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Pragmatism and democracy in a global world

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Abstract
This article discusses the advantages of a pragmatist theory of global democracy for understanding the political relevance of new phenomena such as the emergence of forms of private authority and transnational movements in tackling with global issues. The article shows in particular that the pragmatist notion of 'publics' offers promising insights and proves particularly promising for completing the transition from methodological nationalism to methodological cosmopolitanism that is required to understand new normative practices developing at the global level and to inquire into their conditions of validity. After having presented a basic outline of the pragmatist theory of democracy, I discuss the contribution of pragmatism to the critique of methodological nationalism and proceed then to examine and reject two alternative approaches to global politics – transnational public sphere theory and global representation theory – showing why they fail to overcome methodological nationalism. The last two sections explore private entrepreneurial authority in contexts of global governance and shows that pragmatism succeeds in explaining their political role, while the other two approaches fail.

Keywords
Global Democracy; Pragmatism; Private Authority; Public Sphere; John Dewey

This article aims to show the potential of pragmatism as an interpretative framework for discussing normative political issues in the global domain. After briefly describing the basic tenets of political pragmatism, the article explores some of its implications for understanding trends in global politics that defy mainstream categorial schemes. It does so by focusing upon the notion of 'public' as it is understood in the pragmatist tradition, showing how it can help us accomplish the transition from 'methodological nationalism' to 'methodological cosmopolitanism' that has been much invoked over the last two decades. To accomplish this task, the article will contrast the pragmatist public-based strategy with two alternative explanatory approaches that have aroused wide interest in global studies, that is, the theory of the transnational public sphere and the theory of global representation. I will show that both approaches remain dependent upon methodological nationalist assumptions, and that for this reason they provide an inadequate framework to understand new normative practices and actors emerging at the global level, among which I single out the phenomenon of private entrepreneurial authority, that in this article stands as a case study to show the prospects of political pragmatism.

To illustrate the fruitfulness of political pragmatism for rethinking democracy at the global scale, my argument will unfold in four major parts. After a brief review of recent attempts at introducing pragmatist arguments in international relations and global studies (Section I), I propose to interpret political pragmatism as a form of methodological cosmopolitanism, which offers fresh interpretations of

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democracy for a post-Westphalian world (Section II). I will then introduce my own account of political pragmatism, centered upon John Dewey's theory of publics (Sections III and IV). I will then examine two competing theories that in the last decades have proposed solutions to increase the democratic accountability of post-Westphalian democracy, and show why they fail and why political pragmatism provides a better answer to the problems they correctly identify (Section V). Once this critical and reconstructive work has been completed, in the last two sections of the article I will present a case study that illustrates some of the benefits of the pragmatist approach proposed (Sections VI and VII).

I. The pragmatist wide view of democracy

Pragmatism has recently attracted increasing attention in International Relations (IR) and global studies. Several authors have seen in pragmatism a promising theoretical framework for discussing central issues in the discipline, focusing in particular upon the theoretical benefits associated with pragmatism's epistemology and theory of action. Molly Cochran; Daniel Bray; Jonathan Isacoff; Hauke Brunkhorst; Gunther Hellmann; Jörg Friedrichs and Friedrich Kratochwil; Harry Bauer and Elisabetta Brighi; J. Abraham and Y. Abramson; and David Chandler[1] are only some among the many publications exploring the fruitfulness of pragmatism for IR and global studies. Pragmatist themes underlie also Ulrick Beck's idea of methodological cosmopolitanism[2] that I discuss later. Yet the full implications of political pragmatism for understanding the transformations of democracy are yet to be drawn. The assumption underlying this article is that in order to do so we need to come back to the original intuition that lies at the heart of the pragmatist conception of politics. These promising efforts notwithstanding, pragmatism is far from achieving the status of an established tradition, and its possible contributions to the field remain insufficiently discussed. We concur with Abraham and Abramson[3] that to take the maximum benefit of pragmatism for IR studies, it is toward its political conception that we must turn, which essentially means toward its theory of democracy.

If we consider the founding figures of American Pragmatism such as John Dewey, George H. Mead, but also Mary Parker Follett, Charles H. Cooley, Jane Addams, and Sidney Hook, we observe that their understanding of politics revolves around the central idea that the normative core of modern and contemporary politics is provided by the notion of democracy. Secondly, pragmatists generally agree in understanding democracy in social theoretic rather than in purely political terms, as a 'form of society' or 'way of life' rather than as a mere system of government. Democracy is firstly conceived in social-ontological terms as being the property of social interactions that constitutes the different

[1] M. Cochran, 'A democratic critique of cosmopolitan democracy: Pragmatism from the bottom-up', *European Journal of International Relations*, 8:4 (2002), pp. 517–48; D. Bray, *Pragmatic Cosmopolitanism: Representation and Leadership in Transnational Democracy* (Basingstoke: Palgrave Macmillan, 2011); J. Isacoff, 'Why IR needs Deweyan pragmatism', *Perspectives on Political Science*, 44:1 (2015), pp. 26–33; H. Brunkhorst, 'Globalising democracy without a state: Weak public, strong public, global constitutionalism', *Millennium – Journal of International Studies*, 31:3 (2002), pp. 675–90; G. Hellmann, 'Beliefs as rules for action: Pragmatism as a theory of thought and action', *International Studies Review*, 11:3 (2009), pp. 638–62; J. Friedrichs and F. Kratochwil, 'On acting and knowing: How pragmatism can advance International Relations research and methodology', *International Organization*, 63:4 (2009), pp. 701–31; H. Bauer and E. Brighi, *Pragmatism in International Relations* (London: Routledge, 2009); J. Abraham and Y. Abramson, 'A pragmatist vocation for international relations: the (global) public and its problems', *European Journal of International Relations* 23:1 (2015), 26–48; D. Chandler, 'Democracy unbound? Non-linear politics and the politicization of everyday life', *European Journal of Social Theory*, 17:1 (2014), pp. 42–59.

[2] U. Beck, *Cosmopolitan Vision* (Cambridge: Polity, 2006), p. 10.

[3] Abraham and Abramson, 'A pragmatist vocation for international relations'.

layers of social life, from primary groups to social institutions.[4] The second dimension of democracy that is relevant for political pragmatism is that of the normative practices whereby collective self-organisation and action are achieved.[5] As a range of writers in this tradition have noted, democracy refers primarily to the broader set of enabling conditions and practices that are required for a public to organise itself, set its own agenda, and take part in the solution of the problems it identifies. According to this view, we can qualify as 'democratic' all the normative social practices through which publics coalesce, self-organise, and pursue jointly shared goals under conditions of: (a) relational parity; (b) inclusive authority; and (c) social involvement.[6] From this perspective, democratic deficits occur any time publics fail to set in motion self-constituting and self-activating processes. Dewey famously defined situations of democratic deficit as those in which a public was 'lost', or 'eclipsed'.[7] These are situations in which individuals fail to achieve a shared perception of social reality, to build a 'we' identity and to set up the institutions required to translate their collective will into joint action.

According to this public-based perspective, the central problem of democracy is how to empower citizens in their capacity to act as members of publics ranging from small neighbourhood communities to national peoples and, increasingly, to transnational publics brought to life by the awareness of a shared affectedness produced by the global reach of risks related to environment, security, health, social welfare.[8] No matter the size or the organisational logic followed by these types of social units, pragmatists contend that their collective action should be explained within a unified theoretical scheme, that of a public-based theory of politics. This definition of democratic politics can help us understand the democratising potential of new collective practices that are neither controlled nor promoted by territorial organisations, and that defy traditional political assumptions, such as the identification of politics with the operation of public rather than private actors, according to a logic that is opposed to the commercial logic of the market, and which addresses individuals in their capacity as citizens, rather than as consumers.

II. Overcoming methodological nationalism

Ulrich Beck and Edgar Grande have listed John Dewey among the rare modern political philosophers not having subscribed to what they call 'methodological nationalism',[9] and that William Connolly describes as 'a coherent theory of "place"' based on a territorial conception of democracy.[10] Although Beck and Grande do not develop this intuition further, they rightly identify in Dewey's public-based theory of politics the key feature for understanding what political pragmatism has to offer to understand the prospect of democracy in a post-Wesphalian world.[11] Consonant with their

[4] R. Frega, 'The normativity of democracy', *European Journal of Political Theory* (forthcoming 2017); I. Testa, 'Dewey's social ontology: a pragmatist alternative to Searle's approach to social reality', *International Journal of Philosophical Studies*, 25:1 (2016), pp. 40–62.

[5] I offer a fuller account of political pragmatism in R. Frega, *The Democratic Project*, unpublished manuscript.

[6] For a justification of this claim, see Frega, 'The normativity of democracy'.

[7] J. Dewey, *The Public and its Problems*: *The Later Works, 1925–1953, Volume II* (Carbondale: Southern Illinois University Press, 1927).

[8] Bohman takes pragmatism to task to explore the normative consequences of a pluralisation of publics in contemporary politics. See J. Bohman, *Democracy across Borders: From Dêmos to Dêmoi* (Cambridge, MA: MIT Press, 2007). See also J. Bohman, Participation through publics: Did Dewey answer Lippmann?', *Contemporary Pragmatism*, 7:1 (2010), pp. 49–68 for a discussion of Dewey's notion of public in the context of post-Westphalian politics.

[9] U. Beck and E. Grande, *Cosmopolitan Europe* (Cambridge: Polity Press, 2007).

[10] W. Connolly, 'Democracy and territoriality', *Millennium – Journal of International Studies*, 20:3 (1991), pp. 463–84 (p. 463).

[11] For a recent restatement of this claim, see J. Narayan, *The Global Public and its Problems: a Deweyan Examination of Global Democratic Theory* (Manchester: Manchester University Press, 2016).

view, I propose to read the pragmatist theory of democracy as a promising attempt to develop a theory of politics which does not subscribe to the territorial-based assumptions of modern European political thought which have become problematic, and that in so doing can provide more useful tools for understanding trends in global politics.

In this article I rely upon the distinction between methodological nationalism and methodological cosmopolitanism to highlight two different theoretical strategies that can be adopted to conceptualise politics in a post-Westphalian world. As the names indicate, whereas the first strategy essentially relies upon political categories that were developed to explain political phenomena in the age of territorial states and proceeds by extending their reach beyond nation-states, the second strategy tries consciously to emancipate itself from historically received frames of thinking in order to develop more abstract political categories, conceptually emancipated from the historical circumstances under which modern Western political thought has developed.

As several thinkers have noted, the '*territorial* understanding of society'[12] has its counterpart in a conception of international politics as a system of interaction among state-based actors, whether governments or institutions created directly through inter-state agreements. This model starts from the assumption that territoriality is the only valid source of legitimacy, insofar as democracy requires a stable people who, through elections, legitimate its own rulers. While this model has long since ceased to adequately represent the reality of international relations,[13] political theory and philosophy continue de facto to accept the basic premises of methodological nationalism, or at least those of a *territorial* based conception of politics.

It should be noted here, however, that the most relevant feature of methodological nationalism is not the idea that the state is the only legitimate source of normative power, nor that national states are the legitimate units of comparative analysis in international relations. More profoundly, methodological nationalism is characterised by the subscription to the wider normative framework and the set of normative categories that were historically developed to account for the genesis and the legitimacy of territorial states. As Connolly has remarked,

> this political imagery fosters a sense of connection between the life of the members and the common meanings within their most significant totality, between the search for legitimate standards of collective action and the ability to identify them in one place, between the desire to shape the common fate through democratic politics and the construction of territorial institutions of public accountability and between the territorialisation of democratic politics and the production of the national security state.[14]

While in modern European history the territorial hypothesis has at least for a long time-span coincided with a national conception of the political unit, the idea and reality of territorial states is by no means reduced to the idea and reality of political *nations*. As a consequence, the territorial hypothesis needs not be confined to this restrictive interpretation of the political community as being a nation.

As I understand it, methodological nationalism denotes the theoretical attitude consisting in interpreting all new emerging normative actors and orders through the conceptual apparatus developed to account for the normative legitimacy of territorial forms of power. Methodological nationalism is

[12] Beck, *Cosmopolitan Vision*, p. 27.
[13] M. Koskenniemi, *The Gentle Civilizer of Nations* (Cambridge: Cambridge University Press, 2001).
[14] Connolly, 'Democracy and territoriality', pp. 464–4.

problematic insofar as many of these newly emerging actors and practices stubbornly resist being explained through its conceptual scheme.

Methodological nationalism defines a normative framework based on the following assumptions:[15] (a) the identification of politics with the domain of coercive power (coercive vs voluntary); (b) the priority of input over output as source of political legitimacy (input vs output); (c) the identification of the realm of politics with the public domain (public vs private); (d) the sharp separation of citizenship from consumerism and politics from economics (state vs market); (e) a formalistic interpretation of the problem of congruence (all-subjected vs all-affected); and (f) the preference for hard over soft forms of normative regulation (formal vs informal).

Indeed, researches in international relations, global governance, and globalisation studies of the last two decades have progressively undermined this categorial scheme, describing in vivid detail the political life and normative implications of actors and processes whose ways of proceeding escape the classical categories of political thought such as legitimation through representation,[16] the separation between the public and the private sphere,[17] the dualism of politics and economics,[18] or the formal understanding of political citizenship – the so-called 'all-subjected principle'.[19] While these studies are progressively conducing to a decentering of the state as a political actor, political theory remains too committed to state-like ways of thinking. As a consequence, we still lack a consistent and unified theoretical framework for democratic theory.

Political pragmatism provides a promising starting point to tackle this task insofar as its normative core is largely independent from the methodological nationalist framework, and immune to the diffused nostalgia for the 'politics of place' to which Connolly refers. Replacing more conventional political notions such as 'the people', 'the general will', 'public opinion', or 'the community' with the 'public', pragmatism has paved the way to an understanding of politics that is not committed to the six basic assumptions of methodological nationalism and for this reason is a promising candidate for theorising democracy beyond borders. We therefore concur with commentators such as Abraham and Abramson,[20] Beck and Grande,[21] and Brunkhorst[22] that Dewey's notion of public provides a key notion for rethinking normativity beyond methodological nationalism. It provides, in other words, a useful tool for understanding processes of multiple spatialisation of democratic energies, for a dislocation of sources of democratic accountability in a plurality of non-state and non-territorial sites, as I will explore in the last two sections of the article.

Consistent with its rejection of methodological individualism, political pragmatism contests the uncritical acceptance of its main constitutive assumptions. Yet, rather than merely adopting opposed

[15] For a similar list of features, see Connolly, 'Democracy and territoriality'.
[16] M. Saward, *The Representative Claim* (Oxford: Oxford University Press, 2010); Bray, *Pragmatic Cosmopolitanism*.
[17] A. Bayat, *Life as Politics: How Ordinary People Change the Middle East* (Stanford: Stanford University Press, 2010).
[18] R. B. Hall and T. J. Biersteker, *The Emergence of Private Authority in Global Governance, Volume XXXV* (Cambridge: Cambridge University Press, 2002).
[19] N. Fraser, 'Who counts? Dilemmas of justice in a post-Westphalian world', *Antipode*, 41 (2010), pp. 281–97; J. K. Schaffer, 'The boundaries of transnational democracy: Alternatives to the all-affected principle', *Review of International Studies*, 38:2 (2012), pp. 321–42.
[20] Abraham and Abramson, 'A pragmatist vocation for international relations'.
[21] Beck and Grande, *Cosmopolitan Europe*.
[22] Brunkhorst, 'Globalising democracy without a state'.

theses, it explores ways in which the opposed terms of the six dichotomies may be integrated, and the idea of a public-based conception of politics lies at the very heart of this strategy.

III. From people to publics: Pragmatism and the public-based theory of politics

The theoretical bases of the pragmatist action-oriented group theory of politics were firstly presented by Arthur Bentley in his influential 1908 book, *The Process of Government, a Study of Social Pressures*. Bentley, who much later in time was to co-author Dewey's last book,[23] has been a pioneer of American political science, and many of his basic assumptions have clearly pragmatist inspirations, as he himself clearly admitted. Particularly relevant is Bentley's methodological starting point, which identifies in social activities – rather than in individual interests or in institutions – the raw matter of politics. From the vantage point of his pragmatically oriented practice-based approach, Bentley includes in the domain of politics, or government, any type of activity that concerns collective life, and well beyond the operating of the formal political institutions of representative government. More precisely, and clearly anticipating later formulations by Follett and Dewey, Bentley identifies politics with that particular phase of groups' life that touches upon the formulation and the achievement of a group's demands, or interests.[24]

In developing his public-based theory of politics, Dewey was aware of contemporary debates about the group-dimension of politics and the interest-oriented dimension of politics. His conception of the dynamic and shifting boundaries of politics heavily depends upon this cultural context. Historically, the idea of a public-based conception of politics came out of Dewey's struggles with three contemporary and competing paradigms in political theory: (a) the group theory of politics developed by the British pluralists Paul Hirst and Stanislaw Erhlich;[25] (b) the community-based conception of politics that was current among progressive thinkers in the US at that time;[26] and (c) the rising science of polling which was rapidly imposing 'public opinion' as the central category of political science.[27] By identifying the central political subject with 'the public', Dewey was at the same time: (a) generalising the sociological notion of group while giving it a political twist; (b) deprovincialising the notion of community and making it suitable for the needs of a global society; and (c) resisting the epistemic drift that was replacing the thick substance of political experience with the thin air of volatile and unrooted 'opinions'.

By providing a sociological account of publics based on social theories of groups, Dewey was trying to readjust ideas traditionally associated with the concept of community to the new world of impersonal relations, functional differentiation, and indirect consequences that Lippmann analysed

[23] J. Dewey and A. Bentley, *Knowing and the Known: The Later Works, 1925–1953, Volume XVI* (Carbondale: Southern Illinois University Press, 1949).

[24] See, in particular, A. Bentley, *The Process of Government, a Study of Social Pressures* (Chicago: Chicago University Press, 1908), ch. 2. On the connection between Bentley and pragmatism with reference to political theory, see M. LaVaque-Manty, 'Bentley, Truman, and the study of groups', *Annual Review of Political Science*, 9 (2006), pp. 1–18. It is remarkable that referring to his 1908 book, Bentley named Dewey as one of the 'real writers of this book', cited in ibid., p. 5.

[25] P. Hirst, *The Pluralist Theory of the State: Selected Writings of G. D. H. Cole, J. N. Figgis and H. J. Laski* (London: Routledge, 2005); S. Ehrlich, *Pluralism On and Off Course* (Oxford: Pergamon Press, 1982).

[26] J. Campbell, *The Community Reconstructs: The Meaning of Pragmatic Social Thought* (Champaign, IL: University of Illinois Press, 1992); J. B. Quandt, *From the Small Town to the Great Community: The Social Thought of Progressive Intellectuals* (New Brusnwick, NJ: Rutgers University Press, 1970).

[27] W. Lippmann, *Public Opinion*, 1st Free Press paperbacks edn (New York: Free Press Paperbacks, 1922).

with such great lucidity. In so doing, he was also aware of the new functional forms of social and political organization as they were discussed by the pluralists but he was not willing to downplay the role of the state as they were doing. The notion of public aimed at bringing to a higher level of theoretical synthesis ideas discussed in these circles, developing in this way the basis of a new theory of democracy at whose heart stood the notion of public.

The concept of public is construed at the intersection of two notions: (a) common affectedness; and (b) shared awareness of that condition.[28] The idea that politics is defined by the attempt to master the indirect consequences of actions that affect a plurality of people was common at the time Dewey was writing, a time indeed characterised by intense processes of globalisation and, in the US, by a process that was rapidly dispelling the last remnant of the illusion that small self-enclosed communities provide an adequate context for politics as well as a sufficiently hard shell to protect individual life.

The idea of a consequence-based theory of politics stems from the awareness that in an increasingly open world the attempts of small social groups – communities in the language of the time – to master their environment become increasingly vain. It consciously tries to bring the Bentleyan notion of interest at a higher level of abstraction. The porosity of communities implies that their boundaries shift according to events that are not under their control. At the same time, under the pressure of processes of globalisation (notably the revolution in transportation and communication), the destinies of individuals living at far distance increasingly overlap. Once these trends begin to undermine the circumstances described by the territorial hypothesis, the identification of relevant publics becomes increasingly problematic and new forms of social experimentation are called forth.

Whereas mainstream political science considers the very existence and constitution of publics unproblematic – the territorial hypothesis solves the problem – globalisation weakens the importance of territoriality in defining the boundaries of publics. Hence the interest-based model of politics shifts from the classic question 'What are our interests?' to the question 'Who is affected by this phenomena?' This view implies that the process of politics is bidirectional, as the identification of the relevant consequences is expedient to the constitution of publics (we are not a public until we realise that we share a condition of common affectedness), while simultaneously the constitution of publics aims at mastering specific sets of consequences. Especially in a time of rapid change, when arrangements and institutions tend to lag behind, publics become unstable and change entities, so that their constitution cannot be taken for granted but should, by contrast, be conceived of as the first task of politics.

What are the interests around which a public can coalesce? Pragmatists such as Charles Cooley, John Dewey, Mary Follett, and George Mead have all derived their political categories from social theory and, as a consequence, understood the functional role of politics as consisting in the realisation of tasks that pertain to the function of social organisation in the pursuit of individual goals.[29] In several texts, Dewey resorts to the idea of 'basic human needs' to explain the genesis of political institutions. By 'basic human needs', he refers to such as: (a) support and sustenance; (b) protection

[28] Dewey, *The Public and its Problems*.

[29] The political implications of pragmatist social theory have been clearly examined by H.-J. Schubert, 'Jenseits von gemeinschaft and gesellschaft: Prozesse der differenzierung und individuierung an sicht der Chicago School of Sociology', in B. E. A. Hollstein (ed.), *Handlung und Erfahrung* (Frankfurt: Campus Verlag, 2011), pp. 131–49. See also D. Shalin, *Pragmatism and Democracy: Studies in History, Social Theory, and Progressive Politics* (New York: Transaction Publishers, 2011).

and security; (c) reproduction; and to expressive needs such as (d) recreation and leisure; and (e) language and sociability.[30] According to this view, climate change, global migration, and worker exploitation in far places are all natural issues of concern for transnational publics in the making.

One of the central implications of this public-based conception of politics is that states and other territorial entities have no explanatory privilege over collectivities that do not share a territorial basis. A national people is a public among many others, and the state is only the contingently successful institutional solution to the historically determined problems faced by an equally historically contingent type of public. Other types of publics – such as the horde or the clan – have existed in the past and continue to exist, and other types of publics are already crossing the scene of history, for example in the form of transnational movements, diasporic communities and, perhaps in a short time, global communities of refugees.[31] In other words, the notion of the state is conceptually derivative with respect to that of public, politics being the art of creating and organising effective publics and states being a historically contingent institutional solution to this problem. Even normative categories such as democracy or legitimacy are primarily attributes of publics, therefore they should be defined in conceptual terms that do not depend too heavily upon the historical experience of specific and contingent specimens of publics such as nation-states and governments.

To grasp the political relevance of the notion of the public, we should avoid a frequent mistake consisting in opposing publics to more formal political institutions, in the manner in which, for example, Jürgen Habermas opposes agencies of political power to the public sphere.[32] Indeed, the common identification of Dewey's notion of public with Habermas's notion of public sphere – both translated into German as 'Öffentlichkeit' – is conceptually unfortunate. Similarly, any identification of the public with public opinion should be resisted, the notions of public and of public opinion belonging to radically different political grammars. Both identifications indeed miss the essential idea that a public denotes, first of all, a *community of action*, rather than a community of discourse. We should, however, also resist the opposite mistake, which consists in reducing publics to weak political entities, mobilised collectivities, social movements, and other fluid aggregates, which in the future will have to give way to more stable and structured collectivities. This strategy, as I will show in the next section, is doomed to fail, as it preserves the logic of methodological nationalism that the theory of publics aims to overcome.

IV. Neither weak nor strong publics: Just publics

Hauke Brunkhorst has provided to date the most interesting examination of Dewey's notion of publics in relation to post-Westphalian politics.[33] While commendable, his attempt is hampered by the commitment to methodological nationalism, which in the end compromise his whole project. Brunkhorst tries to reconcile the notion of publics with more classic assumptions concerning the territorial basis of politics, and to this extent he proposes distinguishing between what he calls 'weak' and 'strong' publics, a solution which results in reintroducing the territorial state as the 'Urbild' of normative validity.

[30] See in particular J. Dewey, 'Lectures in social and political philosophy', *European Journal of Pragmatism and American Philosophy*, 7:2 (2015). I have provided a lengthy examination of Dewey's idea of basic goods in R. Frega, 'John Dewey's social philosophy: a restatement', *European Journal of Pragmatism and American Philosophy*, 7:1 (2015).

[31] See, for example M. Keck and K. Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

[32] J. Habermas, *Between Facts and Norms* (Cambridge: Polity Press, 1996).

[33] Brunkhorst, 'Globalising democracy without a state'.

Following Talcott Parsons's distinction between 'influence' and 'power', Brunkhorst defines a strong public as an organised collective which disposes not only of moral influence but also of political or administrative power. To be strong, a public needs to rely on institutions and on formal procedures for decision-making. According to Brunkhorst's definition, it is 'a public framed by a constitution in a well-ordered egalitarian society'.[34] On the other hand, a public is weak when it disposes only of means of moral influence. Brunkhorst claims that, in order to achieve inclusive discussion and binding egalitarian decisions, the informality of weak publics is insufficient. We need to have stronger constraints, and these require in turn a working system of basic rights and one of norms and institutions. Brunkhorst attempts to avoid the obvious limitations of a state-centered account of the public by claiming that the existence of a strong public does not require the notion of a state but merely that of a constitution. This strategy is, however, doomed to fail, as the notion of a 'constitution without a state' will prove an untenable and in the end failed attempt to overcome the theoretical framework of methodological nationalism.

In classic Habermasian terms, a strong public requires a public sphere framed by constitutional norms, which is necessary to render public decisions binding. As he contends: 'a strong public is a weak public plus the political and administrative power enabled organized by a constitution'.[35] Whereas a weak public can count only on moral persuasion, a strong public can rely only up on political and administrative power. Starting from this assumption, Brunkhorst believes that pragmatists and deliberative approaches are equally vitiated by confusion between communication and decision-making. Democratic decisions require not only good communication but also institutions ensuring that decisions are taken according to egalitarian principles. A weak public can deliberate, but cannot decide because it lacks the institutional outlets needed to enforce these decisions. To sum up, without the organisational norms of a constitution, a public can only be weak, its moral influence being only loosely coupled with administrative power.

So conceived, the notion of strong publics is entirely dependent upon the territorial hypothesis. Indeed, a strong public can exist only within the institutional framework of territorial states. Brunkhorst is, however, persuaded that this model can be extended to the circumstances of global politics, and to that extent he proposes to consider organisations such as the WTO and UN as belonging to a 'world constitution without a state'. To extend this paradigm to global politics, Brunkhorst has to assume that the global society, supranational organisations such as the EU, or functionally specialised global subsystems such as the global economy and the global financial system possess, in some respect, a constitution. These constitutions provide the legal framework that transforms weak publics into strong publics. Through the joint action of political, legal, civil society actors at all levels of global social life, international law, and global human rights are created by a weak public of social movements and networks of associations. These rights are then selectively implemented and enforced by a community of states and national courts that perform this kind of 'universal jurisdiction'.

This is how far the notion of the public can be stretched within the theoretical framework of methodological nationalism. Indeed, it is Brunkhorst himself who in the end admits that, while these forms of selected implementation and enforcement are very important, they are but an insufficient step toward legitimate authority, so that: 'compared to democratic nation-states this constitution lacks the legal body of egalitarian and democratic organizational norms'.[36] As it should come at no

[34] Brunkhorst, 'Globalising democracy without a state', p. 676.
[35] Ibid., p. 677.
[36] Ibid., p. 687.

surprise, the global version of strong publics cannot satisfy Brunkhorst's normative expectations. Indeed, seen from the vantage point of methodological nationalism, these publics remain inevitably weak, as even in their most promising institutional embodiment they lack a decisive pillar of methodological nationalism, which is to say input legitimacy:

> What our global constitution (and by the same token the European Treaties' constitution) lacks is public autonomy: the rights and organizational body of norms that allow or enable addressees of law to transform themselves into its authors by procedures of self-legislation. Our global order has a kind of inherent output-legitimation through the positive effect it has for the people or peoples of the world, however what it lacks is input-legitimation by and through these peoples. But freedom without self-legislation is no freedom at all, in the end.[37]

Brunkhorst is therefore forced to conclude that: 'from the point of view of the democratic constitutional revolutions of the 18th century, the global society has no constitution at all'.[38] Indeed, 'the lack of a functional equivalent to parliamentary representation and legislation on the global level eventually causes all faults of the global legal order', which is an indirect way of admitting that the very notion of a constitution without a state is inconsistent. We are caught once again in the theoretical net of methodological nationalism.

According to this perspective, it is the very notion of the public that loses its theoretical relevance. Conceived as a strong public, it is nothing else than the good old nation state. And conceived as a weak public, it is vitiated from the start by a conceptual construction that *a priori* denies it intrinsic legitimacy. A weak public is what its name says: a feeble and insufficient instantiation of the unique political subject that is the source of legitimacy, that is to say, a strong public, a people. What Brunkhorst sees as a limitation of Dewey's notion of the public is indeed its strength. Yet to grasp the theoretical force of this notion we should free it from even the last remnants of methodological nationalism.

V. In search for global publics

I have stated before that the theoretical paradigm of methodological nationalism is based on a simplified assumption, derived from the peculiar conditions in which territorial states emerged. This assumption concerns the spatial constitution of the public. Under conditions of homogeneous correspondence between a group of individuals and the territory they occupy, a central agency can produce the normative closure states successfully realise. This 'territorial strategy'[39] has not only practical but also normative implications. The three normative consequences of the territorial strategy that are most relevant for our understanding of politics are: (a) the priority of input over other sources of legitimacy; (b) the formal solution to the problem of congruence, and (c) the identification of political authority with public actors. These requirements are generally conceived as preconditions for the existence of a legitimate democratic form of government.

The criticism to which the territorial premise has been submitted has increased the plausibility of the pragmatist idea of a public-based conception of politics, creating the need for new explanations of how democratic publics can emerge under circumstances that do not conform to the basic

[37] Ibid.
[38] Ibid., p. 689.
[39] Connolly, 'Democracy and territoriality'; P. Taylor, 'The state as container: Territoriality in the modern world-system', *Progress in Human Geography*, 18:2 (1994), pp. 151–62.

assumptions of methodological nationalism. Three major strategies have tried to rethink the democratic legitimacy of publics that have no clear territorial constitution. The first has attempted to enlarge the notion of legitimacy beyond the classic dimension of input so as to include procedural and output sources of political legitimation.[40] The second has directly challenged the principle of the formal constitution of publics, claiming that entitlement to a political voice should not derive from formal subjection to a normative power but from de facto affectedness by it.[41] The third strategy calls the conventional idea of political authority into question, and attempts to enlarge the concept of legitimate authority to include situations in which private actors operate outside boundaries set by public authorities.[42]

My hypothesis is that a public-based pragmatist theory of global democracy can offer original solutions to all these debates, showing in particular: (a) that under specified conditions output and input legitimacy can be successfully integrated into a unified account of democratic legitimacy; (b) that the 'all affected argument' duly reformulated to provide a plausible solution to the problem of congruence can avoid obvious problems that plague the standard notion of legitimacy; and (c) that the standard assumption that the private/public dualism provides a reliable proxy for the identification of a political sphere can safely be dropped . This strategy offers a way out of the strictures produced by the extension of methodological nationalist assumptions to the domain of global politics. Its starting point is the awareness that in post-Westphalian conditions the problem of democratic legitimacy can be solved neither by extending classical ideas of constitutionalism,[43] nor by enlarging the scope of the concept of representation,[44] nor by transnationalising the concept of the public sphere.[45]

For the sake of clarity, in the rest of this article I will discuss these points in the reverse order. I will proceed first by showing why even the most promising strategies for extending the normative core of contemporary democratic theory to the circumstances of global politics cannot but fail due to their endorsement of methodological individualism. In the following two sections I will then contend that whereas none of these approaches succeed to understand the democratic potential of emerging global normative practices and actors, political pragmatism has the resources to specify under which conditions they can be seen as legitimate agencies of a democratic public.

V.i. Transnationalising the public sphere

In her much discussed article, Nancy Fraser has contended that the traditional concept of the public sphere as developed in the Habermasian tradition was theoretically dependent upon methodological nationalism and to this extent unsuited to tackle political questions emerging in the open space of post-Westphalian politics.[46] She has then proposed an updated version of this concept that in her

[40] F. W. Scharpf, *Governing in Europe: Effective and Democratic*? (Oxford: Oxford University Press, 1999); V. A. Schmidt, 'Democracy and legitimacy in the European Union revisited: Input, output and "throughput"', *Political Studies*, 61:1 (2013), pp. 2–22.

[41] Schaffer, 'The boundaries of transnational democracy'.

[42] A. C. Cutler, *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*, *Volume XC* (Cambridge: Cambridge University Press, 2003); Hall and Biersteker, *The Emergence of Private Authority in Global Governance*.

[43] D. Held, *Global Covenant: The Social Democratic Alternative to the Washington Consensus* (Cambridge: Polity Press, 2004).

[44] Saward, *The Representative Claim*; Bray, *Pragmatic Cosmopolitanism*.

[45] N. Fraser, *Transnationalizing the Public Sphere* (Cambridge: Polity Press, 2014).

[46] N. Fraser, 'Transnationalizing the public sphere: On the legitimacy and efficacy of public opinion in a post-Westphalian world', *Theory, Culture & Society*, 24:4 (2007), pp. 7–30.

view does not suffer from these limitations. As she admits, in the standard theory of the public sphere: 'democracy requires the generation, through territorially bounded processes of public communication, conducted in the national language and relayed through the national media, of a body of national public opinion'.[47] The connection between these dimensions is an essential ingredient of the notion of the public sphere, since the function of the public sphere consists precisely in the formation of the national political will.

As Fraser notes:

> the publicity debate in critical theory contains a major blind spot. From *Structural Transformation* through *Between Facts and Norms*, virtually all the participants, including me, correlated public spheres with territorial states. Despite their other important disagreements, all assumed the Westphalian framing of political space – at precisely the moment when epochal historical developments seemed to be calling that frame into question.[48]

Fraser rightly admits, that with increasing intensity, public opinion is mobilised around issues that are no more related nor can be handled within the confines of territorial states. As the notion of public sphere makes sense only in the theoretical framework of a dual conception of power, a transnationalised public sphere that does not find its counterpart in transnationalised power lacks both normative legitimacy and political efficacy. Hence the question emerges of how the legitimacy and efficacy of the public sphere can be preserved beyond the Westphalian state.

Rethinking legitimacy requires, for Fraser, challenging the 'all-subjected' principle to emancipate it from identification with citizenship. The resulting normative requirement is that: 'what turns a collection of people into fellow members of a public is not shared citizenship, but their co-imbrication in a common set of structures and/or institutions that affect their lives'.[49] This definition, however, begs the question, as the lack of legitimate transnational institutions is precisely the problem to solve, not the solution to it. Also the conditions of efficacy in the global world continues to be defined through the generalisation of the efficacy principle as it was developed within public sphere theory: 'public opinion is considered efficacious if and only if it is mobilized as a political force to hold public power accountable, ensuring that the latter's exercise reflects the considered will of civil society'.[50]

In the same way in which 'post-Westphalian' legitimacy requires a transnationalisation of the public sphere, achieving efficacy at global level requires the construction of 'new addressees for public opinion, in the sense of new, transnational public powers that possess the administrative capacity to solve transnational problems'.[51] As Fraser acknowledges, historically the state has been considered the only actor capable of combining legitimacy and efficacy, by associating political authority (monopoly of force) with the administrative power granted by a powerful material infrastructure, both being considered necessary conditions for converting public opinion into common will and for its concrete realisation. Accordingly, Fraser candidly admits that it is not clear how or even whether the theory of the public sphere can be extended to the transnational domain, given its strong legitimacy (priority of 'all-subjected' over 'all-affected') and efficacy (dual model) requirements.

[47] Fraser, *Transnationalizing the Public Sphere*, p. 14.
[48] Ibid., p. 18.
[49] Ibid., p. 31.
[50] Ibid.
[51] Ibid., p. 33.

A transnational theory of the public sphere can be viable only to the extent that we can identify a legitimate transnational public – consistent with the 'all-subjected principle' – and an efficacious transnational political power that can be the addressee of public opinion. According to Fraser, this transnational public and this transnational structure of governance can be found in the international system of interstate and global governance institutions: 'a regime that spans the whole of political space and sets the parameters for institutionalization at lower levels'.[52] Back to utopian cosmopolitanism.

V.ii. Globalising political representation

A similar strategy has been pursued in recent years with respect to another central pillar of methodological nationalism, the notion of representation. Proceeding from an acknowledgment of the inescapable relevance of representation for any theory of legitimate government, authors such as Michael Saward have attempted to develop a theory of representation general enough to be emancipated from its contextual dependence upon the historical circumstances of modern European politics.[53] Drawing upon Saward's seminal work, IR scholar Daniel Bray has attempted to formulate a theory of political representation explicitly aimed at meeting the circumstances of contemporary global politics.[54] Both of these attempts, however, fail to fulfill the requirements of methodological cosmopolitanism, for reasons which, once again, have to do with their failure to understand the shifting, dynamical, and issue-based constitution of publics.

Aware of the problems that plague the notion of representation once we extend its use beyond the boundaries of territorial politics, Saward has recently proposed a theory of political representation based on the notion of *dynamic claims*. Underlying his proposal is the awareness that in many contexts formal political representation is undergoing declining participation, while at the same time new social and political claims are emerging in the political arena but lack representation.

To understand the truly political meaning of representation, Saward suggests taking a pragmatic approach aimed at: 'understanding what representation does, rather than what it is; to explore the effects of its invocation rather than its institutional embodiment; to stress its dynamic character rather than its correctly understood forms or types'.[55] Accomplishing this task requires that a conventional conception of representation as delegation through vote be replaced by a wider understanding of representation as a complex social act that combines aesthetic, cultural, and political perspectives. At the heart of this view we find the notion of the *claim*: 'At a deeper level, representation is a dynamic process of claim-making and the reception of claims.'[56] To be carried out, such a process does not presuppose, at least in principle, state-like formal political institutions.

At first sight this approach seems to resonate with a public-based conception of politics, insofar as it stresses the expressive and constitutive function of claims and acknowledges that the constitution of publics precedes the genesis of institutions. Saward emphasises correctly that representation has a constitutive function. Indeed, uttering a political claim is in itself an act that contributes to the

[52] Ibid., p. 153.
[53] Saward, *The Representative Claim*.
[54] Bray, *Pragmatic Cosmopolitanism*.
[55] Saward, *The Representative Claim*, p. 4.
[56] Ibid., p. 8.

political constitution of a collective. Yet the focus upon discursive practices leads Saward to reduce the public to an audience.

Saward is indeed onto something important when he acknowledges that, conceived as a claim, representation reverses the standard order of explanation. Whereas classical political theory understands representation as an act that can take place legitimately only within the context of pre-existing formal institutions, Saward insists that representational claims are constitutive of the political process.

While his analysis contributes to a better understanding of how authority may be entrusted to special agents, it is unfortunately silent about the content, boundaries, and forms of control that characterise this authority, or about the forms of relation that connect claim-makers, subjects, and audiences. As a consequence, the normative implications of Saward's wider view of representation remains unspecified. While indeed the entrepreneurial and dynamic dimension of claims is important for challenging methodological nationalist assumptions, we may question to what extent the notion of representation can fulfill the ambitious task Saward assigns it. The main reason for scepticism is that his idea of representation is parasitic upon its standard political meaning. As a consequence, it remains unclear how these representative claims can find a political outlet if not through their progressive incorporation within the bounds of formal representative institutions. In other words, political claims seem to have no other real audience than a territorial public, and no other concrete form of agency than representative government. In conclusion, the idea of representation, even expanded to include all practices of representative claims, fails to extend its reach beyond the realm of a nation-based 'Westphalian' public sphere.

As I will show in the next two sections, the deep political meaning of recent phenomena such as private authority and certification schemes cannot be understood within the theoretical framework of territorial politics. More than that, even promising attempts such as these of Brunkhorst, Fraser, and Saward are useless to this task, as their appraisal of transnational politics is still too dependent upon assumptions that commit them to methodological nationalism. On the other hand, a Deweyan public-based political pragmatism can provide us with the appropriate tools not only to understand these political phenomena, but also to devise criteria to assess their contribution to democratic ways to solve global problems in the face of which state-based politics utterly fails.

VI. Global publics and norm entrepreneurship

Until recently, the question of the legitimacy of political power was mainly understood in terms set by the modern theory of the state. That is, not only is it asserted that states are the major actors in the international arena, but they are also considered to be the only valid source of political legitimacy in the global order. Thus, states continue to play the role of paradigms for defining authority and for distinguishing legitimate from illegitimate forms of exercise.

Circumstances have, however, changed dramatically in the last thirty years, particularly in some strands of international relations and global studies. Global politics has progressively emerged as an essentially shared affair, one in which a plurality of heterogeneous actors engage in diverse normative practices, mobilising different sources of legitimacy, on the basis of relationships that

range from competitive to cooperative. The pluralisation of levels of governance,[57] the multiplication of spheres of authority,[58] the blurring of boundaries between formal and informal ways of proceeding,[59] and the heterogeneity of actors[60] have radically changed our understanding of the ways in which normative outcomes are produced.

While these trends have certainly not led to the demise of the state, they have created a context in which its traditional normative prerogatives have been deeply eroded. In such a context, new powers have affirmed themselves as accepted sources of legitimacy. While the real impact of these new forms of non-state authority has been considered by many as not – or not yet – very significant,[61] their theoretical implications are incontestably relevant. As we have seen, from the point of view of their normative status and ways of operating, these actors cannot be analysed using the categories once developed to describe the normative power of states. For example, in situations in which authority is shared between private and state actors, governance is co-produced by actors whose sources and conditions of legitimacy differ. Under these circumstances, the legitimacy of state power does not appear to be a sufficient condition for the legitimacy of global governance practices, since it cannot directly translate into processes and outputs produced by or in accordance with decisions taken by politically legitimated actors. In a context in which states have to share their power not only with other states, but also with non-state actors, the fate of publics depends from a plurality of actors, none of which can reclaim the monopoly of authority.

In this context, the idea of private authorities reclaiming political legitimacy signals that another pillar of methodological nationalism, that is, the dualism of the private and the public, is being undermined. Whereas in fact traditional political theory had conceived of the domain of the political as the sphere of the legitimate coercive authority in opposition to the market as the domain of private voluntary transactions, the very idea of private authority blurs this line of separation, allowing for the possibility that non-state actors such as NGOs, transnational actors, and multinational corporations can exercise forms of *legitimate* authority, even in cases in which they do not derive their legitimacy through state delegation.

This statement should at least in part be tempered by observing that private entrepreneurial authority as such is not of course a completely new phenomenon. For example, non-state norm-setting bodies have played an important function during the last two centuries, fulfilling functions that states were incapable or unwilling to fulfill. As Andrew Russell among others has shown, voluntary associations have traditionally played a major role in activities such as the production of standards, operating within world-views based on methodological nationalism.[62] This associational model did not merely

[57] M. Zürn, *Regieren jenseits des Nationalstaates: Globalisierung und Denationalisierung als Chance* (Frankfurt am Main: Suhrkamp, 1998).

[58] N. Krisch, *Beyond Constitutionalism: The Pluralist Structure of Postnational Law* (Oxford: Oxford University Press, 2010).

[59] K. Abbott and D. Snidal, 'Hard and soft law in international governance', *International Organization*, 54:3 (2000), pp. 421–56.

[60] Hall and Biersteker, *The Emergence of Private Authority in Global Governance*.

[61] See, for example, D. Vogel, 'The private regulation of global corporate conduct achievements and limitations', *Business and Society*, 49:1 (2010), pp. 68–87; J. Green, *Rethinking Private Authority: Agents and Entrepreneurs in Global Environmental Governance* (Princeton: Princeton University Press, 2014). For a more positive assessment of achievements, see S. Bernstein and B. Cashore, 'Can non-state global governance be legitimate? An analytical framework', *Regulation & Governance*, 1:4 (2007), pp. 347–71.

[62] A. Russell, *Open Standards and the Digital Age* (Cambridge: Cambridge University Press, 2014).

responded to technological needs, but tried also to articulate a political vision that, at least in the case of the United States, was a clear expression of an associational view of democracy consciously advanced as an alternative to state-based forms of coordination. As Russell explains with reference to standard-setting associations such as the American Engineering Standard Committee (AESC) and the American Standards Association (ASA),

> these groups experimented with an organizational form – neither market nor hierarchy – that they believed would reconcile conflicts among diverse people, ideas, practices, and technologies. Standards committees were, in a general sense, part of a broader organizational response to the disorder that industrial capitalism brought to American society.[63]

To a certain extent, the very idea of regulatory practices that were neither market- nor state-based finds its origin within the bounds of methodological nationalism.

It should, however, be kept in mind that these and similar experiences evolved initially under the benevolent eye of national states that simply decided to leave to intermediary bodies tasks they could have otherwise taken onto themselves.[64] To this extent, the difference between US and France standard-setting practices is telling. The recent fragmentation of normative orders has on the contrary brought about a situation in which states and traditional means of inter-state regulation prove powerless or at least too inefficient to play any significant steering function.

A second caveat that needs to be introduced concerns the very nature of the normative practices that have been exercised by private associations across time, as all forms of private entrepreneurship do not bear the same political significance. One should distinguish at least between two major types of normative practices. On the one hand, practices whose function is essentially technical, as is typically the case of standard-setting associations working in technically complex domains such as communication. In this context, standard setting practices aim essentially to reduce transaction costs, rationalise production, and increase market efficiency. On the other hand, one can identify practices that take on more directly political goals. Such is typically the case of certification practices that target politically sensitive topics and that in so doing bear a distinctive moral-political quality: they aim at providing social actors with additional information concerning products and practices' compliance with environmental, social, moral, and political norms. Certification practices in normatively sensible areas such as work exploitation and environmental pollution have therefore a higher political relevance for democratic governance insofar as they directly target political goals such as combating inequality, fighting injustice, and preserving the environment.

Practices of private entrepreneurial norm setting in sensitive area combine these two traits together: (1) they introduce forms of private regulation; and (2) in politically relevant issues that have traditionally fallen under the legitimate scope of state authority. The novelty resides in the fact that private actors claim to exercise *legitimate* authority in the autonomous production of social and political norms, rivalling states in a domain traditionally reserved to them. As Steven Bernstein and Ben Cashore explain:

> NSMD [non-state market-driven] systems do not derive policy-making ability from states' sovereign authority. … this feature does not mean that states are unimportant: some state

[63] Ibid., p. 27.
[64] I'm grateful to an anonymous reviewer for reminding me of the national origin of standard setting bodies.

> agencies have provided financial support for particular NSMD systems, and domestic and international regulatory environments potentially affect their activities. However, even in cases where governments supported their formation, NSMD systems do not derive governing authority from states nor are they accountable to them.[65]

The very idea that private authority bears political legitimacy implicitly violates another pivotal distinction of methodological nationalism, that between the political and the commercial sphere. As the debate on the public sphere and representation has shown, actors outside formal political institutions can still be part of the political sphere under the tacit assumption that they operate *non-commercially* as critical agents of the public sphere. This conceptual framework allows no space for commercial enterprises such as standard-setting agencies or certification bodies. Indeed, methodological nationalism imposes a sharp distinction between, on the one hand, civil society actors speaking in the name of the public interest, and on the other hand private actors who maximise their own market-based interests. Private and public domains and actors must be sharply separated, as they are answerable to different forms of rationality. And indeed, even within global governance discourses, in which methodological nationalism is considered passé, remnants of this model persist in the interpretation of private authority through the lens of the state versus market dualism, private authority being conceived as a way of replacing state-based with market-based forms of regulation.

While it is indisputable that elements of market logic permeate these forms of private regulation, what is often misunderstood is the fact that *private authority, at least in some forms, represents a new opportunity for publics to emerge and to act*. Indeed, the kind of legitimacy these actors seek is of a political kind: they resort to commercial or market-based logics of action but having political goals in mind.[66] Not only do their activities have political relevance insofar as they tackle highly politicised issues, such as global poverty and climate change. Moreover, they bear, at least implicitly, a democratising potential that needs to be seriously examined.

Entrepreneurial authority in this sense represents something radically different from other forms of private regulation developed by the business sector. What is at stake here is not the autonomisation of the business from the state, but rather the opening up of new practices whereby a public can have its voice heard and its agenda considered, in situations where the public authority no longer has (or refuses to exercise), the power to intervene. This situation is increasingly frequent in sectors where the externalities produced by economic globalisation are greater, such as the environment and the labour market.

Until today, the most significant cases of private entrepreneurial authority have been developed in the environmental sector, in particular through certification schemes for the exploitation of forests.[67] Other schemes have been developed to reduce exploitation in sweatshops or to offer fairer trade conditions to peasants. Still other schemes are emerging in fields such as food, tourism, and fisheries.[68] These schemes follow the same logic, which consists in politically empowering citizen-consumers by offering them socially and environmentally relevant information. Whereas these actors

[65] Berstein and Cashore, 'Can non-state global governance be legitimate?', p. 349.
[66] Berstein and Cashore, 'Can non-state global governance be legitimate?'.
[67] See B. W. Cashore, G. Auld, and D. Newsom, *Governing through Markets: Forest Certification and the Emergence of Non-State Authority* (New Haven: Yale University Press, 2004).
[68] For an overview, see Hall and Biersteker, *The Emergence of Private Authority in Global Governance* and W. Mattli and N. Woods, *The Politics of Global Regulation* (Princeton: Princeton University Press, 2009). See also D. Vogel, 'Private global business regulation', *Annual Review of Political Science*, 11 (2008), pp. 261–82 for a very informative review of the field.

operate on a commercial basis, their action consists in helping emerge a inchoate public of socially and environmentally aware citizens that has not yet found a political voice through the traditional forms of representation and civil society. What is conceptually relevant in these new practices is that they show that a democratic public can emerge and achieve political goals of social and environmental justice, not only by electing governments sensitive to these issues – as methodological nationalism would prescribe, but also through direct action mediated through newly-emerging institutions whose democratising credentials cannot be explained either by enlarged theories of representation or by theories of the global public sphere.

These conscious schemes of social coordination pursue by other means the same goals sought by practices of 'naming and shaming' undertaken by NGOs, social movements and other actors in civil society. They do so, however, not through the exercise of critique and denunciation – the classical weapons of civil society – but *by developing new forms of alliance between citizens and firms*. As Cashore and his collaborators have shown for the case of forestry certification, these new schemes have emerged following repeated failures incurred by states and international organisations in the search for suitable regulations for forest exploitation.

Whereas public sphere and representation theory expect social change to occur through a process of mediation that necessarily involves public actors that filter public demands and transform them into binding decisions, private authority operates according to a different logic, insofar as it avoids all forms of public mediation by aiming at *directly empowering the publics themselves to action*.

This is the reason why political theories subscribing to methodological nationalism are not adequate to understand the political meaning of these and other similar phenomena. Indeed, if the state is only one among many competing normative authorities which compete to produce social innovation – emphatically, to change the world, if they are one among a plurality of agencies upon which publics can rely to control the consequences of external events affecting their lives, *why should publics entrust states and state-like public actors with full and exclusive authority?* Why should they accept that the only legitimate form of collective action requires submitting to the complex system of conduits and sluices (Habermas) that transform communicative power into politically legitimate administrative power?

Admitting the principle that publics may legitimately choose whether to rely upon states or private actors to realise their agenda shakes the foundations of our received understanding of politics. Indeed, the idea of a multi-level, multi-polar, and multi-actor political world enabling differential political strategies on the part of citizens takes us from a state-based to a public-based conception of politics.

These are some of the theoretical challenges raised by the proliferation of normative practices and actors for which the label 'entrepreneurial private authority'[69] seems most appropriate. Indeed, in a Westphalian world based on the idea of state sovereignty the very idea of normative entrepreneurs has no place because authority is monopolised by states, whereas entrepreneurship belongs to a private sphere ruled by the market. So what happens when the state's monopoly over authority is weakened to the point that new actors engage in norm-production and norm-implementation? Can we content ourselves with saying that these practices do not satisfy the

[69] Green, *Rethinking Private Authority*.

normative expectations we have developed to govern a world so different from the one in which we live today?

While political theorists contend that the solutions to the normative problems raised by globalisation require the creation of new public supranational institutions capable of restoring the right of a strong global public, individuals and group have begun to look for viable solutions in other directions, giving rise to heterogeneous actors attempting to fill this normative void, sometimes rivalling, sometimes cooperating with states. To that extent, the notion of *normative entrepreneurship* captures well this unprecedented situation in which heterogeneous types of actors compete to regulate a set of social practices that were traditionally managed by public powers, either directly or by delegation.

This situation has two possible interpretations. According to the first, actors will compete among themselves to achieve normative leadership to which publics will in the end submit. The second interpretation requires us to adopt a reverse perspective and consider that it is indeed publics that can now choose among competing normative actors by freely accepting their authority. While the first case seems to be more typical of what has been termed 'private authority', the second best characterises situations in a polycentric and pluralistic normative world.[70]

VII. Certification agencies as norm entrepreneurs

The idea of normative entrepreneurship is interesting for several reasons, all directly relevant to a public-based conception of politics. In the context of global studies where it has arisen, it was mainly intended to signify that in the absence of legitimate political actors, private actors may fulfill normative tasks usually accomplished by political ones. The crucial dimension of entrepreneurial authority is that these private actors initially have no constituency of their own, that is, they have to create their own public, rivalling with other competitors for public allegiance. Precisely because private authority relies upon voluntary adhesion rather than coercion, the dividing line between the private and the public is blurred and the principle of exclusive subjection to authority loosens its grip.

Certification schemes for controlling the environmental and social consequences of economic processes are, to date, the most important example of entrepreneurial activity with a clear political goal in view. Certification agencies provide citizens with different political opportunities. On the one hand, the conventional option to express their political voices, that is, to pressure political agencies in order to intervene and solve the problem. On the other hand, and more interestingly, they provide citizens with a different political option that consists in *intervening directly in the control of consequences* related to economic externalities.

From the vantage point of political pragmatism, the political role of private entrepreneurs can be explained as a type of bottom-up and non-state-driven process to develop new regulatory schemes that embed values widely shared by the public. The norm entrepreneur has a dual function:[71] (1) he gives voice to widely shared values; and (2) he sets up the process of change. While it can certainly be said that he 'represent' the public in the enlarged sense proposed by Saward's theory, what seems to be most relevant is the fact that he is also its 'armed wing', hence he acts on his behalf. Indeed, the major task of the norm entrepreneur does not consist in either representing or protesting. Rather,

[70] Krisch, *Beyond Constitutionalism*.
[71] On this point, see Bernstein and Cashore, 'Can non-state global governance be legitimate?'.

it consists in *activating processes of change*, for example by involving other actors – including states and other public actors, firms, and civil society actors. These processes are meant to directly intervene in the world by changing current practices of production and consumption and by spreading new norms. It is to be expected that at this stage actors will follow their own strategic calculations rather than complying with shared norms of common good. In other words, an orientation toward public goods is neither expected nor required. Hence the task of norm entrepreneurs will consist in creating conditions in which the different 'logics of consequence' may converge so as to produce positive externalities. Indeed, from a public-based perspective, it does not matter whether these agencies act on the basis of a self-interested business orientation (logic of consequences), or in the name of a disinterested search for the common good (logic of appropriateness): what matters is, rather, their contribution in helping a public to organise itself and to directly act in the world.

As Bernstein and Cashore show, successful norm entrepreneurship requires setting up a complex social process with several recursive loops that are aimed at building mutual trust and at the same time creating environments in which new norms can be envisaged and experimented. In other terms, a process of mutual influence and adjustment should take place between the norm entrepreneur and the public. If the experiment succeeds – transaction costs do not exceed expected benefits, consumers follow the new norms, NGOs find them appropriate – its expansion can be envisaged. These processes contribute to the formation of new publics through the transformation of practices and the adoption of new norms and values that in turn sustain the altered practices of firms. When these processes are successful, new institutional schemes are developed, which include not only norms, but also institutions devoted to monitoring and enforcing compliance.

These institutional schemes should, however, not be understood, as Bernstein, Cashore and others do, as mere innovative strategies that merely operate within the bounds of markets. Indeed, rather than market-driven, they should be seen as *public-driven*. In other terms, while they address consumers, they do it in their capacity as citizens. The constitution of a public is, in fact, at least partially indifferent to the classical distinction between citizens and consumers. Being private actors, norm entrepreneurs can address themselves only to individuals in their capacity as consumers, that is, as actors operating in the economic sphere of consumption and production. In so doing, however, they capture a truly political demand, one that cannot be satisfied through the standard channels of political representation. In that way they contribute to the political formation of a public and to the satisfaction of its political claims – claims to greater global justice and environment protection, and in so doing, fulfill a genuine political task.

Seen from this perspective, public actors, certification agencies, firms, and NGOs are all agents of the public, fulfilling different roles, but all contributing to the establishment and management of a normative order. A public-based conception of politics sees market logic, state logic, and civil society logic as different ingredients of a more complex pattern of collective action that can no more be separated into autonomous spheres. Because legitimacy reposes ultimately on communities and community-building, seeing these processes as steps to public-formation in the pragmatist sense helps us to understand their political relevance, as well as the status of the different actors involved in them.

While the political role of these actors remains difficult to explain with the tools of public sphere and representation theory, a public-based conception of politics has no difficulty in grasping their political meaning and relevance. This is possible precisely because a pragmatist public-based conception of politics has emancipated itself from methodological nationalism. Indeed, the integration of state-based, market-based, and civil society-based logics directly follows from the explanatory priority

assigned to publics. Such logics merely identify different spheres of action within which publics develop their own forms of agency. These agencies, as indicated, can belong to the public as well as the private sphere, can operate directly as representatives of the public (political institutions), can exercise a controlling and monitoring function vis-à-vis state activity (civil society), but can also directly intervene in the world (normative entrepreneurs).

Conclusion

Literature on transnational public spheres, advocacy networks, and transnational social movements has increased the plausibility of a public-based conception of politics in order to make it relevant to discussing issues in global politics. In so doing, it has contributed to overcoming state-based and nation-based approaches too heavily dependent upon Westphalian assumptions. Similarly, efforts to expand the scope of the concept of representation have led to an awareness that processes of delegation of authority occur on a much larger scale than political theories of representation assume.

Its considerable merits notwithstanding, this literature also displays clear limitations in understanding the new normative practices that are emerging at a global level. In particular, it fails to understand the intrinsic logic that governs a public-based politics, in which delegative and discursive practices cannot fill up the political space. What they fail to envisage is the political function of participation-as-action that is implicit in the idea that democracy denotes a form of life in which involvement in managing collective problems is a constitutive part of what it means to be a citizen. Contrary to what public sphere theory has taught us, we should begin again to look at publics as being constituted by actors, not by mere spectators. Actors that do not merely participate in the political process, but that moreover experiment with forms of collective action whose political meaning does not derive from the involvement of professional political actors and formal political institutions.

My contention is that by adhering to methodological nationalism we fail to understand how publics can be constituted and become effective in ways that are largely external to the classic patterns of a renewed vision of representative government or of civil society. The case of certification agencies and, more broadly, of forms of private entrepreneurial authority shows that publics can organise themselves and produce political outcomes by following patterns of collective action for which theories of global constitutionalism, transnational public sphere, and global representation have no place. As I have shown, a public can indeed emerge through patterns of critical consumerism and be sustained in its efforts by the rise of private actors that act as the agencies of the public. Yet these agencies are not public in the conventional sense, and their role is not discursive but rather pragmatic. Their aim is not to constrain public authorities through discourses, but rather to change the world by empowering publics with adequate instruments to intervene in it.

As I have attempted to show, a public-based perspective helps us to overcome the central dichotomies of methodological nationalism, replacing them with a continuous transition between the terms composing the six dualisms on which it is built. From this perspective, the blending of input and output legitimacy, and the existence of private-public mixed forms of authority appear as perfectly legitimate conditions defining the sociopolitical arena within which consumer-citizens organise themselves into publics.

In conclusion, political pragmatism provides important resources for understanding the political relevance of normative practices that so far have been only marginally integrated into political

theory, but whose theoretical and practical relevance may prove much greater than is currently estimated.

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