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***Constructions of Multilevel Legitimacy in the European Union:
A Study of German and British Media Discourse***

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1 INTRODUCTION¹

In March 2007, the European Union celebrated the 50th anniversary of the Treaty of Rome. Yet amid the festivities, overtones of crisis were hard to dispel. Economically, progress in meeting the Lisbon Goal of becoming ‘the most competitive and dynamic knowledge-driven economy in the world’ by 2010 (European Council 2000) has thus far been meager. Politically, a convincing response to the rejection of the Draft Constitution in the French and Dutch referenda of 2005 has yet to be found. These failures have reinvigorated debates about a possible legitimacy crisis of the European Union (Føllesdal 2006; 2007), which come in both normative and empirical variants: Normatively, they tend to focus on the democratic quality of EU institutions; empirically, they discuss whether the Union’s acceptance in the population might be under threat.

While academic debates about the EU’s *normative legitimacy* have reached a relatively high level of conceptual sophistication, and most of the remaining points of contention can be traced back to ultimately irreconcilable differences between various views of democracy, considerably less is known about the Union’s *empirical legitimacy*. In spite of the regular Eurobarometer reports, there is little reliable data on what Europeans value about the EU, why they accept or oppose its institutions, and on what criteria they base such assessments. Are different evaluative benchmarks used when people judge the legitimacy of the EU, as opposed to the nation state? Are democratic standards less important compared to output- and performance-oriented criteria? In which

¹ Many ideas presented in this paper grew out of my collaboration with Zuzana Krell-Laluhová, Frank Nullmeier, Steffen Schneider and Achim Wiesner in the TranState Research Center at the University of Bremen (Germany).

relevant respects is the EU seen as doing well, and which aspects of its activities are seen as generating legitimacy problems?

What is more, we also have insufficient understanding about the ways in which the *interplay of various political levels* in the EU's multilevel system impacts on the citizens' legitimacy assessments. Many discussions assume that the putative legitimacy deficits of the EU encroach on the legitimacy of its member states as well, thus leading to a general erosion of legitimacy in Europe (Scharpf 1999, 2000). One should note, however, that the existence of multiple political levels does not by necessity hurt their legitimacy in the eyes of the citizens. After all, we can also conceive of legitimacy evaluations in which legitimacy deficits of one level of governance (e.g., the EU) bolster the legitimacy of the other (e.g., the nation state), or even of evaluations in which the interplay of these levels reinforces the legitimacy of each of them (Hurrelmann 2007b). Which of these constructions – if they are empirically relevant at all – dominates in the citizens' legitimacy assessments about the EU?

In this paper, I argue that the most promising way to answer these questions is to focus on the construction and transformation of legitimacy in *public discourse*. In other words, the dominant strand of empirical legitimacy research in the EU – public opinion surveys such as the Eurobarometer – should be complemented by an approach that focuses on political communication (see also Schneider, Nullmeier and Hurrelmann 2007). After sketching how a focus on communication might help to alleviate some of the deficiencies of existing research on the EU's empirical legitimacy (Section 2), I apply this approach in a study of British and German media debates surrounding EU enlargement, the Draft Constitution, and the 2004 election to the European Parliament

(Sections 2 to 4). The paper yield insights into the construction of legitimating and delegitimizing arguments about EU institutions, as well as into the ways in which these are related to evaluations of the member states.

2 THE EMPIRICAL LEGITIMACY OF THE EU: ON THE BENEFITS OF A DISCOURSE-ANALYTICAL PERSPECTIVE

The concept of empirical legitimacy should be distinguished from the more general notion of support for a political system (Hurrelmann, Schneider and Steffek 2007). In contrast to support, which might be based on normative as well as on instrumental considerations, legitimacy denotes a form of acceptance that is based on reasoned judgements about the *normative rightfulness* of political rule (Barker 1990, 20-44; Gilley 2006). This implies that motivations such as habitual obedience, the fear of sanctions, or individual cost-benefit calculations do not generate political legitimacy, since legitimacy must be based on normative claims of a generalizable character – although the specific contents of these claims may of course vary. Given this inescapably normative character of any legitimacy evaluation, the difference between a normative and an empirical perspective on legitimacy is simply that in the latter case, social scientists take an observer's role, not performing the relevant evaluations themselves, but examining other actors' judgements, and the criteria used in the process (Barker 2007).

On the basis of these definitions, it might well be questioned whether the attitudes of many Europeans towards the EU have anything to do with empirical legitimacy at all. After all, the model of a 'permissive consensus' still seems to be appropriate for large parts of the European population, who lack sufficient information and interest to perform reasoned evaluations of the EU, and merely acquiesce to its policies (Moravcsik 2006;

Hurrelmann 2007a). According to the Eurobarometer, the average level of subjective (self-reported) knowledge of the EU is only 4.5 on a 10-point scale, and less than half of the population state that they ‘understand how the EU works’ (European Commission 2006a, 104-12). What does it mean, in this light, when the same Eurobarometer reveals that citizens on average place more trust in EU institutions than in national parliaments and governments (ibid., 50-7)? Does it indicate political legitimacy, or should it rather be seen as a ‘disguised non-response’ that signals ‘a resigned recognition of [...] incompetence’, as Pierre Bourdieu (1984, 417) once argued about similar data? At the very least, the widespread lack of knowledge about the EU sheds doubt on ‘the intellectualist premise that every answer to a political question is the product of an act of political judgement’ (ibid., 418), and hence on the claim that the legitimacy of the EU can be gauged by public opinion surveys of the general population.

Yet even if we assume that substantial parts of the European population have now moved beyond the permissive consensus, and that we can therefore take their responses at face value, problems with the dominant survey-oriented approach to empirical legitimacy research remain. The most serious one is that public opinion surveys are an entirely reactive method, offering respondents a pre-selection of institutions to be assessed and evaluative benchmarks to be used (Schneider, Nullmeier and Hurrelmann 2007). For example, recent Eurobarometer surveys have tried to uncover reasons for people’s feelings towards the EU by asking them whether their country’s EU membership has contributed to personal safety (47% positive responses v. 44% negative ones), economic stability (45% positive, 45% negative), political stability (41% positive, 48% negative), and the protection of their country’s interests (38% positive, 46% negative) (European

Commission 2006a, 85), as well as by confronting them with a list of values for which the EU allegedly stands: human rights (associated with the EU by 38% of respondents), democracy (38%), peace (36%), the rule of law (24%), respect for other cultures (19%), solidarity (17%), equality (14%), respect for human life (13%), tolerance (11%), individual freedom (10%), self-fulfillment (4%), and religion (3%) (European Commission 2006b, 34). Yet such lists are of limited value for drawing inferences on the EU's empirical legitimacy, not only because one might question their exhaustiveness and criticize their implicit pro-EU bias (note that negative principles that could be associated with the EU are not even mentioned), but more fundamentally because they do not allow researchers to identify the aspects of political orders and evaluative standards that respondents would highlight themselves, without the stimuli provided by the questionnaire. The data that public opinion surveys can generate about the EU's legitimacy are thus necessarily artificial, 'battery reared' rather than 'free range', as Rodney Barker (2000, 228) has put it.

A third limitation of public opinion research on the empirical legitimacy of the EU concerns its ability to come to terms with various types of multilevel legitimacy. As explained above, the concept of multilevel legitimacy assumes that the citizens' legitimacy evaluations in the EU are increasingly influenced by the interplay of European and member state institutions (Hurrelmann 2007b). We can distinguish two forms of multilevel legitimacy: *multiunit assessments* establish explicit relationships between the legitimacy of EU and member state institutions, while *integrated assessments* evaluate the European multilevel system as a whole. Undeniably, public opinion studies working with Eurobarometer data have contributed to our understanding of such forms of

multilevel legitimacy by establishing that correlations exist between the citizens' attitudes to the EU and to their home country (Anderson 1998; Sánchez-Cuenca 2000; Rohrschneider 2002; Kritzinger 2003; Hooghe and Marks 2005). However, such studies have had considerable difficulties in interpreting their findings: First, the evidence is contradictory as to whether a positive orientation towards national institutions or a strong attachment to one's own state leads to increased EU support (Anderson 1998; with some qualifications also Hooghe and Marks 2005) or whether it results in opposition to European integration (Sánchez-Cuenca 2000; Rohrschneider 2002; Kritzinger 2003).² Second, correlations alone are insufficient to determine whether linkages between EU-related and member state-related evaluations are merely the product of insufficient information about the EU, which forces citizens to use national institutions as 'proxies' when asked to assess the EU (Anderson 1998; Kritzinger 2003), or whether they reflect genuine evaluations of the interplay between both levels of government. One factor that contributes to this ambiguity is certainly that multilevel assessments can be expected to

² Most of these studies also qualify their findings in several respects. For instance, Robert Rohrschneider's (2002) model of a zero-sum relationship between the legitimacy of the EU and its member states is asymmetrical in the sense that a positive assessment of national institutions results in lower legitimacy of the EU, whereas a negative assessment of national institutions does not increase the EU's legitimacy. Sylvia Kritzinger's (2003) model shows that attitudes towards the nation state negatively affect attitudes towards the principle of European unification, but positively affect attitudes towards concrete EU institutions. In her interpretation, this result suggests that 'people attribute more than just one dimension to the EU' (ibid., 233). And even in the studies that generally find positive correlations between national identities and EU support, research consistently shows that *exclusive* national identities – i.e., identity constructions that perceive a contradiction between national and European attachments – result in *lower* support for European integration (Hooghe and Marks 2005).

follow different logics of construction at various points in time, various places, or within various subgroups of the population.³ The ways in which public opinion surveys are interpreted are generally not context-sensitive enough to identify such differences.

In what follows, I want to suggest that these deficiencies of existing research can be addressed by complementing public opinion studies with research that focuses on the communicative dimension of legitimacy (Schneider, Nullmeier and Hurrelmann 2007). The basic idea of this approach is that legitimacy evaluations of political institutions, as well as the normative criteria on which they are based, are developed and modified, affirmed and contested in communicative processes. An analysis of such processes with text or discourse analytical methods can generate important insights into a political system's legitimacy. Compared to public opinion studies, it has the advantage of focusing on explicit legitimacy evaluations rather than a 'permissive consensus', relying on natural data rather than responses to artificially generated stimuli, and allowing for an in-depth analysis of the ways in which legitimating or delegitimizing evaluations are constructed and framed (which encompasses the use of multiunit and integrated assessments).

³ This picture, in any case, is suggested by studies on the relationship between European and national identities, a topic that has attracted greater research interest than legitimacy relationships in a strict sense. Evidence obtained by various techniques – survey research (Duchesne and Frogner 1995; Marks 1999; Citrin and Sides 2004), studies of elite discourses (Marcussen et al. 1999; Risse 2001), as well as small group experiments (Mlicki and Ellemers 1996; Cinnirella 1997) – all show that while there is no necessary contradiction between a person's attachment to her nation state and to the EU, the relationship between national and European identities can take many forms, depending on the ways in which these identities are constructed in public discourses and/or an individual's self-image.

Obviously, legitimacy-related communication takes place in a wide range of discursive arenas – from private settings to public fora – and a truly comprehensive study of legitimation discourses would have to cover all of them. The most important forum for such discourses in modern democracies, however, is the mass media. While the media undeniably constitute an arena that is dominated by political elites, and one should thus be careful to generalize from media discourses to the discourses of the general population, it is safe to assume that legitimacy-related claims that are prominent in the media have an agenda-setting function for other discursive arenas. To generate new insights into the empirical legitimacy of the EU, research on the mass media hence seems to be particularly promising.

3 BRITISH AND GERMAN DEBATES ABOUT THE EU: HOW TO STUDY MASS MEDIA LEGITIMACY DISCOURSES

When it comes to attitudes towards the EU, the United Kingdom and Germany can be considered opposite extremes: While the UK is often seen as an ‘awkward partner’ in European integration whose imperial history, insular geography and majoritarian politics have contributed to unusually high levels of Euroscepticism (George 1998; Geddes 2004), Germany – at least at the elite level – has wholeheartedly embraced the European project as an alternative to discredited visions of German dominance in Europe (Anderson 1999). A comparison of the UK and Germany can hence be expected to uncover substantial national differences concerning the ways in which the EU and its core institutions are being legitimated and/or delegitimated.

To be sure, there is relatively little point in proving what is evident anyways, namely that British newspapers are generally more EU-critical than German ones. What

is much more interesting is to take a closer look at how both positive and negative legitimacy evaluations in both countries are constructed: From what kind of debates do they originate, which EU institutions do they refer to, and which criteria do they make use of? To answer these questions in an empirical study of media discourses, it is important that the sample of texts from both countries contains an adequate number of legitimating as well as delegitimizing assessments. For this reason, a relatively Euro-friendly British quality newspaper – *The Guardian* – was selected for this study. Articles from the *Guardian* were compared to a German paper of a similar political orientation, the *Süddeutsche Zeitung*.⁴ The study focused on one of the most interesting time periods in recent EU history, namely the four months between April and July 2004, when the biggest enlargement in EU history took place, an election to the European Parliament (EP) was held, and the heads of state and government finished their negotiations on the Draft European Constitution. In addition, this time period also witnessed important policy developments, such as the decision by the European Court of Justice on the Stability and Growth Pact.

Drawing on a methodology first developed for the analysis of legitimacy discourses at the nation-state level (Hurrelmann et al. 2005; 2006; Schneider, Nullmeier and Hurrelmann 2007), all articles published in this time period in one of the two newspapers were taken into account for this analysis if they contained at least one *legitimation*

⁴ The study concentrates on high-quality newspapers since these can be expected to contain particularly diverse and elaborate arguments; furthermore, high-quality papers are particularly relevant since they fulfil an inter-media agenda-setter function (i.e., the issues they identify as relevant are often taken up by other media).

statement about the EU or one of its institutions.⁵ In line with the conception of empirical legitimacy developed above, legitimation statements were defined as *evaluative propositions*: A statement advanced in media reporting or commentary was considered relevant for the empirical legitimacy of the EU if it contained an explicit – negative or positive – evaluation of the Union’s rightfulness, usually pointing to a specific criterion (e.g., portraying it as democratic or undemocratic, efficient or inefficient, etc.). This focus on evaluative statements, which excludes descriptive or directive speech acts like the formulation of political demands, makes sure that the method does not measure political proposals, let alone a ‘permissive consensus’, but zeroes in on judgements about the political system’s legitimacy in a strict sense.⁶ On the other hand, we should note that this approach does not tell us whether a statement is intended to have any immediate implications for political action (withdrawal from the EU, disobedience with its policies, etc.), even though some scholars consider such action the ultimate indicator of legitimacy (e.g., Barker 2001; 2003). Whether legitimation statements result in a specific kind of political behavior can only be assessed in the long run: Evaluations that are used in a

⁵ The articles selected could be news reports, commentaries, or features from any section of the papers. The statements reflect content advanced by the authors themselves or by some person quoted in the articles. Texts were retrieved from an electronic media database in a two-step procedure, using automated search routines for the pre-selection of texts, and a close reading of paragraphs containing search words for the final selection.

⁶ Legitimation statements hence differ from the ‘claims’ analyzed in political claims analysis, which are defined as ‘purposive and public articulation of political demands, calls to action, proposals, criticisms or physical attacks’ (Koopmans 2007, 189).

consistent fashion over an extended period of time can be expected to shape political activities as well, while more idiosyncratic statements are unlikely to have such effects.

The core advantage of the focus on legitimization statements is that they allow us to identify, in a ‘free-range’ setting, the specific institutions to which legitimacy evaluations refer (objects of legitimization), as well as the criteria that are used to support the evaluation (patterns of legitimization). As for *objects of legitimization*, this study worked with a deliberately restrictive list that excluded evaluations of political actors, specific policies or future political projects, and concentrated only on statements that referred either to the EU in its existing form (or to the principle of European integration), to one of the EU institutions, or to ‘Europe’ in a general sense, understood as an entity encompassing both the Union and its member states. As will be discussed below, most statements of the latter type constitute examples of multilevel legitimacy in which assessments of the EU and its member states are amalgamated to form an integrated evaluation.

With respect to *patterns of legitimization*, the study’s starting point was to distinguish between evaluations that were input-oriented, referring to the processes by which political decisions in the EU are made, and those that were output-oriented, pointing to the contents and outcomes of EU governance (for this distinction, Scharpf 1999, 6-28). On the basis of the empirical material, and informed by political theory as well as existing discussions about the legitimacy of the EU, both categories were later divided into a number of subcategories. Table 1 shows the patterns that resulted, as well as their definition; it clearly indicates that the diversity of output-oriented criteria used in legitimacy discourses about the EU was greater than that of input-oriented criteria.

Table 1 Patterns of Legitimation

<i>Input-oriented</i>	<i>Output-oriented</i>
<p><i>Democracy/popular sovereignty:</i> Decisions can be traced back to the people, accountability and responsiveness is ensured</p> <p><i>Legality/rule of law:</i> Decisions follow legal rules, corruption is prevented</p> <p><i>Popular support/trust:</i> Decisions and institutions enjoy the factual support of the people</p>	<p><i>Capability to act/effectiveness:</i> Political problems are dealt with in a flexible and expedient way</p> <p><i>Economic performance:</i> The citizens' or member states' economic well-being is secured and/or promoted</p> <p><i>Peace/unity:</i> The peaceful development and integration of the continent is secured and/or promoted</p> <p><i>Human rights/freedom:</i> The protection of individual rights and liberty is secured and/or promoted</p> <p><i>Social solidarity/welfare:</i> The solidarity between citizens and their social welfare is secured/promoted</p> <p><i>European interests/values/identities:</i> Common ideas and concerns of all Europeans are addressed and/or reflected in institutions</p> <p><i>National interests/values/identities:</i> Concerns of the member states are addressed and/or reflected in institutions</p> <p><i>Positive role in the world:</i> A powerful and/or respected position in world politics is secured and/or promoted</p>

To sum up: A legitimation statement has this structure: [Object X] [is (il)legitimate] [because of Pattern Y]. Evaluative propositions in newspaper articles that contained these elements were selected for the analysis; for coding purposes their wording was 'translated' into this grammatical structure.⁷ Individual legitimation statements, rather than the articles from which they were drawn, constituted the basic unit for the empirical analysis that follows. Five variables were coded for each statement: object of legitimation, assessment as legitimate or illegitimate, pattern of legitimation, as well as the topic of the article from which the statement originated and the possible use of multilevel legitimacy constructions.

⁷ Obviously, selection and coding entailed a considerable amount of interpretation. In order to ensure reliability, both tasks were *not* delegated to non-expert coders but rather performed by the author himself.

4 OBJECTS AND PATTERNS OF LEGITIMATION: HOW LEGITIMACY EVALUATIONS OF THE EU ARE CONSTRUCTED

All in all, 354 statements on the legitimacy of the EU were identified in the material (187 from the *Guardian*, 167 from the *Süddeutsche Zeitung*), which stemmed from 214 articles (98 from the *Guardian*, 116 from the *Süddeutsche Zeitung*). As might have been expected, the majority of the British statements were delegitimizing (56.7% negative evaluations as opposed to 43.3% positive ones), while most German statements were legitimizing in character (44.9% negative evaluations, 55.1% positive ones). Given that the study deliberately focused on EU-friendly newspapers, the relatively even distribution of legitimizing and delegitimizing statements should not come as a surprise. It is worth noting, however, that parallel research on the legitimacy of nation-state institutions in the UK and Germany pointed to substantially lower legitimacy levels (Hurrelmann et al. 2006), which indicates that at least in the *Guardian* and the *Süddeutsche Zeitung*, the EU was in fact evaluated more positively than the British and German nation state.⁸

⁸ For the whole year 2004, our study of nation-state institutions found that in the *Guardian*, 65.6% of all legitimization statements on domestic British institutions were delegitimizing. In the *Süddeutsche Zeitung*, 58.5% of the evaluations of German institutions turned out negative.

Table 2 Main Topics of Articles Containing Legitimation Statements

Topic of article	United Kingdom			Germany		
	Number of statements	...of which		Number of statements	...of which	
		Delegiti-mating	Legiti-mating		Delegiti-mating	Legiti-mating
EU enlargement	8 (4.3%)	1 (12.5%)	7 (87.5%)	31 (18.6%)	14 (45.2%)	17 (54.8%)
EU Constitution	83 (44.4%)	44 (53.0%)	39 (47.0%)	38 (22.8%)	10 (26.3%)	28 (73.7%)
EP election	66 (35.3%)	39 (59.1%)	27 (40.9%)	41 (24.6%)	27 (65.9%)	14 (34.1%)
Other issue of EU politics	22 (11.8%)	15 (68.2%)	7 (31.8%)	21 (12.6%)	11 (52.4%)	10 (47.6%)
Issue of domestic politics	3 (1.6%)	3 (100.0%)	0 (0.0%)	12 (7.2%)	3 (25.0%)	9 (75.0%)
Others (e.g., arts and culture, third countries)	3 (1.6%)	2 (66.7%)	1 (33.3%)	24 (14.4%)	10 (41.7%)	14 (58.3%)
Total	187 (100.0%)	106 (56.7%)	81 (43.3%)	167 (100.0%)	75 (44.9%)	92 (55.1%)

To understand the construction of legitimacy assessments about the EU, a first relevant variable are the *topics of the articles* from which legitimation statements were drawn. As Table 2 shows, the three main events that took place in the time period examined – EU enlargement, the constitutional debate and the EP election – were of roughly equal importance in Germany, each generating about 20% of the statements. Statements drawn from articles about the constitutional talks were overwhelmingly legitimating, statements from articles about enlargement displayed a slight legitimating tendency, while statements from articles about the EP election were mainly delegitimizing. In the UK, enlargement hardly played a role in generating legitimation statements, and the constitutional talks alone accounted for almost half of the statements (although evaluations of the Constitution itself, constituting a political project rather than an existing EU institution, were not included in the analysis). One can hypothesize that the

lack of a sustained legitimacy debate on enlargement, which is generally seen as a particular successful aspect of the EU's recent history, goes some way in explaining why the overall tendency of the British legitimization debates was negative. Much like in Germany, the EP election – though in theory constituting a crucial legitimating device for the EU – was the one of the three core events that was associated with the greatest share of delegitimizing statements.

If we look at the less important topics, we can see that in both countries, issues of EU politics other than the three key events – mainly policy-related problems like the Stability and Growth Pact – tended to generate legitimization statements that were delegitimizing at a rate higher than average. Finally, evaluations of the EU that originated from debates about domestic politics – e.g., affirmations of 'Europe' as a 'community of values' in the context of debates about national identity – played a substantial role only in Germany, a fact that might be taken as a first indication for a greater propensity of German debates towards multilevel legitimacy (see Section 5 below).

The most important finding on *objects of legitimation* is the undifferentiated character of most media discourse about the EU. In both countries, the majority of all legitimization statements referred to the EU as a whole (or to the principle of European integration), rather than to specific EU institutions (Table 3). Of the individual EU institutions, only the European Parliament was mentioned in a relevant share of articles – and mainly judged very critically. Again, this indicates that in the view of elites that shape national public discourse, the European Parliament is not adequately fulfilling its role as a legitimating device for the Union. It is also interesting to see that references to 'Europe' as an entity encompassing both the EU and its member states were common

particularly in Germany, where they tended to result in legitimating evaluations in a high percentage of cases.⁹ This issue will be discussed in greater detail in the next section, which turns to constructions of multilevel legitimacy.

Table 3 Objects of Legitimation in Media Statements

<i>Object of legitimation</i>	<i>United Kingdom</i>			<i>Germany</i>		
	<i>Number of statements</i>	<i>...of which</i>		<i>Number of statements</i>	<i>...of which</i>	
		<i>Delegiti-mating</i>	<i>Legiti-mating</i>		<i>Delegiti-mating</i>	<i>Legiti-mating</i>
European Union	137 (73.3%)	72 (52.6%)	65 (47.4%)	87 (52.1%)	47 (54.0%)	40 (46.0%)
European Parliament	7 (3.7%)	6 (85.7%)	1 (14.3%)	14 (8.4%)	8 (57.1%)	6 (42.9%)
Other EU institution	13 (7.0%)	10 (76.9%)	3 (23.1%)	2 (1.2%)	2 (100.0%)	0 (0.0%)
‘Europe’	30 (16.0%)	18 (60.0%)	12 (40.0%)	64 (38.3%)	18 (28.1%)	46 (71.9%)
Total	187 (100.0%)	106 (56.7%)	81 (43.3%)	167 (100.0%)	75 (44.9%)	92 (55.1%)

With respect to *patterns of legitimation*, the statements examined in this study lend support to Fritz Scharpf’s assertion that ‘the European polity [...] can, for the time being, only aspire to [output-oriented legitimacy]’ (1999, 12). In both countries, legitimation statements that judged the EU and its institutions against input-oriented standards like democracy, legality and popular trust overwhelmingly resulted in delegitimizing evaluations (Table 4). Output-oriented evaluations, by contrast, were not only more common – they were used almost twice as often in the British debates and almost three

⁹ Due to imprecise use of language, it was sometimes difficult to determine whether a statement referred to the EU or to Europe as an integrated entity. The coding rule was to stick with the wording used in the original text except in cases in which it was clear from the context that another meaning was intended.

times as often in the German ones – but also displayed clear tendencies towards legitimation.

Table 4 Patterns of Legitimation in Media Statements

<i>Pattern of legitimation</i>	<i>United Kingdom</i>			<i>Germany</i>		
	<i>Number of statements</i>	<i>...of which</i>		<i>Number of statements</i>	<i>...of which</i>	
		<i>Delegiti- mating</i>	<i>Legiti- mating</i>		<i>Delegiti- mating</i>	<i>Legiti- mating</i>
Democracy/popular sovereignty	25 (13.4%)	22 (88.0%)	3 (12.0%)	24 (14.4%)	14 (58.3%)	10 (41.7%)
Legality/rule of law	8 (4.3%)	8 (100.0%)	0 (0.0%)	1 (0.6%)	1 (100.0%)	0 (0.0%)
Popular support/trust	30 (16.0%)	28 (93.3%)	2 (6.7%)	15 (9.0%)	13 (86.7%)	2 (13.3%)
Sum input-oriented patterns	63 (33.7%)	58 (92.1%)	5 (7.9%)	40 (24.0%)	28 (70.0%)	12 (30.0%)
Capability to act/ effectiveness	7 (3.7%)	5 (71.4%)	2 (28.6%)	10 (6.0%)	6 (60.0%)	4 (40.0%)
Economic performance	21 (11.2%)	12 (57.1%)	9 (42.9%)	8 (4.8%)	6 (75.0%)	2 (25.0%)
Peace/unity	22 (12.3%)	1 (4.3%)	22 (95.7%)	17 (10.2%)	1 (5.9%)	16 (94.1%)
Human rights/ freedom	8 (4.3%)	2 (25.0%)	6 (75.0%)	14 (8.9%)	5 (35.7%)	9 (64.3%)
Social solidarity/ welfare	9 (4.8%)	2 (22.2%)	7 (77.8%)	8 (4.9%)	5 (62.5%)	3 (37.5%)
European interests/ values/identities	12 (6.4%)	3 (25.0%)	9 (75.0%)	36 (21.6%)	4 (11.1%)	32 (88.9%)
National interests/ values/identities	18 (9.6%)	10 (55.6%)	8 (44.4%)	10 (6.0%)	6 (60.0%)	4 (40.0%)
Positive role in the world	11 (5.9%)	6 (54.5%)	5 (45.5%)	8 (4.9%)	4 (50.0%)	4 (50.0%)
Sum output-oriented patterns	109 (58.3%)	41 (37.6%)	68 (62.4%)	111 (66.5%)	37 (33.3%)	74 (66.7%)
Others (idiosyncratic patterns)	15 (8.0%)	7 (46.7%)	8 (53.3%)	16 (9.6%)	10 (62.5%)	6 (37.5%)
Total	187 (100.0%)	106 (56.7%)	81 (43.3%)	167 (100.0%)	75 (44.9%)	92 (55.1%)

Again, it is interesting to compare these findings to the results of the parallel study on nation-state institutions. The comparison shows that in both countries, evaluations of the EU focused *less* on input-oriented criteria and *more* on output-oriented criteria than evaluations of domestic institutions.¹⁰ If input-oriented criteria were used, evaluations of the EU were more likely to turn out negative than evaluations of domestic institutions.¹¹ By contrast, if output-oriented criteria were used, evaluations were more likely to be positive than in the nation-state case.¹² We can conclude that legitimization discourses about the EU indeed differ from legitimization discourses about the nation state: Output-oriented criteria are more important, but their use also tends to result in a greater share of positive assessments than the application of similar criteria to the nation state.

A look at individual patterns reveals that four arguments in particular proved crucial for sustaining positive evaluations of the EU: the fact that it has secured peace and unity on the continent; that it embodies and protects freedom and human rights; that it stands for social solidarity (this pattern is associated with mainly positive evaluations only in the

¹⁰ In the *Guardian*, 53.1% of legitimization statements on domestic institutions were input-oriented (compared to 33.7% of statements on the EU), and 34.4% were output-oriented (EU: 58.3%). For the *Süddeutsche Zeitung*, the domestic figures were 35.9% input-oriented statements (EU: 24.0%) and 42.4% output-oriented (EU: 66.5%). In both cases, the data for domestic institutions refers to all legitimization statements in the whole year 2004.

¹¹ In the *Guardian*, 74.4% of all input-oriented evaluations of domestic institutions were delegitimizing (compared to 92.1% in the EU case study); in the *Süddeutsche Zeitung*, input-oriented evaluations turned out negative in 60.0% of the cases (EU case study: 70.0%).

¹² In the *Guardian*, 53.3% of all output-oriented evaluations of domestic institutions were delegitimizing (EU: 37.6%); in the *Süddeutsche Zeitung*, the delegitimation rate was 54.9% (EU: 33.3%).

UK); and that it embodies and promotes common European interests and/or values.¹³ We should note that all of these particularly powerful patterns of legitimation, while clearly pointing to contents and outcomes of European integration, are one step removed from the most pressing issues and priorities of *current* EU governance. References to output-oriented patterns that bear a closer relationship to current activities of the EU – most importantly, its effectiveness, economic performance, and role in the world – tend to be associated with negative evaluations. This indicates that opinion leaders who shape public discourse in the UK and Germany value the EU’s general qualities and long-term achievements, while problems regarding its current political performance – alongside with the insufficiently democratic nature of its institutions – provide key reference points for delegitimation.

5 MULTILEVEL LEGITIMACY: HOW THE LEGITIMACY OF THE EU RELATES TO THAT OF ITS MEMBER STATES

After having gained a better understanding of the objects and patterns of legitimation used in evaluations of the EU, we can now turn to the question how such evaluations relate to judgements about the member states. As was discussed above, such multilevel legitimacy constructions can take one of two forms: either the legitimacy of the EU and

¹³ This pattern, which was particularly important in Germany, was coded irrespectively of the specific interests or values that were described as ‘European’. References to human dignity, consensus-seeking behavior, and modesty were particularly frequent, while there was some dispute about whether these values could be described as peculiarly ‘Christian’. Statements pointing to the principles of individual rights and democracy were also coded as ‘European interests/values/identities’ if these principles were not portrayed as characteristics of the EU and its institutions but as values uniting all Europeans.

the legitimacy of one of its member states are explicitly related (multiunit evaluation), or both levels of governance are amalgamated to form an integrated object of legitimation (integrated evaluation).

Arguably, *integrated evaluations* constitute a particularly advanced form of multilevel legitimacy, since the boundaries between political levels disappear behind a construction of ‘Europe’ as a common whole. As discussed above, such references to ‘Europe’ were particularly frequent in Germany and, most remarkably, also tended to coincide with a high share of legitimating as opposed to delegitimizing evaluations. In fact, as Table 5 shows, without integrated evaluations, the German statements would have been mainly delegitimizing. To understand how such evaluations were constructed, it makes sense to look at a characteristic example:

‘Chancellor Gerhard Schröder praised the assassination attempt against Adolf Hitler sixty years ago as a struggle of the German resistance “for freedom and justice, against tyranny and military aggression”. He portrayed this struggle as “the most important basis for what unites us in Europe”. He said that the memory of the assassins constituted an obligation for Germans “not to abate in working for the further integration of our common Europe”.’ (*Süddeutsche Zeitung*, 21 July 2004)¹⁴

Although the article from which this statement was drawn deals with domestic German politics – a memorial celebration for army officers who tried to assassinate Adolf Hitler on 20 July 1944 –, this event is immediately ‘Europeanized’ by portraying the values of

¹⁴ Original text: ‘Bundeskanzler Gerhard Schröder würdigte das Attentat auf Adolf Hitler vor sechzig Jahren als Kampf des deutschen Widerstands “für Freiheit und Recht, gegen Gewaltherrschaft und militärische Aggression”. Dieser Kampf sei “die wichtigste Grundlage dessen, was uns in Europa eint”. Die Erinnerung an die Attentäter verpflichte die Deutschen, “nicht nachzulassen bei der weiteren Integration unseres gemeinsamen Europas”.’

the German resistance as principles that unite – and legitimate – ‘our common Europe’. Clearly, this assessment refers not only to EU institutions, but also to the EU member states, including Germany. The boundaries between the national and the European level of governance become blurred, ‘Europe’ appears on the scene as an integrated object of legitimation. It is evident that such constructions can be a very powerful legitimating device, since European governance is no longer associated only with an abstract set of EU institutions, but with a European polity in its own right. What is also typical about the statement quoted above is that it links the reference to ‘Europe’ to a value-based form of legitimation. In fact, the connection of ‘Europe’ as object and ‘European interests/values/identities’ as pattern of legitimation is the single most frequent combination between an object and a pattern of legitimation in the German debates, and it almost always results in positive assessments.

While references to ‘Europe’ were not completely lacking in British debates, they were much less frequent. Even more significantly, about half of the statements that referred to ‘Europe’ in the British material did *not* refer to an integrated political entity of which Britain is a part, but rather to an outside ‘other’ that is compared – often unfavorably – with the UK. To give one example:

‘[Chancellor of the Exchequer] Gordon Brown yesterday hinted at future tax breaks for the City as he vowed to defend London’s position as one of the world’s leading financial centres from over-regulation and higher costs. With the Conservatives seeking to rebuild their pro-City credentials, the chancellor contrasted “one of Britain’s great global success stories” with a Europe in need of radical reform to make it more competitive.’ (*Guardian*, 6 April 2004)

Table 5 Forms of Multilevel Legitimacy

<i>Form of multilevel evaluation</i>		<i>United Kingdom</i>			<i>Germany</i>		
		<i>Number of statements</i>	<i>...of which</i>		<i>Number of statements</i>	<i>...of which</i>	
			<i>Delegiti-mating</i>	<i>Legiti-mating</i>		<i>Delegiti-mating</i>	<i>Legiti-mating</i>
Multiunit evaluation		37 (19.8%)	20 (54.1%)	17 (45.9%)	5 (3.0%)	3 (60.0%)	2 (40.0%)
<i>...of which</i>	Negative-sum	5 (2.7%)	5 (100.0%)	0 (0.0%)	2 (1.2%)	2 (100.0%)	0 (0.0%)
	Positive-sum	12 (6.4%)	0 (0.0%)	12 (100.0%)	2 (1.2%)	0 (0.0%)	2 (100.0%)
	Zero-sum	20 (10.7%)	15 (75.0%)	5 (25.0%)	1 (0.6%)	1 (100.0%)	0 (0.0%)
Integrated evaluation		14 (7.5%)	4 (28.6%)	10 (71.4%)	64 (38.3%)	18 (28.1%)	46 (71.9%)
No multilevel evaluation		136 (72.7%)	82 (60.3%)	54 (39.7%)	98 (58.7%)	54 (55.1%)	44 (44.9%)
Total		187 (100.0%)	106 (56.7%)	81 (43.3%)	167 (100.0%)	75 (44.9%)	92 (55.1%)

If we discount such cases in which ‘Europe’ is portrayed as an ‘other’, only 7.5% of all British legitimization statements can be described as integrated legitimacy assessments, compared to 38.3% in Germany (Table 5). By contrast, *multiunit assessments* in which the national and the European level of governance are not amalgamated, but explicitly related to each other, are much more frequent in Britain than in Germany (19.8% of all statements compared to 3.0%). Three types of such multiunit evaluations can be distinguished: In *negative-sum* evaluations, legitimacy deficits of one level or governance are seen as undermining the legitimacy of the other political level as well; in *positive-sum* evaluations, the interplay of both levels bolsters the legitimacy of each of them; while in *zero-sum* evaluations, legitimacy deficits of one level are treated as arguments underscoring the other level’s legitimacy (Hurrelmann 2007b).

A look at our data shows that when it comes to their legitimating or delegitimizing content (with respect to the EU), the multiunit assessments used in the UK do not differ significantly from the average of all British statements. This can be explained by the fact that zero-sum evaluations, particularly those that legitimate British institutions by pointing to weaknesses of the EU, are the most popular form of multiunit assessments in the UK. Characteristically, such statements relate the quality of British democracy to the (allegedly) undemocratic and illegal ways in which EU politics are conducted. To give an example:

‘Yesterday the Thatcherite Lord Pearson of Rannoch [...] threatened to quit the Tories to join the UKIP, a move that would heap [...] embarrassment on his party. [...] “Within the party we have failed to persuade [party leader] Michael Howard to take a much tougher line towards the EU,” he said. “A solid swing to UKIP [in the EP election] on June 10 might help to do so. The only party which might save our democracy, our right to govern ourselves, from the corrupt octopus in Brussels is the Conservatives. [...]”.’ (*Guardian*, 31 May 2004)

In this statement, the UK is legitimated as a democracy precisely by contrasting it to the ‘corrupt octopus’ of the EU. This construction highlights that membership in a project of regional integration, even if this is viewed critically, does not necessarily undermine the empirical legitimacy of the nation state, but might rather generate new argumentative ‘resources’ to underscore the acceptability of national institutions. By contrast, negative-sum evaluations in which the legitimacy deficits of the EU are seen as already having undermined the legitimacy of British institutions (rather than threatening to do so) were quite rare in the material analyzed here.

On the other hand, there were a number of examples in the British debates for constructions of positive-sum relationships between the legitimacy of the EU and the

British nation state. In contrast to integrated legitimacy assessments, positive-sum statements still clearly distinguish between a national and a European level of governance, but argue that one level profits from the legitimacy of the other. Again, an example might help to clarify how such arguments are constructed:

‘[Prime Minister Tony] Blair’s original insight over Europe was that it represented an essential modernisation for the British. It was a political project that pushed out nostalgic nationalism as a real force; which cemented social democratic values; and which gave Britain a place in the world alongside our real family, rather than yearning after vanished supremacies.’ (*Guardian*, 8 April 2004)

Here, the EU is legitimated on the grounds that it helps Britain defend its values and take a relevant role in the world, and hence contributes to the legitimacy of the British political system. While the linkage that is constructed between the European and the national political level is not quite as seamless as in the case of integrated legitimacy assessments, it is clear that such claims of a harmonious and mutually beneficial interplay of European and national institutions can also form a very strong argument to underscore the legitimacy of the EU.¹⁵

¹⁵ In an earlier article, I have described this particular construction as operating according to a ‘logic of complementarity’, meaning that the European and the national level of governance are legitimated because they are seen as effectively supplementing each other (Hurrelmann 2007b). The empirical examples of positive-sum legitimacy relationships that could be found in the present case study mainly took this form, rather than one of the others that can be defined theoretically: a ‘logic of analogy’ (the European level of governance is legitimate because it is similar to the national one) or a ‘logic of derivation’ (the European level of governance is legitimate because it is derived from the national one).

We can conclude that different forms of multilevel legitimacy indeed play a substantial role in mass-media legitimacy discourses in the UK and especially Germany. However, multilevel legitimacy is constructed quite differently in the two countries: While in Germany, *integrated evaluations* of the European multilevel system are quite common and play a crucial role in accounting for the positive overall character of EU-related discourse, British speakers tend to construct multilevel legitimacy mainly in the form of *multiunit evaluations* in which both levels of governance are evaluated separately, but in an interlinked way. On balance, these multiunit evaluations do not turn out any more positive or negative than evaluations in which no legitimacy relationship is established.

6 CONCLUSION

The case study of British and German media debates in 2004 demonstrates that a number of insights into the empirical legitimacy of the EU can be gained by moving beyond public opinion surveys and complementing them with research on the communicative dimension of legitimacy. With respect to the aspects of the EU that are evaluated (i.e., objects of legitimation), the undifferentiated character of most assessments in public discourse casts some doubt on the validity of Eurobarometer figures distinguishing how much citizens trust various EU institutions. A more salient distinction emerging from the present study is that between the EU as a specific level of governance and ‘Europe’ as an integrated polity, which is often evaluated more positively than its individual institutions. With respect to the criteria on which legitimacy assessments are based (i.e., patterns of legitimation), this study indicates that the empirical legitimacy of the EU is based mainly on output-oriented standards, particularly ones that are associated with the long-term

achievements of European integration (peace, freedom, solidarity, common values), rather than the short-term results of EU policies. By contrast, the use of input-oriented legitimization criteria such as democracy and popular trust generally results in delegitimation. Finally, my study suggests that constructions of multilevel legitimacy – in the form of either integrated or multiunit assessments – play a significant role in shaping national debates about the EU. Particularly in Germany, evaluations of ‘Europe’ as an integrated entity encompassing both the EU and its member states are quite frequent, and account for a large share of positive assessments of European governance.

These insights are not only valuable for identifying perceived strengths and weaknesses of the EU, they can also provide useful information for political intervention: Knowledge about how legitimating and delegitimizing arguments about European governance are constructed in public discourse is crucial for attempts to reform the EU to make it more appealing to Europeans, as well as for image campaigns that seek to find better ways to ‘sell’ the existing European construction to the citizenry. All along, we must of course take into account that an analysis of media debates does not provide insights into the opinion of the general population, but rather focuses on political elites that serve as opinion leaders. Research on the communicative aspect of legitimacy should thus be seen as a complement rather than a replacement of public opinion studies. Nevertheless, especially in a polity like the EU that is not particularly salient in the view of the citizens, media discourses that shape public perceptions of legitimacy can be expected to be a more reliable source of data, and also a more influential political force to reckon with, than the survey-generated ‘opinions’ of ill-informed citizens.

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