Lykke Friis, Research Fellow, Ph.D., Danish Insitute of International Affairs, DUPI

EU and Legitimacy - The Challenge of Compatibility
A Danish Case Study [1]

Abstract:
Since the difficulties of ratifying the Maastricht Treaty legitimacy has topped the EU's agenda. Departing from the dominating trend in the literature that the EU's legitimacy problems are largely due to the EU's inability to develop a common identity, which can compete or even replace national identities, this article shifts the focus to *compatibility*. The core legitimacy test is whether the EU and its member states – as a multidimensional governance system, in which nation states persist alongside supranational institutions – can develop identities, which are compatible. Based on this approach the article analyses the ratification debate on the Treaty of Amsterdam in one Member State, namely Denmark. Its core conclusion is that it is indeed important to abandon the traditional conceptualisation of EU legitimacy. As the Danish case shows legitimacy can be enhanced if member states are able to (re)construe the EU as being compatible with national identity.

1. Introduction

The bang of the early 1990s, the ambitious Maastricht Treaty, was quickly replaced by a whimper (Weiler, 1999: 238). Instead of euro-enthusiasm the new Treaty was met with scepticism. Especially the referenda in Denmark and France which required a photo finish to determine their 'lille nej' and 'petite oui' forced the EU to break new ground. Instead of relying on the original Monnet-method where legitimacy would follow more or less automatically in the wake of economic and political achievements, the EU suddenly had to tackle the legitimacy question head on. How could the EU enhance its legitimacy, especially at a time when it was about to launch two new path breaking integration projects, the common currency and enlargement to the East? How could it be avoided that these two projects were perceived as if the EU (despite the public scepticism) was simply pursuing integration in blinkers? In reality, these were the core questions, which the follow-up to Maastricht, the Amsterdam Intergovernmental Conference (IGC) was supposed to address in the late '90s.

Maastricht's dramatic reception was obviously not left unnoticed by scholars specialising in the ups and down of European integration. Suddenly, legitimacy and

[1] The author wishes to thank the anonymous referees, Thomas Diez and Anna Murphy for their useful criticisms and Iver Neumann for his encouragement. Obviously the usual disclaimer applies.

identity were catapulted to the very top of the research agenda (for overview of literature cf. Banchoff and Smith, 1999). So far scholars have however mainly focused on the absence of a European identity - of common history, culture, and political values that might bind Europeans to one another – as the core problem behind the present 'wretched state of affairs' (Smith, 1992; Obradovic, 1996). Since attempts to develop a European identity are seen as being overshadowed by more powerful and resilient national counterparts, a large part of the literature is indeed characterised by the conviction that efforts truly to enhance EU-legitimacy are doomed (cf. also Pantel, 1999: 46).

Following in the footsteps of a number of scholars who have recently tried to paint the EU's legitimacy problem in a different light, this article departs from the above generally pessimistic approach (Wæver, 1998, Banchoff, 1999, Pantel, 1999). Instead of focusing on the absence of a common European identity as the core problem, it turns the attention to *compatibility*. The core challenge for the EU is not to develop a common identity, which can compete with or even replace national identities but rather that of whether the EU and its member states – as a multidimensional governance system, in which nation states persist alongside supranational institutions – can develop identities, which are compatible and indeed overlapping. Can the EU develop a common strategy which aims at enhancing legitimacy and can member states use this strategy to (re) construe the EU as being compatible with their national identity? Indeed, by abandoning the view that a European identity is necessary for EU-legitimacy, attention is also shifted to other possible sources of legitimation, such as utilitarianism (see also Jachtenfuchs, Diez and Jung, 1998).

Based on the above approach the article sets out to provide a worm's eye perspective of the EU's and its member states' attempt to improve the present legitimacy situation in the post-Maastricht era. It does so by focusing on one of the member states, which historically has had major legitimacy problems with EU membership - namely Denmark. To what extent did the new common EU-legitimacy strategy launched at the Amsterdam-IGC in 1996-1997 enable the Danish yes-side to develop a better fit between EU-membership and the Danish polity as such? Or was it rather the opposite, which was the case: the no-movement could picture the EU's new strategy as yet another confirmation that the EU was a threat to Danish identity?[2]

The core conclusion of the article is that it is indeed appropriate to abandon the traditional conceptualisation of EU legitimacy. As the Danish case shows legitimacy

[2] By focusing exclusively on how the EU-project is construed in the Danish debate, this article also departs from most of the literature on Denmark's EU-policy, which is generally rooted in national interests (see however Wæver, 1992, Lawler, 1997). Indeed, by working from the assumption that ideas and ideals play a crucial role in a country's EU-policy we share in Weiler's criticism that 'it is folly to deny the mobilising force of ideals'..'since they can be part of the matrix which explains socialisation, mobilisation and legitimacy' (Weiler, 1999: 243)

can be enhanced if member states are able to use the EU's common legitimacy strategy as a steppingstone to construe the EU as compatible with national identity. Thus, for the first time ever the Danish yes side used an EU-strategy as a steppingstone to construe EU-membership as a continuation of Denmark and not as a threat to Denmark. However, clearly confirming that common attempts to enhance the EU's legitimacy can also be pictured as a threat to the national polity, the Danish no-side managed to use the very same Amsterdam-strategy to strengthen its argumentation that the EU was a threat to Danish national identity.

The article is divided into four parts. Part one defines the approach to legitimacy, whereas part two analyses the EU's quest for legitimacy in the post-Maastricht era and more specifically the Amsterdam-IGC. Part three turns the attention to Denmark and asks how the new Amsterdam strategy effected the argumentation of both the yes- and the no side. The final section sums up the core conclusions and discusses what lessons can be drawn for the EU's overall legitimacy enterprise and for Denmark's future EU-policy.

2. What kind of Legitimacy for a Multi-dimensional Polity?[3]

More than forty years since the signing of the Treaty of the Rome the EU is still an enigmatic, contested polity, which cannot be captured by our present political vocabulary (Schmitter, 1996). Strikingly the most quoted sentence in integration studies is probably William Wallace's classic statement that the EU is 'less than a federation and more than a regime' (Wallace, 1983). In the 1990s, however, a growing number of scholars have broken free of approaches which analyse the EU in terms of what it is *not* and have launched an approach which sees the EU as a multi-dimensional *polity* which allows for the fusion and co-existence of various levels of governance (Ruggie, 1993, Wessels, 1997a, Stone Sweet and Sandholtz, 1998, Banchoff and Smith, 1999). According to these scholars the EU represents a new, heterogeneous centre of governance, which produces directly binding legislation for Europe's citizens, often on the basis of qualified majority voting across a broad range of issues. However, the emergence of this new centre has not replaced the nation-states with a nascent superstate. On the contrary, internationalised governance is established and produced in a complex web, which links European, national and sub-national institutions (Laffan, 1998).

The acknowledgement that the EU is a polity in its own right has major implications for how scholars view legitimacy. Unlike intergovernmentalists, who look upon the EU as a state-based intergovernmental bargaining forum where decisions are legitimatized by the very participation of

[3]3 Parts of this section draw upon L. Friis and A. Murphy, forthcoming 1999a.

democratically elected governments (Moravcsik, 1994), 'polity-scholars' pledge the need for *legitimacy beyond the state.* H. Wallace presents this as follows:

> 'If the EC is defined essentially as a policy-generating process only, then the issue of how to maintain legitimacy could be argued to rest with the participating member governments...but if the EC is defined as a partial polity, i.e. as an entity that might develop into a form of direct governance in its own right, the questions of what political identity, loyalty and affiliation to the EC level of governance become crucial' (H. Wallace, 1993: 100-101).

If one accepts the thrust of Wallace's argument, the dominating question becomes what *kind* of legitimacy the EU can and should acquire. In addressing this, we are confronted by major conceptual and practical problems. The conceptual problem is connected to the fact that 'legitimacy' is closely linked to the historical development of the nation-state, i.e. to the notion of a territorially unified, hierarchically organised and more or less centralised system of governance (Jachtenfuchs, Diez and Jung, 1998: 417). Although the EU is anything but a state one can easily be caught in the conceptual trap of the nation-state and diagnose a crisis of EU legitimacy on the basis of a state-centric yardstick.[4]

The conceptual challenge therefore is to un-hinge the concept of legitimacy from that of the nation-state so as to permit consideration of different sources and strategies for legitimisation of the EU. However, the main theoretical approaches to European integration do not easily allow us to embark on such a task. Indeed, both federalism and intergovernmentalism continue to take the model of the nation-state as their analytical point of departure; arguing that a strong shared sense of history and culture are necessary requirements for EU-legitimacy.[5] As pointed out above the same criticism can the voiced about much of the literature which deals directly with EU legitimacy (Smith, 1992, Obradovic, 1996).

In order to meet the conceptual challenge, one is therefore forced to search for alternative theoretical building blocks. The new (if diverse) theoretical school, which conceptualises the EU as a multi-dimensional governance system or a contested polity, provides us with a suitable starting point (Stone Sweet and Sandholtz, 1998, Banchoff and Smith, 1999). Precisely by *not* looking upon the EU as an intergovernmental organisation or a super-state in the making the state-

---

4 As pointed out by Lord the EU-polity does not require the same degree of legitimacy as a state (or a federation), given that it has 'no need to spill the blood of its population, to dig deep into the taxpayer's pocket, to function as the final rule-making body in all areas of policy, or even to impose a uniform set of rules in all matters' (Lord, 1998: 108).

5 For intergovernmentalists, the model of shared identification is the member states which, as representatives of popular sovereignty, legitimise EU decisions. For federalists, in contrast, shared identification refers to a common European identity in the context of an emergent super-state (Banchoff and Smith, 1999: 6-7).

centrist trap is avoided and the door is opened to different yardsticks of legitimacy. Unlike nations and federations, the governance perspectives point to a 'nesting' of compatible regional, national and supranational identities as a viable basis for a stable and legitimate polity. Instead of a monolithic European identity, which replaces the national ones, the focus is on the *compatibility of contrasting identities* (Banchoff and Smith, 1999: 13; Pantel, 1999: 46). Moreover, sources of legitimation other than identity materialise, such as for instance utilitarianism.

The focus on compatibility of identities draws our attention to two potential legitimacy strategies *and* their interlinkages. The first strategy is by far the dominant one in the current literature on integration: legitimacy can be strengthened or weakened by the EU's ability to develop convincing justifications for the emergence and development of the EU-level of governance. Drawing on Jachtenfuchs, Diez and Jung one can here point to three possible justifications (Jachtenfuchs et al., 1998): 1) participation - the development of democratic, accountable structures[6], 2) output - the achievement of economic and political results, which could not be obtained nationally, 3) identity - the development of a sense of belonging, which is not necessarily grounded in nation-hood, but rather in the sharing of political values or the feeling of a common destiny (see also Habermas, 1992).[7]

The second potential strategy is more greatly overlooked in the literature and shifts the burden of persuasion from the EU to the national level: legitimacy can be strengthened or weakened depending on national actors' ability to construe the EU as a extension or threat to the perceived national polity. Once again Jachtenfuchs at al's broad categorisation provides us with the necessary analytical tools. The first category is participation / democracy. Can actors construe the EU as a necessary extension of or a threat to national democracy? The second category is linked to utility: can the EU be construed as a necessary instrument for achieving national goals? Finally and possibly most importantly: can the EU project be construed as a threat to national identity or as an extension of national values?

---

[6] To be sure, democratic legitimacy is difficult to obtain seeing that democracy is often perceived as being exclusively linked to the nation-state, requiring a clear demos. If one accepts that the optimal size of democracies have changed considerably over time (from city-states to nation-states), democratic legitimacy beyond the state is however obtainable (cf. Held, 1991).

[7] Substantial disagreement surrounds the question whether the EU, deprived of a clear demos or ethnos, can develop a *civic* identity. Smith, for instance, argues that the absence of a pre-modern past or pre-history which could give Europe emotional substance prevents the emergence of a strong civic identity (as the nation has all the aces in this regards). Others such as Chryssochou (1996), Howe (1996) and Pantel (1999) argue that a community feeling can be constructed on the basis *inter alia* of group consciousness, appeals to the future and respect for national identities. Indeed, as pointed out by Pantel scholars have concentrated too much on the wrong question, namely how the EU could develop an identity, which could replace the nation-states. Instead one could abandon the statist conception of identities as monolithic and hierarchical and view them as multiple, compatible and overlapping (Pantel, 1999: 47).

The core challenge of the EU is to find a suitable 'fit' between the two strategies. Can the EU at one and the same time embark on a common legitimacy-enhancing strategy *and* enable actors within member states' to construe the EU as a project compatible with in particular national identity? That this is a tough nut to crack can be seen from the fact that all member states have different polity-ideas i.e. different normative ideas about what the EU is and what a legitimate Union should look like in the future (Jachtenfuchs et al., 1998). As a consequence any common EU-attempt to strengthen the EU's legitimacy is bound to be assessed on the basis of divergent normative criteria in the member states: that which increases the legitimacy of the EU in one member state can do exactly the opposite in another. Nevertheless, it is in this crossing between common EU strategies and a confirmation or restructuring of member states' polity ideas that a strengthening of EU legitimacy must be found.[8] To be sure, since our approach abandons the statist conception of identities as monolithic and hierarchical and instead view them as multiple, compatible and overlapping member states do not necessarily have to picture the EU's common legitimacy strategy in the same way. The 'test' for the EU is not to develop a common understanding of the EU but to enable its various member states to develop a better fit between the EU and their national polities. The case study on Denmark will give us some evidence as to how far this was successful at least in the Danish case. In order to evaluate this we will however first have to take a look at the EU's quest for legitimacy in the post-Maastricht era.

3. The EU's Quest of Legitimacy in the Post-Maastricht Era

The public reaction to the Maastricht Treaty was largely perceived as an alarm signal that it was time for change - the Monnet method had run aground and the EU had to change course in order to overcome the increasing legitimacy crisis. To a large extent, the perceived crisis arose from the great difficulties of finding a suitable 'fit' between the EU-project and the various EU-visions of the member states.[9]

Of central importance was the decision to launch new ambitious integration projects, such as economic and monetary union and common foreign and security policy. Due to their ambitious character these projects raised the stakes in the justification process: how could such projects be justified? Here, apparently, politicians suffered from great difficulties in developing clear, convincing answers to the nagging question of *utility*. Why continue and indeed deepen the integration process at a time (1990-1991) when some of the core integration arguments seemed outdated, such as that of peace between Germany and France and the balancing

8
Since the EU is a contested, evolving polity, EU strategies and polity-ideas are bound to be part of a constant process of (re)-imagination.

9As pointed out by Banchoff and Smith the legitimacy crisis was also linked to the fact that many actors used state-centric yardsticks for legitimacy to 'diagnose' the Union (Banchoff & Smith, 1999: 3).

of the Soviet Union? As pointed out by Weiler, indeed the Europe of Maastricht no longer served as a vehicle for these original foundational values (Weiler, 1999: 258).

The difficulties in finding convincing answers to the utility question anything but eased the anxiety, which was harboured by many citizens: should the decision to launch projects which are usually connected to states, namely those of a common currency, a common citizenship and a foreign policy be seen as an indication that the EU was now on 'statehood-course'? Not surprisingly, this question quickly triggered a follow-up question: *if* the EU were heading towards statehood, what kind of implications would this have on the various national polities? The EU's attempt to underline the point that, for instance, the European citizenship was only meant to strengthen the *civic* character of the Union and hence *not* replace national citizenship could not quell these anxieties. Indeed, the turmoil, which followed in the wake of debates on European citizenship stands out rather as an illustration of the EU's difficulties of launching common legitimacy-enhancing strategies. To a large extent citizenship was thus intended as a way of bringing the EU closer to its citizens - by providing them with some clear rights. Since member states view such common strategies from the basis of different normative ideas, the concept was actually seen (in some countries) to take the EU further away from its citizens. This was strongest in Denmark where the very introduction of a European citizenship was seen as yet another indication that the EU was becoming more state-like - a development which, in the long run, was perceived as inevitably threatening to national identity.

Finally, the perceived legitimacy crisis was also rooted in the participation-democracy variable. The very fact the EU of the 1990s with its expanding agenda (unlike the EU of the 1960s, 1970s and 1980s) was definitely no longer just a club for merchants and bankers, but a governance system with a direct relevance for the general public put the spotlight on the so-called democratic deficit (Hobsbawm, 1997: 269). It was thus one thing for governments to regulate issues like trade liberalisation and agricultural quotas behind closed doors, but quite another when their negotiations focused on issues such as food additives, parental leave, common currency etc. Hence, the permissive consensus was replaced by a fear that the EU-system (with its weak European Parliament and public participation) could undermine the national democracies.

The above legitimacy problems were not left unnoticed by Heads of State and Government. Already at the first European Council after the Danish and French Maastricht referenda great stress was put on issues such as transparency and openness (Lodge, 1994: 353-56). At the time when the new intergovernmental conference was about to be launched the tune had changed quite considerably since the Maastricht IGC. While in 1991, the second-in-command in Delors' cabinet, Pascal Lamy, could still argue that the elite should deepen the integration process 'without telling [the public] too much about what was happening' since the 'people weren't really ready to agree to integration' (Ross, 1994:

194), the slogans of 1994-1995 were those of 'bringing the EU closer to its citizens' and 'Citizens Europe'.

That this was not simply a change of rhetoric became clear once the Reflection Group began to prepare the groundwork for the IGC: it argued that the theme of *The Citizens and the Union* should be a key concern of the IGC (Reflection Group, 1995). This was quickly taken up by EU governments, who asked the IGC 'to base its work on the fact that the citizens are at the core of the European construction: the Union has the imperative duty to respond concretely to their needs and concerns' (European Council, 1996: 2). By putting this issue at the top of the agenda, alongside that of institutional reform in the run up to enlargement, this was the first IGC to deal 'with questions of European governance, notably effectiveness, legitimacy and diversity' (Laffan, 1997: 3).

At the actual IGC, which was finalised in Amsterdam in June 1997, the EU embarked on a three-stringed legitimacy strategy, which basically drew on all sources of legitimation highlighted by Jachtenfuchs et al. The first string of the strategy aimed at providing a clearer answer to the utility-question - why should integration be continued in the 1990s? The central answer was captured in the first sentence of the Draft Treaty of the Irish Presidency: 'The EU belongs to its citizens' (Draft Treaty, 1996). As a logical consequence, the EU should concentrate on issues of key concern to its citizens e.g., unemployment, crime, immigration and social rights. Although guided by utilitarianism, this differed from the original Monnet-approach according to which the elite determined the issues independently of the people. In the Amsterdam-approach the EU was to deal with those issues which were high on the citizens' agenda. This was clearly linked to attempts to strengthen the *civic* dimension of community. By addressing unemployment and social rights, the EU could convey the image that it was a community guided by social values and not just by market liberalisation. It could represent the existence of a 'European social model', which reflected the (albeit highly diverse) tradition of the welfare state in Western Europe (Commission, 1996: 9).

The above utility answer which resulted in a whole range of Treaty changes (ranging from the introduction of a unemployment chapter and the incorporation of Schengen into the EU-Treaty) was paralleled by yet another answer - enlargement. Official documents in the run up to and during the IGC stressed the moral obligation of the EU to enlarge (cf. Friis and Murphy, 1999b). Apparently, the EU was not just a 'Rich Man's Club'; it was a club which defended a number of values, such as peace and democracy in Europe. To be sure, this utility-answer was not really inspired by public demands. Indeed, even in the countries most enthusiastic about the enlargement project, enlargement was still an elite-led enterprise (Wallace, 1998: 14).[10]

The second string of the strategy focused even more directly upon identity. As a matter of fact, one can argue that the IGC hammered out the various political values,

[10] The enlargement-card was also weakened by the fact that its appeal differed highly among its member states. For Denmark and Sweden enlargement was an asset, whereas this was hardly the case in for instance Spain, Portugal and Greece where enlargement was often seen as a threat.

which lie at the core of the EU's civic community. This emphasis on 'who is us' was largely motivated by enlargement: before enlarging, the EU had to clarify who 'we' are and who can become part of 'us'. Concretely, the new Treaty for the first time in the EU's history highlights the various principle which lie behind the project: liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (Art. 6). Any country which wants to join the EU is asked to respect these values (Art. 49). Moreover, 'a serious and persistent breach by a member state of the principles' can now lead to suspension of membership rights (Art. 7). In this respect, human rights is no longer just a matter for the member states; it is now also an issue for the EU as such.

The final string of the strategy drew on the participation-democracy-variable. Most effort was here targeted at the European Parliament, which emerged as the clear institutional winner at Amsterdam (Nentwich and Falkner, 1997, Wessels, 1997b). In the future, this directly elected chamber will thus be a true co-legislator; having secured for itself as a ground rule the right of co-decision in those areas, where the Council decides by qualified majority voting (Nickel, 1997). Clearly confirming that member states have different ideas concerning participation and democracy, the new Treaty also tried to accommodate those countries, which emphasise the role of the national parliaments in the EU-integration process. In their view granting more power to the European Parliament was indeed looked upon as counterproductive - it would erode the power of legitimate national parliaments.[11]

The above highlights the different features of the EU's 'Amsterdam-strategy'. Also in the EU's case the proof of the pudding is however in the eating. Whether this strategy actually enhances legitimacy will first of all depend on member states' ability to develop a better fit between this strategy and their overall perception of the EU. To give some indications of this the article now turns specifically to the ratification debate in one of the member states, namely Denmark. Did the new strategy enable political actors to change their present yes- or no argumentation? In order to set the scene for this analysis the next section takes a brief look back at the previous referendum campaigns.

11 More concretely, the Amsterdam Treaty contained a declaration that mainly calls upon governments to allow parliaments sufficient time to scrutinise Commission proposals before decisions are reached in the Council. In order further to strengthen the EU's democratic credentials a number of protocols on transparency and openness were also incorporated (Nentwich & Falkner, 1997: 12-15).

4. Denmark and the European Union - In Search for a Stable Fit

4.1. Flash-back : 1972, 1986, 1992 and 1993

EC/EU referendum campaigns have generally pitted 'us' (Denmark) against 'them' (the EC/EU). Despite the fact that Denmark was to celebrate its 25-anniversary of EU-membership on the brink of the Amsterdam-IGC, no stable fit between the EU project and the perceived Danish identity had been established.

In 1972, but basically in all campaigns preceding the 1998-referendum, the no sidepictured the EC/EU as a threat to Danish identity and independence. Not only would Denmark be transformed into a 'municipality in Europe' as the EC gradually developed into a federation or even a state. It would also be tied down in a Union, where Danish values (such as its welfare system and participatory democracy) could not be accommodated. Indeed, the no-side's rhetoric was thick with references to the capitalistic common market and its non-democratic character (Thomsen, 1993). Moreover, the no side pictured the yes-politicians as an elite, which was out of touch with the general public. Instead of joining this very 'un-Danish' and 'un-Nordic Club' Denmark should rather join forces with its soul mates, Sweden, Norway, Finland and Iceland.

Not surprisingly, the yes side pictured the EC in a far more positive light. Strikingly, however, also the yes side in 1972 construed the EC as a project, which seemed to threaten Danish identity and values and which should therefore be kept at bay. The extent to which politicians emphasised the economic utility of the project ('to protect Danish exports', 'to maintain the Danish welfare state') but downplayed the political dimensions of the co-operation is striking (Thomsen, 1993: 157; Pedersen, 1996: 87-88). Apparently, political effects of integration were not something, which was seen as strengthening the case for a yes. A core explanation is here probably linked to the fact that Danish and Nordic identity is 'about being *better* than Europe' in particular went it gets to the welfare state and participatory democracy. (Wæver, 1992: 77; emphasis in original; cf. also Lawler, 1997). Hence, Denmark risked being pulled down by EC[12].

As can be seen from the following statement by Denmark's Prime Minister in 1972, the yes side originally went so far as to compare the EC with the EFTA-co-operation:

> 'The issue in tomorrow's vote is whether the Danish population wants a continuation of that market policy which has constituted the indispensable

[12] The decision to 'de-politicise' membership was probably also linked to the fact that Denmark joined at the same time as the UK - Denmark's biggest consumer of agriculture products. Secondly, it seems likely that Danish yes-politicians were guided by the genuine conviction that the European integration process would not pick up speed in the many years to come. In parenthesis it should be noted that the yes-side's 'polity-idea' is almost identical with the ideal-type - economic community - drawn up by Jachtenfuchs et al., 1998.

framework for the longest period of progress which the Danish society has ever experienced' (op.cit,. Pedersen, 1996: 95, cf. also Ersbøll, 1994: 199).[13]

The strategy of highlighting the economic features of the EC-project was also clear from the yes-side's decision to label EC-policy as 'market policy'. The no side, conversely, preferred the far more political label 'Rome-Union'.

Precisely because the EC constituted a threat to Danish identity and values, the yes side spent a substantial portion of their 1972-campaign stressing the roadblocks to further integration. If the EC (against expectations) should wish to regulate issues such as tax policy or give more power to the European Parliament, Denmark could pull the emergency brake by invoking the Luxembourg Compromise (Thomsen, 1993: 157).

Unlike in for instance the Benelux countries where the transfer of sovereignty was construed as a logical and necessary outgrowth of the two world wars, the 'security-card' was not played in the 1972-campaign. Apparently, this kind of argumentation would have broken with the strategy of highlighting the economic benefits of membership. Moreover, NATO was largely seen as the organisation, which had already secured peace in Europe by 'taming' Denmark's large neighbour, Germany. In contrast to some other member states, such as Germany, the possible participation-element of the EC-project (in terms of strengthening the European Parliament) was also toned down. This should be seen as a continuation of the strategy to convey the image that the EC was a traditional intergovernmental organisation, where democratic legitimacy was derived from the fact that the participating governments were democratically elected.

Although continuity was the code word in the Danish EC-debate, some changes did materialise in the '80s and the '90s. On the no side, the original position of leaving the EC was gradually abandoned. Instead the focus shifted to that of developing a different European Community - i.e. a community which was more intergovernmental and hence less threatening to Danish identity (Worre, 1993: 216) The Socialist People's Party, for instance, in 1989 changed its slogan to 'Opposition that works' (*Modstand, der arbejder*) (ibid.).

Forced by the developments (which ran contrary to its promises of 1972 and 1986), the yes side was forced to deliver some new arguments in favour of integration. Why should Denmark, which originally had been interested in joining an economic club support two projects, which were clearly political, the Single European Act and the Maastricht Treaty? In answer, the yes side launched several new arguments. First of all, it argued that the EC was not a pick-and-choose organisation: if Denmark wanted to be part of the Single Market; it had to support co-operation in other areas as well. Hence, the yes side pictured all referenda after 1972 as a 'yes' or 'no' to Danish EC-membership (Petersen, 1998: 6). Secondly, it took some steps towards abandoning its de-politicised strategy: essentially it acknowledged the fact that there was no clear dividing lines between politics and economics (Nehring,

13
The no side heavily disputed the great economic consequences of staying outside the EC-framework. According to for instance the People's Movement against the EC there would only be shorterm-costs (Kragh and Skovmann, 1979: 10-11).

1998: 50). In particular, the social democratic party took the view that the EC/EU should also be seen as an instrument to replace the Darwinism of the market with common EC rules, for instance on environment. Inspired by the fall of the Berlin Wall, a leading social democrat, Ritt Bjerregaard, also played the security-card. According to her there were three arguments for a yes to the Maastricht Treaty - Germany, Germany and Germany (Friis, 1995: 82, cf. also Petersen, 1996: 96). The need to stabilise Central and Eastern Europe also played a core role in the yes-side's rhetoric (Friis, 1995: 82-83). Finally, the yes side's fierce opposition to institutional change, including the extension of majority decisions was also modified. In order for the EC to be able to launch an environmental policy which amounted to more than just the lowest common denominator it was crucial that less 'green-countries' could not simply block the enterprise (Petersen, 1996: 96).[14] Although these arguments seemed to ease the confrontative 'us vs. them- view' no yes-politician did however go as far as arguing that the EU was an extension of Denmark. Indeed, the EU was still perceived as being at odds with Danish identity.

As highlighted by the 'no' to the Maastricht Treaty in the referendum in 1992 the shift towards a more 'political yes' did however not go down well with the public (Siune, 1992, Worre, 1995). A large part of the 1992-campaign centred on old referenda promises. The no-parties were thus eager to point out that the yes side had tricked the public into voting yes in 1972 and 1986 by downplaying the political implications of European integration. In 1986, for instance, in the run up to the referendum on the Single European Act (SEA) Prime Minister Schlüter had argued that a yes to the SEA would imply that the idea of a strong political Union would be 'stone dead'. This strategy of the no-side pushed the yes-side into a strategy-of-denial: referenda promises had not been broken, since the EC (even with Maastricht) was still not on the road to 'statehood'. Indeed, the EC was still largely an intergovernmental co-operation with sovereign states as its members. Instead of a debate on the content of the new Treaty, the Maastricht referendum therefore largely followed the pattern of the previous campaigns: the focus was on 'more or less Union' and on broken or un-broken referenda promises.

Although the referendum in 1993 approved the Edinburgh Agreement (the Maastricht Treaty with Danish reservations on union citizenship, a common currency, defence policy and certain parts of justice and home affairs) the situation was therefore anything but stable. To a large extent, the yes-side had moved away from its purely economic, utilitarian way of reasoning, but had not been able truly to convince the public that European integration did not constitute a threat to Danish national identity. The decision to hold another referendum in 1993 had also caused considerable bad blood. Throughout the 1993-campaign the yes side was thus accused of foul play - basically forcing the

[14] The above changes enabled Denmark to play a less passive and defensive role in the 1991-IGC. See Petersen's discussion of the government's EC-memorandum of 1990 (Petersen, 1996: 96).

public to vote until the right result emerged. In that respect, the yes-side had its work cut out for itself for the next referendum in 1998.

4.2. In Denmark *nichts Neues?* The Amsterdam Referendum Campaign

In the light of the traumatic Maastricht experience the Danish government would probably have liked to postpone the 1996-IGC for a considerable time. Since this was out of the question the government tried to make the best of the situation. Indeed, as we will argue, the coalition comprised of the Social Democratic and Social Liberal Party broke new ground. Although its room for manoeuvre was curtailed by the perceived need to maintain the Danish opt-outs and avoid wide-ranging changes, which could cause problems in the referendum to come, it entered into the IGC as a far more *pro-active* negotiation partner than in 1986 and 1991. For the first time a Danish government actively tried to improve the fit between Denmark and the EU by using an IGC to transform the EU into a system of co-operation which was more compatible with Danish values and identities.[15] Concretely, it launched seven negotiating proposals, which dealt with employment, environment, consumer protection, openness, subsidiarity, fraud and the strengthening of the role of national parliaments in the integration process (see Isaksen et al. 1998: 136-138). As can be seen all proposals centred on aspects of the 'Danish model', which the Social democratic party, in particular, emphasised. Secondly, the Government made the case that this IGC was not just about deepening integration for the sake of integration – this IGC was primarily about creating the 'foundations for enlargement of the EU with the Central and East European countries, including the Baltic countries' (Regeringen, 1995).[16]

The Treaty of Amsterdam that emerged early in the morning on the 17th of June 1997 was immediately labelled as a 'sympathetic Treaty' with many Danish fingerprints (Rasmussen, 1997). The actual date for the referendum was in early October set for the 28th of May 1998.[17] The chosen date was seen as providing sufficient time for debate. Due to several foreseen events (municipal elections in the fall of 1997, the Supreme Court's ruling on the Maastricht Treaty in April 1998) and especially some unforeseen events (early general elections in March 1998 and a General Strike in late April), the Amsterdam campaign turned out to

[15] As argued above, Denmark had already taken some steps towards a more activists approach in 1990. 1990 was however more about abandoning old bastions, such as the rejection of institutional change. In 1996 Denmark set out actively to change the Union.

[16] The various leaflets which the government published in order to stir a greater public debate in Denmark during an IGC than in the previous campaign, all focused on the enlargement issue The leaflets were titled 'On the way to the open Europe'(November 1996), 'On the brink of the open Europe' (March 1997) and 'The Open Europe' (July 1997).

[17] The decision to hold a referendum was officially linked to art. 20 in the Danish constitution and the fact that Amsterdam implied a transfer of sovereignty concerning three areas: 1) the non-discrimination clause, art. 6A,2, 2) consumer protection, art. 129A, 3) the membership suspension clause, art. F.1 (Justitsministeriet, 1998). However, already before the content of the Treaty was known many ministers had referred to the need to hold a referendum. To a certain extent this can be seen as an indication that referenda on EU issues have gradually become part and parcel of Danish political culture (cf. also Petersen, 1998b: 4).

be one of the shortest in Denmark's EU-history. In reality, the debate lasted for only two and half weeks (Petersen, 1998: 25).

Just like in the previous campaigns (with the exception of 1986) an overwhelming parliamentary majority argued for a yes. In the final vote on the Treaty on the 7th of May 1998 in the Danish Parliament (*Folketing*) six parties (the Social Democratic Party, the Liberal Party, the Christian People's Party, the Center Democrats, the Social Liberal Party and the Conservative People's Party) voted in favour, whereas four parties voted against (the Socialist People's Party, the Danish People's Party, the Progress Party and the Red-Green Alliance).[18] In terms of mandates this amounted to 146 out of 179 pledging for a yes. Mirroring the picture from 1992-1993, the main opposition (in campaign terms) came from two movements outside the Folketing, the June-Movement (*Junibevægelsen*) and the People's Movement against the EC-Union (*Folkebevægelsen mod EF-Unionen*). As a novelty, a conservative, right wing movement, the Europe of Nations (Nationernes Europa) joined these rather left-wing movements.

The Amsterdam-Strategy and the Yes-Side - A more Danish Union

The yes side, headed by the social democratic party and the social liberal party, used its pro-active IGC-negotiation strategy to embark upon a novel dual strategy. It framed the Amsterdam Treaty as a 'peace project' and as an extension of Danish values to the rest of Europe.

The stress on peace and enlargement to the east, which completely overshadowed the traditional economic argument, should very much be seen as an attempt to launch a strong answer to the *relevance*-question: integration should be continued and even deepened in the 1990s in order to create peace and stability in Central and Eastern Europe. The integration project was not just about economics, but a project guided by some strong ideals - doing onto Central Europe what the EU had done to itself. In reality, the enlargement project could therefore be used as a crowbar to overcome the 'us vs. them-confrontation': the EU shared Denmark's wish to stabilise the new-born democracies. The fact that Amsterdam did not really fulfil its task of gearing the EU's institution to enlargement was heavily downplayed by the yes. Not surprisingly, the no side did its best to draw attention to this fact (see below).

The second part of the strategy was even more directly aimed at bridging the classic dichotomy in the Danish EU-debate. Using the Amsterdam Treaty and its many articles on unemployment, consumer policy, environment, social policy as a springboard the Government (but also other yes-parties) was for the first time able to construe the EU as an extension of and not as a threat to Danish

[18] The Socialist People's Party was badly split on the Amsterdam Treaty. Four MP's supported the Treaty and ran their own yes-campaign in opposition to the Party's overall no-campaign. In the Conservative Party, MP Frank Dahlgaard broke party-ranks and argued for a no. In brackets, it should be added that only one party had changed its position compared to 1992, namely the small Christian People's Party. Two new parties - which were not represented in the Folketing in 1992 (the Danish People's Party and the Red-Green Alliance) - joined the no camp.

values. What Amsterdam aimed at doing was simply to spread these values to the entire Europe. Or to quote the social democratic slogan - 'The Danish Road is now also the road of the EU'; the EU is 'becoming more Nordic and more Danish' (Socialdemokratiet, 1997). In similar vein, social democratic leaders were eager to stress that the EU was now a 'social democratic project', which basically drew upon the Scandinavian welfare state model. As a result, the EU was no longer a 'capitalistic project'; now it had a political superstructure which aimed at balancing market forces with concern for social equality.[19]

In reality, the above dual strategy (enlargement and 'a more Nordic Treaty') should also be seen as an attempt to shift the focus of the EU-debate. Instead of continuing the almost religious debate on 'more or less Union', the yes side preferred to discuss whether Amsterdam was a 'better Union' – for Denmark and for Europe. Or to phrase the point metaphorically: the yes-side aimed at discussing what was actually in the EU-package and not its wrapping-paper ('more or less Union').

Another novel feature was the yes-side's stress on the political consequences of a 'no'. In the 1972 and 1986 campaigns the yes-side had mainly focused on the economic effects - that of for instance Denmark loosing its fishery quotas (Dansk Udenrigspolitisk Årbog, 1986: 281). In 1992 and 1993 the focus shifted to a more political one, namely the argument that Denmark would lose influence over a process, which would nevertheless have a major impact on Denmark. Although the yes side continued to stress the danger of being 'sidelined in Europe', the yes-politicians this time also pictured a Danish 'no' as a loss for the EU-integration process as such (Petersen, 1998b: 27). Denmark would no longer be able to pursue its pioneering mission for improving the EU, for instance with regard to the environment. And what was more: Europe and especially Central and Eastern Europe would lose a strong ally in the struggle for enlargement. As a matter of fact, to quote the Danish Minister of foreign affairs, Niels Helveg Petersen a Danish 'no' would 'at the best postpone the enlargement negotiations and at the worst block them for a very long period' (Politiken, 20.5.1998).

These important new features in the yes-side's EU-picture should however not overshadow elements of continuity. Despite the above rhetoric ('the EU is becoming more Nordic') the us. -vs-them-dichotomy was not completely abandoned. In order to convince sceptical voters the yes side still deemed it necessary to picture the EU partly as 'the other'. At least it is striking that the yes side still construed the EU as an entity, which should be kept at bay. In the final days of the referendum Prime Minister Rasmussen followed in the footsteps of his predecessors Kragh and Schlüter and issued a kind of guarantee that Amsterdam was the last IGC of its kind:

> '..the fact that there will be many more members in the future...also implies that the co-operation cannot be much deeper than it already is today. Instead we will have to go down in pace..I do not see the important new questions in the EU,

[19] As highlighted above the yes side had tried to launch similar ideas in 1986, 1991 and 1993. It was however only in 1998 - using the Treaty of Amsterdam as a stepping stone - that the yes side dared to picture the EU as a continuation of Denmark.

which will require new Treaties. There will not be a major pressure to change the Amsterdam Treaty' (Weekend-Avisen, 28.5.1998; *author's translation*).[20]

The classical dichotomy between us in Denmark and the bureaucracy in Brussels was also heavily stressed in connection with the central fraud issue.[21] To once again quote Prime Minister Rasmussen:

'We have to reduce the high-handedness of Brussels. Some of the high-ranking officials in the Commission..should get out of their bathtubs and meet the ordinary Danes' (ibid. *Author's translation*).

That there was a clear difference between the EU and Denmark was also emphasised by the Conservative People's Party's slogan - 'we will work for Europe, but fight for Denmark' (Petersen, 1998b: 28). Moreover, despite the fact that the European Parliament had obtained substantial powers with the Amsterdam Treaty no yes-politician actually launched this as a yes-argument. Instead especially the government put a lot of energy in drawing attention to the declaration in the Treaty, which improved national parliaments' ability to scrutinise EU-proposal. Finally, government ministers were eager to stress that Denmark was not about to abandon its opt-outs. Indeed, the four areas of integration where Denmark was not participating were often perceived as running out of steam (cf. Nehring, 1998: 54-56).

The Amsterdam Strategy and the no-side - Still the same old Ever Closer Union

Where the yes-side largely aimed at construing Amsterdam as an extension of Denmark, the no-side embarked on the exact opposite strategy: Amsterdam (with all its new areas of integration, such as immigration and unemployment) was yet another step towards an European state and therefore an even bigger threat to Denmark than the Maastricht Treaty. Denmark would now finally become a 'municipality in Europe' (Bonde, 1998). Therefore, one should - to quote the slogan of the Danish People's Party - *vote Danish, vote no*. Amsterdam did in no way imply a 'better Union' (as the yes side argued); it was simply 'More Union'. In other words: in a clear counter-strategy to the yes-side's attempt to discuss what was actually in the Treaty, the no-movement

[20] The 'guarantee' was issued despite the fact that Amsterdam clearly did not prepare the EU's institutions to enlargement; leaving it to another IGC to do this task. To be fair, Poul Nyrup Rasmussen was however not alone, but strongly supported by the new leader of the liberal Party, Anders Fogh Rasmussen. Moreover, both politicians opened for 'future technical adjustments' to the EU's institutions in connection with enlargement.

[21] Basically since Denmark joined the EC, a lot of focus has been on economic mismanagement within the Commission. In general, the administrative culture within the Commission is perceived as very different (i.e. 'French') from the Danish one. Civil servants are also pictured as highly overpaid and completely out of touch with the 'ordinary citizen'.

maintained the view that just the classification of 'more union' was a sufficient argument against the Treaty. In that respect, the no-movement very much embarked upon a strategy of continuity.

To a large extent, the no-movement's argumentation confirms the difficulties of embarking upon one common EU-strategy in order to enhance legitimacy. As argued above, it was precisely the EU's attempts to improve legitimacy by dealing with those issues which were high on the citizens' agenda which were used as stepping stones for a 'no'. Of crucial importance was here the EU's decision to in corporate the Schengen co-operation in the EU-framework. Although Denmark had already ratified the Schengen convention and indeed obtained an opt-out with regard to its (future) supra-national part, the no side launched Schengen as a central 'no-argument'. In fact, it was construed as a direct threat to the continuation of the Danish State. What was being abolished with Schengen was thus not just the border control, but the border as such and more specifically the German-Danish border. As a result the June Movement launched the campaign slogan - *there has to be a border* ('Der må være en grænse') .

In a similar (if less dramatic) vein the no side also pictured the 'Nordic aspects' of the Amsterdam Treaty as a threat. 'More Union' on environmental and social affairs issues would simply imply that Denmark would no longer be able to pursue its independent policy, for instance maintaining its state pension system (*folkepension*) (Folkebevægelsen, 1998). Many no-politicians also argued that the 'Nordic fingerprints' were nothing more than window-dressing.

The enlargement project was also very much called into question. By postponing the core task of gearing the EU's institutions to enlargement, this Treaty had nothing to do with enlargement. On the contrary, as argued by the leader of the Social People's Party the Danes should vote not, in order to provide the EU with a new chance of gearing its institutions to enlargement. Such a 're-negotiation' should make sure to gear the institutions to all applicants and hence avoid possible new dividing lines in Europe (SF, 1998). Especially the June Movement argued that the envisaged enlargement was not the right one, but rather a 'power-dictate'. Instead of dictating the new democracies to take on the 80.000 pages of *acquis* the EU should sit down with the applicants and develop a completely new European Union, where also the Poles for instance would have a say in the construction of the institutions. To a certain extent this stress on a new pan-European organisation went all the way back to the 1972 campaign, when the no-movement launched such an idea as an alternative to EU-membership. A new pan-European organisation would also be able to end 'the division of 'Norden' which had been caused by the EU. In a pan-European organisation also Norway and Iceland would thus be able to take their chairs (Dahlerup, 1998: 17).

Finally, just like in 1993 the no-side put a lot of energy in arguing that the Danish opt-outs were not worth the paper they were written on. Indeed, Amsterdam was largely seen as undermining the various opt-outs. By pressing the opt-out issue the no-movement could give new food to its 'elite vs.

the people argument': the yes-side was an elite which was completely out of touch with the public and which would rather sooner than later take the opt-outs away from 'the people' (ibid: 38). Instead of making the Union more Danish, the yes side was thus accused of not defending the interests of the 'Danish people'.

Although the no-movement had mainly embarked upon a strategy-of-continuity, one novel feature in the 'no-camp' should not be overlooked. This novelty is not so much linked to the actual strategy, as to the increased heterogeneity of the 'no-camp'. With the strategy of the Social democratic Party to construe the EU as a social democratic project, the Danish party-landscape suddenly appeared more 'normalised', i.e. following the overall European trend: the left wing became more positive about integration, whereas the right wing turned more negative. This development had already started with 1992- campaign where the Progress Party had launched an anti-Maastricht campaign that was heavily inspired by Margaret Thatcher's 'red-tape-rhetoric' (Worre, 1993: 221). In 1998 this trend was however more dominant and for the first time enticed the yes side to play upon the heterogeneity of the no camp. Terms such as unholy alliance and strange bedfellows were thus applied to highlight that both the far left and the far right argued for a no.

Despite the fact that the far left stood for a different no, it did indeed have great difficulties in disentangling itself from the right - a fact, which led to accusations that the left-wing's no was also an expression of nationalism. This was especially the case with regards to Schengen where both sides argued that Denmark should end this co-operation. In principle, their arguments were very different. The left wing argued that Schengen would lead to an unacceptable 'Fortress Europe'; preventing any refugee or immigrant from ever entering. The right-wing side, conversely, took the view that Schengen would quickly lead to a major influx of 'foreigners', since Denmark would no longer be able to maintain the same border control. However, despite these clear differences, the left side also played on the fear that Schengen would 'abolish' the border (see the above *There has to be a border* slogan). And what was more: by launching part of their campaign under the heading - *welcome to 40 millions Poles* - especially the June-movement contributed to the confusion of finding a clear dividing line between the two no's.

Summary - Judgement Day on the 28th of May 1998

The above debate on the Treaty of Amsterdam ended on the 28th of May with a victory for the yes side. As can be seen from table 1, the result (with the clear exception of 1992) followed the pattern of the previous campaign: although 55.1 per cent of the Danish population voted in favour of the Treaty, a large minority continued to give an EU-Treaty the thumbs-down (44.9 per cent). Notwithstanding our core conclusion that the yes-side had managed to construe a better fit between the EU and the Danish polity, the no-side's argument that Amsterdam was 'business as usual' *('more Union')* was apparently still almost equally convincing. The for Danish circumstances low turn out,

74.8%, also seems to indicate that Denmark still has quite a journey to travel before EU-legitimacy problems can be shelved as history.[22]

[table 1]

5. Conclusion – Mission Impossible?

The purpose of this article was to provide a worm's eye perspective of the EU's and its member states' struggle for more legitimacy by focusing on Denmark. Its core conclusion is that a member state can indeed use a common EU-strategy to develop a better fit between the EU and the national polity. The Amsterdam strategy thus provided the Danish yes side with the necessary steppingstone to construe the EU as an extension of Danish values. Just like Denmark, the EU has now pledged to fight unemployment, strengthen its social policy and increase the transparency of its decision making process. Although one should be careful not to jump to conclusions (especially considering the 44.9 per cent of voters who voted no), this seems to bode well for a future where Denmark will be less at odds with the Union. A first indication of this was probably the Danish government's decision in January 1999 to launch a debate (if not yet a referendum) on the EMU. The first statements by social democratic leaders also indicate that the government will employ a similar strategy as in 1998 - it will present the EMU as a social democratic enterprise (Buksti & Lund, 1999).

This rather optimistic conclusion - at least seen through the glasses of the yes side and the EU as such - must however be counterbalanced by the following two points. First of all it remains to be seen whether the strong emphasis on social democratic values could trigger stronger opposition among more conservative voters. Secondly, by still construing the EU as an organisation which (despite its 'Nordic' credentials) should be kept at bay, the yes-side has also hung a millstone around its own neck: in the next IGC which is already around the corner (2000-2001), the yes-side will be constantly reminded of its own promises that the 1996-IGC was the last of its kind. Instead of a debate on the actual content of the new Treaty, one could therefore easily end up with a discussion on broken referenda promises and 'more Union'.

[22] Preliminary analyses, based on exit polls, point to the fact that it was mainly the working class, low-level white-collar workers and the unemployed who stayed home in their armchairs. Indeed, the Amsterdam referendum was the first which revealed a general social polarisation (Mandag Morgen, 1998; Isaksen et al., 1998: 195; Siune, 1992). Just as interesting was the fact that gender for the first time seemed to play a limited role. As a matter of fact, the yes-vote among the traditionally highly critical women increased from 52 per cent in 1993 to 54 per cent in 1998, whereas the yes-vote among men fell from 62 to 58 percent (Mandag Morgen, 1998). Finally, Amsterdam was also the first referendum since 1972, which was supported by a majority of social democratic voters. Apparently, the rhetoric about a different, more social democratic Union had born fruit. Just as important was the fact that it was not able to deter voters from the Conservative People's Party (80 percent) and the Liberal Party (83 percent) to support the treaty (ibid).

Shifting the focus to the EU-side of the legitimacy coin it remains to be seen whether other member states can also use Amsterdam to develop a better fit between the EU and their national polities. The fact that the Amsterdam strategy just within Denmark could be used to launch two completely different images of where the EU was heading (*the EU is becoming more Danish; The EU is a threat of Danish Identity*) does not foster great optimism. The Amsterdam strategy is thus bound not only to be assessed on extremely divergent normative criteria among the member states, but also *within* them. Hence, one could easily support Jachtenfuchs et al's pessimistic statement that 'popular solutions such as the adoption of a proper European constitution, the realisation of a 'Europe of the citizen' or the strengthening of the role of nation-states will only have a modest (or even negative) effect on the domestic acceptance of the EU' (Jachtenfuchs et al., 1998: 434).

As this article has tried to highlight, we should however abandon the view that EU legitimacy does necessarily require a common conceptualisation of the EU – and indeed a common EU-identity. Unlike a state or a federation, a multi-dimensional polity like the EU is far less dependent upon a common identity. As argued the key issue is that of the *compatibility* of contrasting identities. In that respect, governments do not have to picture for instance the Amsterdam strategy in the same way. On the contrary. What is required is that member states (or groups within them) can use the strategy to argue that the 'EU is becoming more Nordic', 'more German', or 'more British' for that matter. Although this is still a tough test to pass for the EU and its member states it is not by definition mission impossible. By emphasising that scholars' alarming diagnosis on legitimacy has largely been based on the wrong premise – the EU's inability to develop a common identity – this article has therefore also been able to breath at least some optimism into the 'gloom and doom debate' on legitimacy.

References:

Banchoff, T. (1999) 'National Identity and EU Legitimacy in France and Germany', in T. Banchoff and M.P. Smith (eds.): *Legitimacy and the European Union*, London: Routledge, pp. 180-199.

Banchoff, T. and Smith, M.P. (1999) 'Introduction: Conceptualizing Legitimacy in a Contested Polity' in T. Banchoff and M.P. Smith (eds.): *Legitimacy and the European Union*, London: Routledge, pp. 1-27.

Bonde, J.P. (1998) 'Skal Danmark være en slags amt i Europa' ('Should Denmark become a kind of county in Europe'?, *Aktuelt*, 7.5.

Buksti, J. & Lund, T. (1999) 'En anden møntunion' ('A different EMU'), *Berlingske Tidende*, 15.1.

Chryssochoou, D. (1996) 'Europe's Could-Be Demos: Recasting the Debate', *West European Politics*, Vol. 19, No. 4, pp. 787-801.

Commission (1996), 'Commission Opinion: Reinforcing Political Union and Preparing for Enlargement', Brussels.

Dahlerup, D. (1998) *EU- Hvad er meningen?!,* Copenhagen: Vindrose.

Dansk Udenrigspolitisk Årbog, DUPI, Copenhagen: Djøf, 1986.

DUPIDOK (1997) *Dansk Udenrigspolitisk dokumentation* (Danish Foreign Policy Documentation), Danish Institute of International Affairs, 1998.

Draft Treaty (1996), presented by the Irish Presidency, December 5, published in *European Report*, Supplement No. 2181, December 7.

Ersbøll, N. (1993), 'Danmark i EF', in B. Nüchel Thomsen (ed.): *The Odd Man Out? Danmark i den europæiske integration, 1948-1992*, Odense: Odense Universitetsforlag, pp. 199-215.

European Council (1996), Presidency Conclusions, Turin, March 26, published in *European Report*, supplement no. 2121, April 3.

Folkebevægelsen mod EF-Unionen (1998) 'Folkepensionens fremtid i EU', ('The future of the state pension in the EU').

Friis, L. and Murphy, A. (1999a; forthcoming) 'And Never the Twain Shall Meet? The EU's Quest for Legitimacy and Enlargement', in M. Kelstrup and M.C. Williams (eds.) *International Relations Theory and the Politics of European Integration: Power, Security and Community*, London: Routledge.

Friis, L. and Murphy, A. (1999b) 'EU and Central and Eastern Europe - Governance and Boundaries', *Journal of Common Market Studies,* Vol. 37, No. 2, pp. 211-32.

Friis, L. (1995) 'Danmark, Tyskland og Visegradlandene', *Dansk Udenrigspolitisk Årbog 1994*, Jurist- og Økonomforbundets forlag, p. 81-101.

Habermas, J. (1992) 'Citizenship and National Identity', *Praxis International,* vol. 12, no. 1.

Held, D. (1991) (ed.), *Political Theory Today*, Cambridge: Polity Press.

Hobsbawm, E.J. (1997), 'An Afterword: European Union at the End of the Century', in J. Klausen and L.A. Tilly (ed.): *European Integration in Social and Historical Perspective*, Boulder: Rowman & Littlefield Publishers, pp. 267-275.

Howe, Paul (1997) 'Insiders and Outsiders in a Community of Europeans: A Reply to Kostakopoulou', *Journal of Common Market Studies*, Vol. 35, No. 2, June, pp. 309-314.

Isaksen, S. et al. (1998), *En Traktat bliver til* ('A treaty comes into existence'), Copenhagen: Schultz.

Jachtenfuchs, M. , Diez, T.; Jung, S. (1998) 'Which Europe? Conflicting Models of Legitimate European Political Order' *European Journal of International Relations*, 4(4), pp. 419-445.

Justitsministeriet (1998), 'Justitsministeriets redegørelse for visse forfatningsretlige spørgsmål vedr. Ratifikationen af Amsterdam-Traktaten' (Ministry of Justice on constitutional aspects of Denmark's ratification of Amsterdam), Copenhagen: *Ministry of Justice.*

Kragh, J.O.; S. Skovmand (1979), *Der var engang en folkeafstemning*, ('Once upon a time there was a referendum) Forlaget Samtid.

Laffan, B. (1998) 'The European Union: A Distinctive Model of Internationalization', *Journal European Public Policy*, Vol. 4, No. 2, pp. 235-254.

Laffan, B. (1997) 'The IGC as Constitution-Building - What's New at Amsterdam?', *paper prepared for ARENA Annual Conference 1997: The Amsterdam Treaty - Implications for Nordic Countries: Analytical Approach and Empirical Results*, Oslo, November 6-7.

Lawler, P. (1997), 'Scandinavian Exceptionalism and European Union', *Journal of Common Market Studies,* , Vol. 35, No. 4, 1997.

Lodge, J. (1994) 'Transparency and Democratic Legitimacy', *Journal of Common Market Studies*, Vol. 32, no. 3, pp. 343-368.

Lord, C. (1998) *Democracy in the European Union*, Sheffield: Sheffield Academic Press.

Mandag Morgen (1998) 'Øget social polarisering ved EU-afstemningen' ('Increased social polarisation in the EU-referendum'), 8.6.

Moravcsik, A. (1994) 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach' in S. Bulmer and A. Scott (eds.): *Economic and Political Integration in Europe*, Oxford: Blackwell, pp. 29-81

Nehring, N-J. (1998) 'Sporskifte efterlyses i Europa-debatten', ('Advertising for a change in the EU-debate') *Udenrigs*, Copenhagen, no.3, pp. 49-60

Nentwich, M. & Falkner, G. (1997) 'The Treaty of Amsterdam: Towards a New Institutional Balance', Vienna: *European Integration Online Papers (EIOP)*, Vol. 1, No. o15, 25.8. http://eiop.or.at/eiop/texte.

Nickel, D. (1997) 'Ein Kommentar zum Amsterdamer Vertrag aus Sicht des Europäischen Parlaments', *Integration*, 20. Jg., 4/97, pp. 219-227.

Obradovic, D. (1996) 'Policy Legitimacy and the European Union', *Journal of Common Market Studies*, Vol. 34, No. 2, pp. 191-221.

Pantel, M. (1999) 'Unity-in-diversity: cultural policy and EU legitimacy' in T. Banchoff and M.P. Smith (eds.): *Legitimacy and the European Union*, London: Routledge, pp. 46-66.

Pedersen, T. (1996), 'Denmark and the European Union', in L. Miles (ed.): *The European Union and the Nordic Countries*, London: Routledge, pp. 81-101.

Petersen, N. (1996), 'In the strategic triangle: Denmark and the EU' in R. Bideleux & R. Taylor (eds.): *European Integration and Disintegration*, London: Routledge, pp. 93-111.

Petersen, N. (1998a), 'Denmark, the IGC and the future of the European Union', in B. Heurlin & H. Mouritzen (eds.): *Danish Foreign Policy Yearbook 1998*, Cph: DUPI, pp. 43-61.

Petersen, N. (1998b) 'The Danish Referendum on the Treaty of Amsterdam', *Zentrum für europäische Integrationsforschung, ZEI*-Discussion Paper, C 17

Rasmussen, P. Nyrup (1997) 'Amsterdam-Traktaten med store danske fingeraftryk' ('The Amsterdam Treaty with the large Danish fingerprints'), Speech held on the Day after the finalisation of the Amsterdam Treaty, *Socialdemocratic Party of Denmark*.

Regeringen (1995) 'Det åbne Europa: Regeringskonferencen 1996', ('The Open Europe: the 1996-IGC'), Reprinted in Dansk udenrigspolitisk årbog 1995, DUPI, Copenhagen, pp. 287-294.

Reflection Group (1995) Report of the Reflection Group SN 520/95, 5 December 1995, Brussels

Ross, G. (1994) *Jacques Delors and European Integration*, Cambridge: Polity Press

Ruggie, J. (1992) 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organisation*, vol. 47 (1), pp. 139-174.

Siune, K. et al (1992) *Det blev et nej* ('It was a no'), Århus: Politica

Schmitter, P. C. (1996) 'Examining the Euro-Polity with the Help of New Concepts' in G. Marks et al. (eds.): *Governance in the European Union*, London, Sage.

SF (1998) 'For mere Europa og mindre Union', (For more Europe and less Union'), Socialist People's Party.

Smith, A. (1992) 'National Identity and the Idea of European Unity', *International Affairs*, Vol. 68, No. 1, January, pp. 55-76.

Socialdemokratiet (1997) 'Den dansk vej - også i Europa', (The Danish Road - now also in Europe').

Stone Sweet, A. & Sandholtz, W. (1998) 'Integration, Supranational Governance and the Institutionalisation of the European Polity', in W. Sandholtz and A. Stone Sweet (eds.): *European Integration and Supranational Governance*, Oxford: OUP, pp. 1-27.

Thomsen, N. (1993) 'EF som stridspunkt i dansk politik 1972-1979', ('The EC as a point of dispute in Danish politics') in B. Nüchel Thomsen (ed.): *The Odd Man Out? Danmark of den europæiske integration,1948-1992*, Odense: Odense Universitetsforlag, pp.153-179.

Wallace, H. (1998) 'Coming to Terms with a larger Europe: Options for Economic Integration', *Sussex European Institute*, Working Paper, No. 23

Wallace, H. (1993) 'Deepening and Widening: Problems of Legitimacy for the EC' in S. Garcia (ed.) *European Identity and the Search for Legitimacy*, London: Pinter, pp. 95-105.

Wallace, W. (1983) 'Less than a Federation, More than a Regime: The Community as a Political System', in H. Wallace et. al. (eds.): *Policy-Making in the European Community*, Chichester: John Wiley.

Weiler, J. (1999) *The Constitution of Europe*, Cambridge: Cambridge Uni. Press.

Wessels, W. (1997a) 'An Ever Closer Fusion?', *Journal of Common Market Studies*, 35:1, pp. 91-131.

Wessels, W. (1997b) 'Der Amsterdamer Vertrag - Durch Stückwerksreformen zu einer effizienteren, erweiteren und föderalen Union?' *Integration*, 20 Jg., 3/97, pp. 117-135.

Worre, T. (1995) 'First No, Then Yes: The Danish Referendums on the Maastricht Treaty 1992 and 1993', *Journal of Common Market Studies*, Vol. 33, No. 2, pp. 235-57.

Worre, T. (1993) 'Folkeafstemningen om Unionstraktaten den 2. Juni 1992', in B. Nüchel Thomsen (ed.): *The Odd Man Out? Danmark of den europæiske integration,1948-1992*, Odense: Odense Universitetsforlag, pp. 215-323.

Wæver, O. (1998) 'Explaining Europe by Decoding Discourses', in A. Wivel (1998) *Explaining European Integration*, Copenhagen: Copen. Political Studies Press, pp. 100-147.

Wæver, O. (1992) 'Nordic Nostalgia: Northern Europe after the Cold War', *International Affairs*, Vol. 68, No. 1, pp. 77-103.

	1972	1986	1992	1993[1]	1998
Yes	63.3%	56.2%	49.3%	56.7%	55.1%
No	36.7%	43.8%	50.7%	43.3%	44.9%
Turn out	90.1%	75.4%	83.1%	86.5%	74.8%

Table 1: From 1972 to 1998: Referendum results and turn out

word count - 10.050.

[1] In 1993 the Danish public was asked to vote on the Edinburgh Agreement, i.e. the Maastricht Treaty minus the four opt-outs which the Danish government obtained in the aftermath of the Danish no in 1992 (cf. Petersen, 1996).