

Reconstructing Global Rule by Analyzing Resistance

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1. INTRODUCTION¹

“War,” in the words of Clausewitz, “begins with defense” (Clausewitz 1980: 644),² and once one has overcome a certain initial outrage at this idea, it becomes clear that there is something to it. The attacker would certainly like to march in without encountering resistance, and so a battle ensues only when those under attack put up resistance. Something similar also holds for rule. It becomes visible primarily where it has to be imposed in the face of resistance. Like many social phenomena, it is comprehensible chiefly through being questioned.

However, rule is hardly ever conceptualized in terms of resistance, of *contestation*, but instead in terms of *compliance*. This is mainly due to the fact that Max Weber defined the concept of “rule” first and foremost as *legitimate* rule, if not even as rational-*legal* rule in the sense of “authority,” and that this understanding has persisted to the present day in the dominant concepts of rule. In this – abridged – form, the concept of rule has also found its way into recent approaches to research in International Relations, as is shown by the works of Ian Hurd (2007), David Lake (2009), Lisbeth Hooghe and Gary Marks (2012) and Michael Zürn (2012). Conversely, however, abridgments also occur in critical research programs in which rule is interpreted less as legitimate authority in Weber’s sense than as “dominance” or “hegemony” in the sense of Marx and Gramsci. These abridgements make it difficult to identify the diversity of forms of rule and their causes and implications.

In contrast to these approaches, we understand rule via the practice of resistance. This reflects our understanding of rule as a structure of institutionalized superordination and subordination through which basic goods and influence are distributed and expectations are stabilized, regardless of whether these structures are primarily of a sociocultural, an economic or a military nature. Our aim is in the first place to highlight the complexity of political rule. Compared to *liberal* approaches, we want to stress the possibility of illegitimate rule, and compared to *critical* approaches, we want to emphasize the possibility of legitimate order. Beyond this, we offer some reflections on how forms of rule and the

¹ Translation from German by Ciaran Cronin. The authors are grateful to Jannis Gebken and Jannik Pfister for their helpful comments on earlier drafts.

² The precise quotation is as follows: “Consider in the abstract how war originates. Essentially, the concept of war does not originate with the attack, because the ultimate object of attack is not fighting; rather, it is possession. The idea of war originates with the defense, which does have fighting as its immediate object, since fighting and parrying obviously amount to the same thing” (Clausewitz 1976: 377).

changes they undergo at the global level can be reconstructed in terms of the resistance they provoke. To this end, we distinguish between two types of resistance – namely opposition and dissidence – in order to show how resistance and rule imply each other.

The following section (2) begins by presenting the problem of rule as it features in International Relations. Whereas realist approaches exclude rule already on conceptual grounds (2.1), liberal approaches (2.2) and critical approaches (2.3) try to capture phenomena of rule either through the concept of “authority” or through the concept of “hegemony.” However important these approaches may be, their respective understandings of rule are nevertheless one-sided, with the result that they fail to take account of essential manifestations of relations of rule and their effects in international politics. Therefore, in Section 3, we propose an understanding of resistance as a typical phenomenon also of legitimate rule and to reconstruct manifestations of global rule on the basis of forms of resistance (3.1). We distinguish between “opposition,” which accepts the ruling order as such and makes use of the institutionalized forms of political involvement to express its dissent, on the one hand, and “dissidence,” which rejects the rules of the order and chooses unconventional forms of organization and articulation to exercise radical critique of rule, on the other (3.2). The transitional mechanisms between the opposition and dissidence can be connected with the transformation of rule (3.3), even though the concrete cause-and-effect relationships have to be reconstructed on a case-by-case basis. We take up such open questions in the conclusion (4) and summarize our plea for an understanding of rule in International Relations that does not argue away resistance in its many forms, but instead accords it its appropriate empirical and normative place as a necessary component of international politics.

2. THE RULE PROBLEMATIQUE IN INTERNATIONAL RELATIONS

The “anarchy problematique” (Ashley 1988) that was widely discussed during the 1980s and 1990s has been superseded in recent years by what we would like to call the *rule problematique* in International Relations. The issue is no longer whether the absence of a world government forces states to be power and security egoists in a self-help system (see Waltz 1979) or whether conditions of anarchy can be overcome, or at least alleviated, by institutions, and preconditions for lasting cooperation can be created (see Oye 1985, Keohane 1989, Keohane 1986). Nor is the issue the extent to which the “anarchy assumption” is adequate (Milner 1991) or whether different “cultures of anarchy” open up variable scopes for cooperation (Wendt 1992, Wendt 1999, ch. 6).

By contrast, in recent years other questions have tended to come to the fore: whether the international system following the Cold War can be described as a unipolar, a hegemonic or an imperial system (see Ikenberry et al 2009; Vagts 2001; Münkler 2007); how differences in power in the international system can be translated into vertical differentiation (Donnelly 2006, 2009); how formal and informal hierarchies emerge (Lake 2009); and how international institutions acquire the authority to compel states, but also increasingly non-state actors, to comply with their rules (Schakel, Hooghe and Marks 2015; Zürn 2012). In short, the question of rule is being posed increasingly often in International Relations – empirically and normatively: Who can and who may dictate to international political actors how they should conduct themselves? The rule problematique becomes even more urgent the more international institutions acquire regulatory powers that they are able to enforce even without an explicit consensus among the states, a trend that has been impressively demonstrated in the case of the European Union by several studies (Statham 2010; Schakel et al. 2015; Zürn et al. 2012).³ There are good reasons, therefore, why current references to the problem of rule in international relations are mainly to be found in the debate on the autonomy of international organizations (see Barnett and Finnemore 1999; Hawkins, Lake, Nielson and Tierney 2006). The rule problem is also becoming increasingly important as inequalities between states become more pronounced (or inequalities are increasingly perceived) and affect the decision-making of international organizations (Viola et al. 2015; Zürn and Deitelhoff 2015). Finally, another factor is the rise of new powers and their demand for appropriate involvement in the decision-making structures of world politics (see Hurrell 2006).

Already a quarter-century ago, Nicholas Onuf and Frank Klink made the proposal to take the concept of rule as the starting point for the theory of international relations, and hence to counter the “myth” that the international system is anarchic, that is, free of rule. In their view, the focus should be on international processes “resulting in a stable pattern of asymmetrically distributed benefits” (Onuf and Klink 1989: 169). At the time, however, Onuf and Klink found themselves in a discursive situation that either held rule in international relations to be completely impossible (realists) or interpreted the concept in such a one-sided way – not as a *rule*, but instead as *authority* (liberals) or *hegemony* (critical theory) – that there could not be any question of it serving as the basic concept for a theory of international relations. As a result, a comprehensive (and normatively not

³ In a more recent paper Michael Zürn, for example, shows that in the meantime a third of all international institutions are in a position to dictate policies even beyond the consensus of state (Michael Zürn: “Authority in a Postnational Order”, lecture manuscript, Frankfurt, November 2013).

already fixed) understanding of rule has not been able to prevail in International Relations to the present day.

2.1. The reduction of rule to hierarchy in Realism

Although equality among states is a fiction and power differences have always translated into stable relationships of superordination and subordination (Viola 2009), the vast majority of IR scholars have consistently avoided speaking of an international system of rule. In this they were aided by the conceptual distinction between “anarchy” and “hierarchy,” and the assertion of political realism that anarchy is *the* ordering principle that differentiates international categorially from domestic politics (Waltz 1979: 116). The implicit equation of rule and hierarchy suggests that one could speak of international rule only when a permanent monopoly of coercive power – thus a world state – made a transformation of the anarchic structure into a hierarchical one discernible. But since, given the constraints to national autonomy in the self-help system (Grieco 1988, Mearsheimer 1994/95) and as a result of the equilibrium mechanisms (Morgenthau 1954; Walt 1987, Mearsheimer 2001; Wohlforth et al. 2007), this is neither theoretically likely nor empirically foreseeable, one could continue to speak of international anarchy as structural freedom from rule (see Schimmelfennig 1998: 330).

Nevertheless, realists have never disputed the existence of enduring power differences and they tried to theorize them in terms of the concept of hegemony. The theory of hegemonic stability asserts, for example, that international systems are particularly stable when a single state is overwhelmingly powerful and can assume the function of a “hegemon.” Consequently, the concept of hegemony refers less to the political system than to the characteristics of a state. These enable the hegemon to lay down rules in different areas of policy favorable to, but also binding on, itself, and in this way to make public goods available (Kindleberger 1981; Keohane 1984). Because hegemony here has at least implicitly a positive connotation, the more disreputable notion of rule is also avoided. Hegemons do not “rule,” but instead lead (see Lake 1993). And some states are destined to lead or, in Nye’s words, are “bound to lead” (Nye 1990). None of this involves “rule” on the realist reading, because a formal hierarchy is not introduced and the anarchic structure of the international system remains intact. Why states refuse to obey benevolent leadership, or even offer resistance, can be explained within the framework of realistic approaches, therefore, only as direct competition for power, where this is con-

ceived in terms of hegemony cycles and power transitions (Gilpin 1981, Modelski 1987, Boswell and Sweat 1991).

2.2. The reduction of rule to authority in liberalism

Liberal theories of political rule are shaped by Weber's sociology of rule as institutionalized power. For Weber, rule [Herrschaft] in the "narrower sense" is "identical with authoritarian power of command" (Weber 1978: 946). Here "authoritarian" does not mean that it is imposed but instead that it is recognized in the sense of being "authoritative" insofar as "the ruled had made the content of the command into the maxim of their conduct for its own sake" (Weber 1978: 946). The effect of this definition is that Weber substantially excludes institutionalized power structures that come about, for example, through markets or similar systemic constellations of interests. He also excludes structures of superordination and subordination that are based primarily on coercion. Rule becomes an exercise of power on this reading only if it succeeds in generating legitimacy. Rule as authority (and the German term "Herrschaft" is usually translated into English as "authority") is therefore legitimate from the beginning. Thus, Weber's concept of rule focuses on those structures of command in which the legitimacy claims of the rulers are overall accepted by their subordinates (Lukes 1983: 111). This is why liberal approaches to the present day are mainly preoccupied with the question of the legitimacy of governance structures at the global level.

Unlike realist approaches, liberal approaches do not assume an anarchic system. Instead they assume the existence of an international society, which, although anarchic in the sense that it lacks a central authority, is nevertheless ordered insofar as it is based on shared values and norms (Bull 1977/1995; Martin 1992; Wendt 1994). These values and norms provide the basis for increasing interdependence and integration (Keohane and Nye 1975; Keohane and Nye 1977), and in the opinion of some theorists could lead to the establishment of a world state in the long run (Kelsen 1944, Wendt 2003). Most rationalist and constructivist variants of the liberal tradition agree that the progressive spread of liberal values and institutions is overcoming traditional national forms of rule and is conferring increasing authority on universal norms worldwide.

This Weberian legacy and the assumption that international politics is primarily a problem of cooperation lead liberal approaches to regard the problem of rule in international relations as a phenomenon of authority. That is, they understand rule exclusively in terms of the legitimate exercise of powers of rule-making and rule enforcement, usually

by international institutions. This can be seen especially clearly from Ian Hurd's work, which speaks explicitly of the increase in legitimate authority of international institutions (Hurd 2007) and addresses the question of how this increase in competences comes about and what mechanisms can explain why states obey. The voluntariness of "compliance" with such authority is at the forefront of liberal approaches, whereas physical compulsion and the constraint generated by the absence of alternatives disappear from view.

Such abridgements can even be found in Michael Zürn, who makes a point of the claim to theorize resistance against rule by international institutions (Zürn 2012: 59; Zürn et al. 2012). Zürn also falls back on Weber in his "contribution to a sociology of domination in the post-national constellation" (Zürn 2012: 41, 55) when he understands rule as a form of power where compliance with commands is conditioned by the willingness to comply of those over whom power is exercised (Zürn 2012: 48). Although he argues that legitimacy is ultimately a variable characteristic of authority, this conceptual trait always includes legitimacy. Although legitimacy can be disputed after the fact, and must then be defended or reclaimed in legitimacy conflicts, it must have been present from the beginning if it is to be possible to speak of rule at all. This is shown especially clearly by the fact that Zürn – contrary to Weber – understands rule as a subcategory of authority. Authority is the more fundamental concept, because rule for Zürn only arises when *first*, political authority is not limited to specific competences, but assumes an all-encompassing character and can thus, as a "meta-authority" resolve collisions between subordinate authorities, and *second*, if it is able to guarantee allegiance by force (Zürn 2012: 53f.).

Given such exacting preconditions, it is not surprising that Zürn is unable to detect any rule in international relations, though he is able to identify authority (Zürn 2012: 56) and endows this with legitimacy by definition.

Although this allows Zürn to problematize challenges to the authority of international institutions through "politicization" (Zürn 2013), it does not allow him to describe this as a phenomenon of global relations of rule in the post-national constellation and to grasp the reciprocal relation between rule and resistance. By making systemic meta-competence and the backing of force into defining conditions of rule, Zürn's conceptualization of political rule also adheres so closely to the ideal type of state rule that, as in political realism, rule beyond the state becomes almost inconceivable.

2.3. The reduction of rule to hegemony in critical IR theory

It is a well-known fact that the Marxist tradition devoted itself to precisely the questions concerning rule that Max Weber excluded, namely to rule through constellations of interests. Marx was primarily concerned with the power of social classes institutionalized in the capitalist system of rule and legitimized and stabilized through ideology. It was only with Gramsci that the deeper linkage between ideological power and rule was captured in the concept of (cultural) hegemony and that the structural power of norms, rules and procedures, which first give rise to the various actors along with their identities, interests and positions within the system, was thematized (Cox 1983; Murphy 1994; Gill, 1993). The unequal distribution of opportunities to participate in policy formation in the international system leads to the stabilization of unequal exchange relations and the institutionalization of structures of superordination and subordination between center and periphery (Wallerstein 1974; Frank 1979; Rupert and Smith 2002).

In these Marxist and post-Marxist theoretical approaches, which might still be described as conventional, the frequently posed question of the beneficiaries of such hegemony has consistently led to intra-paradigmatic controversies. Whereas some regard the state in general (Cox 1981), the United States in particular (Petras 2004) or internationalized state apparatuses and global governance networks (Brand 2007; Mahbubani 2008) as bearers of hegemony, others focus on transnational corporations (Gill 1995), a de-democratized neoliberal technocracy (Brassett and Higgott 2003) or the transnational capitalist class (Sklair 2001). What is beyond dispute here is that the rule exercised by these actors is illegitimate even when it is based on supposedly rational justifications and legal institutions. As “global juridical hegemony apparatuses,” the latter are part of the system of rule, and thus are part of the hegemonic constellation (Buckel and Fischer-Lescano 2009: 449).

These considerations lead in recent critical approaches to a tendency to align oneself with poststructuralist and postcolonial traditions of thought and to focus on the totality of rule. Here, Michel Foucault’s conception of power as productive power suggests itself. Foucault rejects the idea that power is a relationship between rulers and the ruled, and certainly not a relationship between dominant and dominated classes. For Foucault, power designates “a complex strategical situation in a particular society” (Foucault 1990: 93). It consists of a multiplicity of relations of force that are inherent in the domain in which actors operate and constitute an organization. Thus, Foucault looks for the structures of rule that nobody invented. He looks for the strategies of power that render counter-power

impossible: “In many cases the relations of power are fixed in such a way that they are perpetually asymmetrical and the margin of liberty is extremely limited. [...] In these cases of domination – economic, social, institutional or sexual – the problem is in fact to find out where resistance is going to organize” (Foucault 1987: 123). Conflicts and competing power and interest claims acquire an impersonal aura against this background, and the “imperial paradigm” of which Hardt and Negri speak represents “both system and hierarchy, centralized construction of norms and far-reaching production of legitimacy, spread out over the world space” (Hardt and Negri 2000: 13). In such conceptions of global power, there is often no longer any “beyond” or “outside” of rule, because it has migrated into every nook and cranny of social reality, reaching even into language, cultural traditions and stores of knowledge (see Rajagopal 2003; Anghie 2006; Dhawan 2013). Of necessity, all that is left on these approaches is to criticize (necessarily) illegitimate relations of rule, but they can scarcely analyze rule any longer because they are always already prisoners of that very discursive rule.

Klaus Schlichte has tried to capture the critical impetus of Foucault and Marx Klaus, opposing a form of political science that according to him has made of violence, coercion and conflict things of the past or problems of non-Western regions who can only hope to catch up through global governance (Schlichte 2012: 11). For Schlichte, there is a “hidden convergence” in the sociology of rule between Max Weber, Karl Marx, Norbert Elias, Michel Foucault and Pierre Bourdieu: the central distinction between power and rule, with rule understood as legitimate power (Schlichte 2012: 19). Although it remains unclear how this understanding of rule, which Schlichte locates most clearly in Weber, is compatible with Marx or Foucault (in Foucault, at least, rule is precisely the form of the exercise of power that renders the free play of countervailing power impossible), Schlichte tries to recapture the conflictual character of rule directly and not to succumb to its totality. However, he succeeds in doing so only through a peculiar separation between rule as an ultimately apolitical place of repose where asymmetry is accepted and practiced (Schlichte 2012: 16), on the one hand, and conflict as a “sphere of the political” in which divergent and conflicting claims of legitimacy collide, on the other. In Schlichte, therefore, rule is precisely not conceived in terms of conflict and resistance, but is conceptualized instead, as in the liberal governance and compliance research that he criticizes, in terms of obedience; obedience is what needs to be explained and studied (Schlichte 2012: 28).

In our view, however, rule is not the end of the conflict, but only *the* order that procures allegiance temporarily through coercion or persuasion. The dispute over legitimacy remains part of rule. It is even constitutive of rule, because rule is legitimate only insofar as it prevails in conflict.

3. RESISTANCE AS THE KEY TO THE ANALYSIS OF RULE

In what follows, we propose a concept of rule that avoids the abridgments we have identified in realist, liberal and critical conceptions of rule, and is suited to comprehending the multiple phenomena of rule in global politics. Rule we call in the first place and in principle all asymmetric power relations that are of a certain duration and are reinforced by institutions. Hence, rule signifies *a structure of institutionalized superordination and subordination through which basic goods and influence are distributed, alternativeness and contingency are minimized and expectations are stabilized.*

This structure may or may not emerge with a claim to legitimacy to justify its coercive nature. It may or may not be successful in generating legitimacy. In essence, this decides only the character of rule, not its existence, which consists in institutionalizing asymmetrical relations of power. Hence, legitimacy is not a defining, but instead a concomitant feature of our concept of rule. Legitimacy can occur in varying degrees. Although we regard rule as a structural phenomenon, our focus nevertheless remains on actors. They assume different positions within this structure that open up specific opportunities for action and close off others (Buckel and Fischer-Lescano 2007: 90). The structure in which relations of superordination and subordination are stabilized can be uniformly hierarchical, with a clearly recognizable center to which everything is subordinated, an ideal type being the nation state, But it can just as well rest on a multitude of institutionalized relations of superordination and subordination that exist alongside each other or overlap without a single center (or, in Zürn's (2012: 53) term, a meta-level) being recognizable that could arbitrate collisions between them. Therefore, rule can also be ordered in a "heterarchical" way (Hedlund and Rolander 1990) as a juxtaposition and superimposition of vertically and horizontally structured partial orders (Donnelly 2009: 63).

The forms of power that constitute and secure relations of superordination and subordination also vary. They can rest on formal legal regulation or on informal discursive power, on structural power in the classical sense (that is, as the power to set the agenda) or on an unequal distribution of resources (see Onuf and Klink 1989); but, of course, they can also turn out to involve coercive power backed up by physical force (on the poly-

morphic character of power, see Barnett and Duvall 2005: 40; Guzzini 2005). None of these different forms of the exercise of power is privileged a priori. They only represent different manifestations of the exercise of rule.

However, the more rule occurs outside the context of formal legal control systems and the less it relies on direct coercion, on the one hand, and in the process moves in a uniform system of superordination and subordination, as we typically observe at the global level, on the other, the harder it becomes to grasp it empirically. Such heterarchical orders can scarcely be read of from constitutions and institutions any more (if such even exists). Instead they have to be laboriously reconstructed in discourse, in the presence and absence of bodies of rules and in the analysis of possibilities and limits of action (for similar observations on heteronomy, see Onuf and Klinke 1989). This is why they can best be described on the basis of resistance, for this makes manifest asymmetrical power relations and the mechanisms for generating willing obedience that set rule, whether legitimate or illegitimate, apart. Thus the famous formulation of Foucault (1990: 95) – “Where there is power, there is resistance” – can also be inverted and reformulated as: Where there is resistance, there is power and this is made experienceable by resistance. Rule, as institutionalized power, does have a tendency to marginalize resistance, whether by generating legitimacy and voluntary compliance or through coercion and oppression; but resistance also remains a necessary component of rule where this is exercised in a most subtle manner or with brute force.

Presumably, it is difficult to derive all kinds of rule reliably from resistance. Therefore, the forms and practices of resistance serve in the first instance to identify structures of domination whose internal grammar must then be broken down. In addition, our intention is to draw initial conclusions about the changes that rule undergoes from the forms of resistance and their transformation.

3.1. Opposition and dissidence as forms of resistance

Although we assume that rule always entails resistance because it ultimately rests on forms of coercion, the nature and extent of resistance can vary. For example, resistance can be limited to individual decisions or *policies*, it can concentrate on decision-making structures and institutions (*politics*) or it can reject the order in its entirety, that is, in its fundamental norms and principles, its rules and institutions (*polity*).

Not only can the object of the resistance vary, but also the means to which it has recourse. Resistance can advocate changes within the system of rule by accepting the applicable rules of the game of political participation or it can make use of means of action that lie outside of these accepted rules. These different modes of action can be conceptualized as oppositional conduct, on the one hand, and as dissident conduct, on the other. Common to both forms is that they formulate – albeit in varying degrees – political alternatives to the dominant order; but they differ quite fundamentally over whether they accept the order and the applicable rules of the game of political participation and comply with them (opposition) or whether they reject or deliberately violate these rules (dissidence).

Figure 1: Opposition and dissidence as forms of political resistance

	Opposition	Dissidence	
Object	Policies	Politics	Polity
Means	Conventional / within the rules of the game	Unconventional / outside the rules of the game	

As the table makes clear, these are not real types of political resistance with sharply defined characteristics, but in the final analysis ideal types. Empirically speaking, we would not expect to find these forms in their pure state, but would instead anticipate approximations to one of the two types and smooth transitions between them.

3.2. Mechanisms of transition from opposition to dissidence

Having identified the two basic forms of political resistance, we must ask what we learn from these forms of resistance about the system of rule and its transformations, that is, whether and how these forms undergo changes and whether and what light this sheds on the order. Evidently, not only can resistance assume a variety of different forms, if one considers, for example, signature campaigns by Greenpeace, on the one hand, and arson attacks by the Earth Liberation Front, on the other, as ways of articulating opposition to the logging of old growth forests; it can also change its form, moving from opposition to dissidence, as in the case of the development of the student protest into an urban guerilla movement and then into the terrorist attacks of the Red Army Faction, to cite an extreme example. What determined this transition and to what extent does it permit inferences to rule?

A key factor in explaining the transition from opposition to dissidence and from dissidence to opposition is the character of the system of rule and the changes it undergoes. If we follow empirical research on democracy in the tradition of Robert Dahl, the nature and extent of resistance within a system of rule is an expression of its level of democracy. In this context, the right to engage in opposition represents for Dahl one of the three central steps in the (historical) democratization of Western societies (in addition to the right to representation and the right to vote) (Dahl 1966: xi). The more systems of rule have granted their members space to articulate their resistance, the stronger the principle of political equality became in the respective systems. At the same time – and this is the interesting observation for our purposes – this involved a moderation of dissent. In other words, the greater the opportunities to participate in the system of rule and the more space that was accorded to resistance, the more the resistance as dissidence (in Dahl, “system opposition” or “revolutionary opposition”) lost its radical character and turned into opposition that seeks to exercise influence within the applicable rules of the game (see Dahl 1965).

However, Dahl sees real grounds for concern that this process could be reversed again, namely when the spaces for articulating resistance and for political participation again become smaller. For Dahl, this involves the concern not only that autocratic systems could again be on the advance, but also that the change in governance in modern nation-states, as this began to emerge after the end of the Second World War, could go hand-in-hand with a circumvention of the classical political arenas, and thus also of the spaces for resistance, thereby rendering political participation ineffectual (see also Kirchheimer 1957). The more politics withdraws from the political institutions, such as parliament, and migrates into informal or international bodies, the less opportunity there is for criticism to gain a hearing. This leads, in turn, according to Dahl (1965), to the alienation of the citizens from their system, a development which favors a renewed radicalization of resistance (Helms 2004: 38, see also Hay 2007; Offe and Preuss 2006: 9-11). This hypothesis derived from democracy research can be found in a similar guise in research on social movements. In studies on radicalization in social movements, it is argued that the likelihood of radicalization increases the more repression a movement meets with and the more it is ignored (della Porta 1995: 190-5; Juris 2005; Hoover and Kowalewski 1992: 173).

The following conjecture can be confidently inferred for international politics: the more radical the resistance (dissidence), the more closed is the ruling order, either by narrow-

ing opportunities for political participation or by avoiding political debate. If this hypothesis is correct, then the analysis of resistance also reveals something about the character of the system of rule, or at least about the changes it undergoes. The hypothesis should nevertheless be treated with caution. On the one hand, the direction of causality is unclear. Although rule and resistance may constitute a reciprocal referential context, this says nothing about what is cause and what effect (and whether we are even dealing with a causal relation). On the other hand, it must at least be assumed that the hypothesis is underspecified. Since, as we will also illustrate in the next section, different manifestations of resistance can be observed in the conflict with the same system of rule – for example, dissident and opposition groups in the anti-globalization movement – it cannot be the character of the system of rule or its transformation alone that provokes the specific forms of resistance.

Here we cannot pursue further the question of what additional factors should be considered. However, identifying them is undoubtedly the central task for a research program that places the problem of rule at the center of the analysis of global politics.

4. PROBING THE EMPIRICAL PLAUSIBILITY

If rule and resistance are part of a reciprocal referential context, as we have shown in Section 3, it should also be possible to draw conclusions from the analysis of resistance to the nature of the system of rule or its transformations. To illustrate this, in what follows we will draw on two case studies. We first turn to a case of state resistance, specifically, the conduct of India toward the nuclear non-proliferation regime. The increasing radicalization of the resistance of the Indian government to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to the point of dissidence, which culminated in the development and testing its own nuclear weapons, corresponds to significant changes in the NPT regime.

The situation is less clear in the case of non-state resistance, to which our second case study is devoted. Here, too, a clear radicalization of resistance on the part of the groupings within the anti-globalization movement toward the global economic institutions can be observed. In this case, however, the radicalization followed an extension of political participation opportunities for the groupings within the movement. However, we will show that this extension had counterproductive effects, because the participation was narrowly restricted both in form and substance. As such, it came close to a circumvention of political debate.

4.1. Nuclear dissidence and the system of rule of non-proliferation

The nuclear non-proliferation regime has been described as embodying a particularly strong prohibiting norm and as the institutionalization of the nuclear taboo (Tannenwald 2007). India's breaking of this taboo through nuclear testing and the development of nuclear weapons have been interpreted as an expression of the striving for power of an emergent regional power or as the effect of a regional arms race on the Indian subcontinent. But if we examine the development of the NPT and of Indian foreign and security policy more closely, then both Indian nuclear policy and the nuclear non-proliferation regime become interpretable in a broader sense, namely as nuclear dissidence and as resistance against an unjust global nuclear system.

The indefinite extension of the NPT in 1995 was decisive in the change in Indian policy and the decision to test nuclear weapons. India was a proponent of nuclear disarmament since its independence (see Jain 1974), but at the same time held open the option of acquiring its own nuclear arsenal (see Kapur 1978). Thus, although Jawaharlal Nehru advocated the development of a military nuclear infrastructure, he spoke out against constructing nuclear weapons. In 1967, India voted against the NPT and has remained to this day one of its most severe critics on account of its "discriminatory" character. In 1974, after the third Indo-Pakistani War and under the impression made by the Seventh U.S. fleet, which Henry Kissinger sent into the Bay of Bengal to intimidate India, India decided to conduct its first nuclear test, which it described as a "peaceful nuclear explosion." In spite of this, India avoided testing nuclear weapons over the next 24 years and pursued a policy of nuclear opposition. It was only in 1998, shortly after the indefinite extension of the NPT and under the government of the nationalist Bharatiya Janata Party (BJP), that India decided to conduct open nuclear weapons tests, thus opting for nuclear dissidence.

One cannot claim that the indefinite extension of the NPT was the direct cause of India's nuclear weapons tests, no more than that the Indian nuclear bomb is the cause of the crisis of the non-proliferation regime. But it is evident that the two events stand in a reciprocal relation of rule and resistance and that the international nuclear system became unstable and – in the categories of Henry Kissinger (1986) – "revolutionary" to the extent that the nuclear-armed states tried to entrench their nuclear rule indefinitely.

In order to justify this argument, it is important that the original non-proliferation regime be understood as a nuclear taboo that founds a social hierarchy (Daase 2003). Sociologi-

cally speaking, taboos serve to stabilize asymmetric structures of rule through the “direct harnessing of religion to extra-religious purposes” (Weber 1978: 433; for a similar account, see Douglas 1966). In this sense, the nuclear taboo does not represent a repressive system of rule, but assuredly one based on inequality. The foundation of this rule is the conviction that nuclear weapons confer not only material but also, as it were, spiritual power. It is this power that has made the nuclear-armed states into something like the charismatic “priests” of the global nuclear system, whose task it is to uphold the central classifications of this order – the distinctions between conventional and nuclear weapons, between military and political use, and between the legitimate and illegitimate possession of nuclear weapons – in short, the nuclear taboo.

It would be mistaken to make India responsible for destabilizing the nuclear taboo. Indian nuclear policy is less a cause than the result of a dynamic proper to all forms of charismatic rule, namely its tendency to become legalized. Because charismatic rule, according to Max Weber, is inherently unstable, its bearers try to stabilize it through legalization. This is why it is not the quest for power of non-nuclear powers that underlies the current crisis of the global nuclear system, but instead the failed attempt by the nuclear-armed states to “depersonalize” their charismatic rule, because the unjust and coercive nature of the system first became apparent as a result.

“Depersonalization” is the institutional “routinization” of charisma. By “routinization” Weber understands the transfer of power and status owing to extraordinary events or abilities “into a permanent possession of everyday life” (Weber 1978: 1121). In this way, privileges and influence are uncoupled from success and the need to prove oneself. This legal turn of charisma can also be identified in the non-proliferation regime. Until 1995, it was a charismatic system based on the nuclear taboo and belief in the singularity of nuclear weapons. The date of 1 January 1967, as an abstract criterion of the legitimate possession of nuclear weapons, was only a weak obfuscation of an inherently arbitrary classification that favors specific states.⁴ But from the beginning the willingness of the non-nuclear-armed states to accept this classification and to recognize the nuclear charisma of the nuclear-armed states was subject to a reservation enshrined in Article VI of the NPT, namely the bona fide intention on the part of the nuclear-armed states to take effective measures to achieve complete nuclear disarmament. The establishment of regu-

⁴ The NPT defines the term “nuclear-weapon state” in Article 9, paragraph 3. According to this, a nuclear-weapon state “for the purposes of this Treaty” is “one which has manufactured or exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.” The countries meant were, of course, the United States, the Soviet Union, Great Britain, France and China.

lar review conferences – a novelty in diplomacy – served to maintain this balance between respect and banning: respect for the legitimate and banning of the illegitimate possession of nuclear weapons on the part of non-nuclear-armed states; respect for the taboo on their use and work toward the future banning of their own possession on the part of the nuclear-armed states. Only because the non-nuclear-armed states periodically had the opportunity to extend the NPT for a further five years or to withdraw their consent could they consider the inequality of the treaty not to be discrimination, but instead a temporary necessity of the system of nuclear policy. It was precisely the conditionality and the provisional nature of the regime that guaranteed its legitimacy and stability.

The probationary aspect, which resided in the conditional acceptance of nuclear rule, was lost in 1995 with the indefinite extension of the NPT. Although the extension was welcome in principle, the contradictions in the global nuclear system were exacerbated and the erosion of the nonproliferation regime was accelerated by the extension in particular. The core of the regime is that some states refrain from acquiring and possessing nuclear weapons as long as the other states seek to promote nuclear disarmament; therefore, the indefinite stipulation of non-possession by the former states without a simultaneous commitment to take concrete steps toward disarmament by the latter states amounts to an emancipation from the obligation to disarm. From now on, the rule of the nuclear-armed states rested on a “statutory system,” which transformed the non-discriminatory taboo into a discriminatory norm.

Initially, the success of the nuclear-armed states seemed perfect. They had exchanged their unstable charismatic rule for a legal form of rule that freed them from the constraint to prove themselves and in addition promised enduring stability. However, although Weber describes the process of depersonalization as virtually inevitable, its success is not guaranteed. The decisive point is how the new form of rule deals with the contradictions of the old: Does it defuse them or exacerbate them? Contradictions in charismatic leadership remain latent as long as the duration of the claim to rule is indeterminate and the social order it founds is regarded as temporary. These contradictions become manifest in legal rule, which is designed to be permanent and whose institutions claim indefinite validity. Thus it happens that, although the classification into nuclear-armed states and non-nuclear-armed states could become the basis of the nuclear taboo and nuclear charisma could become the source of its legitimacy, the same classification cannot serve as the basis of legal rule and undermines the legitimacy of the nuclear legal structure. The growing opposition to the global nuclear system disavows the indefinite extension of the

NPT as a strategy of nuclear-armed states to stabilize an unjust, because asymmetrical, system of rule that entrenches asymmetric rights and duties.

4.2. Dissidence in transnational civil society

The protests of the anti-globalization movement that have been continuing since the 1990s have become synonymous with resistance to international institutions and with their smoldering legitimacy crisis. The movement is sharply critical of the hegemony of neoliberalism and the lack of democratic legitimacy of international economic institutions and declares: “Another world is possible” (Andretta et al 2006.). As “resistance” (Armstrong et al. 2003) or “globalization from below” (Falk 2000), it is sometimes celebrated in poststructuralist and post-Marxist theories as the first genuinely counter-hegemonic movement, if not a “postmodern prince” (Gill 2000), with the potential to break up the global neoliberal ruling structures (Gill 2003; Hardt and Negri 2000).

Although heterogeneous as regards the goals, strategies and ideologies of the organizations it brings together (Gibson 2008; Crossley 2002; Clark and Themudo 2006), the movement has captured enormous public attention. Its recurring protests are described as a wave of politicization that places international institutions under pressure to justify themselves for their increasingly invasive encroachments into the lives of individual citizens and for their lack of democratic legitimacy (Zürn et al. 2012).

This persistent criticism has not left the global economic institutions unmoved. In a search for ways and strategies to restore their legitimacy in the eyes of the public (O’Brien et al. 2000), these institutions initiated reforms of their policy guidelines. In addition, they began a gradual opening of their institutions by establishing consultation and deliberation forums for the activists. However, these forums have met with a mixed reception, at best. Although non-governmental organizations, in particular, accepted the invitations, a majority of the opponents – chiefly activist groups – rejected it and intensified their resistance. As they saw it, the forums were a thinly disguised attempt to divide the movement and to silence its criticism (Ayres 2003: 91; Worth and Buckley 2009: 652). Although the global economic institutions, in particular the World Bank and World Trade Organization, seemed to create more space for political participation, no moderation of the resistance could be observed (or at least only sporadically), but on the contrary if anything a radicalization. At first sight, this development speaks against the hypothesis that restricted spaces for resistance lead to a radicalization also of transnation-

al protest. However, a closer look at the deliberative forums shows that one can hardly speak of an expansion of the scope for political participation.

These deliberative forums were extremely narrowly defined across the board, as O'Brien et al. (2000: 206) show in a systematic study of the interaction between transnational social movements and global economic institutions. This began already with the fact that the institutions issued very selective invitations to the forums, which were addressed primarily to their moderate critics, while more radical voices were not even admitted in the first place (see also Higgott 2000: 143). Conversely, when access was open, the forums themselves were correspondingly restricted in their mandate. Activists were permitted to ask questions, for example, but only on pre-defined topics and under narrow time constraints that largely precluded discussion. O'Brien et al. (2000: 208f., 222) even conjecture that the global economic institutions deliberately used these forums to split and diffuse the growing resistance, and to guarantee the smooth operation of the institutions. Deliberative forums were in this respect more an attempt to restore the consensus on the rationality of the institutions, but were not conceived as an opening to the critics.

In short, the forums did not permit equal access to or opportunities to exercise influence over the deliberation. Instead they restricted the political alternatives to predetermined criteria that correspond to the rationality of the institution and systematically exclude more radical voices (see, in general, Ottaway 2001). This shows that deliberative forums, at least in this form, can serve neither as an open engagement with opposition nor to recover legitimacy. The majority of the activist groups within the anti-globalization movement in any case refused to participate. From their perspective, the forums were an illusion (Worth and Buckley 2009: 652). They regard the global economic institutions across the board as so entangled in a hegemonic discourse of neoliberal ideology that any interaction could only lead to co-optation or, even worse, to reinforcement of this discourse (Andretta et al. 2006). Thus they express a form of dissidence. Because of their intransigence, these groupings were increasingly described as apolitical. Their stress on street protest, civil disobedience and carnivalesque forms of protest was branded as irrational, given that they had the opportunity to participate in normal politics (see Bleiker 2005; Juris 2005). An increase in repressive measures can also be observed in dealings with the groups within the movement. These include the by now almost military cordoning-off of security zones around the buildings in which major summits are held, heightened police repression against such direct action at transnational summits and the

relocation of summits to regions with comparatively weak human rights protection regimes.

In summary, it is clear that the opening to political participation, as this was envisaged by global economic institutions in response to the growing resistance to their policies, frustrated all intentions to seriously engage with resistance.

5. CONCLUSIONS

Taking the two cases together, we can draw some, albeit at first tentative, conclusions about the relationship between rule and resistance.

First, it is clear that in both cases the examination of resistance practices enables us to identify structures of rule that are often overlooked by traditional approaches. Because classical approaches construe the institutions in question as powerless – they see them as organizations that are steered by states or as purely horizontal cooperation structures to which actors submit themselves voluntarily from a clearly recognizable utility calculation or from normative belief – these approaches overlook the asymmetrical power relations that are solidified in international institutions. Therefore, reconstructing global rule from the perspective of resistance enables us to shed new light on political action, on the one hand, and institutional structures, on the other.

At the same time, it is clear that the relationship between rule and resistance is still undetermined. Different forms of resistance can be found in both case studies. While some actors exhibit oppositional behavior, others migrate into dissidence. This indicates that it is not only the “objective” features of rule that determine the political conduct of the ruled, but that the “subjective” assessments of the addressees are no less important. How the latter arise is key to understanding the choice between opposition and dissidence, and hence the diversity of rule and resistance.

But there are also limits to the reconstruction of rule on the basis of resistance. Rule, especially in its subtler forms, can often be identified only where it is questioned or openly combatted. The detour we propose through the forms of resistance enables rule to be observed and empirically studied in international relations as well. At the same time, however, it must be conjectured that resistance becomes even more difficult at the political level, the more difficult it is to localize rule. The more rule becomes detached from codified rules and institutions, and the less it is materialized in a unified system of superordination and subordination, the less it is directly visible for the actors, and hence also

the less it is vulnerable to resistance. If it is not clear where the center of rule is located, resistance also lacks a place where it can be ignited. Simply put, the more subtle rule is, the less likely it is that it will generate sufficient resistance.

This relationship can be seen clearly from the case studies. Both in the case of the nuclear non-proliferation system and of the global economic order, a strengthening and radicalization of resistance can be observed where the system of rule is manifest, formal and visible. This is especially apparent in the case of non-proliferation. It was only when the nuclear-armed states tried to convert their informal, charismatic rule into formal, legal rule that opposition became radicalized, because it was only at this point that the inequalities became apparent, on the one hand, and were made permanent through codification, on the other. But parallels can also be drawn for the global economic institutions and resistance to them. Even though this was initially a matter of diffuse protest, the resistance became radicalized and focused the moment participation institutions were made available, hence, again, when rule assumed a visible form.

This observation once again raises the question of the referential context of rule and resistance, because it implies two things: first, that resistance depends for its expression on identifiable rule structures, which places certain limits on our proposal to reconstruct the more subtle forms of rule on the basis of resistance; second, it can be conjectured that it is resistance itself which compels rule to formalize itself, to generate legitimacy and to appease resistance. That would be more or less the reading that can be found in Weber, who identifies a trend towards legal-bureaucratic forms of rule in modernity, in order to be able to stabilize rule as such.

Both of these implications make it clear how necessary it is to define the reciprocal relationship between rule and resistance more precisely. Rule can be both *explanans* and *explanandum*, depending on the side from which one considers the relationship between rule and resistance. More decisive in our view is that, with the conceptual shift to rule and resistance, new light can be shed on empirical phenomena of international relations. By conceptualizing international relations as a sphere of relations of political rule, the different manifestations of rule and legitimacy conflicts over institutionalized relations of superordination and subordination become the core of the cognitive interest of International Relations.

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