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The Legitimacy of Regional Institutions

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Abstract: Regional institutions across the globe wield influence and hence impact constituent states and citizens both inside and outside their respective regions. As a consequence, regional institutions are increasingly confronted with concerns that the power wielded is deemed legitimate. This chapter takes the distinction between normative and empirical conceptions of legitimacy as a starting point to discuss and compare strands of scholarship on the legitimacy of regional institutions. We contend that existing work assessing the legitimacy of regional institutions by employing normative legitimacy standards has proven to be a dead end in research on comparative regionalism. We argue that a shift in focus to explore how political actors in regional institutions define and address legitimacy gaps provides new insights to the study of the empirical legitimacy of regional institutions. We develop a typology and a set of preliminary conjectures to analyse the conditions and processes through which the institutional architecture of regional institutions is designed and transformed to confront legitimacy challenges.

Key words: normative legitimacy, empirical legitimacy, legitimacy standards, legitimation, logic of consequences, logic of appropriateness, parliamentarization

1. The legitimacy of regional institutions: Why bother?

For students of the European Union (EU), debates about the legitimacy of its institutions and decision-making processes are commonplace. EU governance has become so pervasive and its reach so intrusive that concerns about the power wielded by EU institutions have given rise to a multifaceted debate about the quality of the EU's legitimacy that extends beyond scholarly circles. Scholarship on the EU has provided a myriad of conceptualizations and yardsticks to assess the legitimacy of EU governance, which has generated abundant empirical research on the quality and scope of the EU's legitimacy deficit. Bearing in mind the pressures of Europeanization on the EU's member states' domestic policies, politics and polity (Börzel and Risse, 2003), such a prominent focus on issues of legitimacy in the EU is hardly surprising. Yet, EU scholarship has not fully monopolized the debate about the sources and consequences of the legitimacy of political orders beyond the state. Since the turn of the millennium, international institutions have witnessed mounting allegations of democratic legitimacy deficits, with critics pointing to serious deficiencies in accountability and participation. The expansion of political influence exercised by international institutions on states' policies, political processes and institutions is considered a major trigger for rising concerns about the legitimacy of contemporary global governance institutions (Buchanan and Keohane, 2006, Zürn, 2004). Scholars have debated controversially whether international institutions meet standards of democratic accountability to underpin their legitimacy (see, e.g. Moravcsik, 2004, Held, 2004, Archibugi et al., 2012). Where one stands in this debate crucially depends on the standards one employs. While pragmatists emphasize that the key to the legitimacy of international institutions lies in the prevention of abuses of power and the adoption of appropriate accountability mechanisms (Grant and Keohane, 2005), others have stressed that nothing short of *democratic* legitimacy is the relevant benchmark international institutions should meet. According to this view, democratic legitimacy deficits prevalent in many international organizations can only be addressed by creating more inclusive and representative institutions and processes (Held, 2004, Nanz and Steffek, 2004).

The focus of this contribution lies on a particular sub-set of multilateral institutions, regional institutions, which have increased in number as well as in the scope of the policies they address (Goertz and Powers, 2014). Moreover, some regional institutions have come to command considerable degrees of delegated power (Hooghe and Marks, 2014). The concomitant influence in domestic and international affairs

comes with a price tag: growing concerns among policy makers and constituents about the legitimacy of regional institutions. A first wave of scholarship on the legitimacy of regional institutions has focussed on the extent to which regional institutions meet certain standards of attributed to a legitimate political order; a literature, which is dominated by scholarship on the EU's notorious legitimacy deficit. More recent academic work has sought to shed light on political behaviour, practices and discourse analysing why and how actors within regional institutions actually address legitimacy gaps. As this contribution will highlight, research exploring these questions for non-EU regional institutions is scarce, covering only a small number of regional institutions, and is mostly based on case studies rather than comparative accounts. Before we address this literature, we will first turn to the concept of legitimacy, which points us to different perspectives on how the legitimacy of regional institutions can be explored.

2. Unpacking legitimacy

Legitimacy is a precious resource for political actors and institutions. An actor or institution with a claim to wield power that is considered rightful and hence legitimate can count on the compliance of those subject to its power. Following Max Weber, legitimacy thus transforms power into authority, and helps replace coercion and self-interest as a motivation to obey political rule with voluntary compliance (see also Reus-Smit, 2007, p. 163). Conceiving of an actor, institution or polity as legitimate has also far-reaching consequences for how we envision the international system. To the degree that international institutions can command legitimacy, the assumption that the international system is characterized by anarchy must be called into question: International institutions, perceived to be legitimate, can be said to form part of an authority structure which induces compliance due to the shared belief that their actions are rightful, not by threat of the use of force wielded by the strongest states or through actors' calculation of self-interest (see Hurd, 1999). Portraying and defending international or regional institutions and their actions as legitimate can thus be considered a key concern and motivation to power-wielding political actors. Students of international politics and regionalism are gradually developing a greater interest in understanding the sources of the legitimacy of political order(s) beyond the state as well as the implications of different conceptions of legitimate rule for international and regional institution building.

Research on the legitimacy of political orders can be approached from either a *normative* or *empirical* conception of the term. According to the former, the legitimacy of political orders can be described and evaluated by comparing the qualities of political actors and institutions to an external standard or "benchmark of acceptability or justification of political power" (Peter, 2014). Research on the legitimacy of international as well as regional institutions (the EU in particular) takes frequent recourse to *democratic* benchmarks, such as the inclusiveness, representative quality, transparency, or political accountability of the institutions under scrutiny. This normative approach has influenced a wide array of work on the EU's legitimacy deficit and will be discussed in further detail below. Empirical or descriptive conceptions of legitimacy, in contrast, take recourse to Max Weber's observation that legitimacy is rooted in an individual's belief in the rightful exercise of power by some actor or institution: "the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a *belief*, a belief by virtue of which persons exercising authority are lent prestige" (Weber, 1964 p. 382, emphasis in the original). Unlike the normative perspective, the legitimacy of political orders is not evaluated against an external standard, but is a reflection of actors' beliefs in the political authority of an institution (or its lack thereof). Such legitimacy beliefs come in different forms, as they are fuelled by different sources and conceptions of legitimacy. This also implies that they are essentially contested, as political actors are trying to claim, maintain or challenge the legitimacy of regional institutions.

The question about the sources rendering political institutions acceptable (normatively or empirically) has yet to be addressed. The most prevalent distinction found in the literature highlights the *consequences* of political rule on the one hand, and the *procedures* according to which political decisions are made and sanctioned on the other. According to the consequentialist perspective political rule is legitimized with reference to the ends towards which political power is exercised and the efficacy and effectiveness of goal attainment (Zaum, 2013b, p. 9). In the literature, this expression of legitimacy is often dubbed "output"-oriented legitimacy (Scharpf, 1999). Following Scharpf, modern political orders serve two main ends: first, to prevent rulers from abusing their power through checks and balances and rights protecting institutions; second, to provide public goods and solve common societal problems. Procedural legitimacy, in turn, underlines the processes through which power is exercised, rulers are selected and decisions made. One form of procedural legitimacy is democratic or

"input"-oriented legitimacy (Scharpf, 1999), which reflects political procedures that are inclusive and responsive to the preferences of the ruled. Democratic proceduralism comes in different forms, depending on the standard one defends. For instance, deliberative democrats emphasize political discussion and deliberation as key sources of (democratic) legitimacy, while liberal democrats highlight the fairness of procedures through which citizens' preferences are aggregated.

Procedural legitimacy, however, is not necessarily wedded to democratic procedures. In the realm of international politics, procedural legitimacy can be promoted by adopting and strengthening democratic procedures, but it can also highlight the principle of state consent, which is a cornerstone of the Westphalian notion of sovereignty. Taking this distinction on board, we can conceive of the legitimacy of international and regional institutions as *state-centred* or *society-centred* (which are not mutually exclusive, as the institutional architecture of the EU vividly demonstrates). State-centred approaches hold that states and the national communities that constitute them are the central or even exclusive source of legitimacy. Legitimate political order beyond the state is thus necessarily intergovernmental in character, based on state consent and characterized by minimal intrusions to states' sovereignty. While regional institutions assist states in addressing trans-boundary problems, they cannot command legitimacy in the same way that national states can. For instance, democratic republicanism presupposes the existence of a common public space and political debate as well as political accountability of elected representatives for a political order to be considered legitimate (Scharpf, 2009), conditions which (most) international and regional institutions are grossly lacking. A *society-centred* conception of procedural legitimacy holds that individuals are the main bearers of rights and hence that a political order is only legitimate to the degree that it reflects the interests of those subject to its rule. This conception is closely linked to a democratic and cosmopolitan notion of international political order, which conceives of international and regional institutions not as mere agents of national states – as in the state-centred or intergovernmental model – but as institutions with a claim to exercise independent (legitimate) authority, which they derive from processes of democratic participation and contestation (Zürn, 2011). Regional institutions do thus not escape political accountability, but are instead independent sources of legitimacy.

The different conceptions and sources of legitimacy, which we introduced in this section, implicitly or explicitly inform the research on the legitimacy of regional

institutions. We first discuss the scholarly literature on regional institutions, which takes recourse to a normative conception of legitimacy, before we turn to scholarship on empirical legitimacy.

3. The legitimacy of regional institutions: a question of standards

The literature discussed in this section takes as its starting point the definition of a normative standard against which the legitimacy of a regional institution is evaluated. Research in this tradition is characterized by a pronounced asymmetry. While research on the legitimacy of the EU fills numerous library shelves, there is virtually no comparable literature addressing the legitimacy of regional institutions outside the EU. Even research on the legitimacy of international institutions (see for example Bernstein, 2011, Koppell, 2008, Steffek, 2003) dwarfs academic work on the legitimacy of regional institutions (excluding the experience of the European integration project).

Legitimacy standards and the EU's democratic deficit

Scholars studying the legitimacy of the EU have adopted a plethora of different normative yardsticks against which the quality of the EU's legitimacy can be assessed. The bulk of the literature on the EU's legitimacy derives its normative yardsticks from some particular notion of democratic rule (see Kohler-Koch and Rittberger, 2007, Rittberger, 2010, and Schmidt, 2012 for overviews). Cheneval and Schimmelfennig (2013), for instance, distinguish between *gradualists* and *transformationalists*. The former assume that the supranational EU will, over the course of time, adopt the main features of the nation-state model of democracy. For gradualists, a democratic EU can only develop if the EU manages to successfully copy the nation state model of democracy. For instance, scholars debate controversially whether or not there is an emerging European *demos*, characterized by a strong sense of community and loyalty, and whether there exists a sufficiently well-developed political infrastructure, most notably a EU-wide transnational public sphere (see Koopmans and Statham, 2010, Risse, 2010, 2014) as well as a genuinely Europeanized political space where political competition is structured along the traditional left-right axis (Føllesdal and Hix, 2006). Critics are sceptical that the emergence of a EU-wide public sphere is a realistic scenario (de Vreese, 2007) and claim that the increasing politicization of the EU is unlikely to instil a sense of community among EU citizens and threatens to reinforce (rather than suppress) populist, nationalist and particularistic tendencies (Hooghe and Marks, 2009,

Kriesi and Grande, 2015). Transformationalists, in turn, claim that confronting the EU with standards for democratic legitimacy derived from the nation-state model is inappropriate, as collective identities, public spheres and intermediary political institutions have retained (and are likely to continue to maintain) their national foundations (Cheneval et al., 2014, pp. 1-2). They contend that gradualists should face the reality of obstinate "national *demoi*" possessing "the strongest collective identities, public spheres and political infrastructures, and enjoy the strongest legitimacy and loyalty on the part of individual citizens" (Cheneval and Schimmelfennig, 2013, p. 336). Yet, rather than falling back to the 'no demos' position, which posits that absent a strong sense of EU-wide community policies with redistributive implications cannot command any democratic legitimacy (Scharpf, 2009), some scholars propose to assess the EU according to *demoi*-cratic standards, which take into account the inter-linkages among member states as well as the EU in formulating and implementing policies (see Nicolaïdis, 2004, Cheneval and Schimmelfennig, 2013).

Critics of both gradualists and transformationalists reject the prevalent notion that the EU should be assessed by some standard of democratic legitimacy. While Neyer (2010) shares the diagnosis that the EU does not have (and is unlikely to develop) a demos with a strong sense of collective identity, he suggests to dispense of democratic benchmarks altogether and reset the standards. Instead of standards emphasizing democratic participation, citizens' right to demand justification and hence "good reasons" (Neyer, 2010, p. 908) from all political actors and decisions encroaching on individual freedoms should be centre-stage. Majone proposes another alternative to demo(i)cratic benchmarks. Debating the legitimacy of the EU in terms of its democratic qualities is a "category mistake" (Majone, 2006, p. 618), since the EU is predominantly a regulatory state, which is characterized by non-majoritarian policy-making structures. As a consequence, legitimacy aspirations can only be disappointed when confronted with democratic yardsticks and should rather be based on the technocratic principle, i.e. an "ideology of method: a belief in the ability to arrive at the optimal answer to any discussion through the application of particular practices" (Centeno, 1993, p. 312).

Legitimacy standards and non-EU regional institutions: another category mistake?

The debate about the appropriate normative benchmarks to evaluate the EU's legitimacy is still thriving. It has generated a wealth of empirical research and operates with increased methodological sophistication to operationalize and empirically evaluate the

various criteria and claims advanced in the literature. Nothing of this sort can be said about research on the legitimacy of other regional institutions. A broad literature debating the *democratic* legitimacy of regional institutions outside the EU is still lacking (see Ribeiro Hoffmann and van der Vleuten, 2007 for an exception). One of the few instances of scholarly work adopting a standard-matching approach towards studying the legitimacy of regional institutions outside Europe is provided by Reinalda (2007), who assesses the legitimacy potential of thirty-one regional institutions by taking recourse to legitimacy criteria (such as input and output legitimacy), which are well known from the debate about the EU's democratic deficit.

The vast majority of scholars pursuing a normative approach to assess the legitimacy of international and regional institutions tend to adopt normative standards derived from some notion of democratic rule. Unsurprisingly, most of the work on the legitimacy of political order beyond the state is centred on the EU, since the EU issues authoritative decisions that bind its members and affect the livelihoods of its citizens. The EU is thus confronted with challenging legitimacy requirements and there are good reasons to set the legitimacy-bar high for the EU, especially since the EU's policies increasingly carry redistributive implications – by creating 'winners' and 'losers' – and hence require the support of the governed (Føllesdal and Hix, 2006). Although some regional institutions have come to include relatively intrusive provisions in their policy portfolio, such as ECOWAS in the security sphere (Bah, 2013), regional institution-building beyond the EU is still mainly characterized by intergovernmental consensus-based decision-making and can thus be said to face less pertinent legitimacy challenges: Regional institutions, which stick to consensual decision-making and prevent that member states are overruled, neither challenge society-centred conceptions of legitimacy (since the democratic accountability chain linking governments and citizens is not interrupted), nor do they undermine the principle of state consent and are hence fully in sync with a state-centred view on legitimacy.

For instance, Southeast Asian states' approach to regional cooperation and institution-building has been considerably less obtrusive than the European experience of regional integration. The Association of Southeast Asian Nations' (ASEAN) commitment to the norm of non-interference and consensual decision-making among its member states' ruling elites (also dubbed the 'ASEAN Way') forestalls moves beyond intergovernmental regional cooperation. Nonetheless, Acharya (2003, 2009) argues that the incremental democratisation of (some of) ASEAN's member states may challenge

traditional modes of interaction within ASEAN and open up a pathway to a deeper and, at the same time, more democratic regionalism in Southeast Asia. In fact, the ratification of the ASEAN Charter in 2008, which placed the organization on a new legal framework and included a commitment to the seemingly incompatible norms of non-interference and the regional promotion of democracy (Jones, 2008, p. 737), sparked a fresh academic interest on the prospects for democratically legitimate rule in the context of Southeast Asian regionalism. Yet, much of the debate has focused on ASEAN's potential to spur the democratisation of its largely illiberal membership base (Sukma, 2008, Kuhonta, 2006), while the introspective question to what extent ASEAN itself meets standards of democratic legitimacy – or whether it should aspire to do so at all – has not been widely addressed (Emmerson, 2007, p. 435, Jones, 2008). The few and rather unsystematic assessments of ASEAN's performance with respect to democratic legitimacy-criteria attest, unsurprisingly, a poor record. Emmerson (2007, p. 438) explains that in ASEAN "[i]ncumbent elites, elected or not, are laterally accountable to each other across a table in a closed room in consultations that are democratic only insofar as the parties around the table formally respect each other's equality and autonomy." Furthermore, ASEAN's preoccupation with enhancing the sovereignty of its member states and fostering regional resilience has led to the organization's unequivocal support for ruling elites' interests at the expense of the more diffuse objectives and interests of their constituencies (Kuhonta, 2006, p. 343). Assessing the legitimacy of ASEAN regionalism with standards derived from democratic benchmarks could thus be considered another category mistake, since ASEAN legitimacy – at least in the view of its political proponents – is grounded in a state-centric conception of legitimacy, which places a premium on consensual decision-making and domestic non-interference.

The case of ASEAN also exemplifies that the use of external benchmarks to assess the legitimacy of regional institutions is not without problems. First, such standard-setting and standard-matching exercises are based on the assumption that there exists a universally applicable standard against which the legitimacy of regional institutions can be assessed. Most commonly, the literature is prone to adopting a normative bias favouring democratic legitimacy over other potential sources of legitimacy (see for example the volume by Ribeiro Hoffmann and van der Vleuten, 2007). Secondly, the application of universal standards to assess the legitimacy of regional institutions across a great variety of cases is marred by a tendency to overlook the pluralism and

multidimensionality of contemporary regionalism (Patomäki and Teivainen, 2002, p. 38, De Lombaerde et al., 2010). Since many comparisons of regional institutions base their understanding of the nature and quality of regionalism on the EU's experience, research in this tradition is likely to suffer from a Eurocentric bias and a lack of sensitivity for fundamental differences between regions (Söderbaum and Sbragia, 2010, p. 566). In the ensuing section, we will refer to a nascent body of research that seeks to eschew Eurocentric assessments of the (democratic) legitimacy of regional institutions by highlighting the variegated expressions of legitimacy beliefs and practices in different regional institutions.

4. The legitimacy of regional institutions: empirical perspectives

Shifting the focus from normative to empirical accounts of regional institutions' legitimacy obliges us to emphasize the *social* and *inter-subjective* quality of legitimacy: Legitimacy is a "subjective quality, relational between actor and institution, and defined by the actor's *perception* of the institution" (Hurd, 1999, p. 381, emphasis in the original, Reus-Smit, 2007). Legitimacy is ascribed to actors and institutions not only by virtue of the legitimacy beliefs held by social and political actors, but also through social practices and discursive processes justifying the rightfulness of policies and actions mandated by the institution (Reus-Smit, 2007, pp. 159-160). Legitimacy is thus not only inherently social, it is also *political*: Legitimacy claims and practises destined to enhance or reinforce legitimacy of an institution are rarely uncontested; institutions face opposition and are confronted with attempts geared towards their delegitimation. Legitimacy can thus be gained, maintained or lost as a result of social and political processes, as actors seek to "establish their legitimacy, and the legitimacy of their actions, through the rhetorical construction of self-images and the public justification of priorities and practices, [while] other actors contest or endorse these representations through similar rhetorical processes" (Reus-Smit, 2007, p. 163, see also Schneider et al., 2010, p. 10, Schneider and Hurrelmann, 2011). The affirmation and contestation of the legitimacy of regional institutions is always norm-referential and undertaken against the backdrop of socially embedded beliefs and norms (Frost, 2013, p. 29, Reus-Smit, 2007, p. 163). As highlighted previously, beliefs about legitimacy are often based on instrumental and procedural conceptions about how authority should be exercised, but they can also relate to other desirable qualities or characteristics of an actor or institution (Zaum, 2013b, p. 9), which can be democratic as well as non-democratic in nature.

How do political actors go about claiming, defending and contesting the legitimacy of institutions more generally and regional institutions in particular? To assess political actors' legitimation strategies, i.e. behaviours and practices geared towards legitimizing or de-legitimizing an actor or institution, we distinguish between *internal* and *external* drivers. On the one hand, regional institutions and the political elites establishing and maintaining them, are facing legitimacy demands and challenges from their constituents – public actors, social groups, or citizens – which may, for instance, reflect different instrumental or procedural concerns (see for example Hurrelmann et al., 2013). Moreover, recent scholarship has emphasised that the legitimacy of regional institutions may not only be defended and challenged 'at home' – within the region and its constituents – but also from the outside. External legitimacy challenges can take two forms. First, from the 'outside-in', external actors may seek to affirm, challenge or undermine an institution's legitimacy; second, from the 'inside-out', regional actors may strive for external recognition from political actors and social constituents outside the region to boost their own legitimacy (see also Zaum, 2013b, p. 11). The distinction between external and internal drivers, i.e. the actors triggering processes of (de-)legitimation, needs to be complemented by a distinction of the motivational basis of these actors and their actions. Drawing on the work of March and Olsen (1998), social action can be rooted either in a *logic of expected consequences* or a *logic of appropriateness*. According to the former, actors choose among alternative courses of action "by evaluating their likely consequences for personal or collective objectives, conscious that other actors are doing likewise" (March and Olsen, 1998, p. 949). Actors may also eschew calculative behaviour and base their actions instead on a *logic of appropriateness* and choose between alternative courses of action in the light of their identities, self-perceptions or rules that are perceived as appropriate in a specific context (March and Olsen, 1998, p. 951). Accentuating identities over interests, actors who follow a logic of appropriateness do not 'choose' their behaviour on the basis of rational self-interest, but because they conceive a particular action as "the right thing to do" (Checkel, 2005, p. 804).

Table 1 offers an illustration of the different combinations of drivers and logics of action. Staring with the upper left-hand quadrant (I.), political elites seek to enhance the legitimacy of a regional institution as a calculated response to demands from relevant constituents internal to the regional institution. From this perspective, establishing or maintaining the legitimacy of a regional institutional order is not an objective that is

inherently desirable, but reflects an assessment on behalf of political elites driven by political expediency. What kind of legitimacy deficits or gaps would generate pressure on political elites to engage in legitimating behaviour? We would expect that the level of domestic intrusion of a regional institution should matter: Regional institutions commanding rather intrusive policy portfolios will trigger stronger demands and pressure by constituents on political elites to engage in more extensive legitimacy seeking efforts than regional institutions commanding relatively unobtrusive arrangements. Political elites are most likely to respond to the legitimation preferences and pressures of those constituents whose support is most relevant for the attainment of their political objectives. Moving to the lower left-hand quadrant (II.), political elites eschew cost-benefit calculations when engaging in legitimating behaviour, but act instead "in accordance with rules and practices that are socially constructed, publicly known, anticipated, and accepted" (March and Olsen, 1998, p. 952). The underlying rationale here is that political elites share, or are socialized to sharing, a set of norms and values about the appropriate design of political order, which they upload to the regional level (see also Checkel, this volume). Legitimacy deficits or gaps emerge when the political order of a regional institution is deemed to be in conflict with the prevailing values and norms about the appropriate design of regional political authority.

Attempts to legitimize or de-legitimize regional institutions may also originate from actors external to the region. The upper right-hand quadrant (III.) depicts a situation whereby political elites seek to bolster the legitimacy of a regional institution by securing a flow of political, material or ideational support from external actors, such as other states or institutions, in order to advance their own individual or regional political objectives. Legitimating behaviour is an expression of expediency, a rational calculation of what actions need to be conducted in order to secure political objectives of political elites. Assuming that the supply of political, material and ideational support by external actors is a scarce resource, the portrayal of a political order as legitimate in the eyes of external actors eventually boils down to regional institutions' competition for recognition in the international system, seeking to meet the demands of the preferred external partners. Finally, existing research suggests that frequent interactions and exchanges between political elites from different regional institutions facilitate the diffusion of political ideas, and may prompt political elites to emulate the institutional models of other regional arrangements (Lenz, 2012, Dri, 2010). From this perspective, depicted in the lower right-hand quadrant (IV.), political elites emulate regional

institutions because of their 'model'-character, because they are perceived as particularly efficient, desirable or appropriate and, hence, legitimate. Political elites' motivation to engage in legitimation efforts does thus not reflect rational self-interest, but is grounded in the positive evaluation of the norms underpinning other regional institutions' template. Since the legitimacy of regional institutions is a nascent field of research, the ensuing sections take the limited work on regional institutions' legitimacy as a starting point and attempt to frame experiences of regionalism along the categories developed in the typology presented in Table 1.

Table 1: Typology of empirical perspectives on the legitimacy of regional institutions

	Internal Drivers	**External Drivers**
Logic of Consequences	I. • Response to legitimacy gap reflects *expediency* on part of political elites • Behaviour prompted by regional institutions' level of intrusion and constituents specific legitimacy demands	III. • Response to legitimacy gap reflects *competition* for recognition in the international system • Shaped by external actors' legitimacy demands in return for political, material and ideational support
Logic of Appropriateness	II. • Response to legitimacy gap reflects *uploading* of community norms and values to supranational level • Shaped by socially constructed and accepted rules and practices	IV. • Response to legitimacy gap reflects *emulation* of external institutional template • Shaped by interaction and exchanges between political elites from different regional institutions

Political expediency and a normative pretext: legitimation strategies in ASEAN as an example

Regionalism in Southeast Asia has been generally characterised by a strong commitment among ASEAN's member states to the Westphalian norm of domestic non-interference and a strong preference for consensus-based, informal decision-making processes. Several scholars argue that this state-centred approach to regional institution-building is decisively shaped by domestic political norms and processes concerned with

enhancing domestic political legitimacy (Narine, 2004, p. 430, Cho and Park, 2014, p. 586). Political elites' legitimation behaviour in the context of regional institution-building in ASEAN could thus appear to be predominantly norm-driven. Nonetheless, the behaviour of ASEAN's political elites seems to display a strong dose of political expediency, since regional institution building efforts may carry deliberate, sovereignty boosting-effects 'at home'. Narine (2004, p. 434) stresses, for example, that citizens' perception of the legitimacy of their respective state institutions hinges on the capacity of governments to implement policies promoting economic prosperity. If they fail to do so, ethnic, religious and political tensions (re-)surface and the political legitimacy of the state becomes contested. Faced with performance-based demands and the struggle to bolster legitimacy 'at home' to ensure political survival, Southeast Asian political elites view regional institutions, such as ASEAN, as a means to "*enhance* – not challenge – the sovereignty of their member states" (Narine, 2004, p. 424, emphasis in the original), which includes securing autonomy from outside powers (Ba, 2013, p. 147, Cho and Park, 2014, p. 586). References to the 'ASEAN Way', emphasizing the principles of non-interference and consensual decision-making, can thus be seen as a normative pretext for Southeast Asian political elites to secure their domestic power base and hence their political survival. Moreover, closing legitimacy gaps through institutional reforms, as could be witnessed in response to the East Asian financial and economic crisis through the Chiang Mai Initiative (Rüland and Jetschke, 2008, Narine, 2008), appear to have been motivated chiefly by political elites' instrumental concerns.

Competition for external supply: legitimation behaviour in African and Central Asian regionalism

While scholarship on ASEAN highlights the internal drivers prompting legitimation behaviour, existing work on regionalism projects in Africa highlights the outward-looking focus of political elites' legitimation behaviour. The problem of weak or limited statehood and the concomitant propensity for civil war and associated security threats, constitute key challenges to the legitimacy of African states and regional institutions. In the light of states' fragility, the member states of the Economic Community of West African States (ECOWAS) and the African Union (AU) seek external validation and material support from other international organizations and attempt to portray themselves as reliable partners for external actors (Zaum, 2013a, p. 224). Securing external support for regional institutions to promote state sovereignty has become a key

objective for African political elites, who attempt to use regional institution building projects to effectively tackle regional challenges not only as a means to strengthen member states' sovereignty but also to delegitimize political opponents and boost their own domestic political survival (Söderbaum, 2004, p. 432). Consequently, both ECOWAS and AU have departed from the norm of domestic non-interference and non-intervention to become relevant actors in maintaining and restoring peace and security in Africa (Bah, 2013, Lotze, 2013). While this development has enhanced the respective organizations' legitimacy externally, the lack of effectiveness of many of its security operations, which has been spurred mainly by non-compliant behaviour of member states, threatens to undermine its very legitimacy and hence attractiveness as reliable partner in the eyes of external actors. None of the scholars exploring African regional institutions' legitimacy have explicitly attempted to grasp African political elites' prevailing logic of action that motivates their behaviour. Yet, existing research provides indications that political elites in ECOWAS and the AU were guided primarily by instrumental motives to render these regional institutions fit for international competition over external political and material support.

Gaining externally ascribed legitimacy and portraying itself as an attractive model of regional cooperation, particularly for state-leaders who see their interests ill-represented by Western-style organizations, have featured as key motivations among political elites of the Shanghai Cooperation Organization (SCO) in Central Asia (Prantl, 2013, p. 176). The SCO operates a strictly state-centric, consensus-based system of decision-making offering a platform for regional cooperation. One key objective shared among its more or less authoritarian member state base, including China and Russia, is the preservation of the status quo in the region, which implies resistance to and repression of democratic or separatist forces both internally and externally (Ambrosio, 2008). The 'Shanghai Spirit' propagates an "alternative model to the perceived threat of the Western liberal order" (Prantl, 2013, p. 176) and legitimizes non-liberal practices in the context of the organization's fight against the "three evils" (terrorism, separatism, extremism). By providing its members with an alternative platform to effectively counter threats to state sovereignty, the SCO is actively competing for international recognition, and appears to gear its efforts primarily to the demands of authoritarian state-leaders rather than liberal international organizations.

Emulating external templates: legitimizing regional institutions through parliamentary assemblies

Political elites' legitimation behaviour is not exclusively driven by political expediency, as suggested in the previous example. Analyses of international and regional institution building and their legitimacy are incomplete without taking into account the impressive proliferation of parliamentary assemblies in the past decades (Lenz et al., 2014). The norm of parliamentary democracy has diffused widely and has become an important reference point for the design and reform of international and regional institutions (Lenz, 2013, see also Risse, this volume). Identifying a population of 60 international parliamentary institutions, Rocabert et al. (2014) show that the proliferation of these institutions has been most pronounced since the 1990s, a trend that is mainly driven by regional cooperation schemes in Africa and Latin America adopting such assemblies. At the same time, there is strong variation among international parliamentary institutions with regard to their prerogatives. Analysing the creation of 34 regional parliamentary bodies, Lenz (2013) demonstrates that the majority regional parliamentary bodies are devoid of real decision-making power and tend to be mere symbolic constructions. One commonality that characterizes research on regional parliamentary assemblies is its emphasis on external drivers: the impetus for the establishment of these bodies comes from outside the region. Another characteristic seems to be that political elites copy external examples, yet it remains contested in the literature if they do out of political expediency or because of the 'model'-character and the intrinsic value of parliamentary assemblies for the organisation. Focusing on the creation of parliamentary bodies in ASEAN and SADC, Lenz (2012) shows how political leaders turned to the EU to emulate its experience of parliamentarization. Dri (2010) demonstrates that the creation and institutional design of Palasur, Mercosur's parliamentary body, was strongly influenced by the pioneering role of the EP and facilitated by frequent exchanges between parliamentary delegations from the two regional institutions. Rüland and Bechle (2014) turn to sociological institutionalism and norm diffusion theory to account for the establishment of the legislative bodies in ASEAN (AIPA) and Mercosur (Parlasur). Echoing Dri and Lenz, the creation of the two parliamentary bodies is seen as an attempt of the two organisations to improve their reputation, gain respect and hence external recognition by emulating the organisation considered the most successful among regional institutions (which is, again, the EU). Rüland and Bechle (2014) also provide evidence for "de-coupling", pointing to a gap between formal institutional structures and

actual practices (Meyer and Rowan, 1977): Regional parliaments are thus mere democratic façade, and their normative foundations – the norm of representative democracy – more rhetoric than guiding principle. According to the authors, AIPA does not instil a dose of parliamentary democracy into the working of ASEAN, instead it supports political elites' attempt to perpetuate a rather illiberal reading of democracy and human rights (see also Rüland, 2013). In the case of Parlasur, however, decoupling was less pronounced, and political elites were much more receptive to liberal democratic ideas than those in ASEAN: the member states of Mercosur are democracies and calls to democratize regional governance corresponded more closely with existing belief systems. This view is qualified by Malamud (2013). Even though Mercosur is dominated by major democratic regional powers and contains a democracy clause in its founding treaty, he claims that Mercosur's political order is an extension of its member states presidential political systems, which "grants chief executives the power to strike deals without seeking approval by either parliaments or cabinets" (Malamud, 2013, p. 7). Malamud thus characterizes regional institution building in Mercosur as a means for political leaders to strengthen executive power at the expense of national parliaments. Following Malamud's line of reasoning, the creation of Parlasur does not follow a logic of emulation or appropriateness, but rather reflects political expediency on behalf of political elites disguising that the real losers of regional integration are national legislators.

Internal drivers and competing logics of action: legitimizing the EU through parliamentarization

While scholarship on regional parliamentary assemblies tends to emphasize external drivers of legitimation behaviour, the establishment and transformation of the European Parliament (EP) to the politically most powerful parliamentary assembly within the context of international and regional governance structures has been prompted by internal drivers, most notably domestic as well as supranational political elites pushing for an expansion of the EP's prerogatives. One strand of research has emphasized that the powers of the EP tend to be expanded when domestic parliamentary prerogatives are placed under stress as a consequence of a further deepening of European integration. Integration gives rise to a legitimacy gap, since the pooling and delegation of formerly domestic prerogatives threatens to break the accountability chain between governments, national parliaments and voters (see Rittberger, 2005, Schimmelfennig,

2010). This interruption of the accountability chain challenges the norm of parliamentary democracy, which is a norm constitutive for the EU as a liberal-democratic community. As a result, when the norm is compromised through further integration, the model of parliamentary democracy is uploaded to the supranational level, compensating for the decline in national parliaments' prerogatives. In so doing, member states' political elites tend to follow a logic of appropriateness rather than a logic of consequences (Goetze and Rittberger, 2010). Yet, political expediency also plays an important role in accounts to explain the expansion of the EP's prerogatives. Supranational political elites, most notably the members of the EP themselves, have time and again sought to press member state governments to obtain institutional concessions in the context of inter-institutional bargaining. Given the EP's mounting influence and its preferences to redistribute decision-making power from the member states to its own benefit, the EP has – often successfully – exploited gaps in the EU treaties to challenge the institutional status quo (Farrell and Héritier, 2003, Héritier, 2007, 2012). One of the latest examples of a successful attempt to tilt the balance of power to the EP's side was the nomination of *Spitzenkandidaten* (lead candidates) during the 2014 European election campaign. Even though the member state governments formally nominate the candidate for Commission President, it was the transnational European party groups that effectively transformed the EP elections into a contest over the new Commission President, against the express wish of numerous member states.

One expectation that could be developed from the EU's experience is that regional institutions whose membership base is democratic should include parliamentary bodies within their institutional structures. With challenges to regional institutions' legitimacy rising as a result of more intrusive supranational policies, parliamentary bodies and their prerogatives should proliferate. The gradual empowerment of the EP at least partially reflects political elites' attempts to enhance the procedural or input-based legitimacy of the EU's political system. Yet, as research on other regional assemblies has demonstrated, it appears that member state democracy is not a necessary condition for the creation and proliferation of parliamentary institutions in regional institutions. The institutional reforms in other regional institutions are, to a large extent, motivated by the acquisition of external legitimacy against the backdrop of uncertainty and turbulent environments. Legitimacy, under such conditions, is gained primarily from external recognition and, in turn, generates institutional reforms that

tend to be shallow and largely symbolic, mirrored in a process of "de-coupling" between word and deed (Meyer and Rowan, 1977).

4. Conclusion

The legitimacy of regional institutions beyond the EU is field of research that is still in its infancy. Thus far, scholarship on the EU has held a virtual monopoly on treatises about the legitimacy of political order beyond the state. Like in the EU context, political elites in regional institutions in different parts of the globe care about their legitimacy, they demand, claim and challenge the legitimacy of regional institutions. This chapter has suggested that the EU, even though it could be considered is an 'outlier', given the intensity with which its (democratic) legitimacy deficit is being debated, can and should be analysed with the same conceptual apparatus as other regional institutions, especially if scholars avoid the rather unfruitful benchmarking-exercises and turn to analyses of empirical legitimacy. Still, the EU continues to be the central battleground, where work on empirical legitimacy is being developed and tested. Yet, the almost exuberant debate about the EU's democratic legitimacy deficit has generated some spill-overs to scholarship on the legitimacy of other regional institutions. This gave rise to isolated attempts to assess the democratic legitimacy of regional institutions beyond the EU by adopting comparable standards and benchmarks. The results of such exercises have, more or less, proven to be dead ends. The membership base of many of the regional institutions surveyed in this chapter is comprised not of consolidated democracies, but of fragile democracies or semi-authoritarian regimes. These states also seek legitimacy for their regionalism projects, but democratic legitimacy is definitely not their priority. Existing research has shown that major attempts on the part of political elites to seek legitimacy for regionalism projects in Asia and Africa emanated from a desire to seek external recognition (from international organizations or outside powers), in order to realize not only economic and security objectives through regional cooperation, but also to boost their power base at home against domestic opposition. Unlike the EU or other international organizations, some of these regionalism projects even undermine rather than encourage more inclusive and participatory decision-making structures.

We also highlighted that the *formal* institutional architecture of regionalism projects displays a high level of similarity across different regions. One striking development in this regard is the widespread adoption of regional parliamentary

assemblies. In the EU, the creation and empowerment of the EP continues to be a focal point in debates about the EU's democratic legitimacy. The institutionalization of parliamentary assemblies outside the EU is, however, rarely motivated by a democratization agenda on the part of regional political elites (Mercosur being a possible exception). Instead, the adoption of assemblies has a strong symbolic component, reflecting isomorphic processes whereby regional elites seek to obtain external recognition and hence legitimacy against the backdrop of turbulent environments. Obviously, it cannot be ruled out that the EU, which has inspired regional institution-building, as well as political elites populating regional institutions and their parliamentary assemblies will be successful in acting as democratizing agents and exercise a transformative impact within regional institutions, not unlike the EP, which is actively pursuing to enhance its own institutional prerogatives, marching under the banner of democratic legitimacy.

Finally, this chapter leaves one critical question largely unaddressed: Do regional institutions actually succeed in increasing their legitimacy? Research on the effects of regional institution building and institutional reforms to address purported legitimacy gaps is, again unsurprisingly, spearheaded by EU scholars. Hobolt (2012) argues that the scholarly debate on how to fix the EU's democratic deficit has so far failed to successfully incorporate public perceptions and satisfaction of EU democracy. Analysing survey data from 27 EU member states, her findings suggest that Europeans' satisfaction with EU democracy in relation to both procedural and performance factors is relatively high, with confidence in national democracy appearing to breed confidence in democracy at the European level (Hobolt, 2012, p. 101). Her analysis also reveals that Europeans ascribing greater responsibility to the EU are less satisfied with EU democracy, indicating that "as more powers are transferred to the EU level, citizens may become more critical and demanding of EU institutions" (Hobolt, 2012, p. 101). Nonetheless, more recent assessments of EU citizens' perceptions of EU legitimacy paint a less encouraging picture: Scharpf (2015, p. 20) argues that against the backdrop of the Euro crisis, the EU polity has been confronted "with a significant decline of output-oriented political support on which it could rely prior to the crisis", accentuating the political salience of addressing the EU's input-oriented democratic deficit. A particularly troubling development in this regard is that the overhaul of the EU's macroeconomic surveillance process in response to the Euro crisis has been accompanied by a

weakening of representative institutions and a prevalence of executive-dominated 'emergency politics' (White, 2015), thereby undermining the EU's procedural legitimacy.

These cursory observations emphasize that the study of regional institutions' legitimacy and political elites' efforts to seek legitimacy with and through regional institutions should not be detached from its effects: Understanding legitimacy as a socially and politically contested phenomenon implies that regional institutions' attempts to address legitimacy gaps will, in turn, evoke reactions by constituents, external actors, academic observers and others. The analytical challenge then is to disentangle causes and effects in such 'legitimation cycles'.

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