Anyone who aspires to study politics in a scientific way should observe the imperative of realism. For what use would a scientific analysis be that was open to the reproach of being unrealistic? But what exactly does “unrealistic” mean here: idealistic, utopian, quixotic, ideological? These concepts are very vague. A scientific treatment of politics requires a more specific vocabulary. According to a classical view, what sets political realism apart is the emphasis it places on the role of power and the power interests of individuals and collectives as opposed to moral norms. “Moralism” would then be the contrasting concept to realism and would imply not only that one allows one’s moral judgments to shape the scientific study, but also, and especially, that one overestimates the power of morality and believes that politics conforms to morality or that it is even something like “applied ethics.” However, as the realist knows, politics follows its own laws.

This problem of the opposition between a “world of interests” of power and a “world of norms” of morality has too many facets to be dealt with exhaustively here. I regard it as misleading, however, because neither interests nor power, neither morality nor norms, can be understood in this way. Such a conception of realism leads away from reality, and the idealism that situates norms in a Platonic Hinterwelt, to use Nietzsche’s polemical expression, is merely the undialectical mirror image of this conception. If we fail to understand how norms and interests intermesh to generate and reproduce power, we are condemned to failure in political science.
There have been many recent attempts to challenge realism in political science. For example, there has been an extensive theoretical debate in international relations over the status of the justification dimension of norms that guide institutions and individual actions in ways informed by values (see generally Niesen and Herborth 2007). Here, too, much depends on not artificially separating the concept of norms from the concept of interests. Norms are as much congealed reasons as expressions of clusters of interests, and interests in turn take shape around reasons of the most diverse kinds. An interest is not a raw datum. The important point is to understand systems of actions and institutions as orders of justification in such a way that the quality, complexity, and potential inconsistency of the different justifications on which they are based become visible (see Forst and Günther 2011).

But not just different forms of constructivism have posed an important challenge to diverse “realisms”; in works such as those of Bill Scheuerman’s, for example, a revisionist interpretation of realism itself has emerged (Scheuerman 2011). According to Scheuerman, “progressive realists” such as Morgenthau and Niebuhr were not only moral cosmopolitans, but also argued for the establishment of strong supranational political and legal structures. Here I do not want to take a stance on this thesis, but only to note that realism is obviously a normative position that claims for itself a Weberian ethics of responsibility. From an analysis of “reality” alone—even assuming such a thing were possible—no guidelines for action follow, not even for prudent “statesmen.” I will return to the figure of the statesman as it features in realists like Morgenthau. After all, realism is often considered to be an instrument of prudent statecraft.

Whereas in major fields of research of political science, such as international relations, we encounter a variety of critiques of the classical image of realism, in political philosophy, by contrast, there is a superabundance of literature by those claiming to be “realists.” This reflects a general dissatisfaction with “ideal” theories of justice, such as those of John Rawls. Those who have Hegel’s dictum about the empty and
abstract “ought” ringing in their ears will be well acquainted with these tones.

However, Rawls himself initiated a realist turn. It is no accident that he developed the idea of a “realistic utopian” theory in *The Law of Peoples*, which deals with questions raised by the international system (Rawls 1999, 1–23). The theory in question is utopian insofar as it delineates a normatively justified world in which liberal and well-ordered peoples treat each other fairly, but it is realistic in rejecting the assumption that the relevant rules of fairness can stem from the self-understanding of liberal societies. This is an important theoretical orientation, because now liberal theory can no longer aim at a comprehensive program of justification; rather, it leads at best to the principles of the “foreign policy” (Rawls 1999, 10) of liberal societies—here the idea of the “statesman” also sets the tone. This kind of realism states that we—in accordance with the “fact of pluralism” of different societies and cultures—have to reckon with different perspectives that we cannot entirely comprehend. This is an important aspect of contemporary versions of normative realism—namely, the idea of cultural difference.

In the recent work of Charles Beitz (2009) and Joseph Raz (2010), to name just these two as representative of many others, we encounter another aspect of realistic political theory, namely that of immanence to practice. If we want to understand the idea of human rights, according to Beitz, then we must not adhere to an abstract model, but instead adopt a practical and functionalist approach that reconstructs the role played by human rights in an international normative order. This approach has also been adopted in recent debates on global justice, if one thinks, for example, of the idea of a “practice-based” theory formulated by Andrea Sangiovanni (2008, 137–64; for a critique, see Forst 2013b, 41–59).

Finally, in contemporary philosophical discussion there is still a third source of realism in addition to the emphasis on cultural difference and on the autonomy of political and legal practices. It is nourished by impulses from a Nietzschean critique of morality and insists
on the categorical difference between *morality* and *politics*. This is an old topic in political theory, if one thinks back to Thrasymachus, though also to such classical theories of power as that of Machiavelli. In recent political theory it has led to demarcations that defend the autonomy of politics against (so to speak) colonizing claims of morality or justice. Examples that spring to mind are such original and different approaches as those of Hannah Arendt and Sheldon Wolin, but also those of Michael Walzer and Herfried Münkler. One might also think in this connection of Chantal Mouffe and other poststructuralists.

In the version we find in Bernard Williams, realist political theory asserts that the question of order is the first question of politics (Williams 2005). A political mode of social coexistence is one among beings who cannot agree on any shared system of morality or justice; the most that can be aspired to is a generally acceptable and legitimate order. According to Raymond Geuss, realist political philosophy should not be based on an assumption of idealized rational beings. Instead, it should proceed from historically situated and concrete “real motivations” within a game of interests and power that cannot be transcended in the direction of an “ideal theory” (Geuss 2008).

**IT IS NOW TIME TO EXPLAIN—BRIEFLY—WHY I REJECT ALL OF THESE REALISMS AS UNREALISTIC; AND WITH THIS I AM ALREADY IN THE MIDDLE OF THE THEME “TRANSNATIONAL JUSTICE AND DEMOCRACY.”**

**ON RAWLS: WHO WOULD DISPUTE, GIVEN THE MANY WELL-FOUNDED CRITICISMS OF WESTERN ETHNOCENTRISM AS THE CONTINUATION OF COLONIALISM WITH THEORETICAL MEANS, THAT THE CULTURAL IDEA OF DIFFERENCE IS OF MAJOR IMPORTANCE? IT IS ONE OF RAWLS’S MERITS TO HAVE POINTED THIS OUT. BUT HIS THEORY LOSES SIGHT OF REALITY THE MOMENT IT MAKES “PEOPLES” INTO NORMATIVE ENTITIES THAT FORM SOCIOCULTURAL, ALMOST PERSONALIZED UNITS THAT COULD AGREE ON PRINCIPLES OF INTERNATIONAL COOPERATION. IN THE PROCESS, IT LOSES SIGHT OF WHAT IS PRIMARILY AT STAKE IN QUESTIONS OF TRANSNATIONAL JUSTICE—NAMELY NORMS AND INSTITUTIONS THAT RESPOND TO THE PROBLEMS ROOTED, IN THE FIRST PLACE, IN THE FACT THAT PEOPLES, SOCIETIES, AND STATES ARE NOT UNIFORM BUT**
instead are plural entities, and in particular ones pervaded by conflict, domination, and oppression. Second, it must be noted that contemporary societies are parts of complex systems of control and cooperation marked by extremely asymmetric participation and profit structures (see Forst 2012, 251–66). A theory of transnational justice that is realistic must be responsive to these realities, which means in the first instance that it must reconstruct the reality of national, transnational, and international ruling structures. In this context, a theory that envisages principles of international law for separate, culturally unified nations or peoples that regard each other as equals is extremely unrealistic.

One must bemoan another dead end into which the idea of cultural difference leads, without having to accuse Rawls directly. I mean the idea that human rights could or should be justified in an overlapping consensus of cultures or peoples (Taylor 2009; Gosepath 2010). That is a strange idea, which also passes reality by. Not only does it lead all too often to just a minimal list of human rights that ignores the real social problems (Forst 2013c, 38–70). More important, it is unclear what kind of “consensus” is supposed to exist when values or principles are shared superficially but their arguments are not. Evidently, there can be no question of a justification of norms under such circumstances; at best, there would be a contingent and possibly fleeting overlap. But how would one actually establish the existence of such overlaps? Is it a matter of an empirical consensus, and, if so, of an existing consensus or one that would first have to be produced—or, after all, of a counterfactual, fictitious consensus?

Finally, how plausible is it really to have an imaginary or real universal overlapping consensus decide which human rights are valid? Who would have hit upon the idea, for example, of grounding the Droits de l’homme et du citoyen in an overlapping consensus of the time—or the Universal Declaration of Human Rights in an overlapping consensus of the 1940s? And who would have the idea of telling the protesters in Tiananmen Square, or those protesting against the starvation wages of a multinational oil company in Nigeria, or those protesting patriarchy and violence against women in India that they should keep in mind
that their demands for justice and human rights exceed the minimal intersection of an intercultural overlapping consensus that would be agreed between the “representatives of all world regions and all world cultures (even if ‘only’ state cultures)” (as argued by Müller 2008, 110)? Here there is a danger of exchanging diplomatic considerations for normative thinking, moreover in the wrong place. Again we are being spooked by the shadow of the imaginary “statesman.”

In this way, to use a typical Frankfurt-style formulation, supposed realism becomes inverted into affirmation. The intention to proceed in a realistic way from the fact of sociocultural pluralism ends in speechlessness towards actual reality, the reality of social conflicts and struggles with strong moral claims—claims that are not raised or justified by “philosophy” or “the West” but by those involved and affected themselves who are rebelling against an existing normative order. These claims must be taken seriously from a normative perspective of the participants (Forst 2012, 203–228). If one overlooks this, even the critique of ethnocentrism that is rightly raised by different sides (not just by postcolonial theories) can become inverted into its opposite—into the idea that human rights are, for example, a purely Western idea and a possession of the West (or even of the Christian West). This would be to exclude the protesters in non-Western societies who demand human rights from the idea of these rights.

**On Beitz and Raz:** Normative justifications must always be immanent to practice in the sense that they arise out of practices and conflicts that need to be regulated or settled. Anyone who wants to justify norms of justice, therefore, should be aware of what constitutes a context of justice; and anyone who reflects on human rights should know what practice is associated with it—and, specifically, to which conflicts such norms primarily respond. If, like Beitz and Raz, one sees the essential function of human rights as being to urge states to observe basic norms governing the treatment of their members, and if one stresses further that noncompliance with these norms justifies intervention by the world community, then one easily finds oneself on a slippery slope. For one might then easily succumb to the overly hasty inference that an exten-
sive interpretation and definition of human rights could open the flood gates to interventions (by interested parties, who moreover all too often invoke morality). The result is a reduced core list of human rights.

Such a position confuses different questions: the question of human rights and the legitimacy of states from the perspective of their citizens and, by contrast, the question of the external sovereignty of a state and of reasons for a legitimate external intervention. But, however intertwined these questions may be, they must first be answered separately. The scope and justification of human rights is one thing; the question of who can legitimately intervene, and when, is another. That they are often short-circuited in practice does not mean that theory must follow suit.

When it comes to defining the function of human rights, they should be seen instead in their original political and social context, where they secure the basic status of free and equal persons not subject to other’s arbitrary will. This status guarantees the standing of individuals as full members of a political community. In this way a human right to democratic participation, such as is contained in the Universal Declaration of 1948, can be justified—a right placed in question by minimalist theories of human rights (for a critique, see Forst 2013c, 38–70).

International political theory is mistaken when it assumes the position of a global adjudicator who—to exaggerate somewhat—would understand human rights in the sense of minimal compromise formulas and would connect the validity of human rights too closely with the legitimacy of interventions. That would mean not according adequate weight to the reality of the struggles for human rights in different states—not taking sufficiently seriously the perspective of those affected who have enough of being kept in leading strings by their government and do not want to be “liberated” or “patronized” by Western countries. If political science wants to be realistic, it must develop the perspective and logic of these struggles and claims.

*On Williams and Geuss: It is true that politics is not applied ethics, if that would mean ignoring political realities. Those who, like Peter Singer*
postulate individual duties to assist conceived in utilitarian terms as a response to systemically engendered world poverty neglect the structural injustice of asymmetrical transnational and international relations, which are the cause of persistent disadvantage and underdevelopment. And those who first construct a beautiful, unworlly "ideal" theory for themselves in such a way that it would have to be "implemented" by wise statesmen or insightful citizens overlook not only the contingency of the political world and its nonpredictability, but also a fundamental principle, namely that of political autonomy. Politics is neither the space of technically correctly applied morality nor the prudent creation of order; rather, it is the space in which the question of the justification of a political order is posed in such a way that, understood radically, it is at once a philosophical and a practical question. It is the question of those who are subjected to rule or domination, and it is the question of the justification of such rule, which—in a reflexive turn—includes the first place the demand to create a practice of political justification by those affected as justificatory equals. Politics is a matter of justifying forms of rule. This means that politics is a matter of establishing relations of justification in which those who were subjected to rule can be the justification authorities of this rule (on this see Forst 2013c).

With this principle of justification, which calls for a reflexively examined justification of democratic structures of rule, a principle enters the political world which, in my view, is as much moral as political, as much universal as historical, and as much rational as emotional. It states that only those social or political relations can be called just and sufficiently legitimate that can be justified by those who are subjected to them themselves. This is the principle of autonomy, which calls for moral self-legislation in moral contexts and for political self-legislation in political contexts, where self-legislation assumes the form of discursive, intersubjective practices.

This is also confirmed by Williams more nolens than volens. He introduces the basic political "legitimation demand," which requires that political rule must always be able to justify itself toward those
subjected to it. When he explains the criterion of “acceptability to each subject,” he adds what he calls, alluding to Habermas, “the critical theory principle,” namely “that the acceptance of a justification does not count if the acceptance itself is produced by the coercive power which is supposedly being justified” (Williams 2005, 6; emphasis added). At this point, Williams tries to explain in a somewhat convoluted manner that, although the basic principle of legitimacy, thus understood, is presumably a moral principle, it does not express a morality “prior to politics,” but one “inherent in there being such a thing as politics” (2005, 5).

However, a moral argument cannot be converted into a conceptual argument. Here we are evidently dealing with a moral principle of politics, namely that human beings, as individuals subjected to rule, have the right to demand a justification acceptable to them as free and equal persons. And since this principle is to be understood reflexively in the light of the principle of autonomy, the justifications should be understood as discursively generated—specifically, as being collectively and democratically generated—not as justifications that are “delivered” to their recipients. Then the first political right is the right to justification—namely, the right to be a democratic coauthor of the norms that claim to be legitimate ruling principles (Forst 2012).

The realists are right to warn, as Geuss does, that morality itself can degenerate into ideology. Hans Morgenthau already warned against the “sinful pride” of declaring one’s own values to be universally valid and enforcing them “with blind crusading zeal” (Morgenthau 1948, 56). But realism can also turn into technocratic ideology when it places itself at the service of the wise “statesman” (1948, 50 and passim) who upholds supposed “national interest,” or when one confuses questions of justification with diplomatic questions or simply overlooks what is at stake in politics. Politics has the task of building, extending, and maintaining the institutions necessary for a just social order. Therefore, it must always submit to its inherent justification imperative, namely the imperative that only those who are subjected to rule have the authority to gener-
ate, through fair justification procedures, the legitimations that they can recognize as free and equal persons, and that they have to recognize once they have been sufficiently tested. At this point a discussion of the criteria for “good” justifications would be advisable, though I cannot provide one in the present context (Forst 2012, 13–124).

The principle of justification is the normative foundation of a critical, realistic treatment of politics. It does not fit comfortably with the perspective of world rulers or global adjudicators, but instead develops the participant perspective on political discourses and struggles—as a normative perspective that takes its orientation from the question of justification. This treatment takes up the language of emancipation as a critique of unjustifiable social relations, but in such a way that it subjects this critique itself to criticism. Not all critical claims are deemed to be valid in an uncritical manner, but only those that are in conformity with the principle of justification. This is ultimately a principle of politics, of morality, but also of critique, and finally, of reason, asking for adequate justification for validity claims that are being raised. Here reason is necessarily a practical faculty, but also one that is able to subject practices to critical examination. And what could be more realistic than this faculty in virtue of which “reality” exists for us in the first place?

A critical, realistic form of constructivism builds on this. It adopts a perspective that is immanent to practice, though also one that is critical of practice. As a result, it is able to express what the demand for human rights, for example, or the call for justice and democracy express—in the first place, the demand no longer to be a legitimation nullity, but instead to be recognized as a free and equal justificatory authority. Expressed in an older language, herein resides the dignity of human beings (see Forst 2013c, 95–108).

For a realistic and at the same time normatively oriented political science, what is most abstract is also the most concrete. The justification requirement first generates the political dynamic that gives birth to orders, discursively opens them (prompting attempts at closure) and
occasionally overturns them (for a discussion of the dynamics of power within normative orders, see Forst forthcoming). We need to reconstruct their logic, which is not a pure logic of progress, in historical and sociological as well as philosophical terms (see Forst 2013a).

Thus, critical realism has two essential components with regard to justice and democracy in transnational contexts. The first is the normative component. This consists in the right to justification based on the principle of justification, which states that norms must always be justified in accordance with the criteria that are inherent in their claim to validity (see Forst 2012, 13–42, 79–124). Here the question of rule always remains central, not as a free play of forces but in the context of the struggle for adequate relations of justification. This is the first requirement of justice, as the rejection and avoidance of arbitrary—that is, unjustified—rule (that is, domination) and as the establishment of democratic forms of political justice.

The second component is an empirical one. Since the question of justification always aims at actually existing relations of rule or domination, the question of justice and democracy in transnational contexts must begin by making an inventory of the precise contexts in which transnational and international rule or domination is exercised.

Therefore, the study does not begin in ideal space, but with an analysis of the complex interconnections between national, transnational, and international relations of rule (see for example, Avant, Finnemore, and Sell 2010; Beck and Poferl 2010; Zürn and Ecker-Ehrhardt 2013), and asks whether there exist corresponding adequate relations of justification—that is, those adequate to the level and quality of rule exercised. This is a practice-immanent but not a practice-positivist approach that concentrates exclusively on international cooperation, for example, or on the “self-image” of political functional elites (for a critique of praxis-positivism, see Forst 2013b). It does not start from the “point” of certain practices either, where this point is supposed to be extrapolated through interpretation, or from immanent political logics that could be deciphered by a clever theorist (see Neyer 2012). In accordance with the principle that every exercise of
rule should be legitimized in relations of justification, a critical theory of transnational, discursive justice must begin by reconstructing the most important economic, legal, and political relations of rule or domination, formal or informal. In this context, national, regional, transnational as well as international and supranational contexts should be connected in the right way, both in an empirical analysis and in the corresponding conception of justification structures.

In a theory of fundamental transnational justice, correctly conceived, states are in the first place essential actors. However, reflexive forms of participation must be sought that prevent these actors from dominating parts of their own population or other states or parts of other states. As a result, where existing supranational, international, and transnational organizations reproduce specific relations of domination, they can only provide the starting point for more participatory and reflexive political forms. This means that corresponding fora must be opened up for opposition parties from states, though also for civil society actors, such as are organized, for example, in the World Social Forum (Zürn 1998, 329–364). In this way, transnational mechanisms of domination can also be uncovered and denounced by transnational critical alliances. A fundamental demand of justice is that relations of justification should be established in which opportunities for generating and exercising justificatory power are fairly distributed.

The first task of justice is to establish political structures in which arbitrary rule can be banished and in which those who are subjected to rule or domination, be it economic, political or legal in nature, can bring the force towards the better argument to bear against those who exercise such rule or domination. Democracy as a practice of justice acquires special importance in this context. In the first place, it must be liberated from the narrow alternative “world state or world of states.” It is understood as a normative order in which those who are subjected to rule or norms should also be the normative authority—moreover in an active sense within a practice of justification. Thus the question of the relevant community of justification is answered in terms of the existing structures of rule, and the question of co-deter-
mination and of the requisite institutional form is answered in accordance with the degree of subjugation. Democratic rule is a discursively justified form of rule, which means one in which there are structures of justification that are adequate to the scale of the rule exercised. This already extends the question of democratic rule conceptually beyond national borders, depending on what relations of rule a state is embedded in, whether as ruler or as ruled (or, in complex systems, as both simultaneously to different extents). Here a principle of political proportionality generally holds according to which a structure of justification must be sufficiently open to participation and sufficiently effective to respond to a given situation of subjugation; however, this principle does not decide which model of order—ranging from a multilevel system to global federalism—follows.

Such a reflexive concept of democracy is nothing new. Within national democratic normative orders we also encounter fundamental conflicts over whether they can redeem their claim to justification. One need only think of issues such as the conferral of citizenship rights and the opportunities to make use of them, different electoral systems and systems of representation, plebiscites, and so forth. Such controversies and sites where they are played out also exist above the national level, even if corresponding institutions are for the most part still at stages of development that, like the UN, reflect the postwar balance of power or relations of economic power at the global level. If we understand democracy in processual terms in such a way that it expresses the collective aspiration to subsume the exercise of rule under relations of effective justification and authorization of norms by those who are subjected to them, then to assume that this requires a demos defined in terms of the state (or nation) is to reify democracy. For the demoi that are constituted as states are already integrated into such diverse networks of international and transnational arbitrary rule (including non-state actors) that the “congruence condition” (Zürn)—namely, that rule should be authorized by those over whom it is exercised—is no longer satisfied. Justice, and with it democracy as a practice of justice, are primarily recuperative and processual; political
justification communities are formed through social relations that already exist and are in need of regulation. Jürgen Habermas once coined (and later relativized) the image of “besiegement” for the exercise of communicative power: public discourses generate justifying reasons which the political system cannot ignore (Habermas 1996, 486–487). The concept of “justificatory power” (Forst forthcoming), which takes up and develops these reflections, is agnostic regarding the question of whether communicative power is generated and exercised in an institutionalized way or not; what is essential, however, is that with it the force towards the better argument can be exerted.

Recuperating relations of rule in relations of justification is rightly called “democratization” when it gives rise to structures that curb arbitrary rule—even if it is still a long way to their complete containment, for example by constitutional means. Wherever privileged actors are forced to give up their prerogatives because these have lost their legitimation within a system of justification and counterpower is mobilized—wherever this occurs it signals an increase in democracy. The difference between transnational conflicts and attempts at democratization within societies may be great, but it is one of degree, not in kind. Democracy advances—often only a little at a time—where nonlegitimized rule, be it political, legal or economic, is brought under the justificatory authority of those subjected. Democracy as a practice is always a process of democratization, of expanding and equalizing justificatory power. This is a question of justice, more precisely, the question of justice in the political realm.

—Translated by Ciaran Cronin

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