

Thiel, Thorsten

**Book Part — Published Version**

## The Normative Order of International Politics: Critique and Legitimacy

**Provided in Cooperation with:**

WZB Berlin Social Science Center

*Suggested Citation:* Thiel, Thorsten (2020) : The Normative Order of International Politics: Critique and Legitimacy, In: Kettemann, Matthias C. (Ed.): Navigating Normative Orders: Interdisciplinary Perspectives, ISBN 978-3-593-44550-2, Campus Verlag, Frankfurt/M., pp. 25-45

This Version is available at:

<https://hdl.handle.net/10419/235853>

**Standard-Nutzungsbedingungen:**

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

**Terms of use:**

*Documents in EconStor may be saved and copied for your personal and scholarly purposes.*

*You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.*

*If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.*



<https://creativecommons.org/licenses/by/4.0/>

# The Normative Order of International Politics: Critique and Legitimacy

*Thorsten Thiel\**

## 1. Introduction

These are turbulent times. Political orders are being confronted with ever-greater expectations and yet are seen as less and less able to fulfil them. Plurality and complexity are constantly increasing; urgency and the pressure to make decisions are ever-present. At the same time, the contextual conditions are changing rapidly: the public sphere is losing its contours and the systemic consequences of political decision-making are resulting in a widespread feeling of unease. Anger and resignation are the contrary and yet fraternal reactions to these developments, resulting in the increasing polarisation of all liberal democratic contemporary societies.

An important but often overlooked dimension of this development is the area of international governance. The times when international relations were categorically subjected to different evaluation and expectation criteria and were conducted without the pressure of public observation are long gone. The increase in the number of international institutions and the qualitative expansion of their regulatory scope has been rapid, and this has been followed by a discussion of the legitimacy of international governance – a trend that is equally evident in crisis discourses and street protests. From justice to participation, the institutions of international politics are being confronted with demands for legitimacy, in other words: they have become politicised (Zürn/Ecker-Ehrhardt 2013).

In the following, I intend to show how the normative order of international governance can be more sharply analysed by means of an intensified conversation between theories of international relations (IR) and ap-

---

\* I would like to thank Daniel Lambach, Stefan Kroll and Matthias C. Kettemann for their comments and improvements on the current version of this article. Thanks are also due to Nicole Deitelhoff and her Normative Orders team, of which the author was a member while carrying out the research for this article.

proaches from political theory (PT). The thesis of the paper is that the way in which critique is dealt with says something about the legitimacy of an order and that only a more complex understanding of the interplay of institutional and non-institutional practices of critique allows us to analyse and normatively assess “politicisation”. Specifically, I argue that in analyses of the legitimacy of international governance, critique is usually understood in a reductive way: as evidence of the legitimisation problems of the order. The existence of publicly articulated critique is thus inherently problematic and gives rise to a search for ways to take on board, integrate or refute the critique. But the connection between critique and the legitimisation of an order is more complex: this is evident in the fact that the very political orders that give high priority to organising and engaging with publicly articulated critique are regarded by us as democratic. It is not just the engagement with critique that testifies to an order’s reflexivity and capacity for renewal but also the acceptance of its persistence and the recognition of actors and demands as legitimate alternatives.

In three steps, I intend to show how democratic theoretical considerations can complement the views commonly held in IR: first, I will briefly reconstruct how research in IR has responded to the emergence of civil society critique, focusing in particular on the debate about inclusion through liberal governance mechanisms and the discussion of the regulatory power of counter-hegemonic actors in critical theories. The characteristic onesidedness of both of these will then lead me, in a second step, to turn to democratic theoretical approaches in PT. In this, the concept of “opposition” becomes a cipher for legitimate critique, yet the value of opposition and its form is determined very differently in different lines of thought. In my examination of the classical and conflict-based variations of democratic theory, I find that the debate on the politicisation of international relations would particularly benefit from a republican understanding of politics, since the analytical focus and normative impetus lies in the relation between the visibly controversial nature of order and the creation of sites for opinion formation in civil society. This allows me to formulate some final programmatic conclusions with a view to the stronger convergence of IR and normative political theory.

## 2. Liberal Inclusion and Counter-Hegemonic Revolution

Debates about the legitimacy of international governance have increased steadily since the 1990s.<sup>1</sup> Hence, for some time now, it has no longer been possible for international organisations to ignore this broad critique. Attempts to simply evade critique, such as relocating summits to places that are as difficult to reach as possible, and attempts to sit critique out can be regarded as similarly unsuccessful. Inactivity and isolation are rather interpreted as a symbol of an ever-distant order that cannot deal with critique – and therefore provokes it. The resulting attempts at reform seek to find a balance that allows involvement without having a lasting impact on efficiency and effectiveness and that is also compatible with the logic of the fundamental order of sovereign nation states.

The twofold movement – the substantial increase in both critique and reform efforts – has received much attention in the field of international relations and has prompted a considerable modification of theories, which now try more strongly to understand how the interaction of the order with its (civil society) critics is developing and the consequences of this development. These approaches claim to be able to explain the transformation of the international order better than the major theories of state action that have classically dominated IR.

Two ways of dealing with the issue particularly stand out, because they explicitly make the relationship between institutional and non-institutional actors the object of analysis: liberal governance theory and critical theories of international relations.<sup>2</sup> In the governance approach, involvement is

---

1 The debate on legitimacy has been most pronounced in research on Europe, where, since the end of the 1990s, there has been talk of a “normative turn”. As a result, the question of legitimacy has been placed on an equal footing with the classical questions about the nature of the European Union (confederation, federation, *sui generis*, etc.) and the reasons for integration or its absence (Bellamy/Castiglione 2003). The reasons for this discussion are, on the one hand, the remarkable depth of intervention and, on the other hand, the very early public questioning of the legitimacy of European institutions. Also with regard to the phenomenon of opposition, there is an independent debate with regard to the European Union (Neunreither 1998, Mair 2007). In this contribution, however, the focus will not be on the special case of European governance, but on the wider field of international politics.

2 Three further approaches, which are not reconstructed here, are: the discussions of the English school, which debate the possibility of normative evolution within the framework of international society (Daase 2010); the work of critical normative research (Wiener 2014), in which processes of contestation and the constitution of meaning re-

understood as a central value and the inclusion of critical voices is declared to be significant for the continued fulfilment of the function of international governance; in critical theories, on the other hand, there is a celebration of alternative political models that reveal themselves in the resistant action of excluded actors.<sup>3</sup>

## 2.1 Liberal Theories of Governance: The Inclusion of the Critic

Liberal governance theory assumes that there have been serious changes in international relations in recent decades with regard to the relevant actors and the methods of political governance. Governance is understood here as a specific perspective that makes these changes visible (Dingwerth/Pattberg 2006: 388). Within this, international institutions – i.e. organisations and normative arrangements – are considered to be the elements that allow the coordination of political units for the purpose of solving shared problems. The purpose of the policies put into effect by the institutions – and herein lie the liberal roots of this direction – is the free unfolding of individual potential.

The liberal governance perspective attempts to grasp this development analytically. With the help of the term “governance”, it seeks to emphasise the process character of political action. The analysis of the activity (governance) is differentiated from the analysis of the body carrying out this activity (government) and points to the complexity of the coordination efforts. The executing body is no longer thought of as a unit; nonetheless, it acts in a coordinated and intentional manner, and can thus also be distinguished from anarchic structures or market coordination (Benz 2004: 20).

---

ulting from them are of the utmost importance; and work on cosmopolitan democracy, which is closely connected to liberal governance theories, but makes arguments closer to world-state ideas of realisation (Archibugi/Held 2011). For a good overview of the debate in the IR, including a critique along the lines developed here, see Wolff/Zimmermann 2016.

3 Both the liberal and the critical approach understand themselves first and foremost as analytical perspectives that are primarily intended to examine the dynamics of international governance. However, normative evaluations are unavoidable, even if they are not always acknowledged in governance theories. Here, the focus will be solely on these normative aspects. The question is not which of the approaches is more analytically convincing, especially since I assume that the approaches have different phenomena in view and are therefore not mutually exclusive as long as they are not short-circuited by the concept of legitimacy.

The governance concept thus makes it possible to direct attention to the coordination mechanisms of the independent but interdependent actors who jointly attempt to solve problems. The actors considered in governance analyses (usually) act at different political levels (transnational/supranational/national/regional) or follow different logics of action (private/public) (a differentiation between the types is provided in: Zürn 1998: 169).

But how exactly is the inclusion of non-institutional and, in particular, openly critical voices, conceived in the governance concept? The self-selection of the actors, which is regarded as particularly inclusive and which corresponds to the dogma of horizontality, and the participatory pathos initially conceal the fact that there are indeed manifest barriers to entry (Schneiker/Joachim 2018). These are often of a structural nature, since the desired increase in efficiency and effectiveness requires an upper limit on opportunities for participation.

In addition, inclusion is intended to make responsible participation and the satisfaction of conflicting claims possible. This inclusion is thought to help to anticipate critique, make decisions more prudent and thus neutralise objections. In the governance approach, an attempt is made to cast legitimacy as a consequence of the combination of optimised output and the feeling of participation. Inclusion becomes an explicit and integral part of the legitimacy management of international organisations. If, however, the intention to include and efficiency requirements collide, the inclusion procedures are subject to tight limits. The focus is on conformist and well-organised civil society voices (Pantzerhielm/Holzscheiter/Bahr 2019). Governance mechanisms thus serve less to give voice to critique than to ensure that serious critique – that is, critique from influential and well-organised actors – is avoided. The aim is to prevent blockades and inefficiency, which is why governance can also be described as governing without opposition (Offe/Preuß 2006).

The critique-neutralising effect is reinforced by the fact that inclusion is realised through a consultation and negotiation mechanism. It thus does not take place before the eyes of a wider public, but is dependent on the semi-public negotiation processes. Often, only the agreed results, which are much harder to criticize, are made widely accessible. In this way, however, governance remains limited to organised actors who are ascribed representativeness in advance and who must have proven themselves in order to be granted this status in the first place. Knowledge of where positions can

be successfully introduced in the complex web of decision-making opportunities is necessary and forces a high degree of professionalisation and structuring.

In accordance with the general emphasis of liberal theories, participation is thus introduced under the banner of rationalising and limiting domination. It serves accountability and the transmission of pre-politically shaped interests and needs. Beyond these functional effects, no value is seen in participation, a position that completely overlooks the dynamics and significance of public preference formation (Anderl/Deitelhoff/Hack 2019). While the liberal paradigm in the nation state is additionally ensured by elections and a highly articulate public sphere, these elements are lacking in the international arena. Moreover, in the international sphere, the insider/outsider effect is further reinforced by the dense networking of the centre and the lack of a tradition of legitimate formulation of political alternatives. The propagated shift to the principle of stakeholder participation cannot, therefore, conceal the fact that the conditions for such self-executing control mechanisms are not given (a theoretical justification is provided by Greven 2007, reflections on the failure of the claims of current governance institutions can be found in Davis 2012).

## 2.2 Counter-Hegemony and Revolution: The Celebration of the Alternative

Critical theories of international relations have experienced a boom, not least as a reaction to the frustration of a civil society that has been called upon to become involved but has nevertheless felt left out in the cold (for more on the self-conception of and distinction from liberal theory, see Cox 1981, Sousa Santos 1998).<sup>4</sup> In them, an alternative interpretation of globalisation is proposed, in which the appearance of a self-confident new counter-actor, the alter-globalisation movement, offers hope that the system of global governance – which in itself cannot be reformed – can be replaced. Beyond the system diagnosis typical of critical theories, the intention is to take up the challenge of identifying alternatives – or at least possible places to formulate them.

---

<sup>4</sup> I use the term critical theory here in a broad sense, which also includes neo-Gramscian/post-Marxist and poststructuralist theories. These theories share a common attitude rather than a common methodological foundation.

In contrast to liberal governance theory, the focus here is on networked social movements. The emergence of a permanent social counterforce in the global system is seen as an opportunity for radical change; the crisis of the global order is declared a context for action that enables a comprehensive break with the order. Since the critical perspective makes explicit the injustice of the ruling order as a presupposition, the question of which side to take in the struggle has already been decided. Thus, critical approaches are closely linked to an activist self-understanding; they reflect this and actively formulate it. The approaches are deliberately radical: a demand for a complete restructuring is made, but how this will develop cannot be anticipated. The claim to know better is put aside in favour of the claim to make more voices audible (Sousa Santos 2006).

Critical theories determine the value of organising critique as a counterforce that, in the course of executing political action, changes everything. Thus, the critical actor in his diffuse form becomes an expression of hope and alternativity. Equality and inclusion are to be realised at the moment in which the critique is raised in a solidary gesture of mutual responsibility.

But what follows from this in terms of the possibilities for the permanent establishment and safeguarding of critique? Through the celebration of critique as such and the call to make otherness radically possible, the circumstance of how this plurality is actually to be preserved are lost. Since institutional mechanisms are undervalued or even explicitly rejected, all that remains is to assume that there is a dynamic:

“There is never in the multitude, however, any obligation in principle to power. On the contrary, in the multitude the right to disobedience and the right to difference are fundamental. The constitution of the multitude is based on the constant legitimate possibility of disobedience. Obligation arises for the multitude only in the process of decision making, as the result of its active political will, and the obligation lasts as long as that political will continues.” (Hardt/Negri 2004: 340)

This statement’s theoretical radicalness immediately encounters problems, since the understanding of power is solely focused on coordination in society and not on decision-making moments. Yet such an understanding of power, solely focused as it is on social coalitions, reaches its limits when the substantive postulates that motivate the political action of globalisation critics are to be rendered potent. The idea of a pluralistic consensus now comes into conflict with a liberal-autonomous agreement – especially if procedural mechanisms are to be abandoned due to their formative ef-



fect. Thus, the possibilities for temporalising political structures and for action are ignored and the option to apply counteracting control structures is abandoned. Institutional diversification is only recognised as breaking the power of the one unified will and is thus linked to a frowned-upon representation of elites. The plurality that is inherent in the image of the forum is therefore a very limited one; it entails tendencies of exclusion and is much less able to make currently non-present entities (e.g. later generations, environmental issues) present than its proponents assume. As long as the formulation of theory is oriented solely towards the peripheral structures of the alter-globalisation movement, which are not responsible for decision-making, the rhetorical amalgamation of unity and difference may still work. But as soon as we attempt to draw the promised democratic theoretical conclusions from this position, it becomes clear why this theoretical idea falls short: what is demanded is a substantive and structural otherness, but it is precisely this otherness that does not contain an answer to the establishment of the possibility of critique.

With regard to liberal theories of governance and critical theories of international relations, it can therefore be stated that, while there is a reaction to the politicisation of international governance, both perspectives ultimately propose to make this critique disappear (see also the contribution of Sara Dezalay and Stefan Kroll in this volume). In their attempts to let critique occupy its rightful place, these approaches co-opt critique in their own way: liberal governance theory does so by attempting to make critique useful for the functioning of the system, although it only takes critique seriously when it is organised and subordinated; critical theories do so by hypostatising critique and celebrating its existence as such without questioning its establishment. This leads us in the next step to an examination of the position of critique in the democratic nation-state and democratic theory, the principle of opposition.

### 3. Opposition and Legitimation: Approaches to Democratic Theory

Historically, it can be said that opposition, as both a characteristic and an instrument of representative democracy, is one of the most important developments of the nineteenth century. The history of the institutional

establishment of opposition is closely linked to the enforcement of political freedoms, and since the democratic revolutions of the modern era, a recognition has prevailed in Western democracies throughout the nineteenth century and into the twentieth century that dissenting opinions must not only be granted legal protection, but also the possibility of political organisation and articulation. Only in this way did social forces become able to position themselves in the political system and not just fight in a polarising way against it, which was the only way for the gradually democratising systems to moderate the social conflicts inherent in them (Tilly 2007).

From the middle of the second half of the twentieth century, this pattern changed once again: the hitherto dominant way of establishing opposition – approving the establishment of parties and protecting association and minority rights – was supplemented by a deliberately non-party form of organised protest, also described as extra-parliamentary opposition. The recognition of the legitimacy of dissenting positions, the protection of the right to protest, and the safeguarding of the organisational capacity of critical actors – together with the protection of the constitutional order and the right to vote – were thus established in a historical process as central characteristics of the democratic order (which were frequently demanded in comparisons with other forms of political order). Democracies are expected to be able to tolerate open social disputes, which, in an only seemingly paradoxical way, help them to explain their stability (Lefort 1986).

Despite the obvious importance of opposition for the self-description of democratic systems, there has been surprisingly little reflection on the associated sites and conditions within the literature on democratic theory. The reason for this lies in the understanding of democracy as the sovereignty of the people, which is linked to an idea of unity and cohesion and has so far only been incompletely replaced by the acceptance of social pluralism (Rosanvallon 2010: 27ff.).

In the following, my aim is to reconstruct the increasing awareness of opposition in democratic theory and to mark a theoretical potential for stimulating the debate in international relations. For this purpose, I have selected three relevant varieties of modern democratic theory, which explicitly make plurality and conflict indicators of democracy: deliberative, radical and republican theory.

### 3.1 Inclusion and Rationality: Deliberative Democratic Theory

Deliberative theories of democracy take as their starting point Jürgen Habermas's discourse ethics and theory of the public sphere, but they are increasingly developing into a theory that is also empirically infused and that is generating its own institutional proposals (Elstub 2010). Central to all variants, however, is that the unfolding public discourse is the founding element for the expectation of communicative reason and thus of the quality of political rule. Communicative reason results from the necessity to give reasons in public and to formulate arguments with a view to mutual acceptability. Only in public discourse, therefore, can the expectation of equality and freedom be met. The free and reciprocal discussion of reasons contributes to the improvement of collective decisions with regard to an abstract common ground, in that the inclusion of everyone in the discourse produces permanent exchange processes, learning effects and integration effects and thus ultimately increases acceptance and acceptability (Cohen 1989). A democratic proceduralism, in which justification and debate are public and permanent, connects further public and parliamentary decision-making (Habermas 1998).

The starting point for deliberative democratic theory is the polyphony of public discourse, which gives rise to the permanent need for communication. The guarantee of the possibility of active and public expression as well as the assurance that all collectively binding decisions can be referred back to the public decision-making process or at least take note of it are the direct consequences of the construction. Here, rationality and inclusion are not based solely on active participation but are also to be secured by supportive institutional mechanisms that justify the expectation of generally accepted policies.

The general preference for settings that allow for rational discussion – in that they ensure that a fair weighting of arguments is possible, that noise and non-argumentary influences are excluded, that a wide audience is reached and that opportunities for participation and inclusion are ensured – can be translated into institutional design proposals.

In these, it is usually a matter of taking critique into account in the run-up to the decision-making process. Inclusion is intended to ensure that the legitimacy of the decision-making process is maintained, even if the decision ultimately overrides objections. Clear institutional norms are considered necessary to ensure the functioning of the discourse. However, the

preconditions that critique must meet in form and presentation lead to a situation in which critical acts that do not correspond to this form are filtered out as unsuitable (Rummens 2008). Activist forms of politics, or more generally their symbolic-expressive side, are to be transformed into the most constructive input possible (for more on the debate on political activism and deliberation, see Young 2001).

This focus on objectification represents the most important objection to the understanding of opposition developed in deliberative democracy theory. Analytically, it elides large parts of real political debates, since these play out in a less ordered manner and convey strong emotional elements in addition to rational content. A deliberative democratically calibrated political process allows little scope for the development of separated positions, since it works on their compatibility at all times. Protest and resistance phenomena therefore cannot be grasped, either in their meaning or their dynamics, and the attempt to make protest obsolete through deliberative democratic instruments even reinforces resistance and discontent with the institutions (for an empirical study on this topic, see Karpowitz/Mansbridge 2005). Moreover, the focus of the discourse on justification processes runs the risk of automatically regarding all results achieved under these circumstances as justified. This is a tendency that becomes especially evident when the existence of inclusion mechanisms per se is evaluated as an argument against emerging critique or is used to delegitimise counter-positions that are not discourse-ready. Deliberative theories of democracy take the idea of exchange seriously in comparison to liberal theories of democracy, but ultimately they mainly supplement a functional understanding of control with a more epistemic dimension. There is a lack of sensitivity to the unintended creation of exclusion mechanisms and the dynamics of unfolding critique (for more details, see Deitelhoff/Thiel 2014).

### 3.2 Difference and the Political: Radical Democracy

Proponents of radical theories of democracy explicitly demarcate themselves from those of deliberative democracy theory. In the view of radical democratic theorists, the inclusive and participatory iterations of these theories only hide the repressive effects of such theorising. In particular, the ideal of consensus in democracy, which is also recognised in the back-

ground of deliberative democratic theory, is regarded as suppressing the real plurality of political societies. This analysis is updated with a critique of the real development of political systems, which are described as having slipped into a post-democratic condition in which the already weak form of realising democratic promise threatens to be lost for good in technocratic paralysis.

Radical democrats therefore demand that the concept of democracy be stripped of its paralysing neutrality, which aims at balance, and instead call for active and partisan intervention, to establish an us versus them (Mouffe 2007: 372). How the establishment of this ideal of democracy can take place is a relatively controversial topic for the key authors – among them Mouffe, Laclau or Ranciere, for example. Yet two central pillars can be identified on which the understanding of critique that is of interest in this context can be developed: constitutive difference and spontaneously realised equality in the execution of political action.

The assumption of constitutive difference causes representatives of radical democratic theories to understand society as something that can never be unified (Marchart 2010). It can only be bracketed off in symbolic terms. But if politics then nevertheless claims to decide for all people, then another characteristic juxtaposition arises directly from this: the distinction between politics and the political. Here, politics refers to the institutional sphere of the state, its monopoly on the use of force and its laws; the political refers to the opposite of social self-organisation. Any attempt by politics to create order must be undermined again by the fundamental plurality of society.

The second element of radical democratic theories is derived from the political: agonality and identity in the realisation of political action. Collective action is political precisely because of its capacity for self-organisation and the promises of equal freedom that arise within it. Radical democracy takes up the idea within classical participatory theories of democracy that democracy must be performative in an immediate way, which, however, in view of the plurality that underlies everything, can only be understood as something momentary:

“Democracy is not about where the political is located but about how it is experienced. Revolutions activate the demos and destroy boundaries that bar access to political experience. Individuals from the excluded social strata take on responsibilities, deliberate about goals and choices, and share in decisions that have broad consequences and affect unknown and distant

others. Thus revolutionary transgression is the means by which the demos makes itself political. It is by *statis*, not *physis*, that the demos acquire a civic nature.” (Wolin 1996: 38, see also in particular: Rancière 2010).

From the conflictual nature of society and the active momentum of political action arises a focus on identity building. This constant confrontation is the basis for the formation of the *we/they* constellations that shape the political process and motivate political action. Society’s self-description is constantly contested and is realised repeatedly in the confrontation between social groups and interest constellations.

What does this mean for critique and the place it occupies? Although the understanding of democracy as something irreconcilable immediately makes it clear that critique is always there, it is also stipulated that its place cannot be an institutional one. The political cannot be anything other than an interrupting force – and is thus anti-institutional. The emphasis placed on the political leads to a rejection of the ordering power of institutions (Rancière 2002: 77ff.). Radical democratic theory thrives on the pathos of the indissolubility of conflict and the dynamics of the emerging confrontation.

Radical democratic perspectives thus go beyond the limiting functional view, yet it is in their prior anti-institutional decision that we can identify their weaknesses: radical democratic authors are content to locate the phenomenon of protest and resistance ontologically; they do not ultimately attempt to explain them and understand their dynamics. Both the precondition for organising protest and making it visible and the problems of collective action are ignored, and the attempt to explain political action primarily through identity mechanisms proves insufficient (cf.: Jörke 2004, Schaap 2007).

The focus on political action as a protest event has further problematic consequences: for one thing, the fact that political action can cause a withdrawal of political action is not perceived. Depoliticisation is explained solely by discouragement and repression, which, however, leads the problem of frustration through political action despite the cyclical nature of political protest phenomena to be overlooked (for the classic work on this point, see Hirschman 1988) and the possible exclusions in the horizontal community of active people to be ignored. Also, from this perspective, theorists deprive themselves of the possibility of discussing the means of and motives for political protest, especially the role of violence, since the polarisation between politics and the political overrides everything else.

Thus, radical democratic theories are ultimately neither interested in nor able to discuss the conditions that enable democratic politics. Any attempt at structural-institutional consolidation is simply criticised as counteracting the spontaneity of acts critical of rule. The awareness of the “enabling character” of politics is lost and much of the real existing opposition mechanisms disappear from the theoretical radar (Volk 2013).

### 3.3 Contestation and Legitimacy: The Republican Theory of Democracy

The third approach, the republican theory of democracy, which is now to be discussed, likewise assumes pluralistically structured societies in which legitimacy is created by processing difference. Modern republican approaches extend and modify the classical republican tradition, which sought to integrate the polity through individual virtues and political participation. Thus, in the (neo-)republican reading, considerable space is also devoted to the other side of the relationship between institutions and citizens: the formation and motivation of civic engagement through the establishment of a political space that opens up possibilities. The ancient republican theoretical question about the foundation of freedom, the *constitutio libertatis*, is thus taken up, and a way is sought to reconcile action – and thus change – with stability.

The vanishing point of republican theory is the development of political freedom, although there is a decisive difference between the liberal freedom paradigm that dominates today and the republican one: whereas the liberal paradigm is mainly concerned with subjective protective rights and private conditions of possibility, which results in the fact that interventions by the state or private individuals must always be minimised (non-interference), the republican understanding is concerned with establishing freedom as non-domination (Skinner 1998). Freedom as non-domination allows interventions and regulations as long as they are in the interest of those whose options are restricted and who have the possibility to contest these decisions (Pettit 1999b, 2008).

However, it is not the abstract discussion of the justification of freedom but the question of institutional realisation that is of interest here: in this respect, republican approaches focus on enabling and encouraging critique. The history of unfolding democratic orders is interpreted as a departure from both the idea of popular rule and from the dogma of ma-

jority rule. The contestational dimension is placed on an equal footing with the electoral dimension of democracy (Rosanvallon 2010, Pettit 2000). With regard to the transformed understanding of legitimacy, Pettit emphasises:

“What might enable us to own a public decision? What might make it possible for such a decision not to have the aspect of an arbitrary act of interference? The answer which suggests itself is: the fact that we can more or less effectively contest the decision, if we find that it does not answer to our relevant interests or relevant ideas. [...] What matters is not the historical origin of the decisions in some form of consent but their modal or counterfactual responsiveness to the possibility of contestation” (Pettit 1999b: 185).

It is not the authorship of the people, but their editorship that is considered central (Pettit 1999a). Mistrust and the willingness to contest are thus necessary and positive elements of the democratic process; they are no longer regarded as a mere blockage of it:

“By ‘counter-democracy’ I mean not the opposite of democracy but rather a form of democracy that reinforces the usual electoral democracy as a kind of buttress, a democracy of indirect powers disseminated throughout society – in other words, a durable democracy of distrust, which complements the episodic democracy of the usual electoral-representative system. Thus counter-democracy is part of a larger system that also includes legal democratic institutions” (Rosanvallon 2009: 8).

This perspective is also intended to strengthen the control of the centre or the elites and to enable the discursive search for the best solution; yet beyond liberal and deliberative theories of democracy, a value in itself is seen in the complex interdependence of different forms of influence. Citizens have to concern themselves with their freedom and realise that political freedom consists of an ongoing process of engaging with and permanently reconstructing their political order. This shifts the question of legitimacy to the aspect of “how to sustain, intensify, and democratise the beginnings with which we are already confronted; and that is less a question about the qualities or virtues of persons than about the worldly intersection among persons, or between persons and the happenings they encounter, or fail to.” (Markell 2006: 12). The republican order – which, in its institutional logic, is based on friction and contradiction – is intended to enhance the chances of a political process in which the discourse between majorities and minorities does not break down, and politics is experienced



as open and responsive and, therefore, always lives with its admitted contingency. From the sum of these elements in turn a constant interest and active participation arises (for more detailed information: Thiel2012, Thiel/Volk 2016). An attempt is therefore made to institutionalise dissent in a consistent and complex manner – and to do this even if it comes at the expense of efficiency or reaction speed.<sup>5</sup>

With regard to the situation in the post-national constellation, the republican perspective offers an interesting tool for analysis, in that its understanding of politicisation as the development of possibilities for contestation is still largely untapped. Politicisation is positively connoted here with the unfolding of alternatives, and the action-motivating effect of making contingency visible is emphasised; conversely, depoliticisation strategies emerge as something problematic that reduces stability and identification (Selk 2011). The combination of institutional and performative aspects promises a more complex understanding of the dynamics of political institution building. For the field of international politics, the practice of transnational connections can be examined using the republican vocabulary and assessed in its potential to prompt the formation of political institutions (Tully 2006). At the same time, however, the value and problems of multi-level arrangements, legal control and representative-deliberative forums can be discussed without repeatedly lapsing into the juxtaposition of efficiency and participation. In particular, however, republican theory can be used to discover an understanding of opposition that makes it more than a potential government in waiting. Rather, it must be located in the political system in such a way that its visible presence underpins the contingency of the political and motivates the formulation of alternatives. Especially in the field of international politics, however, such a permanent admission as a legitimately recognised position or a form of public competition between them is almost unknown and not institutionally anchored (Ley 2015). It is the development of differently structured spaces in which dissent can first form and then articulate itself that receives special attention in republican

---

5 Institutional mechanisms of power sharing are the characteristic element of republican theories and have long been the marker of the difference between republicanism and democracy. Only the transformation of the concept of democracy in modern times and the establishment of representative mechanisms in the concept of democracy allows the attribution of elements such as the separation of powers, rule of law or the establishment of minorities to be conceptualised as democratic. Nonetheless, modern republican thought vehemently insists on updating the mechanisms of power sharing (e.g. Bellamy 2001, McCormick 2001)

theory. In a time in which the politicisation of international organisations is calling their functionality and legitimacy into question, a turn towards a theory that provides explanatory and analytical elements for this very constellation seems a promising approach.

#### 4. International/Political Theory – a Concluding Remark

Let us step back after this direct examination of the theories of international politics and the theory of democracy and reflect on the general relationship between the two types of theory: Although there are parallels between the development of democracy in the nation state and the currently ongoing politicisation of international politics, these are first and foremost on a very abstract level (increasing politicisation, the existence of plurality that cannot be negated). Reflection on the conceptual and terminological apparatus of established theories of democracy is possible and in many respects already a reality today: thus, for argumentation in the field of liberal governance theory, a direct recourse to texts and arguments of deliberative democracy theory can be observed; whereas in the field of critical IR theories – and especially directly in the writings of globalisation-critical actors – the reference to the representatives of radical democratic thinking cannot be ignored. At the same time, however, it is necessary to address where the demands and possibilities for legitimacy differ between the field of international politics and nation-state democracy, which results in the fact that it cannot be a matter of directly transferring institutional mechanisms from one sphere to the other but rather of views and concepts being discussed solely at the theoretical level, which in turn must be reflected upon as perspectives in concrete, developing practice.

In this respect, it has been suggested here that republican theory's focus on the interrelation between institutional and extra-institutional processes of contestation has an interesting payoff for IR, namely of addressing the dual development of frustration and radicalisation as a result of the isolation of elitist politics (Hay 2007). Simply demanding more or more authentic participation is not enough. Participation must not be reduced to co-determination, but what needs to be discussed is how opinions can be formulated and kept present even if they do not fit the logic of the decision. Associated with this, there is a turn towards a view of politics that

also takes into account expressiveness and performativity. Only when a political system is understood as open can individuals be expected to formulate critique and/or recognise elements of order. Only frustration and radicalisation lead to the breakdown of communication, and not critique as such. In this respect, a well-functioning institution must refer to its status as something that has been made and offer the possibility of working towards change on the part of those subject to it (Jaeggi 2009). The special challenge that modern democratic theory and theories of international relations must face is therefore to bring together institutional and non-institutional modes of political participation.

Critical theory and liberal governance theories as dominant views in IR have so far only recognised the phenomenon, but confronting it requires a rethinking of international governance (which has been impressively advanced so far by Daase/Deitelhoff 2018, Wiener 2017, Zürn 2018). This can and should take place in an exchange between political theory and the theories of international relations, whose questions connect to each other and which, in the medium of an international political theory, have the chance to provide relevant answers to the political challenges of our time.

## Literature

- Anderl, Felix, Nicole Deitelhoff, and Regina Hack (2019), Divide and Rule? The Politics of Self-Legitimation in the WTO. In Anderl et al.: *Rule and resistance beyond the nation state. Contestation, Escalation, Exit*, London.
- Archibugi, Daniel, and David Held (2011), Cosmopolitan Democracy: Paths and Agents. In *Ethics & International Affairs*, 25:4, 433–461.
- Bellamy, Richard (2001), The Rule of Law and the Rule of Persons. In *Critical Review of International Social and Political Philosophy* 4: 4, 221–251.
- Bellamy, Richard, and Dario Castiglione (2003), Legitimizing the Euro-polity and its Regime: The Normative Turn in EU Studies. In *European Journal of Political Theory* 2: 1, 7–34.
- Benz, Arthur (2004), Governance – Modebegriff oder nützliches sozialwissenschaftliches Konzept? In Arthur Benz, *Governance – Regieren in komplexen Mehrebenensystemen*, Wiesbaden, 11–28.
- Blondel, Jean (1997), Political Opposition in the Contemporary World. In *Government and Opposition* 32: 4, 462–486.
- Buchstein, Hubertus (2011), Demokratie. In Göhler, Gerhard, et al., *Politische Theorie: 25 umkämpfte Begriffe zur Einführung*, Wiesbaden, 46–63.
- Celikates, Robin (2010), Republikanismus zwischen Politik und Recht. Ein Literaturbericht. In *Zeitschrift für philosophische Forschung* 64: 1, 111–129.

- Cohen, Joshua (1989), Deliberation and Democratic Legitimacy. In Alan Hamlin, and Philip Pettit, *The Good Polity*, Oxford, 17–34.
- Cox, Robert W. (1981), Social Forces, States and World Orders: Beyond International Relations Theory. In *Millennium: Journal of International Studies* 10: 2, 126–155.
- Daase, Christopher (2010), Die Englische Schule. In Siegfried Schieder, Siegfried, and Manuela Spindler, *Theorien der Internationalen Beziehungen*, Opladen, 255–280.
- Daase, Christopher, and Nicole Deitelhoff, (2018), Opposition and dissidence: Two modes of resistance against international rule. In *Journal of International Political Theory* 15:1, 11–30.
- Davis, James W. (2012), A Critical View of Global Governance. In *Swiss Political Science Review* 18: 2, 272–286.
- Deitelhoff, Nicole, and Thorsten Thiel (2014), Keine Widerrede. Opposition und Deliberation in der überstaatlichen Politik. In Claudia Landwehr, and Rainer Schmalz-Bruns, *Deliberative Demokratie in der Diskussion*, Baden-Baden, 412–450.
- Dingwerth, Klaus, and Philipp Pattberg, (2006), Was ist Global Governance? In *Leviathan* 34: 3, 377–399.
- Elstub, Stephen (2010), The Third Generation of Deliberative Democracy, in: *Political Studies Review* 8: 3, 291–307.
- Gill, Stephen (2000), Toward a Postmodern Prince? The Battle in Seattle as a Moment in the New Politics of Globalisation. In *Millennium: Journal of International Studies* 29: 1, 131–140.
- Greven, Michael Th. (2007), Some Considerations on Participation in 'Participatory Governance'. In Beate Kohler-Koch, and Berthold Rittberger, *Debating the Democratic Legitimacy of the European Union*, Lanham, 233–248.
- Habermas, Jürgen (1998), *Faktizität und Geltung*, Frankfurt am Main.
- Hardt, Michael, and Antonio Negri (2004), *Multitude. War and Democracy in the Age of Empire*, New York.
- Hay, Colin (2007), *Why We Hate Politics*, Cambridge.
- Helms, Ludger (2004), Five Ways of Institutionalizing Political Opposition: Lessons from the Advanced Democracies. In *Government and Opposition* 39: 1, 22–54.
- Hirschman, Albert O. 1988: *Engagement und Enttäuschung. Über das Schwanken der Bürger zwischen Privatwohl und Gemeinwohl*, Frankfurt am Main.
- Jaeggi, Rahel 2009: Was ist eine (gute) Institution?, in: Forst, Rainer, et al.: *Sozialphilosophie und Kritik*, Frankfurt am Main, 528–544.
- Jörke, Dirk 2004: Die Agonalität des Demokratischen. Chantal Mouffe, in: Flügel, Oliver, et al.: *Die Rückkehr des Politischen*, Darmstadt, 164–184.
- Karpowitz, Christopher F./Mansbridge, Jane 2005: Disagreement and Consensus, in: *Journal of Public Deliberation* 1: 1, 348–364.
- Kreide, Regina 2008: Ambivalenz der Verrechtlichung – Probleme legitimen Regierens im internationalen Kontext, in: Kreide, Regina/Niederberger, Andreas: *Transnationale Verrechtlichung. Nationale Demokratien im Kontext globaler Politik*, Frankfurt am Main, 260–294.
- Lefort, Claude 1986: Pushing Back the Limits of the Possible, in: Thompson, John B.: *The Political Forms of Modern Society*, Cambridge, 307–319.

- Ley, Isabelle 2015: *Opposition im Völkerrecht. Ein Beitrag zu den legitimierungstheoretischen Grundlagen internationaler Rechtserzeugung und ihrer Anwendung*, Wiesbaden.
- Lovett, Frank/Pettit, Philip 2009: Neorepublicanism: A Normative and Institutional Research Program, in: *Annual Review of Political Science* 12: 1, 11–29.
- Mair, Peter 2007: Political Opposition and the European Union, in: *Government and Opposition* 42: 1, 1–17.
- Marchart, Oliver 2010: *Die politische Differenz: Zum Denken des Politischen bei Nancy, Lefort, Badiou, Laclau und Agamben*, Berlin.
- Markell, Patchen 2006: The Rule of the People: Arendt, Arche, and Democracy, in: *American Political Science Review* 100: 1, 1–14.
- McCormick, John P. 2001: Machiavellian Democracy: Controlling Elites with Ferocious Populism, in: *American Political Science Review* 95: 2, 297–313.
- Mouffe, Chantal 2005: *Exodus und Stellungskrieg. Die Zukunft radikaler Politik*, Wien.
- Mouffe, Chantal 2007: Deliberative Democracy or Agnostic Pluralism, in: Saward, Michael: *Democracy*, London, 365–374.
- Neunreither, Karlheinz 1998: Governance without Opposition: The Case of the European Union, in: *Government and Opposition* 33: 4, 419–441.
- Offe, Claus/Preuß, Ulrich K. 2006: The Problem of Legitimacy in the European Union. Is Democratization the Answer?, in: Crouch, Colin/Streeck, Wolfgang: *The Diversity of Democracy*, Cheltenham, 175–204.
- Pantzerhielm, Laura/Holzschelter, Anna/Bahr, Thirid 2019: Governing effectively in a complex world? How metagovernance norms and changing repertoires of knowledge shape international organization discourses on institutional order in global health, in *Cambridge Review of International Affairs*.
- Pettit, Philip 1999a: Republican Freedom and Contestatory Democratization, in: Hacker-Cordon, Casiano/Shapiro, Ian: *Democracy's Value*, Cambridge, 163–190.
- Pettit, Philip 1999b: *Republicanism: A Theory of Freedom and Government*, Oxford.
- Pettit, Philip 2000: Democracy: Electoral and Contestatory, in: Shapiro, Ian/Macedo, Stephen: *Designing Democratic Institutions*, New York, 105–146.
- Pettit, Philip 2008: Three Conceptions of Democratic Control, in: *Constellations* 15: 1, 46–55–441.
- Rancière, Jacques 2010: Ten Theses on Politics, in: Rancière, Jacques: *Dissensus. On Politics and Aesthetics*, London, 27–44.
- Rancière, Jacques 2002: *Das Unvernehmen. Politik und Philosophie*, Frankfurt am Main.
- Rosanvallon, Pierre 2009: *Counter Democracy. Politics in an Age of Distrust.*, Cambridge.
- Rosanvallon, Pierre 2010: *Demokratische Legitimität*, Hamburg.
- Rummens, Stefan 2008: Deliberation interrupted: Confronting Jürgen Habermas with Claude Lefort in: *Philosophy & Social Criticism* 34: 4, 383–408–441.
- Schaap, Andrew 2007: Political Theory and the Agony of Politics, in: *Political Studies Review* 5: 1, 56–72–441.
- Schneiker, Andrea/Joachim, Jutta 2018: Revisiting Global Governance in Multi-stakeholder Initiatives: Club Governance Based on Ideational Prealignments, in: *Global Society* 32.1, 2–22.
- Selk, Veith 2011: Die Politik der Entpolitisierung als Problem der Politikwissenschaft und der Demokratie, in: *Zeitschrift für Politische Theorie* 2: 2, 185–200–441.
- Skinner, Quentin 1998: *Liberty Before Liberalism*, Cambridge.

- Sousa Santos, Boaventura de 1998: Oppositional Postmodernism and Globalizations, in: *Law and Social Inquiry* 23: 1, 122–139–441.
- Sousa Santos, Boaventura de 2006: *The Rise of the Global Left: The World Social Forum and Beyond*, London.
- Thiel, Thorsten 2012: *Republikanismus und die Europäische Union – Eine Neubestimmung des Diskurses um die Legitimität europäischen Regierens*, Baden-Baden.
- Thiel, Thorsten/Volk, Christian 2016: Republikanismus des Dissenses, in: Thiel, Thorsten/Volk, Christian: *Die Aktualität republikanischer Theorie*, Baden-Baden, 345–369.
- Tilly, Charles 2007: Grudging Consent, in: *The American Interest* 3: 1, 17–23–441.
- Tully, James 2006: A New Kind of Europe? Democratic Integration in the European Union, in: *Critical Review* 10: 1, 71–86–441.
- Volk, Christian 2013: Zwischen Entpolitisierung und Radikalisierung. Zur Theorie von Demokratie und Politik in Zeiten des Widerstands, in: *Politische Vierteljahresschrift* 52: 1.
- Wiener, Antje 2014: *A Theory of Contestation*, Heidelberg.
- Wiener, Antje 2017: Agency of the governed in global international relations: access to norm validation, in: *Third World Thematics* 2:5, 709–725.
- Wolin, Sheldon S. 1996: Fugitive Democracy, in: Benhabib, Seyla: *Democracy and Difference*, Princeton, 31–45.
- Wolff, Jonas/Zimmermann, Lisbeth 2016: Between Banyans and battle scenes: Liberal norms, contestation, and the limits of critique, in: *Review of International Studies* 42:3, 513–534.
- Young, Iris Marion 2001: Activist Challenges to Deliberative Democracy, in: *Political Theory* 29: 5, 670–690.
- Zürn, Michael 1998: *Regieren jenseits des Nationalstaates*, Frankfurt am Main.
- Zürn, Michael 2018: *A Theory of Global Governance. Authority, Legitimacy & Contestation*. Oxford.
- Zürn, Michael/Ecker-Ehrhardt (Ed.) 2013: *Die Politisierung der Weltpolitik*, Berlin.