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Article



# Public sphere and global governance

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#### **Abstract**

This paper is about the effects of the absence and the possibility of the emergence of a normatively meaningful political public sphere. The effects of the lack of a global public sphere are far-reaching. Namely, the current crisis of global governance and the global political system can be traced back to the absence of a normatively meaningful public sphere that can mediate between global society and the authoritative institutions of global governance. At the same time, I argue that the absence of the public sphere is not primarily due to the population's attitudes trapped in national horizons but must be primarily attributed to the deficient institutional structure of the global political system.

#### **Keywords**

authority, deliberation, global governance, global society, legitimacy, international institutions, public sphere

### I. Introduction

At first glance, the topic of the role and function of the public sphere in the context of global governance seems to be dealt with only briefly. If one understands the public sphere as a sphere of communicative action with certain sophisticated characteristics and functions (cf. Peters 2007, 56), the verdict for the global level is negative. It does not exist now and will not exist in the foreseeable future. Jürgen Habermas described the concept in his seminal *Strukturwandel der Öffentlichkeit* (1991)<sup>1</sup> and later unfolded its normativity in *Between Facts and Norms* (1996). Empirical approaches employing a normatively demanding notion of the public sphere (cf. Gerhards, Neidhardt, and Rucht 1998) were carried out only in the context of the liberal—democratic state. According to widespread

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opinion, the very preconditions for a public sphere are missing on the global level: a self-description of world society as a collective with ideas of the common good.

Nevertheless, I aim for an analysis based on the counterfactual possibility of 'global publics'. Two well-known objections to such an approach do not hold. The first objection is that the distance between the counterfactual ideal and the observed reality is too great. According to this, the concept of a global public sphere as a normative and counterfactual ideal could not even be applied, because it would then degenerate into a pure utopia. This can be countered by the fact that, in many state democracies, too, practice and the normative ideal are now very much at odds with each other. Where information is used exclusively as a weapon and the claim to truth is completely abandoned in political debate, it is now difficult to recognize even trace elements of a normatively demanding public sphere. A public sphere that at least contains elements of deliberation then hardly exists any more in the national context either. The first televised debate between the two American presidential candidates in October 2020 is perhaps emblematic of this sad development. However, it is precisely the critique of such practices of political debate that makes it clear that a normatively demanding model of the public sphere can be analytically helpful, because these practices make it all the more necessary to talk about the public sphere (see also Peters 2007, 98). To put it differently, even if the gap between the counterfactual ideal and the world as it is seems insurmountable, this does not disqualify the normative standard. Would anyone actually want to argue that the normative concept of equality is less useful in South Africa (the country with the highest inequality according to the GINI Index) than in Slovenia (the country with the lowest inequality at present)?

The second objection is that the very precondition for a normatively demanding public sphere – that is, a state-constituted political community – is missing. Certainly, one cannot speak of a state-constituted political community on the global level. A world-state is also not the normative perspective on which this paper is based. Rather, a global political system has emerged that normatively and functionally requires a public sphere. In this sense, I consider a *polity*, but not the territorial state, as a prerequisite for a political public sphere. In doing so, I follow the debate on the European public sphere, which also refrains from assuming that the state is a precondition for the public sphere. In this context, too, the normative model is not overdue as long as it can be found in social expectations.

In order to make the theory of public sphere fruitful in the context of global governance, an analytical shift is required. It is less a question of whether a given society develops a sophisticated communication structure that de-facto meets the normative demands of a political public sphere (according to early public sphere research, such as Gerhards, Neidhardt, and Rucht 1998; Habermas 1991; Peters 2007), but more a question of potentiality: What are the conditions that a society must meet to be able to develop a public sphere? The prerequisite for the meaningfulness of the question is then no longer the existence of a mediating authority between a system of rule and those subjected to the rule. Rather, the mere existence of a system of rule that makes a public sphere normatively desirable is sufficient (cf. also Habermas 1996). This also brings into view the features of the system of rule that are partly responsible for the lack of formation of a normatively demanding political public sphere. In this regard, it is possible to build on the studies and discussions that emerged, especially in the late 1990s and early 2000s, on the emergence

of a European public sphere (Eder and Kantner 2000; Peters et al. 2006; Risse 2010; Trenz 2005; Wessler et al. 2008).

What is then meant by the term 'political public sphere'? In the course of the functional differentiation of societies, different sectoral public spheres emerge. For instance, the scientific public sphere and the art public sphere are already established to be transnational. In the following, however, I am concerned with the global political public sphere. A central characteristic of the political public sphere is that it can bring together different functionally and sectorally determined segments of public. The political public sphere is thus potentially thematically open to all themes and issues. It can take up issues that would normally be negotiated in a different public segment. This always happens when sectoral issues – such as scientific freedom in genetic research – find their way into the political sphere and are thus politicized.

In my analysis, I differentiate between four forms of political (non-)public sphere, building on the distinction between a deliberative and a liberal public sphere, a distinction introduced by Friedhelm Neidhardt's WZB group (Gerhards, Neidhardt, and Rucht 1998). In doing so, although these four forms are normatively sustainable in different ways, I assume that potentially they can all be observed. The 'normatively demanding and legitimizing political public sphere' has four characteristics. First, it must be able to function as a transmission link between the raw matter of world society and a global political system. In this model of the public sphere, therefore, there must be a participation channel that connects the periphery of all those affected by decision making with the political decision-making centre on both sides. Second, there must be the liberal minimal condition for publicness, according to which all positions on normative issues affecting the common good must be made communicatively transparent so that they are observable to all other actors (Gerhards, Neidhardt, and Rucht 1998, 29). Openness, however, is not enough. Third, communication must be discursive, that is, it must be provided with logical justifications and be respectfully interrelated. This makes the claim that such a public sphere generates an argumentatively supported majority opinion without degenerating into a 'verschleierten Macht der Majorität' (veiled power of the majority) (Habermas 1991, 32). In this context, it is obvious that public dialogue and discussion on all political decisions and regulations is factually impossible. 'The distinction between normal and extraordinary modes of posing and solving problems' (Habermas 1996, 358) is very important. When it comes to major issues in a society that go beyond the normal mode of sectoral concerns (extraordinary mode), a broadly based discourse is necessary. Fourth, therefore, the first three characteristics of the discerning public sphere mentioned above must be most apparent when dealing with large-scale, cross-sectoral societal issues and problems. This normatively demanding model of the public sphere describes a normative ideal. Empirically speaking, it already achieves a legitimacy-giving function by approximating the ideal.

In the other forms of the public sphere, we observe deviations from the ideal in at least one of the four characteristics of the normatively demanding public sphere. The *liberal political public sphere* allows all expressions on any issue. It is thus open and, in the best case, it also offers a two-way channel of communication. However, it lags behind in terms of deliberative demands and also has difficulty distinguishing big questions from small ones.<sup>3</sup> It

is thus only of limited legitimacy. The *pillarized political public sphere* is selective. It consists of various spheres of communication that are not open to all and that tend to close themselves off from one another. Deliberative processes may be possible within the encapsulated partial public spheres, but they are not brought together to address major issues that are then widely debated in society. In such sectoral sub-publics, the medium of interaction is often the Internet, the specialized press or personal exchange or communication at conferences and meetings. Finally, in the case of the *representative political public*, communication is a one-way street. As in courtly society, the public sphere is constituted by representing the rulers. It is a symbolic public sphere that does not fulfil the function of a transmission belt and, in a normative sense, cannot establish legitimacy.

Every individual and every public actor can communicate in several publics. This is true in functional as well as in spatial terms. Multiple participation in a national and global public sphere (possibly also in a European and an urban public sphere) is even the central prerequisite for achieving the necessary entanglement of the different public spheres. In a recent essay, Jürgen Habermas aptly described this problem with regard to the new federal states, which were incorporated into the pan-German public sphere overnight. He says that, at that time, the public sphere of the Federal Republic opened up to its new citizens, but they were denied their own public sphere; therefore, a shielded space for the overdue self-understanding was missing (Habermas 2020, 35). To that end, even national public spheres – especially if they are reasonably close to normative ideals – *must* persist in the wake of the emergence of a (normatively deficient) global public sphere.

Against the background of this conception of political public sphere, I would like to unfold the following four interconnected theses argumentatively and illustrate them empirically. First, I would like to address the thesis that a global political system emerged in the 1990s the latest, which, due to its claim to authority, requires a normatively demanding public sphere. Secondly, this global system is currently in a deep crisis, which finds its expression in a multitude and variety of challenges and contestations of global governance.<sup>4</sup> The third thesis states that the lack of a normatively demanding public sphere that acts as a mediating instance between global society and the authoritative instances of global governance is one of the central reasons for the legitimacy crisis. The fourth and ultimately central thesis is that the absence of the public sphere is not primarily due to the attitudes of populations trapped in the national horizon, but it must be primarily attributed to the specific institutional structure of the global political system. To put it differently, of the empirical determinants of a normatively demanding public sphere, the attitudinal prerequisites are more likely to be fulfilled than the institutional ones. This fourth thesis does not question the fact that the global public sphere in the normatively demanding sense is hardly formed and that a change in this state of affairs can hardly be expected in the short term. However, it does say that weaker forms of the global public sphere can be observed and that the politically active actors could provide the preconditions for the emergence of a normatively demanding global public sphere; thus, it does not fail per se because of the people or the human condition. This is only small consolation. In view of the widespread and growing scepticism towards a possible progressive political project beyond the nation-state, however, it is relevant. It is a matter

of rejecting the impossibility theorem (see also Koenig-Archibugi 2011). In other words, it is not due to the dominance of nationalist attitudes, but to the insufficient use of existing cosmopolitan attitudinal potentials.

## 2. The global political system in crisis

The current crisis of the global political system is palpable. A global political system can be said to exist when three conditions are met: First, the members of the system recognize that there is at least a rudimentary global common good (e.g. peace) as well as at least some global public goods (e.g. a sustainable ecosystem), the realization of which can only be achieved together. Second, there are international institutions and international organizations, such as the World Trade Organization (WTO) or the United Nations (UN), which, in case of doubt, can enforce the common good even against the short-term interests of individual members. Here, the ability to enforce is largely based on an uncoercive constraint, namely the recognition of such institutions as authorities. Third, these international authorities justify themselves to those who are affected by these policies – be it with good arguments or attempts at manipulation. International policies must be legitimized before a broad audience that includes national publics and governments as well as an imagined world society.

A global political system that exhibits these three characteristics emerged rudimentarily after World War II, but only fully with the fall of the Berlin Wall and the end of the division of Europe. The United States decisively shaped it in both phases. After the end of World War II, they created a new world order with the founding of the Bretton Woods Institutions and the UN, which was then extended and deepened in the 'unipolar moment' (Krauthammer 1990) after the end of the Cold War. After World War II, an international order that can be described as 'rule-based multilateralism' first emerged. Its social purpose was to promote free trade while protecting states' autonomy to cushion the world market's negative effects. This 'embedded liberalism' (Ruggie 1983, 281) in the economic sphere was regionally confined to the Western world and complemented by global but comparatively weak institutions, such as the UN.

It was not until the 1990s that the global political system fully formed. After the end of the Cold War, the UN Security Council expanded its activities and intervened in interstate and intrastate disputes. Quite a few of the interventions were aimed at preventing humanitarian disasters. Thus, the notion of the international community's responsibility for the security of people rather than just the security of states gained prominence. Thus, the International Criminal Court (ICC) was established to hold war criminals internationally accountable. The world trade order likewise continued to liberalize and was supplemented by a strong WTO. The International Monetary Fund (IMF) and the World Bank emerged as the central players in international financial policy. Furthermore, states signed a variety of other agreements and political bodies in the environmental as well as in the communications and transportation sectors. Overall, the authority of international institutions increased dramatically after 1990, much as it did after World War II. In the process, international organizations became not only stronger but also much more liberal

(Börzel and Zürn 2021). While the post-war order was primarily 'rule-based', post-national liberalism intervened more deeply in national societies.

This change increased the need for justification. The authority of international organizations grew and increasingly required justification through references to global goods and the global common good. The majority of new international treaties and organizations contain preambles that emphasize not only specific cooperation goals but also global common goods such as peace, global progress, political freedom, global justice, global humanity and the like. At the same time, the addressees of international organizations' communications are changing. They address governments as well as national and transnational societies to justify their authority (Ecker-Ehrhardt 2020). These justifications presuppose a space of communicative interactions between states and non-state actors about international affairs. During this heyday, contours of a public sphere also emerged (Ruggie 2004, 519), although it was still highly pillarized and, especially in the context of G8 and G20 meetings, also contained elements of a representational public sphere.

However, the global political system did not succeed in consolidating itself in the period that followed. Critical perspectives pointed to the economic and political inequalities. In the Global South, the post-colonial structures inscribed in this order were denounced. Rising powers increasingly demanded a voice. Furthermore, within the Western world, growing inequality was attributed to the neo-liberally defined Bretton Woods Institutions.<sup>5</sup>

Against this background, the election of Donald Trump as President of the United States proved to be particularly consequential for the global political system. With Trump, the President of the country that acted as the bearer of this order explicitly questioned the normative foundations mentioned above. The mere idea of a global common good was simply rejected. 'America First', on the other hand, was the motto. Trump saw above all a world order characterized by competition. China and Russia, in particular, were branded as 'rival powers' that would endanger the US influence. Accordingly, political institutions for the realization of common interests are therefore also superfluous. The US withdrawal from the Trans-Pacific Partnership (TPP), the World Health Organization, the Iran nuclear deal and the Paris Agreement were therefore seen by him as successes of his policy. Finally, the presidency was entirely inward-looking. A justification of the policy to all those affected by it was not even attempted. Rather, political standards were developed that, in their one-sidedness, undermined the normative foundations of the global political system. It was exclusively about protecting the American homeland, promoting American prosperity and economic security, defending American borders through military strength and increasing American influence in the world.

Donald Trump, however, is not the only one to challenge the order that has just been established and plunge it into crisis with political actions. A whole series of challengers to the global political system can be identified who otherwise have little in common:

 Authoritarian potentates such as Putin, Erdoğan, Modi and Orbán, for example, who emphasize national sovereignty in particular and criticize the concrete practice of international institutions;

 Authoritarian populist groups in consolidated democracies (including Le Pen, Gauland and Wilder) that portray international institutions as instruments of a cosmopolitan class that go against national interests;

- 'Rising powers' such as China, Brazil (which, under Bolsonaro, seems to have slipped into the first group) and India (with similar tendencies as in Brazil), which recognize the fundamental necessity of international institutions but want to free them from Western dominance;
- Fundamentalist religious movements, especially in the Middle East, that see international institutions as instruments of domination by a wicked Western order;
- Transnational non-governmental organizations such as ATTAC or Occupy, which, in a critical stance toward capitalism, mostly seek different, although often stronger, international institutions.

The criticism is multifaceted. It is directed both against the normative foundations of the global political system and against the concrete international institutions and their practices. One part of these actors instrumentalizes the 'world public' in a cynical way; another part addresses it with critical intent. The result is paradoxical. At a time when a strong global political system would be especially necessary — to avert the global climate crisis through active policies, stabilize financial markets, contain the new behemoths of the digital economy, prevent new arms races, limit trade wars and superpower rivalries between the United States and China, and contain a global pandemic — at this very time, the institutions of global governance are being fundamentally attacked and their normative foundations rejected. Judith Kelley and Beth Simmons sum up the situation succinctly in a memorable phrase: 'Global governance has never seemed more necessary, and yet so under attack' (2020, 1). The global political system is indeed in crisis.

# 3. The absence of a global public sphere as the cause of the crisis

How could the crisis of the still-so-young global political system come about? The simplest explanation is that the global political system has produced poor results. However, if we look at some highly aggregated developments since 1990, a remarkably positive outcome emerges. The Human Development Index (HDI) has risen since the 1990s like never before. Inequality has declined significantly on a global scale, largely because many people in China and in other countries in Asia, and to some extent in Latin America and Africa, have escaped absolute poverty and now belong to the 'global middle class' (see Milanović 2018). The number of annual war deaths has also fallen to historically low levels. If one measures a global political system by the metrics of *global* social developments, then the period since 1990 must be considered successful.

Two other explanations lead further in answering the question. One of them points to the comprehensive change in the international power structure. With the rise of the rising powers, the distribution of power among states in the international system has changed dramatically. The economic power of the Western industrialized countries has declined sharply relative to the fast-growing economies of Asia, and to some extent also Latin America and Africa. China can now compete with the United States on an equal footing,

and regional powers in the Global South such as India, Brazil and South Africa have become serious players in the international system. According to this statement, the changed distribution of power leads the new and emerging powers to view the global political system as a Western product that disadvantages the Global South. What is required is an adaptation of international institutions to the new power realities (Zangl et al. 2016). The other explanation assumes that the liberal orientation and open borders of the global political system, especially within the Western industrialized countries, have created economic and cultural losers. Accordingly, it is the losers of globalization, particularly within consolidated democracies, who demand increased control of borders and uphold national sovereignty against the impositions of a global political system (cf. de Wilde et al. 2019).

These two explanations each take a partial view of the challenges facing the global political system. The thesis on the new international distribution of power overlooks the fact that, in many respects, the greatest and most fundamental challenges to the global political system are to be observed within the old industrialized countries. The thesis on growing inequality within societies does not sufficiently consider that many winners of globalization in the Global South also oppose the global political system. These two explanations can thus each explain part of the challenges to the global political system. However, they ignore the contextual change that underlies the crisis and thus fail to consider the crucial mechanism that leads to discontent and resistance.

These considerations lead to an explanation endogenous to the global political system that integrates the two prevailing partial explanations. This interpretation takes the central feature of the global political system as its starting point. Namely, it exercises political authority. To cite just a few examples of this, it can intervene by violent means to protect human rights, as the UN Security Council has done; it can impose austerity policies on countries, as in the case of the IMF and private 'rating agencies' vis-à-vis Latin American as well as Southern European countries; it can prohibit national policies to protect national industry through the WTO's Dispute Settlement Body; and it can call for measures to protect the global environment (e.g. the Paris Agreement), among many others. The interplay of these authorities makes it a system of domination. It is the emergence of a global political system that makes plausible the thesis that it is international institutions that are to blame for growing inequality. Only the importance of these institutions justifies the unconditional claim to have an equal say in the policies that these institutions formulate.

Global governance after 1990 thus involves a considerable degree of authority and rule. However, their exercise must be legitimized. This 'must' have a normative meaning in the first place. Since Hobbes, modern political theory has not only pointed to the necessity of political authority; at its core, it has also always made clear that collective restrictions on individual freedom of action can only be legitimate under certain conditions and with due regard for proper decision-making procedures. This normative obligation to justify political authority (Forst 2007; Habermas 1992) has translated into an empirical equivalent at least since the modern era. Max Weber already worked this out clearly. According to this, the emergence of authority is normally connected with the constant attempt to awaken and cultivate belief in its legitimacy (2013, 451). This

empirical perspective is about legitimacy beliefs. While the global political system is seen as influential, there is a lack of belief in its legitimacy on the part of those affected.

But what are the conditions under which the global political system can achieve empirical legitimacy? A convincing legitimacy narrative is needed to justify the necessity and desirability of political rule. Such a narrative must include reasons for functional necessity, convey political visions and goals, and point to decision-making procedures conducive to legitimacy. However, this narrative cannot be formulated in a vacuum and with exclusively manipulative intent, but it must also approximate political practice.

There are now two peculiarities of the global political system that make the development of a legitimacy-building narrative difficult or impossible. On one hand, there is a lack of public debate about conflicting goals in a global society. Questions of regulation are discussed, as it were, in an encapsulated manner, by fragmented sub-publics that have no connection to the broader political public. There is no overarching debate that can fuel the political competition between socially supported solutions and world views and thus promote political goals and visions. Consequently, technocratic attempts at legitimation dominate at the international level. The justification of international authority is thus primarily based on expertise and effectiveness, not on public debate, democratic deliberation or at least indirect political participation. This flimsy legitimacy often fails to cover the depth of political intervention by international institutions. The prevailing technocratic legitimation narrative is thus reaching its limits. Military interventions by the international community of states or the enforcement of austerity policies cannot be justified solely on technocratic grounds.

On the other hand, there is a lack of reliability. Only when it becomes credible that like cases are also treated alike by the political system can public debates refer to the rule instead of just the individual case. However, international institutions perpetuate the inequality of states to the extent that no neutral exercise of international authority is possible. It is structurally impossible for the IMF to impose an austerity program on the United States against its will. Thus, there is a lack of impartial exercise of authority, so that systematically like cases are also treated alike. This erodes the most fundamental source of legitimacy of all: the belief in the legal form and rule-based nature of political authority. Without the rule of law, there can be no normatively demanding public sphere, because there are only innumerable cases, but no guiding rules on which to deliberate.

As a result of these two legitimacy problems, a gap developed in the 1990s: While the political authority of the global political system grew dramatically with respect to most states and societies, legitimacy efforts hardly showed the desired effects despite all efforts of international organizations (see Ecker-Ehrhardt 2020; Dingwerth et al. 2019). The extent of political authority that actually existed was increasingly less covered by the corresponding belief in legitimacy. In particular, the absence of a normatively demanding public sphere makes it difficult to generate sufficient belief in legitimacy. As a result, we see an endogenously induced legitimacy crisis of the global political system. In fact, all the above-mentioned critics of global governance also justify their resistance by looking at the two discussed legitimacy problems: technocratic encapsulation and institutionalized inequality between states. Another look at the list of opponents of the global political system makes this clear.

- Authoritarian potentates such as Putin, Erdoğan, Modi and Orbán mostly criticize
  the double standards of international institutions and therefore demand national
  sovereignty;
- Authoritarian populist groups in consolidated democracies turn against the distant, aloof liberal cosmopolitans who have the say there. At its core, this is a critique of seemingly technocratic rule set against the apparent will of the national majority;
- Rising powers seek other international institutions that give them adequate participation and voice, and reduce the inscribed inequality in rule application;
- Fundamentalist religious movements see international institutions as instruments of Western imperialism, serving the ongoing suppression of Islam;
- Transnational NGOs are mainly campaigning for a democratization of international institutions in order to put an end to their neoliberal orientation and instrumentalization by large American and European corporations.

Of course, these justifications do not always coincide with the underlying motives. Political justifications often serve quite different interests. Criticism is often based on the pure interests of authoritarian governments, the concealment of expansive power policies of emerging powers and, last but not least, the attempt to protect one's economy and electorate from the rigours of global competition. In this respect, the shift of power in the international system and the growing inequalities in most consolidated democracies strengthen the critique. However, these strategic goals and the rejection of international institutions are almost all expressed in criticism of the lack of legitimacy of international authorities. In this respect, one can speak of a legitimacy crisis of the global political system.

This explanation of the current crisis of the global political system is not challenged solely by the conviction that the emergence of a broad global public sphere is structurally impossible in the liberal or normatively demanding variant. Given this explanation, those who adhere to the impossibility theorem will have to conclude that international institutions with authority cannot be based on recognition at all in the medium and long term, and must therefore be dismantled. But is the impossibility theorem tenable at all?

# 4. Socio-cultural preconditions of a global political public sphere

The existence of a deliberative or at least liberal public sphere could help to overcome the legitimacy crisis of a global political system endowed with authority. On the one hand, a functioning public sphere could enable the technocratically encapsulated sub-publics to be linked to a global debate on the content and achievement of a global common good. It would presumably also generate discursive pressure to reduce institutionalized inequalities. After all, the institutionalization of inequality can only exist if it is protected from the publics. To be sure, public spheres only weakly prejudge policy outcomes and leave ample room for policies that de facto generate inequalities. However, the demand for the equal and legal application of political rules and laws as a minimum condition of a just order is inscribed in the principles of the public sphere.

The point is that the change in the (socio-)spatial frame of reference of the public sphere is not matched by a structural shift in the public sphere. But why is there no global political public sphere that docks onto the global political system to regulate global publics? Why is there no uncoerced formation of opinion and will of a political community on the regulation of public affairs at the global level (Peters 1994, 45)? Or to take up a formulation from Habermas (Habermas 1991, 45): What has to change so that the manipulative use of media power to procure mass loyalty can be crossed with the communicative generation of legitimate power, in order to make genuine belief in legitimacy possible?

The still prevailing answer to the lack of such a socio-spatial change in the structure of the public sphere points to the socio-cultural framework conditions and ultimately to the lack of individual preconditions. The formulation on the impossibility of a European public sphere by Peter Graf Kielmansegg (2003, 58, first 1994) can still be regarded as a style-setting one: He states that Europe, even the narrower Western Europe, is not a community of communication, hardly a community of memory, and only to a very limited extent a community of experience. In this perspective, the assessment about Europe applies all the more to the global political system. It lacks the *demos* to be able to form a global communication community or a global public sphere (cf. Dahl 1994; Miller 1995; Peters et al. 2006). In this view, identity-forming collectives are trapped in national space and no interest develops in European or global public spheres. Thus, solidarity with others also ends at the borders of the nation-state. Even if one strips this argument of its cultural-identitarian excess (i.e. the heavy baggage of the shared memory) and focuses only on the civic necessity of a collective's self-description as a society, it remains correct: Certain socio-cultural preconditions must be in place before a political public sphere can emerge.

Does the socio-cultural impossibility theorem hold empirically? Before a public sphere can form as a collective in global space, three prerequisites in particular must be met. First, it must be recognized that there are political institutions in the global space that can make decisions of relevance to the individuals concerned and thereby promote the common good. The existence and desirability of a global political system must therefore be reflected in people's beliefs. Second, there must be evidence that interests are mobilizing and organizing in reference to the political system. There must therefore be a willingness to organize interests at the global level. Third, and finally, the members of a global community must recognize each other as legitimate members, at least in a mitigated way. Rights must be recognized and there must be certain solidarity toward all members. The global society must see itself as such. Provided these conditions are met, then the lack of a common language should not be an insurmountable obstacle. The history of Switzerland, India and even early France shows that this hurdle can be overcome, even under technologically far more difficult conditions than today.

The numerous studies on the Europeanization of societies have already shown that there are more elements of a European public sphere than the *demos* theorists suggest (see, for example, Gerhards 2000; Eder and Kantner 2000; Koopmans and Statham 2010; Risse 2010; Trenz 2000; Zürn 2000). At least to some extent, a similar picture can be observed globally.

## 4.1. Recognition of a global political system

Are there signs of broad recognition of the functional necessity of cross-border regulations and will-forming processes? In answering this question, one must first rely on surveys. One may be critical of such surveys, but they offer a first clue. In contrast to earlier work, it has been shown that individuals now have reasonably structured, consistent, and stable attitudes toward world politics (Gravelle, Reifler, and Scotto 2017). For the most part, attitudes turn out to be consistent with domestic political beliefs (Bayram 2017; Hooghe and Marks 2019).

With regard to Germany, there are two older data sets that specifically survey attitudes toward international institutions (cf. Ecker-Ehrhardt and Wessels 2013; Mau 2007). According to these, a significant proportion of the population attributes central importance to international institutions for a growing share of problems. More than half (55 percent) of the German population expresses the view that they can best tackle the problems arising from globalization. In fact, international organizations are also ascribed considerable importance. In terms of what happens in the world, German citizens consider all the observed international organizations (EU, World Bank, IMF, WTO, G8, UN) to be significantly more influential than the German government. In other words, the population not only considers the solution of globalization-induced problems by international institutions to be desirable, they also already attribute considerable influence to these institutions in real political terms.

Admittedly, such an assessment of international institutions in Germany does not imply a corresponding global acceptance. However, some evidence suggests that attitudes toward international institutions are not based on European exceptionalism (Dellmuth and Tallberg 2023; Ecker-Ehrhardt 2012; 2016; Grigorescu 2015). For example, the various waves of the World Value Survey (WVS), show that a majority of the world's population has a high level of trust in the UN Globally, 42.2 percent in 2020 and 42.3 percent in 2009 rated the UN positively ('a great deal' or 'quite a lot'); these figures do not change significantly when respondents from EU member states are excluded. In fact, the UN fares significantly worse only in the Middle East (Egypt had the lowest score in 2020, at 1.8 percent; Iran, at 44.9 percent, is at the average).

Survey experiments yield even clearer results. Farsan Ghassim, Mathias Koenig-Archibugi and Luis Cabrera (2020) use a survey of six critical countries (Argentina, China, India, Russia, Spain and the United States) to show that there is a high level of support for maintaining and expanding the authority of the UN. Moreover, the experiment shows that this support increases when institutionalized inequality is reduced and broader participation is enabled. In an impressive paper, Farsan Ghassim (2020) extends these findings based on a variety of survey data and survey experiments in five countries: Brazil, Germany, Japan, the United States and the United Kingdom. It turns out that the majority in all of these countries want strong international institutions, provided that these are also democratically legitimate. Dellmuth and Tallberg (2023), in turn, show in their survey experiments that, although political elites have a considerable influence on the opinions of the populations about international institutions, ultimately the same legitimacy requirements are placed on international institutions as on nation-state ones.

Taken together, these findings quite clearly contradict the view of international organizations as technical agencies that solve coordination problems on behalf of democratically legitimized governments without the population taking any interest in them (cf. Kahler 2004; Moravcsik 2006). As a result, international institutions have established themselves as relevant addressees of expectations and demands and, at the same time, they are under critical scrutiny by broader population segments.

### 4.2. Mobilization

The next question is whether social groups develop independent expectations and strategies toward international institutions. Can we observe a trend toward politicization of international affairs? Indeed, national publics, parliaments and transnational civil society are no longer readily willing to wave through the important outcomes of major international negotiations as an urgently needed success of international cooperation (see Zürn and Ecker-Ehrhardt 2013). The outcome of international negotiations is no longer welcomed simply because they have led to a result. The procedural genesis, the content of the outcomes of international policy processes and, above all, the associated subsystemic allocations of competences require justification. Even for international institutions, the 'right to justification' (cf. Forst 2007) is now also being asserted. However, the politicization of international institutions does not occur solely through protest. At the same time, many transnational non-governmental organizations and social movements are calling for more robust international and transnational organizations, thus targeting the unmet need for regulation. It is this dual movement consisting of growing protests against – and at the same time intensified use of – international institutions that points to an increasing *politicization of* global politics: to the public thematization of international affairs and the public questioning of politically binding regulations of international institutions (Zürn 2018, Ch. 7). Catherine de Vries, Sara Hobolt and Stefanie Walter (2021, 324) put it succinctly: 'In times of a growing politicization of international politics, the mass public has taken on a more active role in international politics and does not always behave in ways predicted by governments'.

# 4.3. Rights and solidarity

The constitution of a public sphere presupposes that its members recognize each other as holders of rights. These include the right to freedom of expression, but also the recognition of mutual obligations. In the global context, some of these fundamental rights are inscribed in international agreements. Transnational organizations such as Amnesty International or Human Rights Watch try to enforce these rights globally with their information and naming-and-shaming strategies. The fact that these measures are only partially successful should not obscure that Amnesty International and Human Rights Watch are held in high esteem globally and enjoy a great deal of social support. Violations of human rights, including the right to participation, have certainly not decreased in recent years. However, this is precisely the area where even otherwise openly authoritarian

populist governments obfuscate, cover up and attempt to prevent the transnational flow of information. This, too, can be read as a sign of a generalized recognition of such rights.

Even elements of transnational solidarity can be discerned. In the European context, the recent survey by Gerhards et al. (2020, 63) in thirteen EU countries yielded remarkable results: 66 percent are in favour of fiscal support for other crisis-stricken EU countries, compared with 83 percent who are in favour of supporting regions in their own home countries, and 49 percent who want this even for non-European countries. Even 80 percent are in favour of harmonizing social policy measures across Europe (Gerhards et al. 2020, 147). In this respect, it could no longer come as a surprise that taking on European debt in order to help European regions that are particularly affected economically by COVID-19 pandemic did not meet with any resistance from the populations of the richer countries. There is thus some evidence that this is the EU's Hamiltonian moment (Habermas 2020) and that such aid is becoming institutionalized so that it will take effect again in similar cases.

In the global context, the solidarity potential is weaker. What is certain, however, is that it is sufficient for emergency aid in the event of inculpable humanitarian catastrophes, and that it is then remarkably pronounced (Radtke 2007; Binder 2009). The data of Gerhards et al. (2020, 63) further indicate that solidarity potential does exist in crisis situations (49 percent), even independently of the debt issue, but that it still has to pass the field test. The ability to institutionalize such aid is likely to be limited, however, as the decades-long standstill in official development assistance indicates. When it comes to the question of the appropriate place for a sociopolitical correction of market outcomes, that is, the institutionalization of social rights independent of the question of guilt, as it were, the nation-state still seems to be the first to address, although this need not contradict the functional logic of a global political system.

# 5. The institutional causes of the publicity deficit

Overall, there is much to suggest that individual attitudes and socio-cultural preconditions are not the decisive obstacle to the emergence of a global public sphere. There are already signs of a global society as a collective, which, however, has not yet been able to produce a normatively demanding political public sphere. Individual attitudes and socio-cultural preconditions are obviously fluid and they change depending on contextual factors. The global political system is one of the most important contextual factors. Its given institutional structure hinders the emergence of a normatively demanding public sphere that could establish a legitimizing link between global society and the global political system. Two features of the global political system are responsible for this.

The first one is that, there is a lack of institutional fora or venues where the coordination of different international institutions can reasonably take place. A broad public, however, needs a venue for coordination among different sectoral institutions because final decisions must be identifiable and assignable. In a national political system, coordination occurs through formal procedures on the part of political institutions, such as cabinet regulations, supreme courts or parliaments. For example, it is generally the responsibility of the heads of government to decide on conflicts between ministries. In addition, in many

constitutional states, constitutional courts adjudicate the appropriate balancing of different legal principles when fundamental objectives conflict, for example, between freedom and security. In Westminster systems, it is primarily the Parliament that plays this role. These instances of coordinating sectoral policies enable broad public debates in which different views and positions about society as a whole are presented and participants from different sectors contribute (Neidhardt, Eilders, and Pfetsch 2004, 11). Beyond the nation-state, the institutional preconditions for this are lacking. Unlike national political systems, the global political system consists of a complex and fluid patchwork of overlapping jurisdictions. All issue areas have developed their own norms and rules with their own composition of actors. Membership in the Organization for Economic Cooperation and Development (OECD), for example, differs significantly from the WTO. Debates and discourses take place almost exclusively in the sectoral publics of these organizations. However, these sectoral sub-publics do not deal with the side effects of certain measures for other subject areas.

Against this backdrop, the international system has produced some informal substitute institutions, some of which appear to be hierarchical in their coordination. First, the US government filled the role to some degree, especially immediately after World War II and after the end of the Cold War (Ikenberry 2011). In these moments of unipolarity, the President of the United States identified the most pressing problems, set priorities, and delegated the handling of the problems to specific institutions. However, these moments of unipolarity were temporary.

The second candidate for a meta-authority in the global political system is the UN Security Council. After the UN General Assembly proved unable to fill this role in any way, the UN Security Council has attempted in part to fill the gap. After the end of the Cold War, it often decided on those issues where the two goals — international peace and the protection of human rights — seemed to contradict each other. But all too often it proved unable to act in the face of the veto votes of the five permanent members. Over the past two decades, therefore, the G7/8/20 meetings seem to have most visibly established themselves as the central coordinating authority. They sometimes take up pressing issues that are not adequately addressed by the existing international institutions and assign tasks, such as in the financial crisis. However, these attempts have not had lasting success.

All these three candidates for the role of coordinator between different sectors and levels in the global political system – the US government, the UN Security Council and the G7/8/20 meetings – also have two features in common. First, they have restricted access and in this sense are highly selective. As a result, they operate in isolation from the societies that are particularly affected and are only slightly responsive to a broad global public. Second, these institutions were not created for the purpose of coordination. They are largely emergent and thus they stand for the central problem of global governance: Something is happening, but no one has done it (Offe 2008).

There is therefore a lack of political forums that coordinate the sectorally delimited institutions in a way that can be expected and is effective for the public. This can also be shown empirically. As part of a German Research Foundation (*Deutsche Forschungsgemeinschaft*, DFG) research group Overlapping Spheres of Authority and Interface Conflicts, we have developed a database that contains information on 76 interface

conflicts and their management in the global political system (see Fuß et al. 2021). Interface conflicts are irreconcilable positional differences between actors over the tradeoffs between two or more norms or rules emanating from different institutions (Kreuder-Sonnen and Zürn 2020, 252). Interface conflicts are activated when state or non-state actors express different and irreconcilable positions on a particular issue; in doing so, these actors justify the conflicting positions by citing different international norms and rules. Although the majority of these conflicts (55 out of 76) are ultimately handled cooperatively, cooperative conflict management in such sectoral conflicts is hardly institutionalized and it is primarily emergent. Only in eleven cases did the settlement of interface conflicts take place through predefined procedures. In this respect, the management of interface conflicts – that is, precisely those disputes that are, as it were, capable of being brought to public attention – is only minimally constitutionalized. The majority of the few predefined procedures, in turn, were mostly not carried out by a 'neutral' metaauthority that could provide a logical point of contact for the global public sphere, but rather through compartmentalized technocratic and quasi-legal procedures to the exclusion of the public.

The dispute over trade in genetically modified organisms can be taken as an example. Here, health and biodiversity standards represented by the EU collided with global trade standards represented by the United States, Canada and Argentina. This interface conflict manifested itself in 2003 when the United States, Canada and Argentina expressed their dissatisfaction with EU restrictions on the approval of genetically modified foods and filed a complaint with the WTO. While the EU justified its actions by invoking the precautionary principle - as codified in the Cartagena Protocol on Biosafety to the Convention on Biological Diversity – the other parties to the dispute claimed that the EU's actions violated WTO law and refused to apply the Biosafety Protocol to this dispute. The dispute was settled under the WTO dispute settlement procedure. Following the Dispute Settlement Body's September 2006 ruling in favour of the United States, both parties to the dispute added a political agreement in which the EU maintained some of its existing restrictions but pledged not to impose further import restrictions on genetically modified products. As a result, we see here a case where an interface conflict was decided according to predefined procedures. However, with this procedure, trade law colonized the biodiversity agreements and decided the case behind closed doors.

It is no coincidence that trade law appropriates conflict management in this example. As a general rule, market-creating institutions are often more deeply structured and can therefore more often resolve interface conflicts in their favour. The majority of interface conflicts ended in favour of the institutions that can rely on their own judicial procedures. As a result, market-creating regulations triumph over market-correcting regulations, so that the enforcement of international regulations often translates into anonymous market coercion among the addressees. This, too, hinders the emergence of a public sphere.

In sum, the global political system is composed of loosely interconnected spheres of sectoral authority that are constituted in a way that is hostile to the public. They set norms and structure the interpretation of reality. In doing so, they primarily use a technocratic and sometimes legal legitimacy narrative, thereby excluding the general public.

The second feature of the global political system that is equally hostile to the public is the absence of an effective separation of powers. International institutions that exercise authority institutionalize inequality among states. As long as international institutions are intergovernmental bodies based on consensus, their implications for sovereign equality are ambivalent but often positive overall. Although both procedural and substantive rules often reflect inequalities of power in these institutions, legal equality, as expressed in the principle of consent, acts as a balancing force. However, when international institutions exercise authority, the principle of consent is undermined and power is centralized. Without a separation of powers, this leads to an institutionalization of inequality for three reasons.

First, the more an international organization exercises authority over states and societies, the more the more powerful states seek arrangements that suit their preferences. Powerful states accept the authority of international institutions only if they can be sure that the institutions will enable them to preserve their privileged status. For this reason, they often demand privileges, special treatment and special rights.

Second, the more authority an international organization exercises over states and societies and the more it seeks to enforce this authority even against the will of the addressees, the more it depends on the resources of its most powerful members. This is particularly important when it comes to enforcing decisions. International institutions do not have the resources to enforce their regulations, but depend on the most powerful member states in this respect.

Third, the more authority an international organization exercises directly over society, the more the 'one state, one vote' principle loses normative force. Given the dramatic differences in the size of states – from a few thousand inhabitants in countries like Liechtenstein to over 1.3 billion in the case of China – the sovereign equality of states does not serve as a normatively compelling principle for the representation of societal interests (Luban 2004), especially when international institutions exercise their authority directly. This further strengthens the role of large and powerful states.

As a result, international institutions are dominated mainly by the executives of powerful states. The problem is best illustrated by the example of the UN Security Council. The five veto powers are decisive for legislative decisions (What is considered a threat to international peace?), for executive application (Does a certain state endanger peace?), and for the implementation of possible interventions (It takes the militarily strongest states to carry out interventions.) – and all this in the absence of effective jurisdiction. Because of this 'institutionalized inequality' in the UN Security Council, like cases are systematically treated unalike. This erodes the most basic source of legitimacy of all; namely, that a public authority treats like cases alike. This is expressed in the criticism of Western double standards. However, this also creates an obstacle to the emergence of a broad transnational public sphere. Publics need big and general questions. They are interested in rule-making, not rule application. In the absence of reliable and legal rules, however, everything becomes a question of the specific case. This overburdens the public.

The reference to the absence of an effective separation of powers does not imply that the global political system lacks checks and balances. It does so in a pronounced form. Since the global political system is de facto a multi-level system, international institutions

are permanently controlled by the lower levels. Their authority is fluid (Krisch 2017). However, the resulting confusion of the global political system does not improve the possibilities for the emergence of a broad transnational public sphere.

The global political system thus undermines the emergence of a broad political public sphere. The political public sphere that has emerged, however, systematically produces legitimacy problems. These problems certainly cannot be remedied in modern global society by elements of a representative public sphere. When the public is informed about the G7/8/20 meetings, pictures of the heads of state in beach chairs or even more spontaneous group photos are often used, in which the American President might elbow through for the spotlight to make sure to be in the foreground if necessary. But this does not create legitimacy for the global political system.

There is thus a causal link between the nature of the global political system and the lack of a normatively sophisticated public sphere. To generate this, a constitutionalized political system is required. A system of only loosely interconnected spheres of authority in the absence of an effective separation of powers stands in the way of the emergence of a legitimizing public sphere. A constitutionalized global political system is something different from a world-state. It does not require a monopoly on the use of force or a monopoly on taxation. The only thing that matters is that the interaction of sectoral institutions be regulated and that like cases be treated alike.

## 6. Conclusion

If the analysis in this paper is correct, then the emergence of a normatively demanding global public sphere will not fail because of the lack of socio-cultural preconditions. The global society is more advanced and more differentiated than the impossibility theorem and the thesis of the nation-state community as the only conceivable bearer of the public sphere would suggest. That would be good news. The bad news, however, is that it is the structure of the global political system that hinders the emergence of a public sphere beyond national borders that can mediate communicatively between the world society and the system of political rule. One may dismiss the argument as sophistical. For the moment, it is in fact crucial that the public sphere at the global level is only weakly developed and can neither normatively nor empirically provide legitimacy — not to mention that it is unlikely to change in the foreseeable future. Therefore, we will have to continue to live with the dilemma that global governance is urgently needed, but it faces systematic legitimacy problems.

In one respect, however, the argument presented here is of theoretical as well as practical relevance. Socio-cultural attitudes in the global society can hardly be shaped at will. They have an emergent stubbornness and cannot be deliberately produced by the political system. Conversely, the global political system can certainly be changed specifically through decisions. Even if the chances of political implementation of a more public-friendly global political system seem low at present, it remains a desirable political project. According to the argumentation of this article, the project is not subject to the suspicion of structural impossibility.

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#### **Notes**

- A translation in English has been published in 2015 with the title Structural Transformation of the Public Sphere.
- With this, I address the objection of one of the two reviewers who formulated the objection so clearly.
- 3. One may argue whether a liberal public sphere does not necessarily have to include deliberative elements. Here, however, I follow the terminology of Gerhards et al. (1998).
- 4. The analysis in the first two sections is based on remarks in *A Theory of Global Governance* by Zürn (Zürn 2018). The theses presented in there are discussed in a special issue of *International Theory*, 13:1 (2021; doi:10.1017/S1752971920000378).
- 5. For an overview, see the 75th anniversary special issue of *International Organization*. See, among many others, Brandt (2003) and Sinclair (2003) as critical contributions to *Global Governance*.
- 6. Attitude data are not without validity problems. They are highly dependent on the specific question, they do not easily translate into willingness to act, and are generally subject to a 'sunshine effect': People like to pretend to be more generous than they are. In addition, high-quality attitudinal data are mostly only available for OECD countries.
- 7. The World Value Survey (available online at: https://www.worldvaluessurvey.org/wvs.jsp) is surveyed regularly and so far in 97 nations. However, surveys are not conducted in all 97 countries in every survey round. Changed average values are therefore not directly comparable (cf. Inglehart et al. [2014, 316] and Haerpfer et al. [2020, 200]).
- 8. The data from the World Value Survey largely coincide with the data from the PEW Global Attitude Project. According to these surveys, 58 percent worldwide rate the UN as positive ('very favorable' or 'somewhat favorable'). Here, too, the figure drops only slightly to 56.5 percent if the EU member states are excluded. Significantly below these values are Pakistan (17.4 percent) and the Palestinian territories (27.1 percent). In China (51.9 percent) and India (47.2 percent), however, the values are below those of Europe albeit only slightly when compared with the World Value Survey (PEW 2007).

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