

## Reading Habermas in Anarchy: Multilateral Diplomacy and Global Public Spheres

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*States routinely justify their policies in interstate forums, and this reason-giving seems to serve a legitimating function. But how could this be? For Habermas and other global public sphere theorists, the exchange of reasons oriented toward understanding—communicative action—is central to public sphere governance, where political power is held accountable to those affected. But most global public sphere theory considers communicative action only among nonstate actors. Indeed, anarchy is a hard case for public spheres. The normative potential of communicative action rests on its instability: only where consensus can be undone by better reasons, through argument, can we say speakers are holding one another accountable to reason. But argument means disagreement, and especially in anarchy disagreement can mean violence. Domestically, the state backstops argument to prevent violence. Internationally, I propose that international society and publicity function similarly. Public talk can mitigate the security dilemma and enable interstate communicative action. Viewing multilateral diplomacy as a legitimation process makes sense of the intuition that interstate talk matters, while tempering a potentially aggressive cosmopolitanism.*

**H**ow could multilateral diplomacy—“talk” and argument among states—legitimate state action? Scholars, practitioners, and the broader public commonly link an international action’s legitimacy to the multilateral diplomacy that surrounded it. NATO’s intervention in Kosovo is widely perceived as legitimate, in large part because of the arguments advanced in the diplomacy before and immediately after (Johnstone 2004); conversely, the American-led coalition’s Iraq War is widely perceived as illegitimate in part because of the way the United States conducted its multilateral diplomacy (Rubin 2003). In short, we take for granted that public, interstate talk matters for legitimacy; it is part of our common sense about contemporary world politics.

The problem is that it is not clear how talk could matter for legitimation in an anarchic system, because argument is an inherently unstable social practice. As developed especially by Jürgen Habermas (1984, 1996), argument may be defined as the exchange of reasons by participants who are oriented to reaching consensus and remain open to changing their minds if faced with better reasons. Habermas links argument normatively to communicative action, the promise of which is that consensus resulting from argument will be for the right reasons, i.e., reasons that are good for the collective and not simply for the most powerful. Importantly, however, this normative potential rests on a fundamental instability. Since it only is possible to say speakers are

holding one another accountable to reason if agreements can be undone through future argument, each consensus must remain contingent. That is, in its ideal form, argument has the power to undo and remake social consensus. Yet this power can by its nature lead to violence. In fact, argument is usually a precursor to violence, suggesting that argumentative processes face a potentially slippery slope. Without some constraint to keep actors committed to resolving their disagreements discursively, argument can spill over from the conference table to the street, or even to the battlefield. To sustain argumentative legitimation, then, an environment must be able to contain the instability of communicative action. It must permit argument while guarding against the potential that argument will degenerate into violence.

This makes anarchy a hard case for the proposition that public talk could legitimate state action. Habermas conceptualizes communicative action in the context of a consolidated democratic state, which blocks the slippery slope to violence. But anarchy lacks any such centralized prevention of violence, and as such the slippery slope from argument to violence is very much in force. Unlike the domestic case, in anarchy there is no easy answer to Bent Flyvbjerg’s (1998, 80) question, “Why use the force of the better argument when force alone will suffice?” In short, if in anarchy argument can easily descend into violence, how could the multilateral diplomacy surrounding the Iraq War, or any interstate talk, be anything other than cheap, a rhetorical veneer to interests and power, incapable of “legitimizing” anything?

Despite the problems with argument in anarchy, in recent years a substantial literature has emerged in both normative and explanatory theory on argument and communicative action in world politics. Normative theorists have become interested in global public spheres, discursive structures that enable communicative action beyond state borders. Global public spheres hold out the prospect that democratic self-governance, governance that aims for the collective good, could

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extend to a scale beyond anything humankind has known before. Importantly, however, in this work legitimation is assumed to take place only among citizens and directed toward states, rather than among states themselves. It is a vertical, not a horizontal, process. The interstate dimension plays at most an ordering role, not a legitimating one (e.g., Bohman 1999; Habermas 1997).<sup>1</sup> In contrast, building especially on the work of Thomas Risse (2000), empirical theorists of international relations (IR) (e.g., Müller 2001; Payne 2001) and international law (Brunée and Toope 2000; Johnstone 2004), have begun to examine interstate argument as a legitimation process. But this literature on the would-be horizontal dimension of global public spheres has not come to grips with the difficulty of containing argument in anarchy. The institutional prerequisites for horizontal public spheres have not been theorized, and so it is difficult in the end to fully accept that public, interstate argument could legitimate state action.

In my view there are two reasons to consider multilateral diplomacy as a dimension of global public sphere legitimation. Empirically, excluding interstate talk does not make sense of our intuitions that multilateral diplomacy “matters.” If talk in IR is always cheap, then it is not clear why states would bother to talk at all. Normatively, excluding multilateral diplomacy strips it and the institutions of the states system that enable it of value. If talk in IR cannot legitimate, then it is not clear why states *should* bother to talk. Moreover, as we shall see, excluding multilateral diplomacy permits, if not encourages, a potentially aggressive cosmopolitanism.

With these stakes in mind, I confront the slippery slope of anarchy to conceptualize multilateral diplomacy as the horizontal dimension of global public spheres. I propose that, in the contemporary international system, the instability of communicative action is contained by what I call the “forum effects of talk,” which thereby make horizontal argumentative legitimation possible. The forum effects are sustained by the institutions of international society and by publicity, where publicity refers to both opportunities for face-to-face engagement and a more mediated visibility made possible by communications technologies. Extant global public sphere theory tends to focus on the latter, which has expanded the nonstate audience of state behavior. I focus instead on face-to-face visibility among states, which in the form of conference diplomacy was introduced to the system in the early nineteenth century when the European Great Powers decided to jointly manage the balance of power. The upshot is that global public spheres have two legitimation dynamics: a widely recognized vertical one centered on the practices of cosmopolitan citizens and transnational nonstate actors, and a neglected horizontal one among states, which I call an “interstate” pub-

lic sphere. I illustrate the theoretical claims with an example from the Concert of Europe, a case which, while by no means a fully realized public sphere, is not as strange for public sphere theory as it might seem. In conclusion I consider the implications of viewing multilateral diplomacy as a legitimation process by suggesting how it might affect an analysis of the diplomacy surrounding the Iraq War.

## THE GLOBAL GOVERNANCE TWO-STEP

Confronting the limitations of nation-state democracy in conditions of globalization, Habermas (1998, 2001) and other theorists argue that it is necessary today to think in terms of state-transcending—global or cosmopolitan—rather than just national public spheres.<sup>2</sup> This new thinking faces the challenge of containing communicative instability, or maintaining a context that can permit new and better arguments to emerge without constantly threatening to descend into violence. In Habermas’ domestic theory, the state’s centralized power plays this crucial role by protecting physical safety. Of course, it matters normatively whether the state is democratic or authoritarian, and some states have no public spheres whatsoever. But the existence of a state—a solution to the Hobbesian problem—is never in question. Argumentative practices might democratize an authoritarian state (Habermas 1994b), but they never threaten to throw the population back to the state of nature. This suggests what could be called “two-step” reasoning about global public spheres (cf. Legro 1996). All governance requires both social order and legitimation. When theorized as a two-step, order is considered to be supplied separately or exogenously from legitimation. This is not necessarily bad. Indeed for domestic public sphere theory it may make sense to bracket state consolidation and assume social order. But in anarchy we cannot so easily take order for granted. The instability of communicative action thus poses more of a problem for global public spheres, which suggests that two-step reasoning would be counterproductive at this level. In this section, focusing especially on Habermas, I first show how the state contains the instability of communicative action in the domestic context, and then examine extant strategies for stabilizing communication in the international context. In each strategy, the production of order precedes and remains separate from legitimation. Even where global public spheres rest on interstate cooperation, only arguments by nonstate actors can legitimate state power. Interstate dynamics are associated, at best, with the production of order.

<sup>1</sup> I focus on Habermasian theory, but there also is a Deweyian strand of global public sphere theory (e.g., Cochran 2002), some of which incorporates interstate processes (e.g., Brunkhorst 2002). Still, the majority of even that work stresses vertical legitimation.

<sup>2</sup> Global public sphere terminology varies. To simplify, I use “global” to refer to all state-transcending public spheres and propose that global public spheres are characterized by two levels: “transnational” public spheres, constituted by vertical, critical dynamics among nonstate actors, and “international” public spheres constituted by horizontal dynamics among states.

## Communicative Action in Domestic Public Spheres

Communicative action, or the exchange of reasons oriented toward understanding, is the heart of public sphere theory. Communicative action builds from the premise that reason is intersubjectively constituted and inheres in linguistic communication. In everyday utterances, speakers raise validity claims—claims about what is objectively true or morally right for the group—and there is a tacit, shared expectation that, if challenged, a speaker can offer acceptable reasons. The exchange of validity claims constitutes the process of argument, and consensus resulting from such argument is the ideal form of social integration. Habermas develops this idea to counter the pessimistic, Weberian narrative of modernity as the triumph of strategic action and instrumental, technical rationality. For Habermas, modernity also has given rise to a new emancipatory potential for self-governance based on reason in public spheres.

Communicative action embodies an inherent tension between social acceptance, or stability, and validity. On the one hand, it can generate stable consensus: a positive response to a validity claim creates an agreement on a fact and “obligations relevant to future interaction” (Habermas 1996, 20). But validity claims also always point beyond a particular context. Because ideally, communicative agreements are supported by the “best” reasons, any achieved agreement must remain open to “better” reasons in the future. Through social learning and change, over time some reasons can become obsolete. Only where argument can undo previous agreements is it possible to say speakers are holding one another accountable to reason.

In public sphere theory, the public’s communicative action, which Habermas calls public reason, can hold material or social power accountable. In so doing, public reason is not just a “check” on material power but changes its nature. Insofar as political power justifies its use according to public reason, therefore, one can say that political power has been drawn out from its material locale and lodged in the communicative power of those affected. This is the emancipatory promise of public sphere theory. To attain that promise, public spheres in practice have two dimensions or “tracks” (Habermas 1996, chap. 8). The informal or “critical” public sphere is characterized by a vertical dynamic of subjects holding decision makers accountable; Habermas calls it a “transmission belt” of social concerns to decision-making bodies. The formal or decision-making sphere, in contrast, is characterized by a horizontal dynamic; it exists once a state has a parliament or congress, which infuses the decision-making process itself with reason giving and justification (Fraser 1992).<sup>3</sup> In a functioning public sphere, public reason is salient both outside formal decision-making bodies and within them.

Governance through public reason is demanding. First, speakers must recognize one another’s communicative competence and grant each other the right to disagree. Second, they must approach interaction with an orientation to listen—to reflect on others’ arguments rather than simply coerce them or engage in violence. That is, they must commit to the process of argument, which means they will not let the fact of disagreement destroy the group (Habermas 1984, 36–37; Habermas 1996, 20–21; White 1994, 35 ff.). With these in mind, it is easy to see that public sphere governance places strict demands on the social environment where argument takes place. Perhaps the most minimal condition is that speakers feel confident of their physical safety. Where individuals face the constant risk of violence they cannot reflect or listen, much less argue; all energy is consumed with securing survival (Mitzen n.d.). The public sphere environment must therefore encourage the orientation to listen, which means that, while permitting disagreement, it must also somehow contain it, preventing disagreement from spilling over into violence.

Habermas argues that the best environment for public spheres is a vast reserve of shared background knowledge. He calls the sphere of interaction organized around such consensual knowledge a lifeworld, and includes institutions such as religion and the family, moral norms, and cultural practices. This “culturally familiar,” unproblematic environment helps “explain how the daily process of consensus building is time and again able to cross the threshold of the risk of dissent” (cited in Müller 2001, 169). A shared normative context provides safety by giving decision makers the motivation for self-restraint and citizens the motivation to participate rather than withdraw or rebel. Historically, lifeworld contexts were so fully internalized by members as to be rarely reflected on. But modernity has rationalized them, i.e., differentiated social life in such a way that aspects of the tacit background consensus can be brought into public light and debated. This means they can become subject to collective reason and the force of better arguments. Rationalization makes public spheres possible by maintaining the safety of the lifeworld while injecting new potential for reflection and argument.

The problem is that rationalized lifeworlds do not form a thick basis for modern political groups. Instead, modern groups are characterized primarily by complexity and pluralism. Markets, bureaucracies, and powerful political systems embed individuals in a complex web of relations they are not fully aware of and cannot extricate themselves from. In one sense this behind-the-back integration is useful: markets and bureaucracies maintain social cohesion in contexts where members would otherwise be “overburdened in their efforts at reaching understanding” (Habermas 1996, 38). But markets and bureaucracies tend to expand and, unlike lifeworlds, neither requires a communicative consensus to function. As these systems come to structure more of social life, Habermas argues that they can squeeze out the potential for public reason. In addition, members of modern political groups do not

<sup>3</sup> Fraser (1992) uses “weak” and “strong” to refer to critical and decision-making public spheres.

generally share thick lifeworld bonds; they are “strangers.” Strangers might not see consensus as desirable; they might not recognize one another as capable of communicative consensus at all, much less be willing to listen and reflect on each other’s arguments. Among strangers, the potential for violence is harder to contain. Indeed, it can be so close to the surface that argument becomes impossible. Even if an individual wants to listen, it is impossible to know the other’s intentions, and so each claim raised by each side in argument raises the specter of violence.

In the modern context, then, sustaining the potential for public reason is a serious challenge. Habermas offers two responses. First, he argues that political deliberation should be modeled as a mix of moral, ethical, and pragmatic discourses (1996, 165–7). In political deliberation, decision makers first determine whether to address a given question through moral or ethical argument, or through bargaining. The latter is valid where participants determine that no general interest or shared value is at stake. Bargaining is of course not communicative action: here, social power is not “neutralized” but manifest in threats and promises. Still, bargaining can be “fair,” and this criterion maintains the link between political deliberation and moral discourse. If bargaining procedures are deliberative and justifiable in moral discourse, as long as their outcomes are contingent, then “understanding beyond instrumental-rational agreement is possible” (2001, 109). In short, fair bargaining is a normative achievement, implying deliberation that is constrained by norms. Fair bargaining means that, even in conditions of complexity and pluralism, political deliberation maintain the normative potential of communicative action.

Second, Habermas anchors public spheres in law, by which he means positive law, law that is legislated and enforced. Law is unique in its capacity to convert normative ideals to social facts. This is because, for one, legal rules share the instability of communicative action by maintaining the potential for a gap between the socially accepted rules and the best rules. Although invoked in a particular context, legal rules always point beyond that context to a larger, general interest that can be rendered in moral terms as the common good (Bohman 1994, 899; Habermas 1984, 81, 178). But positive law contains this instability, lessening the potential that argument will spill over into violence, because law is centrally enforced and as such exists irrespective of whether citizens legitimate it in a particular instance. The legal system therefore can be seen as a safety net for communicative action. Enforcement allows “convictions to be replaced by sanctions in that it leaves the motives for rule compliance open while enforcing obedience” (Habermas 1996, 38, 448–9).

Habermas’ analysis of law is complex and nuanced, and certainly he is not arguing that its enforcement (facticity) trumps or opposes its legitimacy (validity). Indeed, he argues that law can only anchor public spheres if it is democratically generated and if its contents protect the preconditions for communicative action such as the rights to privacy, equality, and partici-

pation. Thus, not all states can sustain public spheres. Still, the state’s centralized enforcement is essential to the logic. Although the stability law provides differs from that of the lifeworld—its link to communicative action is “artificially” produced by sanctions rather than “organic(ally)” produced by “inherited forms of life” (1996, 30)—Habermas argues that its capacity to secure communicative action and the capacity to compel compliance are as internally or logically related as they are in lifeworld contexts. “A force that otherwise stands opposed to the socially integrating force of communication (i.e., centralized coercion) is, in the form of legitimate coercion, thus converted into the means of social integration itself” (1996, 462). In short, the state’s enforcement power is crucial to making public reason possible in modern political life.<sup>4</sup>

This emphasis on centralized enforcement might just be an artifact of the domestic origins of public sphere theory. In Habermas’ ([1962] 1994b) historical narrative, public spheres emerged within existing European states with the express purpose of democratizing them. It is then no surprise that Habermas’ template for public spheres assumes a context in which enforcement is possible. Still, the role of state enforcement in Habermas’ account is significant for two reasons. First, it analytically separates the production of order from the production of legitimacy, making domestic public sphere theory reliant on two-step reasoning. Public spheres require an already-existing centralized power. The theory brackets how that enforcement capacity is formed and reproduced and instead studies its role in making legitimation possible. Second, Habermas contrasts enforced modern law to customary premodern law and does not consider the possibility of a law in modernity that lacks centralized enforcement. This has important consequences for how he theorizes global public spheres, in effect ruling out a priori the possibility that international law might stabilize social life in an analogous way to enforced law.

### Communicative Action in Global Public Spheres

The challenge for global public spheres is how to contain the instability of communicative action where argument is not backstopped by either a shared lifeworld or positive law. Extrapolating directly from the domestic context, global public spheres would require world government: a supersovereign power capable of enforcing cosmopolitan law. Although at times Habermas’ writings in the 1990s suggest this as a distant but hopeful possibility, two other strategies for maintaining order figure more prominently in his work and that of other global public sphere theorists: the democratic peace and international regimes (including international organizations). These three strategies are not mutually exclusive. Outlining how each operates in Habermas’ theory, it becomes clear that, even as the

<sup>4</sup> The argument is not without criticism; some commentators question whether this template sacrifices the radical potential of public sphere theory, e.g., Bohman (1994).

positivity condition is relaxed, two-step reasoning persists. Because it lacks enforcement, the anarchic world of states is seen as a dangerous balance of power where the most we can hope for is order, not legitimation. Multilateral diplomacy, if factored in at all, is consigned to the realm of order production and plays no role in legitimation, which is theorized in purely vertical terms.

**Global Positive Law.** One strategy for global public spheres suggested by Habermas is to expand positive law at the international level. The premise is that, globally as much as domestically, the protection of individual human rights is necessary to contain communicative instability. Because the state is often the culprit in human rights violations, citizens need to be able to make claims against their states, which global positive law can help ensure. As in the domestic case, enforcement is crucial. Therefore, a global “executive power” is needed to intervene authoritatively where human rights violations have occurred. “The community of peoples must at least be able to hold its members to legally appropriate behavior through the threat of sanctions. Only then will the unstable system of states asserting their sovereignty through mutual threat be transformed into a federation whose common institutions take over state functions: it will legally replace the relations among its members and monitor their compliance with its rules” (1997, 127).

Habermas recognizes that a world of enforced individual rights is a long way off. The contemporary United Nations’ (UN’s) hybrid status as an institution premised on both sovereignty and human rights means that currently it can have only the minimal agenda of preventing war and reacting to human rights abuses (2001, 107–8). Still, the organization can be strengthened. He calls for a stronger UN with a military force to implement decisions and UN reform to expand the role of the Security Council and strengthen the International Criminal Court (1999a: 268). An improved UN would serve as one leg of a system of multilevel governance analogous to the European Union (1998). If foreign policy is the realm of unregulated violence, and domestic policy the realm of rights and regulation, then the new era would be one of “multilaterally coordinated world domestic policy” (1994a, 23–4).

Two aspects of this argument stand out. First, if global public spheres ultimately require global positive law, then sovereignty and the states system would seem to be problems to be overcome in global governance rather than essential to its legitimation. Indeed, Habermas’ proposals to strengthen the UN would effectively end state sovereignty, with increased centralization of military/executive, legislative, and judicial powers at the global level. Second, the argument extrapolates directly from the domestic template, which means that like domestic public sphere theory it brackets how enforcement power is consolidated. Enforcement capacity might expand as a result of deliberative processes, as in UN reform. But it could also happen through imposition or force, and the use of military force to expand the sphere of enforced rights can be hard for others to distinguish from liberal imperialism.

**The Democratic Peace.** A second strategy to anchor global public spheres, also found in Habermas and echoed by other theorists (e.g., Bohman 1999; Erikson and Fossum 2000), is through the spread of liberal democracy at the national level. In one sense this is an aggregative logic: public spheres are a democratic ideal, and so spreading democracy expands public spheres. As democracy spreads, citizen-based associations and nongovernmental organization achieve greater roles and reach across boundaries, giving cosmopolitan values increasing prominence (Bohman 1997, 196–7; Habermas 1997, 125). Such groups and linkages can grow only where citizens have political voice and freedom of association, rights that are associated with liberal democracy. Liberal political culture is the “ground in which the institutions of freedom put down their roots” and “medium” to achieve that progress, and can only be forged globally through the proliferation of democratic states (Habermas 1997, 125; Habermas 2001, 111–12). Moreover, the proliferation of states that enforce democratic rights at the domestic level translates to less need for global enforcement.

But sovereignty complicates any simple aggregation of national into global public spheres, because, irrespective of a state’s regime type, as a sovereign state it must survive in the competitive, potentially dangerous environment of anarchy. As such, expanding the number of democratic states can only create global public spheres if the competitive dynamics among states can be dampened. With this in mind, global public sphere theory invokes the democratic peace, the finding in IR scholarship that democracies tend not to fight one another (e.g., Doyle 1986). Because democracies can be counted on not to fight, they form a “zone of peace,” the semblance of a transnational community (e.g., Bohman 1997, 180–1; Habermas 1998). Indeed, this work tends to associate the spread of democracy with deeper, more durable interstate cooperation in all issue areas (see also Slaughter 1995). At the same time, between democracies and nondemocracies there remains a balance-of-power world where peaceful intentions of others cannot be assumed (Habermas 1997, 131–2).

Importantly, Habermas interprets the democratic peace as rooted in purely internal or domestic dynamics: cosmopolitan citizens of liberal democracies cannot be mobilized for war against fellow democracies (1997, 120–1). The peace is therefore induced vertically, by civil societies holding their decision makers accountable, which happens as publics of individual states incorporate “higher order value orientations” into their preferences and press leaders to pursue those values (1999b, 451–2). Moreover, like the peace, deep cooperation more generally among democracies also has unit level roots. Democracies cooperate well internationally because each individually is committed to the rule of law and tends to comply with agreements. When both parties to an agreement have a domestic political culture encouraging compliance, compliance is more likely. This means the democratic peace, and interdemocratic cooperation, need not be consciously constructed or sustained by international institutions.

It certainly is true that the spread of democratic regimes would strengthen already-existing public spheres, insofar as it would guarantee conditions of communication for more individuals than currently are able to participate. But because of anarchy and sovereignty it is not clear that spreading democracy could create, or that the existence of democracies alone could sustain, conditions for global communicative action. In fact, three aspects of the democratic peace suggest that it ought not be taken as a necessary precondition for global public spheres.

First, it is not clear that the democratic peace is necessary to solve the problem of war. For example, it is not the case that liberal states maintain a zone of peace while nonliberal states inhabit a realist world. Stable interstate peace has evolved among states of various regime types, starting in the nineteenth-century Concert of Europe, and interstate war has declined systemwide since 1945. Second, as José Alvarez (2001, 200 ff.) argues, the zone-of-peace argument implies greater compliance with international law among democratic states than in cooperation among states of mixed regime types. But the empirical record shows that regime type matters little for compliance: liberal states are not necessarily more law-abiding. Finally, relying on a specifically unit-level explanation of the democratic peace to anchor global public spheres maintains two-step reasoning, where order is produced separately from legitimation. Then, because the order-production logic is independent of the states system, it is easy to focus solely on bottom-up processes and delegitimate horizontal practices and norms such as multilateral diplomacy.

Importantly, whereas Habermas relies on a unit-level causal explanation for the democratic peace, there is in fact a debate in IR about whether the democratic peace is rooted in unit- or system-level dynamics. Other versions of the democratic peace stress systemic factors rather than just internal ones (e.g., Cederman 2001). Moreover, it certainly is plausible that international law itself helps cause the democratic peace, because it is not clear if democracies would behave peacefully toward each other in a world without it. Note that this is not a question of whether we can trust the democratic peace as a real empirical phenomenon, an issue about which there also is a great deal of controversy (e.g., Rosato 2003). The issue for global public sphere theory is, granting the democratic peace, how should we explain it? A unit-level explanation treats international law and multilateral diplomacy as irrelevant whereas a system-level explanation does not.

In other words, as long as sovereignty remains, the choice to ground global public spheres in a unit-level logic that depends on state regime type has the implication of excluding nondemocratic states from global governance. This does little to ground communicative action between democratic and nondemocratic states and is vulnerable to the suggestion that forceful intervention by existing democracies to create democratic regimes is always justified.

**Interstate Regimes.** Habermas' third strategy to contain the instability of communicative action in anarchy, and perhaps the most popular among other theorists (e.g., Bohman 1999; Linklater 1998; Lynch 1999), examines public sphere formation in the context of international institutions or "regimes" (Krasner 1983), where participating states ideally are, but may not be, democracies. The strategy builds on the neo-utilitarian logic of rationalist IR regime theory, which shows how cooperation can emerge in anarchy among self-interested states (e.g., Keohane 1984; Ruggie 1998). But rather than focus on how institutions mitigate the security dilemma, the focus of IR literature, Habermas and others stress that, by broadening the audience of state behavior, these interstate institutions can become locales for the transnational exchange of reasons and opinion formation. As Bohman (1999: 500) puts it, regimes provide a "practical foothold" and potential infrastructure for cosmopolitan democracy. Insofar as they bring nongovernmental organizations into interstate bargaining processes, for example, citizens can increasingly hold states accountable for actions on the international as much as the domestic stage.

But whereas this work acknowledges an important role for states in global public spheres in making cosmopolitan democracy possible, it retains two-step reasoning. States themselves provide only order, not legitimation. Indeed, for Habermas, international regimes are barely one step removed from the power politics of a Hobbesian state of nature. In his words, state decisions in organizations such as the World Trade Organization and World Bank are no more than " 'naked' compromise formation that simply reflects back the essential features of classical power politics; such communication cannot reflect or develop any 'thick' communicative embeddedness" (2001, 109). Even Bohman, who builds more explicitly from IR's regime theory, essentially comes to the same conclusion that interstate decision making is not linked to communicative action. Thus, whereas domestic public spheres have two dimensions, vertical and horizontal, global public spheres are characterized only by a vertical dimension.

Interestingly, this strategy for anchoring global public spheres renders political bargaining and compromise among states fundamentally different than at the domestic level. As we have seen, at the domestic level Habermas accepts that political deliberation is characterized as much by bargaining and compromise as it is by argument and moral discourse, but argues that "fair bargaining" maintains a connection to communicative action and as such is part of public spheres. He does not, however, extend this reasoning to interstate bargaining. Habermas acknowledges that "normative framing conditions" might shape a state's "choice of rhetoric" and help structure international negotiations, but the origin of those framing conditions is not clear. Indeed, since he stresses the close link between interstate talk and balance-of-power politics, it would seem that any norms states follow rhetorically would have to be derived from and aimed at domestic audiences alone. For Habermas (2001, 71), communicative action cannot take place among states, particularly where states do

not share regime type. International agreements simply cannot have legitimating force and can never rise above compromise.

Building global public spheres from international regimes is not itself problematic; indeed my account of global public spheres similarly begins by examining efforts at interstate cooperation. The error is to exclude such cooperation from public sphere dynamics and conclude that global legitimation processes are purely vertical. The problems with that conclusion mirror those with the democratic peace.

First, it maintains two-step reasoning, attributing two separate logics to the production of order and legitimation at the global level. But note that, again, this two-step rests on a particular, in this case rationalist, interpretation of cooperation's causes and dynamics. In fact, as with the democratic peace, there is a debate in IR about how to best understand international regimes. Rather than adopt utilitarian logics that maintain broadly realist assumptions, many IR scholars assume that states interact in a normatively much thicker environment—an international society, culture, or even a community (e.g., Kratochwil 1989; Wendt 1999). This constructivist approach to regimes sees the day-to-day rhetorical practices among states in regimes as largely communicative, which suggests the possibility of horizontal legitimation, whereas a utilitarian approach does not. Second, excluding interstate linguistic processes from global public spheres scales back their emancipatory potential, because, unlike parliaments in the domestic case, here global decision making itself does not get democratized. If globally there are at most critical publics emerging from civil societies, public reason has at most a reactive, countersteering role.<sup>5</sup>

Why is it so difficult for Habermasian global public sphere theorists to see multilateral diplomacy as a way to legitimate state action? The answer might be normative: they might feel sovereignty is outmoded and ought not anchor global governance. It might be inadvertent: they may be simply transposing the existing public sphere template onto the international environment without thinking about the distinctive problems of anarchy. Or it might be philosophical: they might object to the notion that a corporate actor like the state could engage even in principle in communicative action (see Wendt 2004). It is hard to say, because none of this work treats the issue explicitly. It is simply assumed that states cannot engage in communicative action. Into this silence, I have offered a principled reason for the exclusion of states from public sphere theory, rooted in public sphere theory itself, which unifies the literature and suggests a pathway toward a solution. Namely, the need to contain communicative instability leads theorists to two-step reasoning. Where order is produced in a different sphere than legitimation, legitimation can fail without necessary repercussions for social order: the ability to keep the conversation going is never in

question. But, in fact, it is hard to keep order and legitimation so distinct. Every social order is intimately tied to legitimation processes, because durable order always rests on a consensus regarding the truth of particular value claims. Because authoritative decisions implicate these values, legitimation processes always either support or undermine order. This suggests the need to look beyond the two-step for other ways to contain communicative instability in global governance. That search, in turn, leads back to the states system.

## INTERNATIONAL PUBLIC SPHERES

Unlike global public sphere theorists, a number of IR scholars have been viewing regimes as sites for communicative action (e.g., Ellis 2002; Samhat and Payne 2003) and persuasion (e.g., Checkel 2001; Johnston 2001). A few have explicitly explored the preconditions for communicative action among states (e.g., Müller 2001; Risse 2000) and even the possibility of Habermasian discourse ethics on a global scale that includes dialogue among states (e.g., Linklater 1998). None, however, has directly confronted the instability of communicative action and the problem of violence it raises, nor has this work moved beyond two-step reasoning to establish structural conditions for international public spheres. Indeed, the difficulty of containing communicative action in anarchy is a strong theoretical challenge to this literature. Anarchy is a harder case for communicative action than the literature has acknowledged. Even where states want cooperation, it is hard to secure. A major impediment is mistrust at a structural level: the security dilemma. States cannot be sure of one another's intentions, and they draw on the same repertoire of actions to defend themselves as they do to aggress. The security dilemma is particularly relevant where legitimation is achieved through argument. How can states argue freely, remaining confident of one another's nonviolent intentions? The need to contain the instability of communicative action is a reminder not to simply assume public spheres are possible in anarchy.

With this in mind I develop the conditions of possibility for communicative action in anarchy. Public interstate talk contains the instability of communicative action. My argument has two elements: a thick notion of international society, and publicity. First, communicative action requires reliable expectations of nonviolence among participants who recognize each other as equals. Providing a snapshot of developments in core institutions of international society—international law, the balance of power, and diplomacy—I argue that, between the Peace of Westphalia in 1648 and the Congress of Vienna in 1814, a horizontal normative order evolved in international politics that organized and regulated the use of violence. But this normative order is not enough. In the second section I therefore develop the role of publicity in the form of face-to-face, multilateral conference diplomacy. Talking in a public forum produces order while keeping the foundations of that order open to rational debate. While

<sup>5</sup> Given the empirical preconditions for nonstate actors to have voice in these sites, only a privileged fraction of world citizens have even this reactive power (see Fine and Smith 2003).

today interstate forums are taken for granted in global governance, in fact this tool was introduced into the system only with the Concert of Europe.<sup>6</sup> I use that case to illustrate the general argument that, in combination with international society, the forum effects of talk sustain international public spheres. Locating the origins of international public spheres in the communicative practices of nineteenth-century autocrats might seem counterintuitive; I defend my use of the case in what follows. The explanatory argument lays the groundwork for a normative claim about the role of horizontal legitimation in global governance, removing the strongest theoretical reason to exclude the states system from global public spheres.

## International Society

The conventional wisdom about the contemporary international system is that it was created by the Peace of Westphalia in 1648, which divided Europe into independent sovereign units. From here, interpretations of anarchy vary considerably. Like many realists in IR, Habermas (1999a, 1999b) treats anarchy as essentially norm-free, and the balance of power as the system's underlying, even natural, logic, making war and strategic competition endemic. But this reflects a historically stunted view of Westphalia. First, the explicit goal of that settlement was to *mitigate* violence. Contemplating the devastation of the Thirty Years War, sovereigns sought better tools to counter drives for continental hegemony. The solution that they hit on, mutual recognition of sovereignty or "anarchy," was an effort to remove religion as a cause of war. Second, after Westphalia, institutions to further regulate violence deepened and became increasingly rationalized. I cannot explore the emergence of international society in detail here (see Osiander 1994), but overall these trends mirrored those Habermas ([1962] 1994b) describes at the domestic level—the differentiation of political practices from an overarching Christian worldview, and a corresponding decline in the role of the sacred. To be sure, as Christian Reus-Smit (1999, 94) points out, for a long time after Westphalia, international institutions retained "premodern" elements with order seen as God given and monarchically protected. Still, institutions adapted in ways sometimes at odds with these values. By 1814, three institutions in particular—international law, the balance of power, and diplomacy—reflected the deepening of a legally constituted horizontal normative order and sphere of nonviolent communication among states.

**International Law.** After Westphalia, what became known later as "international law" became increasingly secularized and anchored in the corporate body of the state rather than individual monarchs or the Church. The religious wars had called into question the

idea of universal Christendom, and after Westphalia "Europe" increasingly replaced it in diplomatic discourse. Secularization was evident in international treaties: religious oaths and references to natural law declined in eighteenth-century legal texts, and states increasingly relied on pragmatic guarantees of various sorts (unilateral, mutual, third party) rather than religious ones (Bull 1977, 33; Satow 1925). There still was a sense of belonging to a "whole" in whose name all diplomacy was aimed, but that whole was increasingly a secular, European "system" whose stability was secured through mutual toleration.

The institution of the state's corporate personality was the basis of the doctrine of *pacta sunt servanda* (sanctity of agreements) which, by obligating the state irrespective of changes in regime, permitted long-term contracting (Anderson 1993, 40; Dunn 1929, 9). Major legal theorists such as Grotius (1583–1645) in the seventeenth-century and Vattel (1714–1767) in the eighteenth-century treated states more than individuals as the core rights-bearing units in the system. In addition, states were increasingly seen as sovereign or autonomous rather than penetrated by other authorities. Juridical autonomy gained ground as the premise of diplomacy and politics. For example, as early as the Utrecht peace negotiations in 1713, precedence concerns were subordinated to pragmatic ones (Osiander 1994, 108). Respect for monarchical supreme authority inside the state was rationalized increasingly through the developing framework of positive law, where law is understood as the will or command of the sovereign backed by threat of sanction. Because by definition no sovereign could be made to obey another, autonomy meant that international law would have to be based on consent. Autonomy also meant that sovereigns retained the exclusive right to judge their own case and thus to take the law into their own hands by waging war (Bull 1977, 28–32; Duchhardt 2000, 283–9). Concentrating the right to act—to contract, sign treaties, wage war—reduced uncertainty about both violence and cooperation, in sharp contrast to medieval structures of overlapping authority and multiple actors.

Importantly, despite being rationalized through divine right, sovereign autonomy was granted to republican states as well as monarchies. This is evident in Utrecht diplomacy, and in Vattel's words, echoed in several legal texts of the eighteenth century: "a dwarf is as much a man as a giant is: a small republic is no less sovereign than the most powerful Kingdom" (cited in Simpson 2004, 32). From there, as Andreas Osiander (1994, 87–8) notes, sovereign "equality was the unavoidable corollary of autonomy. The more there was of the one, the more there had to be of the other." Equality was formally recognized as the basis of diplomacy and international law at the Congress of Vienna.

Furthermore, state practice was becoming the authoritative basis of law, competing with and ultimately replacing the authority of a divine or natural order. A sense coalesced in eighteenth-century legal writings that the states system was a distinct type of social system that operated by its own rules. The legal rules of this system were discovered inductively, through

<sup>6</sup> Among historians, Paul Schroeder (1994) is particularly known for arguing that the Concert of Europe constituted a transformation of European politics. My argument is indebted to his work, although he does not conceptualize the transformation in terms of public spheres.

patterns of interaction and treaties. This contrasted both with how law was treated at Westphalia, i.e., mainly as (archaic) custom (Osiander 1994, 48) and with natural law, where rules are deduced from nature and reflect an inherent, universal morality. Although some natural law reasoning can be found in his writings, Vattel in particular is seen to mark the shift toward a law of nations based on consent and state practice (Bull 1977, 33 ff.; Doyle 1992, 269). By the late eighteenth century it was routine to speak in terms of the public law of Europe and “international law” (Suganami 1978).

Some might question whether these developments constitute a normative, much less legal, order. After all, this order eradicated neither war nor dynasticism. The eighteenth century was quite war-prone, and status and succession concerns remained a major cause of war. Moreover, because the evolving legal order had neither legislation nor enforcement, it did not look like law as we understand it in a domestic context. Still, normative order is evident, first, in the fact that wars were subject to rules—engaged in only by states, fought for limited aims, and not fought for religious causes—that limited violence, which distinguished them sharply from the organization of violence in the premodern period. Second, as we saw earlier, a major function served by law is to articulate rules of conduct in terms of the general interest and to convey those rules to subjects. Once law is known, participants are relieved of the burden of constantly negotiating the fundamentals of interaction—who has authority to act, what outcomes can be negotiated; they can fall back on legal norms. From this perspective, international law as it was developing in the eighteenth century certainly served legal functions. Moreover, decision makers and scholars of the period treated international law as law, so that the question of whether it was “really” law never came up. Notions of law as sovereign will coexisted easily with notions of law as rooted in a natural order. The distinction between law, morality, and state political action did not harden until the positivist paradigm consolidated in the nineteenth century (see Vagts and Vagts 1979, 568).

In sum, the trajectory of international law shows that a horizontal normative order took shape in the European states system. The fact that these actors made their power rationalizable according to practice, rather than rank or archaic custom, was the first step toward making it possible for state action ultimately to become subject to public reason.

***The Balance of Power.*** It might seem strange to think of the balance of power as an “institution” of international society. Indeed, references in Habermas’ writings (1999a, 1999b) suggest that the balance of power operates for him as it does for realists in IR: not as an institution, but mechanically, integrating states through the medium of power, with no normative content. States simply pursue their interests. The system is governed by an equilibrating mechanism, so that no state need deliberately restrain itself or consciously think in terms of a larger interest. This is the bal-

ance of power conceived as invisible hand. But this interpretation of how power operates in international politics overlooks important conceptual and historical aspects of the eighteenth-century balance. It certainly was competitive and war-prone, but not because power was operating anonymously behind sovereigns’ backs. Patterns of competition and violence were rooted in and legitimated by shared understandings about the authoritative sources of power and use of force.

As Habermas (1984, 266 ff.) himself argues in the domestic context, although both power and money are media of integration, unlike money, power needs legitimation. Force alone is a brittle source of integration, and Habermas argues that social cohesion ultimately rests on the subjects’ felt duty or obligation to submit. His argument is agnostic about the particular legitimating values, i.e., it does not mean that power will be legitimated communicatively or according to standards of reason and equality. The legitimation requirement is general: whatever the prevailing norms, those in power need their rule to be seen as legitimate.

This certainly was true of Europe’s balance of power in the eighteenth century, which guided state behavior in ways that were underpinned and rationalized by dynastic and Christian principles. First, the goal of foreign policy—glory—was a reflection of absolutist norms and legitimated competition among sovereigns. War was heroic and associated with ceremony and pageantry, and monarchs looked for opportunities to engage in it in order to achieve glory for the state. As Martha Finnemore (2003, 106–7) puts it, force was a “positive good.” Legal norms further sanctioned the sovereign’s right to wage war and to declare his own cause just. While monarchs often attempted to negotiate disputes, the fact that norms legitimated sovereign will was a strong incentive to simply act, and to act quickly, which often meant war (Black 1999, 323–5; Gilbert 1951, 7; Hatton 1980, 15).

Second, balancing practices also reflected dynastic norms. Concerns for hierarchy and relative rank among sovereigns meant that there was no norm of trust or cooperation. Alliance loyalties were bargained according to generally accepted rules of “compensation.” Any war involved numerous such transactions. Loyalty was not expected; states often were as suspicious of their allies as their adversaries, and indeed often left alliances midwar if proposed a better deal (Finnemore 2003, 105–6; Schroeder 1994). Territory that in the pre-Westphalian period had been seen as held by God’s will was now the monarch’s property, which allowed it to become a fungible bargaining chip to restore interstate equilibrium (Anderson 1993, 47–8).

Third, despite their struggles for individual glory, the idea of a European balance had normative value for sovereigns: it was their solution to the danger of continental hegemony. Sovereigns agreed that if all pursued equilibrium the continent would remain stable. Thus, beginning with the first modern invocation of a “just equilibrium of power” as the goal for European politics at Utrecht in 1713, actively pursuing balance took on a normative cast. Utrecht negotiators made efforts to link individual goals to the broader systemic goal of

repose or tranquility, and “the European states system was treated as a kind of imaginary super-actor with the same aspirations as the individual actors that made it up” (Osiander 1994, 111). Osiander contrasts this reflexivity about the European states system to the situation at Westphalia, where the parties were simply concerned with restoring the status quo ante and did not discuss Europe as having a distinct identity or needs (*Ibid.* 102). Although the pursuit of glory and the pursuit of balance would seem to be at odds, glory was to be pursued in limited wars for limited aims. The tensions between these aims were not exposed in the system until the Napoleonic wars.

Taken together, these norms manifest a sense of forming a collective, and, as we saw earlier, a shared normative order is a precondition for communicative action to transform power. Here, what we see is a rationalization of the medieval notion of Europe as Christendom into the notion of Europe as a balance-of-power system. That this system was a normative order is clear when considering how Europeans treated outsiders. The boundaries of Europe were culturally determined, and despite its proximity to Europe the non-Christian Ottoman Empire was generally considered outside Europe’s balance-of-power system. Indeed, Christianity was a major legitimating principle in the Concert of Europe vis-a-vis the Ottoman Empire, until 1856. Similarly, what we would now think of as Third World states were not considered members of the balance-of-power system. All of these states were treated by different rules and subject to colonization. Violence was more likely, and less limited, in relations between Europeans and these others. Within Europe, the balance of power mitigated violence; but between Europe and others outside, all bets were off (see Keene 2002; Neumann and Welsh 1991).

**Diplomacy.** Perhaps the most basic precondition for communicative action is that participants can speak to one another without fearing for their lives. That potential evolved among sovereigns in this period. While violence was rife in pre-Westphalian diplomacy, by 1814 European states had pacified the diplomatic sphere.

Several changes helped rationalize interstate communication. First, the consolidation of the state’s corporate agency unfolded at the diplomatic as much as the legal level. The norm of extraterritoriality or diplomatic immunity took root. It became generally accepted that envoys would not be murdered or imprisoned, and weapons not permitted in negotiations (Hatton 1980, 7–8; Langhorne 1981–82, 65–6). Additionally, by 1700 there was a shared understanding that ambassadors officially represented the king. What was called the exchange of formal powers, where diplomats established that they executed policy on the monarch’s behalf, was always the first activity of international conferences (Doyle 1992, 268).

Second, states increasingly defined foreign affairs as a distinct, secular sphere of politics. Medieval diplomacy had reflected the hierarchy of religion over politics. Clergy were ambassadors; Latin was the language

of diplomacy; and the Pope and Holy Roman Emperor had precedence over princes. But the post-Westphalian period was one of bureaucratization, and by the mid-eighteenth century, with states increasingly boasting foreign ministries, there was an educated class of professional bureaucrats with primary loyalty to the state. Ambassadors increasingly were drawn from this group rather than clergy or landed nobles. Professionalization led to a normative shift toward honesty and fair dealing in diplomacy, rather than duplicitousness. If not always evident in practice, these norms were certainly clear in seventeenth-century manuals on diplomatic method (Anderson, 1993, 46). At the same time, permanent embassies spread; by the Napoleonic Wars, diplomatic communication was virtually continuous among major European capitals.

Third, beginning with Westphalia, an increasingly common practice in foreign affairs was the convening of multistate congresses after wars to construct peace settlements. At first, issues of precedence and method dominated, making congresses difficult to convene and run. Personalized rivalries and protocol disputes consumed inordinate amounts of time and often were settled by duels, even threats of war. But over time, as it became clear that conferences only could proceed once issues of precedence were overcome, references to personal and hierarchical ties declined (Langhorne 1981–82, Nicolson 1954, 42–6).

Diplomacy was further rationalized through the expansion of publicity: the audience for foreign affairs expanded both in reality and in the minds of decision makers. Bureaucratization brought a rise in treaty-printing and record keeping of international events. The new stress on recordkeeping, along with the large delegations that attended conferences, raised the visibility of international politics to those outside the narrow sphere of the king and court (Hatton 1980, 14). Equally important, the eighteenth century saw several publications on international politics meant for a wide audience, from the Abbé de Saint-Pierre’s *Project to Establish Perpetual Peace*, to Rousseau’s vision for European federation, to Kant’s *On Perpetual Peace*. These were not Europe’s first visions of federation, but were noteworthy for their wide dissemination. In addition, both Grotius’ and Vattel’s manuals of international law were widely read among both decision makers and the emerging reading public (Duchhardt 2000, 288–9; Gilbert 1951, 14–5).

Finally, over the eighteenth century an increasing sense developed among statesmen of a “public” below the state whose opinion mattered for diplomacy. Osiander (1994, 104–5) notes that the terminology of public and public opinion was absent from the discourse of Westphalia but figured prominently in negotiations at Utrecht in 1713; and Jeremy Black (1999, 493–4) sees a further rise in this language throughout eighteenth century diplomacy. Whatever the impact of these ideas on foreign policy, their prominence in interstate discourse points to the sense in which diplomacy no longer took place in secret. Foreign affairs were still the realm of princes, and censorship was common, literacy low, and daily newspapers relatively rare in

Europe (Asquith 1978, 102). Still, power politics was generating a critical literature in European civil societies, and sovereigns took note.

In sum, the changes Habermas ([1962] 1994b) identifies in particular states of eighteenth-century Europe as signifying the rise of critical public spheres also had an international dimension. By the Congress of Vienna, developments in international law, balance-of-power thinking, and diplomacy had given rise to a horizontal normative order constituted by mutual recognition of sovereignty and ongoing communication.

### Interstate Public Spheres

A normative order organizing the use of violence is an important accomplishment but alone cannot sustain public sphere governance. Because the institutions of international society do not reliably hold violence at bay, they cannot backstop political argument the way centralized authority does. But rather than look to exogenous sources of nonviolence like the democratic peace, I propose a source internal to the states system: publicity. Public spheres require that power holders' actions are visible and that those affected can deliberate and form opinions about that power. The necessary visibility has two dimensions: face to face (horizontal) and the more mediated visibility produced by communications technologies (vertical). Extant theory stresses the latter. My focus is the former: when states met in 1814 to discuss the European balance of power, this new practice—conference diplomacy—introduced the power of face-to-face publicity into the states system in a systematic way. I propose that face-to-face publicity generates forum effects of talk, which help keep violence at bay and make possible public sphere governance. The forum effects permit international society's norms to become more salient in interstate decision making, even where states contemplate the use of force. This is as evident in the Concert of Europe, with which I illustrate the argument, as in contemporary multilateralism.

**The Forum Effects of Talk.** My argument begins by specifying an action context, the forum, as the arena of interstate talk. Forums have two salient characteristics. First, discussions within them are premised on nominal equality. This ensures that all have the same right to speak and to be heard. Second, forums are public: they consist of more than two participants meeting face to face, and outsiders are aware of the meetings. Roles such as publicist and reporter, and media such as minutes of meetings, pamphlets, newspapers, television, radio, and so on, make discussions visible to a broad audience outside the decision-making context.

The proposed effects of forum publicity depend on the motivational assumption that actors care how they appear to others. This thin assumption does not rely on altruism among speakers; but it does not refer to caring for one's reputation in a rationalist sense. That is, actors do not necessarily care how they appear because there are future benefits to gain or material costs to suffer from appearing in a certain way. Rather the assumption

is that part of what it means to be a social actor is to care what others think of you, and this is made manifest in the forum.

From here, the argument is that publicity has three "forum effects." First, drawing on Jon Elster's work (1995), I argue that when in public even selfish actors will want to appear impartial and fair and so will generalize their interest claims and argue impartially (also see, e.g., Lynch 1999; Risse 2000; Schimmelfennig 2001). For example, "This is in England's interest," would become "This is a great power interest," or "a matter of sovereign equality." Selfishness expressed in public must be rendered in terms acceptable to all. Moreover, when states speak impartially in public, they can find themselves subsequently compelled to follow through on commitments based on those rationales. What Elster calls the "civilizing force of hypocrisy" can thus lead to more equitable group outcomes than if powerful actors did not have to justify their actions in public. Indeed, studies in a variety of disciplines support the claim that face-to-face talk has beneficial effects on joint problem solving (e.g., Ostrom 2000).

The other forum effects develop over time. With continued expectations that they will meet in forums, speakers get habituated to practices of reason giving and to relying on public criteria of acceptability. These habits are effects of the public context: speakers see themselves as acting less as "selves" than as "members" of a group. Over time, habits acquire normative weight, translating to the second and third forum effects: a norm of publicity develops, by which I mean a procedural reciprocity where participants feel they must make their reasons available to others; and public reason develops, by which I mean that the general and impartial arguments they regularly invoke increasingly are seen as shared norms. Public reason becomes a collective belief structure, a shared sense of the "right" reasons for action: a public sphere.

My claim that the forum effects of talk help generate public spheres explicitly links order to legitimation. On the one hand, the forum effects help produce order by dampening the security dilemma. As foreign policy behaviors become defined and justified similarly by all participants, states have greater certainty regarding what problems are, and about what actions will be ignored and which might be sanctioned. By setting the parameters of conflict, the forum effects of talk steer interstate competition in a way to buffer the group against the most disastrous outcomes. That is, they cause self-restraint.

At the same time, interstate argument opens up the possibility for public reason to legitimate international outcomes. In one sense this is a habituation argument: a sociological norm to give reasons develops among actors who recognize one another as nominally equal; these actors need not be democrats, and they need not care about legitimation. But the fact that the habit is one of reason giving links the forum effects to the democratic intent of public sphere theory, making possible what Risse (2000) calls a "logic of arguing." Where justifications for action are public and coalesce around notions of a general, impartial interest, it becomes

possible for participants and the audience to link the state's rhetoric to their own internal morality, and even to take the communicative orientation necessary for public reason and communicative consensus in a Habermasian sense. More generally, in the context of ongoing interstate public spheres, public claims can ultimately evolve to commitments to justice if outsiders, participants, and later generations affirm them as such. Interstate public spheres thus establish conditions of possibility for communicative action in world politics.

In short, in many ways interstate publics are like decision-making publics (or parliaments) inside states. Both involve managing joint problems through collective decisions. In both, discussion is aimed at consensus and the consensus achieved is expected to be binding. In both, participants are expected to remain engaged in discussion; each "consensus" is only a contingent resolution to a problem, not the end of the discussion. Finally, both serve as focal points of critical public spheres.

The difference is that domestically, formal institutions backed by the state's coercive power create the decision-making public and guarantee that collective decisions will be implemented. Among states, in contrast, the expectation of binding consensus is not enforceable and sometimes not even institutionalized, but must be sustained by the public sphere discussion itself. States engaged in joint problem solving never actually cede their own (nominal) authority to act. As such, interstate public spheres do not guarantee an end to war. States can always destroy the conversation or render it meaningless by exiting and resorting to violence. However, as the expectation to keep talking grows, the sense that any consensus is binding grows both among participants and in the broader audience of their deliberations, even without coercive guarantees. And the exit option can become less attractive insofar as states recognize their interdependence and realize that unless each stays at the table, all will suffer. As such, the forum effects of talk can make it possible over time to domesticate certain problems completely, or at least bring them out of the realm where resort to violence is routine.

***The Concert of Europe.*** The first case of conference diplomacy in Europe illustrates how public talk can contain the instability of communicative action. The 1814 Vienna Settlement after the Napoleonic Wars introduced the practice of face-to-face consultation as a strategy for managing the balance of power. In the early post-Vienna years, the European Great Powers—Great Britain, Austria, Prussia, Russia, and France—all faced domestic unrest and revolutions in Spain, Naples, Portugal, and Greece. The French Revolution had demonstrated the severe threat liberal revolution could pose to the balance of power, and the Great Powers all felt a special responsibility to prevent that from happening again. At the same time, they did not agree on how to prevent revolutions from spreading, or on who should benefit, which meant Great Power war remained a possibility. In this context, the Great Powers met in a spurt of congresses from 1819

to 1822. These public forum discussions made a difference: when unilateral action did occur, such as Austria in Naples, Russia against the Ottoman Empire, it was limited and nonexpansionist.

In my view, Concert self-restraint cannot be understood separately from the practice of conference diplomacy. These former rivals were able to cooperate publicly when they could not privately. To be sure, the Concert of Europe still retained important aspects of the eighteenth-century system: a balance of power constituted primarily by absolute monarchs. But the visibility provided by conference diplomacy introduced a new, horizontal dynamic of publicity. Meeting face-to-face made the balance of power visible to those who constituted it, and this made a difference. Although a full case study is beyond the scope of this paper (see Mitzen 2001), a brief example of Concert governance lends support to my "one-step" hypothesis that public interstate talk can produce order and legitimation simultaneously.

A central problem the Concert Powers faced in the 1820s was the decline and potential break-up of the Ottoman Empire—the "sick man of Europe"—which was not a member of the Concert and whose decay could lead to Great Power conflict over the spoils, which was routine in the eighteenth century. The Greeks, who had been under Ottoman rule for hundreds of years, precipitated a crisis by rebelling in 1821. The revolt lasted several years, and the resulting Balkan instability threatened to erupt into Great Power war. Russia was the power to watch: it had grievances against the Ottomans, sympathy for the Greeks as fellow Orthodox Christians, and the most to gain materially by intervention. In 1821, no Great Power knew what to do. None wanted Great Power war, not even Russia, but it was unclear how to avoid it. In this situation, realists would predict Great Power war; and statesmen themselves all expected it. Yet it did not happen.

The Great Powers avoided war over the Greek revolt by publicly "Europeanizing" the Greek Question, that is, by adopting a collective definition of the Greek revolt that kept it within the parameters of their pre-existing cooperation. This was not easy: the Ottoman Empire had not signed the Vienna Settlement and was not considered a sovereign the way European states were considered sovereign. Additionally, it was not obvious at the time that the Greeks were Europeans who deserved to be under the Concert's purview. In short, violence in the Balkans was essentially an "out of area" problem. In the midst of this uncertainty, public talk made a difference. Invoking Greece as a European problem in diplomatic conferences created a discursive structure, which regulated Great Power choices in a way that private diplomacy could not, and made it possible to solve the Greek Question without Great Power war. One might say that the Great Powers "talked Greece into Europe."

**1821–3.** Managing the Greek Revolt had two phases, 1821–3 and 1826–32, and in both the crucial concern was to prevent Russian intervention on behalf of the

Greeks, which all felt would escalate into Great Power war. In 1821–3, the Concert strategy was to interpret the Balkan revolt as part of the epidemic of liberal revolutions sweeping Europe. On that basis they proposed that the Concert side with the legitimate sovereign (in this case, the Ottoman Sultan) against the Greeks. The Great Powers made these arguments both publicly and privately; but the arguments restrained Russia only when made publicly. More specifically, the Greek revolt broke out while the Great Powers were in the midst of the Laibach Congress, which had been convened to address a different revolt in Naples and at which they had recently decided to support the Neapolitan sovereign against the revolutionaries. Faced with this new revolt, the Great Powers forged an initial consensus that it was part of the same “European conspiracy” against European thrones and needed to be quashed. A joint allied declaration against the revolt was publicized immediately. Without support, it petered out (Schroeder 1994, 610 ff.).

But soon after Laibach, another Greek revolt broke out. Unlike the first, which had been relatively small scale, this one engaged every stratum of the Greek population, from clergy to nobility to peasants, and quickly gathered momentum. The Ottomans responded with hard-line measures, such as hanging Greek clergy and massacring Christians. With the Laibach Congress no longer in session, Russia began to assert its pro-Greek interests and talk of unilateral intervention. Each Great Power tried private diplomacy to restrain Russia, using the same cognitive frame—this was a liberal revolt against a legitimate sovereign—they had used at Laibach (Kissinger 1957, 293–4). But private diplomacy did not work. Prussia and France took actions that seemed to reflect unsteady support of the Laibach interpretation of Greece, while British and Austrian intentions were suspect (Anderson 1966, 58). Private diplomacy made it difficult to “see” the collective European interest in supporting Turkish sovereignty over the Greeks, generating uncertainty: uncertainty about the rules of the game that applied to the Balkans, uncertainty about their own and each other’s interests, and uncertainty about what to do. Fears of Great Power war intensified.

Restraining Russia became possible, however, when Britain and Austria adopted a public strategy. Their diplomacy had the same cognitive components—it supported the Ottoman sovereign against Greek rebels—but it was newly public. Although the strategy was spearheaded by Britain and Austria and not the Concert as a whole, the two states took care to ensure that their bilateral meetings were not seen by Russia as a budding counteralliance, for example, by choosing not to issue a joint communiqué condemning Russia. They also called for a congress specifically on the Greek Question, and informed Prussia and France of the congress and its rationale, to appear as a united front. The combination of drawing on publicly accepted arguments and linking those arguments to a public forum involving the entire alliance meant that, from then on, the Greek question was addressed as a general interest. That this strategy indeed restrained Russia is

evident in 1822, where Metternich persuaded Russia not to intervene by invoking the upcoming Congress, and then the Concert ratified its stance publicly at the Congress. The war party in Russia was silenced; all Greek members of the Russian diplomatic corps subsequently resigned or were purged (Anderson 1966, 61 ff.; Nichols 1961, 55 ff.).

My claim is that this collective, public strategy worked because it made the European interest in stability visible to one another and to Russia, which reduced uncertainty and provided a concrete referent for that collective interest, the forum. Whatever any leader thought privately about Greece or the Ottoman Empire, appearing in public kept the collective interest salient for all of them, which caused self-restraint.<sup>7</sup>

**1826–32.** Despite the initial Great Power success, the Greek revolt persisted. As the decade wore on it was increasingly clear this was not a liberal revolution, the original concern of the Concert, and that the decline of Ottoman sovereignty posed a different sort of threat to the European balance of power. The Great Powers still felt that somehow the Greek Revolt was “their” problem, and so later in the decade they turned again to the Concert forum. This time the collective belief that the Greek revolt posed a European question was made concrete through the 1827 Treaty of London, which committed the Great Powers to resolving the Greek Question jointly and without war. The Treaty of London did not prevent war altogether: Russia did fight the Ottomans in 1828. But Russia’s justifications for that war had nothing to do with Greece and its war aims were limited. What the Treaty did was help prevent a war between Russia and the other Great Powers over Greece. In the war, Russian troops inched down through the Balkans. Security dilemma logic tells us that a larger war could easily have been triggered by other Great Powers fearing Russian expansion. Invoking the Treaty of London gave the Concert powers, including Russia, a common reference point, and a public one, for their joint commitment to the European status quo and to keep the Balkan issue separate. By virtue of its public commitment, in other words, Russia restrained itself: the war remained limited (Jelavich 1991, 84 ff.).

Keeping the war contained enabled Great Power governance. The London Conference on Grecian Affairs (1827–32), an ongoing conference at the ambassadorial level and the first of its kind, was set up to solve the Greek Question once and for all. The ambassadors negotiated a French occupation of the Greek mainland, and the constitution, frontiers, population, and even king of the new state. Such a thing—jointly midwifing the birth of a nation-state—had never been done before.<sup>8</sup> On top of that, here it was done deliberately: proposals were put forward and debated out of the

<sup>7</sup> This claim would be contested by, e.g., Rendall 2000.

<sup>8</sup> “The” Conference was actually several meetings at the ambassadorial level of Treaty of London signatories. In the primary documents each meeting is referred to as a separate conference; but since the same actors engaged in discussions and the meetings fell under a single mandate from the Treaty of London it became common to

heat and light of high politics. Because the negotiators did not constantly have to keep their eye on Russia they could freely discuss the problem. Moreover, the minutes and final protocols were made public, and were referred to by the Great Powers in the war diplomacy. Invoking the protocols helped keep the Greek Question out of the war.

In sum, it seems clear that the forum made a difference. Surely if the Great Powers had wanted war there would have been war. But even when states do not want war the security dilemma tells us war still can happen. Repeatedly in the 1820s, the Concert of Europe forum provided a concrete reference point—a publicly shared commitment to the collective interest in peace. Without the Treaty of London, war would have been more likely; without the London Conference there would have been no Greek independence. Neither outcome can be understood without incorporating the dynamics of public talk.

***An International Public Sphere?*** It is possible to grant my argument that Concert publicity helped prevent war but to reject the notion that those dynamics constituted anything like a “public sphere.” Certainly the values driving Concert cooperation are at odds with those of public sphere theory. Only one Great Power, Britain, was a democracy, and its democracy was quite limited, whereas a crucial goal of Britain’s Concert partners was to defend monarchy and prevent liberal revolution. Still, three aspects of this case suggest the applicability and importance of public sphere theory.

First, Concert diplomacy introduced a new, intersovereign visibility to European interstate politics. Sovereigns who were accustomed to making foreign policy unilaterally and in secret suddenly found themselves justifying their policies to fellow sovereigns. This was different from how diplomacy had been practiced in the eighteenth century and the Napoleonic Wars, and signified, as Paul Schroeder (1994) seminally argues, a “transformation” of European politics. Of course, the Concert was by no means a realization of the public sphere ideal. Its diplomacy did not embody (or attempt to embody) Habermasian ideals of free publicity and rational communication. But in fairness, no actually existing public sphere today fully embodies these ideals. Power and privilege always matter and are problems even domestically. The importance of the public sphere concept is as a guide, to determine whether and how a given exercise of power is normatively better or worse than another. In my view, public sphere theory helps us make sense of the dynamics that conference diplomacy set in motion as normatively improved action. The Concert’s goal was functional: avoid Great Power war. But where power is called on to give reasons to a relevant public, if the preconditions exist, and I have argued that they did at the intersovereign level, then reason giving can have effects. Injecting horizontal

publicity into their foreign policy decision making, in an environment where vertical publicity similarly was on the rise, set in motion processes capable of transforming political authority.

Second, Great Power diplomacy took on characteristics analogous to those of a decision-making public in the domestic context. Participants saw themselves as charged with common problems and deliberated about them in conferences premised on nominal equality, publicity, and the goal of consensus. Indeed, there is evidence that, despite their autocratic domestic governments, Metternich and Alexander, who were schooled in Kant, were committed to deliberating with each other and to the idea of European federation of sorts, even if in a qualified sense and for instrumental reasons (Kann 1960; Sofka 1998). The impulse to dismiss intersovereign communication as “nonpublic” because it is engaged in by sovereigns rather than citizens of liberal societies overlooks the real power publicity had in this case. After all, domestic public spheres are not solely characterized by vertical dynamics; the horizontal decision-making dimension is crucial. Overall, the horizontal dimension has received considerably less attention in public sphere theory and may even be one reason for skepticism of my claims about this new diplomatic practice. Recognizing horizontal publicity as a dimension of all public spheres, it becomes easier to accept in principle that the public speech among decision makers who are constituted as equals and are aware that they are being watched potentially has civilizing effects. While Concert diplomacy was dominated by elites who were not fully committed to the vertical dimension of publicity, their diplomacy was “public” in the limited sense that these leaders were committed to justifying their policies to one another. They were vetting their decisions through each another—equals who were affected by the use of state power.

Third, the fact that Concert decision makers were aware of a literate European public who knew about the conferences injected the beginnings of the vertical dynamics we associate with contemporary critical public spheres. Part of my argument is that in the Concert period a critical public was aware of and commenting on foreign affairs, which influenced the changes in diplomatic practice in a process that might be seen as an international corollary to the processes Habermas (1994b) chronicles. Although it was difficult for European public opinion to affect decision makers in this period, there is evidence that from 1821 to 1827 public opinion helped keep the Greeks’ European, Christian identity salient in decision makers’ minds. The revolt received enormous press coverage. Outside Concert forums, pro-Greek societies formed and thrived and volunteers flocked to the cause. The widespread feeling that Greeks were a piece of Europe under the rule of the barbarian, infidel “Turk,” made it difficult for the Great Powers to ignore the revolt. In addition, the steady message that the Greeks were Europeans enabled enterprising Greek leaders to earn the right to have a say in their political outcome. No prior nonstate rebel group had earned this right—not the

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refer to them in retrospect as a single conference (see Dunn 1929). The London conference was closely followed by an ambassadorial conference on the Belgian question, which also created a sovereign state (Schroeder 1994, 670–91).

Serbs, not the Romanians, and certainly not the Poles. By contrast, even as the Greeks' war fortunes fell their international legal personality grew, enabling them ultimately to appeal to the Great Powers for recognition (Cunningham 1978).

It is important to view the Concert through a public sphere lens because this was the first case of multilateral governance and in it we see seeds of the two dimensions of public spheres that are in full flower today. To ignore the public sphere dimension of the Concert story is to overlook what was so innovative about Concert diplomacy, namely the practice of public consultation, which, in the context of international society and rising critical publicity, enabled public reason for the first time to guide state decisions about the use of force.

Of course, today global governance is everywhere, and I do not mean to suggest that the forum effects of talk are the only or even the main cause of the increased ability to cooperate. The spread of democracy and global capitalism clearly are important as well. But the forum effects should not be overlooked. In the domestic case, the fact that centralized enforcement guarantees public spheres does not mean it causes every governance outcome. Indeed, speakers tend to be so habituated to deliberation that they hardly notice that their right to speak is coercively protected. But at times deep normative disagreements arise, and it is possible to continue discussion only by invoking the threat of the state. Arguably, the forum effects of talk function similarly at the international level: in the breach, where normative disagreement threatens global governance, they preserve the potential for joint problem solving.

## CONCLUSION

The instability of communicative action makes anarchy a hard case for public spheres. Where legitimation is accomplished through argument, future disagreement must always be possible, but it must not devolve into violence that can destroy the social order. The global governance two-step obscures this connection between order and legitimation, by locating global public spheres in already orderly environments and relegating states system dynamics to order production alone. In contrast, I have proposed a one-step theory that links order and legitimation. Multilateral diplomacy constitutes the horizontal dimension of global public spheres. More specifically, forum discussion among states mitigates the problem of violence by generating a structure of public reason. Public reason channels outcomes while keeping the rationales for action open to debate.

One way to draw out the implications of my argument is to consider how it would make sense of a contemporary case such as the diplomatic run-up to the Iraq War. Perhaps most importantly, it makes sense of what participants themselves thought they were doing when they engaged in rounds of public debate. They were determining whether the use of force was the right thing to do. The United States offered several justifications: international law against weapons

of mass destruction, democratic norms, failure of the UN sanctions regime, and self-defense; yet it could not forge consensus. Although Security Council members agreed that Iraq had violated international law and that the sanctions regime was not working, they disagreed that it posed an imminent threat to international peace and security and rejected the justification of self-defense.

Stepping back from the practitioner's to an analyst's perspective, my framework yields a distinct point of view on debates over the fact that the United States acted anyway. Explanatory analysts might see the United States' turn away from the UN and reliance on a "coalition of the willing" as a failure of the global public sphere: in the breach, it could not restrain the system's most powerful state. Diplomatic talk proved cheap. Indeed, the case does seem to suggest a breakdown of the public sphere in that no consensus was reached and the United States acted anyway.

However, the UN debate served three important functions. First, consider the counterfactual: what if the United States had not brought its case to the UN and engaged in public talk, instead simply unilaterally deposing Saddam Hussein? It is hard to imagine other Great Powers would not have used this as permission for their own unilateralism, perhaps, for example, in Chechnya or Taiwan. Even if talk cannot always prevent the powerful from acting, a salient consensus can deter some potential law-breakers. Silence, in contrast, intensifies the security dilemma, making it more difficult to convert hard, military balancing into soft, diplomatic balancing. Second, public talk changed how the United States pursued its interests, delaying the use of force and making it necessary to act through the "coalition of the willing" rather than unilaterally. Finally, the lack of consensus is proving costly. It may be too soon to assess the full impact of international criticism, but the United States clearly already has lost social capital in the international community.

Other analysts, from a normative perspective, might highlight the tension between legality and morality raised by the fact that, regardless of whether the war is seen as legal, the end result may just be a democratic Iraq. Reactions to the 1999 Kosovo intervention are instructive in this respect. There, theorists argued although the United States and NATO acted illegally by not gaining UN approval, the use of force was justifiable after the fact, in the name of the cosmopolitan morality of human rights (e.g., Buchanan 2001; Habermas 1999a). Global morality, premised on the intrinsic worth of individuals, is outpacing international legality, premised on state sovereignty; and in this transition it is perhaps necessary to tolerate violations of international law in the name of the emerging moral order. On this view, consensus at the UN itself is not intrinsically important, if human rights violations are sufficiently severe.

Extrapolating to the Iraq case, this suggests some difficulties of condemning the war from a cosmopolitan perspective. Saddam Hussein was a major

human rights violator who abused his population for decades. If Iraqi citizens gain significant rights protections as a result of the intervention, then the fact that the United States bypassed the UN could perhaps be overlooked. As long as right-thinking states do the right thing—promote human rights, even if it sometimes means violating sovereignty or bypassing international procedures—then force can be justified.

My framework cautions against such a “turn to ethics” (Koskenniemi 2002) in international law. To favor morality over legality gives liberal norms, as interpreted by advanced industrial democracies, pride of place. This is in effect a withdrawal of the Westphalian permission to remain strangers. The dangers are both that so-called pariah states whose values are not legitimated might withdraw altogether from the conversation, and that would-be imperialists could feel justified in doing the same. In a world that is silent across borders, the balance of power becomes once again an invisible hand. This brings us back to the eighteenth century, or forward to a clash of civilizations (Huntington 1993). Devaloring public attempts to achieve interstate consensus makes anarchy a more dangerous place.

In sum, global democracy is an even greater challenge than we thought. It must balance needs for democracy at both horizontal and vertical levels rather than allowing either sphere to triumph. The fact that reasons that win in international forums must prioritize democratic values does not preclude nondemocracies from participating in global public spheres. In the end, we may want to make cosmopolitan arguments about how governance should evolve in the states system; we may even theorize international public spheres in the explicit hope of helping cosmopolitan values triumph. Visualizing interstate public spheres is not meant to diminish the importance of domestic-level democracy or transnational civil society. The point is to highlight how, for nearly 200 years, international institutions and publicity have helped regulate violence and how they have injected into anarchy the possibility of public reason in world politics.

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