

# Olga Gheorghiev, Justifications and critique in the European Union: a study of legitimacy in practice

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This thesis is a competent and very readable text which uses Luc Boltanski's sociology of critical capacities to analyse three critical episodes in the recent history of the European Union in order to critique some of the shortcomings of 'orthodox' accounts in sociology and international relations. One of its most original contributions is to reveal how there can exist different variations of the 'same' compromise between orders of worth (in the third episode). Overall, I find the author's arguments and conclusions to be sound. In what follows, I nevertheless point out six areas in which I identified some weaknesses, which the author should address before or during her defence.

## Principal points of concern

### 1. *The notion of situation*

I feel there is some terminological confusion between the words *episode* and *situation*. In Boltanski's sociology, *situation* is not just a term for an historically specific moment; it is also a generic category. Actors constantly ask themselves: what kind of situation do we find ourselves in? Actors 'give themselves up' to a shared definition of the situation when they recognise it for what it is (institutionally speaking) and act in keeping with its implicit or explicit norms and moral codes. So I **suggest it would be better to discuss how actors define the situation in each episode you study instead of using the terms episode and situation more or less as synonyms**. You actually come close to making such a distinction on p.47, where you equate situations with "a specific social context".

An example of what I regard as a misinterpretation occurs on p.31, where you write: "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."

But for Boltanski & Thévenot, the term situation is not a micro-level concept; it is a concept that bridges between micro and macro. It does not need to be linked to rules, norms and moral principles because it already embodies them. This is possible because Boltanski distinguishes between *situations types* and *situations occurrences* (types and tokens in English), a similar distinction to that between symbolic forms and states of affairs. See the following passage from *On Critique* (pp. 68-9): "it is the relationship between what is happening here and what, in a normative optic, should happen, that makes it possible to clarify the way we shall use the term situation. The situation is identified, on the one hand, by reference to a certain context in which the action occurs and, on the other, by the meaning given to this context by relating it to a determinate type of action. One and the same context can therefore be the site of different situations, at successive moments, but even, particularly in the case of disputes, at the same time for different actors. But it can also be said, more formally, that the issue of knowing what we are really doing and hence, inextricably, what we are, concerns the relationship between a state of affairs and a symbolic form whose features are logically arranged and laden with values. The attention given to the terms whereby reference is made to the

objects of which reality is composed (this can extend to an obsession with the 'right word') stems then from the fact that reference to types renders their place in a hierarchy of values salient".

So, for example, where you write on p.51: "their capacity to recognise normative backgrounds attached to specific situations", it would be closer to Boltanski's conceptualisation to write instead: "their capacity to recognise normative backgrounds from *typical* situations and attach them to *specific* situations".

## 2. *The hermeneutic contradiction*

On p.61 you write: "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."

This is a legitimate simplification if, and only if, no one questions the right of spokespeople to represent institutions. Did you really not come across such forms of critique in your data? On p.157, for example, you refer to critique based in "an anti-establishment normative ground". **Might it not be useful to analyse this episode using Boltanski's first hermeneutic contradiction** (institution - spokesperson)?

## 3. *The three types of tests*

On p.52 you characterise truth tests as "the antipode of critique".

I have argued that truth tests are actually the necessary *prerequisite* to critique (see Smith, S., Ward, V. & Kabele, J. (2014) Critically evaluating collaborative research: Why is it difficult to extend truth tests to reality tests? *Social Science Information* 53(3): 374-402). And similarly, Boltanski points out in *On Critique* that if no one said what the institution is, critique would have no focus, no target. So when, for example, on p.71 you write - "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, Jozsef 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)" - I agree that these are truth tests but I think it's important to recognise how they *set up reality tests*: effectively, leaders are defining or calibrating the new reality tests for the enlargement process.

Elsewhere I don't always understand your identification of the type of test. For example, on p.110 you write: "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".

Why do you think this is a truth test? He's saying the state of affairs that has arisen is out of keeping with Europe's normative principles; Europe should be responding to citizens' preferences, but it is not. When *what is* does not conform to *what should be*, that is a reality test.

You use a similar heuristic later in the dissertation, on p.141, where you write: “the critique brought by the Commission pointed to discrepancies between how things are and how they should ideally be”. This is a useful way to think of reality tests, which you could use more often to explain how you have identified them: it helps guard against over-interpretation on your part.

**In general, I would recommend making much clearer in your methodology how you distinguished truth from reality tests in the data: how you define them operationally, i.e. for coding purposes.**

#### *4. Conflict and compromise between orders of worth*

In your summary of the first episode (p.85) you explain how conflict ultimately led to agreement. But you don't really explain **how we get from conflict to compromise**. Compromises are fragile and vulnerable to critique because configurations founded on a compromise lack a clear definition of the common good ('constitutive of a polity') or a stable principle of equivalence. So compromises depend on participants making an ambiguous or composite definition of the common good, which different parties can accept in spite of different moral preferences (but which are easily denounced at the same time). Is this what you mean in the final sentence of p.85 when you refer to “specific rules”? Later, you introduce the notion of compromise (on p.116), but I suggest **this discussion should come earlier, along with a consideration of what it means for definitions of the common good.**

#### *5. Linguistic markers of the orders of worth*

Your analysis is not as attentive as it could be to **linguistic markers of argumentation**, which can help distinguish truth from reality tests (see above), as well as to **semantic indicators that might help differentiate between orders of worth.**

Some examples where I am confused by your specification of orders of worth are the following:

--- Page 82 ---

“He stressed “the responsibilities” the EU had towards these countries”

Responsibility is a concept often invoked in the domestic and the industrial worlds (a parent towards a child, a boss towards an employee). Boltanski & Thévenot identify it as a common basis for compromises between orders of worth.

--- Page 93 ---

“With friends like that, the Constitution doesn't need enemies”

Friends and enemies may be evoking a domestic, or possibly opinion-based order of worth.

--- Page 146 ---

“keep its own fiscal house in order”

The language of this metaphor belongs to the domestic order of worth which (see below) other authors have invoked to take account of arguments about national sovereignty.

--- Page 155 ---

“inspiration”

“They've committed a sin and now, to stop them from doing it again, they must suffer in purgatory”

This is the language of the inspired world, don't you think?

#### *6. The sovereign order of worth*

I'm not completely convinced that this innovation is justified. Please explain more fully why you think it necessary to conceptualise a new order of worth?

Others have used the *domestic* order of worth to analyse national(ist) forms of justification (valuing national traditions, language, culture and identity). See, for instance, Lemasson, G. (2017) On the legitimacy of cultural policies: analysing Québec's cultural policy with the Economies of Worth, *International Journal of Cultural Policy* 23(1): 68-88; Botiková, Z. (2019) 'In searqrch of a national sport?' *Analysing the creation of Slovakia's new sports policy*. Brno: Masaryk University, Faculty of Social Sciences, Doctoral thesis.

Boltanski & Thévenot themselves treat popular sovereignty historically as a compromise between the domestic, civic and industrial worlds (in a passage dissecting Durkheim's interpretation of Rousseau - the same one you discuss on pp.132-136).

I think **you ought to discuss these possibilities even if you eventually dismiss them.** (Partly, this is just a matter of reordering: you briefly explain why you dismiss the first possibility on p.134)

### Points of details and corrections

--- Page 6 ---

"in a strategic way": Not sure what you mean by this.

--- Page 16 ---

"undermining": Undermining or underlining?

--- Page 18 ---

"discursive": should be "discursive"

--- Page 21 ---

"given the existence of other agents in the field, such as representatives from mass media and academia"

I think it would be more accurate to say "given the influence of agents *from adjacent fields* like the media and academia"

--- Page 24 ---

"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"

This is the first mention of this dualism in your thesis, so how can it have "become clear"?

--- Page 26 ---

"sociology"

Better to say "social sciences" as your list of names are not all thought of as sociologists

"Susen and Rennes 2010"

You list this reference as Rennes and Susen in the bibliography.

--- Page 27 ---

"encompasses": should be "encompass"

--- Page 29 ---

"group of business workers"

*Cadres* do not necessarily work in private sector; "salaried managers" would be a better English equivalent.

--- Page 30 ---

"he studies how these groups define themselves. This approach led to extending his analytical framework by incorporating notions such as disputes, denunciation and conflict."

Maybe you overstate Boltanski's focus on dispute? Don't forget that he devotes just as much attention to confirmation in *On Critique* – the other metapragmatic means by which groups define themselves (and therefore deal with uncertainty): the two registers are two sides of the same coin.

--- Page 36 ---

"worlds, or cités": *polity* is the standard English translation of  *cité* , not world

--- Page 37 ---

"it is essential that reality or existential tests take place and bring "an explicit formulation of valid proof"

Are you sure this applies to existential tests or just reality tests? Existential tests are grounded in lived experience, which may be difficult or impossible to communicate, and therefore validate, collectively.

--- Page 38 ---

“where” should be “were”

“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.”

In what way? Could you expand slightly?

--- Page 40 ---

“do not take” should be “takes”

“organisations and its members” should be “organisations and their members”

--- Page 44 ---

“weight” should be “weigh”

--- Page 51 ---

“Legitimacy tests or trials”

Why introduce a second term? If you need the term trial, please also define how it’s distinguished from test? Are you trying to capture two different senses of the French *épreuve* (for which, I would agree, the English word test is not a very satisfactory translation).

--- Page 52 ---

“several steps”: you only seem to indicate two.

--- Page 53 ---

“Existential tests refer to practices that demand strong, disruptive effects”

That is too vague a definition because reality tests can do this, too. Is not the distinguishing feature of existential tests their grounding in *lived experience* (the world) as a basis to denounce the institutional order itself?

--- Page 58 --- (and elsewhere)

“put to test”: the proper English phrase is “put to the test”

--- Page 59 ---

“constructivist approaches challenge these theories’ explanatory power and make a case for the decisive role of non-material factors”

I don’t understand why you associate constructivist approaches with non-material factors. Many constructivists are often concerned with how apparently non-material things (like discouse) get materialised (in documents, strategies, policies, IT systems, architecture, etc.).

--- Page 61 ---

“the constitutive effect of practices”

Are you making a distinction here between (social / discursive) *construction* and (social / discursive) *constitution*?

--- Page 64 ---

“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”

Is it the *production* of these normative texts that represent truth tests, or is it their *materialisation / reification / invocation*?

--- Page 65 ---

“dully” should be “duly”

--- Page 85 ---

“colluded”: do you mean collided?

--- Page 104 ---

“but it is good”

“Il s’agit bien” means something more like “it really is a question of”

--- Page 108 ---

“Juncker, the President of the Council, then added that “Europe should be explained as it is [to the citizens]”

Couldn't we say that Juncker invokes the world of opinion here: the solution, according to him, is better propaganda?

--- Page 111 --- (and elsewhere)

You make several references to Eurobarometer data to support your arguments. I think you need to be careful and reflexive when you use Eurobarometer because it is an object belonging to the world of opinion. So when you use it as evidence to infer the presence of other orders of worth, you should be aware that it is far from being a neutral measure!

--- Page 114 ---

“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”

Aren't Ahern and Vanhanen's arguments saying: it would be wrong to ignore the results of a reality test once it has been conducted? I.e. they are defending the integrity of the testing procedure.

--- Page 132 ---

“they aim at conceptualising a new order of worth”

Actually Boltanski & Thévenot call this configuration a compromise, i.e. a fragile and unstable order of worth.

--- Page 143 ---

“Arguments relying on the legitimacy of the Pact were failing reality tests expressed in accusations of double standards”

When the accusation is of double standards, there is no obvious need to invoke a second order of worth: the accusation is that the principle of equivalence is being applied inconsistently; the reality test is being conducted badly.

--- Page 148 ---

“exclusively in the market world”

Why do justifications that ignore moral hazards relate only to the market world? Why not the domestic world, where 'family members' will often support each other in spite of bad conduct?

--- Page 164 ---

“German MEP Lothar Bisky”

Sometimes you omit the party grouping MEPs belong to: for consistency and contextualisation I suggest you always include it.

--- Page 169 ---

“where” should be “were”

“Draconic” should be “Draconian”

--- Page 171 ---

“on” should be “one”

--- Page 173 ---

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

You don't always identify clearly enough where participants are speaking from: this applies both to politicians' allegiances (see comment above); but it would also be useful to identify the authors of the policies and documents you cite where possible (e.g. the White Paper on European Governance was largely prepared by the influential Forward Studies Unit, a thinktank attached to the Commission but recruited mainly from academia, which explains its anchorage in political science concepts).

--- Page 177 ---

“five” should be “six”

--- Page 179 ---

The English edition of On Critique was published in 2011.

**I conclude by stating that I recommend this thesis for a successful defence.**

Simon Smith, Institute of Sociological Studies, Faculty of Social Sciences, Charles University

Bradford, 24 August 2021