

“Challenges of an Agonistic Constructivism for International Relations:
Comments on Antje Wiener’s *A Theory of Contestation*”

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We propose to think with Antje Wiener about one of the most distinguishing and engaging features of her book, *A Theory of Contestation*. That is what she refers to as its bifocal approach, an analytical or methodological orientation that explicitly conjoins “normative and empirical research”.¹ In Wiener’s words,

In keeping with the bifocal approach two steps are to be reflected by research that seeks to analyse the legitimacy gap. The first step consists of identifying organizing principles in a selected sector of global governance, and the second step assesses how to ‘fill’ the legitimacy gap through regular contestation. The crucial aspect of this bifocal approach lies in linking the normative meta-organising principle of contestedness with the practice of contestation...²

While it is not uncommon for scholarship on international norms and global governance to stitch together the empirical and the normative, typically either in the form of smuggling an implicit normative posture into ostensibly purely empirical research or selectively engaging empirics to bolster an ordained desired conclusion with respect to the normativity of international norms, it is quite unusual for a scholar to present an approach that explicitly conjoins the two in a systematic methodology, as Wiener does. She, by contrast to convention, expressly and overtly integrates the normative and the empirical in the meticulous unfolding of her theorization of contestedness and contestation in the potential production of legitimacy of global governance provisions. We find this move on her part both refreshing and inspiring. It provides one of the many notable strengths of her book, which can be adopted, modeled, and modified by other scholars in future work, potentially collectively constituting the corpus of a distinct strand of international relations theory.

At the risk of over-stepping our role and to highlight the distinctive theoretic contribution, we suggest that Wiener re-title her theory agonistic constructivism. At first this might sound a bit like arguing about semantics, or heaven forbid “re-branding”, but we have a theoretical reason for this. Social constructivism has become a sufficiently entrenched approach in International Relations theory that

¹ Antje Wiener, *A Theory of Contestation* (New York: Springer, 2014), 8.

² *Ibid.*, 63.

the old distinction between positivists and social constructivists has lost much of its meaning. While it is not quite accurate to say that “we are all social constructivists now”, we do think that it is accurate to say that anyone studying international norms must necessarily be a social constructivist of some kind. After all any norm must be constructed through some set of social practices that spells out a standard of appropriate behavior in a given context. If all norms research must in some sense be socially constructivist, then the real fissures between norms scholars are not at the level of ontological debates over materiality or ideality. Instead they are on the two substantive issues at the heart of Wiener’s book: how are norms generated and how are they validated. And if this is the case, then the real debates in norms research nicely parallel similar debates in contemporary political theory over the nature and validity of democratic norms. Therefore we really have three camps in this debate – liberal constructivists, who treat norms as socially generated and contestation as problematic outside of the procedures for developing norms; critical constructivists, who treat norms as reflections of the material interests of the existing geo-political order;³ and agonistic constructivists, who see norms as principles and standards constantly open to generation, critique, and renewal through practices of contestation at all scales of human life from the local to the global. Re-labeling Wiener’s theory agonistic constructivism would open up this approach to a broader range of theoretical tools deployed by Tully’s agonistic fellow travelers ranging from Wittgenstein, to Foucault, to Cavell, to Honig, to Connolly, to Mouffe.⁴ It would underscore the fundamental ways in which this approach resists the will to consensus that is at the heart of other constructivist approaches, its suspicion of false universals, its commitments to anti-colonialism, and its emphasis

³ The relationship between liberal (or conventional) varieties of constructivism and critical varieties of constructivism is a long-standing debate within IR scholarship on constructivism. For the classic discussion of the distinction see Ted Hopf, “The Promise of Constructivism in International Relations Theory,” *International Security* 23, no. 1 (July 1, 1998): 171–200, doi:10.1162/isec.23.1.171; Martha Finnemore and Kathryn Sikkink, “TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics,” *Annual Review of Political Science* 4, no. 1 (2001): 391–416, doi:10.1146/annurev.polisci.4.1.391; Richard Price and Christian Reus-Smit, “Dangerous Liaisons? Critical International Theory and Constructivism,” *European Journal of International Relations* 4, no. 3 (September 1, 1998): 259–94, doi:10.1177/1354066198004003001.

⁴ Ludwig Wittgenstein, *Philosophical Investigations*, 3rd ed. (Prentice Hall, 1973); James Tully, *Public Philosophy in a New Key: Volume 2, Imperialism and Civic Freedom*, 1st ed. (Cambridge University Press, 2009); Chantal Mouffe, *The Return of the Political* (Verso, 2006); Bonnie Honig, *Political Theory and the Displacement of Politics* (Cornell University Press, 1993); William E. Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox, Expanded Edition, Revised* (Univ Of Minnesota Press, 2002); Stanley Cavell, *Conditions Handsome and Unhandsome: The Constitution of Emersonian Perfectionism: The Carus Lectures, 1988*, 1st ed. (University Of Chicago Press, 1991); Michel Foucault, “The Subject and Power,” *Critical Inquiry* 8, no. 4 (1982): 777–95.

on pluralism. That will be a lasting contribution, and we heartily commend Wiener for taking an important step towards it.⁵

At the same time that it offers a distinct agonistic constructivist theoretic framework, Wiener's bifocal approach poses some challenges, which call for critical exploration. And it is to those challenges that we want to turn our attention.

For one thing, the two interwoven objects of analysis—empirical practices of contestation and the normativity of contestedness—seem to hail two distinct audiences—respectively scholars/academic theorists of international relations and participants in global governance. Because of the inextricable interweaving of the objects, the audiences are easily conflated, a trap into which Wiener falls on occasion in the book.⁶ This blurring of the distinction of audiences creates some confusion about the book's purpose and contribution. Consider these passages, two of which appear relatively early in the book and one later. (We could have selected any of a number of others to make the same point.):

The more an approach is in the position to account for potential contestation, the higher the likelihood to establish legitimate governance.⁷

...approaches, which allocate normativity internally and consider norms as intersubjectively constructed provide the highest potential for contestation. In that case, the decision to establish access to 'regular' contestation with the purpose of establishing or maintaining legitimate and just governance in the global realm would be most plausible.⁸

⁵ While we play up the agonistic dimension of Wiener's work, it is worth noting that other contributors to this volume read TOC differently. See Lisbeth Zimmermann "Inter-national Habermas: Contestation and understanding under conditions of diversity," 2 for the argument that Habermasian theories of contestation are more central to Wiener's work than we claim. On a slightly different note Sundaram argues that Wiener's focus on contestation is overly reliant on cultural validation as the criteria by which participants judge the validity of norms, and argues that Wiener instead should ground her theory in a logic of practical reasoning.

⁶ Christian Bueger, "Linking Practices and Norms: A Comment on Antje Wiener's *A Theory of Contestation*," p.2 makes a similar argument about the difficulties in linking theories of contestation to the empirical study of contested practices.

⁷ Wiener, *A Theory of Contestation*, 20.

⁸ *Ibid.*, 22.

...contestation facilitates the opportunity for stakeholders to participate in negotiating the normativity of governance in the global realm. The following elaborates on the way this distinction matters for the theory of contestation. By doing so, an opening for the participation of involved stakeholders stands to be generated.⁹

In highlighting these passages, we do not intend to quibble with the normative or empirical theorizing, as other commentators have raised some questions about those matters already. Instead, we want only to point out that in each of the three passages, and in many others—that is, as a recurring theme of the book—there is a problematic conflation of audiences, a rather facile move between addressing academic theorists, on the one hand, and participants in or stakeholders of global governance, on the other. A novel theoretical insight and analytical perspective is cast simultaneously as a means toward more legitimate governance in and of the global realm. As far as we can tell in our readings of her book, Wiener never states or shows how that simultaneity is achieved, and hence why it is appropriate to conflate the audiences. How precisely does improved academic theorizing and empirical analysis of contestedness and contestation—an agonistic constructivism that, say, provides a more compelling understanding of norms, normativity and legitimacy in global governance than liberal or critical constructivisms—translate readily into establishing and maintaining more just and legitimate governance on the domain of practices in the global realm? It seems to us that *A Theory of Contestation* needs to deal with that question explicitly if it is to realize its two ostensive purposes of theorizing and accounting for legitimacy-making practices, on one hand, and promoting a vision of legitimate democratic global governance to come, on the other.

The reason that we belabor this point, which might be considered trivial, is that the conflation and facile movement across audiences sets the stage for some additional problems. Specifically, the two purposes do not seem to fit together entirely compatibly. This is the second of the challenges that we see coming from the bifocal approach—the question of compatible fit. We would suggest this problem in four ways.

First, a recurring strand of argument in the book reveals, but we believe doesn't satisfactorily resolve, a tension. One side of the argument makes claims that contestation about not only the implementation of specific norms but also normative organizing principles and even putatively fundamental norms happens organically (or, if one prefers, endogenously) through the contentious practices of global governance participants in a diverse world; legitimacy-generating contestation is occurring on its own. The other side of the argument makes the seemingly contradictory claim that there is a need to insert institutional mechanisms and procedures to channel and regularize the contestation in order for

⁹ Ibid., 46.

it to generate legitimacy effectively (by avoiding a degenerating of contestation into conflict).

It is telling that the term used most frequently on this point throughout the book is the verb, to insert—an active intervention from the outside, bringing an allegedly needed ingredient in. It is this latter aspect of the bifocal approach and its dual audiences that, quite frankly, is most troublesome to us. That, because in some respects it suggests a fantasy—potentially of Pollyanna proportions—about the possibility of stable and legitimate global governance, **if** the right global rules and institutional procedures were put in place by the right global rulers exercising masterful control over the conditions of global contestation. But who is to do this inserting? Who are the global governors masterfully controlling the conditions of normative contestation to foster legitimacy? If the answer is that it is the full array of participants in open multilogue, is that not, in effect, saying that the process is organic and endogenous, such that the notion of a needed external insertion is belied?

Alternatively, if something more than the organic multilogue is required, is the argument not committing to either of two possibilities—1) presupposing an appreciable degree of sharedness or community of purpose, such that some can exercise “rule” and do the inserting in the name of what in effect is constitution-making for a presupposed community (a commitment that Wiener explicitly says she seeks to distance her theory from, but which inescapably lurks as an implication of drawing inspiration from currents of democratic theory and public philosophy), or 2) a recognition that the inserting is an expression of unequal power, which carries with it inescapably the ingredients for global governance as a form of imperial or quasi-imperial domination (a commitment that Wiener unfortunately fails to acknowledge to any serious degree).

Second, at some points in the text Wiener make it seem as if the theory of contestation opens up space for contestation throughout the lifecycle of a norm (e.g. Table 2.3; the discussion of inter-cultural relations). Yet, in other places and other ways she seems to limit the theory of contestation to specific practices and stages, in part, we suspect because of a desire to speak to the audience of global governors. For instance, in the chapter on the diversity premise she narrows the focus of contestation to address a very specific “legitimacy gap,” which she says emerges at the referring stage of norm generation. Furthermore most of the examples in this book focus on formal procedures and institutions of global governance and international law as sites for contestation.

To be clear, we are sympathetic with Wiener’s call for more empirical analysis of the role of contestation at these stages and in these venues, but does the theory of contestation **only** apply in these ways? If yes, then we think this is undercutting the radical implications of the agonistic approach for IR. One of Tully’s central points is that acts of contestation can happen at any stage, in any place, by any actor affected

by any norm.¹⁰ Any attempt to pre-determine what is an appropriate or inappropriate actor, venue, or norm is necessarily unjust because it forecloses the possibility for dialogue and is imposed on actors without their consent.

If, by contrast, the answer is no, then we think the theory needs to be explicitly extended to cover cases outside of conventionally acceptable, institutional venues for norm contestation. In terms of theories of norms in International Relations, this means that not only do fishers have a right to contest norms about fishing quotas (to use Wiener's example of the Turbot War) but actors can and do contest any and all norms, at any level, and any point in time. For example, one of the central issues of contestation for the Indigenous Peoples' Working Group at the UN was over who had standing in negotiating the Declaration on the Rights of Indigenous Peoples.¹¹ Most human rights instruments are negotiated state-to-state, with advice and input from non-governmental organizations. In the early stages there was much pushback from First Nations that they were a) being described as non-governmental (after all a core claim of indigenous polities is that they are self-governing and that the failure of international law to recognize this is a form of imperialism); b) that they should have full and equal standing in the norm development process as the representatives of sovereign states. This specific act of contestation is an example of the ways in which the contestation of norms can call even the most fundamental norms of global governance – in this case norms of sovereignty, self-determination, and recognition – into question (what Wiener calls Type 1 norms).¹² So, our more pointed question is, does contestedness go all the way down (and up), and can it happen at any time, in any place and in any way?¹³ If so, as we believe its theoretic power leads, then where are the global governors located, to which the book is also ostensibly addressing?

Third, we would ask, what kinds of acts count as acts of contestation? Wiener writes: "Given that [the practice of contestation] is always expressed through language, however, it excludes violent acts such as . . . any form of war, terrorist act or protest."¹⁴ We are not convinced by this attempt to limit contestation to speech acts for a couple of reasons.

Part of the import of the linguistic turn is to blur the distinction between language and action (hence the term speech act). Consider Tully's description of agonism as

¹⁰ James Tully, *Public Philosophy in a New Key: Volume 1, Democracy and Civic Freedom*, 1st ed. (Cambridge University Press, 2009), 72.

¹¹ Jonathan Havercroft, "Sovereignty, Recognition and Indigenous Peoples," in *Moral Limit and Possibility in World Politics*, ed. Price, Richard M. (Cambridge: Cambridge University Press, 2008), 112–38.

¹² Wiener, *A Theory of Contestation*, 36.

¹³ See Brent Steele, in his piece in this volume, p.1 makes a similar argument to us about the scope of norm contestation in Wiener's theory.

¹⁴ *Ibid.*, 49.

“thinking *and* acting differently”.¹⁵ Non-verbal acts have linguistic import, and to quote Wittgenstein, “words are also deeds”.¹⁶ Protests are one of the fundamental ways in which civil society challenges and generates new norms. Second we are concerned about the attempt to eliminate the role of violence from agonism. We think part of this may come from the necessary blurring of the empirical and the normative that results from Wiener’s “bi-focal” approach to norms, and its attendant problem of fit. After all most would agree with Churchill that when it comes to world politics “it is better to jaw--jaw than to war--war”.

That being said, we are unconvinced that empirically it is possible to separate acts of violence out from practices of contestation over norms. A compelling case could be made that the norm of self-determination grew in part out of World War I and the wars of colonial independence in the 1950s, 1960s, and 1970s. While civil society certainly had an important role to play to developing human rights norms, would we have a Universal Declaration of Human Rights, let alone the United Nations, without the hemoclysm of World War II? Violence and the threat of violence are both means of contesting norms. They are probably not the preferable way of doing so, but to foreclose the possibility that violence can be used to contest norms undercuts part of the explanatory power of the theory of contestation.

On the normative front the claim that violence should not be used to contest norms is on a stronger footing. But even here such a claim needs to be supported by a robust set of normative arguments. Indeed Tully, in his most recent work, has turned towards developing a normative defense of non-violence.¹⁷ And there is certainly room for bringing such a theory into IR. However, such an approach needs at a minimum to take seriously both the realist tradition that claims violence is an inevitable (if tragic) feature of global politics, and the just war tradition that has worked out defenses of when and how the use of force is just. It is also worth considering the possibility that violence by non-state actors is sometimes a necessary part of generating norms that today are considered just (by many). For every William Wilberforce who non-violently challenges the norm of the global slave trade in Parliament, there is a John Brown who challenges slavery by organizing a slave revolt at Harper’s Ferry. For every Gandhi who opposes European Empire through principled non-violence, there is Frantz Fanon who insists that anti-colonial violence is a necessary step in the decolonization of the psyche of colonized peoples. To take the role of violence seriously in processes of norm contestation and norm legitimization is not to defend violence per se. But to avoid the role of violence in norm contestation runs the risk of falling into the same trap of liberal constructivists who tend to study “good norms”, and as such are

¹⁵ Tully, *Public Philosophy in a New Key*, 2009, 130–1.

¹⁶ Wittgenstein, *Philosophical Investigations*, sec. 546.

¹⁷ James Tully, *On Global Citizenship: James Tully in Dialogue* (A&C Black, 2014), chap. 1.

unable to account for why such norms are good, how they were generated, and how those norms ought to be changed.¹⁸

The fourth of the ways that we would suggest the question of (in)compatible fit as a challenge deriving from the bifocal approach and its dual audiences is in thinking with Wiener about the character of the theory that she is offering to the more expressly academic audience of theorists of international norms and governance, who seek to understand and analyze the conditions of possible legitimacy. That theory is, more than anything, a complex conceptual map, developed meticulously by working through layers of multiple typologies and taxonomies. Its greatest contribution, we believe, is in enabling us in our academic research to think through our concepts more vigorously and systematically. That is a very significant contribution. But it is not clear to us how that complexity and conceptual nuance fits compatibly with the purpose of addressing an audience of participants in global governance who seek to channel the inevitable normative contestation to further the legitimacy of those governance arrangements.

A Theory of Contestation is an important contribution and an engaging read. It opens up a significant theoretical space. And it raises a number of questions that remain challenges for us all.

¹⁸ Paul Kowert and Jeffrey Legro argued that because social constructivists studied “good norms” that “worked” they failed to account for how one knows a norm is collectively held, and upon what does the regulative authority of norms rest. They argue that to correct this bias in liberal constructivism, constructivist scholars should also study norms that fail, and norms that become obsolete. See Paul Kowert and Jeffrey Legro, “Norms, Identity, and Their Limits: A Theoretical Reprise” in Peter J. Katzenstein, ed. *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), 483 – 485. For a reply to this critique, see Richard Price “Moral Limit and Possibility in world politics” in Richard Price ed. *Moral Limit and Possibility in World Politics* (Cambridge: Cambridge University Press, 2008), 4.