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## Rethinking the Legitimacy of Global Governance: On the Need for Sociological Research and Philosophical Foundations

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Centre for  
**Global  
Cooperation  
Research**

**Dirk Peters**

# **Rethinking the Legitimacy of Global Governance**

**On the Need for Sociological  
Research and Philosophical  
Foundations**

With commentaries by

**Frank Gadinger and Daniel Gaus**

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# Global Cooperation Research Papers 2

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## Abstract

What would constitute a legitimate global order? Dirk Peters argues that current research on this issue is one-sided: it takes Western democracy as a universal standard and focuses discussion on how aspects of democracy can be applied at the global level. But instead of promoting a universal standard, says Peters, research needs to listen to the actors involved in global governance. There can be no legitimate global order without taking into account what these actors regard as legitimate, and this will not necessarily be a model based on Western democracy. This point of view is endorsed by Frank Gadinger, who proposes a methodological technique from sociology to facilitate empirical research in this area. By reconstructing the arguments that 'ordinary actors' employ in the global political arena, we can reveal what they consider legitimate. Daniel Gaus, by contrast, takes issue with Peters's critique of democracy as a universal standard. Peters may well be correct in contending that Western democratic institutions are not suitable as a basis for legitimizing global politics, says Gaus, but the very act of listening to the governed, and making their conceptions of legitimacy the yardstick of legitimate governance, is itself a democratic endeavour.

## Keywords

Crises of legitimacy, global governance, research methodology, philosophy, normative concepts, pragmatic sociology

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# Rethinking the Legitimacy of Global Governance: On the Need for Sociological Research and Philosophical Foundations

Dirk Peters

## Introduction

Legitimacy is an increasingly prominent focus of global governance research. In its early days, scholarship on global governance could rightly be criticized for devoting excessive attention to questions of effectiveness whilst ignoring normative issues. Over the past decade, however, there has been a major shift in this situation, and literature on the legitimacy of global governance has mushroomed. Such research is of interest not only for normative reasons—because global governance institutions *should* be legitimate—but also on purely functional grounds. Considerations of legitimacy will be of vital significance in determining the success or failure of international cooperation; and the more legitimate the design and outcomes of global governance institutions are held to be, the greater the likely degree of compliance. Moreover, conceptions of legitimacy will play an important role in bringing about cooperative institutions in the first place. Where actors hold incompatible views as to what is legitimate, they will be hard-pressed to find avenues for successful cooperation.

The idea that actors may have divergent views of what constitutes a legitimate institution has received surprisingly little attention in the recent wave of research. Most of what has been written is based on the assumption that all actors in global politics can, in principle, subscribe to a single set of standards of legitimacy. From this viewpoint, a legitimate political order looks surprisingly like a Western democracy.

In this paper, I will set out some preliminary thoughts, which I hope will eventually—once fully developed—clear the conceptual ground for an alternative approach in which the potential plurality of conceptions of legitimacy is taken seriously. I will begin by discussing what is meant by ‘conceptions of legitimacy’ and by seeking to substantiate my claim, firstly, that these conceptions are important preconditions for the success or failure of international cooperation and, secondly, that actors in the international arena may differ in what they regard as legitimate. I will go on to show that, despite an intense debate about normative issues, global governance research pays insufficient attention to the potential plurality of notions of legitimacy. A particularly worrying feature here is the tendency of the

debate to focus almost exclusively on ways of transposing the concepts of Western democracy to the international level. Even within this narrow, ostensibly universalist, focus, however, the literature comes up with multiple ideas as to what might count as legitimate institutions. This implies a need for further investigation along two routes. First, there should be empirical research to establish whether international actors subscribe unequivocally to the principles of Western democracy (as global governance researchers seem to do) and—if they don't—to determine what alternative sources of legitimacy may be tapped. Secondly, there needs to be a theoretical debate about potential zones of convergence or overlap, in other words about how we can bring together differing or competing conceptions of legitimacy in order to build a legitimate global order. I outline an agenda for this research in my concluding section.

## Conceptions of Legitimacy

What is legitimacy? Given its status as a central debating-point of political analysis and philosophy, the concept is, predictably, ill-defined. In essence, however, it has to do with the normative underpinning of authoritative rules. Legitimate rules imply a duty to obey these rules on the part of those who are governed by them (Bernstein and Coleman 2009: 5–9; Reus-Smit 2007: 158–9).<sup>1</sup>

Legitimacy is thus primarily a characteristic of rules or institutions (sets of rules). However, rulers (in the widest sense) and their actions can also be described as legitimate or illegitimate, depending on whether the rules on which their authority is based are legitimate. To be more precise, legitimacy is a characteristic that is ascribed by individuals or groups to these entities, and 'this process of ascription is always norm-referential' (Reus-Smit 2007: 162). To say that an institution etc.<sup>2</sup> is legitimate is to make the judgement that it meets certain normative standards of legitimacy.

It follows that to get at the substance of legitimacy (i.e. to be able to judge what is legitimate/illegitimate), we need to identify the normative standards in question. Such analyses of legitimacy can take at least two general forms. They can either reconstruct *existing* norm-sets and the judgements about institutions that real actors base on them. This is the sociological approach, most famously promoted by Max Weber and, in Beetham's view (1991: 6), the one most commonly pursued by today's social scientists: 'What matters for an adequate understanding is not what they personally believe, but what is believed in the society they are studying. For this reason most social scientists in the twentieth century have followed Max Weber in defining legitimacy as the *belief in legitimacy* on the part of the relevant social agents; and power relations as legitimate where those involved in them, subordinate as well as dominant, believe them to be so.' Research in this sociological vein can focus on simply determining whether or not actors believe an

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1 For a defence of this 'traditional' view against more recent attempts to demonstrate that legitimacy does not necessarily entail political obligation, see Klosko (2007).

2 In what follows, I refer only to institutions and orders, but these should be taken to include all potential subjects of legitimacy and justice.

institution to be legitimate (e.g. Take 2013: 51–3); or it can aim at reconstructing the discursive bases of these beliefs—that is to say, the social norms in which they are grounded and the discursive processes and practices through which they are brought about (see Reus-Smit 2007: 162 f.; Gadinger and Yildiz 2012; Nullmeier et al. 2010).

A second approach is concerned with actually *constructing* norm-sets against which the legitimacy of institutions can be judged. Such approaches are sometimes labelled ‘prescriptive’ or ‘normative’. I will call them ‘philosophical’, to indicate that their main concern is the reasoning about the normative structures and not primarily their ‘empirical’ reconstruction. In these kinds of approaches, researchers attempt to formulate generalizable principles from which the legitimacy of any subject can be deduced. We will see below how global governance researchers have followed this path, constructing standards of legitimacy for global governance.

To enjoy legitimacy is obviously of major importance to any political institution. This is easy to see, even at a purely functional level. If those who are subject to political rules feel a duty to obey them, this will contribute hugely to ensuring compliance. By contrast, institutions that are regarded as illegitimate will need to rely on coercion and will be much more difficult to sustain. In this sense, legitimacy ‘has long-run efficiency advantages over coercion in reducing some kinds of enforcement costs and increasing the apparent “freedom” of subordinates’ (Hurd 1999: 388, with additional citations; see also Koppell 2010: 66). In the case of institutions that are perceived as illegitimate, meanwhile: ‘their effectiveness in providing valuable goods may be impaired’ (Buchanan and Keohane 2006: 407). Sustainable international cooperation or effective global governance will therefore be easier to achieve if it concurs with the conceptions of legitimacy held by the actors participating in it. In addition, there are moral reasons for favouring legitimate institutions over illegitimate ones: political order simply *should* be legitimate.<sup>3</sup>

If we take seriously the proposition that legitimacy is *ascribed* to institutions, matters immediately begin to look a little more complex. The legitimacy of an institution is always relative to the set of norms we apply in assessing it. Only if there is one uncontested common set of norms on which judgements can be based can we speak of legitimacy in absolute terms. This fact is of crucial importance for philosophical and sociological research and also in political practice.

As far as philosophical approaches are concerned, it is a matter of first principles: whether one assumes a single set of norms or several possible sets of norms is a key decision in any philosophical theory of legitimacy. Formulating normative standards for legitimate institutions presupposes that you know whether to construct one set of such standards or be open to the possibility of a plurality.

Sociological approaches can deal with the issue in a more relaxed fashion, as they can employ what I would call a ‘heuristic particularism.’ By this I mean that when such approaches are seeking to identify, by empirical means, the norm-sets on

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<sup>3</sup> From a utilitarian point of view, the functional advantages themselves constitute a moral argument in favour of legitimacy.



which actors base their judgements, they do not need to commit to a clear-cut perspective beforehand. They can proceed on the assumption that there may be multiple—perhaps even incompatible—norm-sets out there. In examining these, they may find that there are varying degrees of overlap, ranging from full-blown common normative structures to individual elements of agreement regarding global standards of legitimacy for political institutions. If this is the case, they will simply reverse the particularist assumption from which they started out.

In terms of political practice, finally, building legitimate institutions requires a common normative structure of legitimacy to which all participating actors can subscribe. Against this background, it is obviously of major importance to know whether or not such a common set of norms exists. Assuming one where none exists may create political conflict of an overt or latent kind. In a best-case scenario, conflict over standards of legitimacy emerges during the institution-building phase, giving actors an opportunity to discuss these standards and find, or create, institutions that accommodate all the respective positions. In a less positive scenario, the conflict remains suppressed and institutions emerge which some regard as illegitimate and therefore end up being inefficient, ineffective, or open to moral question. Or it may be that conflict does emerge but cannot be resolved, causing institution-building to stall. By contrast, if a plurality of normative standards is accepted from the outset, all the actors involved have the opportunity to negotiate standards of legitimacy from scratch and—if this is successful—to create institutions which, besides being geared to problem-solving, are rooted in a sustainable common norm-base.

How has global governance research dealt with these issues? My argument is that what global governance has essentially done is to note the pluralism of legitimacy-claims but respond with a call for universalism. This is inadequate. What is needed is not a proliferation of (philosophical) attempts to construct universal standards on which to base the democratic legitimacy of international institutions. Rather, global governance research should engage in a (sociological) examination of legitimacy-claims in the international sphere—an examination that is guided by a heuristic particularism enabling researchers to detect and carefully reconstruct potentially incompatible conceptions of legitimacy in the international realm. Such a reconstruction could serve as a starting-point for identifying zones of overlap—or for a political debate leading to the creation of such zones. It would no longer simply be assumed that everyone in the international realm could subscribe to the same vision—namely, the internationalization of liberal democracy. In what follows, I will seek to substantiate these claims by taking a closer look at global governance research.

## **The Debate About Legitimate Global Governance**

Since the first half of the 1990s, global governance has become an increasingly important focus of scholarly investigation. Like any emerging strand of research, the early literature in this area was preoccupied with making a case for the originality of its focus. Its key claim was framed in descriptive terms. It contended

that we were seeing the emergence of new forms of international cooperation—for creating common goods and countering global bads—which were neither state-centred nor issue-specific (in the way that mainstream theories of international cooperation would hold they must be). Nor, it claimed, did these new forms resemble hierarchical domestic governance. These contentions frequently had strong normative overtones: the new forms of global governance were believed to hold out the promise of effective solutions to the kinds of global problems to which more traditional forms of cooperation were seen as an inadequate response. Research in this area was heavily inspired by an emerging comparative-politics paradigm that highlighted ‘new modes of governance’ in the domestic realm, i.e. non-hierarchical modes of governance that included a variety of public and private actors (see Pierre and Peters 2000). In line with this paradigm, it focused primarily on the *effectiveness* of these forms of governance (for an overview of this phase of global governance research, see Messner and Nuscheler 2003).

Although problems relating to the legitimacy of these forms of global governance were sometimes discussed, they did not take centre stage. In point of fact, the issue of legitimacy had played very little role at all in International Relations research up to then—most likely as a consequence of the dominance of interest-based approaches in this area. It was only in 1999 that Ian Hurd published a widely cited article in *International Organization* making the case that legitimacy could actually constitute a legitimate focus of IR research (Hurd 1999). Some voices in the governance literature argued explicitly that concerns about legitimacy were of little importance. As long as states participated in international agreements on a voluntary basis, they said, no state would be obliged to do anything at the international level to which it had not consented. Legitimacy would be guaranteed via a combination of state consensus and the operations of domestic institutions, given that states would only enter into forms of cooperation that had been legitimized domestically (see e.g. Rosenau and Czempiel 1992; see also Koppell 2010: 47).

It would be an overstatement, however, to claim that no one raised any questions about legitimacy. As inter-governmental cooperation extended to more and more issue-areas without guaranteeing adequate involvement of parliaments or the public at large, traditional forms of international cooperation (for which Michael Zürn later coined the term ‘executive multilateralism’) were seen by some as a threat to democracy. This threat was argued to result either from the self-interested actions of governments themselves as they sought to weaken domestic constraints on their freedom of action (Moravcsik 1997; Wolf 2000) or from the inherent dynamics of international institutions (Habermas 1998; Bodansky 1999) and processes of globalization (Kaiser 1998).

A major change in the perception of the legitimacy problem was brought about by real-world events. As a result, in particular, of the mass protests against the WTO, IMF, and G7 in Seattle, Genoa, and other cities, but also in the wake of a general increase in the number of protests against globalization (Rucht 2013), it became clear that elements of the global governance architecture were not acceptable to certain vocal sections of the public and were undergoing a dramatic crisis of legitimacy. What followed was a massive proliferation of studies into the

legitimacy of global governance. This new wave of research, however, has left a number of important issues virtually unaddressed.

Most interestingly, the relevant literature generally regards the modalities of the *problem of legitimacy* as self-evident or analyses them in philosophical terms (see Nullmeier et al. 2010: 10). That is to say, problems of legitimacy are almost always perceived as resulting from the fact that international institutions are not meeting standards of democracy, or indeed are undermining democratic procedures within states. The aim, from this perspective, is therefore to make international institutions more democratic or more compatible with state-based democracy.<sup>4</sup> What is striking about this mainstream approach is that 'democracy' is treated as synonymous with 'legitimacy' and that there is rarely any attempt at a detailed analysis of real-life protest surrounding international institutions and organizations: such protest is merely perceived as a manifestation of the democratic problems besetting international institutions.

That democracy equals legitimacy is taken as read in many of the texts. The two terms are simply lumped together and the texts then reflect on how to improve the 'democratic legitimacy' of global governance. For Andrew Moravcsik (2004: 336), for instance, the question of whether 'global governance [is] democratically legitimate, or [whether it suffers] from a "democratic deficit" [is] one of the central questions – perhaps *the* central question – in contemporary world politics.' Some texts do reflect on the fact that democracy and legitimacy are not necessarily synonymous; and there is sometimes brief discussion of other sources of legitimacy such as effectiveness, expertise, or independence (e.g. Bodansky 1999: 599 f.). Eventually, however, even these texts home in on the task of making governance more legitimate by making it more democratic, citing as justification that 'in the modern world, democracy has become the hallmark of legitimate government' (Bodansky 1999: 612) or that 'democracy has become widely, albeit not universally, accepted as the only way to legitimize political power' (Archibugi, Koenig-Archibugi, and Marchetti 2012: 2). Once this assumption has been made, there is generally no attempt to analyse the legitimacy-related issues in global governance in terms of the concerns of the actors involved. Instead, civil-society protests and the like tend to be evoked only as a way of highlighting the significance of the problem, whilst actual analysis of the latter takes a rather abstract form (e.g. Steffek 2003). The problem is seen in terms of a mismatch between *democratic requirements* and the *reality of global governance*. Accordingly, globalization or denationalization and the resulting global governance institutions are seen as challenging the 'democratic principle' of 'congruence between social and political spaces' (Zürn 2000: 188). Those affected by a political decision, say the authors in question, are no longer identical with those who can make the decision or who can hold decision-makers to account (e.g. Archibugi 2004). Overall, then, the debate about the legitimacy of global governance can plausibly be read as a debate about how to deal with global governance's democratic deficit (see e.g. Wheatley 2011, 2012).

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<sup>4</sup> Only a handful of authors argue, somewhat counter-intuitively, that the solution lies not at the international level but in strengthening nation states. For an overview of the arguments advanced by these 'new sovereigntists', see Spiro (2000), and Goodhart and Taninchev (2011: 1048–53).

Whether the 'all-affected principle' (i.e. the principle that those who are affected by a political decision should have the power to influence it) is really the key principle of democracy is debatable (for critical views, see Goodhart and Taninchev 2011; Song 2012). Even if one accepts that it is, the ease with which legitimacy and democracy are equated in the global governance debate is nonetheless striking. I consider this tendency to equation to be a problem and I do so for two reasons.

First, democracy may not be universally accepted as the sole means of legitimizing power. There are other sources of legitimacy besides inclusive decision-making. Even in democratic states, certain authoritative decisions are legitimized in other ways. There are areas, for instance, in which independence can constitute an important standard of legitimacy, on the basis that there are some decisions that *ought not* to be made by politically accountable decision-makers. Some central banks, and all constitutional courts, for example, derive part of their legitimacy from the fact that they are independent of the political decision-making process. Expertise is another source of legitimacy on which these and other agencies can draw. Tradition, charisma, and legality are sources of legitimacy famously identified by Max Weber (1968: 212–301) and the first two are not easily squared with the idea that legitimacy equals democracy. Admittedly this list of possible alternative sources of legitimacy is still rooted in Western thought and Western historical experience, but it is already considerably broader than the range of options usually addressed in the discourse on the (democratic) legitimacy of global governance. My aim is not to endorse one or other of these potential sources of legitimacy. I simply want to point out that the spectrum of such sources is wider than the one that usually figures in global governance discussions. If global governance is to be legitimate, it needs to rest on sources of legitimacy that are acceptable to *all* participants. This may make the task of ensuring legitimacy for global governance institutions (and of analysing it) a rather difficult one: 'The very fact that global governance organizations must be legitimate to constituents from varied backgrounds compounds the legitimacy challenge' (Koppell 2010: 56). The notion that 'democracy', in the sense in which it figures in the global governance discourse, can provide a standard—in fact the only standard—acceptable to all such varied constituents is not self-evident.<sup>5</sup> Whether the democratization of global governance will render that governance legitimate to all those affected is something that has to be established empirically.

My second reason for considering the equation of legitimacy and democracy problematic is that simply evoking 'democracy' does not do much to clarify the issues that global governance faces in regard to legitimacy. Like legitimacy, democracy can be considered a contested normative structure. There are different theories of democracy. There are different institutional aspects to democracy. And there are different approaches to transposing the concepts and institutional elements of national democracy to the international level. It is around these issues that the academic debate on legitimacy in global governance revolves. Worthwhile as this discourse may be, it misses out a crucial step, namely ascertaining what the actors themselves would regard as the requirements for a legitimate order.

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<sup>5</sup> Despite this, and notwithstanding his own remarks, Koppell also takes the democracy shortcut to legitimacy by arguing that 'the catalog of normative legitimacy demands associated with Western democratic practices is, for better or worse, predominant'.

Two key issues shape the legitimacy debate in global governance research. The first is the question of whether it is even possible for democracy to be transferred to the international level. One sceptical strand in the literature argues that certain basic preconditions for democracy that are in place at the national level are missing internationally, rendering any transfer problematic. At issue here, in particular, is the concept of the *demos*. Some argue that democracy requires a more or less integrated community, a *demos*, and that this does not exist at the international level, making the creation of truly democratic international institutions difficult (e.g. Dahl 1999; Song 2012).<sup>6</sup> Others argue that neither the existence of such a community at the national level nor its necessity for democracy is self-evident. Zürn (2000), for instance, disaggregates the concept of the *demos* in order to demonstrate that in some national democracies some elements that characterize an ideal-type *demos* are actually missing, while at the international level some elements of such a *demos* are present. The second key issue is that of deciding which elements of democracy can and should be realized within global governance institutions. The huge variety of approaches here demonstrates that the concept of democracy is not without its own ambiguities when it comes to conceptual and institutional implications. The more abstract the democratic principles evoked, the more vague their institutional implications. And the more concrete the democratic institutions to be transferred, the more problematic their transferability.

Some authors argue that instituting democracy at the international level requires turning highly abstract democratic principles into reality. Deliberative approaches are a case in point. The argument here is that the 'all-affected principle' requires that all stakeholders be included in a deliberative process leading to policy-decisions based on reasoned consensus (e.g. Risse 2004; Steffek 2003, 2004; Wheatley 2011). While this is a highly plausible argument (from the viewpoint of deliberative democratic theory), it begs the question of how such a strategy is to be translated into a concrete set-up for global governance institutions. Risse (2004: 311–12) identifies four key questions that need to be answered here: Who are the stakeholders? Who is to be included in the policy-making process? How can an institutional set-up ensure that deliberation takes place? and How can the question of trade-offs with other democratic principles (e.g. accountability) be resolved? These same questions apply to any proposal for enhancing the democratic character of global governance on the basis of abstract democratic principles. But the path from highly abstract discourse to concrete institutional attributes is a long one, with many possible turn-offs and destinations. Democratic principles such as that of 'constraining power' or 'enabling meaningful political agency' (Goodhart and Taninchev 2011) do not immediately suggest institutional solutions, given that 'these basic democratic imperatives . . . can be conceptualized and operationalized in a variety of ways' (Goodhart and Taninchev 2011: 1060). The same holds true even for somewhat more concrete goals like creating a public sphere (Nanz and Steffek 2004) or improving accountability at the international level (Keohane and Nye 2003; Grant and Keohane 2005). At the other end of the spectrum we find extremely concrete suggestions such as the creation of a global parliament (Falk and Strauss 2001, 2011). These, however, immediately take us back to the question

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<sup>6</sup> In a similar vein, Goodhart and Taninchev (2011) argue that national democracy is based on the principle of popular sovereignty, which, by definition, is inapplicable at the international level.

of whether institutions created for a smaller, national context can simply be cloned in the global sphere.

What the debate has produced is a very varied catalogue of suggestions as to how to adjust global governance institutions so that they are more in line with selected principles of democracy. None of these suggestions, however, guarantees that we will end up with institutions which are actually regarded as legitimate by the actors involved in them. The reasons for this are threefold. Firstly, the suggestions are all made from one point of view—namely that legitimate order is necessarily democratic. Secondly, they may have ambiguous implications as regards standards of legitimacy (e.g. Do we need to create transparent institutions or does democratic deliberation work better if it takes place behind closed doors?). And finally, even clear-cut individual criteria for democratic legitimacy can have ambiguous institutional implications (see, for instance, the different ways in which accountability can be institutionalized, Grant and Keohane 2005). Detailed architectural designs for a full-blown global democracy as presented by certain proponents of cosmopolitan democracy (e.g. Held 1995; Archibugi 2004; Marchetti 2012) are therefore always contingent to a large degree on decisions made (often implicitly) by scholars.

This is not a problem in and of itself. Scholars must of course be free to debate possible ways of achieving a legitimate global order. That said, the debate has developed in a way that tends to exclude the voices of those who are actually involved in, or affected by, global governance. And ultimately it is *their* judgment, *their* ascription that will be politically effective and determine the legitimacy of the institutions in question.

## The Way Ahead

Legitimacy is a key characteristic of political institutions. It can be conceived of as something which actors ascribe on the basis of normative structures that embody their own standards of legitimacy. The legitimacy of international institutions is thus determined in discursive processes in which political actors develop and apply these standards.

When debating the legitimacy of global governance, scholars predominantly use what I called a philosophical approach. Rather than reconstructing the normative orders on which political actors base their judgements, they concentrate on constructing their own, well-reasoned, standards. They usually take a particular concept of democracy as a starting-point and use this to work out the implications for global governance institutions.

This leaves global governance research with a major blind-spot. Although most of us agree that global governance institutions face a legitimacy crisis, we know little about the conceptions of legitimacy that political actors bring to the table. And yet knowing these is of crucial importance if we are to gain a better understanding of the crisis itself, and devise ways of resolving it. Only if we scrutinize real-world standards of legitimacy can we identify areas where there is already agreement on the shape of legitimate institutions—or areas where international political debate

and international deliberation might bring about this kind of agreement. But studies of this kind are only slowly beginning to emerge (e.g. Hurd 2007; Nullmeier et al. 2010; Bernstein 2011; and some contributions in Geis, Nullmeier, and Daase 2012).

Ultimately what I am calling for is more research in the sociological vein, i.e. empirical research into actors' conceptions of legitimacy. Methodologically, this kind of endeavour requires researchers to listen to the actors involved and find ways of reconstructing what they believe constitutes legitimate and illegitimate, just and unjust rule. This may be done in several ways. One is to conduct interviews and put the question to them directly (Take 2012, for instance, uses this as one indicator of what he terms 'empirical legitimacy'). Another is to analyse discourse and practice in legitimation and contestation (Bernstein 2011; Nullmeier et al. 2010; Schneider, Nullmeier, and Hurrelmann 2007). Contested institutions in particular provide an excellent starting-point for such an investigation. They are the contexts in which actors will articulate most clearly what they deem problematic about an institution and in which they will be most explicit in their arguments about what form a legitimate institution should take. In recent times, it has been the institutions of international finance and trade that have been the major focus of this type of contestation.

The type of analysis described should be performed on the basis of what I referred to earlier as 'heuristic particularism'. That is to say, it should be guided by the assumption that actors do not necessarily agree on their conceptions of what is legitimate or just. This does not preclude their actually agreeing, but where it is claimed that they do this should be on the basis of research rather than assumption. The philosophical approaches outlined above could make a significant contribution to studies of this kind. More specifically, they can provide guiding typologies and sensitize researchers to important issues of legitimacy. What they cannot do, however, is replace the sociological study of legitimacy in the global sphere.

## References

- Archibugi, Daniele (2004). 'Cosmopolitan Democracy and Its Critics: A Review', *European Journal of International Relations* 10 (3): 437–73.
- Koenig-Archibugi, Mathias, and Marchetti, Raffaele (2012). 'Introduction: Mapping Global Democracy', in Daniele Archibugi, Mathias Koenig-Archibugi, and Raffaele Marchetti (eds.), *Global Democracy: Normative and Empirical Perspectives*, Cambridge: Cambridge University Press, 1–21.
- Beetham, David (1991). *The Legitimation of Power*, Basingstoke: Palgrave Macmillan.
- Bernstein, Steven (2011). 'Legitimacy in Intergovernmental and Non-state Global Governance', *Review of International Political Economy* 18 (1): 17–51.
- and Coleman, William D. (2009). 'Introduction: Autonomy, Legitimacy, and Power in an Era of Globalization', in Steven Bernstein and William D. Coleman (eds.), *Unsettled Legitimacy: Political Community, Power, and Authority in a Global Era*, Vancouver: UBC Press, 1–29.
- Bodansky, Daniel (1999). 'The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?', *The American Journal of International Law* 93 (3): 596–624.
- Buchanan, Allen, and Keohane, Robert O. (2006). 'The Legitimacy of global governance Institutions', *Ethics & International Affairs* 20 (4): 405–37.
- Dahl, Robert A. (1999). 'Can International Organizations Be Democratic? A Skeptic's View', in Ian Shapiro and Casiano Hacker-Cordón (eds.), *Democracy's Edges, Contemporary Political Theory*, Cambridge: Cambridge University Press, 19–36.
- Davis, James W. (2012). 'A Critical View of Global Governance', *Swiss Political Science Review* 18 (2): 272–86.
- Falk, Richard A., and Strauss, Andrew L. (2001). 'Toward Global Parliament', *Foreign Affairs* 80 (1): 212–20.
- — (2011). *A Global Parliament: Essays and Articles*, Berlin: Committee for a Democratic UN.
- Gadinger, Frank, and Yildiz, Taylan (2012). 'Unruhige Legitimität: Die Finanzkrise aus Sicht der "pragmatischen Soziologie der Kritik"', in Anna Geis, Frank Nullmeier, and Christopher Daase (eds.), *Der Aufstieg der Legitimitätspolitik: Rechtfertigung und Kritik politisch-ökonomischer Ordnungen, Leviathan Special Issue 27*, Baden-Baden: Nomos, 302–18.
- Geis, Anna, Nullmeier, Frank, and Daase, Christopher (eds.) (2012). *Der Aufstieg der Legitimitätspolitik: Rechtfertigung und Kritik politisch-ökonomischer Ordnungen, Leviathan Special Issue 27*, Baden-Baden: Nomos.
- Goodhart, Michael, and Taninchev, Stacy Bondanella (2011). 'The New Sovereignist Challenge for Global Governance: Democracy without Sovereignty', *International Studies Quarterly* 55 (4): 1047–68.
- Grant, Ruth W., and Keohane, Robert O. (2005). 'Accountability and Abuses of Power in World Politics', *American Political Science Review* 99 (01): 29–43.
- Habermas, Jürgen (1998). *Die postnationale Konstellation*, Frankfurt a.M.: Suhrkamp.
- Held, David (1995). *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Cambridge: Polity Press.



- Hurd, Ian (1999). 'Legitimacy and Authority in International Politics', *International Organization* 53 (02): 379–408.
- (2007). *After Anarchy: Legitimacy and Power in the United Nations Security Council*, Princeton, NJ: Princeton University Press.
- Kaiser, Karl (1998). 'Globalisierung als Problem der Demokratie', *Internationale Politik* 53 (4): 3–11.
- Keohane, Robert O., and Nye, Joseph S. (2003). 'Redefining Accountability for Global Governance', in Miles Kahler and David A. Lake (eds.), *Governance in a Global Economy: Political Authority in Transition*, Princeton, NJ: Princeton University Press, 386–411.
- Klosko, George (2007). 'Legitimacy, Authority, and Political Obligation', in Achim Hurrelmann, Steffen Schneider, and Jens Steffek (eds.), *Legitimacy in an Age of Global Politics*, Basingstoke: Palgrave Macmillan, 57–74.
- Koppell, Jonathan G. S. (2010). *World Rule: Accountability, Legitimacy, and the Design of Global Governance*, Chicago, IL: University of Chicago Press.
- Marchetti, Raffaele (2012). 'Models of Global Democracy: In Defence of Cosmo-Federalism', in Daniele Archibugi, Mathias Koenig-Archibugi, and Raffaele Marchetti (eds.), *Global Democracy: Normative and Empirical Perspectives*, Cambridge: Cambridge University Press, 22–46.
- Messner, Dirk, and Nuscheler, Franz (2003). 'Das Konzept Global Governance: Stand und Perspektiven', *INEF Report* 63, Duisburg: Institut für Entwicklung und Frieden der Universität Duisburg-Essen.
- Moravcsik, Andrew (1997). 'Warum die Europäische Union die Exekutive stärkt. Innenpolitik und internationale Kooperation', in Klaus Dieter Wolf (ed.), *Projekt Europa im Übergang? Probleme, Modelle und Strategien des Regierens in der Europäischen Union*, Baden-Baden: Nomos, 211–69.
- (2004). 'Is there a 'Democratic Deficit' in World Politics? A Framework for Analysis', *Government and Opposition* 39 (2): 336–63.
- Nanz, Patrizia, and Steffek, Jens (2004). 'Global Governance, Participation and the Public Sphere', *Government and Opposition* 39 (2): 314–35.
- Nullmeier, Frank et al. (2010). *Prekäre Legitimitäten: Rechtfertigung von Herrschaft in der postnationalen Konstellation*, Frankfurt a.M.: Campus.
- Pierre, Jon, and Peters, B. Guy (2000). *Governance, Politics, and the State*, New York, NY: St. Martin's Press.
- Reus-Smit, Christian (2007). 'International Crises of Legitimacy', *International Politics* 44 (2/3): 157–74.
- Risse, Thomas (2004). 'Global Governance and Communicative Action', *Government and Opposition* 39 (2): 288–313.
- Rosenau, James N., and Czempiel, Ernst Otto (1992). *Governance without Government: Order and Change in World Politics*, Cambridge: Cambridge University Press.
- Rucht, Dieter (2013). 'Globalisierungskritische Proteste als Herausforderung an die internationale Politik', in Michael Zürn and Matthias Ecker-Ehrhardt (eds.), *Die Politisierung der Weltpolitik*, Frankfurt a.M.: Suhrkamp, 61–83.
- Schneider, Steffen, Nullmeier, Frank, and Hurrelmann, Achim (2007). 'Exploring the Communicative Dimension of Legitimacy: Text Analytical Approaches', in Achim

- Hurrelmann, Steffen Schneider, and Jens Steffek (eds.), *Legitimacy in an Age of Global Politics*, Basingstoke: Palgrave Macmillan, 126–55.
- Song, Sarah (2012). 'The Boundary Problem in Democratic Theory: Why the Demos should be bounded by the State', *International Theory* 4 (1): 39–68.
- Spiro, Peter J. (2000). 'The New Sovereignists', *Foreign Affairs* 79 (6): 9.
- Steffek, Jens (2003). 'The Legitimation of International Governance: A Discourse Approach', *European Journal of International Relations* 9 (2): 249–75.
- (2004). 'Why IR Needs Legitimacy: A Rejoinder', *European Journal of International Relations* 10 (3): 485–90.
- Take, Ingo (2012). 'Legitimacy in Global Governance: International, Transnational and Private Institutions Compared', *Swiss Political Science Review* 18 (2): 220–48.
- (2013). *Globales Regieren auf dem Prüfstand: Nicht demokratisch aber legitim?*, Baden-Baden: Nomos.
- Weber, Max (1968). *Economy and Society*, ed. Günther Roth and Claus Wittich. Berkeley, CA: University of California Press.
- Wheatley, Steven (2011). 'A Democratic Rule of International Law', *European Journal of International Law* 22 (2): 525–48.
- (2012). 'A Democratic Account of the Right to Rule in Global Governance', *Swiss Political Science Review* 18 (2): 158–74.
- Wolf, Klaus Dieter (2000). *Die neue Staatsräson - Zwischenstaatliche Kooperation als Demokratieproblem in der Weltgesellschaft. Plädoyer für eine geordnete Entstaatlichung des Regierens jenseits des Staates*, Baden-Baden: Nomos.
- Zürn, Michael (2000). 'Democratic Governance Beyond the Nation-State: The EU and Other International Institutions', *European Journal of International Relations* 6 (2): 183–221.

# Don't Be Afraid to Get Your Hands Dirty: The Case for Researching Everyday Legitimacy

Frank Gadinger

## **The Right Diagnosis: A Questionable Division of Labour in Researching Legitimacy**

Reflecting on political legitimacy in the context of globalization is still *en vogue* across the disciplines of political science, International Relations (IR), political philosophy, and related areas (see e.g. Bohman 2010; Rosanvallon 2011; Clark 2005). While such reflections are necessary to enable us to construe normative concepts beyond the traditional notions of liberal democracy and the nation state, they mask a flaw in the overall debate, namely a general lack of interest on the part of these disciplines in subjecting the politics of legitimation to empirical research. Against this background, the contribution which Dirk Peters makes to the debate in his leading article is particularly cogent. He argues that IR scholars in particular are more interested in developing normative frameworks for a just and legitimate world-order than in subjecting the relevant actors' conceptions and understanding of legitimacy to concrete empirical research. As a result, he concludes, the Western concept of liberal democracy is constantly reproduced as a normative reference-point. I agree with Peters that, framed in this way, the debate misses out a crucial step—namely, 'ascertaining what the actors themselves would regard as the requirements for a legitimate order' (p. 12) — and that it can rightly be claimed that an exclusively 'philosophical' understanding of legitimacy fails to take into account the plurality of legitimacy claims that emerge in the multiple controversies of international politics.

Peters points to a questionable division of labour between, on the one hand, a privileged stratum comprising 'philosophers' or 'thinkers on legitimacy', and, on the other, a marginalized grouping comprising 'sociologists' or 'researchers on legitimacy'. This critique evokes the old but ongoing controversy regarding the main purpose of political philosophy and, following from this, the appropriate research methodologies to use in political science. In sum this controversy involves a traditional distinction between Platonists, who focus on normative conceptions of a good and just world and seek out universalist standards based on pure reason, and Aristotelians, who deny the existence of eternally valid norms based on pure reason and instead stress the historicity, contingency, and situational nature of all human action. Up to now, the Platonists (later known as Neo-Kantians) have always had the more positive image, being seen as noble idealists, whereas the Aristotelians (later known as Pragmatists) have been characterized as 'grubby urchins' with 'dirty hands' because of their emphasis on 'real politics' and on people's everyday problems and practices. In his hard-hitting critique of this division of labour, Raymond Geuss (2008) makes a similar point to that of Peters.

He complains (2008: 16) that, when it comes to theorization about politics, the 'utterly fundamental divisions between Is and Ought, Fact and Value, or the Descriptive and the Normative . . . have fallen prey to a kind of fetishism'. He goes on to argue that this distinction is not only artificial but misleading, given the limited scope of this kind of 'ethics first' view in addressing more complex phenomena in politics (Geuss 2008: 9).

There has been much discussion recently about the 'interpretive turn' in humanities and social science research. Ignoring as it does the supposed distinction outlined above, it may well offer us a means of throwing off the straitjacket which that distinction imposes. Most of the innovative approaches in IR today—in the areas of constructivism, pragmatism, practice theory, actor-network theory, and cultural theory—relate normative arguments to empirical research. From an interpretive point of view, it makes no sense to begin the research process with dogmatic decisions. What one must start with, rather, is problems. Summarizing this kind of interpretive shift in social science research, Bruno Latour (2005: 23) remarks that 'the task of defining and ordering the social should be left to the actors themselves and not taken up by the analyst'. The critiques offered by Peters and Geuss fit well into this new wave of socially grounded approaches to research. I support the general plea which Peters makes for a sociologically oriented research-programme that requires researchers to 'listen to the actors involved and find ways of reconstructing what they believe constitutes legitimate and illegitimate, just and unjust rule'. I would, however, like to go further and reinforce his argument by putting flesh on the bones of his rather cursorily defined 'sociological approaches'. In particular, he says little about the methodological requirements that would pertain if this kind of approach were applied to research on legitimacy. In attempting to plug this gap, my analysis—in contrast to Daniel Gaus's more theoretical critique—will focus on methodological considerations within the framework of the current debate about legitimacy.

In order properly to investigate the legitimacy claims of 'ordinary actors' in the tradition of ethno-methodology (Harold Garfinkel, Erving Goffman), it is not sufficient to track 'public' discourses via analysis of survey-data or make marginal corrections to positivist research-designs in line with functionalist understandings of legitimacy. What is needed, rather, is a resolutely interpretive paradigm-shift in the understanding and analysis of legitimacy. While some of the scholars featuring in the discourse do begin the process of reconstructing the patterns underlying legitimacy-claims (Nullmeier et al. 2010), they show no interest in the critical agency of ordinary citizens and do not regard the controversies that arise in everyday life as appropriate objects of investigation for the social sciences.

As a way of reintroducing ethno-methodology into research on legitimacy, I propose turning to the 'pragmatic sociology of critique', as propounded by Luc Boltanski (2011) and his collaborators. With one or two exceptions (Blokker and Brighenti 2011; Gadinger and Yildiz 2012), this is an approach rarely mentioned in current debates on political legitimacy. I will argue that only a sociological approach to research on legitimacy—one that takes as a starting-point the justificatory practices and critical capacities of the agents involved—can present a viable framework within which to combine abstract normative thoughts on changing political legitimacy with sociological sensitivity to the legitimacy claims of

ordinary citizens in a complex world (cp. Celikates 2006: 22). Such an approach can make a valuable contribution to contemporary debates about how to explore the politics of legitimation in institutional and transnational contexts. In addition, it rediscovers a moral-political dimension in explaining problems of social ordering in terms of local and global cooperation.

### **A Pragmatic Notion of Legitimacy: Applying Boltanski's Pragmatic Sociology**

Pragmatic sociology, as advanced by Luc Boltanski and his colleagues, evolved from an internal critique of the then dominant sociology of Pierre Bourdieu. In their masterwork, *On Justification*, Boltanski and Thévenot (2006) develop a social-theory programme which focuses on the interplay of justification and critique in ordinary actors' everyday disagreements. From a pragmatic point of view, everyday life is not a sphere outside the political; it is the general site of the social—and the most interesting for analytical purposes. In situations of conflict, actors generally need to coordinate their action-plans to reach social agreements. But what sort of acquired competences, critical capacities, and moral resources do they mobilize to justify their actions? This simple question lies at the heart of pragmatic sociology and illustrates its distinct understanding of legitimacy as a contingent product of negotiated legitimacy-claims between actors in daily situations of conflict. Boltanski emphasizes the significance of uncertainty in our social interactions. It is the uncertainty and unease in 'problematic situations' (John Dewey) which drives actors to reach agreements through negotiated practices of justification—rather than simply obeying the logic of pure interest or normative expectation. Pragmatic sociology suggests that these kinds of conflictual situations, in which rules of acceptability regarding the causes of conflict are negotiated, have a significant impact in terms of social change.

What implications does this kind of pragmatic notion of legitimacy have in terms of research methodology? To begin with, it means taking seriously the much-quoted actor-network slogan 'Follow the actors themselves' (Latour 2005: 12)—often misunderstood as a straightforward imperative to engage in participant observation. And this in turn implies learning to 'avoid ontological claims which are not empirically found' (Bueger 2013) and instead listening carefully to the legitimacy claims articulated by ordinary actors. From a pragmatic point of view, 'social practices cannot be understood from an objective standpoint alone, because they are internally related to the interpretations and self-images of their participants that can only be grasped if one takes their perspective as fundamental' (Celikates 2006: 21). When it comes to legitimacy, this kind of research-perspective is still absent from the current debate. Pragmatic sociology differs from discursive approaches in that 1) it provides an analytical tool for revealing the practices of justification and critique employed in concrete situations and 2) it adopts a 'pragmatic actor' model. The following passage from Boltanski and Thévenot (2006: 37) illustrates their approach to the politics of legitimation in everyday life:

How can a social science hope to succeed if it deliberately neglects a fundamental property of its object and ignores the fact that persons face

an obligation to answer for their behavior, evidence in hand, to other people with whom they interact? It suffices to be attentive . . . to the justifications that people develop, in speech and in action, to see that the social sciences must begin to take this phenomenon into account, must reckon with the fact that the ordinary course of life demands nearly constant efforts to maintain or salvage situations that are falling into disarray by restoring them to order. In everyday life, people never completely suppress their anxieties, and, like scientists, ordinary people never stop suspecting, wondering, and submitting the world to tests.

This passage also points to the moral dimension present in the pragmatic approach to legitimacy. People involved in day-to-day struggles over legitimacy are subject to an imperative to justify their stance; they are endowed with critical capacities, moral resources, and a normal sense of justice. Struggles over legitimacy can be viewed as 'tests' or 'trials of strength', in which actors negotiate over their mutual claims to legitimacy and test the 'worth' of these *en situation*. Yet no one has the overall capacity to resolve the uncertainty and unease in a situation of conflict. It is therefore not sufficient simply to articulate personal points of view of the type 'I do not agree with you because I do not like your face' (Boltanski and Thévenot 1999: 360). Instead, people '[make] their demands, [denounce] injustices, [produce] evidence in support of their complaints, or [construct] arguments to justify themselves in the face of the critiques to which they are themselves subjected' (Boltanski 2011: 27). If we adopt a 'pragmatic actor' model of this kind, we must conceive of actors as endowed with an ability to differentiate between legitimate and illegitimate ways of rendering criticism and justification. It is this competence that characterizes the normal sense of justice which people bring to their disputes (cp. Boltanski and Thévenot 1999: 364). As a result, what counts as a justification in a specific situation cannot be strategically controlled. In situations where people are constrained to provide a justification, they have to base their stance on a normative order or a higher moral principle. Pragmatic sociology argues that when regulating their mutual normative expectations in a dispute, actors need to mobilize higher moral principles that accord with public interest (not self-interest). Relating a claim of legitimacy to a higher moral principle makes it easier for those involved in the interaction to accept defeat, agree on a compromise, or demand more evidence (cp. Celikates 2006: 34).

What makes pragmatic sociology's approach interesting from the perspective of political science research on legitimacy is its distinct view of situations of conflict as struggles over legitimacy. Boltanski uses the term 'test' to describe the contingent production of legitimacy in controversial situations. Thus every legitimacy struggle is a 'test of strength' (Boltanski 2011: 29) which touches on the rules of justice and the power of institutions. Compromise is not an inherent part of the process of constructing orders of worth. As a result, when this kind of struggle over legitimacy is evolving, it is uncertain whether agreement will be reached. 'It happens in action,' as Peter Wagner (1999: 343) points out, 'in the dispute over which criteria to mobilize for the evaluation of a situation.' Pragmatic sociology's initial suggestion of using a framework of six orders of worth, sufficient to describe most practices of justification, should not be misunderstood as apodictic. The framework does indeed provide a good methodological entry-point to the study of legitimacy-struggles between ordinary actors. However, it also allows compromise

between different orders of worth (the development of a project-based order in the 'new spirit of capitalism' (Boltanski and Chiapello 2007) is a case in point) and it is possible for new orders of worth (such as the ecological one in present-day society) to emerge. Pragmatic sociology forces us to think about the social impact of everyday struggles over legitimacy and why these controversies often have such an inflexible character. Even within a community such as a football club, a research group, a body of teachers, or a trade union, securing agreements that are accepted as legitimate is a hard task. Everywhere we look, rank and position need to be negotiated. Who do we accept as a legitimate team-captain, trade union leader, or head of a financial authority? Besides having significance in personnel terms, these kinds of questions highlight areas where politics of legitimation (and orders of worth) take conflicting forms. Should someone highly placed in what Boltanski terms the commercial or civic world be allowed to supervise banking? Should university reform be shaped by market criteria or by considerations of creativity? Who is the 'right person' to conduct negotiations on climate policy—an experienced politician, a scientist, or an environmental activist? In modern societies, people are forced to combine different orders of worth and switch between them. This explains the moral dilemmas we face in our everyday practices as, say, consumers or working people. In most social conflicts of this kind, more than one normative principle can be called upon to justify something or criticize it, to demonstrate its legitimacy or illegitimacy. The normative tension between political and economic orders is only one of many contentious spheres in which legitimacy has to be negotiated in a complex world.

### **Studying Legitimacy-conflicts: A Promising Path for Global Cooperation Research?**

Pragmatic sociology can provide valuable tools for analysing legitimacy-related conflicts in contested policy-fields such as climate change, the global financial crisis, or Western interventionism. It allows political scientists to reconstruct the normative struggles going on in these areas by studying the practices of justification and critique employed by the actors involved. From a pragmatic point of view such as this, the financial crisis, the climate-change summit, and the international negotiations regarding potential intervention in, say, Libya or Syria constitute normative discourses involving an irreducible plurality of moral standards from the economic, political, public, and private spheres. Boltanski would speak of different worlds—worlds in which we live and which require us to configure them as needed. Morally complex situations of this kind, in which claims of political legitimacy are at issue, cannot be resolved through rational generalization or truth-seeking. These are cases where politicians, environmentalists, financial analysts, human-rights activists, and ordinary citizens disagree as to what is the most important common good. In order to explore practices of justification in each contested policy-field, one can observe multiple sites where controversy is the order of the day: EU summits, G8 meetings, Occupy protests. Taking the justifications of ordinary citizens seriously does not, of course, mean falling for any rhetorical tricks they may engage in. '[Following] the actors themselves' implies carefully analysing differing claims to legitimacy in their

situational context. In terms of outcomes, as Boltanski and Thévenot warn (2006: 135): 'It is important to note that no situation, however pure, can permanently eliminate the diversity of the contingencies whose static is maintained around the edges of what is in order.' Again, one should bear in mind that agents who are knowledgeable, critical, and reflective are nonetheless limited in their capacity to calculate the ramifications of every problematic situation. Reconciling disparate normative principles and living, as it were, between different worlds, taxes their abilities. This theoretical premise of uncertainty in social interactions entails an absence of positive, strategic action-plans. Finally, another of the premises on which pragmatic sociology operates is that people who are involved in legitimacy-conflicts and come to realize that something is amiss rarely remain silent about it. Wherever it might be—in garages, factory canteens, university cafés, all kinds of public places—people will express their discontent to each other about aspects of society they perceive to be unjust. The mass protests that have taken place against the background of the EU crisis are a case in point—one that highlights the way in which actors invoke divergent moral principles to bolster claims to legitimacy.



## References

- Blokker, Paul, and Brighenti, Andrea (2011). 'Politics between Justification and Defiance', *European Journal of Social Theory* 14 (3): 283–300.
- Bohman, James (2010). *Democracy Across Borders*, Cambridge, MA: MIT Press.
- Boltanski, Luc (2011). *On Critique. A Sociology of Emancipation*, Cambridge: Polity Press.
- and Chiapello, Eve (2007). *The New Spirit of Capitalism*, London: Verso.
- and Thévenot, Laurent (1999). 'The Sociology of Critical Capacity', *European Journal of Social Theory* 2 (3): 359–77.
- — (2006). *On Justification. Economies of Worth*, Princeton, NJ: Princeton University Press.
- Bueger, Christian (2013). 'Actor-Network Theory, Methodology and International Organization', *International Political Sociology* 7 (3), 338–42.
- Celikates, Robin (2006). 'From Critical Social Theory to a Social Theory of Critique: On the Critique of Ideology after the Pragmatic Turn', *Constellations* 13 (1): 21–40.
- Clark, Ian (2005). *Legitimacy in International Society*, Oxford: Oxford University Press.
- Gadinger, Frank, and Yildiz, Taylan (2012). 'Unruhige Legitimität. Die Finanzkrise aus Sicht der pragmatischen Soziologie der Kritik', in Anna Geis, Frank Nullmeier, and Christopher Daase (eds.), *Der Aufstieg der Legitimitätspolitik. Rechtfertigung und Kritik politisch-ökonomischer Ordnungen*, Leviathan Special Issue 27, Baden-Baden: Nomos, 302–18.
- Geuss, Raymond (2008). *Philosophy and Real Politics*, Princeton, NJ: Princeton University Press.
- Latour, Bruno (2005). *Reassembling the Social. An Introduction to Actor-Network-Theory*, Oxford: Oxford University Press.
- Nullmeier, Frank et al. (2010). *Prekäre Legitimitäten*, Frankfurt a.M.: Campus Verlag.
- Rosanvallon, Pierre (2011). *Democratic Legitimacy. Impartiality, Reflexivity, Proximity*, Princeton, NJ: Princeton University Press.
- Wagner, Peter (1999). 'After Justification. Repertoires of Evaluation and the Sociology of Modernity', *European Journal for Social Theory* 2 (3): 341–57.

# Universality or Diversity? The Normative Pull of Democracy as an Idea. A Rejoinder to Dirk Peters

Daniel Gaus

Dirk Peters makes a strong case for a new focus in the research agenda on the legitimacy of international institutions. It has to be acknowledged, he says, that there are widely divergent views on the conditions for legitimate global governance—not only amongst scholars but also amongst citizens across the world. Although it is citizens' views that ultimately determine whether global institutions carry legitimacy or not, these views, he argues, are largely ignored as an object of enquiry. There is therefore a need, he concludes, for more cross-cultural empirical study of citizens' views on international legitimacy.

Peters identifies an important blind-spot in current empirical research on legitimacy. However, he bases his explanation of the shortcomings of that research (partly) on its relation to political theory. My own remarks pertain to this assumed relationship—or, more broadly, to the role of political theory in the study of the legitimacy of international institutions. Before I suggest an alternative perspective on the contribution of political theory to global research on legitimacy, let me first summarize the account which Peters offers of the current malaise in International Relations research. For Peters, the main problem afflicting legitimacy-research in global governance is that it adopts a universalist standpoint by silently equating legitimacy with democratic legitimacy. In other words, he is saying that the conditions for legitimate global governance are simply equated with the conditions for legitimacy as known in Western democracies. As Peters puts it: 'A particularly worrying feature here is the tendency of the debate to focus almost exclusively on ways of transposing the concepts of Western democracy to the international level' (p. 6). This occurs, he says, because the literature on global governance often draws on views of legitimacy that commonly figure in political theory, and the universalist view that 'legitimacy equals democratic legitimacy equals Western democracy' is one of the more common amongst these. Peters regards it as unfortunate that the literature on global governance should base itself on political theory here, because in so doing it ignores the fact that the arguments this theory advances are generally directed towards a different goal—namely, the construction, by philosophical means, of a general ideal of legitimacy, from which the shape of legitimate political order can then be deduced (mostly by thought-experiment). In this context, it is legitimate to begin by assuming universal values. However, maintains Peters, the aim of legitimacy-research in International Relations is a distinct one, driven as it is by a sociological perspective. That aim is not to construct norms but to 'reconstruct *existing* norm-sets and the judgements about institutions that real actors base on them' (p. 6).

In sum, and in rather overstated terms, the main point advanced by Peters is that global governance research should emancipate itself from political theory and refrain from making use of the latter's conceptions of legitimacy. Political theory engages in the construction of hypothetical legitimate orders and it is therefore permissible for it to equate legitimacy with the Western concept of democratic legitimacy. By contrast, International Relations research has to be heuristically open to the variety of existing views on legitimacy in the real world.

I agree with much of what Peters says. He is, I believe, correct in identifying over-generalization as a key problem in the debate about the legitimacy of global politics. Use of the term 'democracy' is undoubtedly over-generalized: the word is often used synonymously with 'liberal-representative democracy', which in turn is intended to imply the kind of democratic order known in Western societies. However, the problem of the over-general use of the concept of democracy, or democratic legitimacy, should not itself be over-generalized, and my main objection to Peters is that he runs the risk of doing exactly this in his critique. Whilst (rightly) criticizing the literature on global governance for an over-generalized use of the notion of democratic legitimacy, he himself tacitly brings to bear his own universalist assumptions regarding that notion. That said, whereas the first type of universalism, the one rejected by Peters, is indeed problematic, the second, his own variety, need not present a serious problem. In fact, it can be seen as exerting a normative pull towards a more just global order—a pull that is affecting Western and non-Western societies alike.

Let me try to formulate my objection to Peters more precisely. It is true that the system of liberal-representative democracy known from the context of the nation-state cannot simply be transposed to the global level. This would presuppose a broad global political consensus of a kind that is clearly still absent. However, it does not necessarily follow from this that there is no aspect at all of the concept of democratic legitimacy as developed in Western societies that could claim to be generally valid. What I want to argue, in other words, is that to reject outright the idea of 'transposing the concepts of Western democracy to the international level' (p. 6) is to over-generalize, because such a rejection does not differentiate between more and less context-dependent aspects of the concept of democratic legitimacy. This would appear to be a crucial problem in the debate about global legitimacy, which rarely distinguishes between the normative expectations attached to the idea of democratic legitimacy and the diversity of historical attempts to put those expectations into effect in the organization of politics. This distinction has an important consequence. Should it be the case that there is a more or less 'universally' shared idea of democratic legitimacy, it does not automatically follow that there is one particular way of organizing global politics to accord with that idea. Where cultural contexts differ, similar normative expectations may bring with them differing assumptions as to how politics should be organized to conform to them. To put it in other terms: views about democratic legitimacy may exhibit universality and diversity at one and the same time. This is what legitimacy-research needs to become sensitive to—and what Peters neglects. In this sense, his critique regarding the over-generalization of the concept of democratic legitimacy is only partly plausible: yes, democratic legitimacy is not necessarily tied to the kinds of institutional arrangements known in Western democracies; but no, this

does not imply that we can just drop the idea of democracy as a guiding ideal for how to 'do politics' correctly. And in fact, Peters himself tacitly links legitimacy with the idea of democracy: the methodology he proposes is based on the belief that to be able to define international legitimacy in a just way, we need to take equal account of the views and concerns of all those affected.

In order to substantiate the view that there may be a universalist normative core to the idea of democracy—despite the fact that there is no universal institutional recipe for how to realize it—I will now look in more detail at some of the debates that feature in political theory. Whether in International Relations research or in political theory, analysis of democratic legitimacy is undoubtedly partly biased by modern liberal premises. Other voices, however, stress the rather chequered development of democratic thinking in Western societies and point out that talking about 'Western democracy' masks what is in fact a history of ongoing controversy. This controversy has several dimensions. I have already mentioned the first—namely, that in everyday language 'democracy' has become a term that relates simultaneously to two things: on the one hand, right political practice, and on the other a specific set of political institutions (generally the parliamentary systems of Western societies). By analogy with Kenneth Dyson's (2010) famous distinction in regard to the state, one may speak of democracy as both an idea and an institution. But the problems do not stop here. Within each subset of democracy-as-institution and democracy-as-idea, there has been further controversy. The understanding of what kind of political organization constitutes a democracy is constantly changing. It has ranged from the direct democracy of the Greek agora through representative parliamentary democracy to today's notions of a 'counter-democracy' (Rosanvallon 2008) or 'monitoring democracy' (Keane 2009) that see national and transnational regulatory agencies as a necessary institutional counterweight to the shortcomings of majority rule. The same goes for democracy as an idea. In the course of numerous struggles for recognition (Honeth 1996), application of the term has steadily extended. As a result, there has also been a continuous broadening not only of democracy's constituencies but also of the issues it deals with. The circle of those authorized to raise claims in a democracy has gradually extended from a section of society comprising only free, white, property-owning males to today's wide compass where only children are legitimately excluded from political participation (and even the representation of animals is under discussion) (Latour 2004; Donaldson and Kymlicka 2012). Similarly, the range of issues to be dealt with democratically has gradually extended, with an associated shift of the boundary between public and private—as epitomized in the slogan 'The private is political'.

It is important to note that all these developments have taken place within the Western political tradition. To talk of 'Western democracy' is therefore misleading; it is more appropriate to think of democracy as a constantly moving target. The interesting thing, however, is that it should have remained a target at all, through all the ups and downs of history. For John Dunn (2006), this is the main puzzle of the story of democracy; and what explains this puzzle, he says, is a continuity lying at the heart of the idea of democracy. I alluded earlier to the historical struggles about how best to realize democracy. Throughout all these, the idea of democracy was strongly associated with the idea of political equality. The unchanged core of the concept of democratic legitimacy may be understood as a specific conviction:

the conviction that to be able to regulate social affairs in a just way, we need to take equal account of the views and concerns of all those affected.

It is important to note that, even if we accept this as the core idea of democracy, the idea itself offers no clue as to the institutional conditions needed for its realization. This will obviously depend on historical context. Differing historical contexts will throw up differing views as to who makes up democratic society (and is therefore authorized to make claims), what 'equality' means, which institutions put that equality into practice, and so on. Nonetheless, the core idea provides an answer to the question of how all these problems are to be resolved if outcomes are to be accepted as legitimate: differences must be settled by taking equal account of the views and concerns of all those affected.

From this perspective, the core idea of democracy is a negative, critical one: it stipulates the minimum criteria that any political order has to fulfil in order to qualify as democratically legitimate. If we assume that this core essentially constitutes a 'universal' basis of democracy, this may help us explain a rather astonishing phenomenon—namely, that although there are countless competing views about what makes an order democratic, and although the history of democracy is rife with examples of exclusion and injustice, the idea of democracy appears to be spreading across the globe and to be continuing to exert an emancipatory power (Sen 1999)—as recently demonstrated by the Arab Spring.

If we distinguish, as I have suggested, between the idea of democracy and the conditions required to realize it in our given historical context, then the co-existence of views that see democracy as universal and views that stress the need to acknowledge diversity is not necessarily an impossibility. Seen in this light, my brief rejoinder to the important argument set out by Peters will, I hope, become more intelligible. I began by stating that, whilst criticizing the International Relations literature for equating legitimacy with democratic legitimacy and thus taking a universalist standpoint, Peters himself tacitly makes the same equation. We can now see more clearly why this is so.

Peters highlights the fact that the conditions for realizing democracy at the global level differ from those that apply in democratic nation-states. Therefore, so he rightly argues, the concepts and structures around which democracy has been *institutionally organized* at the national level cannot simply be transposed to the global level. However, the alternative which Peters proposes for global governance research appears to be motivated by precisely the idea of democratic legitimacy outlined above. What is required, as far as Peters is concerned, is the inclusion of 'the, or affected by, global governance. And ultimately it is *their* judgment, *their* ascription that will be politically effective and determine the legitimacy of the institutions in question.' (p. 13). Meaningful enquiry into the conditions for a legitimate global order therefore presupposes the inclusion, on an equal footing, of the views of those affected by that order. This point is undoubtedly a valid one. However, one is tempted to point out that this requirement only arises because the very same idea that fuelled the development of Western democratic states is now prompting us to extend the principle of political equality beyond the national (Fraser 2008).

In this sense, then, the criticisms which Peters advances regarding an over-general use of the concept of democratic legitimacy are both right and not-so-right. One condition for arriving at a legitimate definition of the terms of global governance is to refrain from presupposing the institutions of Western democracy. Another condition, however, is to treat the views of all concerned in a way that ensures them an equal say in that definition—in other words, to treat them democratically. The same idea of democracy that shaped the struggles for recognition in the history of Western democracies is now exerting a normative pull across all political borders.

## References

- Donaldson, Sue, and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford: Oxford University Press.
- Dunn, John (2006). *Setting the People Free: the Story of Democracy*, London: Atlantic Books.
- Dyson, Kenneth (2010): *The State Tradition in Western Europe: A Study of an Idea and Institution*, Colchester: ECPR-Press.
- Fraser, Nancy (2008). *Spheres of Justice: Reimagining Political Space in a Globalizing World*, Cambridge: Polity Press.
- Keane, John (2009). *The Life and Death of Democracy*, London: Simon and Schuster.
- Latour, Bruno (2004). *Politics of Nature: How to Bring the Sciences into Democracy*, Cambridge, MA: Harvard University Press.
- Rosanvallon, Pierre (2008). *Counter-Democracy: Politics in an Age of Distrust*, Cambridge: Cambridge University Press.
- Sen, Amartya (1999). 'Democracy as a Universal Value', *Journal of Democracy* 10 (3): 3–17.





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