

The Legitimacy of Regional Integration in Europe and the Americas

Achim Hurrelmann
and
Steffen Schneider



Transformations of the State

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Edited by

Achim Hurrelmann

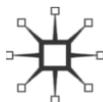
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Series Preface

Over the past four centuries, the nation state has emerged as the world's most effective means of organizing society, but its current status and future are decidedly uncertain. Some scholars predict the total demise of the nation state as we know it, its powers eroded by a dynamic global economy on the one hand and by the transfer of political decision making to supranational bodies on the other. Other analysts point out the remarkable resilience of the state's core institutions and assert that even in the age of global markets and politics, the state remains the ultimate guarantor of security, democracy, welfare and the rule of law. Does either of these interpretations describe the future of the OECD world's modern, liberal nation state? Will the state soon be as obsolete and irrelevant as an outdated computer? Should it be scrapped for some new invention, or can it be overhauled and rejuvenated? Or is the state actually thriving and still fit to serve, just in need of a few minor reforms?

In an attempt to address these questions, the analyses in the *Transformations of the State* series separate the complex tangle of tasks and functions that comprise the state into four manageable dimensions:

- the monopolization of the means of force;
- the rule of law, as prescribed and safeguarded by the constitution;
- the guarantee of democratic self-governance; and
- the provision of welfare and the assurance of social cohesion.

In the OECD world of the 1960s and 1970s, these four dimensions formed a synergetic constellation that emerged as the central, defining characteristic of the modern state. Books in the series report the results of both empirical and theoretical studies of the transformations experienced in each of these dimensions over the past few decades.

Transformations of the State? (Stephan Leibfried and Michael Zürn (eds), Cambridge 2005), *Transforming the Golden-Age National State* (Achim Hurrelmann, Stephan Leibfried, Kerstin Martens and Peter Mayer (eds), Basingstoke 2007), *State Transformations in OECD Countries: Dimensions, Driving Forces and Trajectories* (Heinz Rothgang and Steffen Schneider (eds), Basingstoke 2015) and *The Oxford Handbook of Transformations of the State* (Stephan Leibfried, Evelyne Huber, Matthew Lange, Jonah Levy and Frank Nullmeier (eds), Oxford 2015) define the basic concepts of

state transformation employed in all of these studies and provide an overview of the issues addressed. Written by political scientists, lawyers, economists and sociologists, the series tracks the development of the post-World War II OECD state. Here, at last, is an up-to-date series of reports on the state of the state and a crystal-ball glimpse into its future.

Preface and Acknowledgements

The rise of regional governance on the continental or sub-continental scales is one of the most noteworthy features of the internationalization of formerly state-based political tasks and responsibilities examined in this book series. In all parts of the world, processes of regional integration have progressed in past decades, and regional organizations with significant policy responsibilities have been created. This volume asks how legitimate the resulting regional governance arrangements are in the eyes of the population. Focusing on Europe, North America and South America, it examines how the legitimacy (or illegitimacy) of regional governance has been constructed (or challenged) in public opinion, political discourses and contentious politics. It also asks whether – and how – such legitimacy contestation has in turn influenced the trajectories of regional integration processes.

The idea for this volume was developed in the context of the editors' joint transatlantic research project on 'The Legitimacy of Regional Integration: Europe and North America Compared', which was funded by the Alexander von Humboldt Foundation under its TransCoop Program. This project was housed in the Transformations of the State (TranState) Research Centre at the University of Bremen (2003–14). Cofunding was provided by the Social Sciences and Humanities Research Council of Canada (SSHRC) and by the Dean of the Faculty of Public Affairs at Carleton University. Chapters 9 and 10 are direct outcomes of this collaborative project. The present volume took shape during an authors' workshop that was held in July 2013 at Ludwig-Maximilians University (LMU) in Munich, at which first versions of all chapters were presented and discussed. This workshop was financially supported by the Alexander von Humboldt Foundation and the TranState Research Centre; LMU Munich provided infrastructural support. We thank all these institutions for their contribution to making this book possible.

In addition, a number of individuals deserve special mention. Our colleagues Arthur Benz, Laura Macdonald, Neil Nevitte, Frank Nullmeier, George Ross, Martin Thunert and Ingeborg Tömmel provided important comments on our project at an early stage. At the University of Bremen, Stephan Leibfried enabled the association of the project with the TranState Centre; he was also instrumental in having this book included in the Centre's book series. Dieter Wolf and Maritta Zimmer

(who sadly passed away in 2011) provided indispensable administrative support. At Carleton University, Joan DeBardeleben supported a visiting scholarship for Steffen Schneider in the fall of 2010 that greatly facilitated the launch of the project. In the process of finalizing the volume, Anika Sparling acted as highly effective editorial assistant. Our editor at Palgrave Macmillan, Judith Allan, showed unwavering support, which included targeted (and much needed) pressure to complete the last stages of the manuscript. Last not least, we wish to thank all of our authors for their enthusiasm for this publication.

Achim Hurrelmann and Steffen Schneider
Ottawa and Bremen, April 2015

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1

Understanding the Legitimacy of Regional Integration: A Comparative and Mixed-Method Perspective

Steffen Schneider and Achim Hurrelmann

Shifts of political authority to regional integration projects such as the European Union (EU) are a key element of the globalization and denationalization trend in today's world (for many, see Keohane and Milner 1996; Zürn 1998; Kahler and Lake 2009). The EU is, of course, the most prominent and advanced example of regional governance, but it is hardly the only case that deserves scholarly attention: The literature on the 'new' (wave of) regionalism documents that integration projects running the gamut of varieties – from free trade arrangements to more ambitious projects at least partially inspired by the EU – have become ubiquitous (van Langenhove 2011; de Lombaerde and Söderbaum 2013). As a consequence, European and regional integration studies have come full circle: The genuinely comparative perspective assumed by the neo-functionalists pioneers of the 1950s and 1960s (Haas 1971; Schmitter 1970), abandoned by most Europeanists in the following decades, is increasingly rediscovered today (Börzel 2011, 2013; Börzel et al. 2012).

This burgeoning comparative perspective is underpinned by much agreement on the *policy relevance* of regional integration, but the debate on its precise meaning and effects goes unabated. Some authors view regionalism as a corollary to the broader globalization trend; others argue that it is a political counter-movement to the denationalization of economic forces and the diffusion of the neoliberal policy agenda (Coleman and Underhill 1998; Hettne 2003). What this debate indicates is growing attention to the *politics* of regional integration. Scholars have begun to probe the extent to which it affects public opinion and

political discourses, civil society mobilization and election outcomes. One prominent strand of the literature argues that international and regional governance is increasingly *politicized* and examines the scope and nature of this trend (Hooghe and Marks 2009; Zürn et al. 2012; Zürn 2014); another strand examines the link between politicization and the *legitimacy* of regional integration projects (Ribeiro-Hoffmann and van der Vleuthen 2007; Schrag Sternberg 2013).

However, the case of the EU arguably dominates both of these research agendas, and many existing studies on legitimacy in international relations have a strongly normative bent (for instance, Buchanan and Keohane 2006; Keohane et al. 2009). Against this backdrop, the present volume intends to fill a twofold gap in the literature. First of all, it offers a genuinely *comparative* view on the politicization and legitimacy of regional integration. Secondly, it considers politicization and legitimacy as multidimensional empirical phenomena best studied in a *mixed-method* perspective. In the remainder of this introductory chapter, we first elaborate on the two key concepts of the volume. Secondly, we justify our selection of regional integration cases. Finally, we provide an overview of the 12 chapters in Parts I through IV of the volume, each of which privileges a different methodological approach to examine politicization and legitimation processes in Europe and the Americas.

Concepts: Regional integration, politicization and legitimacy

Just like other international regimes, the existing cases of regional integration were initiated by member state governments, and their day-to-day governance processes have remained elite-dominated. Therefore, citizens' interest in – and even their knowledge of – regional affairs was widely assumed to be low in comparison to their interest in national political affairs until fairly recently. With hindsight, the first steps towards regional integration in Europe and elsewhere do not appear to have been significantly *politicized* – not salient in the minds and public discourses of elite actors and citizens – and hence they seem to have enjoyed latent support, a 'permissive consensus' in the words of Lindberg and Scheingold (1970a). Uninformed citizens presumably granted political elites a free hand in handling 'boring' technical and regulatory issues at the regional level, and intergovernmental decision making on such issues did not give rise to public contestation.

This assessment is, however, increasingly questioned, at least in the European context. A number of authors have diagnosed growing

politicization and a fading away of the permissive consensus since the 1990s (Hooghe and Marks 2009; de Wilde and Zürn 2012; Statham and Trezn 2013a, 2013b). The strongest evidence for this trend is provided by controversies about the EU in the wake of the Eurozone financial crisis and the unprecedented success of Eurosceptic parties in the 2014 European Parliament elections. However, the politicization of regional integration is arguably more than just a symptom of the exceptional circumstances of the Eurozone crisis; public contestation of the EU predates the crisis (Hutter and Grande 2014), and hence there is reason to doubt the claim that European integration has ever been entirely uncontested or depoliticized (Schrag Sternberg 2013).

Other continents have also seen the emergence of regional organizations with significant governance functions in recent decades. This development raises the question of whether growing politicization – or the alternation of politicized and depoliticized phases of regional integration – is truly restricted to the EU or rather represents a global phenomenon. There is certainly *prima facie* evidence for such cycles of politicization and depoliticization in the Americas. In North America, regional integration was vigorously debated and played a significant electoral role in the member states when it was initiated in the late 1980s with the Canada–United States Free Trade Agreement (CUSFTA) and developed further to become the North American Free Trade Agreement (NAFTA) including Mexico in 1994. The issue occasionally returned to the public agenda, and while there is arguably less contestation at present, new regional initiatives such as the ill-fated Security and Prosperity Partnership (SPP) after 2005 also fostered public debate and civil society mobilization (Ayres and Macdonald 2009; Pastor 2012).

In Latin America, too, much (trans)national civil society mobilization around regional integration and against its presumptive neoliberal bias has occurred – most prominently in the case of Mexico, where the Zapatista uprising coincided with the entry into force of NAFTA. Similar evidence abounds in South America: The Mercado Común del Sur (Common Market of the South, MERCOSUR) and other regional initiatives such as the Alianza Bolivariana para los Pueblos de Nuestra América (Bolivarian Alliance for the Peoples of Our America, ALBA) or the South America-wide Unión de Naciones Suramericanas (Union of South American Nations, UNASUR) have also been touted as a counterweight to the forces of economic globalization and the free trade agenda of the Washington Consensus (Grugel 2006; Dabène 2009; von Bülow 2010).

There is a strong, if ambiguous, link between politicization and the *legitimacy* of regional integration projects: Some observers argue that

a modicum of politicization is a necessary prerequisite for the (democratic) legitimacy of emerging regional polities such as the EU (Zürn 2014); others regard politicization as ‘constraining’ (Hooghe and Marks 2009) – that is, as an impediment to further integration – because it presumably implies growing legitimacy *challenges* for regional organizations. Yet, while the literature on the alleged legitimacy deficit of the EU is now extensive (for many, see Díez Medrano 2003; McLaren 2006; Thomassen 2009; Fuchs and Klingemann 2011; Duchesne et al. 2013; Schrag Sternberg 2013), the same cannot be said for genuinely comparative treatments of the levels and foundations of support for regional integration projects.

The term legitimacy denotes the *rightfulness* of political authority, but a normative and an empirical – or an actor’s and an observer’s – perspective on legitimacy have to be clearly distinguished (Barker 2007: 19–21; Hurrelmann et al. 2007: 7–8). In the actor’s perspective, political scientists formulate their own normative criteria and legitimacy assessments. In the observer’s perspective, as first advocated by Max Weber (1978: 212–301) in his seminal analysis of legitimate political authority, the legitimacy beliefs, claims or assessments of rulers and their subjects or citizens are examined as social facts, using empirical methods.

The present volume concentrates on this empirical strand of legitimacy research, which tends to follow David Easton (1965, 1975) in further distinguishing legitimacy from the broader notion of *support* for – or identification with – political communities and regimes. In line with Easton, individuals may support a regime in return for the specific benefits it produces (specific support) or grant diffuse support of a more generalized kind. Legitimacy is the type of diffuse support that is underpinned by citizens’ explicit recognition of political authority – here: authority vested in regional governance arrangements – as rightful, appropriate or at least acceptable (the second type of diffuse support distinguished by Easton and much subsequent public opinion research is trust). Conversely, a withdrawal of support may be diagnosed where regional integration is evaluated as corrupted, inappropriate or unacceptable. Thus, legitimacy assessments, just like the self-legitimizing claims of political elites, draw on normative benchmarks and justifications, but they are citizens’ or rulers’ own benchmarks – which need to be studied empirically – rather than the ones political scientists might consider to be appropriate (see, for instance, Ribeiro Hoffmann and van der Vleuten 2007 for such a normative perspective on the legitimacy of regional integration).

Implied in this understanding of regime support and its foundations is the notion that legitimacy is socially constructed rather than

being a regime attribute that lends itself to objective measurement by an external observer. In this volume, we use the term *legitimation* (and *delegitimation*) when referring to the processes or practices involved in the (re)production or withdrawal of legitimacy. As Rodney Barker (2001: 26) has pointed out, only legitimation is directly accessible to empirical research:

‘[L]egitimacy’ does not exist as a feasible subject of empirical or historical inquiry, in the same sense that God does not exist as a possible subject for social scientific study. We need to speak of both legitimacy and God when describing the actions of people engaged in politics and religion, but when we do so, we are describing their actions and language, not any independent phenomenon.

In other words, inferences on individual legitimacy beliefs or aggregate levels and foundations of support for a regime and its institutions must ultimately be based on the observation of such behavioural or discursive practices of (de)legitimation. These practices arguably come to the fore in the phases of politicization that both the EU and the regional integration projects of the Americas seem to have experienced in recent decades. While regional integration might not persistently occupy the top spot of the political agenda, legitimacy is most likely to be at stake when the salience of regional governance arrangements peaks and there is more public contestation of their powers and policy biases, their democratic quality or their impact on the national values and identities of member states than usual. Put differently, a certain level of politicization is a necessary prerequisite for (de)legitimation processes: A regime that is not politicized cannot be legitimate or illegitimate; it is merely ‘a-legitimate’ (Steffek 2007: 190).

However, various recent studies suggest that international organizations and regimes are indeed confronted with growing legitimacy requirements not only by member state governments but also by national societies (Steffek 2003, 2007; Zürn 2004; Zaum 2013). Thus, while regional integration projects continue to be largely elite-driven, they too are increasingly unlikely to be viewed as ‘a-legitimate’ by the national societies that are subject to their decisions, or to enjoy a ‘permissive consensus’ all the time. Consequently, explicit regime support becomes a key political resource where public attention to regional integration and the authority transfers it entails is growing. Like international regimes in general (Hurd 1999), regional organizations usually have no strong coercive powers and cannot always rely on favourable