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Title	Critical theory and communicative action: The challenge of legitimation in a world at risk
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Publication date	2018
Original Citation	DESMOND, E. (2018) 'Critical theory and communicative action: The challenge of legitimation in a world at risk', in Giri, A. K. (ed.) Social theory and Asian dialogues: Cultivating planetary conversations. Singapore: Palgrave Macmillan, pp. 399-422.
Type of publication	Book chapter
Link to publisher's version	10.1007/978-981-10-7095-2
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Download date	2026-11-16 14:25:27
Item downloaded from	https://hdl.handle.net/10468/5837

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Critical Theory and Communicative Action: The Challenge of Legitimation in a World at Risk

I cannot muster the 'we' except by finding the way in which I am tied to 'you', by trying to translate but finding that my own language must break up and yield if I am to know you.

(Butler, 2004: 49)

This chapter explores the centrality of the concept of legitimation in critical theory. This is examined in relation to the idea of 'risk society' developed by Ulrich Beck (1992; 1999; 2009). The chapter argues that the process of legitimation involved in risk society engages humanity in local, national and global struggles. These are aimed at securing a fair allocation of resources and inclusion in the political process as a concern with justice, and the way in which power is exercised in the negotiation of risk. The contestation involved in the process of legitimation is waged through discourse. This increasingly requires humanity to develop 'communicative competence' (Habermas, 1984: x) as the means not only to asserting judgments, but also to negotiating the normative issue of the boundaries between self, state and global society which legitimation entails.

The emergence of global civil society has both resulted from, and contributed to, the increased problematisation of the boundary of the state in risk society. Within the 'cosmopolitanisation' (Beck, 2007: 225) associated with a world at risk, an ever-expansive, transcendental concern for justice must struggle with immanent fear and uncertainty related to preservation. The chapter explores how humanity's attempts to negotiate boundaries in risk society will be contingent upon the way in which such immanent-transcendental dimensions of human existence are discursively reconciled as a concern of legitimation in a world at risk.

Legitimation in Critical Theory and Risk Society

The concept of legitimation, which relates to the way in which power is exercised as a concern of justice, is central to critical theory. Its importance emerged from the acute awareness of early authors within the critical theory tradition of the impact of power relations on the ability of both individuals and societies to negotiate risks to their ongoing survival.[1] This chapter argues that the critical theory concern with legitimation has never been more significant than in the 'risk society' described by Ulrich Beck (1992; 1999; 2009).

Beck (1992: 19) claims that, in contemporary global society, the 'social production of *wealth* is systematically accompanied by the social production of *risks*.' These risks are characterised by the fact that they 'induce systematic and often *irreversible* harm, generally remain *invisible*,…and initially exist only in terms of the (scientific and anti-scientific) *knowledge* about them' (ibid.: 23) [italics in the original]. Aspects such as climate change, financial collapse and terrorism, for instance, represent global risks which are at times actualised in particular contexts as crises, but whose *potential* for catastrophe is globally pervasive at all times. Both the actualisation and potential of risk give rise to legitimation struggles as to the way in which they should be negotiated.

[1] The Institut für Sozialforschung (Institute of Social Research), which was established in Germany in 1923, was home to the Frankfurt School from which critical theory emerged (Held, 1980: 29). Many of the Institute's most prominent early authors were Jewish, including Theodor Adorno (1903-1969), Max Horkheimer (1895-1973) and Herbert Marcuse (1898-1979). These authors were forced to flee Germany when Hitler came to power in 1933, and much of their work was produced in exile following the school's re-formation in the United States. These origins have continued to inform critical theory's concern with intellectual autonomy as the means to challenging injustice and the illegitimate exercise of power. Through the work of Jürgen Habermas, communicative action has been increasingly recognised as central to this project.

Strydom (2002: 114) notes that '[t]he discursive construction of risk is a social process in which different social actors or collective agents compete and conflict with one another in the medium of public communication and discourse.' This discursive contestation represents the process of legitimation through which risk is negotiated. The struggle to legitimate perspectives on risk involves disputes regarding its definition (what is its probability of actualisation and its likely impacts?), the trade offs involved (are certain risks worth taking in order to secure other benefits? Are certain rights worth sacrificing in order to guard against risk?), and the negotiation of risk (how is risk distributed, who is at risk and who is responsible for remedial action when it is actualised?). The conflict involved in answering these questions occurs through discourse at local, national and global levels as part of a process of legitimation.

As Strydom (2011: 18-27) notes, the classical concern of critical theory involves attempts to reconcile Kantian, Left-Hegelian and Marxist thought. Critical theory has sought to emphasise the vital significance of a social actor capable of making judgments not only with regard to a self-legitimating Kantian self, but also in relation to a Left-Hegelian concern with the constitution of societies which both reflect and inform the self-legitimation of social actors in ways which promote their freedom and autonomy. Marx's dialectical materialism later highlighted the significance of access to the means of production to the way in which power relations, societies, consciousness and learning are challenged and develop over time. Central to the Marxist analysis was the idea of the eventual universal delegitimation of the inequality and injustice associated with class struggle in capitalist society.

The concern with legitimation lies at the intersection of the work of these key authors. Legitimation involves the intra- and inter-subjective contestation of the plural, shifting, power-mediated perspectives of judging, reflecting social actors, who are simultaneously morally and ontologically concerned, in order to bring about the institutionalisation of societies, and to allow decisions with social impact to be collectively agreed upon. In this sense, legitimation involves a negotiation of the boundaries between self and immediate others, as well as the wider social context through which individuals derive their ethical concerns.

Max Weber ([1968], 1978: 213) argued that '[e]very system of domination attempts to establish and to cultivate the belief in its legitimacy.' His perspective on legitimacy was challenged within critical theory by Jürgen Habermas who questioned the passivity and atomised nature of Weber's account. Habermas (1984: xx) argued that 'interests, desires and feelings are not essentially private but [are] tied to language and culture and [are] thus inherently susceptible of interpretation, discussion and change.' Habermas therefore emphasised the discursive nature of legitimation, arguing that it was through intersubjective communication in the public sphere that the boundaries of self and society are negotiated, established and transformed.

Hurrelmann et al. (2007: 8) highlight the distinction between legitimation as a *process* of evaluation, and legitimacy as the *attribute* which is being assessed [italics in the original]. Scanlon (2012: 892) notes that it is through a process of legitimation that we try 'to work out with others ideas that can serve as a common standard of justice in our political

lives.' With regard to risk, this is related crucially to how risk should be negotiated, differentiated and addressed as a concern of social justice. Thus, as Douglas and Wildavsky (1982: 8) argue the 'choice of risk and choices of how to live are taken together.'

Clark (2007: 195) asserts that 'legitimacy [is] a constitutive element within a society.' It is also constitutive, however, of the self within that society. This is noted by Habermas ([1973], 1976: 88) who argues that 'ethics remains the foundation of legitimation.' In risk society, legitimation entails the determination of where the boundaries of self and society lie as an ethical, normative and ontological concern. This relates to attempts to reconcile an immanent concern for preservation with transcendental, decontextualised understandings of justice.

Strydom (2008: 0) notes that the idea of immanent transcendence is a 'key concept of contemporary critical theory'. This relates to the idea of a 'transcendence from within' (Habermas, 1998: 7) justified from a 'transcendent God's eye point of view' (ibid.). This point of view is central to the way in which societies are constituted, and determines how the exercise of power is legitimated as a normative concern of justice. The idea of immanent transcendence is particularly pertinent to legitimation in risk society, given that transcendental ideas related to ideals such as justice and freedom must be reconciled with immanent concerns regarding fears for the safety of oneself and those to whom one is emotionally and geographically proximate. It is through discursive contestation that

attempts to reconcile transcendental and immanent concerns are assessed and judged as part of a process of legitimation.

The negotiation of boundaries involved in the process of legitimation entails an evaluation of the power relations that emerge as a result of a differentiated access to resources.[2] The latter contributes not only to a differentiated exposure to risk, but also to a differentiated ability to influence decision-making with regard to its alleviation and negotiation. Forst (2014: ix) argues that 'the first question of justice is power.' He (2014: 6) claims, however, that 'the basic question of justice is not what you have but how you are treated.' This relates to the process of establishing a *basic structure of justification* where the right to justification is recognised as a concern of fundamental justice (Forst, 2007: 296) [italics in the original].[3] The process involved in seeking to establish such a basic structure of justification is that of legitimation.

According to Forst, the right to justification grants social actors, regardless of their access to resources, the right to ask for and challenge reasons for why power is being exercised in a particular way; in risk society, however, this demand for justification is often itself directly related to what people have as their means to negotiating risk. This is given that inequality in access to resources is often the basis for the differentiation of risk exposure

[2] Access to resources relates to the means required to negotiate the risks of a particular context. In situations of humanitarian disasters, access to food, water and shelter will be of primary importance. Under non-emergency conditions, however, security of access to food, water, land, housing, political influence, social status, assets, wealth, employment, and natural resources all serve as the basis for mitigating exposure to risk as an ongoing preoccupation. Competition to gain greater access to these resources represents an attempt to mitigate risk exposure as a concern for the preservation of certain individuals and groups over others. This highlights the ontological significance of power relations in risk society.

[3] Maximal justice would mean that a *fully justified basic structure* has been established – one that grants 'rights, life chances and goods that citizens of a just society could not reciprocally deny each other' (Forst, 2007: 296).

for which justification is sought. Such inequality also plays a key role in determining the extent to which social actors can have their right to justification recognised. In the negotiation of risk, an individual's right to justification is meaningless until it becomes recognised and incorporated within a process of legitimation.

Fraser (2003: 44) argued that both redistribution and recognition are required to secure participatory parity in modern democratic societies. She (Fraser, 2008: 17) later added the crucial dimension of political representation to formulate her three-dimensional theory of justice. As will be highlighted, it is possible, through mass mobilisations, to secure recognition and representation in the absence of redistribution; however, justification of resource distribution remains a key concern of the process of legitimation.

Through the process of legitimation, the power relations and understandings of justice which themselves arise from particular distributive patterns are problematised. Within this process, what an individual has remains central to the immanent struggle for justice, even as assessments of the legitimacy of how people are treated as a result of the power relations arising from the distribution of resources are made through drawing upon interpretations of transcendental ideas of fairness.[4] The latter promotes recognition of the right to justification in challenging power relations and resource access through a process of legitimation.

[4] This relates to the cognitive capacity for assessing claims of justice from a decontextualised 'original position' (Rawls, [1971], 1999: 13) where necessary in order to resolve immanent conflicts.

According to Habermas (1984: 23), the process of legitimation relates to assessments of the validity claims of truth, rightness, adequacy, truthfulness and comprehensibility incorporated within the process of communication itself. This refers to the 'communicative action' (Habermas, 1984) which Habermas argues is central to the legitimation process. Communicative action relates to the way in which individuals assess the legitimacy of speech acts as a concern for the constitution of their ethical positions, and of the wider society in which they are embedded. Such assessments entail the development of 'communicative competence' (Habermas, 1984: x) as the basis for moral learning, and the ability to mediate between transcendental and immanent concerns in judgments of validity claims.

The centrality of communication to the process of legitimation is also asserted by Strydom. He (2015: 13) argues that '[d]iscourses emerge from the interrelation of differently positioned actors and agents, the actions and practices in which they engage and, in particular, the distinct sets of competing, contested and conflicting cognitive structures or frames they communicate and thereby introduce into the public sphere.' Bernstein (2004: 18, as cited in Clark, 2007: 197) notes the localised nature of understandings of legitimacy, arguing that they are 'highly contextual, based on historical understandings…and the shared norms of the particular community granting authority.' The process of legitimation also entails varying understandings of what should normatively be considered as just. These seek ideological justification through ideas

which transcend the particular context in the struggle to legitimately assess what is right and good.[5]

Through his idea of 'triple contingency', Strydom (1999; 2001) highlights the way in which communicative action extends beyond those who are actively engaged in debate to incorporate the judgment of validity claims by a watching public. This relates to 'the contingency that the public as the bearer of a third point of view brings into communicative relations and hence into the social process' (2001: 165). In this way, the wider public becomes engaged in the process of legitimation through serving as an audience for public sphere deliberations. This is also noted by Schneider et al. (ibid.: 132) who claim, '[c]itizens express their legitimacy beliefs, and political elites advance their self-representations, through participation in, or exposure to… communication [in the public sphere].'

The emergence of triple contingency, and the media technologies which support it, have given rise to the potential for learning and communication across borders. They have also contributed to challenges as to where boundaries should be drawn as part of the process of legitimation. The increasingly global nature of triple contingency has problematised the legitimacy of the boundary of the state itself as the territorial

[5] The definition of 'right' and 'good' emerges through the process of legitimation itself and its concern with the negotiation and reconciliation of immanent and transcendental dimensions of human existence. The potential for relativism associated with legitimation is highlighted by the Rawlsian ([1993], 2005: 393) concern that injustice itself can be legitimated in particular contexts. This gives rise to the possibility for approaches to risk to be legitimated in one context which can exacerbate risk exposure in others. There is greater potential for injustice to be legitimated when the basis for legitimation is founded on perspectives which are narrowly or erroneously conceived, or informed by fear. The more open the process of legitimation is to extraneous influences beyond the boundaries in which it operates, the greater the likelihood is that unjust legitimations will be challenged by competing perspectives.

demarcation for where legitimation struggles to reconcile demands of preservation and justice, as a political concern, have been fought. This will now be explored.

Legitimation, Risk, and the Boundary Problem of the State

The legitimacy of the state, as a political entity, is derived from its primary role as protector of its citizens. Locke ([1690], 1967: 371) argued that the supreme power of the commonwealth should be 'directed to no other *end*, but the *Peace*, *Safety*, and *public good* of the People' [italics in the original]. Rousseau ([1762], 1973: 247), too, asserted that the 'single will [arising from the social contract of the state was] concerned with the…common preservation and general well-being [of all of its citizens].'

The construction of the state extended the boundary of a concern for preservation beyond oneself and those with whom one shared immediate familial or emotional bonds to an expanded concern for the preservation of those with whom one shared a collective national identity. Given the requirement for common preservation as the basis of state legitimacy, a functioning economy was recognised as central. As Habermas (2008: 330) argues, '[the state] cannot preserve the necessary level of legitimacy in the long run unless a functioning economy fulfills the preconditions for an acceptable pattern of distribution.' This reliance on the economy relates to the state's need to secure the resources required to alleviate the risk exposure of its vulnerable groups as a concern for its own legitimacy.

In risk society, the right to justification must be secured by vulnerable groups through gaining recognition and representation for the injustice of an unequal distribution of resources and exposure to risk. This assertion of injustice by citizens serves as the basis for demanding the resources required to alleviate risk, a demand which is directed at the state, and to which the state is bound to respond as a concern for its own legitimacy. Ongoing failure to alleviate the risks of its citizens can result in the delegitimation of a particular government through its electoral rejection, or the take-over of the state apparatus itself through a coup d'état.

The state is also regarded as the means through which transcendental ideals are translated into an immanent practice legitimated by its people. This is particularly true of democratic states which often have their commitment to transcendental ideals such as justice, equality, and human rights constitutionally enshrined. In terms of risk society, the Rawlsian Difference Principle provides the basic standard of justification for the way in which power and resources are allocated by the state as a concern of justice. This holds that a given social structure should not 'secure attractive prospects for the wealthy unless to do so is to the advantage of those less fortunate' (Rawls, [1971], 1999: 65).

Benhabib (2004: 19) notes the centrality of the state to political autonomy and democratic self-governance. She argues that 'popular and democratic sovereignty [constitutes] a circumscribed *demos* which acts to govern itself.' The process of legitimation which forms the basis of the way in which a given *demos* seeks to govern itself within a democratic state is illustrated by Habermas (1996: 354-357) in his portrayal of political

will-formation. Habermas (1996: 354-357) claims that the process of legitimation can be viewed as a circulation of communicative power between the periphery of civil society and the core of the state.[6] He (ibid.: 356) argues that 'binding decisions, to be legitimate, must be steered through communication flows that start at the periphery.'

This communicative flow between the core of the state and the periphery of civil society forms the basis of the legitimation process in democratic states, and represents the means by which state policy is evaluated in terms of its justice in relation to the citizens to whom it applies. In risk society, such democratic will-formation permits assertions of risk by vulnerable groups which must be redressed by the state through the distribution of resources, benefits and services as a concern for its own legitimacy.

Habermas highlights the centrality of social movements to the legitimation process. He (1996: 370) claims that social movements

> attempt to bring up issues relevant to the entire society, to define new ways of approaching problems, to propose possible solutions, to supply new information, to interpret values differently, to mobilise good reasons and to criticise bad ones.

Habermas argues that the legitimation struggle to which social movements contribute is waged through communicative action in the public sphere. He (1996: 371) claims that 'influence transformed into communicative power legitimates political decisions'.

The rise of social movements has coincided with the increasing use of 'injustice frames' (Benford and Snow, 2000: 615) as the basis for discursive contestation. In terms of risk,

[6] The dynamic interaction between the state and civil society is referred to by Habermas (1996: 354-355) as the core-periphery model of democratic will-formation.

these seek to discursively assert the need for recognition of the right to justification of vulnerable groups, and to demand remedial action for their exposure to risk, through the allocation of resources by the state. In highlighting these injustice claims, movements not only demand justification of the power relations and resource distribution within a given state; they also challenge ethical understandings of the way in which risk should be negotiated as a normative concern, and the boundaries which should apply with regard to the reconciliation of preservation with justice.

In risk society, communicative power challenges not only the differentiation of risk exposure through demanding recognition of the right to justification on behalf of vulnerable groups; it also challenges the way in which the complex 'trade offs' (Renn, 2008: 196) associated with risk are negotiated as a concern for both preservation and justice. The demand for human rights by vulnerable groups as a concern of justice, for example, can impact upon risk negotiation with regard to the preservation of the larger collective as in, for instance, the protests against the building of large dams by indigenous populations whose habitations are lost in drought-prone areas whose wider populations are heavily reliant on agriculture. These trade offs must be communicatively negotiated and justified as part of a process of legitimation.

While there have been questions regarding the legitimacy of NGOs and social movements themselves (Haunss, 2007: 161),[7] these organisations and collectives are generally regarded as central to both democratic legitimacy and the legitimacy of the state. This is asserted by Haunss (2007: 161) who argues that 'while challenging the legitimacy of their opponents, [movements] may, at the same time, strengthen the legitimacy of the system as a whole.' Touraine (2000: 93) argues that social movements have become 'ethical movements' which 'directly assert and defend both equality and the rights and freedom of the Subject' (ibid.).

Habermas ([1973], 1976: 46-47) also argues, however, that processes of globalisation have meant that the state is increasingly unable to exercise autonomy in responding to the demands for redress of risk by its population. He (ibid.: 55) notes the 'growing need for legitimation of the political system' as attempts to establish where 'thresholds of tolerance lie'; but he also highlights the potential for legitimation crises (ibid.) which can result in a withdrawal of mass loyalty to the political system. The latter can occur when the demands of civil society consistently fail to be recognised and addressed. The danger of legitimation crises is of particular concern in risk society given the careful negotiation and justification of trade offs which risk negotiation involves, and the centrality of this justification to the state's ability to maintain its legitimacy.

[7] These relate to questions concerning their representativeness and lack of democratic accountability (Mehta, 2007: as cited in Corbridge et al, 2013: 148), as well as their diversity in terms of their contribution to human emancipation and social justice (Adeney and Wyatt, 2010: 149). The latter relates to radical nationalist right-wing movements who assert the prioritisation of the preservation of citizens of their own states, often on the basis of a purported superior evolutionary advancement in relation to others. The presence of these movements highlights the potential for injustice, as well as the ongoing tension in the negotiation of borders with regard to preservation and justice, in response to risk.

The diffusion of risks arising from the global interdependencies associated with the 'functional globalisation' (Strydom, 2007-2008: 24) of the economy, politics and, to some extent, law, has increasingly contributed to a constrained ability of states to respond to citizens' assertions of risk. The impact of globalisation on the autonomy of the state has led political analysts, such as Kothari (2005: 128), to argue that globalisation has led to an 'erosion in the role of the state.'

States are also charged with the justification of, and the definition of remedial actions for, risks arising from their global interdependencies. Although global risks such as climate change, terrorism or financial crises are deterritorialised in that their causes and effects transcend the boundaries of individual states, they also give rise to material impacts within states. This has led to the increasing emergence of national legitimation struggles with regard to risk, and the growing significance of 'communicative globalisation' (Strydom, 2007-2008: 24) as the means by which such struggles to negotiate borders in response to risk negotiation are waged.

The problematic nature of the state with regard to justice is highlighted by Fraser (2008: 22) who refers to the 'boundary problem of the state'. As Fraser (2007: 28) notes, globalisation 'problematise[s] the question of the 'how' of justice, [even] as it politicises the question of the 'who'. The 'all-affected principle' (Fraser, 2008: 25) and the idea that 'all those affected by a given social structure or institution have moral standing as subjects of justice in relation to it' (ibid.) is difficult to enforce when decisions on risk negotiation are taken within the borders of individual states whereas the risks it seeks to

address arise from beyond those borders. Such decisions on risk often prioritise the demands of the citizens of individual states, as part of national legitimation processes. This means that the state can serve as a barrier to the type of 'enlarged mentality' (Arendt, [1954], 2006: 237) required to negotiate risk as a concern of justice globally.

The struggle to negotiate the boundary of the state in a world at risk coincides with a growing awareness of its centrality in risk negotiation. This is highlighted by the ongoing demands for secession in risk society.[8] These are often linked to attempts to invoke a state boundary as the means to establishing a right to resources to the exclusion of those seen as lacking such entitlement on the basis of territorial or ethnicity claims. Secession demands can also indicate a failure within a given state to more fundamentally address power relations and the unequal distribution of resources and risk as a concern of justice within the state. This means that vulnerable groups are left with no alternative but to seek their own territory as the basis for creating a separate process of legitimation in which their right to justification and demands for resources to address their exposure to risk, are more adequately recognised and represented.

Kothari (2005: 174) claims that the concern for self-rule in contemporary global society derives from the fact that '[c]ommunities now want to control and protect their access to natural resources.' Boylan (2015: 762), too, argues that Catalonia's struggle for

[8] Between 1990 and 2007, secessions led to the creation of 25 new states which were given international recognition (Pavkovic, 2008: 1). There are also many other territories which are demanding statehood such as Kosovo, Chechnya, Somaliland, Catalan, as well as secession struggles by groups in a number of Indian states, including Tripura, Meghalaya, Mizoram, Manipur, Assam and Nagaland. In India, the state of Telangana was formed in 2014 following the secession of the region from the wider state of Andhra Pradesh.

secession from Spain is motivated by a desire 'to end subsidising disadvantaged regions in the [wider Spanish] state.' The tendency towards protectionism in a world at risk is highlighted by Beck (2009: 200) who noted that it was 'experiencing a revival.' While he regarded this as a positive reaction against the negative impacts of globalisation, there is also the potential that protectionism will be used negatively as a means of erecting boundaries against the emergence of global solidarity in response to risk.

The tendency for states to protect their own interests in ways which violate human rights and justice is also evident. This is highlighted by the assertions of Donald Trump, the Republican candidate for the American presidency, that Muslims should be banned from the United States as a response to the Paris bombings by the jihadist militant group, ISIS, as well as the debates which continue as to whether those fleeing war in Syria should be permitted refuge within particular states, some of whom were actively engaged in bombing the country (the US, Australia, Canada and the UK, for example). The global debates which such issues give rise to highlight the complex reconciliation between preservation and justice which the struggle to legitimate responses to risk involves.

The process of legitimation and the right to justification which underlies it challenges the justice of responses to risk through debates which highlight risk negotiation as an ethical concern.[9] The awareness of interconnectivity which issues of global risk raise has meant that the concern for justice has increasingly expanded beyond the state boundary. This

[9] Self-transformation is made possible through the moral learning and ethical reflection which occurs as a result of legitimation process. This challenges understandings of the transcendental basis for the legitimacy of immanent power structures and social practices.

has been promoted by social movements which problematise the boundary of the state, even as they lobby the state as the means by which to do so.

In this sense, the state remains central to the process of legitimation, even as the ideological framing of preservation and justice from which its legitimacy is derived is being challenged within a world at risk. This complex dynamic of the state in a globalised world has led Mann (1997: 472) to argue that globalisation has contributed to both 'state-weakening and strengthening tendencies'.

The increasing engagement of states in global deliberations, as well as the emergence of a global civil society, has led to the cosmopolitanisation of legitimation. This is expanding the boundaries of a concern for preservation and justice beyond those of the self, and those who are emotionally and geographically proximate, to increasingly incorporate a concern for the preservation of the collective of humanity. This has seen the growing inclusion of global issues within national processes of legitimation in ways which problematise the state boundary, even as protestors continue to seek redress of risk through the framework of the state.

The Cosmopolitanisation of Legitimation in a World at Risk

Beck (2007a: 225) argues that, as concerns of global civil society are merged creatively with national interests, risk society is leading to the 'cosmopolitanisation' of the state. This can also be seen in the cosmopolitanisation of legitimation, as the consciousness of citizens is transformed through the activity of global civil society. Through the

emergence of ‘cosmopolitan law’ (Strydom, 2008: 13) in the form of intergovernmental treaties such as the United Nations Charter, or transnational institutions such as the International Court of Justice, this process is being consolidated; however, it is clear that pressure for such treaties and institutions emerge due to the changed consciousness of social actors themselves as a result of the legitimation process involved in the threats to their everyday realities arising from risk.

The political imaginary of a ‘postnational constellation’ (Habermas, 2001) or a ‘democracy across borders’ (Bohman, 2007) both derives from, and informs, a postnational self whose ethical concerns for justice increasingly transcend boundaries dictated by the assertion of self-interested or national demands for preservation. The constitution of this postnational self may be derived instrumentally from a calculation that one’s own preservation and that of those to whom one is emotionally and geographically attached is inseparable from the wider preservation of the species as a whole; nonetheless, this calculation itself contributes to a desire for the reconciliation of preservation and justice globally which transforms understandings of the way in which boundaries of the self and the state should be negotiated.

As part of this cosmopolitanisation of legitimation, power relations between states are increasingly problematised by transnational NGOs and social movements. This activity has informed the constitution, and led to attempts at reform, of international institutions. Kuper (2004: 175), for instance, notes the growing power of international NGOs in global deliberations in the United Nations, arguing that ‘1,600 NGOs have consultative

status [in the United Nations]', and '20 NGOs meet with the UN Security Council' (Kuper, 2004: 176).

It is recognised that international NGOs are subject to the same concerns regarding their representativeness and democratic accountability as NGOs which operate within states. However, the inclusion of non-state actors within global deliberations adds to an emergent global process of legitimation through which transnational power relations and the unequal access to resources associated with them are problematised. The inclusion of NGOs in global deliberations also acknowledges the need for recognition, representation and the right to justification of a global civil society. This reflects an increasing awareness that, as Pogge (2008: 215) claims, the 'global institutional order…requires justification' given that it presides over a world in which radical inequality exists.

Transnational NGOs and social movements also seek to alter the consciousness of local populations through creating the basis for an 'enlarged mentality' (Arendt, [1954], 2006: 237). This contributes to the incorporation of global concerns within national legitimation processes. Clark (2007: 210) argues there is an 'emerging reality of world society. We feel its presence through the alternative normative principles that it enshrines, however embryonic and unsettled these might remain.' He (2007: 210) predicts that '[n]ew norms will emerge from this process of negotiation as power-holders are obliged to accommodate some of the demands as a concern for their own legitimacy.'

Along with the activity of transnational movements, the diffusion of media technologies has expanded the phenomenon of 'triple contingency' (Strydom, 1999) to incorporate a global audience which judges on behalf of humanity. This global audience represents a virtual watchdog of state activities as part of the cosmopolitanisation of legitimation. As Beetham (2013: 271) argues, global civil society 'constitutes both an audience for and an adjudicator of, the legitimacy claims of international institutions.'

The contribution of widely diffused media technologies to the emergence of global civil society is evident with initiatives such as Avaaz, an online campaigning community with 42 million members in 194 countries worldwide. Given the spread of their membership, Avaaz can raise awareness of global issues and assert the need for their inclusion as part of legitimacy assessments of particular states. Likewise, through their online presence, transnational NGOs such as Amnesty International, Greenpeace, Transparency International and Oxfam can bring issues of global justice to the attention of a global public who incorporate them into the demands for legitimation directed at their state governments. The cosmopolitanisation of ethics to which these organisations contribute must be reconciled with individual attempts to secure access to resources as a more immediate concern with survival in local contexts.

Media and communications technologies facilitate the mobilisation of global protests, the scale of which reinforces the legitimacy of the causes of these groups, and asserts their 'counter-power' (Beck, 2007b: 6) in relation to the power of individual states. This is evidenced by international mobilisations associated with, for instance, the World Social

Forum (WSF) which campaigns for social justice in relation to the global economy. In 2005, 155,000 participants from 151 countries took part in a WSF protest in Porto Allegre, Brazil (Ghimire, 2005: 3). Their banners proclaimed 'another world is possible' (Pleyers, 2010: 59) .

These movements challenge the risks associated with functional globalisation and assert the need for greater social justice between states. In doing so, they contribute to the emergence of 'communicative globalisation' (Strydom, 2007-2008: 25) associated with 'an increase in communication,…the making of problems into public and political issues…collective learning, social transformation, and…the creation and organisation of society.' The activity of these movements has broadened the scope of legitimation, challenging the boundaries of self and the state, and expanding the concern with reconciling the demands of preservation and justice to a global level. This means that states are increasingly required to justify their actions to a global civil society.

While it is argued that global civil society remains an 'elite phenomenon' (Beetham, 2013: 271), it is clear that it is comprised of diverse interests and issues. Protests by global civil society often support minority groups in gaining global recognition for their risk exposure. This puts pressure on states, concerned for the impact of international condemnation on their ability to maintain their legitimacy, to resolve the issue. Movements such as the Landless People's Movement,[10] the Chipko Movement,[11] and La

[10] The Landless Peoples Movement in Brazil and South Africa assert their demands for access to land as a concern for social justice.
[11] The Indian Chipko movement, which sought to protect the livelihoods of indigenous forest populations, inspired environmental protests worldwide.

Via Campesina[12] raise issues of social justice related to preservation and justice globally. Through this activity, they challenge ethical understandings and problematise the boundary of the state, even as they demand state action for the resolution of their risk exposure.

Habermas (2008: 348) argues that there is a marked 'legitimation deficit' at the transnational level given the absence of a global core to respond to the demands for recognition of the right to justification asserted by the periphery of a global civil society. He (2001: 105) asserts that 'both the competence for political action of a world government and a corresponding basis of legitimation are lacking.' Beck (2007b: 81), too, claims that 'as…global problems increasingly impact on people's everyday lives and yet are dealt with either inadequately or not at all on the national level, the crisis of legitimation in nation-state politics deepens.'

The need for global governance and an authority capable of enforcing legally binding agreements on states is particularly acute in a world at risk. This concern is also asserted by Beck (2007b: 27) who argues that '[a]s long as there is no global authority responsible for monitoring global inequalities, they disintegrate into a patchwork of nation-state inequalities.' The legitimation deficit associated with the absence of a global government must, however, also be assessed against the threat to the state's autonomy of a global authority, and the need for the state to be able to tailor its responses to the demands of its own citizens as a concern for its legitimacy.

[12] La Via Campesina has a membership of 200 million small farmers in 73 countries and works to promote social justice and dignity through the promotion of sustainable agriculture as a counter-power to globalised commercial agriculture.

The legitimation deficit at a global level can be seen, for instance, in the approach to the 'war on terror'. National governments in the West seek legitimation for attacks on Iraq and Syria on the basis of fear and self-preservation, as well as the purported need to eliminate jihadist groups, such as ISIS and al-Qaeda, through their annihilation. This competes, however, with a concern for justice in the exercise of power by many in global civil society, and assertions that such an approach to terrorism contributes to an ongoing radicalisation which exacerbates the risks which humanity, as a collective, must confront.

The scale of civil society protest against the approach of many states to the war on terror was evidenced by the fact that approximately nine million people worldwide protested against the 2003 war in Iraq (Haunss, 2007: 156). These protests challenged the justification for the war, with subsequent repercussions for the political legitimacy of key protagonists, such as George Bush and Tony Blair. Despite this contested justification, the war went ahead, and its contribution to global risk continues. This highlights the lack of global accountability associated with the absence of a global government whose legitimacy is dependent on the preservation of the collective of humanity as a whole.

There are also occasions, however, when the pressure exerted by global civil society impacts upon the motivation of states to reach consensus through global deliberations. This could be seen in the 2015 Paris climate change summit which involved representatives from 196 states and 50,000 attendees. Despite, or perhaps because of, being held in a city in which 130 people had been killed weeks earlier in an ISIS terror

attack, an agreement was finally reached on the negotiation of climate change to which all countries could agree.[13]

Hailed as the 'world's greatest diplomatic success,'[14] the summit involved separate negotiations between representatives of powerful states concerned for their relative economic positions and preservation of their citizens. These included discussions between the US Secretary of State and the Chinese foreign minister. There were also opportunities for 'confessionals' where delegates could speak 'from the heart' to French diplomats as a means to reaching consensus. All states made compromises, and all agreed to cut emissions to keep global warming from exceeding 2^{o} C. More powerful states committed to financially assisting those in the Global South to help with emissions reductions, and to providing urgent aid to states hit by climate-related disasters.

It is recognised that the agreement is not legally binding and climate change activists argue that it does not go far enough to prevent ongoing climate catastrophes. It also remains to be seen how effectively these agreements are put into practice, particularly given that actions required to meet these commitments will need to be legitimated within national contexts; however, the summit nonetheless illustrates the expansion of communicative power beyond the boundary of the state, as well as the emergence of a global legitimation process in which transnational power relations must be negotiated as part of an ongoing requirement of risk society.

[13] While attempts were made to prevent civil society mobilisations at the summit due to security concerns, thousands gathered at a protest organised by Global Justice Now on December 12th, 2015. Agreement to this protest had been negotiated with the French government.

[14] Available at: http://www.theguardian.com/environment/2015/dec/13/paris-climate-deal-cop-diplomacy-developing-united-nations Accessed on 15/12/2015.

Beck (2009: 188) notes that a world at risk opens up 'a complex moral and political space of responsibility' as 'meanings of proximity, reciprocity, dignity, justice and trust' (ibid.) are transformed. The possibility of ongoing cosmopolitanisation as a concern for global justice must compete, as part of its legitimation, with the potential for restriction as states and individuals seek to reinforce boundaries as a concern for their own preservation, or states seek to limit mobilisations and restrict access to media technologies. Attempts to mediate the tensions associated with the ongoing negotiation of boundaries of self and state in risk society will remain contingent upon the way in which communicative power evolves as a result of developments arising from these ongoing struggles for legitimation in a world at risk. The outcome of this struggle is as contingent and uncertain as the materialisation of risk itself.

Conclusion

Giri (2012: 288) highlights the need for 'appropriate self-preparation and self-transformation for belonging to and creating a cosmopolitan world.' This, he (ibid.) argues, involves cosmopolitanisation as a 'multi-dimensional process of self-development, inclusion of the other, and planetary realisations.' This chapter has sought to highlight that the transformation involved in cosmopolitanisation occurs through the challenging of boundaries involved in the expanding basis for legitimation as a response to global risk. An increasingly profound awareness of the interconnectedness of humanity developed through actions undertaken to address global risk, as well as the mounting materialisation of risk, will continue to contribute to legitimation struggles involved in the negotiation of the boundaries of self, state and an emergent global society.

The idea that the preservation of the individual may be best achieved through the securing of justice for the collective of humanity will require the development of significant communicative competence if it is to be translated into a globally legitimated practice in a world at risk. This is particularly evident given that the reconciliation of the immanent and transcendental dimensions of human existence which such an idea would entail is one with which the state itself continues to struggle in relation to its own citizens. The endeavour to achieve such a reconciliation on a global scale in a world fraught with risk, while negotiating the significant temptations to erect boundaries in the name of the preservation of the self and the state, represents the ultimate challenge for legitimation and communicative action; it also remains, however, one to which humanity must continue to aspire if it is to legitimately address the significant ethical and moral dilemmas of a world at risk.

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