**Understanding the Politics of TTIP: Amalgam or Agora?**

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**Abstract**: This article explores the Transatlantic Trade and Investment Partnership (TTIP) negotiations as a window into the values gap between Europe and the United States. Noting a shift in official discourses from a conventional “growth and jobs” narrative to one of a geostrategic nature, two concepts—amalgam and agora-- are considered as contending heuristics to probe what the discursive shift and the present impasse in the TTIP talks reveal about the state of transatlantic relations. Deploying these concepts analytically, value divergences as well as commonalities surrounding the TTIP negotiations are examined in three categories: (1) formal policy positions of the two negotiating partners; (2) preferences of core stakeholders in the business sector and civil society; and (3) politics within domestic societies. While the amalgam metaphor aptly describes some elements of the TTIP negotiations, a case can be made that they also engendered the formation of a transatlantic agora, however contingent.

From the official launch of the Transatlantic Trade and Investment Partnership (TTIP) negotiations in July 2013 through October 2016, the United States and the European Union held fifteen rounds of talks yet failed to conclude an agreement and the deal has virtually vanished from the headlines. The last official statement appeared on January 17, 2017[[1]](#footnote-1) when the “U.S –EU Joint Report on TTIP Progress to Date” was released, which made no mention of further negotiations. One might assume the current stasis is a result of the cataclysmic events of the 2016 ‘Brexit’ referendum--the decision of one of the most free trade oriented European Union (EU) Member States to leave the EU and the election of Donald Trump as U.S. President—a strident opponent of the trade deals the U.S. had been negotiating under the Obama administration. While the outcomes of these two democratic processes have wreaked havoc on the status quo, it would be empirically inaccurate to attribute the stalled negotiations directly to them and it would be both a normative and an analytical error to presume the current situation represents an unequivocal victory for democratic politics. Instead, this analysis begins from the premise that the TTIP negotiations engendered a democratization of trade politics inextricably linked to the social relations undergirding one of the most economically interdependent regions in the global economy today, and thus to reduce either its success or its failure as an advance for democracy *per se* is misleading at best, particularly, as will be argued here, we can no longer afford to think of democracy in strictly national terms. The intellectual urgency is thus all the greater to understand why the trade agreement being negotiated by the world’s leading trade and investment partners who already have such deeply integrated economies, strong historical ties and broadly shared values, was already on very rocky ground *prior* to the Brexit and Trump victories.

Certainly, domestic politics matter and we have seen stalled trade negotiations before from Seattle to Doha to the very recent attempt of the Wallonia region of Belgium to obstruct the conclusion of the Canada-EU agreement, the Comprehensive Economic and Trade Agreement (CETA, see Goff, this volume), but in the case of TTIP, we need to account for the fractiousness and lack of progress well before the British referendum and the US presidential election to disentangle what is domestic or (nationally specific) from what is transnational or global in terms of the pro- or anti- TTIP social forces. In order to understand more fully the ‘truth about TTIP’ (De Ville and Siles- Brügge, 2015) and what it represents for both domestic politics and global governance, the analytical imperative is to more precisely excavate the commonalities and divergences across the Atlanta within both mass and elite opinion. Such is the goal of this paper. What explains why more than three years of negotiations between relatively like-minded, similarly situated economies failed to produce a successful agreement? The answer is emphatically not to be found in theories and arguments of those from left to right and from realists to radicals[[2]](#footnote-2) who claim that powerful interests and the well-resourced above all else determine outcomes because there was indisputably a clear preference of multinationals and political elites on both sides of the Atlantic to conclude the TTIP deal. Furthermore, as the present analysis aims to show, neither should we rely on reductive characterizations of American versus European value clashes or interest divergence to explain the ‘distinctive politics’ of TTIP (see Young this volume and Young 2016). In other words, neither the similarities nor the differences among political elites and civil society can be neatly packaged into European versus American categories (Birchfield 2015). Thus, an argument is put forward that we need a new vernacular for conceptualizing complex interrelations among democratic processes and economic interdependence in the transatlantic social space.

The first section of the paper tackles this task by putting TTIP in economic and political context and then presenting the concepts of amalgam and agora to show how they might be deployed heuristically to interpret the politics of TTIP. A critical engagement with Rodrik’s argument about the ‘trilemma of globalisation’ helps to develop the usefulness of these contending concepts for understanding 21st century trade politics. The second section of the paper tests the utility of the concepts empirically by analysing transatlantic value differences or similarities as they pertain to the issues at stake in the TTIP negotiations in three broad categories: (1) formal policy positions of the two negotiating partners; (2) preferences of core stakeholders in the business sector and civil society; and (3) politics within domestic societies. The third and final part of the paper offers concluding thoughts on the tensions between the amalgam and agora metaphors for understanding the politics of TTIP and the current state of transatlantic relations, particularly in this new era of ‘neonationalism’ (see Mark Blyth 2016).

**Putting TTIP in Economic and Political Context**

While there has been considerable evolution in the international system with the economic rise of China and others, transatlantic commercial and financial ties remain the epicentre of the global economy. The following data readily substantiate this assertion. The European Union and the United States account for nearly half of global GDP and 30 per cent of world trade. In the transatlantic economy alone, goods and services worth $2.7 billion/€2.0 billion are traded bilaterally supporting an estimated 15 million jobs in both economies. In addition, the United States and the EU have directly invested more than $3.7 trillion/€ 2.8 trillion on both sides of the Atlantic with the United States consistently directing about half of its total foreign direct investment (FDI) each year toward the European Union, and the EU’s FDI in the U.S. accounting for almost two-thirds of total incoming investment. In 2012, U.S. investment in the EU was more than three times the total U.S. FDI in the entire Asia-Pacific region. During the same period, EU FDI in the U.S. was almost four times larger than the combined investment by the Asia-Pacific region in the U.S. Globally speaking, either the EU or the U.S. is the largest trade and investment partner for almost all other countries in the world.[[3]](#footnote-3) These figures help to put the weight of the EU-US economic relationship and its collective strength in the global economy in perspective as we now consider the political rationale behind the proposed Transatlantic Trade and Investment Partnership.

First, it should be recalled that the initiative was driven primarily by European motivations in the 1990s when, as some would argue[[4]](#footnote-4), the EU was taking a decidedly more neoliberal turn and pushing liberalization more broadly, in tandem with the negotiations for the Maastricht Treaty and foundations of the Economic and Monetary Union. More specifically, in 1990 relations between the United States and the European Community were institutionalized by the adoption of the Transatlantic Declaration and The New Transatlantic Agenda (NTA) later officially launched at the Madrid summit in 1995, containing four broad objectives for U.S.-EU collaboration: promoting peace and stability, democracy and development around the world; responding to global challenges; contributing to the expansion of world trade and closer economic relations; and building bridges across the Atlantic

Although both the EU and the US had advocated greater multilateralism through the Uruguay negotiations and the creation of the WTO, as membership expanded and the successor negotiations, the Doha Development Round, became more politically fraught and less likely to succeed, the idea of an US-EU bilateral deal was brought up again by then EU Commissioner for Trade, Peter Mandelson, and subsequently reinvigorated by German Chancellor Angela Merkel when Germany took over the Council of the EU’s rotating presidency in 2007. One of the key accomplishments of the German Presidency of the Council of the EU was setting up the Transatlantic Economic Council (TEC), which further institutionalized the EU-US economic relationship and arguably foreshadowed TTIP. The framework agreement signed by Chancellor Merkel, former U.S. President G.W. Bush and former Commission President Barroso states the TEC is “ a political body to oversee and accelerate government-to-government cooperation with the aim of advancing economic integration between the European Union and the United States of America”… bring[ing] together those Members of the European Commission and US Cabinet Members who carry the political responsibility for the policy areas covered by the Framework. The specified areas of cooperation are: regulatory cooperation, intellectual property rights, secure trade, financial markets, innovation and technology and investment.[[5]](#footnote-5) These target policy areas map onto the TTIP agenda almost perfectly, thus clearly affirming that the political motivations behind TTIP had long been in the works. Furthermore, the stasis within the WTO and the demise of the Doha Round in conjunction with the ensuing financial crisis of 2008, slow economic recovery and anaemic growth, particularly in Europe, gave further impetus for pursuing this long-standing goal. Naturally, the TEC was assigned the task by EU and US leaders of doing the preliminary work for the joint High Level Working Group (HLWG) that ultimately laid the foundations for the TTIP negotiations.

Interestingly, Rosencrance made the case in a *Foreign Affairs* article in 2010 that the United States would be wise to pursue what he called a “ transatlantic economic union” with the EU.

Given the failure of a truly global attempt at international commercial openness, the way to extend the range and vitality of the U.S. economy is through new customs unions and currency arrangements. These are important not only to overcome the recession's enduring effects but also to match the growth of rising powers. Combining forces economically increases growth for the countries involved, and in the twenty-first century, that can be done without the risk of economic fragmentation or geopolitical conflict. A transatlantic free-trade agreement would provide its members the economic scale they need now and attract others in the future (2010, 50)

The same logic and justification articulated here by Rosencrance gradually became the predominant narrative in the public statements of the respective EU and U.S. political leaders and negotiators. From claims that the TTIP deal represented a ‘once in a generation opportunity’ to the chance to ‘set global rules and standards’ the message was clear that this was far beyond a mere free trade agreement. Such assertions were not confined to politicians and business leaders supportive of TTIP, but were also echoed in various reports and publications of academics and policy analysts alike. For instance, in one of the most comprehensive assessments, Hamilton and Pelkmans positioned TTIP as holding the potential for “how the United States and the European Union can remain rule-makers rather than rule-takers in a globalising world in which their relative influence is waning “ (2015, 7-13). Likewise, in the wide-ranging volume edited by Morin, Novaontna, Panjaert and Telo, *The Politics of Transatlantic Trade Negotiations: TTIP in a Globalizing World*, Pascal Lamy writes of the volume that it provides a comprehensive overview of the political implications of TTIP for North America and Europe “while keeping in mind the controversial interplay with global governance and emergent economies” (2016: first page), thereby underscoring the weighty implications of a potential EU-US agreement on other actors as well as multilateral system itself.

Putting TTIP in the bilateral political and economic context as well as underscoring how the agreement was cast in terms of its far-reaching consequences on the entire global economy may help shed light on why the official discourse surrounding the promotion and support for TTIP changed quite markedly from conventional ‘ growth and jobs’ narratives to one of a more geostrategic nature. Two quotes serve to illustrate this shift quite vividly. In his opening remarks of the first round of negotiations in July 2013, U.S. Trade Representative Michael Froman stated: “We go into this exercise with eyes wide open. We know there will be challenges. But we also know that there is strong political will at the highest levels on both sides of the Atlantic determined to stay focused and get this done on *one tank of gas* (emphasis added). I have every confidence that we can achieve this goal.[[6]](#footnote-6)” Most of the tone and substance of the remarks were about the capacity of the agreement to boost jobs and strengthen the middles class, cornerstones of the Obama Administration’s economic and trade policies. Although there was a suggestion that a rules-based international order depended on EU-US leadership and cooperation, it was not the main focus of the speech, nor were there references to the risks of a changing international order with rising economies and challenges to transatlantic economic pre-eminence or global leadership. Fast-forward sixteen months later on the heels of the seventh round of negotiations and we see a very different discursive tactic.

This is a natural moment to take stock of where we are, how far we’ve come, to step back and honestly assess the challenges that lie ahead. Next month, will be the 25th anniversary of the fall of the Berlin Wall.  Then, we worked hand-in-hand to unify a city, a country and a continent – and bring the Cold War to a close.  The question is whether that same historic spirit, that same commitment to a joint project of strategic importance endures today*[[7]](#footnote-7).*

Not to be outmatched, European leaders also invoked TTIP as an opportunity to strengthen and renew the Atlantic Alliance. The newly inducted EU Trade Commissioner in testimony before the European Parliament asserted: “And if we want a stronger transatlantic partnership to defend our standards and values in the 21st century then standing still is not an option. The challenges facing Europe today are serious.

And TTIP is a serious response to those challenge[[8]](#footnote-8).” There were even various references to TTIP as an “economic NATO” (see *The Economist*, October 17th, 2015).

One explanation for the shift in official discourse could very well be that casting the importance of the deal in strategic, rather than merely economic, terms could help detract from the fraying of general support among certain stakeholders on both sides of the Atlantic as well as growing mass mobilization against the agreement, especially in Europe. Alternately, a credible case could be made that growing Russian aggression and the crisis in Ukraine coupled with Putin’s overt hostility and attempts to undermine the TTIP talks gave legitimacy to the depiction of TTIP in geostrategic terms. According to *The* *Economist*, Chancellor Merkel apparently finds the strategic case more compelling than the economic one and even the most anti-TTIP country, Austria, is much warmer to the idea of the trade agreement as one that bolsters an alliance of democracies as opposed to a backdoor accord that will flood European markets with inferior American food products (see *The Economist*, October 17th, 2015). Such discrepancies in how discourses and characterizations of TTIP are perceived raise important questions about how we understand the linkages between trade and politics in the transatlantic space.

*TTIP as Amalgam or TTIP as Agora?*

Two concepts are considered here as possible heuristics to probe what the discursive shift and the present impasse in the TTIP talks say about the broader transatlantic relationship. The shift from an economic rationale to a geopolitical and strategic defence of TTIP brings to mind the notion of an amalgam. According to the standard Oxford definition, an amalgam refers to an effect of unifying things of a different nature stemming from its Latin and Greek origins and its use in chemistry referring to the combination of mercury with another metal. In commonplace English usage, however, amalgams or amalgamations are simply the result of combining things with no particular qualitative significance underlying the elements being mixed. Ironically, the way amalgam is understood and widely used in the French language, is truer to the original English meaning where an “amalgame” is a result of a conceptual or cognitive error of things being unified or combined in a way that it is improper and therefore to be discredited. For instance, in French it is most common for the word to be conjoined with the verb “faire” which means to make or render. Thus to ‘faire l’ amalgame’ signifies conceptual confusion and is something to be avoided. A simple example will make this clearer. “*Il ne faut pas faire l’amalgame entre les musulmans et les* extrémistes””–translates as one should not conflate Muslims with extremists. The nuances between the way the word is conventionally used in the English language versus its meaning in French may seem esoteric here but considered against the various changing discourses of trade negotiators and policymakers, it helps bring to light a fundamental tactical change of course in the public information campaign to “sell TTIP.” Positioning TTIP rhetorically as a potential economic NATO may be a case of mixing metaphors but used strategically and diplomatically, it holds out the promise, however, unreasonably, that TTIP would do for the transatlantic economy what NATO has delivered in terms of post-war security.

Considering the amalgam concept in this light then, we might read this discourse as conflating the hypothetical benefits of a new trade deal with the results of six decades of institutionalized and contractual commitments to provide collective security. On the other hand, and beyond mere semantics, the amalgam heuristic could be used to probe whether or not the underlying policy divergences between the two negotiating blocs are in fact reflective of the true sense of the word, i.e., unifying things of a different nature. In other words are the policy positions and the societal values underlying them so significant that TTIP represents in essence fundamentally irreconcilable differences? The empirical analysis will confront this question head on. The focus on elite discursive strategies is critical here as it illustrates the exact opposite--that ultimately transatlantic common values will be what carry the day. This type of rhetoric is familiar and frequently invoked by leaders on both sides of the Atlantic, but the following quote from EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, is quite emblematic.

The global challenges and opportunities we face are so complex, so difficult, that only a renewed trans-Atlantic partnership can face up to them. We have a long history that makes it natural for us...to be partners. We share values, and that is the basis of our common cultural identity. That is strong and no one can take that away from us. That’s in our DNA. (*EU Matters 2016: 1*)

With the amalgam notion in mind, we are able to consider what this type of discourse belies, namely that there is indeed a veritable contest underway within the TTIP negotiations to establish whose rules and whose values will prevail particularly over sensitive issues related to further liberalization and regulation in the agricultural and food sectors, public procurement, banking regulations and the investor- state dispute settlement (ISDS). However, the argument put forward in this paper is that these preferences and values may not fall neatly into national or European versus American categories despite certain elite rhetoric to the contrary. For instance, the analysis by Garcia-Duran and Eliasson (this volume) suggests the discourse invoked by the EU Trade Commissioners was clearly to convey that economic and geopolitical benefits derived from TTIP would be in the service of European values and democracy, not transatlantic (read U.S.) ones. Likewise, if we refer back to the Rosencrance argument, implicit was the idea that a free trade pact with Europe would cement continued U.S. (not transatlantic) hegemony in the face of rising economic competition from China. These discursive patterns combined with the common geostrategic narrative reveal considerable tensions that reinforce the usefulness of the amalgam heuristic. To evaluate its validity empirically we must analyse the differences as well as commonalities over a range of substantive policy position to see how they align with the rhetoric.

Generally speaking transatlantic divergences rarely came to the fore in official discourses except via the mobilization and information campaigns of civil society actors, which is why the concept of an agora might provide greater analytical purchase for understanding how broader socio-political forces shape the state of play in transatlantic trade negotiations. Furthermore, there is more to the negotiating process than discursive strategies and policy preferences and pronouncement of elites, and thus consideration of the multifaceted debates through the prism of an agora may elucidate new ways of interpreting the successes and failures of the TTIP negotiations. As we are dealing here with long standing advanced democratic polities, and despite the reputation of trade agreements as highly technical and inaccessible to average citizens, we would expect trade talks to elicit public interest thereby underscoring the appropriateness of the agora concept. Stemming from its ancient Greek origins, the idea of an agora is a felicitous concept to employ when analysing trade politics as it signifies both a forum where commercial exchanges take place as well as a site for democratic deliberation and debate. As stated earlier, this paper is premised on the argument that TTIP fostered a democratization of trade politics that is quite unique and multifaceted, even if its manifestations are far from uniform. For example, there has been greater engagement from subnational actors (see Goff and Egan this volume) as well as what Roederer-Rynning’s (this volume) shows to be an increase in ‘parliamentary assertion’ and activism on the part of the transnational European Parliament in addition to that of national legislative bodies that have historically deferred to executive power in trade negotiations. In her analysis, Roederer-Rynning also shows significant engagement of the European public, who submitted over 70,000 individual queries to the EU Commission’s public consultation. The respective negotiators also engaged in unprecedented public stakeholder meetings during or following the various negotiating rounds and the European Council even made its negotiating mandate publicly available. These are important developments, particularly in light of the nature of deep and comprehensive agreements that far exceed the parameters of traditional trade agreements. Thus the agora heuristic is meant to gauge the depth and contours of this democratisation of trade politics by examining the various ways civil society groups and business elites are coordinating across borders and the extent to which value differences and preferences are expressed in national or transnational terms. The empirical analysis will help to answer whether the amalgam concept is the more apt metaphor for describing the TTIP negotiations or whether we can interpret TTIP as fostering the formation of a transatlantic agora, a novel development that contrasts with the more traditional, elite dominated transatlantic relationship (see Pollack and Shaffer 2001). Entertaining the notion of a transatlantic agora is not theoretically unproblematic however given that democracy is conventionally understood in national terms and particularly at this moment when populism and an anti-globalist backlash are on the march. So before turning to the empirics, it is important to briefly consider the contending concepts (especially that of the agora) against the backdrop of globalization debates.

Dani Rodrik’s argument about the ‘trilemma of globalization ‘offers a useful springboard for considering the social consequences of economic interdependence and the linkages between international trade and democratic politics. In *The Globalization Paradox*, Rodrik (2011) argues that globalisation presents a trilemma in that societies cannot be globally integrated economically, completely sovereign (nationally self-determining) and democratic all at once. At most, he claims countries can embrace two of the three and he reminds us that the post -WWII Bretton Woods system allowed for both national sovereignty and democracy with limited global integration. This famous compromise between capital and labour was an example of Polanyian embeddedness (see Ruggie 1982) that neoliberalism has eroded –or ‘disembedded’[[9]](#footnote-9)-- over the past three decades moving us further towards the left side of Rodrik’s trilemma—the ‘golden straight jacket’-- where national governments are more responsive to the international economy than domestic needs, which Rodrik and Polanyi (among others) note was the case with the gold standard in the 19th century. The alternative is on the right side of the triangle where a form of ‘global federalism’ would be necessary, yet Rodrik says this is unrealistic given the experience of the European Union, a regional approximation that illustrates how difficult (even impossible) it is to achieve[[10]](#footnote-10)

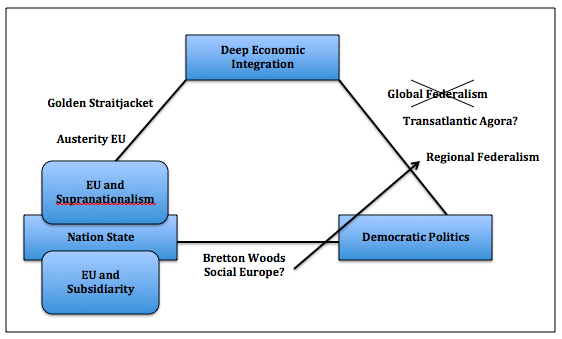
It is important to point out that Rodrik’s model is a theoretical one and arguably his reading of the EU is quite partial though he devotes considerable length in the latter part of the book as well as subsequently to addressing the situation of the EU. Ultimately, Rodrik does not see beyond national solutions to the globalisation trilemma and thus not unlike the myriad critiques of the EU’s supposed democratic deficit, his analysis obscures the reality of the concrete democratic institutions and processes in place that serve as a potential buffer to uncontrollable global market forces. What gets missed in these criticisms is that the EU institutions can only be deployed to do things the leaders and decision makers assign to them. If EU leaders pursue neoliberal policy directions it is not because they are undemocratic, it is because policy makers at the EU and national levels are pursuing those kinds of policies, as many of those who press for a more ‘social Europe’ understand and rail against rather than throwing the proverbial baby out with the bath water (see most recently Aglietta and Leron 2017, Petterson 2017 and Piketty 2017). The very fact that regionally there exists a set of legitimate institutions within which one can imagine such a direction somehow is always absent from the debates about the EU’s democratic deficit.

Polanyi was limited by the historical reality of the particular epoch he was describing and thus for him states were the best bulwark against destabilizing market forces. Rodrik has the benefit of witnessing the deeper and more complex developments in the global economy and the place of the unique EU experiment within it. Unfortunately, he like other economists such as Stiglitz and Krugman who are also generally supportive of the EU in principle, fails to fully appreciate what political scientists and EU studies specialists have debated and shown through decades of scholarship--that European integration has produced a dense network of policy making institutions and processes beyond national borders and these institutional developments and the transnational and surpranational legislation produced by them, generally speaking, came to be because they were created and endorsed jointly by directly elected political leaders, Member States’ representation in the Council and the only directly elected institution of the EU, the European Parliament, and in most instances the ratification by directly elected national parliaments of the Member States. This is not to minimize the technocratic and elite driven aspects of EU integration and particularly some of the emergency measures enacted in the post-2008 financial crisis, austerity-led period. However, we simply must be clearer about the expansion and the meaning of democracy beyond national borders that the EU represents. In the Lisbon era, the EU Parliament has seen its powers expanded to such a degree that it alone can in fact apply the brakes to any Commission driven attempts to liberalize trade beyond what is acceptable to European publics. Nowhere else in the world does this transnational legislative oversight exist and thus it is all the more worthy of highlighting as a form of institutional and political innovation within the situation of deep economic integration as depicted in Rodrik’s trilemma. Thus, as suggested in Figure 1 below, the EU could in fact be placed on the right side of the triangle but the word ‘global’ should be replaced by ‘regional’. The very fact that the EU of 28 sovereign countries negotiate trade treaties as a common bloc is one of the most underappreciated facts of both trade theories and the more general globalisation literature. Political and economic integration is more advanced in the European Union than anywhere else in the world and as a result of its relationship with the United States, via the transatlantic economy, this degree of interdependence is unparalleled making it a laboratory for re-examining globalization challenges. This is why arguably Rodrik is premature or incomplete in his dismissal of the right side of his triangle, not only because of the foregoing arguments about the already extant forms of transnational trade and democratic politics, in the EU context but also what the EU and the US represent collectively via their economic weight and the network of business and financial ties. Yet, despite the vacuous references to ‘shared values’ there is little theorization about the meaning of transatlantic society. Here we need to revisit Polanyi to understand why economic ties are unsustainable if not embedded into deeper social structures.

Polanyi understood the human economy as ‘an instituted process of interaction between man and his environment… [o]ne embedded and enmeshed in institutions, economic and non-economic. (1957:33). Whereas the Brexit crisis on top of an already crisis- ridden EU coping simultaneously with migration, terrorism and continuing sovereign debt and anaemic economic growth problems give considerable pause to pro EU forces, the TTIP impasse raises further questions about the likelihood that this deep interdependence will continue. Rodrik’s latest commentaries in light of Brexit and Trump and the trend of anti-globalization populism suggest that is too late (see Rodrik 2017). Sounding the death knell on further political integration of the EU or the eventual conclusion of a TTIP deal reveals a very narrow understanding of both sovereignty and democracy that needs to be cautioned and argued against intellectually and politically. Philip Stephens quite pithily expresses the force of this argument in his critique of Prime Minister’s May’s invocation of Article 50. “The government is severing the ties that have shaped Britain’s economic and foreign policies for nearly half a century. Missing from the prime minister’s statement was an explanation as to how departure from the EU will enhance the nation’s security and prosperity. ***Britain is giving away the substance of power for the mirage of sovereignty*”** my emphasis (*Financial Times*, 30 March 2017). Although he does not fully elaborate the assertion, the implication is that due to the deep economic integration that Britain has (and hopes to maintain) with the EU, by leaving the institutions, they will no longer have voice. Extrapolating from this we can see how it is neither naïve nor idealistic to defend the EU’s quasi-democratic, federal political architecture (if it survives its current internal and external existential challenges that is) and that TTIP could eventually yield either a further institutionalisation of transatlantic cooperation where values are reasserted that would facilitate a reversion to a Bretton Woods re-regulated system or to the contrary could continue to entrench neoliberalism. Both scenarios are contingent on both mass democratic politics and the elites and political leaders charged with redefining the EU-US relationship in this period of transition. Thus, I suggest the following corrective to Rodrik’s trilemma: the lower left box should also include the European Union as an addition to the nation-state both above it via its supranational institutions and policies and below it via the EU’s subsidiarity principle and Global Federalism should be replaced with Regional Federalism (the case of the EU) and a potential ‘transatlantic agora in formation.’ Such a contention will be further explored in the following empirical analysis.

(Figure 1 about here)

Figure 1: Reconstructing Rodrik’s ‘Trilemma of Globalisation’[[11]](#footnote-11)



**Examining the Evidence**

*Formal Policy Positions of the Negotiating Partners*

Much ink has been spilled analysing the motivations and core positions of the two negotiating parties (Birchfield 2015; Hamilton and Pelkmans 2016; Morin, Novaontna, Panjaert, and Telo, 2016; De Ville and Siles- Brügge 2015; Young 2015, 2016) so this brief examination of key data is intended only to illustrate what the common positions are and to highlight the precise areas of policy divergence. An efficient starting point is to examine the latest document jointly produced by the EU Trade Commissioner and the US Trade Representative on January 17, 2017 detailing the progress to date of the previous fifteen negotiations rounds. The enumeration of unresolved differences is strikingly lengthy compared the rather innocuous and somewhat briefer bullet point listing of areas of agreement. The common ground list included the offers each side made to eliminate duties on 97 % of tariff lines, the identification of steps to reduce “unnecessary requirements at borders”, and the inclusion of a negotiated a dedicated chapter on small and medium-sized enterprises (SMEs) with a pledge to provide on-line information and new mechanisms for promoting this untapped potential of nearly 50 million firms. The remaining items are even more vague such as ‘identified possible mechanisms’ for reducing redundant or duplicative product testing or ‘explored ways to…. “ or made good progress on developing approaches for facilitating regulatory cooperation in areas of common interest’. In sum, exceedingly cautious language is used particularly in contrast to the following paragraph, which underscores the divergences.

We still have significant work to do to resolve our differences in several important areas of the negotiations, inter alia, how to treat the most sensitive tariff lines on both sides; how to expand and lock in market access in key services sectors; how to reconcile differences **on sanitary and phytosanitary measures**; how to encourage the recognition of qualifications to facilitate licensing of experienced professionals; how to improve **access to each other’s government procurement markets**; how to address standards and conformity assessment procedures in ways that yield greater openness, transparency, and convergence, reduce redundant and burdensome conformity assessment procedures, and enhance cooperation; how best to achieve our shared objective of providing strong **investor protection while preserving the right of governments to regulate**, including with respect to dispute resolution mechanisms; how to reflect our shared commitment to including strong and effective disciplines on labour and environmental protection; **how to structure commitments on data flows that will reinforce the essential electronic commerce and digital infrastructure of our economic relationship while respecting legitimate concerns about protecting privacy;** how best to promote transparent, open, and secure energy markets; and how to reconcile differences in our approaches to trademarks, generic names, and geographical indications. On these and other challenging issues, our work over the past three years brought greater clarity to our differences and enabled us to explore avenues for reconciling them[[12]](#footnote-12). (Highlights mine)

In essence there is a considerable gap between the discourse of shared values and the divergent policy positions that seem quite intractable thus explaining why no agreement could be reached despite 15 rounds of talks. Ultimately, there are significant red lines that are immovable such as the EU’s firm commitments on the GMO and hormone treated beef issues or the U.S. refusal to accept all Geographic Indications. Indeed much of what is sought by the respective negotiators goes to the very heart of long-standing transatlantic disputes over societal values about such fundamental issues as food safety, agricultural traditions, protecting workers and the environment and whether or not governments or markets should be the guarantor of such values and preferences. Just as the EU is unlikely to change its legislation on the food safety issues, the US is not likely to yield to EU demands that US repeal the 1920 “Jones Act” preventing non-American ships from transporting goods and passengers between U.S. ports. Nor are we likely to see the US concede to the EU push for a loosening on airline ownership and the operation of intra-American flight connections. These divergent policy positions reinforce the amalgam heuristic given their rather clear contradictions with discourses about common shared values.

Young’s analysis (2015) further elucidates how the ISDS debates cut to the core concerns that regulatory convergence might spell deeper liberalization and privatization of public services impacting price and quality of services from everything to healthcare to water to other service provisions. Whereas the Europeans are more vigilant in opposing TTIP on these grounds, the joint statements and collaboration with U.S. groups reinforced the perception that this deal risks giving corporations more power at the expense of public interests and society on both sides of the Atlantic. Such an observation might caution us against the agora heuristic in favour of what the amalgam concept elucidates, however we must also examine what the preferences and the influence of the main stakeholders are that provide substance and direction (as well as constraint) to the elite driven negotiations.

*Motivations and Preferences of Core Stakeholders*

What is most striking about the TTIP negotiations is the degree of coordination across the Atlantic and the commonality of interests and positions among what traditional trade theory would have depicted as clear opponents. Perhaps in the era of hyper globalisation, it is not surprising to learn that most businesses on both sides of the Atlantic have shown strong support for the TTIP deal but we also see an interesting new development here in that consumer groups as well as labour organisations and environmental NGOs have also aligned many of their positions and coordinated common statements, suggesting support for the agora metaphor. While it is beyond the scope of this paper to fully describe the extent of these convergences among civil society groups and business and industry stakeholders’ positions and preferences, it is sufficient to refer to previous scholarship and empirical analyses substantiating this assertion. Young (see this volume and 2016) has shown the degree to which TTIP unlike previous trade deals has produced the ‘unusual politics’ where business groups across the Atlantic are allies rather than the more expected, commercial rivals. Young’s research showed that the degree of cooperation among businesses was not as extensive prior to the launch of the TTIP negotiations, thus lending support to the characterisation of TTIP engendering a sort of transatlantic agora-- at least in terms of economic interests transcending the narrow understanding of ‘national’ economic interests. Further evidence of this can be seen through the proliferation of joint statements by The United States Chamber of Commerce and Business Europe representing the respective business sectors on both sides of the Atlantic and across all sizes and sectors. While you might not characterise their formal statements as speaking with a single voice, and there are certainly segments of substantial disagreement in the agribusiness sector, they nonetheless have issued not only joint statements but concrete recommendations to the negotiators prior to various rounds of official talks. For example, the two organisations submitted a joint statement of recommendations in October 2015 before the 11th round outlining their common positions on issues ranging from trade facilitation measures to customs and border regulations to E-commerce.[[13]](#footnote-13) Such strong consensus and coordinated support is interestingly matched by cooperation among consumer and labour groups, but with reservations and resistance as opposed to unwavering support and confidence in the potential benefits of a TTIP deal.

Young (this volume) describes the transatlantic civil society or civic interest group coordination as largely split into two groups—‘reformers and rejectionists.’ He argues: “Given that the reformers aim to shape the agreement while the rejectionists wish to block it, they have very different motives to cooperate transnationally. Such cooperation is very important for shaping the agenda, but it is largely unnecessary for blocking the agreement, particularly as there are many European veto players. The reformers, therefore, have a much stronger motive to cooperate than do the rejectionists.”

Indeed the main labour organizations in the both the US and the EU – the AFL-CIO and the ETUC – have adopted joint positions (AFL-CIO and ETUC 2014). Furthermore, as Birchfield (2015) argued, the degree to which well organized groups such as the AFL-CIO and other U.S. labor interests as well as environmental groups like the Sierra Club are highly engaged around the same views expressed by the “Stop TTIP” movement across Europe is quite striking. For example, the AFI-CIO gave testimony to the House of Lords in which the spokesperson asserted that in principle TTIP could have positive impacts on jobs and growth that would benefit workers in both societies. However, it was pointed out that at the current juncture they find it highly unlikely given the ‘neoliberal approach’ that both Europe and the U.S. seem to be following. This supports the argument made earlier that in fact the austerity and neoliberal direction of the EU put it firmly on the left side of Rodrik’s triangle (see Figure 1 above) -- the ‘golden straitjacket.” However, the major point here is that these oppositions to TTIP cannot be neatly packaged in national, nor US vs. EU terms but rather as this evidence suggests must be construed in a more nuanced terms. A closer look at opinions at the various domestic levels will further test this assertion and the credibility of the agora heuristic.

*Domestic Politics and Public Opinion in the Transatlantic Space*

Recent polls in Europe show growing opposition to TTIP with decreasing support for the agreement in 24 of the 28 EU Member States. The ‘STOP TTIP’ campaign proudly claims success in mobilizing citizens against both TTIP and CETA and vows to continue to its efforts to achieve majorities across Europe opposing the trade deals. Currently Austrians hold the prize with 70 % opposed to TTIP with Germans not too far behind at 59 %. Slovenia now has a majority opposed and 47 % of the public in Luxembourg is against TTIP[[14]](#footnote-14). However, the growing opposition did not seem to have any considerable impact on the last two rounds of negotiations. For now it appears that the degree of coordination among specific groups across the Atlantic who are opposed or sceptical of TTIP is not matched in terms of mass public engagement. As De Ville and Siles-Brugge highlighted at the conclusion of their succinct and very incisive analysis of the politics of TTIP, the attention to and mobilization around TTIP in the U.S. “has not reached the political maturity it has in the EU” (2016: 141). As the US now finds itself in the peculiar situation of having elected a Republican, protectionist President who has brought the TPP prospects to a screeching halt and is still rather quiet on TTIP, this dynamic has changed, but it has come from the top down, not the bottom up as in Europe. Though certainly one could argue that some segment of the US electorate was mobilized around trade issues via the anti-globalisation and ‘Buy America’ rhetoric employed by Trump. Nonetheless we should give careful scrutiny to what the opposition is really about because it is quite distinct from what we have seen from civil society opposition thus far—shared values with their European counterparts in protecting the environment, preserving and upgrading labour standards and so on. Thus, current US opposition stems from isolationist political rhetoric and anti-trade populism and is more reflective of old trade politics of a distributive nature without any basis in economic reality. This is precisely why we cannot simply attribute the stalled TTIP negotiations to the Trump election or Brexit given the evidence that the referendum tapped more into immigration fears than anti-trade sentiments as reinforced by May’s discourses about a stronger, Global Britain[[15]](#footnote-15). This underscores the significance of getting a clearer handle on whether we should interpret the TTIP debates as an ambiguous amalgam confusing claims about world order with narrower economic interests and regional rivalries or an emergent and aspiring agora where social values and the consequences of economic interdependencies are debated as rigorously and inclusively as possible. Although groups such as the Global Justice movement or STOP TTIP claim that democratic forces have halted the TTIP negotiations, the reality is much more complex than this. There is ample evidence suggesting progressive forces for fairer trade and labour practices, sustainable development and cooperation on climate change were all core issues of many of the ‘reformer’ groups coordinating across the Atlantic. Indeed we have seen considerable variation and intensity in the level of public awareness and mobilization across the Atlantic and within different European societies, but it is clear that for the first time in the history of transatlantic relations, we observe the emergence of new alliances and different forms of communication and coordination to counter the predictable and much more resourceful business collaboration that was indistinguishable from the elite level discourses of the negotiating partners. Thus, if we attribute the current impasse in the negotiations to either the claims of the ‘rejectionists’ or the Brexit referendum or US presidential politics, we obscure the reality of this other expression of democratic deliberation or what may be a described as a transatlantic agora in formation.

**Conclusion**

A recent article in the *Financial Times,* citing evidence from an OECD report, noted that three-quarters of global trade takes place within global value chains — ‘across national boundaries but within the external boundaries of clusters of linked companies’ (*Financial Times*, 20 March 2017) Nowhere is this phenomenon more acutely developed than in the transatlantic economy and thus the social relations intertwined in such complex financial and commercial relations eventually and inevitably manifest themselves politically. The TTIP negotiations have given a snapshot of the complex reality of the consequences of such economic interdependence. As Rodrik argues

‘…[t]rade negotiations are only loosely about what they purport to be about: enhancing economic efficiency and economic opportunities. The problem with the present trade regime is not that it sacrifices the political and the social for the economic; it is that it has never made much sense from the economic perspective, either. Which is why it’s a mistake to judge real-word trade agreements strictly on economic terms, rather than social or political ones.’[[16]](#footnote-16) TTIP has fostered a new kind of politics that may very tentatively be characterised in terms of a transatlantic agora – the same types of actors and groups are talking collectively about the same issues in similar ways across the Atlantic -- but both proponents and opponents are using strategically chosen, different and shifting arguments, especially at the elite level and the case of official discourses, thus confirming the validity of the amalgam heuristic. Yet, the analysis reveals extensive transatlantic coordination of civil society groups as well as business alliances and thus the lines of division cannot simply be portrayed as European versus American. Whereas the amalgam metaphor captures the discursive positions and strategies of many of the key TTIP protagonists and detractors, it does not explain the underlying “distinctive politics” driving these developments. The concept of a transatlantic agora seems a more fruitful interpretation as it captures the complexity of transatlantic social relations as the natural outgrowth of deep economic interdependence. Ultimately however, this agora in formation will remain highly contingent upon the overlap and congruence in the preferences and mobilisations of mass level domestic politics and the will of political elites across and within the transatlantic community. Although the Trump presidency and the retreat of the UK from the European Union as well as rising euroscepticism are signs of a reversion to what Blyth calls “neonationalism,” we should also acknowledge that the great deal of global awareness (and counter protests) and interest mass publics have shown in these developments are perhaps indicative of the dawn of a new global politics. Analytically, we need to understand this better rather than lazily defaulting to the assumptions about the feasibility and legitimacy of democracy at the national level only. Though far from perfect, the EU is an institutional testament to its potential and in a similar vein, transatlantic relations as evolving through the TTIP debates and civil society engagement--not just via business and government elites-- holds the possibility of forging an agora rather than remaining a mere amalgam.

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1. It is perhaps no coincidence that the statement was made just three days before the inauguration of Donald Trump as 45th President of the United States. [↑](#footnote-ref-1)
2. In using these rather general terms, I intend to invoke the spirit of the argument made by Andrew Linklater (1990) who assiduously demonstrated that Marxism and Realism are in many ways two sides of the same coin. [↑](#footnote-ref-2)
3. <http://www.euintheus.org/what-we-do/trade-and-investment/>. Accessed on May 15, 2016. [↑](#footnote-ref-3)
4. For example see *Europe at Bay: In the Shadow of US Hegemony* (2007), Alan Cafruny and Magnus Ryner. [↑](#footnote-ref-4)
5. For more details, see <http://ec.europa.eu/enterprise/policies/international/cooperating-governments/usa/transatlantic-economic-council/index_en.htm>. [↑](#footnote-ref-5)
6. <https://ustr.gov/about-us/policy-offices/press-office/speeches/transcripts/2013/july/amb-froman-ttip-opening-plenary> Accessed 26 March 2017. [↑](#footnote-ref-6)
7. Remarks by Ambassador Michael Froman: “Dialogue on the Transatlantic Trade and Investment Partnership” on October 14, 2014 in Rome, Italy. <http://www.ustr.gov/about-us/press-office/speeches/2014/October/Remarks-by-Ambassador-Michael-Froman-Dialogue-on-the-TTIP>. Accessed September 15, 2015. [↑](#footnote-ref-7)
8. <http://europa.eu/rapid/press-release_SPEECH-14-1921_fr.htm> Accessed on March 26, 2017. [↑](#footnote-ref-8)
9. It is beyond the scope of the present article to elaborate on this concept in Polanyi’s thought, but essentially it refers to the following: [“when]market forces of polarization will disembed the economy from traditional social relations and people will seek solidarities of community, ethnicity, religious belief or other solidarities of the excluded” (see Polanyi-Levitt 2006 p. 105). [↑](#footnote-ref-9)
10. Contradictorily, Rodrik has more recently argued that “ The euro, which established a single currency among a subset of member states, was the logical extension of this agenda. This was hyper-globalization on a European scale.” <https://www.project-syndicate.org/commentary/juncker-white-paper-wrong-question-by-dani-rodrik-2017-03> 14 March,2017. Therefore in his more recent thought the EU ‘s policies represent both sides of the triangle, which is both theoretically and empirically problematic. [↑](#footnote-ref-10)
11. This figure builds on Rodrik’s original conceptualization and depiction, which appeared in 2007 and can be accessed here: <http://rodrik.typepad.com/dani_rodriks_weblog/2007/06/the-inescapable.html>. [↑](#footnote-ref-11)
12. This direct quote and the preceding references can be found in the joint statement issued by the Executive Office of the U.S. President and the EU Commission at <http://trade.ec.europa.eu/doclib/docs/2017/january/tradoc_155242.pdf>; accessed on February 12, 2017. [↑](#footnote-ref-12)
13. For the full statement, see <http://bdi.eu/media/user_upload/201510_Businesseurope-und-US-Chamber-Papier_TTIP-und-Zollvereinfachungen.pdf> [↑](#footnote-ref-13)
14. <https://stop-ttip.org/blog/its-eu-official-opposition-to-ttip-keeps-increasing/> Accesses on 26 April 2016. [↑](#footnote-ref-14)
15. For a critical view of May’s “Global Britain” discourse, see <https://www.nytimes.com/2017/01/20/opinion/theresa-mays-global-britain-is-baloney.html?_r=0> [↑](#footnote-ref-15)
16. <http://foreignpolicy.com/2017/01/27/its-time-to-think-for-yourself-on-free-trade/> [↑](#footnote-ref-16)