU were strategically chosen when actors built their arguments in favour of enlargement, while inconsistencies between, on one hand, "the EU's standard of legitimacy, its past rhetoric, and its past treatment of applicant states" and, on the other hand, "its policy toward Central and Eastern Europe" (Schimmelfennig 2001, 48) were systematically pointed out. As a result, key actors in the enlargement process unwilling to damage their credibility as community members were rhetorically entrapped. The author thus concludes that it was the principled commitment that gradually gained in strength, as well as arguments that were used instrumentally, which determined the course of the enlargement process. The relation between norms and actors, according to Schimmelfennig, is therefore instrumental—actors use norms to forward their agenda, without them necessarily having to internalise them.

Similarly, Sedelmeier (2000) focuses on the role of norms in his study of enlargement and offers a detailed account of events based, in part, on a series of qualitative interviews with professionals directly involved in the process. Like Schimmelfennig, he analyses the regulative function of norms, however, he admits that norms can have a constitutive effect as well, in that they not only constrain actors' behaviour, but also form their identity, world-views and preferences. The way in which policy and discourse have progressed during different phases of enlargement negotiations has led to an increased formalisation of the EU's commitment to enlargement. As a result,

a key factor that led to the membership of CEECs was, according to Sedelmeier, the collective identity the EU has built for itself in relation to CEECs, which "further limited the grounds for legitimate opposition to enlargement and raised the reputational costs of a veto" (Schimmelfennig and Sedelmeier 2005).

Neither of the authors, however, goes further in acknowledging that, despite their specification in official documentation, norms are not simply accepted as valid in and of themselves. Their validity, as well as the legitimacy of the arguments built upon them, is constantly scrutinised, subjected to tests and criticised, their binding character is determined by the critical capacities and competence of the actors (Boltanski and Thévenot 2006). It is these processes that make the constitutive effect of practices obvious. Moreover, the norms that are typically invoked in literature on European integration are often simply reduced to pro-European, pro-integration values, alongside the pursual of cohesion, solidarity and community building. This approach categorically excludes other normative backgrounds with equally important constitutive and regulative effects in the process of European integration. In her work on enlargement, Sjursen (2002), for example, differentiates between rights-based and value-based norms, with value-based norms referring to principles accepted as suitable for all, and rights-based norms referring to principles that are mutually recognised as just. This, however, ultimately relates to the same set of norms that characterise the community, or the collective. It is the argument of this chapter that the norms which determine discursive practices related to European integration go beyond that.

Most literature on enlargement that bases its analyses on social theory assumes that its approach must part ways with the materialist assumptions of rationality, leaving this approach to rationalists or intergovernmentalists within the discipline of international relations. This fails, however, to account for situations where rationality, in the sense of

efficiency and risk calculation, can stand at the base of its own normative background, its own morality. It is the argument of this thesis that in order to study the decision for enlargement, as well as other controversial situations in the history of European integration from a sociological perspective, one must suggest a more complex and sophisticated mechanism for the study of norms, which would be able to grasp situation-bound confrontations between different normative backgrounds and moral interpretations. It is not enough to say that *norms matter* and look at their influence as if they were an intact category. In order to study the European community's decision to enlarge as the result of discursively constructed arguments and justifications, one must look at the existence of different competing discourses and assume that there is not one single set of norms that define action within the European Union. Simply put, the theoretical approach should exclude the assumption that being *pro-European* is the only, or the highest moral ground, and accept instead a multiplicity of moralities.

In this context, Boltanski and Thévenot's *Economies of worth* could provide a befitting methodological toolkit. The six worlds described in "On Justification" (2006) can serve as an inspiration when defining the normative grounds that determine action in the European Union and, specifically, during the Eastern enlargement. Through the prism of the pragmatic sociology of critique, the Eastern enlargement is perceived here as a moment of uncertainty. What Schimmelfennig refers to as "shaming the opponents into norm-conforming behaviour and modifying the collective outcome" (Schimmelfennig 2001, 48), would mean, in the spirit of pragmatic sociology's orders of worth theory, engaging in "tests of worth" and invoking higher moral principles in order to test claims of legitimacy. As shall be illustrated in what follows, there are clear examples where political actors push for a contribution to the higher common good of the collective interest, often using the grammar of the civic world. In other examples, however, the

emphasis is on economic growth, which is the common good of the *market world*, or on performance and efficiency, the common good of the *industrial world*[8]. These various normative backgrounds provide actors with a reservoir of possible positions and discourses that can be reproduced in specific situations.

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[8] The italic font will be avoided while referring different "worlds" in further paragraphs due to stylistic reasons.

1.2 THE CIVIC WORLD IN THE EU

The distinct feature of the civic world is, according to Boltanski and Thévenot, the concept of the collective, the collective conscience and subordination to the general will. Actors gain in worth when "they work toward union, when they strive to break down isolation … and when they manage to express, in a unitary concept, the problems common to all" (Boltanski and Thévenot 2006, 185-186). There is a strong emphasis on general will, general interest, on democracy, on the public as opposed to the private. In the civic world, worth is attained by sacrificing immediate interests in the name of solidarity and as a means to transcend divisions. The authors, however, do not consider the state of solidarity as an assumption, inversely, it is rather a purpose attained through a tireless struggle against strong tendencies of individualism. To what extent is one able to track these values and norms in the fabric of the European Union and, in particular, in the practices of critique and justification that constituted the negotiations on enlargement?

Explicitly promoted by EU institutions, democratic, pan-European values came to play a crucial role in the organisation of social and political life (Kennedy 2013). Solidarity and democratic values are articulated in the founding treaties and are thus at the basis of strong, unquestionable normative references. In addition, these values are actively endorsed by European institutions through truth tests that took the form of declarations, white papers, as well as through policies and sanctions, and through other practices that "structure thought and language into regular patterns of behaviour" (Adler and Pouliot 2011, 19) and performance.

The European Council is responsible of democratic agendas, while the European Court of Justice holds national governments and private entities accountable in respect to

citizens' rights. Indeed, the act of representing institutions is also reflected in the normative ground of the civic world. Worthiness gives the competence to become a representative and confers the capacity to exercise a power. The representatives are, however, "dully mandated": when their obligation towards the collective is not respected, the "subjection to a legal framework ultimately authorises the collective person to take any needed steps" (Boltanski and Thévenot 2006, 185-190). Perhaps not incidentally, the authors' theoretical framework also foresees the occurrence of crises in the democratic functioning of the *collective*, or the EU, in our case. Once the civic world ceases to function democratically, the elected officials or delegates, or the moral beings, in pragmatic words, that represent the collective interest, lose their worth.

At the same time, democracy as one of the central elements of the civic world defined by Boltanski and Thévenot (2006, 185) cannot be transferred to the EU context without adequate adjustments. As mentioned before, and shall be illustrated in this chapter, the fact that the EU cannot rely on the existence of a single *demos*, or that it lacks elements of popular control typical for the national state does not constitute an impediment to the creation of a legitimate political authority in the form of the European community. However, constituted democracies at the national level of member states can also generate a civic normative background, one that is confined to the borders of individual states. In this context, Schimmelfennig (2010, 212) makes an important distinction between "economic or social origins of democracy highlighted in studies of the nation state" and the normative origins of democracy in the EU, which rely on a "context of common transnational values and norms (rather than national identities)" (Schimmelfennig 2010, 218). As will be explored in what follows, these two interpretations of sources for democratic legitimacy in the European Union are generative of two distinct normative backgrounds referenced in practices of justification and

critique. For clarity, the civic world referenced in this thesis is invoked in relation to the European community's shared standard of legitimate authority. The following chapter will illustrate the interests of the nation state as a powerful normative resource that dominated the debates on the adoption of the Treaty of Lisbon. In this case, a distinction is made between the civic world that refers to the legitimacy of the European community, and the sovereign world that relies on the democratic legitimacy of the nation state.

Indeed, reducing the normative principles of EU functioning to the civic world would, however, leave it over-simplified, incomplete, or even false. Various debates at the EU level uncover a great plurality of moral standards and principles of justification that go beyond the normative dimension defined by the civic world. Here, the methodological toolkit provided by Boltanski and Thévenot could prove helpful once again. The European Single Market, one of the EU's greatest achievements, would represent in Boltanski and Thévenot's terms a combination of at least two main forms of coordination defined by the market and the industrial world. Article 3 of the Treaty of Rome stipulates that "the activities of the Community shall include (…) the elimination, as between Member States, of customs duties and of quantitative restrictions on the import and export of goods (…); the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital" (EEC Treaty, 1957). The principles of the Single Market's functioning concern the stimulation of competition and trade, economic growth, price cutting, and support for businesses and consumers, but also efficiency, performance, productivity and use of available potential. Each of these two worlds would have its own way of setting a truth or a reality test. While in the market world actions are motivated by the desire of individuals to possess goods, and worthiness consists in the economic prosperity of individuals, the industrial world relies on measurable criteria, statistics, competency and expertise.

An illustrative example of a clash between the civic and the industrial/market world would be the relatively recent debate on the European directive concerning posted workers' rights, which provoked an East-West divide among representatives of the member states. Based on a law from 1996, this concerns a practice allowing employers in one EU country to send their employees for work in another member state for a limited amount of time, while continuing to pay their social contributions in the country of origin. The disparities between wages and social systems, however, prompted hosting Western countries to call for measures against social dumping and for the alleviation of macroeconomic imbalances, seeking legitimacy by invoking the principles of free market and undistorted competition. The Czech Republic or Poland, on the other hand, argued that an eventual reform of the directive would badly harm the employees of countries with their GDP already under the EU average, and accused the West of acting against the principles of solidarity and cohesion that the European project stands on. The market, industrial and civic worlds stood behind the moral interpretations of this particular situation.

Situations like this, defined by a plurality of regimes of justification, are typical subjects of investigation for the pragmatic sociology of critique. A disputing actor must be able to shift between situations in which different regimes of justification apply (Boltanski and Thévenot 2006, 226-228). Each principle of equivalence defines an interpretation in which its validity is recognised as universal. Shifting between interpretations implies a change in the principles that the actors grounded their justification on.

1.3 FROM *MICRO* FOUNDATIONS TO *MACRO* EFFECTS

The decision to enlarge was the result of a complex historical process of negotiations, which culminated in the decision of the Luxembourg European Council in December 1997. Bargaining practices in favour of enlargement began well before there was a clear path to this destination. Various reports, declarations and speeches structured the used language and defined the normative backgrounds where legitimacy would be sought.

The vocation of a broader Europe and the determination to enlarge was already expressed in the Preamble of the EEC Treaty, where the member states asserted their commitment to "lay the foundations of an ever-closer union among the peoples of Europe" and encourage "the other peoples of Europe who share their ideals to join their efforts" (EEC 1957). At the same time, article 237 EEC Treaty/Article 49 TEU states that any democratic European state may apply for membership. The translation of the civic world's principles in the treaties that stood at the basis of the community provided not only a very strong line of argumentation for whenever this normative background was invoked, but also a guarantee of its validity in virtually any situation of uncertainty that concerned the course of EU integration. Moreover, these constitutive documents provided a clear way for a patterned behaviour and language used by the actors justifying enlargement. The discourse of openness and solidarity was consolidated through statements by policy-makers from various EU institutions and member state governments equally. German politician Walter Hallstein, the first Commission President, described his view of the state of the European Communities as "the uncompleted federation" (European Commission, 2012), while François Mitterrand declared in a memorable

speech in 1989 that he hopes "to see emerge in the 1990s a European confederation in the true sense of the word, which will associate all states of our continent in a common and permanent organisation for exchanges, peace and security" (OJEC 1989). In March 1985, the Dooge Committee for Institutional Affairs reported to the European Council that "the Member States remain aware of the civilisation which they share with the other countries of the continent, in the firm belief that any progress in building the Community is in keeping with the interests of Europe as a whole" (European Commission 1985). These are only a few examples of numerous speeches, reports and declarations of that time that perfectly illustrate instances in which competent actors engage in reality tests. The reality put to test in this case is one in which CEECs were not part of the European community. These practices of critique point to the incongruity between the fabric of reality, that is the "incomplete" European community, and its expected moral basis, a world in which the highest order of worth is illustrated through unity, solidarity and cohesion.

The civic value that constituted the moral basis against which reality was measured was furthermore reinforced through practices of diplomatic rapprochement, which were therefore, in their essence, illustrative of the truth tests' mechanism. As a result of the significant political changes ending communist rule in CEECs, the diplomatic relationship the European community had with these countries gained new momentum. The ideas of solidarity, support and commitment increasingly defined the normative language in which policy-makers from EU institutions constructed their statements on the role of the Community towards CEECs during Council meetings. Actors seized opportunities and engaged systematically in argumentations in favour of the enlargement.

The potential for the development of new relations became the subject of the European meeting in Rhodes, where the Council asserted its "determination to act with

renewed hope to overcome the division of the continent" (European Council 1988), while at the Strasbourg summit in 1989, the European Council acknowledged the role it had in overcoming the division of Europe and declared that the path of the Community "lies not in withdrawal but in openness and cooperation, particularly with other European states" (European Council 1989b). More importantly, the Strasbourg Council formalised the initiation of European agreements with CEECs, with negotiations officially opened in December 1990 with Czechoslovakia, Hungary and Poland (European Commission 1991). Similarly, at the Rome European Council in 1990, the Council stressed the Community's duty "to help to consolidate and develop the process of reform being undertaken [in CEECs], notably by playing its part in the stabilisation of their financial situation" (European Council 1990). It is also important to note that these are no longer examples of reality tests, these practices are no longer contesting and criticising reality, they rather aim to confirm and reinforce the new order of things and are thus examples of truth tests. The Council accepted the new reality, its actions reconfirm the accordance between "symbolic forms and state of affairs" (Boltanski 2011, 103).

This pattern of behaviour was consistent in relying on the same discourse of belongingness and solidarity. In the same line of action, at its meeting in Maastricht on 10 December 1991, the European Council asked the Commission to examine the implications of other European States acceding to the European Union on the basis of the Treaty of the European Union, which had just been agreed. In its introductory remarks, the European Council noted that, as provided for in the Treaty, any European State whose system of government is founded on the principle of democracy may apply to become a member of the Union (European Commission 1992). The Commission added in its report that the integration of new democracies into the "European family" presents a historic opportunity, the Community thus cannot refuse to "assume its continental

responsibilities" and "contribute to the development of a political and economic order for the whole of Europe" (European Commission 1992).

The new order of things was reinforced through instances of truth tests employed by the enlargement candidates as well. While addressing the European Parliament on the matter of association agreements, the Prime Minister of Hungary, Joszef Antall, said the European integration is a question of "life or death" for Hungary (Agence Europe 5568 1991). In their Memorandum from 1992, the V4 countries stated their belief that the association agreements "would create a solid basis for gradual integration" as a crucial step for "the stability and the peaceful development of Europe" (European Union 1992). The countries reiterated their full subscription to

"the visions and goals of the European Union. The Czech and Slovak Federal Republic, Hungary and Poland are endearingly committed to the idea of solidarity and transparency in international relations and the strengthening of European identity. They strongly believe that their traditions, common values, geographical positions, democratic governments and established institutional frameworks shall secure a firm place for them in the European Communities" (European Union 1992).

Gradually, a strong line of argumentation relying on the civic world was built. Tests that contested and criticised the reality in which CEECs were not members of the European community were easily defendable through their reliance on such strong normative references as those stipulated in European treaties. Through reality tests, competent actors underlined inconsistencies between the nature of the European Union and the reality where certain European countries were not part of the community yet. This pattern enhanced the urgency of the subject matter and came to dominate the language

through which the issue of the potential enlargement was framed. Once the desired order of things was no longer contested, it continued to be reinforced through truth tests.

The path towards accepting the new social order was, however, not without legitimacy struggles and competing moral interpretations. The following chapter offers a more detailed inquiry into the evolution of the conflicting perception of the future relations with the CEECs.

1.4 THE CLASH OF INCOMPATIBLE MORALITIES

In policy documents and speeches on enlargement after 1989 a predominant pattern of practices of justification emerges, with multiple statements framing the Eastern enlargement as *a return to Europe*. Already in early 1991, reacting to calls from the Heads of the Hungarian, then Czechoslovakian and Polish governments for involvement in the process of European political cooperation, the Commission proposed involving these countries "in a form of political cooperation with the Community and the Member states, thus reducing remaining barriers, overcoming the sense of isolation felt in the central Europe against the background of turbulence in the Soviet Union and Yugoslavia, and creating a feeling of belonging" (Agence Europe 5562, 1991).

In 1991, the negotiation process with Czechoslovakia, Poland and Hungary regarding the signing of European agreements was finalised (European Commission 1991). The nine negotiating sessions, however, revealed conflicting visions of certain member states, expressed in interpretations that sought legitimacy in different normative backgrounds.

Through the *return to Europe* discourse, CEECs and their supporters within the Community, such as the external relations unit in the Commission's DG I responsible for policy towards CEECs, or the cabinet of the external relations commissioner Frans Andriessen, argued in favour of a clearly stipulated connection between signing the agreements with the Community and eventually becoming full members. Despite support from the external relations unit in the Commission and from other policy-makers, the Community's overall position regarding possible membership endorsement was rather restrictive (Sedelmeier 2005). Most member states, with the exception of Germany and

the United Kingdom, strongly opposed including the Eastern enlargement in the agreements as a long-term prospect. Instead, they insisted during negotiations on referring to enlargement as a general possibility, as specified in Article 237 EEC, and not as a commitment. Indeed, according to the European Coal and Steel Community Treaty from 1951, "any European state may request to accede to [the Coal and Steel Community]" (European Coal and Steel Community 1951), while in the European Economic Community Treaty from 1957, the founders are "calling upon the other peoples of Europe who share their ideal to join"[9] (European Economic Community 1957). Moreover, despite certain changes in the treaties, the procedure for the accession process remained regulated in fairly vague terms and, as a rule, when the law on a particular question provides only a basic framework, the discretionary powers of those who apply it become significant (Schneider 2009). In this context, however, a lack of a clearly defined accession procedure increased the uncertainty around potential scenarios in enlargement debates. For example, the lack of rigorously defined procedures encouraged the application of different approaches to past enlargements waves. Whereas the two Northern enlargement rounds seemed to have been grounded in reasons related to market efficiency (see Franzmeyer and Weise 1995 or Scharrer 1995), the same logic could hardly be applied to the Mediterranean enlargements in the 1980s and even less so to the 2004 Eastern Enlargement. The significant variation in costs of admission for different waves of

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[9] This passage has gone through some changes over time, the current version stating that "any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account. The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements."

enlargement has been puzzling scholars studying the EU; extant theories did not seem able to universally account for each of the decisions to enlarge.

It is not the ambition of this thesis to look into the ways in which legitimacy for previous enlargement waves was attained, and which moral principles or normative backgrounds came into conflict. However, the negotiations during the Eastern enlargement alone reveal conflicting interpretations by different actors. In the vocabulary of the pragmatic sociology of critique, actors employed in their practices of justification and critique principles of legitimacy that referred to different normative backgrounds.

One of the first episodes in which different positions came collided is the debate from 1991 regarding the nature of future association agreements. During the third session of negotiations on the signing of the agreements between Poland and the EEC, the Polish delegation expressed its dissatisfaction with certain commercial measures put forward by the EEC, calling for additional concessions in regard to its agricultural, textile and steel exports, and for reciprocity in terms of market openness. Instead of a certain asymmetry in favour of Poland, the EEC proposal corresponded, according to the Polish minister for external economic relations, Andrzej Olechowski, to an "inverted asymmetry" in favour of the Community. He added that a "technocratic" approach is not enough in negotiations, which have a historical goal to "give Europe back to Poland, and Poland back to Europe", and emphasised that these agreements were to "determine Poland's fate" (Agence Europe 5456 1991). Polish representatives thus employed a critique grounded in the civic world, emphasising the need to re-establish unity on the continent, while also pointing out that a "technocratic" approach, inspired by the morality of the industrial world, does not pass the test for legitimacy in the situation at hand: an interpretation in terms of efficiency and rationality is irrelevant when the fate of Poland and the entire EU is at stake!

At the same time, however, several delegations led by France were vehemently opposed to any further agricultural concessions for the Eastern European candidates, which would endanger their own producers. They argued instead that a more reasonable solution would be to offer financial aid to these countries as support in order for them to keep selling their products on traditional markets (Agence Europe 5562 1991), implying thus that criteria of effectiveness and economic security were the common goods according to which the correctness of a legitimacy test should be measured. The two sides thus fundamentally disagreed on what should be the most significant common good: unity or economic security. Alternatively, the national economic security criterion could be at the basis of its own regime of justification: the normative regime of national interests. This new type of world shall be explored in more details in the chapter that follows.

In reaction to the French position, the president of the Council Van den Broek spoke bitterly of "one delegation", referring to the fact that a member state may be opposed to a decision when "vital national interest" is at stake, adding that this however could not be the case, as the real economic stake, namely, the discussed concessions on the quantity of meat, was rather small. Van den Broek thus pointed to the impurity of the reality test the French delegation initiated, as material proof points to the fact that it was inherently flawed. The Danish minister Ellemann-Jensen was close to employing an existential test, less frequent in European negotiations, accusing the French delegation of "living on another planet" and declaring that "great political statements are useless if, afterwards, nothing is done to concretise them" (Agence Europe 5563 1991). He thus questioned the credibility of the French delegation in its representative role.

The logic that proponents of enlargement were striving to build was itself put to the test by those against it. Apart from the French delegation, other member states also argued against membership endorsement for the CEECs relying in their justification on

norms of efficiency and cost/benefit calculations, calling for a reasonable assessment of the implications that the endorsement entailed in the future (Sedelmeier 2005). Relying on material objects such as calculations, statistics or economic forecasts increased the legitimacy of a reality test grounded in the industrial world. Calls for reason that were backed with indisputable statistics strengthened the enlargement opponents' legitimacy claims. As a result, and in attempt to reach a compromise, the CEECs and their supporters' preferences were constrained, the European Council agreed only to certain trade concessions. As for the prospect for membership, in order to present a solution that was acceptable for all moral interpretations, the Council agreed to add an acknowledgement of an eventual membership of the CEECs as the "ultimate objective" in the preamble (European Union 1994), instead of adding a formulation that presented membership as a mutual objective shared by the Community as well. Although there was no clear link between association agreements and membership, the Commission eventually acknowledged that "in the view of the parties these agreements will help this objective" (European Union 1994).

As a general rule, the Commission was supportive of the enlargement in its reports. In response to arguments related to CEECs' economic unpreparedness to accept the obligations of membership, which might destabilise both the CEECs' and the Community's economic situation, the Commission noted in its report for the Lisbon European Council in June 1992 that CEECs "have political needs which go beyond the possibilities of existing agreements" (European Council 1992). Revealing thus a conflict between the industrial and the civic normative background, the Commission pointed out that, although the closed agreements are an efficient way to solidify the relations with CEECs, the Community has the obligation to endorse their eventual membership. Translated in the vocabulary of "Economies of worth" (Boltanski and Thévenot 2006),

"civic worth depends first and foremost on membership. The person who becomes a member gains in stature because he breaks out of his isolation" (Boltanski and Thévenot 2006, 186). Therefore, in its report for the Edinburgh European Council from December 1992, the Commission suggested that the Council should accept the goal of eventual membership in the European Union for the CEECs "under the right conditions" (European Commission 1992). These are important decisions to note as they point to critical capacities not only in terms of invoking reality tests based on specific normative backgrounds, but also show the actors' capacity to navigate the social, the material and the plurality of competing interpretations of social reality in order to reach a model of compromise.

Additionally, critical capacities were illustrated in situations where the limited definition of a clear membership perspective in the European association agreements was denounced by the governments of the Czech and Slovak Federal Republic, the Republic of Hungary and the Republic of Poland as part of two so-called Visegrad memoranda of September 1992 and June 1993, issued just before the respective European Councils with the active encouragement from policy advocates in the Commission. In both memoranda, the CEECs' governments employed strong normative language, reaffirming that the countries' goal "is to join the European Communities or, once it is created, the European Union" and that "political cooperation of the Visegrad countries with the European Communities is crucial for the stability and peaceful development of Europe" (European Union 1993). The countries therefore built their case not only on the principles of the civic world, but also appropriated a legitimacy test grounded in the industrial world, eliminating in consequence the incompatibility between referenced norms. Enlargement, according to this interpretation, aligns both with normative expectations from the civic

world, and satisfies the conditions for legitimacy of the industrial world by guaranteeing secure development.

As the European agreements were signed and were about to come into force, the goal of enlargement supporters was to avoid a situation where the agreements would come to define the nature of the EU's relation to CEECs, and to remind the member states that it is through full membership that *the return to Europe* will be attainted. During the ceremony dedicated to the signing of association agreements with the Czech Republic and Slovakia, the president of the European Commission Jacques Delors claimed that the agreements "were part of the new architecture shaping our continent", the Prime Minister of the Slovak Republic Vladimir Meciar then added that "no country mature enough to obtain its political emancipation can be excluded from developments taking place at the European level" and that the signing of association agreements represented proof that "the Slovak Republic wishes to become a member of a Europe founded on democracy, market economy, and respect for human rights" (Agence Europe 6079 1993). Lastly, the Czech Foreign Minister Josef Zieleniec noted that the profound changes being experienced by his country and the continent as a whole had left "deep scars in the collective European memory", the signature of the agreements must therefore be perceived as "a further step towards accrediting the indivisibility of Europe, its destiny and its shared responsibilities" (Agence Europe 6079 1993). These claims are perfect illustrations of truth tests that are meant to reinforce the new order of things and prevent any future situations of uncertainty, in which the path towards membership could be questioned. In order to prevent future legitimacy struggles and to ensure a "maintenance of reality" (Boltanski 2011, 105), the actors engaged in practices of justification and confirmation of current legitimacy gains.

In order to base their arguments on strong moral grounds, the proponents of enlargement used strong normative language, a rhetoric of pathos meant to "make visible the relationship between the order of symbolic propositions and the order of the state of the affairs" (Boltanski 2011, 104). In order to reach a compromise, member states with significant bargaining power, as the French delegation, for example, accepted supporting a position more accommodating of the CEECs' preferences. In this context, a position openly opposing eventual membership would not pass what Boltanski calls the reality test. Inversely, such a position would fail to gain legitimacy and defend itself against accusations of injustice. The legitimacy of critiques morally grounded in the industrial world, or any that referred to national interest and security in general was furthermore weakened when support for enlargement came also from member states such as Portugal, despite the economic loss that the prospect of CEECs becoming members entailed for them. Despite the existence of objective tools such as statistics and economic indicators to support the "purity" (Boltanski 2011, 102-105) of a reality test grounded in the industrial world, the test's validity was cancelled through proof of its irrelevance to the situation at hand. Instead, Portuguese representatives presented their position in the spirit of the civic world: given its own history and path towards becoming a European member state, Portuguese representatives interpreted membership as a choice for democracy in opposition to the previous fascist regime; support for CEECs therefore largely originated from solidarity with their cause (Schukkink and Niemann 2012).

Another persistent critique inspired by the industrial world concerned the potential threat the enlargement would pose to the continuous vertical integration among already existing member states. This is an interesting line of argumentation, as the actors behind it are not only making a claim for legitimacy invoking the need for a stable and predictable mechanism for future integration, but also calling attention to the commitment

to consolidate unity in the already formed community. When the CEECs' prospect for membership was formally endorsed at the Copenhagen Council in June 1993, none of the delegations in the Council formally objected to the endorsement and the Council officially declared that "the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession would take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required" (European Council 1993). However, concerns over the possibility that enlargement would dilute future vertical integration and "diminish the momentum of the European integration" (European Council 1993) were still shared in particular by the governments of Belgium and Luxembourg (Sedelmeier 2005). In this case, the sought compromise concerned not a conflict between incompatible normative regimes, but rather between differently built legitimacy tests grounded in the civic world. The Copenhagen declaration did not entail any legally enforceable commitment for the Community, nor did it specify a timetable or any other measurable steps towards membership. The stipulated conditions for the CEECs were rather of a qualitative substance and referred to the rule of law, human rights, and respect for and protection of minorities, existence of a functioning market economy, capacity to cope with competitive pressure and market forces within the Union and the ability to take on the obligations of membership including adherence to the principles of a political, economic and monetary union (European Council 1993).

The EU's commitment was reemphasised at the Essen Council in 1994, where the Council endorsed a concrete pre-accession strategy. The strategy represented a compromise that took into consideration critiques according to which the enlargement could threaten the proper functioning of the internal market. The pre-accession strategy adopted by the Essen Council focused precisely on the CEECs' preparedness for the

internal market, and as a consequence weakened what constituted one of the strongest arguments against enlargement. Appropriating the industrial vocabulary in favour of enlargement, the Council noted in its report that "the associated countries have made remarkable progress on the road to political and economic reform" and that "consistency in this course of reform is the key to successful integration into the EU" (European Council 1994).

A final intense debate concerned the actual number of candidate states that would be considered for membership. By 1997, the number of applicant countries rose to ten, at which point the Commission suggested that membership negotiations should be started only with a very limited number of candidates (Agence Europe 7021 1997), which opened a new topic for dispute. Practices of critique from the proponents of enlargement contested the suggested order of things by pointing out, again, its incongruence with the moral principles of the civic world, confirming at the same time that it is the civic normative background against which reality should be measured. The Italian Foreign Minister Lamberto Dini insisted on opening accession negotiations with all applicant states based on the fact that differentiated treatment should be avoided, as none of the applicant countries fully met the established criteria. He stressed "the responsibilities" the EU had towards these countries (Agence Europe 7021 1997). The Swedish State Minister for European Affairs, Gunnar Lund, called for a common start for all countries that fulfilled the criterion of a democratic state, adding, "we must include and not exclude!" (Agence Europe 7021 1997). Similarly, for Denmark's Minister Niel Helveg Petersen, it was very important for stability in Europe not to create "new frontiers, differences", adding that the prospect of membership would make it easier for the applicant states "to keep up the pace" (Agence Europe 7021 1997). He also added that the reforms to the Structural Funds and the Common Agricultural Policy (CAP) should

be adjusted so that they don't delay enlargement and that the Member States should be "prepared to make compromises and concessions" (Agence Europe 7021 1997). These kinds of claims, while invoking industrial principles such as stability and planning, do not contest the suggested reality according to civic principles, reduce uncertainty considerably, and contribute to reaching an acceptable compromise.

Nevertheless, critiques against enlargement grounded in principles of efficiency never ceased to follow. Germany's Foreign Minister, Klaus Kinkel, stated that his country intended to "differentiate and not discriminate" and thus membership negotiations should begin with only the "six best prepared countries" (Agence Europe 7021 1997). Greece's Theodoros Pangalos stressed that the applicant States "should be open to the realities" of the 15 Member States, given the fact that applicant countries' economies are very different from those of the members. The uncertainties, which persist in certain areas should be, according to him, examined in great depth. France's Foreign Minister, Hubert Védrine confirmed that "enlargement must not weaken, but strengthen the EU" (Agence Europe 7021 1997). These claims for legitimacy, however, were consistently confronted and discredited with a civic interpretation of reality. Belgium's Erik Derycke, for example, stated that it should be remembered that "the Community is based on solidarity, financial criteria not being the only criteria to be taken into consideration" (Agence Europe 7021 1997).

These exchanges clearly illustrate how actors manifested their critical capacity in seeking legitimacy for their claims, even when that leads to incompatible moral interpretations of situations. In the analysed disputes, there was a pattern of tensions developing between what was defined as just, as morally right, according to two distinct normative grammars: the industrial and the civic world. The course of events was thus determined by constant collisions between practices of critique and justification. At the

same time, the conflicting character of interpretations did not block the course of interactions. A cycle of disputes, legitimacy claims, tests, and ultimately, compromises determined social change.

A final deal was reached at the Madrid European Council in 1995 by agreeing to organise an intergovernmental conference (ICG) on the subject of institutional reform of the Union with the purpose to prevent all risks associated with enlargement (Agence Europe 1995). Making the beginning of accession negotiations conditional on the intergovernmental conference again weakened the arguments against enlargement that demanded the highest order of worth to be attributed to efficiency and profitability. The Commission President Jacques Santer reemphasised at the Luxembourg Council in 1998 that "the collapse of the Iron Curtain ended the Cold War and presented us with a unique opportunity to unite Europe" (European Commission 1998). The fact that the intergovernmental conference did not bring any concrete results in relation to future institutional reform proved of little importance. By December 1999, accession negotiations were open with all twelve applicant countries.

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This first examined situation in the history of the EU illustrates how actors invested in one way or another in the issue of enlargement managed to navigate the uncertain circumstances by raising and confronting legitimacy claims.

When examining the process of Eastern enlargement from 2004 as well as the prior debates, interactions, symbolic events or positions formulated in policy papers and reports, it becomes clear that legitimacy claims grounded in the vocabulary of the civic normative background dominated claims for legitimacy. At the same time, a close analysis of occurred interactions revealed additional moral interpretations that colluded with the discourse according to which worth is attained by sacrificing immediate interests in the name of solidarity and as a means to transcend divisions. Competing moral grounds arose from a combination of the market and the industrial worlds, with elements of national interests' defence, which underlined the danger that national economic profit and the free, competitive market would face in the context of further economic concessions in favour of the associated states. The collision between competing moral interpretations decided the form of the eventual model of compromise and, effectively, produced social change.

A microsociological perspective applied to subject matter typically investigated by the discipline of international relations revealed how consistent interactions between actors endowed with critical capacities led to a systematic re-evaluation of the reality through legitimacy tests, conflict, and ultimately, agreement. The methodological toolkit of the pragmatic sociology of critique highlighted the role of the normative dimension and of shared understandings in reaching an agreement. The disputing legitimacy claim or critical demand could only be mutually accepted if it adhered to specific rules,

contributed to the *common good* of a universally recognised normative background and was supported by what disputing actors considered as valid proof.

2 THE RATIFICATION OF THE LISBON TREATY: INTERPRETING THE CIVIC WORLD UNDER SOVEREIGN PRINCIPLES

The empirical part of this research continues with the analysis of another situation in the history if the EU, meant to expand the plurality of invoked normative backgrounds and reveal new tension lines and incompatible moral interpretations.

On February 2008, the European Parliament approved the Treaty of Lisbon, a name announced by the President of the Commission José Manuel Barroso six months prior to that (Agence Europe 2007, 9496), with its entry into force planned from 1 January 2009. The Treaty was approved in the European Parliament by 525 votes in favour, 115 against and 29 abstentions (European Parliament 2008b). The parliamentary debate preceding the vote revealed strong support for the new treaty, as well as significant criticism. While some celebrated the "substantial improvement" of the modifying treaty over the existing treaties, making the EU "more democratic, more effective and more visible internationally" (European Parliament 2008c), many participants pointed out the shortcomings of the text, as well as of the entire process leading to its development. Indeed, strong criticism and opposition have consistently accompanied attempts to change the EU's legislative framework, first with the Constitutional Treaty being rejected in 2005 in France and the Netherlands, then the new treaty facing scepticism especially in the United Kingdom, Poland and in the Czech Republic, while Ireland had to go through two referendums before initiating the ratification process. Even after it was approved by the European Parliament, the Treaty faced accusations of a lack of transparency, while institutional changes it was meant to bring were regarded by some as detrimental to democracy in the Union. Then what made its approval possible?

This chapter suggests that an analysis of discursive and non-discursive practices of justification and critique surrounding this controversial process would allow for a deeper understanding of how the involved actors managed to test their claims for justice and legitimacy against those of others and what normative grounds were involved in this process. In providing a practice oriented explanations of the event, the chapter maps out the key interactions and competent performances that structured and stabilised dominants discourses and uncovers the constitutive effects of these behaviours.

This chapter begins by introducing the political context and decisive actions around the negotiations on the constitutional draft and then on what came to be known as the Treaty. The next section provides a detailed analysis of the conflicting moral and political interpretations of specific situations between different actors during negotiations. The chapter also suggests an expansion of the orders of worth framework by introducing a variation of the civic world that generates its own normative background specific to legitimacy struggles within the European Union: the sovereign regime of justification.

2.1 THE LISBON TREATY AS A RESULT OF A CONTINUOUS TRIAL OF JUSTIFICATIONS AND CRITIQUE

The history behind the Lisbon Treaty is essentially that of the European Constitution, an unratified international treaty, which the Lisbon document was devised to replace. The purpose of the European Constitution, and later of the Lisbon Treaty, was largely framed as placing the significantly enlarged EU on a reformed footing and preparing its institutions for the challenges of the early 21st century. In terms of structure, the Constitutional Treaty was no more radical than previous amendments; its novelty consisted in the strong political symbolism it carried, which resulted in the decision to carry the ratification by referendum (Phinnemore 2013, 16).

The Constitution was intended to replace the EU's primary constituent documents: The Treaty Establishing the European Economic Community (EC Treaty)[10] and the Treaty on European Union (TEU)[11]. The Treaties themselves were the results of work in progress and were systematically amended, growing increasingly complex (Sieberson 2008). As a result, they were facing criticism over their complicated and inefficient structure. The comments of the British Foreign Secretary Jack Straw from 2002 are representative of the many calls for change:

"While the practical achievements of the EU have been profound, the Union's

treaties fail almost every test of clarity and brevity. For a start, there is not one

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[10] The EC Treaty establishes the European Community, and it contains most of the provisions that define the body's institutions and regulate the internal market.

[11] The TEU created the European Union, and it primarily retained the EC Treaty's institutional provisions. It expanded however the EC Treaty's scope of activity establishing a Second Pillar for common foreign and security policy (CFSP) and a Third Pillar for judicial cooperation in criminal matters.

constitution, but two. One "on European Union," the other "establishing the European Community", both have overlapping preambles with "objectives", "tasks" and "principles". As for the institutional arrangements, they are shared between the two treaties. These complex texts make the case for a single, coherent constitution for the EU, real reform is urgently needed."(*The Economist* 2002, Sieberson 2008).

The calls for the treaties' reform were therefore born from criticism pointing to the inefficiency of the current framework and from concerns over a lack of transparency, evoking thus the vocabulary of the industrial world, as defined by Boltanski and Thévénot (2006). The practices of critique that sought greatness in efficiency, productivity and well-organised procedures largely dominated the discussions on institutional reform. Through their argumentative quality, they worked as reality tests demanding change. The intergovernmental conference (IGC) from 2001 concluded with the Treaty of Nice, which contained a declaration calling for a "deeper and wider debate about the future of the European Union" (European Council 2001a).

Indeed, what followed was a debate between member states and political parties that revealed multiple dividing lines in the Community, expressed in regular interactions at different levels in the form of speeches, policy papers or reports. While many of the issues raised sought legitimacy on industrial grounds, demanding precision, consistency, simplification, transparency and so on, the role of the national parliaments reflected a new point of contention, as it will be exposed in what follows.

On its part, the European Commission published in 2001 a White Paper focusing its proposals for change around increased transparency in the decision-making process, efficiency and democracy (European Commission 2001), raising issues that played themselves along an industrial/civic tension. The Paper pushed forward what was known as the *community method*, which "guarantees both the diversity and effectiveness of the

Union"[12], and defined the five principles of good governance: openness, participation, accountability, effectiveness and coherence. In this sense, the Commission suggested a model of compromise between industrial and civic moral expectations. The Paper also contained a list of objectives and extensive proposals aimed at their achievement. These included, among others, a more structured relationship with civil society, better cooperation with regional and local actors, a refocus of the role of each institution, a more targeted use by the Commission of its right of initiative, and a more effective involvement of national actors (European Commission 2001). The same year, the European Council issued the Laeken Declaration, in which it stated that the European citizens are calling for a "clear, open, effective, democratically controlled Community approach", which was to be reached primarily through a simplification of the Union's Treaties (European Council 2001b), reflecting thus the same model of compromise. Most importantly, it introduced the creation of a *Constitution* as a result of this exercise:

> "The question ultimately arises as to whether this simplification and reorganisation might not lead in the long run to the adoption of a constitutional text in the Union. What might the basic features of such a constitution be? The values which the Union cherishes, the fundamental rights and obligations of its citizens, the relationship between Member States in the Union?" (European Council 2001b).

This is a striking claim for legitimacy that illustrates a carefully constructed truth test, with the purpose to maintain, re-confirm, or remind all participants in the public debate about the order of things that should be preserved and strengthened through future

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[12] The *community method* was designed to ensure the fair treatment of all Member States from the largest to the smallest. It provides a means to arbitrate between different interests by passing them through two successive filters: the general interest at the level of the Commission; and democratic representation, European and national, at the level of the Council and European Parliament, together the Union's legislature (European Commission 2001).

changes. Whilst criticism grounded in the industrial world was not particularly resisted, this was an attempt to appropriate it and redefine it in civic terms. Following this logic, the Constitution was introduced as a path towards strengthened cohesion and a unified vision in terms of interests, values and goals.

The Laeken Declaration was thus crucial in the sense that it shifted the debate towards a moral interpretation of the EU's future increasingly based on the normative grammar of the civic world. In 2002, as planned by the Declaration, the Convention on the Future of Europe took place, its main purpose being the release of the first "Draft Treaty Establishing a Constitution for Europe". The inaugural session was chaired by former French president Valéry Giscard d'Estaing, who reiterated the growing complexity of the "decision-making machinery", to the point of "being unintelligible to the general public" (European Union 2002). Despite a complicated negotiation procedure and consistent criticism, (Norman 2005, 17-25), the final version of the draft was approved in 2004, which was supposed to be followed by a two-year ratification period. As shall be explored in detail in the following chapter, the process revealed further tensions between distinct models of moral-political reasoning and the ratification was never achieved, which marked the beginning of a period of profound uncertainty.

The same year as the draft approval, the French and the Dutch rejected the Constitution in public referendums. In reaction to this, some member states, starting with the UK, decided to postpone indefinitely the planned plebiscites. This concerned Denmark, Poland and Portugal in particular. Other countries pointed to the fact that ten members had already ratified the document and insisted that the process continued. The divisions in the approach reflected deeper differences related to eventual support of the content as a whole. Despite declaring that "these results do not call into question citizens' attachment to the construction of Europe", attempting at a truth test meant to maintain the

legitimacy of the European project, the Council convened to take a "period of reflection" and to come back to this matter in the first half of 2006, in order to make an overall assessment of the national debates and agree on how to proceed (European Council 2005a). This situation was striking as it contributed to an elevated level of uncertainty. At the same time, the rejection of the Constitution in public referendums created an opportunity for valid and credible reality tests to raise and challenge its legitimacy.

This became obvious when the lack of progress in negotiation was largely determined by the UK government taking over the Council Presidency during the second semester of 2005. Aligning with the position taken by the Commission President José Manuel Barroso, who found it impossible to revive the Constitution in its current form (Watt 2006), as well as with the domestic calls for abandoning the Constitution, the UK did not as much as include the matters around the Constitution in its Presidency's agenda. The inertia with which the UK representatives proceeded in solving the crisis was met with immediate criticism. The rapporteurs of the European Parliament on the role of the Parliament during the reflection phase, British Liberal Democrat Andrew Duff and Austrian Green Johannes Voggenhuber, strongly criticised the UK presidency for their passivity in solving the crisis. Voggenhuber declared that the Constitution was given "an anaesthetic, from which it is unlikely ever to wake up", adding that

"last June, Tony Blair was visibly grateful to the French (for their "no" to the Constitution: Ed), and called on us to cease our institutional navel-gazing, and yesterday, José Manuel Barroso said that life goes on, it doesn't matter. With friends like that, the Constitution doesn't need enemies" (Agence Europe 9033 2005).

Despite this strong normative language employed in a reality test that was meant to criticise the apathy surrounding the Constitution, building an argument grounded in a

civic morality could not make for a valid test, given what the will of the people was shown to be in referendums.

In this situation of uncertainty, the Commission suggested a model of compromise and published in November 2005 its Plan D for Democracy, Dialogue and Debate, in which "it regretted the fact that in the current circumstances, it is unlikely that the Constitution will be ratified in the foreseeable future" (European Commission 2005). Acknowledging the steady decrease of the EU's public approval, the declaration's purpose was to stimulate further debate and to keep citizens involved, without disconsidering their opinion shown in referendums. In the European Parliament on the other hand, the representatives of the two largest groups, the European People's Party (EPP)[13] and the Party of European Socialists (PES), insisted that the ratification continues. However, when the positions of both groups were presented to the Council in December 2005 in a report, they revealed only very general country presentations and no specific instructions as to how member states should proceed (European Council 2005b). Even without this insubstantially built reality test, the proponents of the Constitution could formulate a convincing argument that relied on a commonly accepted normative background, namely the civic regime of justification, with difficulty. Any attempt in this direction would be met with accusations of inconsistencies between the logic governing the test and the reality it aims to describe. While claiming to be contributing to the common good of the civic world, that is the will of the people, they would be ignoring the results of the referendums, which served as a universally accepted valid proof, grounded in the material world and thus tangible across all normative backgrounds.

Concerned with its lack of legitimacy (Phinnemore 2013), the Commission strategically published a Working Paper on "The cost of a non-Constitution", in which it

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[13] In March 2006, the EPP adopted the so-called "Rome manifesto", in which they insisted on the integrity of the Constitution and dividing it into key elements.

demonstratively left the decisions on how to proceed to the member states and their representatives in the European Council. With this decision, the Commission recognized the traditional procedure when it comes to the ratification of treaties, but also avoided the risk of aggravating citizens' lack of confidence either by ignoring their concerns and insisting on ratification, or by revealing a lack of plan of action altogether. As the "period of reflection" came to an end, the Commission again opted for more time. It also decided to proceed with the implementation of certain reforms proposed in the Constitution, despite the uncertainty of the ratification process. In a truth test, this was again justified by "the Union's commitment to becoming more democratic, transparent and effective, which goes beyond the reflection period" (European Council 2006).

By the end of 2006, the negotiation process was frozen with no clear resolution in sight. Several circumstances complicated the process and deepened the uncertainty of outcome. Two-thirds of the 25 member states had completed ratification, the "no" votes of the French and the Dutch referendums still remained to be considered, and the respective governments refused to submit to voters the same version of the documents they rejected. Dividing lines nevertheless persisted. The seventeen countries that in the meantime had ratified the Constitutional Treaty were reluctant to have it changed to a strongly modified version. The Netherlands and the UK were advocating a reform that allowed ratification without referendum, as were Sweden and Denmark (Laursen 2011). In addition, it was still difficult to get Poland on board with the new double majority system. Although supportive of the Draft Constitution at the beginning of the ratification process, Poland's approval had fallen sharply since the French and the Dutch referendums (Agence Europe 2005, 8967). Polish representatives were newly opting for the debate to be started "from scratch". The newly elected president Lech Kaczynski stated that

"if the word 'democracy' really means something in Europe—and I am convinced that it does—then we must acknowledge the fact that the people of two of the founding countries of the European Union have taken position against the Constitution. We should respect this" (Agence Europe 2006, 9147).

This is an important line of argumentation that was later adopted by other opponents of the Constitution as well. If the adoption of the Constitution is presented as a truth test based on the understanding that the Constitution contributes to the common good of the civic world, then according to such critiques, legitimacy cannot be granted given the impurity of such a test: the people rejected the Constitution, and thus it cannot be representative of their will.

In this moment of profound uncertainty, a breakthrough towards a potential model of compromise came as a result of two competent initiatives that, in their essence, relied on certain discourse adaptations.

First, a change was initiated under the leadership of the German Chancellor. During the German EU Presidency in the first semester of 2007, Angela Merkel was the initiator of significant pressure on the countries who had not yet ratified the Constitution yet. The crucial step in this sense to gradually replace the term of Constitution with "treaty" or "reform" (Piris 2010).

Secondly, during the Presidential pre-election campaign in France, Nicolas Sarkozy, one of the candidates, suggested a "mini-treaty" to replace the Constitutional Treaty, which did not require the call for a national referendum. The mini treaty essentially represented Part I of the Constitution, which focused on the institutional and

procedural organisation[14] of the Union, and which also was the least problematic for the French voters and, as a consequence, more likely to be considered legitimate. Sarkozy's practical approach pushed the dominant rhetoric towards the industrial regime of justification. During his symbolic visit to Brussels in September 2006 (Agence Europe 2006), he reiterated that the mini-treaty would include the election of the Commission president by the European Parliament, the creation of a European minister of Foreign Affairs, the implementation of "super qualified majority" voting[15], reinforced cooperation and support for citizen initiatives. He suggested that "these reforms could take the form of a text limited to several major articles that could be negotiated as swiftly as possible in order to give the Union the means to become effective again" (Agence Europe 2006, 9134). In relation to further enlargement, he urged Europe "to define its borders and its absorption capacity". The push towards the topic of efficiency reinvigorated the talks on the EU's constitutional reform. The timing seemed to be favourable as well. Germany was taking over the Council Presidency, while the Netherlands, like France, were welcoming new political leadership.

From their side, the German representatives sought a model of compromise in restricting change to "what is absolutely necessary to reach an overall agreement and to ensure ratification by all member states" (Mahony 2007). This ultimately meant removing the "foreign minister" title, as well as various symbols such as the European flag, hymn and logo. As will later be exposed, the attribution of symbolic elements of the sovereign state for the EU constituted a strong point of disagreement.

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[14] These matters included the introduction of a double-majority voting, a semi-permanent president of the European Council, the extended use of majority voting and co-decision, the creation of an EU Foreign Minister, and control by national parliaments of the application of subsidiarity.
[15] The super qualified majority was defined as equal to at least 55% of the member states representing at least 65% of the population.

In addition, unlike the negotiations during the drafting of the Constitutional Treaty, the German Presidency opted for bilateral talks behind closed doors between national representatives known as "Sherpas". Following consultations in small circles and despite doubts from Warsaw and Prague, the presidents of the three institutions—Council, Commission and European Parliament—signed the Berlin Declaration in March 2007, which set June 2009 as the deadline for the entry into force of the new Treaty, right before the European elections (Agence Europe 2007, 9394). A deciding intergovernmental conference was planned for 23 July 2007, during the Portuguese presidency, which marked the beginning of a path towards reaching a final model of compromise.

Preliminary negotiations, including those at the Sherpa level, made it possible to find solutions to various demands made by different member states, but certain highly political points still remained unsolved. For example, despite the Polish positions remaining unchanged, the German presidency was reluctant to put double majority voting back on the table and re-open the institutional package of the Constitution. For their part, the United Kingdom expressed its doubts over the legal binding of the Charter of Fundamental Rights, the extension of qualified majority voting, as well as the common foreign and security policy (Agence Europe 2007, 9450).

An agreement became possible during an IGC on the new treaty in June 2007. Jo Leinen, the chairman of the EP constitutional affairs committee evaluated this model of compromise as "better than the Nice Treaty, but not as good as the Constitutional Treaty". He pointed out that the new treaty would contain many derogations, mainly for the United Kingdom, as well as interpretative clauses and footnotes, which meant that "we already have a two-speed Europe" (Agence Europe 2007, 9454). On the other hand, according to Commission Vice-President Margot Wallström, the new treaty "struck a fine balance

between ambition and political realism" (Agence Europe 2007, 9466). Regardless of how it was perceived, as generating a divided "two-speed Europe" or as a "fine balance", this model of compromise was accepted as a way to resolve the uncertainty created by the plurality of incompatible visions. From there, work was conducted by a team of legal experts led by Jean-Claude Piris, the director-general of the Council's Legal Service. In October 2007, the group concluded its work, and the treaty in its final form was signed in Lisbon on 13 December 2007.

The ratification process was this time complicated by a "no" in the Irish referendum, as well as reluctance at a governmental level in Poland and the Czech Republic. Eventually, after a second Irish referendum and significant pressure on the Polish and Czech governments, the ratification process was concluded and the Treaty entered into force on 1 December 2009.

Despite temporary compromises, the entire process leading to the ratification of the Treaty was submerged in uncertainty and disagreements, forcing competent actors to constantly mobilise various principles of legitimacy in order to back their claims for justice. Most often, disagreements arose from accusations of actors violating the principle of justification as defined by the civic world, that is the will of the people, while other critiques tested the status quo according to the industrial world's order of worth, where the common good is measured in terms of efficiency and optimisation. The following subchapter examines in detail these legitimacy struggles, as well as other previously unmentioned normative grounds.

2.2 NATIONAL SOVEREIGNTY AS A NEW NORMATIVE GROUND

As it has been mentioned before, one of several advantages of applying the theoretical framework of pragmatic sociology to the study of European integration consists in its capacity to assume the perspectives of the involved actors and take their claims for justice seriously. This method subsequently allows for the pursuit of hidden normative backgrounds in the ordinary language and action employed during negotiations, and it would also permit a deeper analysis of the conflict, as well as the ways in which agreements were reached. Assuming that the negotiations leading to the ratification of the Lisbon Treaty were determined by a plurality of moral interpretations and normative backgrounds as defined by Boltanski and Thévenot, this chapter looks at how actors use orders of worth in order to defend their claims for justice and identifies clashes and compromises between distinct normative grammars.

As was already touched upon in previous chapters, there is a clear interplay between what the civic and industrial worlds represent within the Economies of worth scheme and the principles the European Union was built upon. However, the ordinary language used during interactions between member states, and in particular, during the debates leading to the Lisbon Treaty, reveals what could be perceived as a new normative ground, one that Boltanski and Thévenot did not include in their scheme, but which seems essential for this research. The new *cité*, or world, could help to explain and conceptualize the tensions between the *national* and the *supranational community* levels.

In compliance with the civic world's principles, legal notions such as *direct effect*, *direct applicability* or the *primacy* of the EU refer to the direct relation between EU law

and European citizens, a relation that bypasses the national state legal system. Declaration no. 17 annexed to the Treaty of Lisbon stipulates, as a reminder, that

> "in accordance with well-settled case law of the Court of Justice of the European Union, the Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of Member States, under the conditions laid down by the said case law" (European Union, 2007).

As Spence and Outhwhite noted (2014), however, the supposed new post-Westphalian, post-national world is recognised by European citizens to a limited extent. The fact that state sovereignty is no longer an absolute and that the distinction between domestic and European affairs begins to break down, did not translate into the public perception yet (Cooper 2004, 24). The Eurobarometer (2018) report on European citizenship shows that a majority of Europeans see themselves first as citizens of their country, then as European citizens: 55% of Europeans define themselves first of all by their nationality and then by their European citizenship, 6% see themselves first of all as European citizens then as nationals of their country and, lastly, only 2% see themselves as "European only" (Eurobarometer 2018).

Boltanski and Thévenot (2006) specified that the plurality of orders of worth that legitimise practices of justification and critique is not finite[16]. Despite the fact that their suggested framework is intended to be context transcending, when looking at the functioning of the European Union through the prism of the pragmatic sociology of critique, one should not disregard the specific dynamics that negotiations within the EU

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[16] For example, Boltanski together with Eve Chiapello later developed the *cité par projets* in order to describe a world of networked and globalised firms, organised around project-work, and one in which flexibility, creativity and mobility have been elevated to the highest common good; as well as conceptualised the eventual emergence of a novel *environmental* order of worth.

entail. When examining these dynamics and national representatives' agendas at the European level, a specific normative background emerges and dominates justifications referring to the protection of national interests. As was already mentioned in the previous chapter, the civic world refers to a *normative* interpretation of sources for democratic legitimacy in the EU. The civic normative background in the EU context thus relies on the existence of common transnational values and norms, with the common good referring to the consolidation of peace and democracy in post-war Europe. At the same time, as this chapter shall illustrate, the concept of democratic legitimacy is also invoked in strong normative claims made with the purpose of foregrounding the interests of individual member states, often to the detriment of the integration, and therefore the consolidation, of the European community. These conflicting interpretations of sources for democratic legitimacy generate distinct normative backgrounds. In this case, a distinction is made between the civic world that refers to the legitimacy of the European community, and the *sovereign* world that relies on the democratic legitimacy of the nation state.

In the same manner as the *cités* defined by Boltanski and Thévenot (2006), the sovereign world has its own particular characteristics. "The Law of Nations", a legal treatise on International Law from 1758 by Emerich de Vattel, which modernises international law based on the Westphalian order, could offer an insight into the distinctive features of this world and partially codify its grammar. According to de Vattel (Vattel, Kapossy, and Whatmore 2008), a nation's duty of self-preservation and of self-perfection could be derived only from its basic self-interest and its desire to attain the highest level of national happiness. Like individuals, nations could attain national happiness only by following and developing forms of self-interest. The highest degree of national happiness, according to the Swiss lawyer, consisted in "true glory", which would

set an example for others to emulate. The protection of national interest would represent in this world the highest order of worth and the *bien commun*, while legitimacy would be sought through a discourse focused on sovereignty, self-sufficiency and patriotism. At the same time, as already mentioned, claims for legitimacy grounded in this world can also make strong normative references by invoking the democratic legitimacy of the nation state, which, unlike any supranational entity, has all the qualities of a *demos*.

In the context of the European Union, the dividing line between the civic world and the world of sovereignty is particularly visible in the opposition between the "general will" and the "will of everyone". The will of everyone expresses opinions taken in their "particular state", it concerns "private interests, and is the sum of individual wants", while the general will "is concerned only with the common interest" of the same individuals, but taken "in their general state" (Boltanski and Thévenot 2006, 110-111). It captures thus in its essence the discrepancy between federalism and intergovernmentalism, the "individuals" being the member states.

Indeed, the TEU Preamble refers to "peoples" as opposed to "people" on three different occasions. It refers to the support of solidarity between member states, "while respecting their history, their culture and their traditions", "to economic and social progress" for the peoples and, finally, to "an ever-closer union among the peoples of Europe". The mentions of welfare and progress are therefore referring to the "peoples" of Europe, and not to a single European citizenry. All EU treaties held reminders concerning the influence of the member states' separate identities on EU activities. At the same time, the influence of the European Union has always been carefully contained, with nationally appointed representatives exerting control in setting EU policy through the European Council.

Despite the fact that democratic legitimacy is one of the elements that constitute the moral grounds both in the civic, and in the sovereign worlds, the distinct interpretation of its source led to the development of separate, but equally reliable vocabularies to be employed while seeking legitimacy in public disputes. Tensions between the national and supranational regimes of governance unravel in all sectors, often forcing actors to seek compromises along the lines of the sovereign/civic, sovereign/market or industrial worlds.

For example, state actors sought to attach moral greatness, or worth, to national interests when engaging in practices qualified as economic nationalism, in a context where European competition policy prohibits mechanism such as tariffs, heavy-handed interventionism that distorts competition or different forms of favoured market access for national insiders. In 2005, the then French prime minister Dominique de Villepin was cited by Le Monde (2005) when giving a speech about the need to concentrate all energy around a form of genuine economic patriotism.

> "Je sais que cela ne fait pas partie du langage habituel mais il s'agit bien, quand la situation est difficile, quand le monde change, de rassembler nos forces (...) et défendre la France et ce qui est français" (I know this is not part of the usual approach, but it is good, when the situation is difficult, when the world changes, to gather our strenghts (...) and to defend France and that, which is French).

Institutional pressure at the EU level to conform to free market conditions, as envisioned by the European Competition Policy, is anchored in the principles of effectiveness and productivity, as defined by the industrial world, as well as profit and business development, the common good of the market world. The compromises that

legitimise and allow economic nationalist practices are therefore to be found along the tension lines between the sovereign and industrial/market worlds.

The public debates around the creation and ratification of the Lisbon Treaty revealed a plurality of rifts between the socio-political grammar of the sovereign order of worth and those defined by Boltanski and Thévenot (2006), the Treaty being therefore the result of compromises between opposing moral interpretations expressed in justifications, as well as strong denunciations.

2.3 THE CIVIC VERSUS THE SOVEREIGN REGIME OF JUSTIFICATION: COMPROMISING WITH THE SOVEREIGN WORLD

The theoretical framework suggested by Boltanski and Thévenot (2006) seeks to accommodate the idea of uncertainty about actors' behaviour. It does so by perceiving even specific situations, limited by specific arrangements, as incorporating several worlds and, thus, regimes of justification. Critical actors may challenge a test's validity not only through contesting the justification's contribution to the common good, but by referring to an external principle of legitimacy belonging to a different regime of justification altogether. Situations are thus inclusive of a plurality of principled agreements, which ground their validity in distinct regimes of justification. This section explores the tension along the lines between the civic world and the world of the sovereign. Despite the shared importance of democratic legitimacy for each of the normative backgrounds, the tensions exposed during negotiations illustrate the existence of incompatible moral interpretations.

In fact, tensions between national and Union interests are fundamental to the nature of the European Union. In their general statements, the treaties on EU refer to the "process of creating an ever-closer union among the peoples of Europe in which decisions are taken as closely as possible to the citizen" in accordance, however, "with the principle of subsidiarity" (European Union 2016). In May 2000, German Foreign Minister Joschka Fischer summarised this tension very clearly in his memorable speech at Humboldt University (Fichser 2000). According to the Minister, the answer to institutional difficulties in the integration process was

"the transition from a union of states to full parliamentarisation as a European Federation, something Robert Schuman demanded 50 years ago. And that means nothing less than a European Parliament and a European government, which really do exercise legislative and executive power within the Federation. This Federation will have to be based on a constituent treaty."

At the same time, he stressed that

"it would be an irreparable mistake in the construction of Europe if one were to try to complete political integration against the existing national institutions and traditions rather than by involving them".

In Fischer's view, any progress in European integration cannot ignore the existence of nation-states and their democracies. A European Federation can only be completed if it is done on the basis of a division of sovereignty between Europe and the nation-state, alternatively known as the principle of subsidiarity.

The concept of subsidiarity in Europe attempts to reconcile the two dimensions of the European integration project: the Europe of the nation-states and the Europe of the citizens. During the negotiations regarding the Constitution and, later, the Treaty of Lisbon, a schism became evident between those who believed that the Constitution is needed in order to regulate the division of sovereignty between the union and the nation-states, and those who perceived the very existence of a supra-national Constitution as a threat to national sovereignty. Some members, particularly the Netherlands and the United Kingdom, but later also Poland or the Czech Republic, were arguing in favour of simple amendments to the already existing treaties, as means to regulate the principles of subsidiarity and democratic accountability.

In the early stages of the Constitution debates, just after the "no" votes in France and the Netherlands, the governing board of the Jacques Delors Institute addressed an open letter to the Member States, in which it defended the Constitution as providing the resources for "our common ambitions of giving Europe a genuinely federal vocation" (Agence Europe 2005, 8952). With arguments deeply rooted in the vocabulary of the civic world, the open letter challenged the status quo defined by aversion towards the Constitution and pointed out discrepancies between this given reality and the common good represented, under this interpretation, by the collective interest and will of Europeans. Referring to individual elements of the document, the signatories noted that the Constitution would enable the creation of a European army, the Charter of Fundamental Rights would build the social edifice of Europe, while the extension of qualified majority voting would release decisions such as the framework on racism and xenophobia from deadlock (Agence Europe 2005, 8952).

Additionally, addressing reporters in Brussels shortly after, Jose Manuel Barroso, the President of the European Commission, pointed out that "Europe wasn't the problem, but rather the solution to Europeans' problems" (Agence Europe 2005, 8960). Jean-Claude Juncker, the President of the Council, then added that "Europe should be explained as it is [to the citizens]" (Agence Europe 2005, 8960) in order for the Constitution to be accepted. In their final declaration, Juncker, Barosso and Josep Borrell, the President of the European Parliament, remained convinced "that the Constitution makes the European Union more democratic, more efficient and stronger" (Agence Europe 2005). The same line of argumentation was followed by the German Chancellor Gerhard Schröder, according to which the ratification process had to continue, "out of respect for the nine countries that have already ratified it". He added that clear knowledge

of the EU's aims and principles should be kept in mind, such as "peace, freedom and prosperity" (Agence Europe 2005, 8960).

Struggles for legitimacy were supported by references to objects whose validity transcended specific situations, different regimes of justification, and time. Among examples of such claims were arguments made by Włodzimierz Cimoszewicz, the President of the Polish lower chamber, who regretted the rise of nationalism in Europe, claiming that

"the French had voted against Polish plumbers, while the Dutch had voted against immigrants and against supposed restrictions on their own particular freedoms" (Agence Europe 2005, 8960).

Other claims, while still situated in the logic of the civic world, challenged the validity of a legitimacy test relying on the Constitution as an accredited object ensuring the common good. The Polish President Lech Kaczynski said in an interview that Europe

"must acknowledge the fact that the people of two of the founding countries have taken a position against the Constitution. (…) In its current form, the Constitution would lead to a semi-federal structure, for which we are simply not ready" (Agence Europe 2006, 9147).

In this way, the Polish President is not arguing for an interpretation of the situation based on different moral principles, for example, for one that would put national interest at its centre. The critique in terms of *readiness* is not dismissive of the interest of the collective as a binding common good and moral principle of the highest worth, it is rather the Constitution, as an object able to pass a validity test, that is being criticised. The test

is valid in principle, the problem consists in the fact that it has not been carried out properly, as the objects needed for its completion are lacking. In other words, the test was rigged. In addition, pointing to a lack of democratic legitimacy of the Constitution cancels its validity as defined both by the sovereign and the civic worlds.

Amongst Dutch members of the European Parliament, Jules Maaten (VVD Liberal Party, member of the ALDE Group), pointed out that "it will not be easy to explain in Europe why the Netherlands, that has gained so much from the EU, voted against this Treaty" (Agence Europe 2005, 8960). In an example of a truth test, however, the MEP insisted that the vote must be respected and European institutions must be "more responsive to the dissatisfied European citizens" (Ibidem), pointing thus to the Constitution's lack of legitimacy even by civic terms.

More persistent proponents of the Constitution, however, engaged in practices of critique meant to discredit the results of the referendums as representative of the will of the people and thus as legitimately grounded in the civic world. For example, Sophie in 't Veld (Democrats 66, also from ALDE) said:

> "The 'No' has no plan for the future of Europe. In most cases 'No' was a negative choice: a choice of fear rather than hope, cynicism rather than vision, hatred rather than solidarity and friendship".

She added that, while this signal should not be ignored, the ratification process must continue (Agence Europe 2005, 8960). In face of accusations that intended to disqualify a legitimacy test such as the vote in favour of the Constitution, her critique was meant justify the test's capacity and connection to the common good, which she invoked through words such as "solidarity" and "friendship".

Similarly, Grazia Francescato, a representative from the European Greens, commented that the "no" vote was not, in fact, a "no against the Constitution", but "a clear vote of protest against the internal policies of the national governments of France and the Netherlands" (Agence Europe 2005, 8960). This claim contains alternative interpretations that represent the moral complexity of the situation. While the main reason that the French voted against the Constitution was because it was largely considered too liberal, as will be elaborated upon in the following section; in the Netherlands, the cause was different and it was largely interpreted based on the normative background characteristic to the world of sovereignty. Indeed, according to the first Eurobarometer analyses, the main reasons the referendum didn't pass in the Netherlands were a feared loss of sovereignty as a result of pressures towards further integration: 52% of the "no"-voters cited the insufficient influence that the Netherlands would have, 51% pointed out the loss of identity, this was followed by integration that goes too far, the loss of sovereignty, the implementation of the single currency, and others (Eurobarometer 2018). As a result, in its coalition agreement from February 2007, the new Dutch government opted for the creation of a new Treaty, in order to guarantee the respect for subsidiarity and democratic control with "the content, volume and name clearly different from those of the draft Constitutional Treaty" (Agence Europe 2007, 9361). Invoking the principle of subsidiarity, the new government stressed the need for a clear delimitation of competencies between the national and the EU level. According to Dutch representatives, the starting point on reform should be the Treaty of Nice, which was at that time in force. This position, framed as a return to square one, was justified by Dutch Prime Minister Jan Peter Balkenende, according to whom

"the Constitution not only failed to win sufficient support from French and Dutch voters, it also provoked hesitation in other member states that did not ratify it" (Agence Europe 2007, 9396).

The only reform should have consisted, he claimed, of more weight on subsidiarity and democratic accountability. This complex claim not only criticises the capacity of a vote for the Constitution to be representative of the common good in the civic world, challenging thus its validity; but it also questions the relevance of such a test by moving the debate to a different moral ground, where the common good is represented by the interests of the nation state. This critique receives therefore a double boost by both challenging the validity of a test, and its relevance.

Similarly, claims by British representatives sought legitimacy by invoking a combination of moral interpretations, relying in particular both on the world of the sovereignty and the industrial world. In April 2007, British Prime Minister Tony Blair called for the return to "the idea of a conventional treaty, where the idea is to make Europe work more effectively, because we now have 27 countries rather than 15, rather than a treaty with the characteristics of a constitution". He added that

"there is all the difference in the world between a constitutional treaty, with which several countries have difficulties, and a simple, amended treaty based on existing treaties that makes the rules more effectively" (Agence Europe 2007, 9408).

The practices of justification and claims for legitimacy indicate that the critique towards the civic world from the perspective of the moral grammar belonging to the sovereign world pointed towards the potential loss of sovereign control in a Europe concerned rather with general, as opposed to individual interests. At the same time, this

critique adopted the vocabulary of the industrial world in arguing that the Constitution will prove ineffective and unnecessarily complex in what concerns national democratic accountability.

In response to that, the critique towards the sovereign world relied on the historically negative connotations of nationalism in Europe. By associating the prioritisation of national interests to manifestations of nationalistic tendencies, and even xenophobia, some proponents of the Constitution sought to delegitimise the hostility and resistance against its approval. Johannes Voggenhuber, one of the rapporteurs on the period of reflection following the suspension in the European constitutional process, declared that

"governments speak almost in passing of giving up on the very idea of the constitution, when this concept was at the heart of the whole process, [they] only talk about subsidiarity, which was in fact a disguised conception of nationalism, instead of insisting on democratic legitimacy and more Europe" (Agence Europe 2006, 9208).

Practices of critique relied not only on a contestation of one normative background or the other, but also pointed to the breach of certain rules of acceptability and procedures. For example, before Germany took over the European Presidency, Spain and Luxembourg addressed an invitation for an official meeting to the member states that had already ratified the Constitution, and who shared a "particular interest in helping the German presidency reach an agreement that will allow for a relaunch in the process of reforms and preserve the substance of the text that was already ratified" (Agence Europe 2006, 9330). The intention was to examine the state of play and discuss what approach to follow during the German Presidency. The exclusion of France and Germany caused

immediate reactions from their respective representatives, emphasising the lack of legitimacy such an isolating approach would have. In a reality test that pointed to a breach in a well-established behaviour pattern, the French President Jacques Chirac insisted that "the modalities of how to organise its work" should be left to the German Presidency, while the Dutch Prime Minister Jan Peter Balkenende claimed that this initiative "cannot develop its own dynamic" and interfere or take the place of the work of the future German presidency. In this way, proponents of the Constitution faced critique not only from the perspective of a morality grounded in the sovereign world, what was challenged was the legitimacy of their procedural action.

The Irish Prime Minister Bertie Ahern, whose country had also ratified the text, on the other hand, welcomed the Hispano-Luxembourg initiative and tried to legitimise the unprecedented action by referring to democratic principles and claiming that "the pro-Constitution camp had taken things in hand and that there were nearly 20 countries that strongly believed that the Constitution should essentially remain as it is". The Finnish Prime Minister Matti Vanhanen added that while

> "all States agree that the current treaty should be reformed; it is inconceivable that we should start from scratch; most Member States would like to keep either the treaty or at least as much of its substance as possible" (Agence Europe 2006, 9330).

Therefore, the staunchest proponents of the Constitution based their justifications on the will of the majority as the common good, or the highest order of worth in the civic world. At the same time, the Dutch position, for example, insisted on an interpretation grounded in the sovereign world: any solution would have to depart form the result of the 2005 referendum, according to which a federation was not wanted. According to the

Dutch Prime Minister Jan Peter Balkenende, "the role played by national parliaments in developing European legislation must be strengthened", which would lead to "improved transparency" in areas which are of "real importance", such as "energy, security, environment and migration" (Agence Europe 2007, 9434).

The tension between the *state* and the *federation of states* took, in addition, the form of a semantic tussle, with a number of member states taking issue with the symbolic terminology used in the new document. The Preliminary Draft of the Constitution referred to a "Union of European States, which, while retaining their national identities, closely coordinate their policies at the European level, and administer certain competences on a federal basis". The terms "federal" or "federation" immediately stirred vigorous opposition. In March 2006, Lech Kaczynski declared in an interview that "time is not ripe" yet for the Constitution, and that in its current form, it would lead to a "semi-federal structure, for which we are simply not ready" (Agence Europe 2006, 9147). The idea of a "quasi-constitutional symbolism" was vehemently opposed by the Czech representatives. The Prime Minister Mirek Topolanek believed that the new European treaty should not include the words "Constitution" or "EU foreign minister" (Agence Europe 2007, 9401), while the Czech President Vaclav Klaus declared that "with the entry into force of the Treaty of Lisbon, the Czech Republic will cease to be a sovereign State", referring to the document as a "move in the wrong direction", which will transform the EU into a "federalist State" (Agence Europe 2008, 9663). President Klaus also severely criticised the consultation method in small circles, when countries were represented by *Sherpas,* suggesting that this indicated a "lack in democratic debate" (Agence Europe 2007, 9394).

These consistent practices of justification and critique had a direct impact on the social order. For the pro-Constitution camp, it was becoming increasingly clear that the

draft could not come into force without modification and efforts were redirected towards reaching a compromise.

Beyond justification and critique, the critical capacities of actors are manifested in their attempt at reaching common arrangements despite disputes and persisting tensions. In a compromise, according to Boltanski and Thévenot, actors

"agree to come to terms, that is, to suspend a clash—a dispute involving more than one world—without settling it through recourse to a test in just one of the worlds. The situation remains composite, but the clash is averted" (Boltanski and Thévenot 2006, 277).

Despite German Chancellor Angela Merkel being an ardent defender of the Constitutional Treaty, her role during the German Presidency was rather that of a mediator that moved the debate towards a compromise. Merkel sought to invalidate critiques directed at Sherpas by pointing out that this particular method represented an ideal opportunity for countries like the Czech Republic to defend their national interests. She thus intended to move the testing procedure into a regime of justification already recognised as relevant by her opponents and to win a validity test on their terms.

President Klaus nevertheless consistently engaged in practices of critique towards the final version of the official text, invoking critiques such as incompatibility with the Czech Constitution. In response to that, the President-in-Office of the European Council, Fredrik Reinfeldt, refused to put any pressure on the Czech president, stating that "after a second decision of the Court stating that the treaty is not in conflict with the Czech Constitution, Mr Klaus would have to sign" (Agence Europe 2009, 9991). The President-in-Office thus relied confidently on the effect that the result of a legitimacy test would have based on unquestionable points of reference existing in the material world, such as

the Czech Constitution. Indeed, as soon as the Czech Constitutional Court ruled that the new Treaty did not run counter to the constitution of the country after the ratification and an exchange for the "opt-out" over the Charter of Fundamental Rights, the Czech Republic formally undertook to sign the Treaty, the last member state to do so.

The adoption of the Charter of Fundamental Rights represented another strong point of disagreement that straddled the line between the civic and the sovereign world. The compromise consisted in granting members that objected an opt-out. Although the Czech opt-out from the Charter of Fundamental Rights was, in fact, never accomplished, Poland and the United Kingdom did manage to secure a protocol to the Lisbon Treaty that granted them an opt-out from the Charter, which was another resolution of a conflict caught between two regimes of justification.

The search for solutions that ranged between a project for the strengthening of a union of states to that of full parliamentarisation revealed a conversation between at least two distinct conceptual vocabularies, as well as different criteria of judgement on the definitions of the *bien commun* and the morally right thing to do. Disputing actors therefore carefully engaged in practices of justification and critique and built narratives either based on fighting racism and xenophobia, calling for peace, solidarity and a stronger Europe, or underlining the importance of identity, sovereignty and national democratic control. When actively searching for a compromise in this sense, disputing actors use their expertise to build convincing arguments and systematically test their opponents' attempts at seeking legitimacy. While an agreement is eventually reached, the uncertainty and the plurality of interpretations of social reality prove its fragility and its dependency on actors' critical capacities.

2.4 OTHER CLEAVAGES

The interference of other normative backgrounds in the opposition between the plans for the federalisation of Europe and those aiming at strengthening the competences of the member states became evident when, for example, both camps justified their positions by including in their justifications calls for efficiency and clarity. As Boltanski and Thévenot (2006) point out, the same situations are defined by a multiplicity of orders and of competing legitimacy claims. Similarly, during the negotiations for the Constitution, as well as during those for the Lisbon Treaty, a number of rifts became evident and often aggravated the tension between the sovereign and the civic worlds.

COMPROMISING WITH THE INDUSTRIAL WORLD

Tensions between the common good that derives from efficiency and that which is based on the idea of the collective became evident on a number of occasions during negotiations leading to ratification attempts of the Constitution and, later, of the Lisbon Treaty. This was particularly evident during debates on double majority voting, which referred to the implementation of a new qualified majority system in the Council. This intention figured among the main incentives for institutional reform, as defined in the European Commission's White Paper on European Governance from 2001 (European Commission 2001).

The high majority threshold made it difficult to reach decisions at the collective level. It often led to gridlock, hindering decision-making processes and weakening the democratic legitimacy of Council decisions. In order to tackle this challenge, the Convention in charge of drafting the Constitution brought forward the idea of a simple

double-majority threshold based on 60 per cent of the EU population and a simple majority of member states. In the spirit of efficiency and optimisation principles, the purpose of this change was to boost the Council's collective decision-making capacity (European Parliament 2014). The proposal was, however, somewhat watered down by certain member state governments in the subsequent intergovernmental conference and the switch from unanimity to qualified majority voting was limited to matters of little national concern (Sieberson 2008, 62). Still, in the area of freedom, security and justice, or common foreign or security policies, it was agreed that the Constitution would permit legislative proposals to be accepted on the basis of qualified majority. Based on the industrial world's principles of justification, these changes were viewed as increasing efficiency in the adoption of new legislation, which would consequently speed up the integration process. According to Romano Prodi, "with the enlargement of Europe from six to fifteen member states, the instinctive solidarity which allowed decisions to be taken unanimously became difficult" (Agence Europe 2006, 9265). The President of the European Parliament, Josep Borrell, added that "today, Europe is a world in miniature" (Agence Europe 2006, 9212). As a result, reaching unanimous agreements was becoming more and more difficult and decision-making rules that were badly suited to the number of member states lead to inefficiency. According to Borrell, the European institutional system had to be reformed to avoid there being each time "more Europeans and less Europe" (Agence Europe 2006, 9212).

However, after the "no" in the Dutch and the French referendums, Poland took this opportunity to reopen negotiations on this issue, expressing worries that the new system, although efficient, does not do justice to all member states. In February 2007, President Kaczynski declared that he "would prefer a system which would protect the small and medium-sized countries in an enlarged EU" and that he "could not accept the

principle of the double majority contained in the Constitution" (Agence Europe 2007, 9372). Calls for efficiency and pragmatism were therefore counteracted with ideas of solidarity with smaller states, as well as stronger national competencies when it came to decisions on sensitive subjects. In this sense, an agreement depended on a model of compromise that satisfied demands for efficiency without disregarding a rare combination of civic and sovereign critique. Ultimately, a deal was reached. It included a delay in the application of double majority voting until 2014, while Poland's requests were met in the form of the Ioannina compromise, which gave Poland the possibility to form a blocking minority during the qualified majority vote in the Council. In terms of collective decision-making capacity, the Lisbon Treaty rules were expected to allow for considerably less efficiency than the original proposal in the Constitutional draft, but still much more than the previous Nice Treaty rules.

The industrial world's regime of justification was equally relevant in the debates concerning future enlargement projects. When debating the way in which the approach to future enlargements would be defined in the new Treaty, Dutch representatives were particularly critical of the perspective of another enlargement wave in general. In a letter addressed to the Dutch parliament, Prime Minister Jan Peter Balkenende specified that although enlargement "contributed to the emergence of a safer, more stable and more prosperous continent, it has fuelled growing uncertainty among many Europeans about the direction and goal of European integration". He also added that "these sentiments played a role in the Dutch rejection of the Constitutional Treaty" (Agence Europe 2007, 9396). On this subject, France's Nicolas Sarkozy hoped that "national parliaments of Member States will have a direct right of control over the way the European Commission manages and conducts accession talks" (Agence Europe 2006, 9134). In stark contrast with the debates on Eastern enlargement analysed in the previous case study, the question

of future enlargement was newly being given a normative dimension increasingly grounded in the grammar of the industrial world. Even new member states such as the Czech Republic that previously largely benefitted from a civic moral interpretation of the Eastern enlargement suggested that new enlargements should occur only under strictly defined conditions (Agence Europe 2007, 9401).

On the other hand, Finland, a long supporter of new member states, welcomed "the fact that during the June European Council [2006], the Union's absorption capacity was not considered as a new criterion for accession" and considered that new criteria for accession should not be added (Agence Europe 2006, 9231). While the validity of a legitimacy test grounded in the industrial world and using technical terms such as "absorption capacity" was recognised in principle, the critique in this case was rather directed at it being irrelevant to a subject commonly interpreted in civic terms. The Union's commitment to welcoming new members, solidified through numerous validity tests passed in the process of negotiation during the Eastern enlargement, persisted and provided legitimacy for claims in favour of future enlargements to be clearly specified in the new Treaty. In his remarks on the approach the new Treaty should take to future accession candidates, Jean-Claude Juncker insisted on remaining open to potential new waves of enlargement, mentioning that "the cost of enlargement was lower than no enlargement at all" (Agence Europe 2005, 8960). In addition to that, Ján Hudacký, the draftsman of the opinion of the Committee on Industry, Research and Energy, considered that the new Treaty should open "the door for further enlargement of the Union to include new member states, so that many people's dreams of a common European home can come true" (European Parliament 2008a). In a compromise with the industrial world and mainly at the insistence of Austrian representatives, a reference to the Union's values was inserted as a formal condition for membership.

The efforts to reach a compromise between the civic form of coordination, supported by the general will, and the market form are particularly difficult. Civic opposition to market principles is often expressed through a critique of self-serving individualism and private interests (Boltanski and Thévenot 2006, 259-60). Such critique took the form of a reality test when France rejected the text of the Constitution during the referendum in 2005. The campaign leading to the referendum put forward concerns about the pace and direction of integration and pointed to an obvious gap between popular and elite support for the integration process. Some voters saw the Union as too liberal or 'Anglo-Saxon' (Buck, Blitz and Bickerton 2007; Parker, Buck and Benoit 2007), and despite the positive result of an internal referendum held in December 2004 with 59 per cent in favour of the Constitution, a group led by the left-wing faction of the Socialist Party and the Green Party was campaigning for the rejection of the Constitution, the main cited reasons being the threat of the "neoliberal" EU to the French social model (Binzer Hobolt and Brouard 2011). The Constitution was thus perceived as a symbol of further advancement in market liberalisation and deregulation. In this moment, it stopped being an object of worth in the civic world. In the situation where voting for the Constitution represented a validity test, the recognition of its relevance represented the acceptance of the market world as the dominant moral regime of justification.

In reaction to this, John Monks, the Secretary General of the European Trade Union Confederation (ETUC), who had been campaigning for the European Constitution since he became leader of the ETUC, expressed his disappointment with the result of the referendum in France, saying that "for the first time in its history, the people of one of the six founding Member States have rejected the way Europe is constructed" (Agence

Europe 2005, 8958). He noted that this was not "a rejection of Europe in general, but of a neo-liberal Europe", in other words, a reaction to "fears of high unemployment, delocalization and insecurity". Monks pointed out that insufficient attention given to the social dimension is directly linked to a drop in support for European integration. In fact, according to him, the Constitution itself was in no way neo-liberal, it was rather "a casualty of Member States ignoring Social Europe" (Agence Europe 8958). This claim reveals an interesting element behind this dispute. At the centre of the conflict was not a clash between two worlds, as both claims for legitimacy relied on the civic world, but rather the definition of the Constitution as an object of worth: while the actors campaigning against it based their position on the fact that they opposed the moral ground which conferred the Constitution its worth, that being the market world, proponents of the Constitution contested the validity of this legitimacy test by underlining its faulty construction, which was based—according to the European trade unions' representative for example—on false associations and a dissonance with reality.

Unlike the right-wing or conservative campaign, the left-wing agenda was not explicitly anti-EU, it rather represented the rejection of a particular kind of Europe, calling for a stronger social model in the face of globalisation. This approach thus did not contest the regime of justification the proponents of the Constitution relied on, but rather the objects of worth that stood at the basis of validity tests.

In terms of these struggles' impact on the social order, France succeeded in eliminating the reference to 'free and undistorted competition' from the Union's objectives, with Nicolas Sarkozy pointing out that he believed

"in competition and the market but as a means and not as a goal in itself (...)
Europe is there to protect people and not to sow fear and anxiety. Competition as an

ideology, as a dogma, what has it done for Europe? The word 'protection' is no longer

taboo" (Gow, 2007).

Associated with competition and profit, which are common goods within the

market world, the Constitution did not pass the test of legitimacy and was not attributed

the demanded worth within the civic regime of justification. In a situation focused on the

opinion of the French public, the worth of the civic common good was defined by the

social dimension of European integration perceived as distinct from what the Constitution

represented, which as a result blocked its adoption in its initial form.

COMPROMISES WITH THE DOMESTIC WORLD

The domestic world here appears as a normative ground where the highest order

of worth belongs to tradition and continuity, in which the permanence of values inherited

from ancestors has to be ensured (Boltanski and Thévenot 2006, 165). Tensions with the

civic world appears, for example, when the civic form of coordination requires

independence of judgement, as well as progress in terms of an increasingly fair and just

form of representativeness of the collective. Unlike the civic world, where central subjects

are anonymous and gain legitimacy only as being part of a collective, the domestic world

relies on specific characters and symbols in its quest for legitimacy, such as ancestors,

forefathers, or, as it became evident during debates on the Constitution, *God*. The debate

on religion in the EU was always particularly divisive and a subject of its own. During

preparation work for the Constitution, in December 2002, the Catholic Church in the

European Union (COMECE) suggested a version for the Preamble with an explicit

reference to Europe's Christian heritage. Other requests included the preservation of the

Church's status under national law and provisions to be made for a structured dialog with

the Church (Mudrov 2016). The reference to God and to Christian heritage was opposed in particular by France and Belgium, who pushed forward the principle of *laïcité*, invoking thus civic principles of justification. The collective, according to this regime of justification, is formed by citizens of different religions or beliefs, what matters is not to recognise a particular religion or to mention God as a "guarantee of human dignity", but to guarantee freedom of thought, conscience, and religion as Article 10 of the Charter of Fundamental Rights of the European Union does. Ultimately, as a compromise, the Preamble of the Draft Constitution stated that the EU

> "is drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law" (European Parliament 2004).

During the second half of 2006 certain member states' positions came back to this issue. Angela Merkel, following an audience with Pope Benedict XVI, expressed her support for the inclusion of a reference to God or Christianity in a new treaty, declaring in a speech before the members of her party, the Christian Democrat Union (CDU):

> "The secular period was an important one but I see us living in a changed world in which it is up to the politicians and political texts to state their spiritual roots more clearly. If we are honest with ourselves, we often do not have the courage to clearly state what our beliefs are and this makes us less credible compared to others, who have different beliefs and values. I cannot deny that I would have preferred there to be a more obvious reference to God based on Christian ideas in the Constitution" (Agence Europe 2007, 9377).

Poland's views on this matter were arguably even more radical. In this sense, Poland's Minister of Education Roman Giertych suggested the creation of a new "Charter for the Rights of European Nations", which would define Europe's shared values, based on national identity and respect for human life and family. According to him, "this should precede the debate on European Constitution", adding that

> "in respect for human life, we are suggesting the introduction of a European ban on abortion, as well as a ban on homosexual propaganda that reaches the youngest children and contributes to the increasingly pronounced weakening of the family and the negation of natural law" (Agence Europe 2007, 9378).

The claims, which were meant to contribute to a common good defined by conservatism, a preservation of values and family in the traditional sense, were unsurprisingly met with critique and struggled to pass validity tests, in particular against critiques grounded in the civic normative background.

The commissioner for Justice, Freedom and Security, Franco Frattini, called the remarks referring to the dominant role of the traditional family "unfortunate" and recalled that the European legislation was established "to combat all forms of discrimination" (Agence Europe 2007, 9378). This was a strong claim for justice, as it relied on a universally accepted principle of legitimacy, such as the fight against discrimination.

As a result, the Polish Prime Minister Jaroslaw Kaczynski distanced himself from his minister's remarks, stressing that this does not reflect the government's official position. He welcomed, however, Angela Merkel's stance, agreeing that "Christian roots are self-evident" (Agence Europe 2006, 9147). These interventions proved however insufficient to convince other member states, partly because of Germany and Poland's

lack of insistence on this issue. The Preamble remained the same as in the Draft Constitution. As a compromise, Article 17 of the Lisbon Treaty added a provision declaring the Union's respect for churches, religious associations or communities in the member states. The same provision includes the position that non-religious organisations may enjoy protection under national law. Furthermore, the EU is required to maintain dialogue with nationally recognised churches (European Union 2016).

From the point of view of the civic justification regime, according to Boltanski and Thévenot, bonds of a domestic nature are treated as incapable of acceding to generality and of finding compatibility with the collective dimension (Boltanski and Thévenot 2006, 253-256). Angela Merkel's comments on Europe's "spiritual roots" were confronted with a reality test based on the principle of *laïcité* and its strong normative dimension. In the vocabulary of the civic world and in response to Poland's demands, the European Commissioner for Justice, Freedom and Security reacted with references to fundamental principles of freedom of conscience, thought and religion, as well as equal rights and duties to all citizens. In order to reach a compromise and resolve this tension, the Treaty of Lisbon refers to a model of state-church relation and forms of cooperation that varies depending on the country in question.

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The negotiations between member states and other interested parties leading to the ratification of the Lisbon Treaty represented a discursive exercise between competing interpretations of reality. Actors sought legitimacy in various normative backgrounds, as means to overcome struggles for competence and influence.

The Lisbon Treaty has been repeatedly advertised as the final result of a prolonged search for a Union that is efficient, democratic and coherent in its external affairs. In reality, it represented the sum of multiple compromises reached along tension lines of dividing moral backgrounds. Competent actors relentlessly engaged in practices of justification and critique, and their ability and competence to pass validity tests determined the outcome of the social order.

The process leading to the creation of the Lisbon Treaty revealed therefore important division lines and legitimacy struggles among the negotiating parties. The resulting document remained, in fact, unsatisfactory to many parties involved, albeit for different reasons. These reasons had to do partly with different points of departure and moral groundings, as well as with the particularities of the negotiation procedures when, for example, the use of Sherpas for reasons of efficiency was accused of lacking democratic accountability.

The primary clash occurred between claims for justice grounded in the civic world and those grounded in what this chapter defined as the sovereign world. As pointed out by Moravcsik (2003), European federalists were hoping to bypass resistance and vetoes from member states while invoking the common good of solidarity and the collective will, and to accomplish their plan of a pan-European citizenry, while pragmatists were looking for ways to fight scepticism towards the Union by making the Treaty's content

more accessible and clear and by defining the limits of national and supra-national prerogatives. The hope was that a "savvy 21st-century re-enactment of the U.S. constitutional convention in Philadelphia in 1787 would engage citizens and politicians of all stripes, sparking an epochal public debate on the meaning and future of the European Union" (Moravcski, 2003). At the same time, opponents of the Constitution and later the Treaty systematically pointed to a danger that federalisation poses to national interests and sovereignty.

Boltanski and Thévenot explain that a compromise should contain objects of worth from different worlds, without their presence provoking a dispute (Boltanski and Thévenot 2006, 277). In order to avert a clash, the situation remains composite and accommodating of objects that matter in different worlds. In practice, the need for a compromise between strongly opposing views and interpretations with regard to EU reform led to a rather underwhelming outcome. The fact that member states' representatives with similar bargaining power, but distinct visions, were the main drivers behind negotiations led to an unambitious model of the Constitution and, later, of the Treaty.

3 AN INDUSTRIAL INTERPRETATION OF THE SOVEREIGN DEBT CRISIS

This final chapter expands the spectrum of analysed moral interpretations by exploring dominating normative backgrounds in relation to the economic dimension of the European economic project. When researching the notion of uncertainty as a pre-condition for social change, the European sovereign debt crisis is a case in point.

Apart from its major economic impact, the 2009 European debt crisis resulted in a crisis of legitimacy in the European Union. Negotiations between heads of states or institutional representatives at the highest level were now enhanced by attempts to seek legitimation for political decisions that directly affected European citizens, often in a significantly negative manner.

The third and final situation in the history of European integration that this thesis analyses uncovers a specific dynamic in interactions between international actors determined by the overwhelming role that the industrial regime of justification came to play in legitimacy struggles both prior and after the financial crisis. The civic order of worth that was systematically involved during legitimacy struggles within previously analysed situations was now confronted with truth and reality tests grounded in the industrial or market world. Pragmatic notions such as discipline, performance or efficiency seemed to have been increasingly accruing legitimacy at the expense of principles of solidarity and shared burden. Debates related to viable solutions meant to lead Europe out of the crisis were dominated by confronting moralities of rallying together against a common threat, pushing for draconian measures, or retreating to national frontiers.

As in the previously studied cases, the aim is to identify the dominating normative backgrounds that pinned the economic dimension of the European economic project or, more exactly, the modes of justification that came into conflict in the process of negotiation that determined the economic order and institutional design of the EU's economic integration. This chapter introduces the idea of community and its worth created from an arrangement between the altruism of the civic world and the industrial efficiency of the industrial regime of justification. This ideal type is then juxtaposed with the nature of the European community as it manifested itself prior to and during the sovereign debt crisis.

The chapter follows how normative configurations changed as certain states and institutional actors were building a strong case in favour of austerity measures during the crisis. Finally, it looks at how the moral interpretations related to Europe's future were influenced by the crisis and by the implemented austerity measures.

3.1 A NEW WORTH ARISING FROM THE CIVIC-INDUSTRIAL ARRANGEMENT

As in previously analysed situations, the financial crises in Europe occurred in circumstances defined by moral complexity. This chapter's primary focus is composite arrangements that involve the industrial regime of justification in tension with moralities grounded in the civic or market worlds.

In their work on justification and critique, Boltanski and Thévenot (2006) explore the possibility of a polity rising from a combination of the industrial and the civic regimes of justification, a polity that would stay at the basis of the State's orders of worth or, in this particular case, that of a community of states (Boltanski and Thévenot 2006, 285-292).

Inspired by Durkheim's moral philosophy, the authors look at the association os the civic and the industrial worlds as a combination of the collective altruism and industrial efficiency expressed in the division of labour. By referencing Durkheim's work on the division of labour in society, they aim at conceptualising a new order of worth based on elements from the civic and industrial regime of justification and in strong opposition to worth as defined by the market world, therefore denouncing selfishness and utilitarianism. The role of the civic world in this case is to underline the social character of labour division and the importance of solidarity between specialised actors, instead of the functional dimension that a pure industrial regime of justification would imply.

This new arising order of worth is intrinsically associated with a strong critique of the principles of legitimacy of the market world. A polity, as perceived by Boltanski and Thévenot, is established based on "disinterested sentiments of social morality" (Boltanski and Thévenot 2006, 286), as opposed to self-serving interests. Relations based

on competition and egoism are treated as incompatible with a harmonious polity, as they go against the creation and respect of rules, morality or justice. To cite Durkheim,

"it is to this state of anomie that (…) must be attributed the continually recurring conflicts and disorders of every kind of which the economic world affords so sorry a spectacle. For, since nothing restrains the forces present from reacting together, or prescribes limits for them that they are obliged to respect, they tend to grow beyond all bounds, each clashing with the other, each warding off and weakening the other. To be sure, those forces that are the most vigorous succeed in crushing the weakest or subjecting them to their will" (Durkheim 1997, xxxii).

The compromise between the industrial and the civic worlds represents an efficient organisation of economic factors for the good of the collective.

Naturally, as Boltanski and Thévenot also note, "the violence of human appetites" (Boltanski and Thévenot 2006, 286) would stand in the way of reaching the collective interest through by means of the industrial world. The actors' inner egoistic drives cannot be naturally controlled. It is here that collective representations come to play a crucial role: the social being emanates moral representations and restrains individual actions that stem from self-interest and jeopardise social integrity and consensus. The collective becomes the authority that legitimises action, similarly to how worth was distributed within the civic world logic, except that the compromise with the industrial world further specifies the collective good by taking in consideration an efficient distribution of resources. At the same time, from the perspective of the industrial world, efficiency is also redefined and readapted, with notions such as rule following, time or cost optimisation being considered only to the extent to which they accommodate the collective interest.

In order to conceptually complete this polity, an important element is still missing. The link between the collective agency and individual actors is expressed, as Boltanski and Thévenot suggest, through professional groups, each defined by a professional morality or a code of law (Boltanski and Thévenot 2006, 289). These groups make possible a link between civic worth and the division of labour that finds its worth in the industrial world. Maintaining the integrity of the social body through the preservation of values and principles of action, this reference introduces elements of the domestic world in the new polity that rises from a civic-industrial compromise. The role of these structures, or "corporations" (Boltanski and Thévenot 2006, 285-292), is that of organising interests and relations between the individuals and the collective, while accommodating the principles of the both the civic and the industrial worlds. In the context of this thesis, these structures should be conceptualised as transcending national borders, the domestic world in this sense is in no way congruent with the world of sovereignty. The previous chapter introduced the element of religion and the Church as structures and actors that sought legitimacy for their actions in the domestic normative background. However, the Church would fit into the above-introduced polity with difficulty, as it does not accommodate worth particular to the civic world, as already proven in the previous chapter, when it did not pass a validity test grounded in accusations of discrimination. More befitting examples in this sense would be various workers' movements and employees' associations.

This theoretical introduction shall prove helpful in answering how practices of justification and critique struggled for legitimacy during debates and decision-making processes in relation to the sovereign debt crisis. This chapter will examine the ways in which the European Union, as defined by performances related to the debt crisis, is different from the above-presented polity. The focus is on the industrial world and on the

concept of efficiency which, as analysis will show, remains ambiguous and its meaning can be influenced by the extent to which a compromise with the civic world is conceivable. The character of the practices of justification during and prior to the crisis also points to a considerably stronger presence of the market world, defined primarily by an obsession with economic growth, than the above-mentioned polity considered.

As mentioned previously, the European Single Market, would represent a combination of at least two main forms of coordination defined by the market and the industrial world. As stipulated by the Article 3 of the Treaty of Rome, the principles of the Single Market's functioning concern the stimulation of competition and trade, economic growth, price cutting, and support for businesses and consumers, together with efficiency, performance, productivity and use of available potential. While in the industrial world the validity of legitimacy claims is tested based on efficiency and tested with the help of tools such as strictly specified criteria or statistics, in the market world, action is legitimised by the desire of individuals to possess goods, worthiness thus consists in economic prosperity, growth and accumulation.

To what extent is a compromise with the market morality possible, both from the perspective of the industrial and the civic worlds? The calls for democratic legitimacy for the European economic system would point to a compromise between the market and industrial worlds with the civic world.

While a compromise between the civic world and the market world is virtually impossible to conceptualise, given the diametrical opposition between self-interest as the main drive for action and the interest of the collective, some overlap could be identified between the industrial and the market regimes of justification.

In fact, the need to find a compromise between an order governed by efficiency and an order based on market principles stood at the basis of the European Single Market.

From the perspective of the market world, industrial principles are a source of undesirable rigidity. At the same time, the industrial world views market principles as a source of inefficiency, unpredictability and uncertainty. As a result of the need to find and arrangement, the European Single market represented the compromise: it provides competition and the "flourishing market" (Boltanski and Thévenot 2006, 333) with industrial efficiency and organisation by offering structure and an institutional framework to the transnational trade in goods and services, as well as an elaborate system that monitors statistics, fluctuations, and measures growth and accumulation.

Increasing transnational interconnectedness contributed both to a deepened uncertainty and to calls for the elimination of rigidity and trade barriers. Further compromises were called for, and eventually materialised in plans to create a monetary union. The next section explores the attempts at creating arrangements by combining principles grounded in distinct normative backgrounds, as well as the frictions that these efforts resulted in. It is precisely these frictions and the nature of the compromises that were reached that formed the basis of how the sovereign debt crisis unfolded and how it was subsequently interpreted. The section will thus first introduce the practices of critique and justification that created the context in which the crisis took place.

3.2 GROWTH OR STABILITY? TENSIONS BETWEEN THE MARKET AND THE INDUSTRIAL REGIMES OF JUSTIFICATION

At the centre of the creation and development of the EU's economic dimension was a consistent tension between a plurality of normative backgrounds. As the previous chapter showed, the civic regime of justification plays, in theory, a dominant role in the establishment of a community. This chapter aims to show that, when it comes to the community's economic dimension, legitimacy claims grounded in the civic world were rather marginalised and the debate was dominated by practices of justification and critique that invoked market and industrial principles of legitimacy.

The plan for the creation of an economic and monetary union had been put forward by 1969, during the meeting of the Heads of State or Government in The Hague. Partly because of the economic shocks of the period that followed, and partly due to the loss of momentum in the political will for integration, the process of monetary integration only took concrete form only in 1979, with the creation of the European Monetary System (EMS) and the European Currency Unit (ECU). This resulted in a zone both of increasing monetary stability and gradually relaxed capital controls—common goods for both the industrial and the market world. The idea of a monetary union gained further legitimacy as a result of a EMS's noteworthy success: a high degree of exchange rate stability, reduced uncertainty and better overall economic performance (Zestos and Jason 2018).

At the same time, engaging in a practice of justification that pointed to the legitimacy and the validity of this direction, the European Council in Madrid of June 1989 noted "the vigorous turn taken by European cooperation" and restated its determination to achieve monetary and economic union as a step supporting social cohesion (European

Council 1989a). Social cohesion in this context represented the common good of the civic world. At this moment, despite its grounding in the market and industrial regime of justification, it was imperative that a legitimacy test in regarding to the evolution of the economic and monetary union would prove its validity in the civic world as well. It was important therefore to point out that apart from economic gains and reduced uncertainty, the economic union would contribute to social cohesion as well.

The fall of the Berlin Wall and the collapse of the Soviet Union two years later contributed to a political climate conducive to deeper integration. In this new geopolitical landscape, practices of justification and critique relying on the civic world's rhetoric gained significant legitimacy. Furthermore, European elites increasingly believed in the urgency of an answer at the supranational level to the effects of globalisation and rising international trade (Silvia and Matthijs 2013). In December 1991, the heads of state and government approved the Treaty on European Union in Maastricht, which stipulated among its goals "to achieve the strengthening and the convergence of [national] economies and to establish an economic and monetary union including, in accordance with the provisions of the Treaty, a single and stable currency" (European Union 2016). The Treaty also defined a series of convergence criteria on budget deficits, levels of inflation, long-term interest rates, and overall levels of debt, all to be met by the member states prior to entering the final stage of the Economic and Monetary Union. The matter was thus approached with a vocabulary strongly influenced by the industrial world.

In practice, however, rigidity was not applied. Despite the fact that by April 1994 the stipulated criteria were still not fulfilled by any of the member states, the European Council in Cannes confirmed in 1995 that the EMU would be established in 1999, while the Madrid European Council chose the name "euro" for the new common currency. In addition, it was agreed that once a country was admitted into the EMU, it could not be

excluded. As a result, enforcing any additional fiscal rules or pushing for the implementation of the existing ones had little effect in practice (Beetsma 2001, 23).

Disregarding validity tests grounded in the industrial world resulted in certain differences in expectations and approaches and in a growing public scepticism towards monetary integration. The Maastricht Treaty did not include either a mechanism to expel members, or one that forced countries to adhere to the fiscal criteria. Countries with stronger currencies, such as Germany, were concerned about price stability and insisted on maintaining strict convergence obligations even after members joined the Eurozone. Meanwhile, France, Spain and Italy were more interested in economic growth and expressed worries about the excessive budgetary discipline, which would be at the expense of their economic development (European Parliament 2015). This tension between the market and industrial interpretation of reality was initially appeased through an ideational consensus, which took the form of a Stability and Growth Pact (SGP) in 1997. The initial version carried the name of the Stability Pact, as suggested by the German Finance Minister Theo Waigel. As a result of the French government insisting on the importance of policy objectives other than price stability, the name was changed to the Pact for Stability and Growth. The Pact relied on the rules for the maximum of 3 per cent deficit-to-GDP and 60 per cent of GDP for debt levels, as already stipulated by the Treaty of Maastricht. The objects and instruments typically used in arguments grounded in the industrial world here took the form of systematic reports on stability and convergence that each Member State had to submit to the European Council of Economics and Finance Ministers (ECOFIN) and a budget surveillance process or of excessive deficit procedures, which could entail the imposition of monetary fines. If ECOFIN concluded that a member state either had an excessive deficit, or it failed to

adopt corrective measures, then the respective country was required to submit a non-interest-bearing deposit, which could potentially turn into a fine (Beetsma 2001).

The application and durability of the Pact remained subject to heated debates, especially when it came to its role in the surveillance and coordination of national fiscal policies. One of the main criticisms of the Pact came in the form of a reality test that combined elements of the civic and industrial regimes of justification and consisted in accusing its framework of being counterproductive: it imposed sanctions against member states that were most likely facing an economic recession, which is why they would not fulfil desired criteria in the first place. This proved true especially when the introduction of the euro was soon followed by economic slowdown.

In addition, although initially viewed as a compromise between the industrial and the market orders of worth, the Pact was significantly failing its industrial dimension, and therefore, failing validity tests. The Commission and the European Central Bank (ECB) were concerned about losing legitimacy and the public's credibility regarding the Pact's authority, and were primarily interested in reinforcing disciplinary procedures where due. Interestingly, this hard stance was supported by smaller states as well (Chang 2006). Inversely, larger states tended to invoke the sovereign world's moral ground and argued against the involvement of European institutions in national affairs. New principles of legitimacy thus demanded inclusion. Under this interpretation, the Pact was viewed as the supranational oppressor that endangered principles of national sovereignty. Reaching a compromise, as a result, became even more complicated.

The actors' critical capacities in situations of dispute became particularly evident when the first breach of the rules stipulated in the Pact occurred and appropriate action needed to be taken. In 2002, the Commission addressed the Economic and Financial Affairs Council (ECOFIN), constituted by state representatives, with a recommendation

to set in motion immediate action against Portugal and Germany in relation to their budget deficits, which were very close to the 3 per cent limit. The reality was thus tested based on the industrial order of worth; the critique brought by the Commission pointed to discrepancies between how things are and how they should ideally be. When ECOFIN hesitated to apply the procedure against Germany, partly as a result of Chancellor Gerhard Schröder's lobbying campaign in preparation for the German elections (Schimd 2002), Portugal demanded the same treatment. In this situation, Portugal pointed to inconsistencies in how different members of the same community are being treated, therefore invoking values pertaining to the civic world.

Eventually, Germany, Portugal, and later France as well, crossed the permitted threshold. Discrepancies in how different member states were treated became evident. France and Germany were actively lobbying against the implementation of the excessive deficit procedure in their cases (Schimd 2002), with France criticising the rules of the Pact and pointing to their potential to worsen its economic situation. Rigidity was thus accused of affecting economic growth, which represents the main criticism the market world brings against industrial principles. Portugal, on the other hand, did not contest the order of things and accepted the Pact's legitimacy. ECOFIN implemented the excessive deficit procedures against Portugal and the Portuguese government immediately reinforced budgetary discipline through drastic reductions in public spending, which eventually drove the country into recession (Almeida and Freire 2005). Despite severe public outcry and general strikes, the government remained determined to comply with the Pact's fiscal rules.

These inconsistencies were not left unnoticed, especially since they complicated the Pact's struggle for legitimacy. In the light of these events, Romano Prodi, the President of the Commission at the time, highlighted during his speech in Strasbourg

2002 at the "limitations of the institutional framework" set by the Pact and warned against enforcing the Pact "inflexibly and dogmatically, regardless of changing circumstances", going so far as to call it "stupid" (European Commission 2002). What President Prodi was aiming at represented an argument in favour of reduced rigidity in the deficit rule. Interestingly, his justifications relied on several moral grounds: he invoked the principles of the sovereign world referring to "the complexity and diversity of the member states' economies", he also relied on the civic world emphasising "what a tragedy it would be if, in winning the battle of stability, we lost the trust and backing of our citizens, the trust and backing that are the foundations of the European democracy", and even the market world, accusing the Pact's current version of "endangering growth" (European Commission 2002). The industrial world's relevancy in determining the common good was thus questioned and even attacked from the perspective of number of moralities.

The Commission still recommended that the Council to start procedures against France and Germany on several occasions. When the Commission's demands were ignored, the issue was brought before the European Court of Justice. The cause was ultimately resolved when the Commission took back its recommendations citing improving economic situations in both countries (Chang 2006).

This fragile compromise on legitimate actions as dictated by the Pact was soon again threatened and plunged into uncertainty when, in 2004, Greece admitted that it joined the euro in 2001 on the basis of misrepresented figures, its deficit ratio reaching at that point 4.6 per cent, creating thus an unprecedented situation and deepening uncertainty with regard to further economic integration. While refraining from taking any action against France and Germany, in 2005 ECOFIN demanded from Greece to present the measures through which the Greek government intended to reduce the deficit (Chang 2006). By spring 2005, the Commission considered Greece's efforts sufficient and did

not recommend any further disciplinary procedures. Despite the fact that industrial principles of legitimacy were still invoked, there was a high level of inconsistency in how legitimacy tests were being applied based on this regime of justification in relation to different member states, which questioned the validity of the entire regime of action.

Regarding member states' transgressions, Katinka Barysch, the Chief economist at the Centre for European Reform, declared at that time that "quite a few member states did something similar because of the political imperative to join the euro as soon as possible. Greece has just gone a bit further", adding that

> "France and Germany have previously defied the 3 per cent limit. With the European Central Bank currently telling East European member states that want to join the euro that they must strictly adhere to the 3 per cent rule, the EU risks being accused of double standards. These countries will say the European Central Bank wants them to be holier than the Pope" (BBC 2004).

This call for justice was not unique, and it again pointed out disproportionate measures taken against different members, representing an obvious and serious breach of values within the civic world.

Besides the already mentioned countries, transgressions were also exhibited by the Netherlands, who managed to avoid any procedures by presenting a satisfactory national fiscal plan, and by Italy, whose representative in ECOFIN, Silvio Berlusconi, followed the same strategy (Natali and Rhodes 2005). These transgressions were thus taking advantage of the vagueness in which the rules of rigidity were defined. Arguments relying on the legitimacy of the Pact were failing reality tests expressed in accusations of double standards. Of all the countries that transgressed the Pact's rules, only Greece and Portugal were made to pursue fiscal austerity and bring their deficits below the threshold.

This quickly became a source of tension and the Commission soon announced reforms as an attempt to rethink the Pact's rationale, rules and implementation (Hansen 2015).

In 2004, the Commission released a communication in which it stated that a reformed Pact with "a stronger emphasis on the economic rationale of its rules would allow to better cater for differences in economic situations across the EU" (European Commission 2004). The tension between member states arguing for stability and discipline and those arguing for growth again resurfaced, with bigger countries arguing for a softening of the Pact's disciplinary conditions, while smaller states together with the ECB opted for the original version to remain valid. France, Germany, Italy and even the UK, which was not part of the Eurozone, pushed for the reform of the SGP. Inversely, smaller states such as Austria, Ireland and the Netherlands did not exhibit any budgetary transgressions and were keen to side with the ECB (Chang 2006). The same applied for potential new members, with Ernst Welteke, a governor of the ECB asking "how can I convince countries like Poland and Hungary to meet the fiscal criteria, when we don't meet them ourselves?" (The Economist 2003). This reality test set within the normative background of the industrial and civic worlds was then met with justifications based on other moral grounds. Jean-Pierre Raffarin, the French Prime Minister, told the European Commission in 2003 that "his first concern was to find jobs for his countrymen" (The Economist 2003), searching therefore for legitimacy in an interpretation of reality through the sovereign world perspective, as well as through an alternative interpretation of the civic world.

In this context, as a compromise, French President Jacques Chirac suggested a "temporary softening" of the Pact. This claim would win its struggle for legitimacy with difficulty. The Dutch Finance Minister Gerrit Zalm declared in reaction to this, during a meeting of ECOFIN, that France is "storming" the Pact, adding, "the storming of the

Bastille was a better idea" (Deutsche Welle 2003). His Austrian counterpart, Karl-Heinz Grasser added that "we shouldn't even be discussing this—it's one of the pillars of our economic policy and the single currency." The French President was ultimately joined in his plea by Gerhard Schröder, Chancellor of Germany, who asked the Commission to put emphasise the "growth" part of the "stability and growth" pact.

The compromise came in June 2004, the European Council adopted a Declaration on the Stability and Growth Pact in which it emphasised that "raising growth potential and securing sound budgetary positions are the two pillars of the economic and fiscal policy of the Union and the member states" (European Commission 2004). New elements were now to be considered, among which the Commission cited "allowing for more country-specific circumstances in defining the medium-term objectives and "considering economic circumstances and developments in the implementation of the Excessive Deficit Procedure" (European Commission 2004). In March 2005, the EU Council introduced the reform of the Stability and Growth Pact, presenting it as an ideational consensus between the market-oriented interests of those arguing for softer rules, and calls for a more disciplined and secure approach from those that feared the loss of financial stability in Europe (European Central Bank 2005).

The reform attempted to bring important changes to how an agreement on monetary and fiscal policies was achieved. The European Central Bank retained control over the monetary policy in the Eurozone; its main role consisted in maintaining price stability based on the inflation rate, which member states had to keep below the 2 per cent target. The change became more obvious on the fiscal side. The reform gave the member states more space for manoeuvre when it came to domestic spending and taxation, and, although the 3 per cent of the GDP remained the norm, national governments gained significant political control over their fiscal policies (Silvia and Matthijs 2013).

In his speech marking the event, José Manuel González-Páramo, member of the Executive Board of the ECB, acknowledged the problematic experience with the application of the previous framework, including instances of double standards, and reiterated that "high deficits and growing debt levels are a cause for concern". He also made reference to the "no-bail-out clause", according to which "the bailing out of a Member State in financial difficulty (…) is strictly prohibited". In EMU, according to him, "it is the responsibility of each government to keep its own fiscal house in order" (González-Páramo 2005). In moving the competences towards the national level, a compromise is suggested between the industrial and the sovereign world. While it is recognised that the fiscal situation should be monitored, it shall be done so within the limits of national competences.

Despite persistent worries with growing deficits, the economic rationale of the reformed Pact relied on increased flexibility in the application of disciplinary measures, allowing for a significant number of circumstances to be considered, which resulted in increased freedom to manoeuvre for the countries aiming to bypass corrective measures and strict compliance. The logic that defined the reformed Pact was therefore largely based on the morality of the market world, with worthiness being assigned to the free market, unhindered investment and free capital flows.

3.3 THE UNRAVELLING OF THE CRISIS: THE INDUSTRIAL WORLD GAINS MONOPOLY ON JUSTIFICATION

Although the insufficiencies of the 2005 reform were often considered one of the main culprits for the sovereign debt crisis, the catalysts for the crisis were more complex and ran deeper. Critics have by now reached the consensus that the euro's institutional design, as agreed in the early 1990s, directly influenced both the depth and the length of the crisis. Certain critics now agree that this institutional structure was relying on an incomplete monetary union, with no fiscal or banking union (Silvia and Matthijs 2013). As a result, instruments usually used to prevent or reduce the impact of crises became unavailable.

These circumstances were combined with the economic developments in the EMS during the mid-1990s, when economic growth picked up the pace and capital flows rapidly moved towards Southern Europe. In anticipation of the Eurozone launch in 1999, financial investors perceived the inclusion of Southern members as a guarantee of these states' financial stability. The European Central Bank was in charge of devising a common monetary policy in a context of significant divergences between different European national economies. It leaned towards an interest rate between what was considered ideal for slow growth, appropriate for the stronger economies of Finland, Germany, France or Benelux, and what was the demand in the fast-growing periphery represented by Ireland and Southern Europe (Frieden and Walter 2017, 3). As a result, interest rates went through a rapid process of convergence, which seemed to support the view of the common currency leading to deeper European integration. At the same time, however, this process prompted a large disequilibrium in the balance of payments

between member states. Gradually, an obvious rift was appearing between a core of "surplus countries", which mainly invested, produced and exported; and "deficit countries" located at the periphery that mostly borrowed, consumed and imported (Silvia and Matthijs 2013). The more capital circulated towards the periphery, the more the economy and the asset prices there grew, and the more motivated the lenders were to invest (Lane 2012).

Another incentive was based on the investors' belief that in the situation where debtor countries faced a financial crisis, other members of the Eurozone would have to intervene and share the burden. Facing this moral hazard, involved governments declared that there would be no bailout, this clause also being stipulated in the 2005 version of the SGP. However, this had little effect on capital flows. Despite the clear understanding that Greece was a less creditworthy member as compared to, for example, Germany, the expectation was that Germany would bail out Greece, if the situation required it (Chang and Leblond 2015). This justification can succeed in claiming legitimacy exclusively in the market world. It could not pass a validity test under industrial terms given the implicit uncertainty that the moral hazard carries. Similarly, according to the principles of the civic world, moral hazard is unacceptable because it is driven by an interest in self-enrichment, for which the interest of the collective is irrelevant.

The fact that the industrial world did not represent a dominant or even a relevant regime of justification during the creation of the economic and monetary union was also represented by the failure to grasp and give serious consideration to the economic particularities of member states and address potential consequences with sufficient attention. Differences between more developed member states and the countries that later became the debtors within the Eurozone were very significant. Greece was for a long time considered the "problem child" (Blyth 2015) of the European periphery. The

expansionary policies of the socialist Papandreou administrations throughout the 1980s and the 1990s combined with low productivity resulted in accelerated debts and public deficits[17]. Moreover, specificities of the Greek economy included structural problems such as corruption, early retirements, a weak tax collection capacity and insufficient coordination in governmental spending.

All these circumstances contributed to an erroneous understanding of the Greek economy's state, which further fuelled access to cheaper loans and, ultimately, increasing debt. When, in 2009, rating agencies took notice and downgraded Greek bonds from A to BBB-, the effect was an increasing risk of bond market investors looking to get rid of Greek bonds at once, which would lead to sale fire spreading to other assets, such as bonds from Portugal, Ireland, Spain or Italy. According to Blyth (2013, 64), the most appropriate measure in this situation would have cost the ECB, or its main creditor Germany, around 50 billion euros. The idea was that Germany, for example, could have bought "secondary-market Greek debt that was subject to near-term rollover risk, bury it somewhere deep in its balance sheet, and walk away" (Blyth 2013, 64). This did not happen presumably for two main reasons. Given the regional election coming up in Germany, political points could be gained by blaming the Greek government for the situation it brought upon itself, rather than explaining to the public the systemic risk forseen if the ECB did not bail Greece (Bulmer 2014). The other reason was the moral hazard of a country bailing out a debtor. As a result of Greece being left to face its debt alone, the risk of contagion as perceived by investors increased exponentially, reaching Portugal, Ireland, Spain, and Italy, and thus the PIIGS collective appeared (Briceño and Hernán 2012).

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[17] In fact, as Blyth (2013) noted, Greece had been approaching up to that point on a budget deficit for the last fifty years.

Ireland, on the contrary, did economically well prior to the crisis, with its debt-to-GNP ratio going through significant recovery. It's impressive economic growth towards the end of the 1990s, which made Ireland known as the Celtic Tiger, encouraged significant investment in property. The country's vulnerability in face of the financial crisis was primarily the result of a real-estate bubble and reckless bank loans (Mac an Bhaird 2010).

In Spain, similarly, the problem lay within smaller, regional banks, known as "cajas de ahorros". A common feature of Ireland and Spain during the crisis would be that, as in the United States, debt was primarily a private sector problem, which eventually turned public, as governments took on the bad debts of banking institutions (Climent Serrano 2013).

One of Portugal's main problems was in demographics, with a large segment of over sixty-years olds putting heavy pressure on public resources, which ultimately contributed to the growth in sovereign debt. In Italy, important social and economic discrepancies between the North and the South accounted for public debt accumulation, primarily as a result of large transfers to the South combined with poor taxation performance in that region. Moreover, Italy faced similar demographic challenges as Portugal (Amaral, Magalhães and de Sousa 2014).

The euro's institutional design did not reflect these specificities and allowed for capital to freely move from the core towards the periphery and to boost sovereign debt in the countries of destination. These imbalances were exposed as soon as the fall of the investment bank Lehman Brothers marked the beginning of the financial crisis. The situation, particularly for Southern Europe, was aggravated by the fact that national shock absorbers, such as devaluation and inflation, were, under a common monetary area, no longer possible. The only remaining solution was austerity measures, which were justified

through a discourse relaying on a moral ground largely defined by the industrial world. Although the interest of investors, legitimised through market principles, strongly influenced the process that created the institutional design for the economic and monetary union, the beginning of the crisis marked a return to practices of justification relying on the legitimacy of rigidity, constraint and discipline.

Indeed, when the newly elected Greek government revealed that the country's budget deficit was far beyond what the SGP allowed, which was rapidly followed by major rating agencies downgrading Greece's credit ratings, the first steps of action consisted of austerity measures at the beginning of 2010 (Frieden, Copelovitch and Walter 2016). At the same time, measures resulting from a rhetoric based on solidarity and support did not materialise as rapidly, as member states and European institutions representatives engaged in long debates on whether support was in order, and if so, by which means. The approval of a financial assistance programme came in May 2010. The package, financially backed by the International Monetary Fund (IMF) and the Eurozone member states, was conditional upon the implementation of fiscal austerity and structural reforms. Additional measures included the European Financial Stability Facility (EFSF), with a lending capacity of 440 billion euros meant to assist Eurozone members in financial distress (Gocaj and Meunier 2013), as well as the strengthening of the SGP through greater macroeconomic surveillance and, eventually, the adoption of the reform package known as the "Six-Pack" at the end of 2011. Additionally, the European Central Bank engaged in sovereign debt purchases, while the European Council approved the creation of the European Stability Mechanism (ESM) as a permanent crisis resolution mechanism (Frieden, Copelovitch and Walter 2016). With a lending capacity of 700 billion euros, the ESM would assist those member states that the "troika" (the ECB, the European Commission and the International Monetary Fund) considered eligible. Each

of these measures grew increasingly stringent and restrictive in terms of its rules and numbers, as well as more punitive when requirements were not met, as determined through the European semester process (Schmidt 2015).

To a certain extent, making support for those in need conditional upon subsequent disciplinary actions represents a compromise between the civic and the industrial world. However, the nature of this specific arrangement is quite different than the civic-industrial compromise at the basis of the polity described at the beginning of this chapter, which introduced the potential for a compromise between collective altruism and industrial efficiency or, in other words, an efficient distribution of factors for the collective good. In practice, however, the bailout programmes represented a compromise defined by financial support for certain members of the collective, conditional upon radical disciplinary actions.

At the same time, despite these large bailout programmes, the strategy in dealing with the crisis relied primarily on debt repayment through internal fiscal reforms and adjustments in debtor states, although coupled with temporary financing and expansionary monetary policy from the ECB. There was no meaningful debt relief granted, instead, access to bailout programmes was conditioned by austerity measures in return (Frieden and Walter 2017). In other words, the reasoning behind crisis solving strategies seemed to have heavily relied on moral grounds particular to the industrial world, at the expense of the civic world. The accent here was not on elements of the industrial world related to an efficient attainment of the public good, defined by solidarity with members facing severe shortages, but rather on industrial elements such as punitive measures, austerity and disciplinary action.

Despite differences between specific member states, the crisis in the Eurozone was dominantly framed as a result of spendthrift governments, which legitimised the idea

of austerity measures as most appropriate solutions in this given situation. Excessive state spending as the main cause for the crisis was presented as an undisputable fact. In 2011, Germany's federal minister of finance wrote in a piece for the Financial Times that "western democracies and other countries faced with high levels of debt and deficits need to cut expenditures, increase revenues and remove the structural hindrances in their economies, however politically painful" (Schäuble, 2011). In 2013, Angela Merkel declared that "every member of the Eurozone must have a debt brake in its constitution or similar legislation, so that leaders don't use elections or other opportunities according to their mood to live beyond their means" (Chan and Trotman 2012). Reduced public spending combined with increased taxes conditioned access to bailouts granted by the troika. When in May 2010 Greece received its first loan of 110 billion euros, the conditions dictated a cut of 20 per cent in public sector salaries, tax increases and 10 per cent cut in pensions. According to the troika's analysts, economic growth was expected to recover by 2012. By 2011, however, the unemployment rate in Greece reached 21 per cent and the economy continued to deteriorate, which called for a second loan. In exchange for another 130 billion euros, an additional 20 per cent pay cut was applied, as well as more tax increases. Finally, when these measures still did not prove enough, a debt relief of about 100 billion euros was considered. For a loan of 85 billion euros, Ireland had to cut public spending by 26 per cent; Portugal underwent similar reforms for 78 billion euros.

Although the country accounted for only 2.5 per cent of the Eurozone's GDP and generally was in a situation different than other members in debt, Greece became a common reference during justifications for austerity, regulation and drastic reforms. George Osborne, then Britain's Finance Minister, declared in a 2010 interview on the subject of British economic situation "you can see in Greece an example of a country that

didn't face up to its problems, and that is the fate that I want to avoid" (Reuters 2010). When in 2012, Ireland started to show more visible progress compared to other PIIGS members, Angela Merkel praised the Irish for their "stoicism and determination with which they have responded to the demands that international lenders imposed". Merkel even awarded the country's Prime Minister Enda Kenny with a golden statuette[18], adding that the statue is completely justified

> "considering that what Ireland has achieved in terms of reform, the changes, the improvements in competitiveness and with that Ireland is one of the exceptional examples that Europe will emerge from the crisis stronger than it entered this crisis" (Eddy 2012).

Here, another type of industrial-civic arrangement made a claim for legitimacy. The austerity measures are presented as a precondition for the public good, as a small sacrifice on the road towards a stronger Europe.

Another important example was the position of the Baltic States. Although Latvia and Lithuania are not members of the Eurozone, their situation came to support the pro-austerity narrative, despite their very particular economic model and history, and same could be said for Romania, Bulgaria or Hungary. Given their high dependency on subsidiaries of foreign banking institutions, these countries were forced to engage in austerity measures in exchange for an EU and IMF bailout of their financial systems[19]. In practice, public resources were used in order to save the foreign banks and keep them from closing and transferring their capital to mother institutions abroad (Blyth 2013, 221).

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[18] A replica of the mythical goddess who stands atop the Victory Column in the heart of Berlin.
[19] The market friendly rules in the Baltics permitted financial capital to be easily drained back to the mother bank.

Moreover, the severe fiscal adjustment the Baltics embraced as early as 2008 was quickly used to paint an image of the South in comparison, with the main narrative relying on "guts versus surrender, work versus sloth, real austerity versus fake austerity" (Blyth 2013, 216). The IMF Director General Christine Lagarde referred to Latvia's "success story" as "an inspiration for European leaders grappling with the euro crisis" (The Guardian 2012).

The industrial world became the dominant model of moral-political reasoning. Germany amended its constitution with a clause on balanced budget, and from 2016 on, the German federal government was permitted a maximum annual borrowing of 0.35 per cent. In an attempt to set an example for the other member states, Germany's approach to its own policies echoed the concepts of uncompromising discipline and fiscal rectitude, in the vocabulary of the industrial world. Peter Bofinger, a German economist and member of the German Council of Economic Experts, concluded that Germans "are like the Swabian housewife"[20]. He added that "there was a belief that [Greece, Portugal, Spain and Italy] have to go through the pain and then it gets better. They've committed a sin and now, to stop them from doing it again, they must suffer in purgatory" (Stewart 2012).

In the spirit of pragmatic sociology, the plurality of socio-political grammars of worth becomes once again evident. The morality relying on the industrial world was in practice expressed through austerity measures, reforms for the removal of labour market rigidities, an increase in the tax-collecting capacity, significant changes to retirement ages in particular for the public-sector workers and state pension benefits cuts. Despite their high recurrence in debates and negotiations, arguments built in the spirit of the industrial world were not immune to critique. The pragmatic rationale was systematically confronted through reality tests when critics pointed out its inconsistency with economic

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[20] Swabians, from southwest Germany, are known for both their frugality and strong work ethic. This was also referenced by Angela Merkel a 2008 speech.

principles. The argument that the bond market crisis equals a crisis of spendthrift governments was not easily defendable. Apart from Greece, public spending was not a decisive cause for the crisis in the Eurozone, but rather a consequence of other structural problems. However, as Mylonas argued, a dominating discourse propelled by the media viewed the crisis "as a national and moral problem rather than a global and systemic one" (Mylonas 2014).

A different moral interpretation of how the crisis could have been approached relied on the principle of solidarity expressed, for example, through in debt relief. However, although there has been some debt restructuring in the cases of Greece and Cyprus, there was none in Spain, Portugal or Ireland. As Frieden and Walter pointed out, this was quite unique, since it wasn't uncommon for a debt crisis to involve some level of debt relief, much like corporate bankruptcies lead to a restructuring of the bankrupt company's liabilities (Freiden and Walter 2017). The chosen solution, however, was one that relied on covering the costs almost entirely through public resources.

If we go back to the aforementioned flaws of the euro's institutional design, we discover that even at an institutional level, the application of solidarity-inspired principles was limited. The Eurozone was from the beginning built on an "ideational consensus between sound money, price stability and ordo-liberal rules" (Matthijs and Silvia 2013)[21]. The fact that member states gave up their ability to independently apply adequate economic measures in order to reduce the effects of an eventual crisis was aggravated by the lack of a true fiscal and banking union, which would make up for a supranational mechanism of solidarity. With no effective shock absorbers, notably a joint tax system with EU institutions' own resources, joint public debt management or some form of

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[21] See also Kathleen R. McNamara, *The Currency of Ideas*, Ithaca: Cornell University Press, 1998.

Eurobonds (Schmidt 2015), there was an obvious lack of any coordinating strategy at an institutional level meant to balance growth between the core and the periphery.

It comes as little surprise that the effects of the crisis and the lack of grounds for solidarity-based solutions either reinforced legitimacy in justifications relying on the sovereign world, which manifested itself in a further rise of anti-European sentiment; or resulted in a new model of reasoning relying on an anti-establishment normative ground. Public adversity towards the European Union manifested itself on one hand through the rise of populist parties, in particular on the extreme right, and on the other, through a sharp division among the member states (Gómez-Reino and Llamazares 2013). This division became particularly visible in the choice between a more diverse and inclusive idea of Europe versus a stronger role of national borders, which has further polarised public debates around the Eurozone and the Union in general (Kriesi 2014). Citizens' disappointment in both the EU and their national elites as reflected by Eurobarometer was striking. Between 2007 and 2012, trust in European institutions fell from 57% to 31%. A similar drop was registered in citizens' trust towards their national governments, which fell to 23% in 2013 from 43% in 2007 (European Commission 2014).

As a number of critics have pointed out, the European community's loss of legitimacy after the financial crisis had a lot to do with the way the crisis was framed and diagnosed, the solutions that were chosen, as well as the incomplete institutional design the Eurozone was built on. To frame the crisis as one of sovereign debt by projecting onto other countries the situation in Greece meant to ignore certain economic realities, especially since for other members the problem was in private debt resulting from the massive overstretch of the banks, the increasing indebtedness of households, and the mispricing of sovereign risk by the markets (Schmidt 2015). Instead, a dominating narrative was created and pursued, one that depicted debtors such as Greece as "lazy" and

creditors such as Germany as "saviours". Austerity measures were justified through the grammar of the industrial world, with adjustments and regulation based on cold numbers, as well as strictly calculated quid pro quo, presented as the most legitimate. At the same time, this line of justification fuelled resistance to any other moral interpretations, for example towards one of solidarity as defined by the civic world, which would materialise as some sort of transfer or fiscal union or a European Monetary Fund.

The financial crisis represents therefore a truly interesting situation to examine through the lenses of pragmatic sociology because of the high degree of uncertainty involved and the strong pressure that implicated actors had to face. The disillusion with the "invisible hand of the market" and with moral interpretations as defined by the market world created a normative vacuum and legitimacy was soon sought in other normative backgrounds. The crisis in the EU was thus characterised by moral complexity and was determined by a plurality of moral standards. In these circumstances, a technocratic interpretation grounded in the industrial world gradually became the main carrier of moral standing.

3.4 WHAT'S NEXT: LEGITIMACY STRUGGLES DURING THE PARLIAMENTARY DEBATES ON THE EUROPE 2020 STRATEGY

The moral confrontations between state and European institutions' representatives had overbearing effects and strongly influenced the dominating normative frameworks through which the future of Europe was perceived. For illustrative purposes, this chapter looks at the debate on the adoption of the Europe 2020 Strategy, the EU's agenda for growth for the 2010-2020 period.

The Europe 2020 Strategy was drawn up by the Commission against a background defined by the economic and financial crisis and its major impact on the European economy, notably a sharp economic contraction and a rise in unemployment rates. At the same time, the document was the successor to the Lisbon Strategy; an action plan established in 2000 and notoriously considered a fiasco, given that a majority of its objectives were not achieved within the set timeframe. With Europe 2020, the main purpose was a successful and rapid exit from the financial crisis by shaping public policies in a way that would bring sustainable growth back to the EU (Egenhofer 2010). The negotiations on the final form of the document thus concentrated on already existing moral interpretations and legitimacy struggles that surrounded the crisis itself. Patterns of justification crystalised around competing normative backgrounds, with validity tests employed in order to put different claims to trial.

The subject of the following analysis was the transcript of one of the debates in the European Parliament on policies that Europe 2020 should envision under the circumstances of an ongoing financial crisis (European Parliament 2010). The analysis shows that the debate is structured using a number of argumentative patterns, relying on

specific orders of worth. What most of these patterns have in common, however, is a struggle to preserve the status-quo, that is the legitimacy of European institutions, which manifested either in justifications for austerity measures, whose legitimacy was claimed using the vocabulary of the industrial world, or as a critique of the sovereign world, or more specifically, of an intergovernmental approach as opposed to using the *community method*. The participating actors used truth tests in order to regain or confirm the public's trust in European institutions and in their own capacity as trustworthy managers of the crisis. Reality tests were used when certain claims or decisions were critical of the status quo's lack of legitimacy.

Justifications based on the industrial world fiercely dominated the debate on the future form of the Europe 2020 strategy, generally projecting the main rhetoric and moral interpretations of the financial crisis. The crisis itself was again framed as first and foremost "a crisis of financial stability in public accounts as a result of very marked deficits" (Diego López Garrido, President-in-Office of the Council). Public spending was repeatedly interpreted as the main cause, with Conservative Dutch MEP Derk Jan Eppink declaring that

> "public overspending went on for too long. The public sector was out of control for many years. Even in good times, the German Government of Mr [Gerhard] Schröder went through the 3 per cent ceiling, and Greece, of course, broke all the records, because the Greek political class is utterly unable to manage money" (European Parliament debate, 19 May 2010).

In this setting, legitimacy for fiscal conservatism was sought by insisting on notions such as optimisation, discipline, surveillance, or sacrifice in the name of calculated progress, all part of the industrial world's vocabulary. According to

Commissioner Olli Rehn, who played an important role in planning the Strategy, "stronger fiscal surveillance should be accompanied by broader macro-economic surveillance, in order to go to the roots and origins of sustainable economic development", while "both the preventive and corrective arms of the Stability and Growth Pact" must be reinforced. By referring to concepts such as "surveillance", "crisis management", "control", Rehn adopts the vocabulary of the industrial world, which bases its worthiness on "technological objects, scientific methods and professionals" (Boltanski, Thévenot 2006: 203-211). Rehn also suggests the use of objects typical for the industrial world, such as indicators, scoreboards, deadlines and labour costs surveillance.

In addition to that, French MEP Joseph Daul asked the Commission "to strive to ensure this and to punish, and not just timidly criticise" the states that fail to meet the objectives for national deficits reductions. He continued:

> "as you well know, everybody is afraid of the speed trap, everybody is afraid of the penalties, of the number of points on their licences when they are on the road. This is how we are made, so there have to be penalties. This is the alpha and the omega of any serious policy in this area" (European Parliament debate, 19 May 2010).

Justifications for austerity also took the form of criticism against social policies, or used states that embarked on austerity missions as positive examples. Olli Rehn pointed to Spain and Portugal, who "presented significant new fiscal consolidation measures which are important and difficult but, at the same time, are necessary steps in order to reduce the ballooning public deficits in 2010 and 2011", while Estonian MEP Tunne Kelam assured everyone that

"Estonia will not contribute to the increase of the average EU debt level. [He trusts] also that the Eurozone colleagues will be able to accept Estonia as a positive example; that would send an encouraging signal also to Latvia and Lithuania convincing their people that it makes sense to make efforts and that all the applicants will be treated according to their merits" (European Parliament debate, 19 May 2010).

The legitimacy of European institutions was alternatively sought through what from the perspective of pragmatic sociology represented a critique of the sovereign world. According to Guy Verhofstadt and on behalf of the ALDE group, for example, "what the Council must be asked to do is to be a little bit more discreet and to let the Commission and the European Central Bank come up with solutions." According to the French MEP, "neither nationalist nor Marxist rhetoric is going to provide us with the solutions we need for this crisis we are going through". Interestingly, the "Marxist rhetoric" in this context referred to some of his colleagues' claims criticising austerity or framing the crisis as a result of neoliberal policies. The Spanish MEP Francisco Sosa Wagner claimed that Europe "had to be on the brink of the economic abyss in order for the Heads of State or Government to understand that the way forward is not more nationalism but more Europe". French MEP Sylvie Goulard from ALDE fully supported the Commission's proposal "for national parliaments to work far more upstream with the EU". An example of a validity test would be her warning that "this must be approached very carefully or it will provide all the populists and all Europe's critics with a golden opportunity" and give

"the impression that 'Brussels' is dictating everything. I note that it is those same national parliaments that claim to be the protectors of democracy that have put

Europe in its current situation by voting, year in year out, for deficit budgets"

(European Parliament debate, 19 May 2010).

These are examples of truth tests, as they seek to confirm the legitimacy of European institutions and preserve the status quo through a rhetoric of pathos and virtue. In opposition to that, reality tests tend to criticise the status quo by confronting the opponents' claims for justification with the reality (Boltanski and Thévenot 2006). Reactions that took the form of reality tests came, for example, from the non-attached German MEP Andreas Mölzer, who attempted to legitimise his position by referring to the principles of the sovereign world, declaring that

"the sort of centralisation which takes the form of Brussels exerting budgetary authority over all the member states would be a massive and improper intervention in the sovereignty of the member states. This would really just mean going from bad to worse" (European Parliament debate, 19 May 2010).

Mölzer therefore challenged the rhetoric that reinforced the authority and legitimacy of European institutions by confronting it with a moral interpretation grounded in the sovereign world.

Another important rift was expressed in criticism rising from an interpretation of the crisis based on the civic world's normative background against both the industrial and the market world. Criticism of the market world was expressed in claims that linked the financial crisis to free market and neoliberal policies and in particular to the role played by banking institutions in the way the crisis unfolded. MEP Rebecca Harms, on behalf of the Verts/ALE Group stated that

"we must get out of this cycle of rescuing the banks, which has cost us billions upon billions. We no longer know where the money is coming from and we are only daring to take tiny steps towards state regulation of the financial markets, going by the agreement in the Economic and Financial Affairs Council" (European Parliament debate, 19 May 2010).

In his speech, the German MEP Lothar Bisky pointed to the

"huge sums being spent to rescue banks which are themselves responsible for getting heavily into debt. These governments have saved casino capitalism using taxpayers' money. However, they have taken a very hesitant approach to rescuing the states that are in debt. Somewhere, they managed to find 750 billion euros. The question is whether the money printing press will save economic development. I believe that it is more likely to save the banks' capital. However, the European Union must be more than just a free internal market with a single currency" (European Parliament debate, 19 May 2010).

Another example is Hannes Swoboda's reaction to Guy Verhofstadt's critique of the "Marxist rhetoric", in which he said the following:

"Mr Rehn has correctly pointed out that differences between the individual euro countries with regard to competitiveness have increased and not decreased. What you do not mention, Mr Rehn, is something that is very important to us, namely, the fact that the gap between the rich and the poor in Europe is widening. If that sounds like Marxism to Mr Verhofstadt, to us it is a question of social security and social policy. However, that is simply not of interest to some people" (European Parliament debate, 19 May 2010).

Swoboda also engaged in a reality test questioning the European institutions' legitimacy:

> "What we are currently experiencing, Mr President, is not, in my opinion, a monetary crisis in the Union, it is not even a crisis of our single currency; rather, it is a crisis of EU governance" (European Parliament debate, 19 May 2010).

These statements are, in fact, similar to what Boltanski and Thevenot call "existential tests", when actors engage in radical forms of critique that go beyond the established formats and refuse to play the established rules. This is typical of situations where anger over injustice disrupts the conventional format of negotiations. In the European Parliament, however, despite the occasional heckling or angered remarks, truly "existential" scenes are practically inexistent.

French MEP Patrick Le Hyaric equated "free capital movements" and "free competition" on financial markets with "unfair competition". Similarly, the interest of the people was often invoked when seeking legitimacy for anti-austerity claims, which at a more general level represented a rift between the civic and the industrial world. Such an example can be found in Philippe Lamberts's speech from Verts/ALE, according to whom

> "it is a sham to let people believe that we are going to meet the current challenges solely by reducing expenditure, as that will most certainly plunge Europe into recession, that will most certainly destroy the social fabric, this social cohesion that is part of the EU's identity".

In many other similar statements, the civic world was invoked as the legitimate order of worth, which assigns worth to the concerns and interests of European citizen. Even as a strong proponent of austerity measures and of a technocratic approach, commissioner Rehn anticipated a critique grounded in the civic world against austerity and specified that "this is not about breaching democracy or parliamentary sovereignty but ensuring that our member states respect those very same rules which they have themselves decided on previously".

The debate was therefore marked by competing normative grounds and distinct moral interpretations of the causes behind the crisis, as well as the legitimacy of proposed solutions. The legitimacy of European institutions as main actors in leading Europe out of financial turmoil was sought by framing the crisis as the result of inadequate economic management at the national level, which was meant to undermine the strength of moral claims relying on the vocabulary of the sovereign world. Truth tests were employed in order to regain and confirm confidence in the European Union. Reality tests were subsequently employed in order to criticise the status quo, the banking system that led to the crisis and the austerity measures, all from the perspective of the civic world. Although there were registered forms of critique that had a harsher and more disruptive tone, in particular when injustice towards citizens was denounced, these instances were not disruptive and reformative enough to qualify as existential tests.

The establishment was accused of putting the interests of banks before those of common people and the burden of financial debt on the back of taxpayers. According to this moral interpretation, the crisis is no longer the mere result of national governments' reckless spending, but rather represents the outcome of capitalist dynamics, with banks engaging in bad lending of its excess savings.

At a general level, political actors claim to be contributing to the higher common good of the civic world, which is the collective interest. Yet, a closer look reveals moral interpretations that compete with that of the civic world. The solutions meant to guide Europe out of the financial crisis were largely grounded in a technocratic approach defined by extraordinary measures and instruments such as stability mechanisms, task forces, scoreboards and so on. As Boltanski and Thévenot put it, the order of the industrial world is grounded in the efficiency and performance of beings, their productivity and capacity to deliver predictable and replicable responses (Boltanski and Thévenot 2006, 204-205). The suggested solution to the crisis seemed to have followed a similar logic of prevention and prediction (Gadinger and Yildiz 2013).

It is interesting to follow how participants in the debate tended to distance themselves from seeking legitimacy in the market world. However, the demonisation of the market forces only gave more legitimacy to the common good of the industrial world. The Commission framed the Europe 2020 strategy as a comprehensive action plan designed to put Europe on a path of economic growth and job creation. The Strategy itself emphasised the social dimension of the future European market and partly sought legitimation by invoking the moral principles of the civic world, with one of its priorities being social and territorial cohesion (European Commission 2010). At the same time, however, José Manuel Barroso stated in the preface of the text that the "short-term priority is a successful exit from the crisis. It will be tough for some time yet but we will get there" (European Commission 2010). Here it is implied that in order to reach the long-term objectives central to the model of a social market economy, short-term sacrifices, such as "smart" budgetary consolidation and "sound" public finances are crucial (European Commission 2010). In order to legitimise austerity measures, the moral ground of the industrial world became central.

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An arrangement between the civic and the industrial regimes of justification could result in a new order of worth and provide a complex normative background for the rise of a polity. The common good expressed in the interest of the collective would be reached, based on such a compromise, through a division of resources based on industrial efficiency. In this new order of worth, the highest worth would be assigned to the social dimension of the distribution of resources, which in its essence represents an overlapping of efficiency and solidarity. At the same time, claims for justice grounded in this normative grammar would strongly denounce selfishness and self-serving interests at the expense of the collective. These notions, therefore, can only fight for legitimacy based on the market regime of justification.

This chapter introduces this scenario to the situation created prior and during the sovereign debt crisis, defined by practices of justification and critique grounded in competing moral vocabularies.

The economic dimension of the European project is itself the result of arrangements between different criteria of judgement regarding the definition of the highest order of worth and what is considered legitimate behaviour. The institutional design of the economic and monetary union represented the result of continuous tension between the industrial and market moral backgrounds: from the perspective of the market world, industrial principles were a source of undesirable rigidity. At the same time, the industrial world viewed market principles as a source of unpredictability and high risk.

The examination of the process that created the economic and monetary union points to a marginalisation of claims for legitimacy grounded in the civic world. Claims that aimed at to legitimise advanced economic integration invoked social cohesion as the

common good with the highest worth only marginally. Instead, the dominating moral grounds were either caution, stability and rigidity, as understood in the industrial world, or liberalisation and investment incentives, as defined by the market world.

Practices justified through the imperative of economic growth and liberalisation dominated the initial process of the creation of the EMU. Claims for justice grounded in the industrial world, such as calls for the applications of disciplinary action when countries crossed the permitted budget deficits, where dismissed as irrelevant for the given situation. Instead, these claims where counter-attacked with calls emphasising the need to support economic growth and deregulation of capital circulation. When punitive procedures where applied selectively, competent actors engaged in radical critiques highlighting the inconsistency of actors' behaviour. This critique was grounded in the civic world and in effect aimed at pointing out a lack of democratic legitimacy in the status quo.

As the crisis unfolded and justifications relying on the market world lost their validity, actors' behaviours and actions increasingly sought legitimacy in the industrial regime of justification. Draconic austerity measures and punitive action were legitimised through the need to discipline those "irresponsible" member states that brought sovereign debt upon themselves. In the previously presented scenario that described a polity whose worth arises from a compromise between collective altruism and industrial efficiency, the industrial contribution took the form of principled efficiency for the good of the collective. A particular arrangement would be considered efficient only as long as it serves all members of the polity. In contrast to that, the industrial grammar that practices of justification and critique relied on during the debt crisis was defined by notions of austerity and discipline directed at select members. Unlike the harmonious combination of the industrial and the civic presented in the beginning of this chapter, this particular

dimension of the industrial world, which individualises members of the community, situates itself in strong opposition with the principles of the civic world.

This incompatibility made a compromise between the civic and the industrial worlds impossible. Although there were attempts to justify austerity measures against a few members with the higher purpose of a stronger and more united Europe in the future, these attempts would have difficulty passing a validity test simply because the consequences pointed to a different reality. In a report on human rights issued in 2013, the Council of Europe emphasised that "austerity measures—characterised by public expenditure cuts, regressive tax hikes, reduced labour protection and pension reforms— have exacerbated the already severe human consequences of the economic crisis marked by record levels of unemployment" (European Union 2013). These actions strongly affected the social dimension of the community expressed through the right to decent work and an adequate standard of living and social security. The public sector was thus severely affected with social and health protection being one of the main areas in which public expenditure was reduced (Correia, Dussault, and Pontes 2015). The critique grounded in the civic world thus gained momentum; the status quo was accused of lacking civic and democratic legitimacy. In practice, the polity defined by a symbiotic compromise between the industrial and the civic worlds as presented in the beginning of this thesis could not be reached in the European community.

CONCLUDING REMARKS

This thesis aimed to show that the potential of sociology in the study of international relations goes beyond what was traditionally known as constructivism. The opposition between rationalist/intergovermentalist and constructivist approaches caused the focus of the discussion to be stuck on norms, preferences and interests in a debate unable to move past material versus ideational concerns. In this context, the aim was to identify a direction towards a different kind of analysis of the interconnectedness of norms and action, on that is both more reflexive and empirically oriented.

This thesis focuses on a little explored critical perspective in international relations that has at its centre concepts such as practice, the uncertain character of political reality, moral ambiguity, justification and legitimacy. More specifically, it focuses on justification and critique as social practices in international relations as a means to test various legitimacy claims in situations of uncertainty. In the study of public debates as part of negotiations at the European level, particular consideration is given to legitimacy in action as dependent of a functional public sphere scrutinised by a critical communicative process. In this sense, this chapter introduces the work of French sociologist Luc Boltanski and his collaborators, known primarily as the pragmatic sociology of critical capacities.

Looking at how legitimacy is produced in public debates at the EU level through the craft of justification and critique among competent actors, and what the impact of legitimacy struggles on social change is, this thesis makes a number of important observations:

1. *Situations of uncertainty are crucial for the process of social change.*

This thesis focus on three episodes in the recent history of the European Union, which were selected based on the shared characteristics of uncertainty and potential for dispute that the unpredictability of outcome generated. The assumption was that uncertainty, or the fragility of reality (Susen and Rennes 2010, 150), carries an essential role in the social order. As part of the routine negotiations and interactions at the EU level, the legitimacy of the status quo is systematically contested and open for reinterpretation. This becomes particularly evident in critical moments such as disputes, controversial situations and situations of great uncertainty, and it is under these conditions that change is produced.

In the three examined situations, the communicative process between states or institutional representatives was defined by a constant struggle to reach one outcome or another. The lack of clearly defined accession procedures increased the uncertainty around potential scenarios in the debates on the Eastern enlargement. As a result, the final outcome and, by extension, social change was strongly impacted by carefully crafted practices of justification and critique that, in this specific case, were particularly successful when invoking the order of worth specific to the civic world.

Similarly, in the case of the Lisbon Treaty, uncertainty over the ratification process was resolved through a string of compromises that created an outcome far from the initial expectations that targeted the creation of a European Constitution. And finally, the economic crisis in Europe is a particularly befitting case for the study of uncertainty effects as it plunged European member states into an unprecedented situation. This case is particular in that beyond the the moral complexity of the situation, uncertainty took a real form in the material world and was also expressed in the unpredictability of the

financial market. Here, both the "material" uncertainty, and the uncertainty related to the plurality of moral interpretations were resolved through an agreement largely grounded in the industrial world.

2. *When looking at how legitimacy is produced in public debates, it is important to take the perspective of participating actors as fundamental.*

The fragility of reality that Boltanski refers to is always in need of interpretation by actors equipped with competence. In the examined examples, officials in the communicative process share in common a degree of competence that enables them to engage in actions of justification and critique. Political actors systematically engaged in competent performances, in which they either contested or justified particular aspects of the social order. Their competence resurfaced through their ability to read and adapt their performance to particular situations, with the ultimate purpose of reaching a model of compromise and overcome uncertainty. Their competence is also demonstrated in their ability to publicly distinguish legitimate arrangements from illegitimate ones. When moral interpretations of future relations with the CEECs grounded in the civic world were challenged by reality test defined in industrial terms, Polish representatives pointed out that a technocratic approach does not pass the test for legitimacy in the situation at hand: an interpretation in terms of efficiency and rationality is irrelevant when, according to their view, the fate of Poland and the unity of the entire EU were at stake.

In order to ensure a strong connection to a moral ground, political actors use strong normative language, a rhetoric of pathos meant to "make visible the relationship between the order of symbolic propositions and the order of the state of the affairs" (Boltanski 2011, 104). Interpretations grounded in the civic world were expressed through references to fundamental rights, values the Union cherishes, a strengthened

cohesion and a unified vision. Through this vocabulary, competent actors built strong arguments that their opponents could hardly contest. However, despite the strength and the indisputable validity of these strong references, equally competent actors pointed to the irrelevance of these values for specific situations, contesting thus their contribution to the common good in situated actions. Instead, strong arguments were proposed in reference to functionality, clarity, efficient use of resources, responsibility and discipline, but also sovereignty, freedom and the superior importance of national interests. In most situations, these were incompatible moral interpretations and a possible agreement required the presence of critical capacities for identifying a model of compromise that ensured an acceptable contribution to the common good, as measured according to all of the invoked moral grammars.

Inspired by Luc Boltanski's focus on actors' critical capacities, this thesis reveals that legitimacy in practices of critique and justification at the European level is produced, contested and eventually accepted by actors themselves in the process of resolving uncertainty caused by a plurality of interpretations of social reality. In this sense, this research views actors as active, openly critical agents, who "pressed home their demands, condemned injustices, produced evidence to support their complaints, or developed arguments to defend themselves against criticisms levelled against them" (Boltanski 2013, 45). This standpoint is crucial in how this thesis interprets social order: instead of it being defined by passively or unconsciously accepted domination, the examined situations reveal an order determined by disputes, critiques, conflicts and attempts to reach agreements.

3. *Legitimacy is not a constant quality that the EU possesses, it is instead constantly sought, challenged and confirmed through practice.*

In accordance with the model inspired by the work of Luc Boltanski and Laurent Thévenot (2006), this thesis perceived practices through which actors interact and socialise as centred around the notions of critique and justification or confirmation. As part of these interactions, there is a strong reliance on normative references. Practices of justification aim at eliminating uncertainty by confirming the legitimacy of the status quo, while practices of critique challenge the presented reality and point out discrepancies between the reality of action and the normative dimension that makes the specific action socially meaningful and, ultimately, legitimate.

Inspired by the sociology of critical capacity, this thesis relied on the concept of *tests* as particularly useful tool in the analysis of legitimacy production. Through truth tests, state or institutional representatives aimed at preventing uncertainty and opportunities where the dominating moral grounds for producing legitimacy would be challenged. Examples of truth tests included claims that encouraged continuous political steps leading to the Eastern enlargement, or claims that aimed to bolster confidence in the authority of European institutions during the ratification of the Constitution, and, later, of the Lisbon Treaty.

Reality tests, on the contrary, dispute a particular order of things by pointing to the various problematic elements of the order's claims for legitimacy. According to the sociology of critical capacity, the resulting disputes or disagreements are caused either by a violation of the referenced principle of justification when, for example, it was suggested that the ratification of the Constitution goes, in fact, against the will of the people; or by the application of the wrong principle altogether when, from the perspective

of the civic moral grounds, austerity measures implemented as a result of the sovereign debt crisis were strongly criticised as going against the fabric of the reality.

Legitimacy is thus constantly contested and put to test, its validity strongly depends on both the quality of legitimacy tests, and on the proved relevancy of symbolic forms for the fabric of the situation at hand.

4. *Claims for legitimacy are situation bound and ought to be studied in context.*

The examined situations point to the existence of a plurality of moralities with various and changing degrees of relevancy. The role of normative backgrounds as a source of legitimacy is constantly changing and strongly depends on competent actors' critical interpretation. From here, it follows that the role of norms for social and political action should be studied in specific political and historical contexts. The relationship between normative arguments and political reasoning is situation bound, and should be examined accordingly.

An analytical approach that examines the interplay between the *micro* and *macro* as defined by the methodology of this thesis allows for an empirically grounded analysis of how legitimacy is produced, which takes into consideration both the normative and the material dimension.

Regardless of how developed the idea of a common European identity bound by common goals and vision is, the idea of a coherent identity and cosmopolite community united in similar beliefs was already heavily referenced when, for example, proponents for the European Eastern enlargements were making their case and seeking legitimacy for the inclusion of the post-communist Central and Eastern Europe countries in the European community. This suggests that regardless of how incomplete the European

community or demos may seem, it has already represented an important source of legitimacy and accountability in negotiations and decision making processes.

At the same time, the strength of references towards the civic normative background was not consistent across the analysed situations. The nature of the common good in the European Union constitutes a controversial issue, as notions of justice or the will of the people are not always compatible with those of stability, order, efficiency or profit. As a consequence, disagreement in the European Union is inevitable. State and institutional representatives weigh their various interests and values against each other on a constant basis; every actor carries at one point or another the burden of judgement, justification and critique, which generates a multitude of possible outcomes and illustrates again the fragility of reality.

As a final obligatory remark, one should reemphasise that although Luc Boltanski and his collaborators define a certain number of modes of existence, the authors talk on a number of occasions about the irreducible plurality of available practical-theoretical viewpoints in social reality. The theoretical framework developed in *On Justification* (2006) defines five specific orders of worth, but this number does not claim to be final. Apart from the sovereign order of worth that this thesis added in order to account for lines of argumentation grounded in a morality attached to national interests, there are certainly more grammars of justification invoked in public debates in the EU. For example, in the wake of the climate crisis, an ecological normative background currently represents a source of impactful practices of critique and justification on possible measures to combat climate change. The irreducibility of moral interpretations again points to the crucial role of carefully built legitimacy claims in reaching consensus and resolving uncertainty until the next conflict. Through its ability to accommodate new normative backgrounds for the analysis of situated action, the conceptual toolkit that this thesis introduced can be adapted

to many other situations in which legitimacy claims are made by representatives of member states or European institutions. This approach would introduce new paths for sociological research in the study of, for example, the migration crisis, Brexit, the European Green Deal and other instances that challenged the public communicative process.

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