

Rethinking liberal order: the EU and the quest for global justice

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The liberal international order (LIO) is in trouble. In this context, we may pertinently ask: what are the implications for the European Union and its ability to remain a relevant global actor? In this special section, we address this question by inquiring into both the nature of the LIO and the EU's role within it.

As a non-state actor disposing of limited means of coercion, the EU's global ambitions were facilitated by the development of the rules-based liberal international order. Now that it is faced with a world in which the liberal order is increasingly contested, the prevailing view is that the union must strengthen its capabilities and 'relearn the language of power'.¹ As the EU has to tackle hard security questions, strengthening its capabilities might make it a more efficient foreign policy actor. Against the backdrop of Russia's war against Ukraine, this is an inescapable concern. However, the contestations of the liberal order predate this war and have been communicated through a diverse set of voices whose perspectives are not all reflected by the policies of Putin's Russia. Consequently, before drawing the conclusion that the limited military means it has at its disposal is the only challenge facing the EU, we propose to revisit the reasons why the liberal order is in trouble. The point of departure is that the EU's relevance as a global actor is linked to its ability to advocate a global order which others can support. In a context where the LIO is contested, the Union might need to reconsider its approach, if it is to engage effectively with other actors in international affairs.

This introductory article presents the overarching approach and main themes of the special section. It concentrates on how to understand the challenges to the liberal order. It further reflects on whether there are valid reasons why the EU, considered by many to be a vanguard of the liberal order, should reconsider its

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¹ Josep Borrell, 'Embracing Europe's power', *Project Syndicate*, 8 Feb. 2020, <https://www.project-syndicate.org/commentary/embracing-europe-s-power-by-josep-borrell-2020-02>. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 5 September 2023.)

own preferred approach to this order. The article advances the hypothesis that the challenges are linked to a *quest for undominated relations*, which the liberal order cannot deliver.

To develop this hypothesis, the article critically analyses the normative requirements that the liberal order is meant to satisfy. Exceptions notwithstanding, scholarly analyses of the EU's global role have largely rested on the assumed acceptability of the liberal order, which is seen as linked to ideas of 'openness and rule-based relations ... enshrined in institutions such as the United Nations and norms such as multilateralism'.² Yet the neutrality and fairness of the norms underpinning the liberal order cannot be taken for granted. These norms may entail dominance and asymmetry between actors. There is no guarantee that a given political order is of a kind that those affected can accept, nor that actors have shared—or at least mutually acceptable—expectations regarding the rights and duties emanating from it. In order to find out if the EU needs to rethink its approach to liberal order, as well as to reflect on how the EU could contribute to its reconstitution as a system of undominated relations, the article therefore analyses the principled nature of the problems facing the LIO.

The article proceeds in four steps. First, it unpacks the notion of the liberal order, highlighting that it is primarily a normative concept, yet that it remains ambiguous and underspecified. Second, the article suggests that to fully account for the troubles facing the liberal order, we need a shift in perspective. Rather than debating whether the material conditions for sustaining this order are in place, we need to critically analyse the acceptability of this order. Third, the article situates the EU as both an institution within and an advocate of the liberal order, whose policies are affected by, but that may also in turn affect, the normative commitments of this order. Fourth, suggesting that the troubles that the liberal order is facing signal a need to rethink what it would mean to contribute to a 'just' global order, the article provides a sketch of three different directions that the EU's rethinking might take. Recognizing the complexity of the legitimacy challenges to the liberal order, each of these take heed of some criticisms, while emphasizing others to a more limited degree. These alternative directions also entail different advantages and disadvantages.

The subsequent contributions to the special section further analyse how these normative requirements are understood and practised by the EU. While the external legitimacy of the EU is bound up with that of the liberal order, we do not know that much about what kind of liberal order the EU actually advocates. Most importantly, its approach to global order may vary depending on the issue area. The articles examine the union's external policies on climate change, development, migration and security, thus promoting a more nuanced and comprehensive understanding of the EU's approach. The articles further examine how external actors understand the normative requirements of the liberal order, as well as how they assess the EU's role and approach to this order.

² G. John Ikenberry, 'The future of the liberal world order: internationalism after America', *Foreign Affairs* 90: 3, 2011, pp. 56–68 at p. 56.

Inquiring into the interconnections between the normative premises of the liberal order and those of the EU's foreign policy, the section contributes to filling gaps in two currently unresolved scholarly debates. The first debate pertains to the reasons for the troubles facing the liberal order, and to whether and on what basis it might be reconfigured. The second pertains to the changing role of the EU in an unpredictable, uncertain and unsettled world, which faces transnational challenges ranging from climate change via economic and social inequalities to military confrontations and terrorism.

Unpacking the notion of liberal international order

To discover how it is possible that the liberal international order is in trouble, we must first establish what the liberal order is. To do so is not as straightforward as it may seem, even though the liberal order is a term that is frequently used in political debates, as well as in the scholarly literature on International Relations.³ John Ikenberry, a leading scholar and theorist of the liberal order, defines it as 'an open, rule-based system in which states trade and cooperate to achieve mutual gains'.⁴ This definition, which constitutes the main reference for scholarly analyses of the liberal international order, is nevertheless silent on key elements. It also leaves a number of questions unanswered, as it glosses over ambiguities and tensions at both a principled and an operative level. The main challenge, however, is that normative and empirical claims are collapsed into a single conception of a 'liberal international order'.

As a normative concept, the liberal international order describes what a well-ordered international system ought to be. Finding its justification in a commitment to core liberal principles of individual freedom, private property and equality of opportunity, it alludes to John Locke's liberal principles of, life, liberty and property. The ideas and principles associated with the liberal order are reflected in international institutions and treaties, including the UN system. As it is a normative concept, we should not be surprised that it is unequally applied and only partially implemented. However, it is also presented as a descriptive

³ See, for example, G. John Ikenberry, Inderjeet Parmar and Doug Stokes, 'Ordering the world: liberal internationalism in theory and practice', *International Affairs* 94: 1, 2018, pp. 1–5, <https://doi.org/10.1093/ia/iix277>; Christian Reus-Smit and Ayşe Zarakol, 'Polymorphic justice and the crisis of international order', *International Affairs* 99: 1, 2023, pp. 1–22, <https://doi.org/10.1093/ia/iiaac232>; Marko Kornprobst and T. V. Paul, 'Globalization, deglobalization and the liberal international order', *International Affairs* 97: 5, 2021, pp. 1305–16, <https://doi.org/10.1093/ia/iiaab120>; David A. Lake, Lisa L. Martin and Thomas Risse, 'Challenges to the liberal order: reflections on international organization', *International Organization* 75: 2, 2021, pp. 225–57, <https://doi.org/10.1017/S0020818320000636>; John J. Mearsheimer, 'Bound to fail: the rise and fall of the liberal international order', *International Security* 43: 4, 2019, pp. 7–50, https://doi.org/10.1162/isec_a_00342; Constance Duncombe and Tim Dunne, 'After liberal world order', *International Affairs* 94: 1, 2018, pp. 25–42, <https://doi.org/10.1093/ia/iix234>; Beate Jahn, 'Liberal internationalism: historical trajectory and current prospects', *International Affairs* 94: 1, 2018, pp. 43–61, <https://doi.org/10.1093/ia/iix231>.

⁴ For this definition see G. John Ikenberry, 'Liberal internationalism 3.0: America and the dilemmas of liberal world order', *Perspectives on Politics* 7: 1, 2009, pp. 71–87 at p. 72, <https://doi.org/10.1017/S1537592709090112>. See also Ikenberry 'The end of liberal international order?', *International Affairs* 94: 1, 2018, pp. 7–23 at p. 12, <https://doi.org/10.1093/ia/iix241>: '... liberal internationalism offers a vision of order in which sovereign states—led by liberal democracies—cooperate for mutual gain and protection within a loosely rules-based global space'.

concept, which seeks to capture the actual organization of the mutual affairs of (primarily liberal democratic) states. Making reference to this concept creates the expectation that we should be able to easily identify its empirical manifestations. And, further, such references create expectations of a certain degree of consistency between, on the one hand, the normative principles of liberal order and the commitments they entail, and, on the other, their empirical manifestations—the actual state of affairs.

However, the empirical manifestations of the liberal order are slippery and ambiguous. It is not clear how we know the liberal order when we see it. In fact, scholars provide diverging accounts of the geographical scope of the liberal order, of which countries are part of this order, and of when the liberal order first occurred. According to Ikenberry and Daniel Deudney, it emerged after the Second World War; according to John Mearsheimer, the concept only captures the state of affairs in international politics after the end of the Cold War.⁵ Ikenberry considers that the geographical reach was expanded at the end of the Cold War period, while Amitav Acharya questions to what extent it ever really gained a foothold outside the global North.⁶ Finally, Deudney and Ikenberry suggest that the liberal order originated as a system of cooperation between western industrialized states: the United States, western European states and Japan; while Marcos Tourinho reminds us that countries of the global South, including Latin American, African and Asian post-colonial states, were co-constitutors of this order.⁷ Further, the borders or interconnections between the liberal order and the multilateral (United Nations) system are unclear. Interactions within the liberal order are assumed to take place in accordance with multilateral principles. However, if the liberal international order is primarily a western order, originally describing relations between western Europe and the US, this would exclude the organizations and treaties under the UN system, as these include almost all states. Still, as noted in the introductory section above, the UN is often mentioned as part of the liberal order.

The difficulties involved in pinning down the empirical manifestations of the liberal order are confirmed by David Lake, Lisa Martin and Thomas Risse, who have observed that ‘the [liberal international order] is not a singular thing but a dynamic order that applies more or less broadly and has evolved over time’.⁸ What is more, the concept is normatively underspecified. The liberal international order is defined as a rules-based order, yet it remains unclear what kinds of rules and norms apply within this order, as well as what kinds of rights and duties they entail and for whom. The order finds its justification in core liberal principles of individual freedom and equality of opportunity, but what specific rights

⁵ Daniel Deudney and G. John Ikenberry, ‘The nature and sources of liberal international order’, *Review of International Studies* 25: 2, 1999, pp. 179–96, <https://doi.org/10.1017/S0260210599001795>; Mearsheimer, ‘Bound to fail’.

⁶ Amitav Acharya, *The end of American world order* (Cambridge, UK: Polity, 2014) and Ikenberry, ‘The end of liberal international order?’.

⁷ Marcos Tourinho, ‘The co-constitution of order’, *International Organization* 75: 2, pp. 258–81, <https://doi.org/10.1017/S0020818320000466>; Deudney and Ikenberry, ‘The nature and sources of liberal international order’.

⁸ Lake, Martin and Risse, ‘Challenges to the liberal order’, p. 234.

and obligations do these principles entail for the constitutive features of international order? Do they, for example, demand respect for state sovereignty and the principle of non-interference? Or do they suggest that the duty to protect human rights—thus also ensuring equality of persons—should be prioritized? There is uncertainty regarding the status and meaning of the principle of sovereignty, as well as how it is related to concerns for the autonomy of the individual. The notion of the liberal order does not specify the relative status of norms regarding sovereignty and the protection of human rights, or how tensions related to concerns for universalism and particularism might be tackled. An order that puts human rights first delivers promises to individuals regardless of their national citizenship, whereas an order that puts state sovereignty first does not.

Arguably, both an emphasis on sovereignty and an emphasis on human rights could be justifiable within a liberal order, as there is no single answer to the question of how the rights of individuals, which are at the core of the liberal project, are best protected. However, in addition to the lack of clarity with regard to the *kinds* of rules and norms that apply, the *status* of the rules in this rules-based order, along with their ability to live up to the implicit aspiration of equal opportunity, is also difficult to grasp. The rules and norms do not appear to have an autonomous status. It is the United States, as an assumed benevolent hegemonic power, that ensures that the rules and institutions of the liberal world order are respected. This benevolent hegemony is considered legitimate because it is ‘penetrated’, which means that there is transparency, diffusion of power and multiple points of access to policy-making as well as consensus-based decision-making.⁹ Further considered to contribute to the legitimacy of the hegemonic order, the liberal order displays ‘co-binding security practices’, as all states are considered to be locked into common institutions that entail mutual constraints.¹⁰ These characteristics are also considered to contribute to moderating the anarchical condition of international affairs, without establishing a hierarchy.

The acceptability of the privileged position of the United States seems to rest on an expectation of the reasonableness of US policies, in combination with the US’ overwhelming capabilities. One might argue that, considering the constraints of the otherwise anarchical international system, this liberal order is the best one can hope for. And further, an additional advantage might be that its commitment to trade liberalization is expected to bring advantages for all. However, even if the liberal order were to provide ‘tangible rights and benefits’ in terms of economic security and rising living standards,¹¹ the ambiguities with regard to the status of the rules of the liberal order and the legitimacy basis of the hegemonic power undermine the order’s normative premises. To sum up: empirical and normative claims are collapsed in a single concept of the liberal order. As a descriptive concept, the liberal order aims to capture a state of affairs—the actual organization of relations between a given set of states. Yet, as it is also a normative concept, it

⁹ Deudney and Ikenberry, ‘The nature and sources of liberal international order’, pp. 184–7.

¹⁰ Deudney and Ikenberry, ‘The nature and sources of liberal international order’, pp. 182–4.

¹¹ Ikenberry, ‘The end of liberal international order?’, pp. 19–20.

claims that this state of affairs corresponds to what a well-organized international system *ought* to be.

Exceptions notwithstanding, mainstream accounts leave unexplored the possibility that the troubles facing the liberal order are linked to its normative requirements. Attributing these troubles to the changing distribution of (material) power, they take the legitimacy of the liberal order as given. The possibility is rarely considered that the normative requirements that the liberal order aims to satisfy in fact contribute to the troubles facing it.¹² Still, the normative claims of the liberal order have real-world effects: they contribute to setting the terms for political debates and to justifying and guiding policies. Thus, to understand why the liberal order is in trouble and to assess the implications for the EU's relevance as a global actor, it may not be enough to simply ascertain whether or not the empirical conditions for its sustainability are still in place. It is also necessary to consider the possibility that the troubles are caused by the normative claims of the liberal order, that is, by the understanding it conveys of what a well-organized international system ought to be, and the ways in which this understanding is put into practice. Considering such questions, and thus assessing the acceptability of the liberal order, involves principled analyses, as well as inquiries into actors' perspectives on this order. After all, the actors are the ones who sustain the order, through their actions and interactions. But first I ask: how are the troubles facing the liberal order usually understood?

Accounting for the troubles facing the liberal order

While there is a consensus on the claim that the liberal order is facing difficulties, the reasons why this is so—as well as the implications for the continued relevance of this order—are intensely debated. Realists of different sorts take the troubles as a sign of the inevitable irrelevance of the liberal order and the onset of a new age of geopolitics.¹³ To account for what they expect to be a system change, they point in particular to the shifts in the distribution of power globally, the weakening of US hegemony and the increased influence of certain emerging powers, including China.

Insights into emerging powers' perspectives on the liberal international order might confirm such an understanding of the troubles facing the order.¹⁴ In her contribution to this special section, Senem Aydın-Düzgit shows how Turkish President Recep Tayyip Erdoğan has accused the western powers of hypocrisy. The EU and the United States advocate a liberal order that is supposed to protect individual freedom and equal opportunity, yet—as Erdoğan also points out—

¹² Although, from a different perspective, see Beate Jahn, 'Liberal internationalism'; and Reus-Smit and Zarakol, 'Polymorphic injustice and the crisis of international order'.

¹³ Stephen M. Walt, 'The world wants you to think like a realist', *Foreign Policy*, 30 May 2018, <https://foreign-policy.com/2018/05/30/the-world-wants-you-to-think-like-a-realist>; Graham Allison, 'The new spheres of influence: sharing the globe with other great powers', *Foreign Affairs*, March/April 2020, <https://www.foreignaffairs.com/articles/united-states/2020-02-10/new-spheres-influence>; Mearsheimer, 'Bound to fail'.

¹⁴ Senem Aydın-Düzgit, 'Authoritarian middle powers and the liberal order: Turkey's contestation of the EU', *International Affairs* 99: 6, 2023, pp. 2319–37, <https://doi.org/10.1093/ia/iad225>.

they do not commit consistently to those principles in their own foreign policies. As Enrico Fassi, Michela Ceccorulli and Sonia Lucarelli show in their contribution to this special section, the EU's failure to live up to the standards to which it has committed itself through its advocacy for a liberal international order, has been particularly evident in its policies on migration.¹⁵ However, the contestation of western hypocrisy may be evidence of hypocrisy and double standards also on the part of the contestants themselves. As Aydın-Düzgüt argues, Erdoğan's criticisms of the EU's policies are primarily pragmatic and aimed at strengthening Turkey's own international standing, along with Erdoğan's domestic authority. Such strategic behaviour might suggest that the notion of the liberal order is, and has always been, irrelevant. Perhaps, then, it is as the realists have always argued: that in an anarchical international system, states have no option but to compete. Thus, when actors contest the liberal order, these contestations and criticisms should be seen as strategic moves triggered by concerns for power and status.

However, we do not have to accept out of hand that the liberal order was 'bound to fail' and that, as the hegemony of the United States weakens, a system change is the only logical outcome.¹⁶ Contestants such as Turkey's Erdoğan may exploit the failures of western actors to comply with the standards to which they have committed, in a strategic move to strengthen his own hand, while not being truly concerned about those same norms and standards. Yet the fact that Erdoğan appeals to the norms of the liberal order to shame the West suggests that those norms still have a certain legitimacy. After all, the political validity of a norm is derived from a shared acceptance of its claim to be obligatory. By appealing to a norm or pointing to others' failure to comply with it, an actor also publicly confirms the reasonableness of the expectation that it should be respected. If this were not the case, it would be pointless to refer to the norm in the first place. If we accept the—at least, theoretical—possibility that liberal norms retain a certain validity also in the eyes of (some of) those who contest the liberal order, the realist case for the inevitable demise of the order is weakened.

This does not necessarily confirm the liberal account, however. In fact, neither the liberals nor the realists seem to take seriously the possibility that there may be good reasons to object to the liberal order. Instead, they are concerned with whether or not the material conditions for sustaining this order are still in place. In the liberal perspective, the critiques of the liberal order are primarily understood as reflecting a manageable conflict of interest. To the liberals, the liberal international order is a victim of its own successes rather than an inevitable failure. Ikenberry has for example linked the crisis and troubles of the liberal order to the transformations in geopolitics at the end of the Cold War, and to the ensuing expansion of the liberal order beyond the western sphere: 'The seeds of crisis were planted at this moment of triumph.'¹⁷ After the collapse of the Soviet Union, the bargains that western states had made among themselves were unsettled and,

¹⁵ Enrico Fassi, Michela Ceccorulli and Sonia Lucarelli, 'An illiberal power? EU bordering practices and the liberal world order', *International Affairs* 99: 6, 2023, pp. 2261–79, <https://doi.org/10.1093/ia/iad228>.

¹⁶ Mearsheimer, 'Bound to fail'.

¹⁷ Ikenberry, 'The end of liberal international order?', p. 18.

due to the subsequent (relative) weakening of its power, the United States could no longer rule alone. A new bargain has become necessary, but has not yet been established. Hence the troubles.

If a new bargain is the solution, the problem would be one of satisfying the parties' material interests. Such an understanding may not fully capture the challenges facing the LIO. To be sure, such conflicts of interests are an important part of the reasons why the liberal order is contested. However, contestants also point out that the liberal order is structurally biased in favour of the global North. They highlight mechanisms of exclusion and racism, as well as the unrecompensed costs of colonialism and imperialism.¹⁸ They point to the lack of voice for many of those affected by the policies of the liberal order.¹⁹ These are principled concerns, which suggest that the challenges facing the liberal order are more complex than what is conveyed in the liberal analysis. They suggest that the troubles facing the liberal order do not only concern the pay-offs, or lack of such, from the liberal order, but that they also concern the normative requirements that this order is supposed to satisfy.

The liberal order proclaims certain normative ideals, whose validity is presupposed rather than agreed upon through the input of those affected by it. And, if one expects a new bargain can resolve the challenges facing the liberal order, one must presuppose that the order is valid and legitimate. However, the contestations of the liberal order might highlight the problem that its principles, which for some are self-evidently valid, may sound foreign and wrong to others. Even principles that may be correct according to rational reason may encounter objections if parties have not been involved in their adoption. Hence, there may be something wrong with the liberal international order itself. Contestations might be read as critiques of the biases of a particular form of liberalism that gives priority to pre-political rights. They may be evidence of actors supporting a different understanding of rights than the one presented in the liberal perspective. They may be due to the limitations of a negative concept of freedom, which, while it protects rights, assumes these as given and does not prioritize actors' participation in defining those rights.

Contestations may also arise from objections to the seemingly inextricable link between liberalism and a free market economy in the conception of the liberal international order. The liberal international order has a substantive purpose. Market liberalism, premised on private property, is seen as a core feature of the liberal order. However, it is a contested concept, and there is no procedure for

¹⁸ Zoltán I. Búzás, 'Racism and antiracism in the liberal international order', *International Organization* 75: 2, 2021, pp. 440–63, <https://doi.org/10.1017/S0020818320000521>; Tourinho, 'The co-constitution of order'; Amitav Acharya, 'Race and racism in the founding of the modern world order', *International Affairs* 98: 1, 2022, pp. 23–43, <https://doi.org/10.1093/ia/iiaab198>.

¹⁹ Adekeye Adebajo 'The shadows of empire: African perceptions of Europe and the EU', in Christopher Hill, Michael Smith and Sophie Vanhoonacker, eds, *International Relations and the European Union* (Oxford: Oxford University Press, 2023), pp. 259–80; Thorsten Wojczewski, 'India's vision of world order: multi-alignment, exceptionalism and peaceful co-existence', *Global Affairs* 3: 2, 2017, pp. 111–23; Rebecca Adler-Nissen and Ayşe Zarakol, 'Struggles for recognition: the liberal international order and the merger of its discontents', *International Organization* 75: 2, 2021, pp. 611–34, <https://doi.org/10.1017/S0020818320000454>.

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ensuring agreement on this purpose. It is merely assumed that this purpose will be beneficial to all.

How can we take such contestations and criticisms of the liberal order seriously, and examine their relevance for understanding the troubles of the liberal order, rather than setting them aside by seeing them merely as pretexts for what are ‘really’ conflicts of interest or attempts to grab power? And on what basis, if any, might a reconstitution of the liberal order be developed, while taking into account such critiques?

A shift in perspective

Constructivists have documented that norms matter in international affairs.²⁰ Yet, they have primarily been concerned with the stabilizing effects of norms—how norms are the glue that holds societies together. Constructivist accounts have not been particularly concerned with analysing why norms are contested. In determining this, one might return to the liberal approach, which suggests it is primarily due to conflicts of interest. However, one might also shift to a perspective that would consider that actors may contest a norm not only if it hinders the realization of their interests, but also if they do not find that the norm has a convincing justification, or if no justification is presented. In such a perspective, norms are seen to have ‘a grip on the mind’²¹ not just because of the strong emotions their violations can trigger, but also because of their worthiness of recognition. Norms have both reality and autonomy. They are necessary for figuring out the right thing to do, and are thus not reducible to utility calculations. Such a shift in perspective enables a hypothesis of why the liberal order is contested that goes beyond the ones provided by both realists and liberals. Such a shift rests on an extension of actor rationality to encompass not only the ability to calculate the costs and benefits of a specific course of action, but also the ability to assess the reasonableness of different norms, as well as to determine the extent to which their justifications are consistent with a specific normative logic.²² Rational actors are considered able to reflect on what kinds of rights and obligations they have, and to act upon reasonable reasons.²³ Such reflection may contribute to determining a course of action—in this case, bringing actors to challenge the liberal international order.

Drawing on such a discourse-theoretical perspective, it is possible to develop a theoretical account of contestations of the liberal order as expressions of protest or disappointment with an order which is made up of norms that may be valid and

²⁰ Martha Finnemore and Kathryn Sikkink, ‘Taking stock: the constructivist research program in International Relations and comparative politics’, *Annual Review of Political Science* 4: 1, 2001, pp. 391–416, <https://doi.org/10.1146/annurev.polisci.4.1.391>.

²¹ Jon Elster, *The cement of society: a survey of social order* (Cambridge, UK: Cambridge University Press, 1989), p. 100.

²² Jürgen Habermas, *The theory of communicative action*, vol. 1 (Boston, MA: Beacon, 1984; first publ. in German 1981), p. 17–18.

²³ Erik Oddvar Eriksen, ‘Getting to agreement: mechanisms of deliberative decision-making’, *International Theory* 10: 3, 2018, pp. 374–408, <https://doi.org/10.1017/S175297191800009X>.

attractive but that are also inconsistent and in conflict. Rather than automatically treating demands for voice, recognition and status as pretexts for the promotion of self-interest, this perspective then allows for a hypothesis that such claims reflect a quest for undominated relations. Dominance is what people experience when they are subjected to the arbitrary interference of others. It stands in contrast to the principle of equal freedom for all, which is a basic principle of justice.

Such a hypothesis does not rule out the notion that contestations can also be due to desires for power for its own sake, or to conflicting interests. To be sure, Viacheslav Morozov's analysis of Russia's policies certainly confirms that this is part of the picture.²⁴ However, unless we also consider an alternative understanding, we cannot know if material interests and power are the only factors behind the troubles that the liberal order is facing. Contestation might also reflect an expectation that the liberal order should deliver on the principle of equal freedom for all, which is the standard that this order has committed to. As the EU is often considered a vanguard of the liberal order, it is pertinent to ask what such a hypothesis would imply for the union's global role.

The European Union to the rescue of the liberal international order?

With its overarching ambition of binding its member states together through common laws and institutions, its emphasis on market liberalization and economic integration as a tool for political integration, and its self-identification as a union of liberal, constitutional democratic states, many see the EU as a vanguard of a certain kind of liberal international order. In their endeavour to establish common institutions after the end of the Second World War, European states benefited from the close involvement and support of the United States. Fostering integration in Europe through economic means was a clearly stated ambition for US authorities. It testifies to the fact that European integration was not an exclusively regional phenomenon, but part of a general move towards closer institutionalization of international relations in the western bloc.²⁵ It also highlights how the legitimacy of the EU is bound up with that of the LIO.

However, within the idea of Europe there was also an ambition to establish a European polity in its own right. The consolidation and extensions of the liberal international order at the end of the Cold War facilitated the realization of this ambition. Under the protective umbrella of the liberal order, the norms and principles of which were seen to also reflect those of the union, the latter developed a considerable international presence across policy fields ranging from climate to trade and development.²⁶ As the union did not dispose of military means, its

²⁴ Viacheslav Morozov, 'Russia and the liberal order: from contestation to antagonism', *International Affairs* 99: 6, 2023, pp. 2301–18, <https://doi.org/10.1093/ia/iiaad229>.

²⁵ A. W. DePorte, *Europe between the superpowers: the enduring balance* (New Haven, CT: Yale University Press, 1979).

²⁶ Thomas Diez and Franziskus von Lucke, 'Global justice and EU climate policy in a contested liberal international order', *International Affairs* 99: 6, 2023, pp. 2221–39, <https://doi.org/10.1093/ia/iiaad231>; Fassi, Ceccorulli and Lucarelli, 'An illiberal power?'; Johanne Døhlie Saltnes, 'Ambiguities in the EU's rights-based approach to liberal order', *International Affairs* 99: 6, 2023, pp. 2241–59, <https://doi.org/10.1093/ia/iiaad227>; and Pol Bargaúes,

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trademark in foreign policy was commonly seen as that of a normative or civilian power.²⁷ In this capacity it has also contributed to shape and reshape the core features and normative structures of global order. As great power competition has returned, and support for the liberal norms that the EU advocates seem to be in retreat, the argument that it needs to equip itself with the means to defend its interests and values is frequently promoted. As argued by Pol Bargués, Jonathan Joseph and Ana Juncos in this special section, the EU's approach has already changed in that it has given up its ideals of resilience-building and democracy promotion in favour of managing crises and building security closer to home.²⁸ However, if the troubles faced by the liberal order are due to a quest of undominated relations, a one-sided focus on strengthening capabilities and assertively protecting the status quo may not be sufficient for the union to engage effectively with other global actors. It might strengthen the Union's hand in a search for a new bargain. However, it is difficult to bargain over the concerns regarding the legitimacy of the liberal order. A bargain might mitigate the failure of the LIO to deliver on the promise that market liberalism would bring tangible benefits such as rising living standards and increased wealth for all parties,²⁹ although there is never a guarantee against some profiting more than others. However, the intrinsic legitimacy of an order refers to which norms or principles reasonable actors can accept, not to which economic gains can 'buy' support.

If the EU were to rethink its approach to global order, bearing in mind the hypothesis of a quest for undominated relations as a reason for contestations, what direction(s) might this take? The liberal order is an order that claims to bind strong and weak powers equally. As its multilateral institutions, in principle, entail a commitment to reciprocal obligations, the liberal order can be seen to hold out the promise of the establishment of a more just world order. If it is considered to be failing on this promise, what is required is a reflection on how the EU could contribute to reconstitute the liberal order as a system of undominated relations.

The answer to this question is not straightforward, as such a quest may imply different things to different actors, and may consequently be addressed in several different ways.

Three pathways to a reconfiguration of (liberal) international order

Most often, justice is thought of as a question of the fair distribution of goods and resources. However, distributive justice does not solve the problem of dominance, which we have suggested is a concern among some of those that contest the liberal order. A more just distribution of goods may be accomplished by the benevolent acts of a hegemon. We must therefore turn to conceptions

Jonathan Joseph and Ana E. Juncos, 'Rescuing the liberal international order: crisis, resilience and EU security policy', *International Affairs* 99: 6, 2023, pp. 2281–99, <https://doi.org/10.1093/ia/iaad222>.

²⁷ Ian Manners, 'Normative power Europe: a contradiction in terms?', *Journal of Common Market Studies* 40: 2, 2002, pp. 235–58, <https://doi.org/10.1111/1468-5965.00353>; Richard Whitman, ed., *Normative power Europe: empirical and theoretical perspectives* (Basingstoke: Palgrave Macmillan, 2011).

²⁸ Bargués, Joseph and Juncos, 'Rescuing the liberal international order'.

²⁹ Ikenberry 'The end of liberal international order', p. 19.

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of *political* justice in order to reflect on, clarify and disentangle different ways in which a quest for undominated relations may be understood, as well as which challenges and dilemmas are involved in responding to such a quest.³⁰ Political justice concerns itself with how to decide on the distribution of goods. The focus is on the underlying structures of power within the global system, as well as on the procedures through which problems might be settled, and on who might act to do so. While not denying the problem posed by economic and social inequalities, the question, from a perspective of political justice, is not only who gets what, but *how to decide* on who gets what. Within such a perspective, the equal freedom of all is considered a matter of whether people are subjected to the whims of others. The challenge, however, is that since there is no single right answer to the question of what justice is, nor, then, is there one single recipe for how to address problems of dominance. Different paths for doing so would prioritize some dimensions of justice, or problems of dominance, while paying less attention to others. They would thus all come with added advantages and disadvantages.

Justice as non-domination One way of responding to demands for undominated relations would be to reconstitute the liberal order, focusing specifically on the status of states. This approach, which would draw on a perspective of *justice as non-domination*, would take the current system of states as its starting-point. The justification for this approach would be that the state is the institutional form best equipped to ensure that people are safe from arbitrary interference.³¹ As the rights and obligations of citizens then stem from their membership in a state, this approach provides a rather weak basis for claims of justice beyond the state; however, it would imply an obligation to respect the integrity and sovereignty of other states. To respond to a quest for undominated relations, the main concern would be to ensure a liberal order enabling states to fulfil their obligations with respect to their own citizens' safety from arbitrary interference. In this conception, adequate solutions to problems of global justice may only be found if all states are able to have their say on an equal basis. It is thus an approach that would address the concern for voice—albeit only the voice of states.

If the EU's approach to reconstituting the liberal order were to be guided by the concerns involved in this understanding, it would consider its obligations to be limited to states. In addition, the EU would focus on ensuring that the right of states to equal treatment was respected. In security policy and conflict resolution, for example, the primary concern would be to uphold the prohibition against intervention into the territories of sovereign states. An emphasis on the principles

³⁰ The three conceptions of justice elaborated here are based on Erik O. Eriksen, *Three conceptions of global political justice*, GLOBUS Research Papers 1/2016, 2016, <https://www.duo.uio.no/handle/10852/55580>. This section also draws on Helene Sjørusen, 'The European Union and global political justice', in Didier Bigo et al., eds, *Handbook of critical European studies* (Abingdon: Routledge, 2020), pp. 125–38.

³¹ Philip Pettit, 'The republican law of people: a restatement', in Barbara Buckinx, Jonathan Trejo-Mathys and Timothy Waligore, eds, *Domination and global political justice: conceptual, historical and institutional perspectives* (New York and Abingdon: Routledge, 2019), pp. 37–70; John Rawls, *The law of the peoples* (Cambridge, MA: Harvard University Press, 1999).

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of sovereignty and non-intervention should not, then, be equated with a realist approach to international affairs. As Michael Doyle has shown, non-intervention is only a valuable instrument in the eyes of realist theory to the extent that it is 'useful from a national point of view'.³²

Scholars who would be considered representative of this strand within theories of justice tend to rely on a relatively thin conception of liberty, where the main concern is to establish mechanisms that prevent arbitrary interference. The obligations to actors beyond their own borders would be limited to the avoidance of harming others. To assist others would be an act of charity rather than a duty.

Justice as impartiality An alternative approach to how to respond to the call for undominated relations would be to seek to establish a liberal order with more robust institutions. In such an approach, which would rest on a conception of *justice as impartiality*, the assumption would be that the state does not necessarily represent the institutional arrangement that is best equipped to ensure that people are safe from arbitrary interference.³³ It is indeed difficult, even impossible, for one state alone to uphold the conditions required to ensure the autonomy of its citizens in a context of global interdependence. In the conception of justice as impartiality, justice does not only require that people are safe from non-arbitrary interference: people's standing and status must be ensured, and this requires that they are in possession of a series of universal rights.

In this conception, which is akin to a cosmopolitan perspective, justice is a context-transcending principle. There is an emphasis on the need for a neutral standard for dealing with colliding interests, values and norms. We may thus infer that demands for stronger institutions and laws beyond the state would be considered acceptable and even necessary to ensure a just ordering of relations. To respond to demands for undominated relations, this perspective would call for a strengthening of the role of law as a means to regulate relations between states and to ensure that the rights of people are also respected. Further, from this perspective, one would expect efforts to build global institutions with the right to sanction non-compliance (with collective decisions). If the EU were to adopt such an approach, one would expect it to work towards a liberal order that established universally binding commitments protecting the rights of states and people, through institutions similar to, for example, the International Criminal Court. On the other hand, non-binding agreements, such as the commitments contained in the Global Compact for Migration, are what one might expect if the liberal order were to be reconstituted on the basis of a conception of justice as non-domination.

The conception of justice as impartiality should then in principle be better suited to tackling the problem of hegemony, as it would be possible to sanction

³² Michael Doyle, *Ways of war and peace: realism, liberalism, and socialism* (New York: W. W. Norton & Co., 1997), p. 392.

³³ Rainer Forst, 'Transnational justice and non-domination: a discourse-theoretical approach', in Buckinx, Trejo-Mathys and Waligore, eds, *Domination and global political justice*, pp. 88–110; Eriksen, *Three conceptions of global political justice*.

all actors if the law were breached. However, analysts have linked the rising contestation of the liberal order to the version of liberal order that has picked up some of the traits of the conception of justice as impartiality. Tanja Börzel and Michael Zürn have suggested a shift in such a direction brings forth concerns of 'liberal intrusiveness', of interference in the domestic affairs of states. They see the increased contestations of liberal order as being linked to such an approach to global order.³⁴ Emerging powers, such as India and South Africa, have been deeply sceptical about institutionalizing human rights at the international level. They see it as leading to undue interference in their domestic affairs. The proclamation of certain rights as universally valid and equally applicable across all states also brings criticism of a lack of sensitivity to the different contexts in which rights should be institutionalized.

Reconstituting the liberal order on the basis of a conception of justice as non-domination might enable the EU to respond to the concerns of several contestants and address a number of principled concerns related to domination. A reconstitution of the liberal order in line with such a conception of justice would require that the EU backtrack on commitments to give human rights the same status as the rights of states at the international level. The responsibility for providing justice for individuals and the protection of human rights would be one that states should bear individually, within their own jurisdictions. Further, in a liberal order justified with reference to a conception of justice as non-domination, states would have the right to self-defence. A breach of the principle of sovereignty as exemplified by Russia's war against Ukraine would be sanctionable, as it is a breach of international law. However, there would be few institutional provisions at the international level to actually help deter such aggression. As Diez and von Lucke discuss in their contribution to this special section, it would also be difficult to justify calls for binding commitments to resolve global challenges, such as climate change, in a liberal order based on a conception of justice as non-domination.³⁵

Exceptions notwithstanding, scholars studying the union as a foreign policy actor often assume that its foreign policy reflects the core concerns of a conception of justice as impartiality.³⁶ An emphasis on human rights is seen to stand out as a core feature of the EU's external policies, and has even been considered the defining factor and primary objective of those policies.³⁷ The constitutive documents of the EU specify its normative ideals as those of the rights of the human person, democracy and the rule of law. As these constitutive documents also bind EU foreign policy, they are usually seen as suggesting that the union has a duty to prioritize the rights of individuals in its external policies. The EU's actual and consistent commitment to those principles cannot be taken for granted,

³⁴ Tanja A. Börzel and Michael Zürn, 'Contestations of the liberal international order: from liberal multilateralism to postnational liberalism', *International Organization* 75: 2, 2021, pp. 282–305, <https://doi.org/10.1017/S0020818320000570>.

³⁵ Diez and von Lucke, 'Global justice and EU climate policy in a contested liberal international order'.

³⁶ For an elaboration, see Sjørusen, 'The European Union and global political justice'.

³⁷ Robert Kissack, 'The EU and human-rights promotion', in Knud Erik Jørgensen et al., eds, *The SAGE handbook of European foreign policy* (Los Angeles, CA: Sage, 2015), pp. 822–36.

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though. Its policies display double standards, and this is a driver of contestation. Rethinking its approach to global order in the direction of a conception of global justice as impartiality would probably then require the EU to retain and reinforce its policies, to ensure a robust protection of human rights at the global level as well as its efforts to bolster international cooperation through binding agreements.

A reconstitution of liberal order to align with a conception of justice as impartiality raises principled concerns which suggest that this conception, too, falls short in other ways, while it tackles some problems, such as the risk of hegemony. The conception of justice as impartiality is often criticized for being too imprecise. While it rests on certain supposedly universal principles, there are few guidelines on how they should be applied in order to be relevant in a specific context. Trust is put in the idea of a neutral arbiter, who should ensure that parties are treated equally. However, the reliance on the notion of the neutral arbiter raises the problem of authorization: by what right can this supposedly neutral arbiter claim to speak on behalf of all and ensure that solutions are acceptable to all affected?

The principled objection to the conception of justice as impartiality points to a need for a global order that enables participation. The objection echoes the quest for voice, which is often heard by contestants of the liberal order. In the conception of justice as impartiality, individuals are attributed with rights. However, there is limited concern for ensuring that people can take part in defining what those rights should be. It is thus an approach to justice which carries its own risks of arbitrariness and dominance. It does not ensure that there are procedures in place that allow actors to participate in defining what rights should be protected and defended.

If the EU were to advocate an approach to liberal order that would rest on such a perspective, it would also face an additional challenge. The EU's identity is built on the notion that it represents a radical break with Europe's past of war and nationalism. As a global actor, the union also somehow sees itself as unburdened by the colonial past of its member states. As a novel polity, with its own identity which is different from those of individual member states, it somehow also considers itself to have a different kind of legitimacy basis. However, this European self-understanding does not correspond to how the union is seen by other states.³⁸ The EU cannot escape the lingering past of its member states.

Justice as mutual recognition However, rather than falling back on an approach to liberal order that is inspired by an understanding of justice as non-domination, a third approach is conceivable and might also better respond to the concerns for participation. In this third understanding, there would be a shift to a liberal order that would recognize that peoples' particular experiences, different histories and unequal access to resources should be taken into consideration. Even if the problems actors face are of a similar kind, the same solution may not be suitable for everyone, nor in all contexts. Such an understanding of the liberal order would draw on a conception of *justice as mutual recognition*, where

³⁸ For a more elaborate discussion on this matter see Nora Fisher Onar and Kalypto Nicolaidis, 'The decentring agenda: Europe as a post-colonial power', *Cooperation and Conflict* 48: 2, 2013, pp. 283–303, <https://doi.org/10.1177/0010836713485384>.

the assumption is that, in order to be just, it is sometimes necessary to treat people differently.³⁹ Within such an approach, there is an acknowledgement that while moral norms may be right according to universalist reason, they may be mistaken and can collide or be counterproductive in a particular context. Rights require justification with regard to concrete interests and values. As Eriksen notes: 'Rights ... are inter-subjective entities which entail recognition of reciprocity and depend on successful processes of socialisation and individuation.'⁴⁰ In this perspective, then, justice is an intersubjective category, and the notion of justice as mutual recognition is based on reciprocal justification.

If the EU were to rethink its approach to liberal order in line with this understanding, it would need to strengthen its attention to difference and acknowledge the need to take into account the diverse histories, cultures and experiences of both state and non-state actors across the globe when negotiating international agreements. It would need to acknowledge the difficulties and risks involved in assuming that 'one size fits all', and emphasize the importance of participation in order to ensure ownership. The quest for ownership reflects a legitimate demand, yet the challenge is to ensure actual influence and not only formal rights of participation. And while the need for recognition has become a major concern in studies of the liberal order as well in international relations more generally,⁴¹ the notion of mutual recognition is different in that it requires an exchange between actors rather than a mere acknowledgement of different identities.

To pursue such an approach, the EU would need to search for flexible institutional solutions that could be adaptable to particular contexts and issues. On the basis of this understanding, one might, for example, expect that the union would support the development of global institutions that would ensure that civil society representatives had real influence. As also suggested by Johanne Døhlie Saltnes' contribution to this special section, this way of approaching the quest for non-dominating relations within the liberal order would take heed of the call for voice as well as the concern that neither the liberal international order nor the EU, as a 'vanguard' of that order, addresses the demands for participation and ownership that present themselves as the core objections to the liberal order.⁴² But this approach also comes with challenges: it might be difficult to determine when special treatment is acceptable and when it is not, as well as to know how much one should listen, and where the line should be drawn between recognizing difference on the one hand and safeguarding the core principle of the autonomy of the individual on the other.

³⁹ Iris Marion Young, *Justice and the politics of difference* (Princeton: Princeton University Press, 1990); Axel Honneth, 'The other of justice: Habermas and the ethical challenge of postmodernism', in Stephen K. White, ed., *The Cambridge companion to Habermas* (Cambridge, UK: Cambridge University Press, publ. online in 2006), pp. 289–324.

⁴⁰ Eriksen, *Three conceptions of global political justice*, p. 20.

⁴¹ Reus-Smit and Zarakol, 'Polymorphic justice and the crisis of international order'.

⁴² Saltnes, 'Ambiguities in the EU's rights-based approach to liberal order'.

Conclusion

In this special section we inquire into the implications of the troubles facing the liberal order for the EU's ability to remain a relevant global actor. Some see the contestations of the liberal order as a signal of its inevitable failure, while others consider them to be evidence merely of a manageable conflict of interest. Although they disagree on the significance of contestations, advocates of these two perspectives converge in the assumption that the troubles are caused primarily by material factors, and by the shifts in distributions of power between the global North and the global South. It is against the backdrop of these two perspectives that we may understand the concern that the Union must strengthen its capabilities and learn the language of power.

This introductory article has suggested that the contestations that the LIO is faced with might present the union with a more complex set of challenges. The argument made concurs with existing research, which highlights the fragility of the liberal order. However, it takes the analysis on this fragility further, by advancing the hypothesis that the difficulties facing the liberal order are generated by the a quest for undominated relations. To develop this hypothesis, the article has made a twofold move beyond the existing literature. First, the article has suggested that we should consider the liberal order not merely as a descriptive, but also—and primarily—as a normative concept. The liberal order makes a claim as to what a well-ordered international system *ought* to be. Scholarly analyses of the troubles of the liberal order tend to bypass this normative claim and discuss instead the empirical conditions for its sustainability. The article suggests that we must consider the potentially disruptive effects of the normative claim of the liberal order. Second, the article suggests that in order to grasp how the normative claims emanating from the notion of a liberal order may be linked to the troubles that the LIO is faced with, we need a shift in theoretical perspective. Here, the proposition made was to draw on insights from discourse theory, which allows us to understand not only how norms matter but how their violation may trigger frustration, as well as contestation.

The hypothesis, which links the difficulties facing the LIO to a quest for undominated relations, is not intended to replace the perspective that some actors may contest or reject liberal order due to concerns around the possession of power for its own sake. The hypothesis suggests, instead, that to fully grasp the challenges facing the LIO, such a perspective is insufficient. The normatively driven contestations could be linked to frustrated expectations of consistency in the realizations of the normative commitments of the liberal order. They could also be linked to tensions, ambiguities and contradictions within the concept itself, or to the failure to ensure participation of relevant actors in defining its core principles. In both cases, however, as the EU's external legitimacy is bound up with that of the liberal order, a core challenge for the EU would be to reconsider its approach to this order so as to engage effectively with other global actors. In line with this understanding, the article has highlighted three different conceptions of global political justice,

which point to three different pathways to reconstitute the LIO as a system of undominated relations. Each pathway would prioritize different dimensions to justice and thus entail different dilemmas, pitfalls and challenges for the European Union, and further research would be required in order to adequately assess the strengths and weaknesses of each of them.

However, while the general assumption in the literature on the EU's foreign policy is that the union is deeply committed to the liberal order, we do not know that much about what *kind* of liberal order the EU actually favours. Nor do we know much of how other relevant actors understand the union's approach to liberal order. Finally, we know relatively little about the institutional and normative implications of different pathways to a reconfiguration of liberal order.

Through analyses of the union's approach to liberal order in different issue areas, as well as of the perspectives of non-EU states, the contributions to this special section provide new insights into how the union conceives of its duties to others within the issue areas of climate change, development, migration and security. They identify dilemmas and concerns which might arise from a reconfiguration of the union's approach in line with either of the three above pathways. Diez and von Lucke analyse the dilemmas that arise for the EU with regard to its contribution to the development of a global climate regime in a world that is becoming increasingly pluralist, while at the same time facing challenges that can only be solved collectively. The article by Saltnes addresses the ambiguities in the union's approach to a rights-based liberal order through an analysis of its policies on human rights. Fassi, Ceccorulli and Lucarelli assess the changes to the EU's approach to liberal order through an analysis of its bordering practices. And finally, Bargaúes, Joseph and Juncos analyse the EU's approach to liberal order in the issue area of security, focusing in particular on the concept of resilience. This first set of articles address the ways in which the European Union understands and practices its commitment to liberal order in a series of different issue areas. They point to ambiguities and tensions but also to changes in the EU's approach, in the context of increased contestation. However, in order to adequately understand the implications of the crisis for the EU, it is necessary to know what is at stake for other actors—how they understand the normative requirements of liberal order, as well as the union's role within it. The subsequent two articles in the section analyse the perspectives of countries that are often described as contestants of the liberal order—Turkey and Russia. While the analyses of these two countries' perspectives cannot provide a comprehensive view of the reasons why actors contest the liberal order, they serve as examples of the variety and complexity of the troubles facing the liberal order. Morozov suggests that Russia's contestation of international order has escalated into an antagonism, which is damaging to democracy worldwide. And Aydın-Düzgít, conceiving of Turkey as a middle power, links Turkey's contestation of the EU and its approach to liberal order to concerns for regime security.