

WORKSHOP 6: Political Normativity: Conceptual and Normative Issues

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Traditionally, studies of political normativity have focussed on the character of political decisions as “collectively binding”. However, developments in political theory and governance studies, some long-standing, some recent, have put pressure on traditional interpretations of both features of Weber’s famous account of political normativity: collectivity and bindingness. This outline for a workshop is based on the assumption that a quick repair of our understanding of political normativity will not be available, but that fundamental conceptual and normative questions must be raised. We propose to discuss the implications under the three headings of **scope**, **type**, and **source** of political normativity, for which suggestions for papers will be invited.

Some recent studies have concentrated on the **scope** of political normativity, i.e. on the relevant collective. In the wake of processes of increasing de-nationalisation, trans-national movement and cosmopolitanisation, it no longer goes without saying for whom political decisions are normative. The reason for this lies in multiple incongruences, between territories, populations, communities, addressees and/or beneficiaries of norms. Discussions have focussed on what the relevant collective is to which political norms are to apply (all-affected vs. all-subjected principle, territoriality vs. sectorality, identification by moral standing vs. by community membership), but the consequences of such developments for political normativity itself have not been examined. In the theory of justice, both “political” and “cosmopolitan” conceptions purport to deliver norms capable of a politically binding character and not just moral principles. However, they disagree over what constitutes a genuine political relation and what its preconditions are, whether causal and/or other types of relations are necessary or sufficient conditions to establish a realm for political normativity. Some authors have stressed the historically contingent dimension of the scope of political norms, others have focussed on contemporary coercive or other institutional relations; for yet others political normativity is independent of any empirical relation that might hold between people.

The binding character of political norms has been problematised in two dimensions, with some studies debating the specific character of binding political norms (type of norms), while others debate how their binding force is justified (basis or source of normativity). As to the **type** of political norms, traditional accounts have only included decisions backed by credible threats, with the concept of legitimacy bridging the dimensions of presumptive justifiability and forcible compliance. However, both 20th century developments and historical studies of political coordination have challenged the definitional identification of political normativity with the command over resources of violence. From the perspective of Foucaultian political theory no less than from that of governance studies, modern forms of political steering rely both on the internalisation of behavioural expectations (discipline) and on positive incentives, and less on traditional means of coercion. Yet in a nation-state context, such developments can always be said to presuppose a “shadow of hierarchy”, and to be eventually backed by brute force. On the other hand, recent, deliberative approaches to national and international decisionmaking have analytically and also empirically come up with understandings of political norms independently of any reference to a sanctioning force. In this, political developments have mirrored developments in law, with the proliferation of “soft law” corresponding to those of “soft modes of governance”. While the disentanglement of political normativity and the capacity of/monopoly for legitimate violence is an important development, it has also tended to blur the lines between

politics and the non-political directives of ethics and prudence. If a coercion-free political normativity is at least conceivable in some cases, this cannot leave traditional notions of political legitimacy unchanged. Political legitimacy, for theorists from Weber to Rawls, always entailed that political decisions could be enforced against dissenters. Where enforcement of compliance is no longer envisaged in political decisionmaking, should we still be asking about the legitimacy of the resulting norms? Or would less demanding notions and standards be acceptable, and thereby our understanding of political normativity no longer be wedded to the notion of legitimacy?

Finally, an ongoing debate concerns the basis or **source** of validity of political norms. Philosophical discussions have tended toward the assumption that there is one and only one source of normativity, which in turn is the same for morality and politics. Here, Hobbesian, Humean, Kantian, utilitarian and other approaches compete directly with each other. In political theory, however, from Weber to Waldron the sense that various co-existing sources of political normativity must be admitted has always played a large role, and has sometimes been taken to account for the specificity of political relationships. Much of recent political theory has been marked by the conviction that political normativity can coexist with dissent over the most fundamental issues of what makes life valuable, and some authors have argued that the set of admissible reasons for collective decisionmaking ought to be limited. Such limits to public reasoning are to accommodate social, cultural and ethical diversity. Still, it is highly controversial whether normative pluralism can also extend to the level of justifications for fundamental political decisions, and thus to the sources of normativity. While some justification-based conceptions have tended to see political normativity arise exclusively out of reasons that can be shared (or are in fact shared), others have formulated the weaker requirement that final reasons must overlap in order to serve as a stable foundation for collectively binding decisions.

The workshop invites contributions from political theory, both continental and analytic, with a focus on domestic or international/cosmopolitan issues.

Convenors:

Peter Niesen is Professor of Political Theory and History of Ideas at Darmstadt Technical University and works on issues and methods in normative political theory and the theory of democracy. Among his recent publications are *Kants Theorie der Redefreiheit*. Baden-Baden: Nomos, ²2008, „Politische Theorie als Demokratiewissenschaft“, in H. Buchstein/G. Göhler (Hg.), *Politische Theorie und Politikwissenschaft*. Wiesbaden: VS 2007; *Anarchie der kommunikativen Freiheit. Jürgen Habermas und die Politische Theorie der Internationalen Politik*. Frankfurt/M.: Suhrkamp 2007 (ed. with B. Herborn); “Colonialism and Hospitality”, *Politics and Ethics Review* 3, 2007. More at <http://www.politikwissenschaft.tu-darmstadt.de/index.php?id=1818>

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Literature:

- Abromeit, Heidrun, and Thomas Schmidt: „Grenzprobleme der Demokratie – konzeptionelle Überlegungen“. In: Beate Kohler-Koch (ed.): *Regieren in entgrenzten Räumen, Politische Vierteljahresschrift* (special issue 29) 1998, 293-320.
- Benhabib, Seyla: *The Rights of Strangers*. Cambridge: CUP 2004.
- Cohen, Joshua and Charles Sabel: "Extra Republicam Nulla Justitia?", *Philosophy & Public Affairs* 34, 2, 2006, 147-175.
- Forst, Rainer: *Contexts of Justice*. Berkeley: University of California Press 2002.
- Foucault, Michel: *Security, Territory, Population. Lectures 1977-78*. Houndmills, Basingstoke: Palgrave 2007.
- Fraser, Nancy: "Abnormal Justice". MS 2007. Forthcoming in *Critical Inquiry*.
- Habermas, Jürgen: *The Postnational Constellation*. Cambridge: Polity 2001.
- Korsgaard, Christine: *The Sources of Normativity*. Cambridge: CUP 1996.
- Nagel, Thomas: "The Problem of Global Justice". *Philosophy & Public Affairs* 33, 2, 2005, 113–47.
- Niesen, Peter: „Politische Theorie als Demokratiewissenschaft“, in H. Buchstein/G. Göhler (Hg.), *Politische Theorie und Politikwissenschaft*. Wiesbaden: VS 2007.
- Pogge, Thomas: *World Poverty and Human Rights*. Cambridge: Polity 2002.
- Rawls, John: *Political Liberalism*. New York: Columbia University Press 1993.
- Sangiovanni, Andrea, "Justice and the Priority of Politics to Morality", *Journal of Political Philosophy* 16, 2, 2008, 137-164.
- Waldron, Jeremy: *The dignity of legislation*. Cambridge: Cambridge University Press 1999.