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Between Banyans and battle scenes: Liberal norms, contestation, and the limits of critique

JONAS WOLFF AND LISBETH ZIMMERMANN*

Abstract. In studying the global spread and implementation of liberal norms, scholars have moved from linear notions of norm diffusion and promotion to an emphasis on norm contestation. Contestation by the supposed beneficiaries and addressees has taken centre stage in both research on the norms that underpin global governance and in studies on democracy promotion and liberal peacebuilding. While the impetus of this scholarship is normative – to overcome the taken-for-granted nature of liberal norms – the concept of contestation itself is mainly used with an analytical interest. Yet, as we show in this article, contestation also comes with – oftentimes implicit – normative connotations. Focusing on the seminal work of Milja Kurki, Oliver Richmond, Antje Wiener, and Amitav Acharya, we reconstruct these normative connotations. It turns out that the normative take on contestation is fairly conventional in all four approaches. Contestation is largely seen as a means to enable dialogue, as illustrated by Acharya’s metaphor of the Banyan tree. Fundamental conflicts over liberal norms (‘battle scenes’) are either not considered or seen as normatively undesirable. As a way forward, we propose a typology that enables scholars to empirically analyse contestation in its different expressions and suggest two strategies to normatively assess practices of contestation.

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Introduction

There is an increasing awareness among scholars that study international norms that these norms and their intrinsic universality cannot be taken for granted. The debate

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has turned from a focus on norm diffusion to an interest in norm contestation and related discussions about norm localisation, appropriation, and subsidiarity.¹ Critical debates related to the topic have also emerged in the research on international democracy promotion and (liberal) peacebuilding: They likewise point to the contested nature of the concepts of 'liberal democracy' and 'liberal peace' as well as to actual processes of contestation of and resistance against the practices guided by these normative templates.²

At first sight, contestation, in these debates, is used as an analytical, descriptive concept; according to most authors, those liberal concepts and paradigms are normative that are met with contestation. Yet, as we argue in this article, upon closer examination, contestation also has strong normative connotations. As we will demonstrate below, those scholars that empirically study and theoretically emphasise the relevance of contestation at the same time normatively call for recognising, facilitating, and promoting contestation. They usually see contestation as having democratic qualities itself: Formerly passive 'objects' of international governmentality gain voice, struggles over the concept of democracy facilitate

¹ See Amitav Acharya, 'How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism', *International Organization*, 58:2 (2004), pp. 239–75; Amitav Acharya, *Whose Ideas Matter? Agency and Power in Asian Regionalism* (Ithaca: Cornell University Press, 2009); Amitav Acharya, 'The R2P and norm diffusion: Towards a framework of norm circulation', *Global Responsibility to Protect*, 5:4 (2013), pp. 466–79; Nicole Deitelhoff and Lisbeth Zimmermann, 'Things we lost in the fire: How different types of contestation affect the validity of international norms', *PRIF Working Paper* 18, available at: {http://www.hsfk.de/fileadmin/downloads/PRIF_WP_18.pdf} accessed 10 December 2013; Anja Jetschke and Andrea Liese, 'The power of human rights a decade after: From euphoria to contestation?', in Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013), pp. 26–42; Antje Wiener, 'Contested compliance: Interventions on the normative structure of world politics', *European Journal of International Relations*, 10:2 (2004), pp. 189–234; Antje Wiener, *The Invisible Constitution of Politics: Contested Norms and International Encounters* (Cambridge: Cambridge University Press, 2008); Antje Wiener, *A Theory of Contestation* (Berlin: Springer, 2014); Lisbeth Zimmermann, *Global Norms with a Local Face? The Interaction of Rule of Law Promotion and Norm Translation in Guatemala* (unpublished PhD thesis, Technische Universität Darmstadt, 2012); Lisbeth Zimmermann, 'Same same or different? Norm diffusion between resistance, compliance, and localization in post-conflict states', *International Studies Perspectives* (Online First: DOI:10.1111/insp.12080, 2014); Susanne Zwingel, 'How do norms travel? Theorizing international women's rights in transnational perspective', *International Studies Quarterly*, 56:1 (2012), pp. 115–29.

² See, among others, Jeff Bridoux and Milja Kurki, *Democracy Promotion: A Critical Introduction* (Abingdon: Routledge, 2014); David Chandler, 'Peacebuilding and the politics of non-linearity: Rethinking "hidden" agency and "resistance"', *Peacebuilding*, 1:1 (2013), pp. 17–32; David Chandler and Oliver Richmond, 'Contesting postliberalism: Governmentality or emancipation?', *Journal of International Relations and Development*, 18:1 (2015), pp. 1–24; Christopher Hobson and Milja Kurki (eds), *The Conceptual Politics of Democracy Promotion* (London: Routledge, 2012); Milja Kurki, 'Democracy and conceptual contestability: Reconsidering conceptions of democracy in democracy promotion', *International Studies Review*, 12:3 (2010), pp. 362–86; Milja Kurki, 'Human rights and democracy promotion: Reflections on the contestation in, and the politico-economic dynamics of, rights promotion', *Third World Quarterly*, 32:9 (2011), pp. 1573–87; Milja Kurki, *Democratic Futures: Re-Visioning Democracy Promotion* (Abingdon: Routledge, 2013); Roger Mac Ginty and Oliver P. Richmond, 'Myth or reality: Opposing views on the liberal peace and post-war reconstruction', *Global Society*, 21:4 (2007), pp. 491–7; Roger Mac Ginty and Oliver P. Richmond, 'The local turn in peace building: a critical agenda for peace', *Third World Quarterly*, 34:5 (2013), pp. 763–83; Annika E. Poppe and Jonas Wolff, 'The normative challenge of interaction: Justice conflicts in democracy promotion', *Global Constitutionalism*, 2:3 (2013), pp. 373–406; Oliver P. Richmond, 'Resistance and the post-liberal peace', *Millennium*, 38:3 (2010), pp. 665–92; Oliver P. Richmond, *A Post-Liberal Peace* (London: Routledge, 2011); Oliver P. Richmond and Audra Mitchell, 'Peacebuilding and critical forms of agency: From resistance to subsistence', *Alternatives*, 36:4 (2011), pp. 326–44; Shahrbanou Tadjbakhsh (ed.), *Rethinking the Liberal Peace: External Models and Local Alternatives* (London: Routledge, 2011); Jonas Wolff, Hans-Joachim Spanger, and Hans-Jürgen Puhle (eds), *The Comparative International Politics of Democracy Promotion* (London: Routledge, 2014).

deliberation and self-determination,³ and resistance against liberal peacebuilding creates space for emancipatory processes.⁴ Contestation, thereby, becomes itself a normative concept.

This normative quality of contestation is, however, rarely spelt out. Correspondingly, the normative consequences – and tensions – implied by the emphasis on, and call for, contestation remain unaddressed. While the scholarship on contestation is generally characterised by a high degree of (self-)reflexivity, this critical attitude has yet to be extended to the very concept of contestation. In order to contribute to such an extension, this article works out the different normative uses of the concept of contestation in the literature on norm contestation, with a particular focus on challenges to the global spread and worldwide implementation of liberal norms.⁵ Because such a study needs an in-depth analysis of implicit notions linked to the concept of contestation in specific works, we focus on four influential contributions to this literature that represent different research foci and theoretical perspectives: the research on contested models of democracy in democracy promotion by Milja Kurki; the work on resistance to liberal peacebuilding by Oliver Richmond; the work on norm contestation by Antje Wiener; and the study of norm localisation by Amitav Acharya.

In reconstructing the normative – in fact, often democratic – claims that are linked to contestation in the work of these four authors, we argue that the notions of contestation used (or implied) by these scholars are, first, surprisingly similar. Second, they are fairly conventional in terms of democratic theory and, third, can generally be located within the broad liberal mainstream of approaches to global governance.

An exploration of the normative meanings attached to the concept of contestation is currently still missing in International Relations (IR).⁶ In analysing the normative and functional justification, the (implicit) limits and preferred modes of contestation, we show that contestation in the studies under consideration is largely seen as a means which ideally leads to inclusive dialogue with norm promoters under the Banyan tree (a metaphor introduced by Amitav Acharya). Battle scenes – that is, conflicts over promoted norms of a more fundamental and radical kind – are either not considered or seen as normatively undesirable. This narrow focus on contestation as intra-systemic opposition sits uneasily with the very aim of the literature on contestation, which, in general terms, shares a critical perspective on the existing global order. To the extent that the interest in contestation emerges from a position that ‘does not take institutions and social and power relations for granted but calls them into question’,⁷ one cannot simply demarcate supposedly ‘good’ contestation (that is normatively

³ Kurki, *Democratic Futures*, p. 4.

⁴ Richmond, *A Post-Liberal Peace*, p. 149.

⁵ In this article, we do not use a fixed definition of liberal norms but relate more generally to the contested range of liberal conceptions of political order and (good) governance as used in contemporary international relations (the topic) and International Relations (the discipline) that include the set of norms associated with liberal models of democracy, rule of law, and human rights.

⁶ A liberal core of post-liberal peacebuilding research has, however, already been identified by postcolonial scholars. As Sabaratnam argues, post-liberal critiques are ‘trapped in a “paradox of liberalism”’. Meera Sabaratnam, ‘Avatars of eurocentrism in the critique of the liberal peace’, *Security Dialogue*, 44:3 (2013), p. 270. See also David Chandler, ‘Resilience and the “everyday”’: Beyond the paradox of “liberal peace”’, *Review of International Studies*, 41:1 (2015), pp. 38–9; Suthaharan Nadarajah and David Rampton, ‘The limits of hybridity and the crisis of liberal peace’, *Review of International Studies*, 41:1 (2015), pp. 49–72.

⁷ This is part of Robert Cox’s famous definition of critical theory (as opposed to ‘problem-solving theory’). Robert W. Cox, ‘Social forces, states and world orders: Beyond International Relations theory’, *Millennium*, 10:2 (1981), p. 129.

desirable and capable of being integrated into the given normative order) from other (radical, disruptive, irreconcilable) forms of resistance. In discussing these limitations of existing approaches, we argue for a broader perspective on contestation that also considers radical expressions of dissent and explicitly recognises the normative tensions that are associated with any critical perspective on contestation.

The article first briefly summarises the turn to contestation (and to related concepts such as resistance) in current IR debates. In doing so, we also clarify our usage of the term and justify the selection of the four authors mentioned above. The respective approaches to contestation developed by Kurki, Richmond, Wiener, and Acharya are assessed in four consecutive sections. Then, we compare the four approaches, discuss differences and commonalities, and contrast them with perspectives on critique, opposition, and resistance in IR and democratic theory more generally. We conclude by proposing a typology of contestation that enables scholars to empirically analyse the phenomenon in its different expressions and suggest two strategies of dealing with the difficult question of how to normatively assess practices of contestation.

Contestation in IR: A brief overview of current debates

The recent turn to research on contestation in IR has emerged in two related but separate research areas. First, since the early 2000s, scholars interested in the dynamics and meanings of norms that underpin the current global order have increasingly emphasised the relevance of contestation in international politics. Predominant approaches that focused on norm diffusion and compliance were seen as too dichotomous, linear, and static. The emphasis on contestation was based on a more complex understanding of the dynamics involved in the spread, institutionalisation, and application of global norms.⁸ Influential contributions to this debate were made by Amitav Acharya and Antje Wiener. Focusing on regional norm dynamics in non-Western/Third World contexts, Acharya introduced the concepts of ‘norm localisation’ and ‘norm subsidiarity’ to describe potential outcomes of norm contestation beyond full norm adoption or mere rejection.⁹ This inspired a vibrant research branch looking into the adaptation and translation of norms between global, regional, domestic, or local contexts.¹⁰ Wiener, in contrast, has worked primarily on norm contestation within Europe and at the global level.¹¹ She represents a group of scholars that look at contestation with the aim of analysing the changing

⁸ Acharya, ‘How ideas spread’; Charlotte Epstein, ‘Stop telling us how to behave: Socialization or infantilization?’, *International Studies Perspectives*, 13:2 (2012), pp. 135–45; Mona L. Krook and Jacqui True, ‘Rethinking the life cycles of international norms: the United Nations and the global promotion of gender equality’, *European Journal of International Relations*, 18:1 (2012), pp. 103–27; Wiener, ‘Contested compliance’. For overviews of this scholarship, see Deitelhoff and Zimmermann, ‘Things we lost in the fire’; Zimmermann, *Global Norms with a Local Face?*; Zimmermann, ‘Same same or different?’.

⁹ Acharya, ‘How ideas spread’; Acharya, *Whose Ideas Matter?*; Amitav Acharya, ‘Norm subsidiarity and regional orders: Sovereignty, regionalism, and rule-making in the Third World’, *International Studies Quarterly*, 55:1 (2011), pp. 95–123.

¹⁰ See Jürgen Rüland and Karsten Bechle, ‘Defending state-centric regionalism through mimicry and localisation: Regional parliamentary bodies in the Association of Southeast Asian Nations (ASEAN) and Mercosur’, *Journal of International Relations and Development*, 17:1 (2014), pp. 61–88; Zwingel, ‘How do norms travel?’; and the overviews in Zimmermann, *Global Norms with a Local Face?*; Zimmermann, ‘Same same or different?’.

¹¹ Wiener, ‘Contested compliance’; Wiener, *The Invisible Constitution of Politics*; Wiener, *A Theory of Contestation*.

meanings and interpretations of norms of global governance.¹² One of her major contributions to this field of research is the emphasis on the ‘dual quality’ of norms – stable on the one hand, and contested and dynamic on the other.¹³

A second area of research that has seen a turn to contestation concerns the diverse practices of international intervention into what had traditionally been regarded the internal affairs of states. Most notably, a rich critical scholarship has emerged in recent years that empirically analyses and normatively questions ‘liberal peacebuilding’.¹⁴ A similar, if less vibrant, debate concerns the related practice of external democracy promotion.¹⁵ In both cases, the emphasis on contestation (or resistance) responded to a mainstream perspective that regarded the liberal norms supposed to be implemented through such international interventions as universally valid. Oliver Richmond is certainly one of the protagonists of the former debate. His main contributions centre around a critical analysis of the ‘liberal peace’ paradigm, an emphasis on local agency in peacebuilding contexts with a particular focus on resistance, and, most recently, a discussion of hybrid variants of (‘post-liberal’) peace that emerge from the encounter of international and local actors in peacebuilding.¹⁶ In terms of contestation, Richmond’s starting point is the contestedness of the very paradigm of the ‘liberal peace’.¹⁷ In the debate about democracy promotion, the corresponding argument has been introduced, most prominently, by Milja Kurki. Turning attention to the conceptual politics of democracy promotion, she has, in particular, brought the notion of democracy as an essentially contested concept into the debate of democracy promotion.¹⁸

While Acharya, Wiener, Richmond, and Kurki represent different research areas in IR, they also refer to very different theoretical positions when trying to make sense of contestation. Kurki, in her 2013 book, explicitly proposes a ‘synthesis of Gramscian and Foucauldian theoretical ideas’.¹⁹ Richmond also draws frequently on Michel Foucault, but in addition refers to a broad range of postcolonial and poststructuralist approaches as well as to the notion of ‘agonistic democracy’ as proposed by William Connolly or Chantal Mouffe.²⁰ Acharya, in contrast, does not take any particular stance in terms of political/democratic theory. Yet, his aim to

¹² See Krook and True, ‘Rethinking the life cycles of international norms’; Wayne Sandholtz, ‘Dynamics of international norm change: Rules against wartime plunder’, *European Journal of International Relations*, 14:1 (2008), pp. 101–31; Kees Van Kersbergen and Bertjan Verbeek, ‘The politics of international norms: Subsidiarity and the imperfect competence regime of the European Union’, *European Journal of International Relations*, 13:2 (2007), pp. 217–38.

¹³ Antje Wiener, ‘The dual quality of norms and governance beyond the state: Sociological and normative approaches to “interaction”’, *Critical Review of International Social and Political Philosophy*, 10:1 (2007), pp. 47–69.

¹⁴ For overviews of this scholarship, see Roger Mac Ginty (ed.), *Routledge Handbook of Peacebuilding* (Abingdon: Routledge, 2013); Edward Newman, Roland Paris, and Oliver P. Richmond (eds), *New Perspectives on Liberal Peacebuilding* (Tokyo: United Nations University Press, 2009); Tadjbakhsh, *Rethinking the Liberal Peace*.

¹⁵ For overviews, see Bridoux and Kurki, *Democracy Promotion*; Hobson and Kurki, *The Conceptual Politics of Democracy Promotion*; Poppe and Wolff, ‘The normative challenge of interaction’.

¹⁶ See Mac Ginty and Richmond, ‘Myth or reality’; Mac Ginty and Richmond, ‘The local turn in peace building’; Oliver P. Richmond, *The Transformation of Peace* (Basingstoke: Palgrave Macmillan, 2005); Oliver P. Richmond, ‘Patterns of peace’, *Global Society*, 20:4 (2006), pp. 367–94; Richmond, ‘Resistance and the post-liberal peace’; Richmond, *A Post-Liberal Peace*; Richmond and Mitchell, ‘Peacebuilding and critical forms of agency’.

¹⁷ Richmond, ‘Patterns of peace’, p. 393; see also Richmond, *The Transformation of Peace*.

¹⁸ Kurki, ‘Democracy and conceptual contestability’. See also Hobson and Kurki, *The Conceptual Politics of Democracy Promotion*; Kurki, *Democratic Futures*.

¹⁹ Kurki, *Democratic Futures*, p. 19.

²⁰ Richmond, *A Post-Liberal Peace*, pp. 1, 6, 12, 20, 130.

overcome a Western and Eurocentric approach to IR theory-making is based on a strong normative claim for diversity and on a critique of the marginalisation of knowledge claims of the postcolonial world in International Relations.²¹ This is again different from Wiener: In her attempt to bring together debates in IR and International Law and to carve out a normative argument about contestation in international relations (see also below), she explicitly draws on James Tully's multicultural democratic theory.²²

Still, what unites the four authors – and the kind of debates they are part of – is that they respond to what they see as serious limitations of liberal scholarship: that the liberal norms of global governance are taken as a given.²³ Contestation, therefore, is put forward as an analytical concept to grasp the diverse practices by which actors – usually the supposed recipients or followers of the norms in question – dispute the validity, the meaning or the application of norms. The most precise definition of 'contestation' is offered by Wiener. She describes the concept as an 'interactive practice' that involves 'at least two participating agents', is 'generally directed towards norms (of whatever type)' and expresses 'disapproval' of these norms.²⁴ While this understanding of contestation as *normative* contestation suggests that the dispute is 'mostly expressed through language', the term also encompasses non-discursive forms of contention.²⁵ Although the four authors look at different forms and arenas of contestation and, thus, also emphasise different aspects and issues of contestation, they by and large share this overall definition (see detailed analysis below).

The four authors exemplify a general trend in IR to study contestation of the (liberal) global order.²⁶ Their influential role on contestation research in their respective fields makes it particularly worthwhile to explore the notions of normativity underpinning their usage of the concept of contestation. As we will show, the normative and functional justification given for contestation, the (implicit) limits as well as the preferred modes of contestation that characterise the four approaches are surprisingly similar. Additionally, despite references to poststructuralism, postcolonial critique, critical theory or agonist democratic theory, they are generally in line with mainstream approaches to global governance.

Milja Kurki: Democratically contesting democracy (promotion)

It is far from a new finding that democracy is a contested concept. Still, it was Milja Kurki and her research team at Aberystwyth University who brought this insight back into the academic debates on international democracy promotion.²⁷ Her core

²¹ See Amitav Acharya, 'Global International Relations (IR) and regional worlds', *International Studies Quarterly*, 58:4 (2014), pp. 647–59; Amitav Acharya and Barry Buzan (eds), *Non-Western International Relations Theory: Perspectives on and beyond Asia* (London: Routledge, 2010).

²² Wiener, *A Theory of Contestation*, pp. 8–9.

²³ See Acharya, 'How ideas spread', p. 242; Kurki, 'Democracy and conceptual contestability', p. 363; Richmond, *A Post-Liberal Peace*, pp. 4–5; Wiener, 'Contested compliance', pp. 194–200.

²⁴ Wiener, *A Theory of Contestation*, pp. 12, 1.

²⁵ *Ibid.*, p. 1.

²⁶ For the overall debate, see Tim Dunne and Trine Flockhart (eds), *Liberal World Orders* (Oxford: Oxford University Press, 2013); Rebekka Friedman, Kevork Oskanian, and Ramon Pacheco Pardo (eds), *After Liberalism? The Future of Liberalism in International Relations* (Basingstoke: Palgrave Macmillan 2013).

²⁷ Kurki, 'Democracy and conceptual contestability'. A second key move that characterises the research project at Aberystwyth is the deliberate turning away from a narrow, politico-institutional conception of democracy (and its contestation) towards a broader look at (contested) politico-economic models of democracy. See Bridoux and Kurki, *Democracy Promotion*; Kurki, 'Democracy and conceptual

contributions to the study of democracy promotion are brought together in her 2013 book *Democratic Futures: Re-Visioning Democracy Promotion*.²⁸ The volume will be the main source for the following analysis.

A key analytical starting point of *Democratic Futures* is ‘the essentially contested nature of the idea of democracy’.²⁹ This is, first and foremost, not a normative statement but combines an empirical observation and a theoretical argument: Empirically, Kurki points to the fact that democracy is ‘highly contested’ in both democratic theory and democratic practice,³⁰ theoretically, she refers to W. B. Gallie’s famous argument.³¹ Yet, given Kurki’s ‘critical theory impetus’,³² the book is not just about analysing the patterns of decontestation that characterise contemporary democracy promotion. Kurki’s explicit normative aim is to actually promote contestation of the concept of democracy in the discourse and practice of democracy promotion.³³ Correspondingly, she calls on ‘democracy support actors’ to embrace ‘clashing sets of values and contestation over democracy and democracy support’.³⁴

In essence, this applies the very democratic standards of pluralist debate that supposedly guide democracy promoters to their own practice.³⁵ Still, just as democratic theorists discuss whether and which kinds of procedural and/or substantive limits to contestation are needed in order to uphold democracy,³⁶ the political plea for (accepting) conceptual contestation in democracy promotion is confronted with the crucial question of the limits of normatively acceptable contestation. Is any claim to some kind of democracy equally valid or legitimate? Are there basic standards that delimit what can be plausibly claimed to be a democratic model of political order or a democratic set of rights? Are there any procedural requirements for legitimate contestation in the sense that any actor that wants to engage in contestation must do so through certain institutional channels or, at least, has to respect certain procedural standards (for example, to limit contestation to non-violent or discursive contestation, or to accept that others are equally entitled to contest one’s own contestatory practice)? The plea for contestation in democracy promotion, therefore, raises the related questions of whether there are any normative standards that demarcate (legitimate) contestation either in terms of

contestability’; Kurki, ‘Human rights and democracy promotion’; Milja Kurki, ‘Locating the normative within economic science: Towards the analysis of hidden discourses of democracy in international politics’, *Journal of International Relations and Development*, 16:1 (2013), pp. 55–81; Hobson and Kurki, *The Conceptual Politics of Democracy Promotion*.

²⁸ Kurki, *Democratic Futures*.

²⁹ *Ibid.*, p. 12.

³⁰ *Ibid.*

³¹ See W. B. Gallie, ‘Essentially contested concepts’, *Proceedings of the Aristotelian Society*, 56 (1956), pp. 167–98.

³² Kurki, *Democratic Futures*, p. 3.

³³ *Ibid.*, p. 4.

³⁴ *Ibid.*, p. 257, emphasis in original.

³⁵ In this sense, Hobson and Kurki have explicitly put forward the ‘normative claim ... that democracy promotion *should* be understood and practiced in a pluralist manner’. Christopher Hobson and Milja Kurki, ‘Conclusion: Reflections on a new approach in a new era of democracy promotion’, in Hobson and Kurki (eds), *The Conceptual Politics of Democracy Promotion*, p. 215, emphasis in original. See also Teivo Teivainen, ‘The pedagogy of global development: the promotion of electoral democracy and the Latin Americanisation of Europe’, *Third World Quarterly*, 30:1 (2009), pp. 163–79.

³⁶ See Robert A. Dahl, *On Democracy* (New Haven, CT: Yale University Press, 1998); Larry Diamond, ‘Three paradoxes of democracy’, *Journal of Democracy*, 1:3 (1990), pp. 48–60; Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: Polity Press, 1996).

substance (the democratic quality of the models articulated) or procedure (the democratic quality of the form contestation takes).

Interestingly, this twofold *problematique* is not dealt with in the book, but there are quite a few implicit indications of what Kurki has in mind when arguing in favour of contestation. For instance, the models of democracy she discusses that go beyond the liberal democratic model and its variants include ‘the socialist “delegative” model and the social democratic model’, ‘participatory’ and ‘radical’ democracy as well as ‘cosmopolitan’ and ‘global’ democracy.³⁷ The same selectivity applies to the concluding discussion in which Kurki, for instance, mentions ‘social democracy or participatory democracy’³⁸ and ‘radical or cosmopolitan democracy’.³⁹ According to Kurki, this selection of models is ‘partially arbitrary’ and only aims at ‘an opening gambit to pluralisation of thought on democracy’.⁴⁰ Most plausibly, however, the selection is not in fact arbitrary but rather norm-guided. There are certainly very good reasons why Kurki recommends that democracy promoters read Marx, Pateman, Galbraith, Hobhouse or Mill, but not Schmitt or Stalin.⁴¹ Yet these reasons are not explicitly stated – and they cannot simply consist of the fact that the latter two are not generally considered to have put forward any kind of democratic theory, because this would immediately evoke the question of who, and based on which normative criteria, decides over the legitimate range of models of democracy.⁴² In this sense, the range of ‘democratic alternatives in the fullest possible sense’⁴³ that democracy promoters need to encourage is certainly not without limits. But it remains unclear what these limits are. In another contribution co-authored with Chris Hobson, Kurki clarifies that even when one recognises ‘a plurality of potential kinds of democracy’, ‘Russia can still be criticised for its inadequate democratic credentials’.⁴⁴ But the question remains whether this means ‘inadequate’ in terms of one particular (contested and, thus, contingent) concept of democracy or ‘inadequate’ in a more general sense of normative standards that any democracy should fulfill.⁴⁵

The second dimension of the problem concerns the legitimate ways in which, and mechanisms through which, contestation of democracy can be voiced. Kurki’s ‘policy provocations’⁴⁶ suggest that democracy promoters listen to diverging voices and engage in dialogue of some kind. But the plea for listening and dialogue is not politically innocent because it immediately raises questions related to the selection of participants and the rules governing such a dialogue: Who is entitled to participate? Who invites and selects? What are the procedures? And who, in turn, decides on them?

³⁷ Kurki, *Democratic Futures*, p. 28.

³⁸ *Ibid.*, p. 227.

³⁹ *Ibid.*, p. 242.

⁴⁰ *Ibid.*, p. 29.

⁴¹ *Ibid.*, p. 256.

⁴² Generally speaking, the question whether a given conception of political – or politico-economic – order is explicitly called ‘democratic’ can hardly be used as a normative standard for selecting legitimate alternatives to liberal democracy. In the cases of Schmitt and Stalin, it would be difficult to dispute that their conceptions of political order are *undemocratic*, but this does only show that there has to be some kind of normative criteria for demarcating the field of contestation of democracy.

⁴³ Kurki, *Democratic Futures*, p. 263.

⁴⁴ Hobson and Kurki, ‘Conclusion’, p. 221.

⁴⁵ On this general *problematique* and the difficulty of distinguishing ‘between genuine opposition to Western imperialism and the cynical abuse of pro-democracy rhetoric by authoritarian regimes’, see Viatcheslav Morozov (ed.), *Decentring the West: The Idea of Democracy and the Struggle for Hegemony* (Farnham: Ashgate, 2013). The quotation is from the introduction: Viatcheslav Morozov, ‘Introduction: Locating international democracy’, in Morozov, *Decentring the West*, p. 15.

⁴⁶ Kurki, *Democratic Futures*, ch. 12.

Oliver Richmond: Emancipatory resistance to the liberal peace

Just as Milja Kurki emphasises the contestedness of democracy, Oliver Richmond points to the contested nature of liberal peace.⁴⁷ While Kurki criticises democracy promoters for not taking into account alternative conceptions of democracy, Richmond argues that contemporary peacebuilding does not recognise ‘contestation via local agency’.⁴⁸ In liberal peacebuilding, ‘difference is only accepted when it operates within the liberal framework, and cultures and needs are contradictorily denied’.⁴⁹ This directly leads to Richmond’s normative goal to not only recognise and study, but actually *promote* contestation: With his book *A Post-Liberal Peace*, which brings together his main contributions on the topic, Richmond aims to enable ‘the political contestation of externalized and contextual notions of peace, of governmentality, not to mention of biopolitics’.⁵⁰

While Richmond thus explicitly uses the term contestation, his preferred terms are ‘resistance’ and ‘critical agency’. Both generally refer to a broad array of practices by local actors that challenge, work against, reject, co-opt, or usurp international peacebuilding in some way with the aim to ‘reclaim peacebuilding’.⁵¹ As such, resistance is intrinsically emancipatory *vis-à-vis* the non-recognition of local agency by liberal peacebuilding.⁵² In contrast to Acharya, Kurki and Wiener, however, Richmond is very explicit in emphasising that the substance and the consequences of contestation (or resistance) are not necessarily desirable in normative terms. In criticising any romanticisation of the local, he observes that contestation at the local level may ‘enable, emancipate, include, exclude, self-determine, marginalize, silence, or govern’.⁵³ As a consequence, local resistance may also lead to ‘a malevolent hybridity’ in which liberal peacebuilders make deals with ‘rights-deniers, corrupt politicians, and warlords’.⁵⁴ Still, Richmond sees a general tendency for resistance to be a positive force, offering more potential than risk on the path towards sustainable peace.⁵⁵

Upon a closer look, resistance, in Richmond’s argument, does not constitute an end in itself, but is rather of instrumental value – as a means of enabling participation, negotiation, dialogue, and/or deliberation. Contestation through critical agency and resistance is to lead to ‘a constant process of negotiation [that] would have to include a broad range of voices from the local to the global’.⁵⁶ The procedural aim is ‘open and free communication’,⁵⁷ an ‘interwoven dialogue of peacebuilding’,⁵⁸ based on ‘meaningful forms of participation for local actors and civil society’.⁵⁹ Still, while this reads like a fairly liberal plea for deliberative dialogue, Richmond adds that there

⁴⁷ Richmond, ‘Patterns of peace’, p. 393. See also Richmond, *The Transformation of Peace*.

⁴⁸ Richmond, *A Post-Liberal Peace*, p. 58.

⁴⁹ *Ibid.*, pp. 58–9.

⁵⁰ *Ibid.*, p. 16.

⁵¹ *Ibid.*, p. 117.

⁵² *Ibid.*, p. 149. Richmond explicitly connects his discussion of resistance to peacebuilding to the larger debate about civil resistance, which clearly has a positive connotation. See Richmond, *A Post-Liberal Peace*, p. 119.

⁵³ *Ibid.*, p. 29.

⁵⁴ *Ibid.*, pp. 184–5.

⁵⁵ *Ibid.*, p. 144.

⁵⁶ *Ibid.*, p. 107.

⁵⁷ *Ibid.*, p. 112.

⁵⁸ *Ibid.*, p. 215.

⁵⁹ *Ibid.*, p. 112.

is ‘considerable skepticism whether Rawlsian liberalism or Habermasian approaches might be able ... to adjust to local needs, identities or traditions at all’.⁶⁰

Resistance is thus neither good nor bad, but rather an expression of the fact that chances for meaningful participation are lacking. It is such meaningful participation that peacebuilders are to work for. In this sense, ‘a liberal peace is effectively representative of a transitional moment from which a hybridized praxis of peace may emerge’.⁶¹ Once resistance has been successful in opening up (liberal) peacebuilding along the normative lines identified by Richmond, there is no longer a need to resist or contest – from then on, dialogue will do the trick, enable local agency and lead, if successful, to hybrid (local-liberal) contributions to peace.⁶² Richmond’s notion of a post-liberal peace thus points to a situation in which hybridity has led both the liberal peace and ‘its others’ ‘to change while maintaining their differences and localities’; once such a ‘coexistence of difference’ has been reached, their ‘agonistic relationship’ will dissolve.⁶³

In the end, post-liberal peace is thought of as ‘a *via media*’ that emerges from the encounter of ‘local knowledge’ and ‘international prescriptions and assumptions about peace’.⁶⁴ Such a hybrid outcome implies a ‘coexistence and renegotiation of liberal versions of democracy, the rule of law, human rights, development and the market, all contained by the modern state along with local or customary forms of governance’.⁶⁵ According to what Richmond calls his ‘eirenist’ approach, contestation and resistance can, therefore, in the end be absorbed in a hybridised version of peace that transforms, but does not replace the liberal peace. This is possible because the very underpinnings of liberal peace, such as the ‘humanist concern with social justice and wide-ranging pluralism’,⁶⁶ facilitate ‘an ethical re-evaluation of the liberal peace’⁶⁷ which is to be realised not in the abstract but through a turn to everyday practices of peacebuilding.⁶⁸

Still, what demarcates such a *via media* in normative terms is not explicitly stated. This may be in line with Richmond’s ‘Eirenism’, but it does not prevent him from distinguishing, if in rather broad terms, between good and bad (‘malevolent’) forms of hybrid peace: Emancipation, self-determination and inclusion, for example, are good, patriarchy, corruption and exclusion are certainly bad.⁶⁹ In this sense, it is clear that peacebuilders have a problem when ‘agency does not concur with their liberal agendas’,⁷⁰ and that they cannot deny agency – which is, in the end, ‘the basis of all liberal politics’.⁷¹ But if there are better and worse versions of hybridity and peace,

⁶⁰ Ibid., p. 207. At the same time, Richmond talks about the ‘opportunity for empathic relations to emerge between the international and the everyday’, which may be embedded in ‘a balancing framework for, say, Habermasian discourse ethics’. Richmond, *A Post-Liberal Peace*, pp. 133–4.

⁶¹ Ibid., p. 113.

⁶² Ibid., pp. 158–82.

⁶³ Ibid., p. 145.

⁶⁴ Ibid., p. 104, emphasis in original.

⁶⁵ Ibid., p. 149. The normative benchmarks used by Richmond are correspondingly vague: ‘self-government, self-determination, empathy, care’; ‘self-government and self-determination’; or ‘participatory, empathetic, locally owned and self-sustaining, socially, politically, economically and environmentally speaking’. The overall aim is a version of peace that ‘would also provide justice and equity, and avoid violence both direct and structural’. Richmond, *A Post-Liberal Peace*, pp. 103, 105.

⁶⁶ Ibid., p. 16.

⁶⁷ Ibid., p. 15.

⁶⁸ Ibid., p. 119.

⁶⁹ Ibid., pp. 147–8.

⁷⁰ Ibid., p. 132.

⁷¹ Ibid.

then scholars and practitioners of peacebuilding surely cannot be supposed to treat all kinds of agency and resistance equally.

Antje Wiener: Contestation as a condition for understanding

In contrast to Kurki, Richmond and Acharya, Antje Wiener's work is explicitly centred on the concept of contestation. In fact, her most recent book is entitled *A Theory of Contestation*.⁷² Contestation constitutes Wiener's main analytical perspective on norms as well as a crucial normative concept in her work. In line with Tully's theoretical perspective, she argues that communicative processes of contestation are both normal and normatively 'good'⁷³ and should, therefore, be institutionalised for global norms.⁷⁴

For Wiener, contestation refers to conflicts over the meaning (or meaning-in-use) of norms.⁷⁵ They involve 'the range of social practices, which discursively express disapproval of norms',⁷⁶ although more implicit forms of contestation are also included. Depending on the environment where contestation takes place, it can take the form of arbitration, deliberation, justification, or contention.

Because the meanings of norms are created in interactive processes and are based on social practices in specific contexts,⁷⁷ norms are part of endless cycles of reinterpretation.⁷⁸ Considering this, the international system presents special challenges. International norms are generally agreed upon in inter-state negotiation processes. Yet, in this context, actors might not have overlapping organisational customs and are thus thrown back to their cultural practices.⁷⁹

This focus on contestation based on different 'cultural practices' emerges from what she calls an 'inter-national' perspective on global politics.⁸⁰ Wiener strongly rejects the idea that something like a shared 'life world' or a shared value system can exist at the international level,⁸¹ even in the arena of diplomats. This has always been assumed to be a basic condition for applying the concept of arguing, or more specifically, Habermasian communicative action, to international relations.⁸² For Wiener, 'culture needs to be taken seriously'⁸³ – although she understands culture as a dynamic concept. She argues that interaction at an 'inter-national' level is always

⁷² Wiener, *A Theory of Contestation*.

⁷³ Wiener, 'Contested compliance'; Wiener, 'The dual quality of norms and governance beyond the state'; Wiener, *The Invisible Constitution of Politics*.

⁷⁴ Wiener, *A Theory of Contestation*, p. 3. According to Tully's multicultural democratic theory, contestation, also of a fundamental kind, is a basic principle of constitutional democracy shaped by diversity. James Tully, 'The unfreedom of the moderns in comparison to their ideals of constitutional democracy', *The Modern Law Review*, 65:2 (2002), pp. 204–28.

⁷⁵ Wiener, 'Contested compliance'.

⁷⁶ Wiener, *A Theory of Contestation*, p. 1.

⁷⁷ Wiener, *The Invisible Constitution of Politics*, p. 4.

⁷⁸ *Ibid.*, p. 59.

⁷⁹ *Ibid.*, pp. 29–30; Antje Wiener, 'Normative baggage in international encounters: Contestation all the way', in Oliver Kessler, Rodney Bruce Hall, Cecilia Lynch, and Nicholas Onuf (eds), *On Rules, Politics and Knowledge: Friedrich Kratochwil, International Relations, and Domestic Affairs* (Basingstoke: Palgrave, 2010), p. 203.

⁸⁰ Wiener, *A Theory of Contestation*.

⁸¹ See also Antje Vetterlein and Antje Wiener, 'Gemeinschaft revisited: Die sozialen Grundlagen internationaler Ordnung', *Leviathan*, 41: Special Issue 28 (2013), pp. 78–103.

⁸² Nicole Deitelhoff, *Überzeugung in der Politik* (Frankfurt: Suhrkamp, 2006), pp. 126–8.

⁸³ Hannes Hansen-Magnusson and Antje Wiener, 'Studying contemporary constitutionalism: Memory, myth and horizon', *Journal of Common Market Studies*, 48:1 (2009), p. 39.

affected by the ‘normative baggage’ of actors, which is different for any individual but is generally shaped by specific sociopolitical contexts.

According to Wiener, then, norm contestation represents an opportunity – if not a necessity – for global governance.⁸⁴ In a major 2004 article, she explicitly argues that contestation is ‘central for establishing the legitimacy of compliance processes; indeed, it is constitutive towards social legitimacy’.⁸⁵ At the same time, however, too much contestation and contestation at the wrong level can create (dangerous) international conflict.⁸⁶ Wiener expects, for example, that situations of immediate crises can deepen contestation because no time is left for the development of joint organisational practices and for deliberation.⁸⁷

Processes of understanding that are part of contestation must, therefore, help explicate different meanings and interpretations of norms to make it possible to ‘sort ... out the normative baggage’.⁸⁸ Only such a sorting-out makes international norms legitimate, as ‘the power of norms depends on the degree to which normative meaning overlaps in socio-cultural interfaces’.⁸⁹ The aim, although not explicitly stated, is the creation of legitimate order by enhancing ‘understanding’ beyond the state.⁹⁰

Wiener searches for mechanisms to avoid (dangerous) international conflicts and argues that contestation can help in this regard, especially if it generates organising principles, that is, norms at a mid-level between abstract general principles, such as sustainability, and specific rules and regulations, such as net sizes in fishery.⁹¹ Yet contestation only enhances the legitimacy of norms if it is institutionalised and ‘only under certain conditions such as social interaction in shared context over a prolonged period of time’.⁹² Only then can different meanings of norms be processed and negotiated. Wiener leaves open in which kind of transnational arenas such negotiation should take place.⁹³ According to Wiener, communication in transnational arenas requires equal access for, and mutual recognition of, all those affected by norms.⁹⁴ In the end, ‘regular contestation would be routinely practiced to facilitate a bottom-up participation of multiple stakeholders in order to effectively cap conflict’: Once ‘normativity’ is negotiated at an earlier stage of the compliance process, ‘misunderstandings or disagreements that are prone to generate conflict through spontaneous or strategic contestation at a later point in time’ can be addressed and solved.⁹⁵

Several points remain to be specified, however. Wiener, for instance, neither clarifies nor illustrates the potential for conflict that (irregular) contestation implies:⁹⁶ Does she

⁸⁴ Wiener, *The Invisible Constitution of Politics*, p. 31; Antje Wiener and Uwe Puetter, ‘The quality of norms is what actors make of it: Critical constructivist research on norms’, *Journal of International Law and International Relations*, 5:1 (2009), p. 7.

⁸⁵ Wiener, ‘Contested compliance’, p. 218.

⁸⁶ Wiener, ‘Normative baggage in international encounters’, p. 202; Wiener, *A Theory of Contestation*, p. 59.

⁸⁷ Wiener, *The Invisible Constitution of Politics*, p. 64.

⁸⁸ Wiener, ‘Normative baggage in international encounters’, p. 203.

⁸⁹ Wiener, *A Theory of Contestation*, p. 30.

⁹⁰ Wiener aims at ‘a procedure to account for and identify different understandings and to develop sustainable agreements’ on global norms. See *A Theory of Contestation*, p. 43.

⁹¹ *Ibid.*, pp. 64–5.

⁹² Wiener, ‘Normative baggage in international encounters’, p. 203.

⁹³ Wiener, ‘The dual quality of norms and governance beyond the state’, p. 48.

⁹⁴ *Ibid.*, p. 56; Wiener, *The Invisible Constitution of Politics*, pp. 204–8; Wiener, *A Theory of Contestation*, pp. 53, 59.

⁹⁵ Wiener, *A Theory of Contestation*, p. 53, emphasis in the original.

⁹⁶ As far as we can see, Wiener also does not specify her understanding of the term ‘conflict’. See Wiener, ‘Normative baggage in international encounters’; Wiener, *A Theory of Contestation*.

refer to violent conflict? Does conflict refer to a radicalisation of contestation, or does conflict mean that a norm has lost its legitimacy? In addition, we learn little on how ‘understanding’ can be brought about in transnational arenas and how it must be institutionalised to produce legitimacy, much the same as we learn little about both the substantive and procedural limits of ‘dialogue’ from the other authors.

While referring specifically to James Tully’s account of democracy and contestation and, thus, to a democratic theory of a more agonist kind, Wiener’s practical suggestions for how to deal with contestation still suggest a certain dislike of more adversarial forms of politics. First, according to her, understanding is always possible (if the right institutions are available); second, conflict or more fundamental confrontation is to be avoided; third, shared meanings must be constructed in order to give norms legitimacy.

As a result, according to Wiener, the possibility of ‘constructive’ contestation leading to shared understanding is empirically uncertain in international politics – but normatively speaking, it is nonetheless to be aimed for. However, contestation is not normatively desirable *per se*, but it is ‘good’ because it is seen as instrumental for opening up spaces for understanding and for creating a more legitimate global order.

Amitav Acharya: Dialogue under a Banyan tree

As mentioned above, Amitav Acharya’s research focuses on the processes through which global norms are interpreted, changed and resisted in new contexts, in particular in non-Western/Third World regions. The starting point of this ‘norm dynamic’ is ‘the contestation between emerging transnational norms and preexisting regional normative and social orders’.⁹⁷ Such contestation, Acharya argues, regularly inhibits wholesale acceptance of a given norm (that is, full compliance), while also often inhibiting outright rejection. Instead, it mostly leads to processes which Acharya calls ‘localization’: processes of framing and grafting *by local actors* that give a norm legitimacy ‘by infusing it with local characteristics and by making it congruent with the local context’.⁹⁸ Later, Acharya has complemented this concept of localisation with a more contentious type of reaction by local actors, namely ‘norm subsidiarity’.⁹⁹ In this case, contestation leads local actors to reject specific external ideas and try to establish ‘subsidiary’ norms to counter outside influences or promote other international norms they consider more universal.

His early work explicitly aimed at providing an analytic framework for understanding norm transfer. Empirically, his work focuses on regional reactions to norms and ideas, especially in South East Asia, for example with regard to the diffusion of the concept of human security. In this context, he describes localisation and subsidiarity as processes in which contestation by local actors is the main driver.¹⁰⁰

Recent considerations on how this framework of localisation and subsidiarity fits with the diffusion and promotion of human rights norms have – at least implicitly – strong normative elements. In his latest work, Acharya introduces the metaphor of the Banyan tree to illustrate human rights diffusion – as an alternative to the well-known

⁹⁷ Acharya, ‘How ideas spread’, p. 241; see also Acharya, ‘Norm subsidiarity and regional orders’, p. 118.

⁹⁸ Amitav Acharya, ‘Transnational civil society as agents of norm diffusion’, in Rodney Bruce Hall (ed.), *Reducing Armed Violence with NGO Governance* (Abingdon: Routledge, 2014), pp. 101. See also Acharya, ‘How ideas spread’; Acharya, *Whose Ideas Matter?*

⁹⁹ Acharya, ‘Norm subsidiarity and regional orders’.

¹⁰⁰ Acharya, ‘How ideas spread’, p. 251; Acharya, ‘Norm subsidiarity and regional orders’, p. 95.

boomerang model in IR norm research.¹⁰¹ In the classic boomerang model, human rights diffusion is brought about by a coalition of domestic human rights activists, transnational human rights networks, and Western states that use public shaming and sanctions to pressure a domestic (authoritarian) government to commit to human rights reforms.¹⁰² Acharya criticises this model as painting a stereotypical picture of Western human rights supporters and non-Western resisters, and as presenting an overly adversarial style of interaction over human rights as normality.¹⁰³ Human rights advancement today, he argues, largely takes place in an evolutionary manner and is mostly carried out by insider proponents.¹⁰⁴ Acharya thus emphasises the role of non-Western states as ‘norm builders’¹⁰⁵ and locates himself in a philosophical position that stresses that human rights are not a Western concept but that cognitive priors for human rights can be found around the globe.¹⁰⁶ Although his approach is primarily aimed at explaining human rights diffusion,¹⁰⁷ he thereby also pursues explicitly normative goals: to ‘recognize that many local beliefs and practices have robust legitimacy and functionality which should be recognized and universalized’.¹⁰⁸

To illustrate this process, Acharya introduces the Banyan metaphor. The Banyan is a large Indian tree with aerial roots, which, when they reach the ground, can grow into part of the trunk and support its large branches. For Acharya, the Banyan, as a resting place for travellers, symbolises interaction between the local and the foreign. It is also a cultural symbol and its shadow offers space for exchange, dispute settlement and consensus-building in village life. Its large canopy represents the global nature of human rights. With aerial roots (top-down) and roots which support the branches (bottom-up), the Banyan tree represents multiple constituencies translating norms and multiple ownership of human rights.¹⁰⁹

As this metaphor shows, Acharya’s ideal of human rights diffusion is an inclusive two-way interaction of outsiders and insiders, which is not a ‘matter of imposition

¹⁰¹ This metaphor was specifically proposed in the context of human rights norm diffusion. See Amitav Acharya, ‘From the Boomerang to the Banyan: the Diffusion of Human Rights Norms Reconsidered’, paper prepared for the Conference on Human Rights Futures’, Columbia University, New York, 15 November 2013, made available to us by the author; Acharya, ‘Transnational civil society as agents of norm diffusion’, p. 108.

¹⁰² Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

¹⁰³ Acharya, ‘Transnational civil society as agents of norm diffusion’, pp. 98–103. The same critique would apply also to the spiral model of international human rights diffusion, including its updated version. See Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999); Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013). In the latter volume, the contribution by Jetschke and Liese explicitly aims at correcting problematic ‘implicit assumptions of the spiral model’ by taking into account ‘the notion of counter-frames to human rights norms and contestation’ (Jetschke and Liese, ‘The power of human rights a decade after’, p. 27). Yet, in fact, they do not consider any meaningful possibility of norm contestation but only two types of normative responses – ‘justifications’ and ‘excuses’ – that do not involve any questioning of the validity of the norms themselves (Jetschke and Liese, ‘The power of human rights a decade after’, p. 36).

¹⁰⁴ Acharya, ‘Transnational civil society as agents of norm diffusion’, pp. 104–8.

¹⁰⁵ See also Acharya, ‘The R2P and norm diffusion’.

¹⁰⁶ Acharya, ‘From the Boomerang to the Banyan’, p. 8.

¹⁰⁷ Acharya, ‘Transnational civil society as agents of norm diffusion’; Acharya, ‘From the Boomerang to the Banyan’, p. 7.

¹⁰⁸ Acharya, ‘From the Boomerang to the Banyan’, p. 21.

¹⁰⁹ *Ibid.*; Acharya, ‘Transnational civil society as agents of norm diffusion’, p. 108.

through legalistic means and sanctions'¹¹⁰ but based on the principle of dialogue. Consultation and dialogue are successful mechanisms in which 'contestations occur', but are generally 'not fatal'.¹¹¹ In this interaction process, outsiders remain 'guests not actors, they bring in new ideas, and new incentives, but it is the locals who buy and use them'.¹¹²

Similar to the other authors, contestation then does not give rise to serious conflicts, which could not be solved through inclusive dialogue. Contestation is not expected to include fundamental differences over the validity of norms, but is a desirable practice that can lead to norm localisation, which makes norms more legitimate and ensures their functioning in new contexts. Domestic actors are the ones that decide if and how norms are adopted and localised, but Acharya seems to assume that they will be happy to localise a context-specific version of globally established rights, as long as they are not forced to do so by 'adversarial' interaction modes of external actors. This is, at least, what the harmonious image of guests under the village Banyan tree suggests.

The Banyan metaphor, thus, has a strong normative connotation. Contestation is supposed to lead to dialogue processes based on which locals can adapt norms to their specific local context. Fundamental conflicts over norms do not occur. However, it is not mentioned in Acharya's texts how locals decide on the adoption or localisation – or even rejection – of norms, and if limits for contestation exist. In addition, and similar to Kurki and Richmond, the questions of what 'dialogue' means and how it is supposed to be implemented are left unanswered.

Similar contestation: Banyans instead of battle scenes

The four authors discussed share a critical perspective on the notion that norm research and norm promotion in international relations deal with clear-cut, conceptually fixed and universally valid liberal norms. While mainstream liberal and constructivist scholars tend to treat liberal, including democracy- and human rights-related norms as normatively unproblematic, these authors emphasise the contestation of norms. Such contestation is generally seen as theoretically unavoidable, empirically widespread, and desirable from a normative perspective. It is this latter question – the normative quality of contestation – that our analysis has focused on. Table 1 summarises the results from a comparative perspective.

In all four cases, contestation is seen as *per se* and *prima facie* a good thing. This desirability (or even necessity) of contestation is justified, on the one hand, normatively: in terms of democracy (Kurki), emancipation (Richmond), or legitimacy (Acharya, Wiener). On the other hand, contestation is also seen as functional for improving democracy promotion (Kurki), enabling processes of localisation and subsidiarity (Acharya) or hybridisation (Richmond) as well as for the peaceful establishment of globally accepted norms (Wiener).

Yet it is also clear that none of the authors advocate a radically relativist position, that any contestation is good and that every result of contestation is acceptable. All four cases are characterised by the implicit argument that contestation should somehow be limited – either regarding its substance or procedurally. Models of

¹¹⁰ Ibid., p. 108.

¹¹¹ Acharya, 'From the Boomerang to the Banyan', p. 27.

¹¹² Ibid.

	Kurki	Richmond	Wiener	Acharya
Normative justification of contestation	Democracy	Emancipation	International legitimacy	Local legitimacy
Functional justification of contestation	Improving democracy promotion	Hybridisation	Peaceful establishment of globally accepted norms	Localisation and subsidiarity
Limits of contestation	Typical models of democracy	<i>Via media</i> between international norms and local understandings	Contestation should not turn into (dangerous) conflict	Radical contestation not considered
Preferred modes of contestation	Dialogue of democracy promoters and addressees	Dialogue of peacebuilders and local actors	Dialogue to process contestation in transnational fora	Dialogue instead of adversarial strategies of norm promoters and local actors

Table 1. *Comparing the normative notions of contestation*

democracy may be contested, but such contestation will or should somehow be confined to the usual models of democracy (Kurki). Liberal peace is hybridised, but this hybridisation should remain within the limits of a *via media* between international standards and local understandings (Richmond). Norms are contested at the international stage, but more fundamental conflict over norms is either not expected or is to be avoided by processes of ‘understanding’ in institutionalised dialogue (Wiener). Norms are localised, but – again – radical alternatives to global norms are not expected (Acharya). To be sure, Richmond explicitly raises the problem that contestation or resistance may also be guided by ‘bad’ norms or lead to ‘bad’ results. But it remains unclear how one might systematically distinguish ‘good’ (emancipatory) from ‘bad’ (exclusive, repressive) aims and results of contestation. Furthermore, we learn little about what is to be done (and by whom) if such a distinction were to be established and enforced.

In general, all four authors clearly draw some kind of limit to what they regard as legitimate or desirable contestation – but this limit is neither defined nor justified. Instead, the authors implicitly distinguish legitimate/just/‘good’ from illegitimate/unjust/‘bad’ contestation by *de facto* focusing their attention on those forms of contestation that they themselves regard as legitimate – as if this were the only type of contestation. Thus, none of the authors covers violent forms of contestation (or contestation that calls for violence) or a radical questioning of fundamental norms.¹¹³ Neither do the authors reflect upon the possibility that contentious actors might not actually want to enter into a dialogue with ‘proponents’ of an existing (liberal) global order.

¹¹³ Wiener does explicitly exclude ‘violent acts such as for example any form of war, terrorist acts or protest’ – but only because she defines contestation as a practice that ‘is always expressed through language’ (Wiener, *A Theory of Contestation*, p. 49). This, however, is in tension with the earlier statement that contestation ‘does not necessarily involve language’ (p. 1). In any case, contestation that includes a *call* for violent resistance would be part of the definition. The strong reference to Tully (see Tully, ‘The unfreedom of the moderns’) also suggests that Wiener does include contestation that questions norms and normative orders as such. Yet, again, such forms of contestation are not dealt with in her book.

This largely implicit delimitation of the scope and intensity of contestation, then, enables the authors to move fairly quickly from a plea for contestation to a call for deliberation and dialogue, which is always seen as a possible step. In the end, it is not potentially fundamental disagreement about normative issues that constitutes the problem, but rather a lack of genuine dialogue or participation. Hence, all four accounts seem to suggest that the actors involved would only have to seriously talk to each other. They say little on how this is supposed to happen, however. With the exception of Acharya, the authors are critical of Habermasian perspectives and deliberative democracy and theoretically tend towards radical perspectives on democracy (Connolly, Mouffe, Tully) and, more generally, critical approaches (Foucault, Gramsci) that rather emphasise power and ideology. Still, the overall call for deliberation, participation, and dialogue does not fit well with these theoretical perspectives. Correspondingly, as we will argue in the following section, the four authors' positions on contestation are fairly close to mainstream approaches to global governance. In terms of democratic theory, they combine liberal and deliberative approaches.

Competing approaches to contestation: Corrective or counter-power

Mainstream approaches to global governance, to the extent that they consider contestation (or critique, opposition, or resistance) in global politics, do so within the overarching liberal framework that unites liberal-institutionalist, deliberative, and cosmopolitan perspectives on world order.¹¹⁴ From such a perspective, the emergence of contestation results from a lack of legitimacy of certain institutions and practices of global governance – a legitimacy problem that needs to be overcome by including critical voices, improving participation and strengthening accountability.¹¹⁵ Accordingly, theories of global governance are concerned with institutional structures that could improve the quality of dialogue and increase legitimacy.¹¹⁶ Control mechanisms linked with epistemic processes – that help understand better what others want, how others understand democracy/liberal peace, and generate better knowledge – can ensure renewed legitimacy and efficiency of global order.

Contestation, in these kinds of approaches, is understood in the fairly limited way of providing a 'corrective mechanism', the ultimate aim being to facilitate 'authentic deliberation', which would render contestation unnecessary.¹¹⁷ Thus,

¹¹⁴ See David Held, *Democracy and the Global Order. From the Modern State to Cosmopolitan Governance* (Cambridge: Polity Press, 1995); Anthony McGrew, 'Models of transnational democracy', in David Held and Anthony McGrew (eds), *The Global Transformations Reader: An Introduction to the Globalization Debate* (Cambridge: Polity, 2003), pp. 500–13.

¹¹⁵ See Thorsten Thiel, 'Im Zweifel für den Zweifel: Theoretische Perspektiven auf die Legitimität von Kritik in der postnationalen Konstellation' (unpublished manuscript, Frankfurt: Goethe University, 2014).

¹¹⁶ For just a glimpse at this debate, see David Held, 'Democratic accountability and political effectiveness from a cosmopolitan perspective', *Government and Opposition*, 39:2 (2004), pp. 364–91; Patrizia Nanz and Jens Steffek, 'Global governance, participation and the public sphere', *Government and Opposition*, 39:2 (2004), pp. 314–35; Anne-Marie Slaughter, 'Disaggregated sovereignty: Towards the public accountability of global government networks', *Government and Opposition*, 39:2 (2004), pp. 159–90; Iris Marion Young, 'Communication and the other: Beyond deliberative democracy', in Seyla Benhabib (ed.), *Democracy and Difference* (Princeton: Princeton University Press, 1996), pp. 121–35; Michael Zürn, 'Democratic governance beyond the nation-state: the EU and other international institutions', *European Journal of International Relations*, 6:2 (2000), pp. 183–221.

¹¹⁷ Jonathan W. Kuyper, 'The democratic potential of systemic pluralism', *Global Constitutionalism*, 3:2 (2014), pp. 181–2.

authors arguing from this perspective assume that institutional representation is possible, and that the central proposition of deliberative democratic theory for dialogue holds, although it brings about a host of problems in an international surrounding: In line with Habermas' democratic theory,¹¹⁸ dialogue is seen as facilitating the exchange of reasons, and the participants of such dialogues, based on an intersubjective examination of reasons, are expected to agree on which reasons are more universalisable.

To be sure, the four authors discussed – implicitly or explicitly – share a critique of a liberal order in which supposedly non-liberal contestation is effectively marginalised or silenced. For the authors, contestation *per se* is normatively desirable, including in its less rational and more expressive and symbolic forms (especially in the work of Richmond and Kurki) and as the expression of formerly marginalised postcolonial voices (Acharya). In addition, Wiener specifically calls for the institutionalisation of regular contestation at a global level to ensure processes of understanding, although the vision for the implementation of this call remains vague. But the solution for contestation remains inclusion through dialogue. In this process, or so it seems, contestation is primarily instrumental (as a driver of change towards a more inclusive, pluralist order) and a corrective, and not conceived as at least potentially disrupting or fundamentally challenging the existing normative order.

The disrupting force of contestation, in contrast, is the concern of so-called radical approaches to global politics, which draw on agonist or radical democratic theory.¹¹⁹ Here, the assumption of deliberative approaches that reasons can be exchanged in spaces free of power, without privileging certain positions and without hegemonic premises what good reasons should and could be, is fundamentally put into question.¹²⁰ Scholars associated with these kinds of critical perspectives are not interested in how to legitimise global order, but search precisely for the processes and actors that challenge order: for moments of anti-order.¹²¹ Contestation, here, is seen as constituting a counter-power that aims at overcoming an existing, particular – and in that sense always exclusionary – order.¹²² Hence, from this perspective, 'alternative models of politics which manifest themselves in resistant actions of excluded actors' are explicitly appreciated.¹²³ Mouffe, for instance, has argued that irreconcilable ethical differences make conflict a central element of democratic practices.¹²⁴ In such agonist approaches, consensus is impossible, difference is constitutive and every collective political action spontaneous and short-lived. Every attempt to build and legitimise order will lead to renewed questioning and renewed contestation.

¹¹⁸ Habermas, *Between Facts and Norms*.

¹¹⁹ See Stephen Gill, *Power and Resistance in the New World Order* (Basingstoke: Palgrave, 2003); Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000); Chantal Mouffe, *On the Political* (London: Routledge, 2005); Jacques Rancière, *Disagreement: Politics And Philosophy* (Minneapolis: University of Minnesota Press, 2004); Mark Rupert, 'Globalising common sense: a Marxian-Gramesian (re-)vision of the politics of governance/resistance', *Review of International Studies*, 29:S1 (2003), pp. 181–98. For an overview, see also Oliver Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau* (Edinburgh University Press, 2007).

¹²⁰ See Oliver Flügel-Martinsen, 'Demokratie und Dissens: Zur Kritik konsenstheoretischer Prämissen der deliberativen Demokratietheorie', in Hubertus Buchstein (ed.), *Die Versprechen der Demokratie* (Baden-Baden: Nomos, 2013), pp. 333–4.

¹²¹ See also Martin Nonhoff, 'Demokratisches Verfahren und politische Wahrheitsproduktion: Eine radikaldemokratische Kritik der direkten Demokratie', in Buchstein (ed.), *Die Versprechen der Demokratie*, p. 318.

¹²² See, for example, Gill's concept of the postmodern prince. Gill, *Power and Resistance in the New World Order*. See also Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000); Rancière, *Disagreement*.

¹²³ Thiel, 'Im Zweifel für den Zweifel', p. 4; authors' translation.

¹²⁴ Mouffe, *The Democratic Paradox*; Mouffe, *On the Political*.

Self-determination can be nothing but a momentous act. In radical approaches, any kind of long-term institutional embedding of alterity and contestation is refuted. An institutionalised processing of difference in dialogue is impossible.

In contrast to such radical perspectives, none of the scholars we have discussed celebrates contestation as a manifestation of counter-power or rejects institutionalisation as repressive. Instead, although they all criticise narrow conceptions of democracy and liberal norms and point to more emancipatory processes necessary to include all those affected, contestation is only seen as a good thing if it can be processed through dialogue mechanisms leading to more legitimate order. Yet, based on the critical starting point adopted by the authors discussed, this assumption is not very convincing. Diverging normative judgments notwithstanding, empirically we simply cannot exclude the possibility and reality of a radical kind of questioning of the existing order and the fundamental norms on which it rests.

Banyans and battle scenes: Ways forward

Systematically speaking, there is an easy solution for dealing with this normative challenge of radical or disruptive contestation. One could simply define contestation in a way that excludes all those kinds of expressions and forms of critique and resistance that one regards as illegitimate or ‘negative’. In line, for example, with the distinction between two forms of resistance – opposition and dissidence¹²⁵ – one could argue that contestation is resistance that takes place within the established institutions and does not fundamentally question them and the basic norms on which they rest. None of the four authors chooses this strategy. Wiener, at times, moves in this direction, for instance when she excludes ‘violent acts’ and limits contestation (largely or exclusively) to discursive practices.¹²⁶ Contestation, however, would then still encompass both the questioning of fundamental norms and the existing order and statements that include a justification or threat of violent resistance.

Given the normative aims of the literature on contestation, the solution to narrowly (and normatively) define contestation as intra-systemic opposition does, moreover, not seem very plausible. We propose to conceptually recognise different types of contestation without *a priori* attaching an implicit normative assessment to either type. This will help researchers include the full range of contestation, facilitating a more sound analysis of the everyday practices of contestation that is both comprehensive and open to what the actors engaged in contestation actually claim.¹²⁷ Such a thorough study of contestatory practices also cautions against the quick move to simply assuming that every contentious actor *wants* to be integrated into a process of dialogue and understanding.

In conceptual terms, different types of contestation can be differentiated along three dimensions. In terms of (1) *intensity*, contestation ranges from questioning the ways in which norms are applied to disputing their very validity.¹²⁸ In terms of (2) *depth*, it varies from arguments over specific and/or technical norms to

¹²⁵ Christopher Daase and Nicole Deitelhoff, ‘Zur Rekonstruktion globaler Herrschaft aus dem Widerstand’, *Internationale Dissidenz Working Paper* 1 (2014), available at: {<http://dissidenz.net/workingpapers/wp1-2014-daase-deitelhoff.pdf>} accessed 28 April 2014.

¹²⁶ See Wiener, *A Theory of Contestation*, pp. 1, 49, fn. 113.

¹²⁷ In a general sense, this is in line with what Boltanski calls a ‘sociology of critique’. Luc Boltanski, *On Critique: A Sociology of Emancipation* (Cambridge: Polity, 2011).

¹²⁸ Deitelhoff and Zimmermann, ‘Things we lost in the fire’.

fundamental challenges to basic features of the existing normative order.¹²⁹ Finally, the (3) *form* of contestation ranges from conventional, institutionalised strategies to (the call for or actual exercise of) unconventional, disruptive practices.¹³⁰ The most moderate type of contestation combines the start of the range across all three dimensions, the most radical one is characterised by the opposite. But, in principle, any combination is possible.

It might be tempting to identify general criteria that would enable us to clearly differentiate between legitimate/'good' and illegitimate/'bad' contestation based on such a typology. Yet, we do not think this is a viable strategy. As radical approaches to democratic theory forcefully argue, any authoritative fixation of the limits of legitimate contestation is both arbitrary and repressive. What is more, there are no endogenous grounds in the concept of contestation that facilitate distinguishing between various types of contestation from the point of view of their emancipatory potential – to reframe an argument made with a view to the concept of hegemony.¹³¹ Embedding the concept of contestation in a particular (normative/democratic) political theory does not help either because the typology of contestation is simply too abstract. On the one hand, even the liberal tradition, as represented by John Locke, for example, does provide for a right to actively, and if need be violently, resist arbitrary government.¹³² On the other, radical approaches certainly do not regard all kinds of contestation or resistance as emancipatory.¹³³ In this sense, what (different kinds of) political theory can do is help identify core normative standards that may, then, be applied to specific contexts and practices of contestation in order to enable a theory-guided political judgment. It goes without saying that, in doing so, research on contestation cannot narrowly look at the actors engaging in contestation but must be complemented by a normative analysis of *Herrschaft*, that is, of the prevalent system of rule: If we are to assess the critical potential of contestation to particular norms or to an entire normative order, we need to know what these norms contain, how they came about as well as how they are upheld and enforced.¹³⁴

Such a critical analysis of contestatory practices, which is based on predefined normative standards, follows the strategy of critique as 'measuring'.¹³⁵ Yet, there is also an alternative strategy of critique that does not need normative criteria against which to evaluate contestation.¹³⁶ From this perspective, emancipation is not a

¹²⁹ In Wiener's terminology, the former type of contestation concerns 'standardised procedures', the latter 'fundamental norms', while 'organising principles' occupy an intermediate position. Wiener, *A Theory of Contestation*, p. 3.

¹³⁰ See Daase and Deitelhoff, 'Zur Rekonstruktion globaler Herrschaft aus dem Widerstand'; Sidney Tarrow, *Power in Movement: Social movements and Contentious Politics* (New York: Cambridge University Press, 1998).

¹³¹ The original quote reads: 'There are no endogenous grounds in hegemony theory to differentiate between various hegemonies from the point of view of their emancipatory potential'. Morozov, 'Introduction', p. 10.

¹³² See John Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), p. 56.

¹³³ David Couzens Hoy, *Critical Resistance: From Poststructuralism to Post-Critique* (Cambridge: MIT Press, 2005), pp. 238–9.

¹³⁴ See also Daase and Deitelhoff, 'Zur Rekonstruktion globaler Herrschaft aus dem Widerstand'; Stephan Engelkamp, Katharina Glaab, and Judith Renner, 'Office hours: How (critical) norm research can regain its voice', *World Political Science Review*, 10:1 (2014), pp. 61–89; Kurki, *Democratic Futures*, ch. 11.

¹³⁵ The debates in philosophy centre on the question where such standards can be derived from distinguishing external, internal, and immanent critique. See, for example, Rahel Jaeggi, 'Towards an immanent critique of forms of life', *Raisons Politiques*, 57:1 (2015), pp. 13–29.

¹³⁶ Judith Butler, 'What is critique? An essay on Foucault's virtue', in David Ingram (ed.), *The Political: Readings in Continental Philosophy* (London: Basil Blackwell, 2002), pp. 212–26; Michael Mahon, 'Michel Foucault's archaeology, enlightenment, and critique', *Human Studies*, 16 (1993), pp. 129–41;

standard against which to measure practices of contestation or an existing order, but the result of practicing critique itself. Also, approaches pursuing the reconstruction of critical voices,¹³⁷ for example in postcolonial and feminist research, aim at this type of critique: by closely listening to marginalised or dissenting voices, we can emancipate ourselves, change Western/patriarchal subjectivity and unlearn privileges.¹³⁸ With a view to the study of contestation, this, however, also implies that it is not only the existing order and its ideological underpinnings that are to be deconstructed but also the very practices of contestation as well as our own attempts at analysing both the former and the latter.

What the two strategies of critique have in common is that they take contestation seriously without regarding it as either consistently 'good' or necessarily 'bad'. They are, therefore, compatible with the broad perspective on contestation suggested above that, both conceptually and empirically, incorporates the whole range of contestatory practices. Both approaches, at the same time, are explicit about their own normative stance. In this sense, they represent two different, but complementary, ways of advancing the study of contestation in IR.

Conclusion

The recent emphasis on norm contestation in IR research represents a crucial contribution to the debate about liberal norms, their global spread and worldwide implementation. The important contributions by Kurki, Richmond, Wiener, and Acharya as well as the larger critical scholarship they represent demonstrate convincingly that treating liberal norms as a given openly contradicts those very norms. Scholars and practitioners that aim at promoting the establishment, diffusion, and implementation of such norms, therefore, cannot but accept the challenge of contestation.

Yet, as we have argued in this article, this same challenge also applies to critical studies on norm contestation. Our reconstruction of the four authors' approaches to contestation indicates that they are fairly conventional when it comes to their normative take on contestation. By implicitly excluding more radical forms of contestation, they depict contestation as a means to achieve better dialogue and a more legitimate global order. Thus, in its current formulation, the integration of the concept of contestation into IR theory is no radical shift away from a liberal paradigm. Rather, it supports the consolidation of a liberal paradigm in a more comprehensive form. In this sense, a basic tension in liberal norm research that has given rise to the very turn to contestation backfires: For a long time, liberal scholars have struggled with the tension between their universally conceived normative standards and principles such as local ownership and self-determination – which are themselves part of these standards but at the same time defy any universalising mission. Similarly, critical contestation scholars are confronted with the fundamental problem that their emphasis on the value and need of contestation potentially clashes with their substantial understandings of emancipation and progress.

Martin Saar, 'Genealogische Kritik', in Rahel Jaeggi and Tilo Wesche (eds), *Was ist Kritik?* (Frankfurt: Suhrkamp, 2009), pp. 247–65.

¹³⁷ Engelkamp et al., 'Office hours'; Sungju Park-Kang, 'Utmost listening: Feminist IR as a foreign language', *Millennium*, 39:3 (2011), pp. 861–77.

¹³⁸ Sara Danus, Stefan Jonsson, and Gayatri Chakravorty Spivak, 'An interview with Gayatri Chakravorty Spivak', *boundary 2*, 20:2 (1993), pp. 24–50.

This tension is, of course, not easy to resolve – and may very well be unresolvable. Accepting the argument that contestation may also be of a fundamental nature and/or take disruptive, even violent forms, thus, does not tell us how to normatively assess this kind of radical questioning. In fact, critical scholars – as long as they remain committed to some substantive ‘emancipatory’ project – cannot but somehow draw normative limits and demarcations. But, as we have argued, accepting the challenge of contestation would require scholars to do at least two things. First, studies of contestation should not exclude *a priori* the possibility of a radical kind of questioning of the existing order and the fundamental norms on which it rests. The typology of contestation presented in this article offers a conceptual framework that helps widening the focus on contestation. Second, scholars should explicate – and critically reflect upon – the implicit normative premises that underlie their analyses of contestatory practices. As we have argued, such normative reasoning will lead scholars to neither identify all contestation (of a given type) as generally ‘good’ (as radical approaches at times seem to suggest), nor as always ‘bad’ (as the liberal mainstream does). Instead, scholars can identify core normative standards that systematically and explicitly guide their political assessments of contestatory practices in a given context and case. Or, they may refrain from making a final judgment at all, and, by analysing critical voice, aim at emancipating both the scholar and her/his addressees by disrupting their normalised knowledge about the world. Perhaps the only general guideline that can be derived from the very emphasis on contestation is that any normative perspective on contestation has to be both *critical vis-à-vis* the contestatory practice at hand and *self-critical*, that is, open to contestation.¹³⁹

¹³⁹ This overall guideline directly draws on David Couzens Hoy, who concludes his discussion of critical resistance by saying ‘that resistance that was unwilling to be both critical and self-critical would not even be worth attempting in the first place’. Hoy, *Critical Resistance*, p. 239.