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**Integration Theory, Subsidiarity and the
Internationalisation of Issues:
The Implication for Legitimacy**

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Introduction

The aim of the first part of this paper¹ is to examine the relationship between public opinion and the internationalisation of governance. It does so by reviewing theories of political integration and some aspects of international relations theory. Arising from this theoretical review, the second half of the paper addresses the specific question of the internationalisation of issues and the implications of various forms of internationalisation for the problem of legitimacy. Before proceeding to part I, however, it is necessary to elaborate briefly on the term 'internationalised governance'.

The notion of internationalised governance involves an analogy. In some instances, as for example with the doctrines of direct effect and of the supremacy of EC law as developed by the European Court of Justice, the analogy to domestic political systems, defined in terms of the 'authoritative allocation of values' (Easton, 1975, p.50), is fairly precise. In other instances, in which states accept some minimal institutionalised constraints on their behaviour, it is more tenuous. These latter instances comprise institutions for the management of interdependence. In the international relations literature, such institutions are referred to as 'international regimes', succinctly defined by Keohane and Nye as "the sets of governing arrangements that affect relationships of interdependence" (Keohane and Nye, 1977, p.19). The matter may be put another way by saying that internationalised governance spans a continuum from a fully fledged international governmental system - political union - through a more rudimentary system - the European Community as it is now (notwithstanding the explicit claim to 'union' in the Masstricht Treaty) - to the weaker forms of internationalised governance comprising a variety of international regimes².

¹ This is a revised version of a paper presented at the ECSA World Conference, Brussels, May 5-6, 1994. It deals with topics treated in greater detail in two papers prepared for the European Science Foundation Project "Beliefs in Government". Following further work, these will be published in due course in Niedermayer and Sinnott, forthcoming, 1995. I am grateful to the participants in Workshop VIII at the ECSA World Conference and especially to the participants in Group 2 of the "Beliefs in Government" project for their stimulating input. Without involving them in any responsibility for remaining imperfections, I am also indebted to Brigid Laffan, Anna Murphy, Giandomenico Majone and Wolfgang Wessels for helpful comments.

² The notion of a continuum is used in a similar fashion in a slightly different context by Wallace (Wallace, 1990, p.44). It should be noted that there is some dispute as to whether the term internationalised or global governance includes international regimes. Thus, Rosenau explicitly excludes the concept of regimes from the definition of 'global governance' (Rosenau, 1992, p.9). The more inclusive concept adopted here is in line with Kratochwil and Ruggie's understanding of the term: '...international regimes were thought to express both the parameters and the perimeters of international governance.... In sum, in order to resolve both disciplinary and real-world puzzles, the process of international governance has come to be associated with the

Part I: The role of public opinion in political integration theory and in theories of international relations.

The theory of political integration can be thought of as having gone through three phases. The first phase consisted of two ambitious initial formulations (transactionalism and neo-functionalism) in the late 1950s and early 1960s.³ A second short-lived phase, characterised by an intense revisionism, can be identified in the late 1960s and early 1970s. However, despite the theoretical progress made in this second phase, afterwards integration theory suffered near fatal asphyxia in the Euro-stagnation of the late 1970s. The third, contemporary phase is therefore a revival if not a resurrection⁴. In addition to considering these three phases, this part of the paper digresses briefly to deal with the related theories of disintegration and diversity. It concludes by attempting to incorporate some insights from regime theory⁵ and from international relations theory more generally.

Phase I: Transactionalism and Neo-functionalism

"Sense of community" is an essential element in the transactionalist concept of integration. It is defined as:

"...a matter of mutual sympathies and loyalty; of 'we-feeling', trust, and mutual consideration; of partial identification in terms of self-images and interests; of mutually successful predictions of behaviour, and of co-operative action in accordance with it..." (Deutsch et al, 1957, p.36).

concept of international regimes... (Kratochwil and Ruggie, 1986, p. 759-760).

³ Another early strand of integration theory can be identified, i.e., Mitrany's functionalism. This, however, has tended to be as much normative as analytical and has failed to generate a substantial research agenda (see the critique in Lodge, 1978)

⁴ Using quantitative indicators, Caporaso and Keeler demonstrate the decline in 'theory-driven scholarship' in what they call the doldrum years (circa 1975-86). However, they also argue, convincingly, that research in that period should not be neglected and that it did contribute, mostly, indirectly, to theory building. The point here is that such research was only implicitly theoretical and did not address the kinds of issues posed in this paper or follow up on the theoretical insights of the revisionist period (see Caparaso and Keeler, 1993, pp.16-25).

⁵ Putnam has noted the continuity between the tradition of theorizing about regional integration initiated by Deutsch and Haas and regime theory: 'The intellectual heirs of this tradition, such as Joseph Nye and Robert Keohane, emphasised interdependence and transnationalism, but the role of domestic factors slipped more and more out of focus, particularly as the concept of international regimes came to dominate the subfield' (Putnam, 1988, p. 431)

The centrality of public opinion and political culture in this definition is underlined by a consideration of twelve conditions that are seen to be essential to the process of integration. These conditions include: mutual compatibility of main values; a distinctive way of life, i.e., values, institutions and habits of action that mark the area off from major neighbours; unbroken links of social communication both across territories and across strata; broadening of the political elite, both in regard to recruitment from wider strata and in regard to connections between strata; mobility of persons and a multiplicity of ranges of communication and transaction; and mutual predictability of behaviour (for a full list of the conditions and more detailed discussion see Sinnott, 1993a). It is true that a narrow operationalisation of the concept of "politically relevant strata" would confine measurement of the above conditions to some segment of the political elite, thus depriving the theory of reference to mass political culture and public opinion. This will be taken up again below, but, in the meantime, it would seem that a narrow operationalisation would be unduly restrictive in the latter half of the twentieth century, when a strong case can be made that the politically relevant stratum includes a sizeable section of the mass public.

In contrast to the above, the distinctive neo-functionalist concepts relate to the role and activities of the integrationist elites and the significance of the policy process in which they are involved, i.e., the mechanisms of supranational bureaucratic problem-solving and spillover (Haas and Schmitter, 1964, pp.705-737). Indeed Haas defined integration as "the process whereby political actors in several distinct national settings are persuaded to shift loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states" (Haas, 1958, p.16). The denial of the relevance of mass attitudes in the integration process is made quite explicit by Haas when he elaborates on this definition of political integration. He explains at some length that the "political actors" in the definition are "elites", i.e., "the leaders of all relevant political groups who habitually participate in the making of public decisions, whether as policy-makers in government, as lobbyists or as spokesmen of political parties" (Haas, 1958, p. 16). Consistent with this, he argues that "it is as impracticable as it is unnecessary to have recourse to general public opinion and attitude surveys.." (ibid.).

It was precisely this exclusive emphasis on political elites that was to be challenged by revisionist neo-functionalism. Before turning to this, however, it is worth digressing to look at the other side of the coin, i.e., at theories that seek to explain the many manifestations of disintegration within states and of persistent diversity between them.

Theories of Disintegration and Diversity

The core-periphery theory of disintegration can be summarised very briefly. The starting point is that industrialisation - the engine of modernisation - is inherently uneven. Unevenness leads to inequality between geographically defined units, i.e., between core and periphery. At this stage, however, conflict is not inevitable. The outcome depends on certain pre-existing cultural conditions. If the units are culturally heterogeneous, then the cultural *differentiae* provide the means to remedy the inequitable situation and the remedial strategy is national secession (Gellner, 1964 pp.

171-172). Of course not all nation-states are the result of peripheral secession. What is needed then is not just a theory of disintegration but also a theory of persistent diversity.

Hoffmann's article 'Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe' (Hoffmann 1966) was probably the most formidable intellectual challenge to the integration theorists. While much of the emphasis is on national interests and on the activities and importance of political elites, the argument frequently refers to the popular basis of elite action and to 'national consciousness'. An inventory of sources of either diversity or integration culled from Hoffmann would include the following: a negative, non-purposive national consciousness; a national conscience that is too strong (the French case) or too weak (the German case); the comprehensiveness of the modern state (in the sense of its broad functional scope, well established authority and popular basis); an intense and positive general will or enlightened national patriotism capable of prodding leaders into political integration; and, the theme to be taken up in detail in part II, transnational political issues of interest to all political forces and publics across boundary lines.

What is striking in all of this is that when we look at Gellner and Hoffmann together, it is apparent that the (implicit or explicit) critics of integration theory had a more profound grasp of the significance of political cultural variables than had the early neo-functionalists. In this respect they had more in common with the transactionalist version of integration theory, though, obviously, the emphasis and the conclusions drawn were different.

Phase II: Public Opinion Rediscovered

What has been described above as the revisionist phase of integration theory is embodied in a wide-ranging collection of essays published in 1971 (Lindberg and Scheingold, 1971). Here, the limitations of space only permit a brief review of three of the contributions to that volume. In an introductory overview, Haas explicitly withdrew his earlier exclusion of the need to pay any attention to public opinion. This is particularly evident in his new 'master concept' of authority legitimacy transfer or sharing, "a formulation", he says, "I would myself prefer to the stress put on elite loyalties in my own earlier formulations". Indicators of this concept are said to be observable in activity in specific functional and organisational sectors and ... in elite **and mass perceptions** (Haas, 1971, pp.26-30, emphasis added).

Schmitter's contribution to the reexamination of neo-functionalism was also consciously revisionist: "This article offers an updated target - a revised formalisation of the neo-functionalist or structuralist theory of the political consequences of regional integration with pretensions to general comparative relevance" (Schmitter, 1971, p. 233). Several of the variables and hypotheses in Schmitter's complex scheme involve the attitudes and perceptions of a segment of the population. That segment is designated by such phrases as "national participant political groups", "national elites attentive to integration issues" "relevant elites" and "participants or observers in regional processes". It all depends, therefore, on whether one takes a broad or narrow definition of these groups. Schmitter does not explicitly address this question but a broad definition is clearly implied by his operationalisation of the variables in question. Thus the variable "elite value complementarity", is operationalised by reference to 'panel type survey data

on the nature and intensity of commitment to similar goals within and across integrating units relative initially to specific contexts of proposed regional collaboration'. That the operationalisation includes mass public opinion data is clear from the accompanying footnote which includes reference to Inglehart's work on public opinion and European integration. Similarly, regional identity is operationalised by reference to "panel survey research on selected samples exposed to intensive regional socialisation; inference from single surveys on residual importance of regional contacts/level of information when controlled for other variables" and the work of Inglehart is again cited (Schmitter, 1971, p. 252). It is clear, therefore, that this major restatement of neo-functionalism explicitly assigns a substantial role to public opinion.

Nye begins with the Deutsch and Haas definitions of integration and argues that the latter in particular must be disaggregated into economic, social, and political dimensions. Each of these three dimensions is further subdivided, political integration being seen in terms of four categories: institutional, policy, security-community, and attitudinal (Nye, 1971, pp. 24-48). Attitudinal integration, also described as "identitive appeal", figures in one of an expanded list of "process mechanisms". Secondly, public opinion enters the model as a variable in the domestic arena influencing the actions of national political leaders. Actors in the original neo-functional model - mainly the integrationist technocrats and interest group representatives - need to be supplemented by "electoral or support politicians" whose primary function is to legitimise the actions involved in regional integration. This implies a very clear role for public opinion in the process of integration. Perhaps the key concept in this regard and one of particular contemporary relevance is **politicisation**. This involves a "broadening of the arena of participants" in which "political legitimising decision-makers and broad political opinion become more heavily involved as integration decisions make heavier incursions upon national sovereignty and the identitive functions of the states." Discussion of the impact of politicisation on the prospects for integration leads to the hypothesis that such prospects may be imperilled by premature politicisation before supportive attitudes have become intense and structured (Nye, 1971, p.89). (for a full list of propositions derived from the Haas, Schmitter and Nye revisions of neo-functionalism, see Sinnott, 1994a).

Given all of this theoretical ferment, it may be asked: why did this new emphasis not make an immediate impact on the research agenda? The problem was that, almost as soon as this broadening of the theory occurred and before it could really take hold, the theory itself seemed to be by-passed by events and explicitly or implicitly treated as obsolescent by its authors. As already suggested, it was rescued from oblivion by the resurgence of European integration in the mid 1980s.

Phase III: Integration Theory Revived

Since the revival of integration theory is still quite recent and since it involves many different strands, it would be premature to attempt a synthesis. All that will be aimed at here is to signal the extent to which the 'new theory' incorporates a core concern with public opinion. Thus for example, Wallace simply takes it as read that expectations, common identity or consciousness, and a "sense of community" are essential elements of political integration, though it is acknowledged that they are "the most contested, because the most difficult to measure" (Wallace, 1990. p. 9).

Keohane and Hoffmann's emphasis on the compatibility of statist and neo-functional approaches, leads them to envisage "domestic backlashes" or "revolts" against the economic hardships the single market might impose on certain sectors, professions or regions and to a concern about the democratic deficit and the paradox of "integrated economies and separate politics, the paradox of an elaborate process of multinational bargaining coexisting with an obstinately national process of political life and elections, the paradox of the emergence of a European identity on the world scene coexisting with continuing national loyalties. (pp. 294-295). More recently, Caparaso and Keeler have identified the issue of 'to what extent will further integration necessitate the sort of shift in mass loyalties with which Deutsch and Haas were both concerned, if from very different perspectives, decades ago' as one of the key areas for research (Caparaso and Keeler, 1993, p. 49). Finally even theories that are primarily concerned with elite bargaining and international structural change incorporate the expectation that broader political debate will develop and that 'the move to 1992 is likely to be accompanied by social and political mobilisation at the European level' (Sandholtz and Zysman 1989, p. 122).

Regimes and Legitimacy

An emphasis on the importance of the problem of legitimacy is not limited to integration theory. It will be argued here that such an emphasis is implicit in regime theory and in aspects of international relations theory. Yet, this seems counter-intuitive. Are regimes, and international affairs generally, not the ultimate preserve of elites? Faced with the *prima facie* case that public opinion is utterly remote from and irrelevant to international regimes, it should be noted first of all that the standard definition of regimes includes attitudes, albeit attitudes held by elites. The definition is: 'sets of implicit or explicit principles, norms, rules, and decision making procedures around which actors' expectations converge in a given area of international relations'. In this definition, principles are 'beliefs of fact, causation, and rectitude' and norms are 'standards of behaviour defined in terms of rights and obligations' (Krasner 1983, p. 2). The question is: are the principles and norms adopted by elites utterly unrelated to trends in public opinion and political culture?

Several of the regime theorists have, at least implicitly, addressed this issue. Thus Krasner distinguishes between, on the one hand, endogenous norms and principles that are 'the critical defining characteristics of any given regime' and, on the other, 'norms and principles that influence the regime in a particular issue area but are not directly related to that issue area'. He refers to the latter as 'diffuse values' and argues that they can be regarded as explanations for the creation, persistence and dissipation of regimes (Krasner p. 16). In similar vein, Puchala and Hopkins distinguish between superstructure and substructure or between diffuse and specific regimes. (Puchala and Hopkins, 1983, p. 64-65). Both Krasner and Puchala and Hopkins identify a very similar set of diffuse values that currently condition the formation of international regimes. According to Krasner, this set includes the principle of sovereignty and the related notions of 'exclusive control within a delimited geographic area and the untrammelled right to self-help internationally' (Krasner, p. 18). Similarly, Puchala and Hopkins argue that the "current norms that legitimise national self-determination, sanctify sovereign

equality, proscribe international intervention in domestic affairs, and permit international coercion, are all general principles of our world order" (Puchala and Hopkins, 1983, pp. 64-65).

The main repository of diffuse values such as those just mentioned may be various international institutions and traditional procedures and the elites who operate them. There is no denying this, but there may be a need for qualification. The qualification is that such traditions and values exist in a broad cultural milieu of which public opinion is a part. We can take the very values that have just been cited as an example. In November 1991, **The Economist**, while cautioning against the temptation to exaggerate a tendency or extrapolate a trend, suggested that there was a new development in international affairs involving co-operation between states for agreed ends "on a scale that hitherto only idealists have even dreamed about". According to the leading article, a significant part of the impetus to such co-operation is "world opinion", which, "when confronted by television pictures of genocide or starvation, is unimpressed by those who say, 'We cannot get involved. National sovereignty must be respected'. National sovereignty be damned: the UN is already involved in Iraq" (The Economist, 1991). **The Economist** argues that the UN is just one example of "the new interference" and that it goes well beyond events related to the Gulf war. It also argues that the democratic legitimacy of the trend is vital to its success. Of course, a leading article in **The Economist** proves nothing. It could be regarded merely as the clever but ephemeral speculation typical of leading articles. Indeed in the wake of the subsequent vicissitudes of international intervention in Somalia, Yugoslavia and Rwanda, some would no doubt argue that **The Economist** was suffering from an unwonted bout of premature optimism. But this would be to miss the point. The current debate about international intervention and about the often tragic situations that create a demand for it is not about the pros and cons of sovereignty but about the practicalities and modalities of interfering. From a theoretical point of view, what the debate illustrates is how the current set of values that condition the formation of regimes might be undergoing change and, in line with our argument that diffuse regime values are imbedded in a wider culture, it suggests that public opinion may be a factor in the process.

Concern with the impact of public opinion has also begun to surface in international relations theory more generally. Thus Rosenau, for whom this has admittedly long been a preoccupation, argues that "...the micro level of individuals has to be integrated into the analysis [of the emerging global order] because structures at the macro level seem increasingly vulnerable to shifts in the skills and orientations of the publics they encompass' and that we must proceed 'as if citizens at the micro level are variables relevant to the emergent global order' (Rosenau, 1992b, p.274). Rosenau's treatment of 'interdependence issues' in his discussion emphasises the fact that, over and above contributing to the creation and maintenance of the underlying diffuse values and the cultural context of regimes and internationalised governance, there is a second more specific sense in which public opinion may feed into regime formation. Mass publics may not know much about the NPT, the International Food Regime, or the Law of the Sea, but they do have attitudes to nuclear weapons, world hunger and the 200-mile

limit⁶. Of course, policy concerns and preferences of this kind among the mass public are an indirect rather than a direct input into regime formation. The public will not have an attitude as to whether a regime does or should exist; it may not even be aware of the full international ramifications of a particular problem. However, by demanding solutions to problems that are only soluble through concerted and sustained international co-operation, public opinion may create a demand for regimes. Understood in this sense, Hoffmann's postulate in his original critique of integration theory that "transnational political issues of interest to all political forces and publics across boundary lines are a prerequisite to political integration" (Hoffmann, 1966) is of central importance. Such transnational political issues and their corresponding policy preferences need not necessarily be seen by the public to be related to transnational political processes. It is enough, as suggested here, that they create an indirect demand for transnational political action. This notion of transnational or internationalised issues will be taken up in a moment in Part II. First, however, because the consequences of the shift in emphasis are quite fundamental, it is worth documenting further the extent to which international relations theory has been developing a concern with domestic politics and, by implication therefore, with the role of public opinion.

The early development of regime theory had a clear systemic bias. The view was that theorising that focused on the systemic level of analysis had the merit of parsimony. However, there have been signs of a concerted rethink regarding this strategy. Thus, in a ten-year retrospective on *Power and Interdependence*, Keohane and Nye acknowledge that 'The need for more attention to domestic politics, and its links to international politics, leads us to believe that research at the systemic level alone may have reached a point of diminishing returns' (Keohane and Nye, 1987, p. 753). In the same year, a broad-ranging review of regime theory argued: 'Current theories of international regimes have ignored domestic political processes, in part because of the lure of parsimonious systemic theory. ...there have been few studies of the domestic political determinants of international co-operation. There are both methodological and theoretical reasons to open the black box of domestic politics' (Haggard and Simmons, 1987, p.513). A substantial part of the lure of the systemic level of theorising was and still is the compelling logic of game theory. But, for all its necessary simplifying assumptions, game theory need not, as is so often taken for granted, limit analysis to the systemic level. In fact, Putnam has suggested the notion of two-level games as a metaphor for domestic-international interactions. And public opinion figures explicitly in the second-level (domestic) game:

⁶ These examples rather than the more obvious and certainly the more salient one of GATT have been deliberately chosen. It is quite evident that a specific section of mass public opinion in many countries (i.e., farmers) have very definite views on GATT and that these views have been directly relevant to what happens in that particular regime. The fact that farmers do not know what a regime is or how and why this particular regime operates does not prevent their preferences from being an important constraint on the regime actors. However, because it could be argued that GATT is a very special case, it is not used here as part of the main argument.

A more adequate account of the domestic determinants of foreign policy and international relations must stress politics: parties, social classes, interest groups (both economic and non-economic), legislators, and even public opinion and elections, not simply executive officials and institutional arrangements (Putnam, 1988, p. 432).

In summary, in seeking to understand the process of and prospects for political integration and the more general phenomenon of the internationalisation of governance, political culture, public opinion and legitimacy can neither be taken for granted nor ignored. In the first place, it is clear that the exclusive emphasis on elites and the dismissal of public opinion associated with early neofunctionalist theory does not reflect the real thrust of integration theory as it developed from the first formulations through various revisions to recent efforts at revival. Secondly, it is clear that the relevance of public opinion applies not just to formal processes of regional integration or specifically to the development of the European Community but, *mutatis mutandis*, it applies right along the continuum of internationalised governance. Thirdly, it is clear that the dimensions of public opinion that matter are manifold and include attitudes to transnational or internationalised issues.

PART II: Internationalised Issues, Subsidiarity and Legitimacy

What is a transnational or, in the terms used here, an internationalised issue? Is there any empirical evidence that there are issues that are of interest to all (or any) political forces and publics across boundaries? If such issues do exist, what are the implications for the legitimacy of internationalised governance, particularly in the light of the commitment to the principle of subsidiarity?

There are three ways in which issues may become internationalised - attributed internationalisation, exogenous internationalisation and endogenous internationalisation. From the perspective of public opinion, the most obvious way in which an issue may be internationalised is if competence in problem solving or policy-making is attributed to an internationalised agency by the public. It must be emphasised that this is a subjective basis for internationalisation. It is a matter of how the public views problems and the means of solving them. It must also be emphasised that it is a normative attribution, i.e., what matters is how the public thinks problems ought to be tackled rather than how it perceives the actual competences of various levels of governance, perceptions which may be more or less in accord with reality.

In general it should be noted that all issue orientations and policy preferences have either an implicit or explicit attribution dimension. In fact all policy orientations have a dual object - the preferred solution to a problem and the agency to which the public looks for a solution. In dealing with attitudes and policy preferences in a unitary state context, we do not usually advert to the attribution aspect because competence for most major issues is simply assumed to belong to the national government and it will usually be quite obvious if a particular issue falls within the remit of local government. In established federal systems the attribution of competence is usually implicit but is likely to become explicit in cases of jurisdictional conflict between the various levels of

the federal system. It is in such situations that it becomes a worthwhile object of analysis. Because internationalised governance is a developing process rather than an established system, the dual nature of policy relevant attitudes and in particular the question of the extent to which the public attributes competence to the international level are of considerable importance, especially from the point of view of the legitimacy of internationalised governance.

Attributed internationalisation of issues is only one of the sources of the agenda of internationalised governance; it is indeed arguable that it is the least important one. Of considerably greater significance in terms of impelling governments to take concerted international action in a form that tends towards the creation of regimes or stronger modes of internationalised governance is the nature of certain problems. Some problems require the intervention of internationalised governance if they are to be tackled. Here the dimension of internationalisation arises from the very nature of the issue and exists whether it is perceived by the public or not. This is because the problem which gives rise to the issue is one which penetrates or transcends borders and simply cannot be dealt with within the confines of national policy-making. Because the internationalisation of the issue arises from the very nature of the problem to be tackled, it is referred to here as endogenous internationalisation.

Over and above these two modes, an issue may be internationalised by being claimed by some agency of internationalised governance as lying within its competence. Here the international dimension is external to the issue and the process can therefore be referred to as exogenous internationalisation. Once agencies of internationalised governance have been established and begin to set about their work, there is a fairly strong probability that they will seek to expand the range of their activities. This is in fact fundamental to the notion of "spillover", which is the key mechanism by which, according to neo-functional theory, the integration process develops.

The relationship between endogenous and exogenous internationalisation brings us directly to the much-debated issue of subsidiarity. In general, the subsidiarity debate is a normative one, i.e., the question is: What should be the allocation of functions between various sub-national, national and supra-national levels of governance? The principle of subsidiarity is embodied in Article G of the Maastricht Treaty as a modification of Article 3 of the Treaty establishing the European Communities. The relevant passage reads as follows:

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. (Treaty on European Union, Article G, par. 5)

In the terminology outlined above, this and indeed the whole theory of subsidiarity implies, first, that the priority lies with endogenous internationalisation in the sense that it is the determining criterion. Secondly, it implies that the categories of exogenous and endogenous internationalisation of issues ought to overlap perfectly, i.e., that all those and only those issues that by their nature require an internationalised response should be claimed by agencies of internationalised governance. Taking the problem of legitimacy into account, one could add that the category of attributed

internationalisation should also coincide with these two, i.e., all issues that are by their nature internationalised and that are therefore, in this ideal conception, claimed by some internationalised agency, would be perceived by an attentive public to be within the remit of internationalised governance. If one were to represent this ideal situation in a diagram, one would draw three equal and concentric circles and only one circle would appear.

To say that a perfect overlap of this sort is highly unlikely is an understatement. Somewhat more realistically, one might think of the situation as a set of three circles of different sizes arranged as an outer, a middle and an inner circle. The outer circle would represent those issues which are by their very nature internationalised. The next circle would be the subset of these to which agencies of internationalised governance lay claim. And the inner circle would represent the subset of these in regard to which the public attributes competence to agencies of internationalised governance - see Figure 1. Even this model is, however, highly fanciful. In reality the relationship between the three forms of internationalisation is likely to be complex, variable and issue-dependent. Instead of being concentric, as in Figure 1, the circles overlap and intersect, with different issues falling into the different subsets created by the intersections.

This latter observation suggests that it might be useful to approach the problem using set notation and Venn diagrams in order to provide a systematic account of the overlaps and the intersections (see Figure 2). If we take all issues and designate the three subsets of internationalised issues by the letters A, B and C (so that set A = internationalised by attribution; set B = exogenously internationalised and set C = endogenously internationalised and U = the universal set, i.e., all problems and policy options facing society, including issues at both national and sub-national level), we can categorise the variety of ways in which issues can be internationalised (for an introduction to the notation and its use, see Kemeny Snell and Thompson, pp. 45-57). As a preliminary example, the simple case of Figure 1 above can be written as:

$$A \subset B \subset C$$

i.e., A is a subset of B which in turn is a subset of C. Likewise, we could describe the ideal situation from the point of view of the theory of subsidiarity in terms of the equality of the three sets of issues:

$$\begin{aligned} \text{i.e., } A &= B = C \\ \text{and } A \cup B \cup C &= A \cap B \cap C \end{aligned}$$

We have suggested that neither of these accounts of the internationalisation of issues is very plausible. Thus, for example, the public may attribute to agencies of internationalised governance issues that do not inherently require internationalised action. They may even attribute competences to such agencies which the agencies do not possess or to which they do not aspire. On the other hand, in a process of aggrandisement, agencies may claim competences in relation to issues which do not inherently require an internationalised response. Much political analysis and debate in Europe following the Danish "no" vote in May 1992 and up to and beyond the French referendum assumed that just such aggrandisement was a significant source of the difficulties being experienced in the ratification process.

All of this suggests that the problem of legitimacy in this area is not limited to instances involving the explicit attribution of competence by the public to an agency of internationalised governance, i.e., it is not limited to attributed internationalisation.

Suppose, for example, that a given problem is international by its very nature but suppose that the public does not see the problem in these terms; suppose further that there is no regime or institution to deal with the problem. Although this is a situation of purely endogenous internationalisation, public opinion may play an important role, as a source of pressure for the solution of the problem or as a constraint on the establishment of an international regime or institution. It is essential therefore to review each of the subsets of internationalised issues, specifying the role of public opinion in each situation⁷. The subsets are highlighted in Figure 3 and consideration of each of them in turn enables us to systematically consider the legitimacy problems that can arise as both nation states and international institutions grapple with the problems that confront them⁸.

1. The World according to Delors ($A \cap B \cap C$ (Fig 3.1))

Set A intersection B intersection C might be labelled "the world according to Delors", a world in which the operation of the principle of subsidiarity ensures a link between the nature of the issue and the claim to competence by the agency of internationalised governance and in which a rational and attentive public is fully informed both as to the nature of the issues and as to the policy competences of the various levels of governance. Interestingly, Delors himself is on record as envisaging the principle of subsidiarity extending right up to the international level, creating "a real equilibrium between the Community level, the national level and the local level [and] I dare also add the international level..." (Delors, 1991, p. 11). The immediate questions for empirical investigation are: how extensive is the area included in the overlap defined in Figure 3.1 and how salient are the problems within it?

Three issues can be said to fall reasonably clearly within this particular sub-set. They are scientific research, development aid and the environment. In 1989, the level of attributed internationalisation was generally high (see Table 1) and all three are claimed as areas of competence by the Community and generally recognised as being appropriate to that level. Perhaps the most notable feature of the set is that, out of quite a wide range of issues, there are only three items in it. The ideal world of perfect subsidiarity and (near) perfect information is far from realisation.

2 The Imperious Centre ($B \sim A \cup C$ (Fig. 3.2))

⁷ The evidence to be presented below on the role of public opinion is limited to the attribution of competence to the European Community on a series of issues in May 1989. More extensive evidence is considered in Sinnott, 1994b.

⁸ The considerable problems of operationalizing the three concepts of attributed, exogenous and endogenous internationalisation are examined in Sinnott, 1994b. It should also be emphasised that the concepts of attributed, endogenous and exogenous internationalisation do not in themselves provide an explanation as to why competence for particular issues is allocated to an agency of internationalised governance. For a discussion of this problem in the context of the European Community, see Majone, 1994.

If we are to go by the flood of political analysis and sometimes heated debate that followed in the wake of the Danish referendum and extended up to and beyond the French referendum, the part of set B not included in either A or C (set B negation A union C) was a major factor underlying popular misgivings about the Maastricht Treaty. Thus, having defined the set of issues in relation to which the European Community claims competence or seeks to exercise jurisdiction without there being an endogenous basis for such claims or efforts, the key empirical task is to identify those issues where the public is resistant to initiatives by the Community, i.e., where there is either zero or low attributed internationalisation. One would hypothesize that national differentiation will be significant in this regard.

Two issues seem to fit into this category. They are educational standards and workers' co-determination. In 1989 they ranked second and third lowest in terms of the frequency of attributed internationalisation. It would moreover be difficult to claim that, aside from the highly specific aspects of mutual recognition of qualifications and social dumping, there is anything like a consensus that they are by nature internationalised issues. Yet the European Community has significant policy competence and has launched policy initiatives in both areas. It would appear therefore that these are areas where the perception of an overweening "Brussels bureaucracy" may obtain. Of course, before drawing conclusions regarding the consequences of such perceptions for the legitimacy of the Community, we would need to take account of the salience of the issues in question. At this stage and on the basis of the available data, it is worth noting that accounts that argue that the European public has been reacting against "interference from Brussels" and that this explains the malaise regarding the Maastricht Treaty may be somewhat exaggerated. There is some evidence of resistance to the imperious centre but it is limited in its scope and implications.

3 De facto legitimacy ($A \cap B \sim C$ (Fig. 3.3))

In the case of the subset of issue orientations in A intersection B negation C, attributions in public opinion confer a certain de-facto legitimacy on the claimed competences of agencies of internationalised governance. However, because the claims are not underpinned by endogenous internationalisation, they are vulnerable to challenge on the basis of the principle of subsidiarity. If successfully challenged and if public attribution of competence does not rapidly adapt to the new situation, then what had been a source of de facto legitimacy for internationalised governance could be transformed into a threat to that legitimacy, i.e., a source of delegitimising demand.

Since the mid-1970s the European Community has sought to develop a co-ordinated policy on energy supplies. In part this policy is rooted in the origins of the Community in the ECSC and EURATOM. The major source of the policy, however, has been the objective of security of supply and the relationship between this issue and a number of foreign policy issues. It would seem from the data that a substantial section of the European public agrees that this is an internationalised issue (see Table 1). Attribution of policy competence is not as high as in the case of the three issues in the category of the "world according to Delors" but, at 64 percent (in 1989) was considerable. This illustrates the fact that one cannot take an absolute cut-off point for attributed internationalisation. While the issue of energy supplies (as opposed to the issue of an internal market in energy) can therefore be regarded as having fairly high

attributed internationalisation, it would be difficult to sustain an argument that it is endogenously internationalised. Accordingly, the issue falls into the category of de-facto legitimacy, i.e., the Community has the backing of the public in its pursuit of policies in this area but the competence itself is vulnerable in that it is not based on considerations that are inherent in the nature of the problem. One might therefore anticipate that, as the principle of subsidiarity begins to be applied in a serious and systematic way, this particular policy competence will be curtailed and, in terms of public opinion, an effort will be required to reorient public expectations in this area towards the nation-state.

4 Delegitimising Demand ($A \sim B \cup C$ (Fig. 3.4))

The sub-set A exclusive of issues in B or C has a particular bearing on legitimacy because it contains explicit demands for internationalised action that are neither rooted in the nature of the issues involved nor related to competences claimed by the agency of internationalised governance. As such it represents an excessive demand on the agency to which the agency neither does nor could respond. If the issues involved are salient, there is potential for a rapid loss of legitimacy as the agency of internationalised governance fails to deliver on the expectations that mass publics have of it. As suggested above, a significant-roll-back of Community competences could further enlarge the number of issues in this subset as the Community is prevented from acting in areas in which expectations have grown or been fostered.

In the first half of 1989, three out of five respondents felt that the problem of fighting poverty ought to be tackled at a European rather than a national level. Almost as many (54 percent) felt the same about the endemic and escalating problem of unemployment. While the European Commission has had programmes and policies in both areas over a considerable period and has recently published a number of reports setting out policy options in relation to unemployment in particular, Community initiatives are not capable of solving, indeed are not designed to be the major means of solving, either problem. Therefore, although there is a role in these policy areas for the Community, the most reasonable assumption would seem to be that, on balance, the issues are neither endogenously nor exogenously internationalised. Consequently the Community is in the unenviable position of being expected to lead the battle against these twin evils without having adequate means with which to do so and without there being any substantial evidence that either problem could be solved by action undertaken by the Community. The potential de-legitimising consequences are underlined by the fact that these issues, especially unemployment, are highly salient.

5 Fertile ground ($A \cap C \sim B$ (Fig. 3.5))

In contrast to the difficulties arising in the previous three subsets, in which an agency of internationalised governance should rein in its ambitions or at least tread warily, the subset indicated in Figure 3.5 represents issues in relation to which such an agency should forge decisively ahead. These (A intersection C excluding issues in B) are endogenously internationalised issues that are recognised as such by the public. Internationalised action would be legitimate both in principle and in terms of public perception. The empirical question, of course, is whether any such issues exist and how significant and salient are they?

Since the inauguration of European Political Cooperation (EPC) in 1970, European elites have been inching their way towards a co-ordinated foreign policy. At the same time, they have jealously guarded their states' prerogatives in this sensitive area of "high politics". While the Single European Act brought this activity within a treaty framework, it merely codified existing practice and did not represent any significant breakthrough in terms of claims to European competence. The Maastricht Treaty (Article J) has taken some steps in this direction, but the approach is still highly tentative and qualified. The issue, therefore, cannot be said to be clearly exogenously internationalised. On the other hand, in a European context, a strong argument can be made that it is endogenously internationalised. Substantial sections of the European public seem to concur with this view. As Table 1 shows, in 1989 two-thirds of respondents attributed competence for the policy area to the Community. Taking the Community as a whole, therefore, the issue falls into the category of "fertile ground". On the other hand, belonging, as it does, to the realm of "high politics", a common foreign policy is a very sensitive issue and one would hypothesize that there will be substantial contrasts between the attitudes of the public in different member states in relation to it. In those member states in which the attribution of competence is noticeably lower, the issue may have to be regarded as belonging to the "virgin territory" category, i.e., as an issue requiring both an extension of Community competence and persuasion of the public that such an extension is desirable (see below).

6 Proceed and persuade. ($B \cap C \sim A$ (Fig 3.6))

Figure 3.6 on the other hand represents an area already claimed by the agency of internationalised governance, a claim supported by the principle of subsidiarity but one that requires persuasion if the public is to accept the claim and not regard internationalised action as "interference in national affairs"⁹. Here again the hypothesis of national differentiation arises as it will be important to discover the extent to which the incidence of issues in this subset varies from country to country.

In the information society the issue of data protection transcends borders. The transnational nature of the issue is further enhanced by trans-border police co-operation in the context of a system of open frontiers. Data protection is also an issue on which the European Community claims the right to set standards and to bring about harmonisation. Proceeding to do so will, however, require a lot of persuasion, as the evidence shows that, in 1989, only 42 per cent of the European public saw the need for a benign European uncle to protect them from Big Brother (Table 1)

It can of course be argued that many issues fall into the proceed and persuade category in so far as significant minorities withhold attribution of competence to the Community in regard to issues which are internationalised on the other two dimensions. In the case of the issue of environmental protection, for example, in 1989 a minority of 29 per cent did not attribute competence to the Community. In seeking to explain why

⁹ Persuasion may take either of two forms. It may be a matter of persuasion by results, that is, the public will come to accept the legitimacy of internationalised action 'ex-post' when such action has been demonstrated to have provided effective solutions to problems. The promotion of 'ex-ante' legitimacy would require that the issue of competence be directly addressed. Achieving results via this route may be more difficult but may be necessary in some instances.

it is that environmental issues belong to 'the world according to Delors' for some and fall into the category of 'proceed and persuade' for others, one of the relatively rare pieces of evidence on policy evaluation available in the Eurobarometer surveys may be of interest. The evaluation relates to national rather than European authorities and is in response to the question "do you know if in (your country), the responsible authorities are concerned with the protection of the environment? If yes, do you think the authorities are doing an effective job or not?" In spring 1988, only one in four of the citizens of Europe gave a positive response to this question, i.e., believed that the national authorities were both concerned and effective. The majority (57 per cent) believed that they were concerned but not effective and 29 per cent thought that they were not even concerned. Unfortunately it is not possible to test the hypothesised relationship between evaluation of national action and attribution of competence to the Community as the attribution question was not asked in the Eurobarometer that carried the evaluation question.

7 Virgin Territory ($C \sim A \cup B$ (Fig 3.7))

Issues in sub-set C exclusive of those in A or B represent virgin territory in the sense that the agency of internationalised governance has not made any claims in the area, the public does not attribute competence to the Community but the problems are inherently transnational. Here we would expect an expansion of agency competence but anticipate that, particularly in the current climate in Europe, it might be done only with difficulty in so far as competences not founded either on precedent or on public attribution may well be contested.

Although, in Europe as a whole, foreign policy constitutes fertile ground where the Community can, in virtue of the combination of endogenous and widespread attributed internationalisation, confidently develop its capacity, in certain member states this policy area may belong rather to the category of virgin territory, i.e., the category of issues that are endogenously transnational but where, were the Community to make major claims to competence, such claims would not be supported by public opinion. Figure 4 illustrates the point with data on the attribution of competence for foreign policy issues in the second half of 1989. In the countries on the left hand side of the graph - Greece, Portugal and Denmark - this issue falls fairly clearly into the virgin territory category. In the countries on the right hand side - Italy, Belgium, and France - the issue is fertile ground, i.e., there is widespread support for an extension of Community competence in this endogenously internationalised area. The countries in the middle are mixed cases with majorities in favour of an extension of competence but with substantial minorities waiting to be convinced.

Conclusion

The first part of this paper argued that the relevance of public opinion to the process of the internationalisation of governance in general and to European integration in particular can be inferred not just from recent events but also from theories of political integration and from international relations theory. Though the empirical analysis presented in Part II of the paper is still at a preliminary stage, it suggests that the legitimacy of internationalised governance is a highly differentiated phenomenon that

varies from one policy sector to another. It depends, moreover, on the relationship between public perceptions and expectations on the one hand and the nature of the problems being confronted and the claims of the Community or other agency of internationalised governance on the other. This relationship also varies across countries and over time. In the case of the European Community, the implications are that its legitimacy is not just a matter of generalised support for the Community as such and that an adequate investigation of it must go beyond the traditional indicators of support for European unification and must take into account both the nature of the issues in question and considerations of institutional design and, in particular, the problem of allocating policy competence within a multi-layered system.

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