Creating Legitimacy in a Pluralist World Order

Talk of political legitimacy crises in world politics is nothing new, but over recent years it has become pervasive. While international institutions confront deepening challenges from anti-globalist political forces, domestic liberal and democratic institutions are facing legitimacy crises of their own, reflected in the rise of autocratic rulers and populist movements around the world. Varying local factors always contribute to these crises; but they are also partly products of longer-range historical processes, which have shaped the decline of the 'statist' global political order, and the modern concepts and practices of legitimacy that developed alongside it. Since the Peace of Westphalia in 1648, and the publication of Thomas Hobbes's *Leviathan* just three years later, the pursuit of legitimacy in political institutions has been inextricably tied to the consolidation of sovereign authority – both internally within nations, and externally among states. But over the last century, intensifying forces of global integration have transformed sovereign structures of governing authority, without accompanying changes to models of political legitimation.

In his circa-1930 *Prison Notebooks*, Antonio Gramsci diagnosed the European political crises of his time as the product of such epochal fault-lines between legitimate political orders, whereby '[t]he old is dying and the new cannot be born' (Gramsci, 1971). Nearly a century on, Nancy Fraser has invoked these words in her recent book of this same name, to capture her diagnosis of our present legitimacy crises (Fraser, 2019). While the 21st century's governing institutions continue to evolve under pressure from complex and globalized social and economic relationships, the parallel development of a new global legitimacy system is thus cast by many as politically out of reach. This growing gulf between the legitimacy demands of contemporary governing institutions, and the capacity of statist liberal and democratic practices to deliver, has led many commentators to adopt a counsel of despair. In his book *After Liberalism*, for instance, Immanuel Wallerstein predicted that the coming era of world politics will, due to world-systemic changes, 'be short on peace, short on stability, and short on legitimacy' (Wallerstein, 1995).

Amidst the complex dynamics of contemporary political crises, we can, however, find the kernel of a more optimistic vision of the emerging global era – in which the old 'statist' order and its legitimation practices may be dying, but it is no longer true that the new cannot be born. We can find potential here for a new imaginary of political order and legitimacy that is not *statist* but rather *pluralist* in its organizing structure (Macdonald and Macdonald, 2020). But its realization will require something close to a paradigm shift in our thinking about political order and legitimacy – in which statist understandings of the problem, concept, normative grounds, and institutional standards for achieving legitimate political governance are all dismantled, and a new pluralist configuration of ideas rebuilt in their place.

The rise and decline of 'statist' legitimacy

Making a shift of this kind first requires establishing some common conceptual ground on which to pivot, by articulating a more abstract understanding of the problem and idea of legitimacy. The first clear legitimacy problem-diagnosis was made in the political writings of Jean-Jacques Rousseau (Rousseau, 1997; 2018). As Rousseau described it, legitimacy is the remedy for a distinctive political problem – arising from tension between a normative aspiration to self-determination, on the one hand, and empirical constraints of inextricable social interdependence and plurality, on the other. Legitimation processes thus aim to establish normative grounds for free political agents to support shared governance institutions – under conditions whereby they are forced together in interdependence through shared social structures, while facing persistent disputes over political interests and moral values. The concept of political 'legitimacy' associated with this problem denotes the *support-worthiness of governance*

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institutions, as vehicles for collective self-determination.

The main legitimation practices that developed through the modern period can be described as 'statist', insofar as they are centred on governance institutions of sovereign states – including both the internal legitimacy of domestic state governance, and the external legitimacy of sovereign states in international society. At a normative level, statist legitimation practices empower the exercise of *rationalist political intelligences*: instrumental reason, through preference aggregation or contractual bargaining; moral reason, via public justification; and communicative reason, in the form of open dialogue aimed at mutual understanding. At an institutional level, they function by harnessing collective rationalities through the application of *rule–based standards*, of the kind familiar from modern technocratic, liberal, and democratic institutions. Since these statist legitimation practices have developed alongside modern political theories over several centuries, they are commonly viewed as theoretically inseparable from the concept of 'legitimacy' itself. But while this statist imaginary of legitimate political order has proven theoretically resilient, its capacity to sustain successful legitimation practices is now in steady decline.

Underlying this decline is a structural transformation of the three constitutive elements of legitimacy problems. First, the aspirations to self-determination that give normative impetus to legitimation projects are increasingly pursued through a more heterogenous range of social collectives than the city-based or national societies of early-modern Europe. Individuals making legitimacy claims against governing institutions now mobilise politically through a plurality of identity- and interest-based associations, spanning local and transnational levels. Second, the forms of interdependence that constrain individual self-determination – creating pressures towards collective governance and legitimation – are increasingly complex and dynamic, reflecting rapidly-changing patterns of integration and fragmentation across social, cultural, and economic spheres. Third, the forms of social plurality that challenge agreement on the institutional terms of collective political governance and legitimation are deep and persistent. The 20th century liberal hope that normative disputes in political life could be successfully overcome through stronger national integration, or cultivation of stronger cosmopolitan moralities and identities, seems increasingly implausible the deeper we advance into the 21st century.

Taken together, these structural changes mark out what can be described as a shift from a 'statist' to a 'pluralist' global political order. The institutional instruments of legitimation developed for a system of sovereign states are no longer able to function as vehicles for rationalist modes of collective self-determination, as envisaged in statist imaginaries. At the root of this failure is the reliance of collective rationalities on forms of social closure and stability that have been systematically eroded through the era of globalization. Legitimacy standards designed to harness collective instrumental rationalities – such as procedures for empowering social contracting, preference aggregation through elections, or technocratic administration – rely on a reasonable degree of stability in the shared interests within collectives. In turn, the shared interests are more difficult to sustain in the complex and dynamic context of the contemporary pluralist order. Standards aimed at advancing shared global moral rationalities – through articulations of global constitutional principles, public justifications, or rights protections – now run up against persistent and vociferous forms of moral disagreement, as the cosmopolitan moral ambitions of late 20th century liberals face challenges from emerging powers outside the liberal-Western sphere. The standards designed to empower communicative rationalities – through discursive exchange and inclusive deliberation – are undermined by the fragmentation of public spheres through new media technologies and patterns of social mobility, creating pervasive distortions and exclusions in communicative relationships.

Towards 'pluralist' legitimacy: The promise of political creativity

These growing functional failures of statist legitimation push us towards a different kind of political imaginary, which may better ameliorate legitimacy problems as they are constituted within the 21st century's emerging 'pluralist' world order. At the foundation of this new imaginary, there must be a shift in how the normative grounds of legitimacy are understood – to move beyond the modern preoccupation with *rationalist* forms of collective intelligence and self-determination, and further recognize the legitimizing potential of *creative* political intelligences.

The idea that legitimation may require some capacity for creativity is not itself new; political theorists since Rousseau have understood that more is required for legitimation than mechanistic processes of calculation and rule-application,

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or linguistically-structured communication. We can find appeals to creativity in many different texts and traditions of thought on legitimacy: the 'divine' creative authority of Rousseau's constitution-making 'lawgiver' (Rousseau, 2018); the creative forces of cultural production in romantic and nationalist political thought; the creative associational relationships of late 19th and early 20th century anarchist, syndicalist, and pluralist activist-authors; the creatively experimental inquiry in the classical pragmatist thought of Williams James (1909) and John Dewey (1938); the creative power of Weber's 'charismatic' domination (Weber, 1978); the politico-economic associationalism of Hayek's (1960) 'spontaneous order' and Popper's (2020) 'open society' liberal visions; and the creative force of collective self-constitution in Hannah Arendt (1958), and in the thinking of some later republicans and deliberative democrats. But what is missing from these theoretical reflections is any systematic analysis of how creativity might – like rationality – be treated as an ordinary feature of everyday human intelligence, which can be cultivated, harnessed, and empowered through the deliberate political interventions of legitimacy 'standards' to strengthen legitimacy in governance institutions.

Arguably, the closest we have come so far to the development of an explicit institutional agenda for creativity-driven political legitimation was in the development of 'pluralist' associational theories and practices in the first three decades of the 20th century – among the various liberal, anarchist, syndicalist, and pragmatist political theorists and activists of that period (see Macdonald and Macdonald, 2020). But these pragmatist and pluralist political movements fell out of intellectual fashion from the 1930s onwards, as realist and liberal variants of rationalist political theory rose to prominence as frameworks for understanding and steering the Great Power conflicts and institutional projects of the 20th century's middle decades. Pragmatist and pluralist insights about creative human intelligence took on a new life of their own, however, in the last century's new disciplinary fields of psychology, education, and organizational science. These fields have fostered a proliferation of research on the character, development, and social preconditions of human creativity – and the ways in which it can be fostered through well-designed institutional interventions, as an engine of social progress (see Kaufman and Sternberg, 2010).

These theoretical and empirical understandings of creativity have underpinned the development of many influential approaches to pedagogy and entrepreneurship that are now entrenched as orthodox practices within 21st century educational and business institutions. But they have not yet been re-integrated back into the theories and practices of political governance and legitimation, in connection with which they first emerged. Instead, liberal and democratic theorists over last century have focused on building sophisticated models of the legitimating functions of political reason and rationality – in its varied instrumental, moral, and communicative forms – even as the real-world legitimacy of liberal and democratic institutions has steadily declined. What is needed now, accordingly, is a new systematic effort to revive the pluralist innovations that were emerging a century ago – and to develop them with the benefit of the rich scientific understandings of creativity that have by now been established across other social-scientific fields.

This political challenge raises the practical question: what *institutional* agenda could serve to foster new legitimation processes grounded in the empowerment of creative political intelligences? Just as legitimation within a statist order is pursued through institutional standards designed to support the functioning of collective rational decision-making and action, so too must legitimation within a pluralist order develop institutional instruments designed to empower collective forms of creative intelligence. More specifically, what is required is the development of a new range of institutional standards aimed not at fostering compliance with rationally-validated rules, but rather at supporting three key functions of creative collective action: *adaptation* (to change); *innovation* (of new collective value); and *social accommodation* (across persistent social difference).

These three creative functions can be contrasted directly with the functions of rational collective action that ground statist legitimation. Whereas instrumentally rational legitimation aims at aligning institutional rules with the shared strategic interests of political agents, creative legitimation aims instead to build capacities for *adaptation* to changing patterns of aligned or divergent interest – fostering flexible political relationships and agile institutional capabilities. Whereas morally rational legitimation aims to secure compliance with some publicly-articulated moral ground-rules for global governance, creative legitimation aims instead to build capacities for normative *innovation* – such that fundamental norms can be contextually re-articulated to fit the problems and self-understandings of political collectives in each new situation. And whereas communicatively rational legitimation aims to reach consensus on

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political decisions through shared deliberative processes, creativity builds capacities for *social accommodation* of persistent disagreements – finding flexible ways to compromise or co-exist with others in the absence of full or stable consensus.

Reorienting the functional aims of political legitimation in this way may point towards a range of more concrete institutional reforms and political interventions, capable of supplementing the legitimacy delivered through the rationalist instruments of 'statist' legitimacy. First, this reorientation may support a shift in how we delineate the political *boundaries* for legitimation processes, with respect to both the scope of the jurisdiction for the exercise of governance power, and the domain of the constituencies whose political support is warranted for governance institutions that meet prescribed legitimacy standards. On rationalist models of global legitimation, these political boundaries can be described as *closed* – capturing the sharply-defined jurisdictions and stable constituencies that are constituted through rationally-grounded rules, modelled on the institutional boundaries of nation-state or cosmopolitan orders. In contrast, creative legitimation supports a paradigm of *open* political boundaries, in which both the scope of governance powers, and the domain of legitimating constituencies, are open to ongoing contestation and change.

With respect to the scope of governance powers, a commitment to creative legitimation pulls against the common idea that an institution's legitimacy standards should be derived from its organizational charters or the aims of its founders. Instead, it demands openness of institutions to (both modest and more radical) transformations of their capabilities and functions, to keep up with the changing problem-definitions of their legitimating constituencies. With respect to the domain of these constituencies, it calls for broadening the legitimation processes of powerful state and non-state institutions to access and participation by a plurality of shifting stakeholders, beyond traditional local and national constituencies of statist governance.

Second, reorienting the functional aims of political legitimation from rationalist to creative action may support a shift in how we understand and constitute legitimate global *decision-making processes,* within these more open boundaries. Familiar rationalist legitimation procedures are typically designed to harness collective rationalities through preference-aggregative or deliberative forms of *social choice*, which rely on structured procedures for decisive votes or formal agreements, of the kinds pursued through liberal international institutions. In contrast, creative legitimation aims at open-ended processes of *social empowerment*, involving more fluid and emergent collaborations – such as joint dialogues, policy experiments, or the sharing of information and technologies – which can produce valuable new commitments or capabilities for all parties even when faced with persistent disagreements about the best common course of political action.

This diffusion of political decision-making processes out of formal international institutions is associated with a greater political role for non-state actors and networks in steering the outcomes of global political collaborations – including for-profit companies and value-chain networks, and not-for-profit organisations and social movements, operating across a plurality of local and transnational levels. And this calls in turn for more systematic re-consideration of the public status and responsibility of such non-state institutional actors – which go beyond established liberal agendas of 'corporate social responsibility' and 'social accountability', to support more substantive political models of social empowerment. Such models must place at their centre a recognition of material social and economic inequalities as an obstacle to social empowerment and legitimacy, and a corresponding commitment to tackling such inequalities as a precondition for successful political legitimation.

Future challenges for legitimate global governance

The promise of this new political 'imaginary' of global order and legitimacy is a pathway to restoring strong legitimacy to political institutions at all governance levels – from the local to the global. With this comes the prospect of stronger cooperation and collective problem-solving capacity, to direct towards the many complex and rapidly-evolving challenges – across domains of health, environment, security, economy, and beyond – that confront political communities in the 21st century.

To translate this abstract vision into concrete political practices of creative legitimation, more work must be done to

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understand its potential complementarities and conflicts with the enduring ideals and practices of statist order and rationalist legitimation. In some political contexts, a commitment to creative legitimation aligns smoothly with familiar statist models of good governance and democracy – resonating strongly with recent pragmatist-inspired theoretical work on ideals of 'open' democracy, policy experimentalism or bricolage, and political entrepreneurship (Landemore, 2020). But in other contexts, there will be persistent tensions between the rationalist pressure to channel collective political action through structured public rules, and the creative imperative to bend, change, or circumvent such rigid structures. A central challenge for legitimation in the 21st century, accordingly, must be to re-think what remains of value in the 20th century's imaginary of a 'rules-based international order', and what elements of this ideal may be due for revision.

Alongside this challenge is the need to re-examine another central theme in 20th century debates on global legitimacy: the tension between 'idealist' and 'realist' approaches to institutional design and policy. Of particular importance here is the question of how creative legitimation can best understand and regulate the 'dark side of creativity' – that is, the established association of creative intelligences with dishonesty, transgression, and instability (Cropley et. al., 2010). To counteract such tendencies, the more 'idealist' theoretical treatments of creativity by older pragmatist and pluralist thinkers must be accompanied by the development of a more 'realist' analysis of the functional potentials and risks of creative legitimation – considering in particular what distinctive new accountability practices can work most effectively within the complex multi-stakeholder governance processes that will figure centrally in creative legitimation within a pluralist global order.

This pluralist vision of creative legitimation sets a large and ambitious theoretical agenda for the emerging era of post-Westphalian global order. But like the growing global legitimacy crises to which this vision responds, it has been gestating for a century or more; and now its time has come to be politically born.

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