Minda de Gunzburg
Center for European Studies Harvard

CES Open Forum Series 2019-2020

The LIOn's Share: How the Liberal International Order Contributes to its Own Legitimacy Crisis

by: Christian Kreuder-Sonnen
and Berthold Rittberger

About the Series

The Open Forum Paper Series is designed to present work in progress by current and former affiliates of the Minda de Gunzburg Center for European Studies (CES) and to distribute papers presented at the Center's seminars and conferences.

Any opinions expressed in the papers are those of the authors and not of CES.

Editors

Grzegorz Ekiert and Andrew Martin

Editorial Board

Peter Hall, Roberto Stefan Foa, Alison Frank Johnson, Torben Iverson, Maya Jasanoff, Jytte Klausen, Michele Lamont, Mary D. Lewis, Michael Rosen, Vivien Schmidt, Kathleen Thelen, Daniel Ziblatt, Kathrin Zippel.

About the Authors

Christian Kreuder-Sonnen is assistant professor of international organization at the Friedrich Schiller University Jena, Germany, and was a visiting scholar at the Minda de Gunzburg Center for European Studies at Harvard University during the 2019-2020 academic year. His research interests lie at the intersection of international relations and international law and focus on the rise of political authority in international organizations, contestation and institutional change, and crisis politics.

Berthold Rittberger is professor of political science and international relations at the Geschwister Scholl Institute of Political Science at the University of Munich, and co-editor in chief of the Journal of European Public Policy. His research interests focus on EU cooperation and integration, regulatory governance, and democratic representation.

Abstract

The liberal international order (LIO) is experiencing a legitimacy crisis in its Western heartland. What causes this crisis? Existing approaches focus on the LIO's unequal allocation of wealth and values that produces losers and thus breeds dissatisfaction. Yet, why this dissatisfaction translates into a delegitimation of the order rather than a contestation over policies remains unaccounted for. Complementing the cultural and economic backlash hypotheses, this paper advances an institutionalist explanation for the current crisis of the LIO, which accounts for the growing resistance to the LIO with a political backlash hypothesis. Our argument is that the institutional characteristics of the LIO's political order trigger self-undermining processes by inciting opposition that cannot be politically accommodated and is thus bound to turn into polity contestation. In particular, we hold that IOs' predominantly technocratic legitimation rationale on the one hand, and their increasing political authority with distributional effects on the other, create a democracy gap. It implies that avenues to absorb opposition through input channels are largely missing and thus incite the erosion of the LIO's general acceptance. We illustrate the plausibility of this argument with evidence from the European Union (EU) as well as the international regimes on trade and human rights.

1. Introduction

The liberal international order (LIO), a tight-knit network of trans- and international institutions pursuing economically and politically liberal goals, saw its foundations laid in the period after World War II and rose to an authoritative ensemble in the aftermath of the Cold War (Ikenberry 2011, Zürn 2018). While it seemed on a constant trajectory for long, today the LIO has come under considerable stress. For one, shifting global power constellations have led an increasing number of non-Western states to demand fundamental changes in the order or to create discrete institutional alternatives to it (Zangl et al. 2016; Stephen and Zürn 2019). While this challenge is exogenous, another challenge that we want to focus on emanates from the LIO's own core: its decreasing empirical legitimacy particularly in those societies that used to be the main drivers of liberal international integration. Dwindling political support for key institutions of the LIO has become most visible in the past decade which has seen the United States' withdrawal from the Paris Climate Accord as well as its active sabotage of the World Trade Organization (WTO) and the International Criminal Court (ICC). Moreover, the entire European Union (EU) has come under fire against the backdrop of debt and migration crises, which have reinforced the popularity of Eurosceptic and nationalist political parties (Börzel and Risse 2018; de Vries 2018). Such centrifugal tendencies challenging the EU integration project ~~have~~ reached their pinnacle in the Brexit vote, which – as some argue – is partly a reflection of a broader trend towards nationalist populism (Inglehart and Norris 2017).

While not the only manifestation of an anti-liberal and anti-internationalist backlash, populist politics throughout the Western world do strongly delegitimize the LIO (see e.g. Mudde and Rovira Kaltwasser 2012; Mounk 2018; Zielonka 2018): Claiming to represent the true voice of the people, populist parties and leaders are hostile towards the allegedly unaccountable and corrupt elites that run domestic and international institutions. In this context, IOs have become targets of populist denunciation because they are seen to actively assist the hollowing out of national and, by implication, popular sovereignty. Calls for regaining political control for the people, re-asserting national sovereignty, and replacing liberal with "illiberal democracy" (Mounk 2018) – a system responsive only to the voice of the one people – have gained traction in advanced industrial democracies. They stand in direct opposition to the norms and rules embodied by the wealth of IOs underpinning the LIO.

In fact, as shown by Bearce and Jolliff Scott, public support for IOs in general has declined markedly since the mid-1990s: "Indeed, it could even be argued that the median voter in most

countries currently holds an attitude that is not supportive of international organizations." (Bearce and Jolliff Scott 2019, 195). Arguably, legitimacy beliefs towards the LIO have declined to an extent that we can speak of a legitimacy crisis, that is, the moment "when the level of social recognition that its identity, interests, practices, norms, or procedures are rightful declines to the point where the actor or institution must either adapt […] or face disempowerment." (Reus-Smit 2007, 158).

How did we get here? There are two main explanatory approaches to account for the crisis of legitimacy that has befallen the LIO. According to the economic backlash hypothesis, unfettered economic and financial globalization spurred by (neo-)liberal international economic and financial institutions led to opposition to the LIO from a socio-politically leftist point of view (Blyth 2016). While helping increase net wealth, these institutions have contributed to the unsettling of the post-War embedded liberalism compromise (Ruggie 1982) and with it "the social contract at the core of liberal democracy: those who do well in a market-based society promise to make sure that those disadvantaged by market forces do not fall too far behind." (Colgan and Keohane 2017). Following the cultural backlash hypothesis, globalization has laid bare an intensifying cultural rift between proponents and opponents of LI (Hooghe and Marks 2018). Arguably, this rift has been intensified by the progressive value change engendered by liberal international institutions that has remained unmatched at the local level (Inglehart and Norris 2016). This cleavage has come to influence vote choice and party competition at the domestic level, empowering mostly right-wing populist forces and affecting governments' willingness and ability to support the LIO.

While we do not dispute the plausibility of either of these accounts as immediate causes of dissatisfaction with the LIO, we submit that the economic and cultural backlash arguments leave one important blank spot: They do not fully account for the reasons why the political dissatisfaction with the substantive output of the order does not merely spur political debate about policies, but incites a veritable legitimacy crisis. After all, economic and cultural demands are prototypical elements of policy debates that many political systems are able to absorb without facing existential challenges to their authority. The LIO, however, encounters the problem that policy contestation increasingly turns into polity contestation whereby actors delegitimize its fundamental institutional and constitutional setup.

We argue that a missing piece in the puzzle complementing the economic and cultural explanations is the political dimension of the LIO (de Wilde et al. 2019). In a nutshell, our point is that the political order of the LIO has created a widening democracy gap that consists in

insufficient justifications for distributional decisions (be they about the allocation of wealth or values) and an insufficient responsiveness to changing political demands. It is brought about by the institutional logic inherent to the LIO: expanding multilateral regulation of global policy fields by way of legalizing commitments in international institutions and delegating tasks to supranational organizations, based on the goal to depoliticize the core norms of liberal internationalism. Given the concomitant rise of political authority held by IOs (Hooghe et al. 2017; Zürn 2018), we observe a growing mismatch between the predominantly technocratic rationale that underpins their legitimacy and the distributional consequences of their decisions. Not only do intrusive IO measures induce contestation over policies, but, given the democratically inaccessible nature of most IOs, policy dissatisfaction is likely to turn into polity opposition and resistance (Mair 2007). The democracy gap may thus explain why substantive popular dissatisfaction with political directions at the economic or cultural level turn from policy into polity contestation and hence plunge the LIO into a crisis of legitimacy. Since the democracy gap is produced and widened as part of the LIO's basic institutional logic, we argue that the order's legitimacy crisis is endogenous to its own institutional structure. This also explains why the crisis of the LIO temporally coincides with its greatest success in the post-Cold War era: Its institutional setup is self-undermining.

The main goal of this paper is to provide a thorough theorization of our political explanation complementing the accounts building on economic and cultural factors. As a consequence, the empirical ambitions of this paper have to be more modest. Rather than providing a comprehensive empirical test, we probe the argument's plausibility in one case study and two additional vignettes that provide initial evidence on the functioning of the theorized mechanism in diverse institutional settings. The ensuing sections first delineate our theoretical argument in more detail. In section 2, we show that the institutional characteristics of the LIO spur self-reinforcing mechanisms that increasingly institutionalize and lock in liberal value choices at the global level. In section 3, we argue that these characteristics of the LIO trigger self-undermining processes that exacerbate the erosion of the LIO's social and political foundations. Sections 4 and 5 offer three empirical illustrations of our argument. We first illustrate the mechanism in one of the LIO's most prominent sub-orders, namely the EU, in section 4. To demonstrate that the scope of our argument extends to different policy fields and institutions constitutive of the LIO, we subsequently apply our argument to the regimes of international trade and human rights. Finally, in section 6, we discuss avenues for future research, sketching possible scope conditions to gauge the relative strength of self-undermining processes as well as their effects.

2. The self-reinforcing institutionalization of liberal internationalism

The international order and the institutions on which it is built today are stably directed towards the promotion of liberal policy goals such as free trade, human rights, democracy, and the rule of law. We argue that this is due to a set of inter-connected institutional effects increasing the returns to liberal internationalism (LI) over time. In this section, we first provide our working definition of the LIO and then highlight one discursive/ideational and one interest-based mechanism of dynamic reproduction and reinforcement of the liberal order.

2.1. Liberalism, internationalism, and the liberal international order

We understand LI as an ideational disposition to embrace liberal core values and to promote their global implementation through cooperative institutions (Keohane 2012). Political liberalism is associated with the essential principle of freedom of the individual, understood first and foremost as freedom from arbitrary rule ensured by legal and institutional constraints on authority as well as procedures for democratic participation. Its correlate is varieties of economic liberalism that imply a commitment to market economy and free trade, accompanied by a number of economic and social rights to foster individual capacities for freedom in the first place (Doyle 2012, 4-5). Internationalism takes liberal values to a cosmopolitan level. First, it introduces the idea that freedom of the individual is a universal norm to be pursued globally. Second, it aspires to inter- and transnational forms of cooperation between political communities to civilize global politics and incite domestic convergence towards the liberal canon (Bell 2007). State sovereignty thus becomes secondary to the fulfilment of basic promises of individual self-determination (Peters 2009).

Today, the main tenets of LI are firmly enshrined in “an array of international institutions that wed the exercise of international power to liberal social purpose.” (Stephen and Skidmore 2019, 65). Together, they constitute the contemporary LIO (see also Ikenberry 2011). It thus consists in the combination of procedural rules, e.g. institutionalized multilateralism, and substantive rules, e.g. the promotion of individual liberties, the rule of law, and open markets. Liberal ideas have spread at the global level to an extent that Boli and Thomas (1999, 34-41) speak of an extensive liberal ‘world culture’ characterized by individualism, universalism, rationalism, development (understood as economic growth, individual self-fulfillment, collective security, and justice), and world citizenship.

We argue that the progressive institutionalization of LI is best portrayed as a path-dependent development with self-reinforcing characteristics.[1] In particular, we see two mechanisms of increasing returns to liberal institutions, one discursive/ideational and one interest-based.

2.2. De-politicization by delegation

At the discursive/ideational level, the proliferation of international institutions with liberal content, in particular after World War II and the end of the Cold War, has locked in liberal policy choices by de-politicizing the underlying normative questions and drastically reducing "access to contestation" (Wiener 2014). This is most clearly visible with regard to the initial delegation of governance functions to IO bureaucracies. Most of the IOs founded in the aftermath of World War II and after the Cold War represent an institutional embodiment of LI. On the one hand, the social goals they pursue can usually be subsumed under one of the liberal categories of democracy, human rights/humanitarianism, and material progress via free markets. On the other hand, their set-up – as putatively objective, impartial bureaucracies – reflects the rationalizing promise of cooperative multilateral institutions (Barnett and Finnemore 2005, 163-164). Moreover, the very shape of IO bodies as unpolitical bureaucracies also drives the continuous ideational/discursive reinforcement of those liberal principles. After all, bureaucracies' main promise is to eliminate politicized influences by instituting continuous, rule-bound hierarchical systems that display a high degree of impersonality and take decisions based on sectoral expertise (Weber 1978, 220-223).

A similar logic applies to the rising number of judicial and quasi-judicial bodies that independently determine the meaning of international agreements and are tasked with their enforcement against members found to be in the wrong (Alter 2014). Particularly in the field of international trade and investment, dispute settlement bodies have come to assume the role of an international judiciary assuring abidance by the terms of liberal trade and investment regimes. This international "judicialization of politics" (Hirschl 2004) implies that fundamental political questions, for example about societal priorities regarding environmental protection or social welfare, become subject to legally enshrined (neo-)liberal premises (Gill and Cutler 2014). Judicialization thus helps locking in liberal value choices by circumscribing the legally acceptable realm of domestic policymaking in a way conforming to liberal goals. The establishment and the conferral of monitoring, implementation, and adjudication tasks to bureaucratic IOs and judicial organs thus stabilizes initial normative choices by taking them out

[1] On the historical institutionalist foundations of path-dependency and increasing returns in International Relations, see, e.g., Fioretos 2011.

of the realm of the political and rendering them a matter of technical rule application. Simply put, what used to be domestically debatable policy options is transformed into international legal rules that are immensely difficult to contest because a) states lose the ability to unilaterally change paths below the threshold of treaty termination or non-compliance (both of which imply relatively high reputation and/or opportunity costs), and b) the implementation and further development of the policy is in the hands of a seemingly neutral and technical agency claiming to further the common good. This de-politicization and impartiality is also precisely what allows these institutions to gain moral and epistemic authority in diffusing liberal norms and monitoring their implementation (Barnett and Finnemore 2005, 173-174). IOs can present themselves as technocrats whose advice is unaffected by partisan squabbles. International courts (ICs) and court-like institutions claim to act independently and based on legal reasoning alone, thereby fueling the idea of an international rule of law in the common interest. This fosters acceptance of liberal ideas, limits the discursive space for contestation, and thus reinforces the institutionalization of LI.

2.3. Creating vested interests

The establishment of liberal international institutions has also set into motion mechanisms of increasing returns by creating powerful beneficiaries with vested interests and providing opportunities for domestic–international as well as state–society interactions with stabilizing network effects. The international trade regime provides a good example to illustrate this. The institution of the General Agreement on Tariffs and Trade (GATT) in 1947 disproportionately benefitted a number of Western states with pre-existing open market economies and export-oriented business models. These states, including the United States, Canada, Japan, the United Kingdom, and Germany, had obvious incentives to protect the liberal substance of the regime. Given that they were also the materially and institutionally most powerful actors, they could successfully block attempts to redistribute the costs and benefits through policy changes. At the same time, the costs of non-membership in GATT were high due to unfavorable trade relations and missing investment from the Organization for Economic Co-operation and Development (OECD) states in particular. This incited more and more states to join, which, in turn, increased the collective benefit of the overall regime (Milner 1988).

The reinforcement of the liberal trade regime was also flanked by the emergence of transnational networks of private/corporate actors. They had adapted their activities to the liberal international trade regime, benefitted from it, and used the international institutions as a commitment device to promote further trade liberalization with their domestic governments. In

this sense, the institutionalization of a liberal policy commitment facilitates the organization of interest groups pressuring governments to abide by and extend the rules they have accepted internationally. Not least, the international institutionalization of free trade also led to adaptations in domestic government structures that favored pro-free trade coalitions. This aspect highlights the domestic–international network effect that increases returns to liberal institutions at both levels as they mutually reinforce each other: "a liberal domestic order would favor a liberal international order, and a liberal international order would favor a liberal domestic order" (Barnett and Finnemore 2005, 166). International institutions thus not only render once adopted normative decisions more difficult to overturn, they also actively produce a more liberal world that becomes increasingly self-regulating.

In sum, the existing LIO has arguably become more stable over time because its underpinning institutions have become ever more firmly embedded in the wider structures of politics and society (Ikenberry 2017, 69).

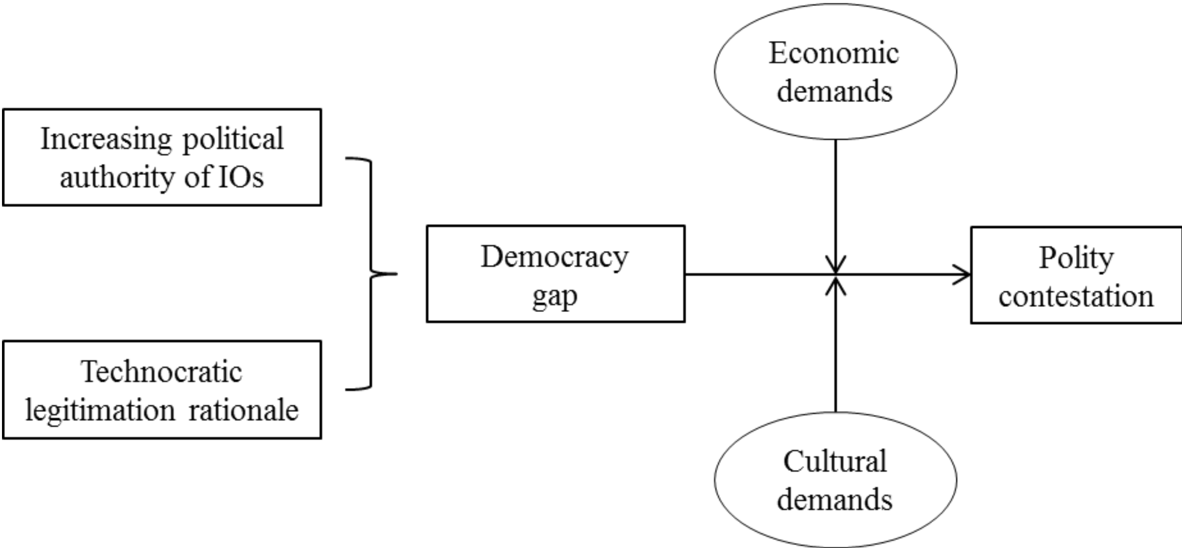
3. The backlash: How the LIO triggers self-undermining processes

We posit that these characteristics of the LIO, which have been decisive for its self-reinforcing institutionalization, may also trigger self-undermining processes that challenge the LIO's social foundations. While self-reinforcing processes bolster existing institutions, self-undermining processes, or reactive sequences, are "marked by backlash processes that transform and perhaps reverse early events." (Mahoney 2000, 526; emphasis in original) More precisely, in reactive sequences, "the institution alters opportunities and desires in such a way that actors – at least in the first place – challenge rather than reinforce existing rules." (Hanrieder and Zürn, 94; see also Mahoney 2000, 526-535) That is, institutional procedures or practices create a backlash by triggering actors' dissatisfaction for material or normative reasons and provide opportunities for dissatisfied actors to challenge existing institutions.

We observe such a backlash in the declining legitimacy beliefs of governments and citizens towards liberal international institutions which amount to a legitimacy crisis (see, generally, Reus-Smit 2007; Tallberg and Zürn 2019). Our suspicion is that this reactive sequence is induced by institutional characteristics of the LIO that spur its own de-legitimation. In a nutshell, we argue that the LIO is characterized by an increasing mismatch between the rising political authority of IOs and the technocratic rationale that underpins their legitimacy as de-

politicized institutions. This mismatch results in a democracy gap,[2] which is characterized by international institutional infrastructures that lack a justificatory reservoir for distributional decisions (be they about the allocation of wealth or values) on the one hand, and that are insufficiently responsive to the grievances of the affected populace on the other. As a consequence, policy dissatisfaction based on economic or cultural demands is likely to spill over into a more fundamental contestation of the political institutions constitutive of the LIO – a process that should mount in sync with a widening of the democracy gap (see Figure 1).

Figure 1: The causal mechanism



The interplay of two institutional characteristics of the LIO is responsible for creating a democracy gap that contributes to the erosion of the sociological legitimacy of the LIO. These characteristics are, first, the predominantly technocratic, output-oriented legitimation rationale of IOs and, second, the (increasing) political authority accorded to IOs.

Technocratic legitimation rationale of IOs: IOs' main source of legitimacy lies in the expectation that they produce pareto-optimizing outcomes based on their capacity to arrive at rational and expertise-driven decisions (Keohane, Macedo, and Moravcsik 2009). Their recognition as rightful decision-makers is thus predominantly based on outputs, not (democratic) inputs (Scharpf 1999). To liberal internationalists, IOs have become symbols of progress based on the belief "in the capacity of technological change and markets to transform the character of global politics in positive ways by creating ever-expanding material resources that can ameliorate social conflicts." (Barnett and Finnemore 2005, 165) Indeed, from a

[2] We use the term 'democracy gap' rather than 'democratic deficit' to highlight the disconnect between two different logics of legitimizing authority, the technocratic logic based on expertise and the democratic logic based on popular consent.

democratic perspective, the epistemic or technocratic quality of IO authority may be a sufficient legitimacy base as long as IO decisions do not create losers or allow for losers to be compensated (Scharpf 1999). The institutional design of IOs largely reflects this assumption. With few exceptions, IOs' channels of input legitimation are restricted to the delegation chains from domestic will-formation to national governments to government representatives in IO bodies. IOs' accountability to member states and member states' accountability to citizens thus arguably provide sufficient democratic credentials for IOs (Moravcsik 2004). Genuinely democratic input at the supranational level is almost inexistent. Accordingly, international and transnational institutions justify their authority predominantly on the basis of a technocratic legitimation rationale, not on the basis of the democratic quality of their decision-making procedures: "In general, their legitimation narrative points to effectiveness, wealth, and superior knowledge" (Zürn 2017, 278).

Rise of international political authority: The institutional lock-in of LI through the relocation of decision-making capacity from national to international institutions has prompted an incremental rise of political authority exercised by IOs. Political authority refers to the right of individuals acting on behalf of an institution to issue prescriptions, rules, orders, or judgments that are recognized as binding by the addressees even if they go against the short-term interests of some community members (Zürn, Binder, and Ecker-Ehrhardt 2012). While international cooperation was long marked by intergovernmental international institutions following the consensus principle, since the end of the Cold War in particular, there has been an increase in international cooperation with more supranational elements (Genschel and Zangl 2014; Zürn 2018). For one, the scope of issues governed by IOs has expanded. More importantly, however, the governance activities of IOs have also become more intrusive. For instance, the World Trade Organization (WTO) now deals with 'behind-the-border issues' such as copyright infringements, public procurement, and corporate taxation. The International Monetary Fund (IMF) takes over de facto control of public budgets and fiscal policy in member states at the risk of sovereign default. The United Nations Security Council no longer takes measures only against states, but increasingly also against groups and single individuals (Kreuder-Sonnen and Zangl 2015). Overall, IOs increasingly take decisions with distributional consequences. Recent empirical research confirms that there has in fact been a broader rise in IO authority, most notably since the heydays of LI after 1990 (Hooghe et al. 2017; Zürn, Tokhi, and Binder forthcoming). On the one hand, states have increasingly delegated governance tasks to supranational IO organs and pooled their sovereignty in intergovernmental bodies – rendering their decision-making power and resources subject to collective agreement (Hooghe and Marks

2015). On the other hand, IOs with pooled or delegated authority have also seen a broadening of the scope of their activities and an increased bindingness of their judgments and decisions.

Democracy gap: Accordingly, today's LIO is populated by IOs whose activities have increasingly tangible distributional consequences, but whose avenues of legitimation remain predominantly output-oriented. We consider this to represent a growing democracy gap because the technocratic legitimation logic which underpins IO rule-making authority does not match the consequences of the rise of IOs' political authority: When IOs adopt rules or help bring about policies with distributional implications – creating winners and losers – superior knowledge or expertise alone are an insufficient ground for IOs to command legitimacy (see also Zürn 2017). These kinds of decisions require democratic input (Scharpf 1999). At the domestic level, it is common sense that taxation and social welfare, for example, are not questions to be solved by way of expert deliberation, but through participatory forms of interest aggregation (Habermas 1996). Internationally, however, there has so far been no sufficient compensatory democratic input for the growth of politically salient IO decisions.

The democracy gap is characterized by two features. The first is a justification deficit. The integral normative structure of the LIO is locked in and de-politicized. Not only does this create a lack of contestability, it also induces a shortage of justification. Authority-holders in the LIO make few attempts to convince the rule-addressees that their foundations and decisions are normatively justified. The foundations are taken for granted and the decisions are presented as inevitable and 'right'. However, this technocratic legitimation rationale built into the LIO offers an insufficient basis to justify political decisions with distributive consequences. The more the scope of IO authority expands to include fundamentally political decisions and tangible intrusions in 'behind the border issues', the more IOs' epistemic legitimation narrative is overburdened. The attempt to nurture a belief in the rightfulness of their rule is thus increasingly hampered.

Second, the democracy gap is marked by a responsiveness deficit. That is, the LIO lacks democratic institutional infrastructures that would allow popular grievances to be accommodated in inter- and supranational decision-making processes. Indeed, some IOs have established representative institutions such as parliamentary assemblies to add a veneer of democracy to their authority (Rittberger 2005; Rittberger and Schroeder 2016; Rocabert et al. 2018). Moreover, IOs have generally become more open to the participation of a broader range of stakeholders, in particular non-governmental organizations (Tallberg et al. 2013). However, compared to the far-reaching consequences of IOs' political authority, the existing

representative institutions and access points for non-state actors are insufficiently consequential (Follesdal and Hix 2006). Moreover, the quasi-constitutional lock-in of core norms of LI sharply reduces the range of contestable issues in the first place (Gill and Cutler 2014; Grimm 2017). Hence, whether emanating from economic or cultural dissatisfaction with the LIO, substantive political demands deviating from the liberal script are structurally underrepresented and disadvantaged in IOs.

Contestation and de-legitimation of the LIO: What are the political consequences of the democracy gap? In reaction to the rise of international political authority and its justification deficit, (national) public discourses over international institutions have become both more salient and more polarized in the recent past. The de-politicization 'from above' has thus been met with incipient forms of politicization 'from below' (see e.g. Zürn, Binder, and Ecker-Ehrhardt 2012; Ecker-Ehrhardt 2014). As a result of the responsiveness deficit, however, policy-contestation cannot be fed into the relevant political decision-making processes on the inter- or supra-national level. In fact, the institutional characteristics of the LIO are designed precisely to be immune to such contestation. Its liberal core is locked in and institutionally well-protected from democratic politics. The 'logic of no alternative', which is often brought to the LIO's defense, further reduces the order's susceptibility to alternative arguments (Hay 2007, 124). Hence, domestic contestation of IO policies has little prospect of substantively affecting the political direction of international institutions.

As Mair has pointed out, such limitations on the access to substantive contestation are bound to lead to the mobilization of principled opposition (Mair 2007), that is, opposition directed not against particular policies, characteristic of the democratic process, but towards the polity per se. In line with this reasoning, we expect that the LIO's democracy gap is responsible for eventually turning policy contestation into polity contestation.[3] The main observable implication of polity contestation is public statements that question an IO's overall legitimacy by criticizing its institutional/constitutional setup. Following our political backlash narrative, we expect such criticism to highlight alleged democracy problems in particular. For example, arguments should be salient that people lack voice in IO decision-making ("we have no say"), emphasizing that the preferences or grievances of one's group are structurally neglected, and that the liberal elites running IOs are unaccountable and unresponsive to the interests and grievances of the respective constituents. On the demand side, support for such principled opposition is reflected in the rise of broad-based political attitudes, particularly in OECD

[3] For the conceptual distinction, see also de Wilde and Trenz 2012; Braun, Hutter, and Kerscher 2016.

countries, which squarely contradict the essence of LI by defending border closure, cultural particularism, and national sovereignty (Zürn and de Wilde 2016). In fact, the more a country is globally integrated and thus subject to international authority, the more such ‘demarcationist’ or ‘communitarian’ attitudes seem to grow and polarize political communities (Koopmans and Zürn 2019).

Scope conditions: In sum, we argue that, ceteris paribus, the LIO’s democracy gap increases the likelihood of the contestation of the order’s constitutive institutions, which contributes to their legitimacy crisis. Importantly, our argument does not rest on the assumption that people genuinely care about the democratic quality of IOs or that their preference for democratic governance is what motivates them to reject international authority. In fact, we believe that the main sources of dissatisfaction with the LIO are substantive issues in economic or value politics. However, it is the institutions’ democratic unresponsiveness to the concomitant demands that explains the transition from policy to polity contestation. That being said, it should be clear that the mechanism theorized above is only likely to occur if an IO gives rise to economic or cultural dissatisfaction in the first place. In turn, the odds for this happening increase with the level of political authority enjoyed by the IO, allowing it to take decisions over the allocation of wealth or values.

Furthermore, the democracy gap is dependent on the simultaneous presence of both an IO with political authority and a technocratic legitimation rationale. Not all technocratic IO agencies enjoy political authority, and not all IOs with political authority are purely technocratic. We posit that for the democracy gap to emerge and ignite the political backlash mechanism, both factors should be amply present. Even where a democracy gap shows, however, we do not expect the mechanism to be triggered in every instance. Apart from domestic-level intervening or mediating factors (see section 6.), we suggest that at least one of two additional macro-conditions needs to be met for the process to start. First, IOs must not only possess formal competencies and thus a potential to exercise authority, their authority also needs to be factually exercised, such that the distributive implications are felt among broader societal groups. Second, either as a reinforcement of the first or as an alternative driver, the mobilization potential inherent to the democracy gap must be activated by cues from political elites or the media (see Steenbergen, Edwards, and de Vries 2007; Schmidtke 2018).

4. A plausibility probe: The legitimacy crisis of the EU

In the remainder of this paper, we seek to demonstrate the applicability of our theoretical argument by offering three empirical illustrations. Since our main objective is to contribute to theory development, our focus has been on the theoretical specification of multiple complex and dynamic relationships. A comprehensive empirical test of our arguments is therefore beyond the scope of this paper. As an "intermediary stage before moving directly from hypotheses construction to time-consuming empirical tests" (Levy 2008, 7), we start with a plausibility probe of our theoretical proposition by demonstrating its empirical relevance in an important case and two additional vignettes to highlight the broader relevance of our argument (see section 5) (Eckstein 1975, 109-110). For our illustrative case study, we analyze the current legitimacy crisis of the EU. The EU can be considered the most highly developed sub-order of the LIO, exhibiting all the main tenets of LI enshrined in legal institutions (see Ikenberry 2018, 14). Its recent Eurozone crisis makes the EU a particularly suitable candidate for illustrative purposes, because it spurred observable changes in all variables of interest to our model.

The crisis as catalyst for rising political authority: The EU is a multi-purpose IO that displays comparatively high levels of political authority, reflected in the scope of decision-making pooling and the delegation of competences granted to EU institutions (see Lenz and Marks 2016). While the degree of political authority varies across different issue areas, the 1980s and 1990s saw a pronounced upward trend across a wide range of policy fields, which do not only concern economic and social regulation, but also distributive policies, such as agricultural subsidies and structural (adjustment) funds, as well as so-called 'core state powers' (Genschel and Jachtenfuchs 2014). What is more, against the backdrop of the Eurozone crisis, we could witness a veritable boost in the EU's political authority. Centralized lending capacities were created through the European Financial Stability Facility (EFSF) and the European Stability Mechanism (ESM), and supranational surveillance mechanisms were instituted to oversee the implementation of concomitant economic and fiscal consolidation measures designed for indebted countries (i.e. the troika). Moreover, member states also introduced a stricter regulatory framework for Eurozone member states (Laffan and Schlosser 2016). National budgets are now under more stringent supranational control and member states violating the balanced budget rule can be sanctioned quasi-automatically (Schimmelfennig 2014, 326). The Eurozone crisis has thus provided leverage for institutional reforms, resulting in a significant boost in political authority that was not only potential, but also exercised in a way palpable in domestic societies.

Crisis politics and the impasse of technocratic legitimacy: The EU's crisis politics is not only about mounting political authority, but it also highlights the limitations of the technocratic legitimation rationale to justify IOs' (exercise of) political authority. As explained above, this rationale becomes overburdened when political decisions generate conflicts over political values and ideologies, or when they produce material winners and losers. The Eurozone crisis and the flurry of institutional and policy reforms offer a vivid illustration of the overburdening of the technocratic problem-solving approach. Many elements of Eurozone crisis governance were designed, by and large, in accordance with the technocratic playbook: Eurozone governments further empowered non-majoritarian actors, such as the Commission and the European Central Bank (ECB), seeking to isolate political decisions from parliamentary interference and popular opposition, and put emphasis on the technicity and inevitability of these decisions (Kreuder-Sonnen 2018b). However, the substantive measures adopted in this context had tangible distributional effects. Most obviously, fiscal assistance through the EFSF and the ESM from creditor to debtor states was conditioned on the latter's implementation of macroeconomic adjustment programs. Recipients of emergency credits such as Greece and Portugal were thus compelled to subscribe to far-reaching austerity reforms, which intruded deeply into their welfare systems by, inter alia, drastically reducing the amount of health care provision, pensions and unemployment benefits (Petmesidou and Glatzer 2015). Moreover, the governance efforts to save the common currency implied costly interventions not only on the side of the 'recipient' countries, but also for the 'donor' countries. For instance, the bailout programs implied that the latter are liable if loans can no longer be serviced. It also implied that, in times of tight budgets, even creditor countries are likely to feel the fiscal burden (Hix 2015, 189).

This conflict over the distributive implications of the Eurozone governance reforms was reinforced by a clash over values and ideas, which hardened the existing 'material' conflict between creditors and debtors. Governments favoring neo-liberal ideas and budgetary discipline, most notably creditor countries, such as Germany, were in stark opposition to governments backing policies geared towards debt pooling and hence more centralized forms of economic and fiscal governance (epitomized by proposals to create Eurobonds). This conflict over (economic) ideas not only emboldened political actors, thereby shrinking room for compromise, but also contributed to a deepening of social divisions across the EU as suggested by the narrative of 'Northern Saints' and 'Southern Sinners' (Matthijs and McNamara 2015). While the political solutions to the Eurozone crisis were thus modelled on the technocratic template, their political and social implications defy a technocratic legitimation rationale.

Instead, they are even seen as contributing to rather than soothing the social and economic woes in the countries on the EU's periphery (Matthijs 2017; Scharpf 2013).

The democracy gap widens: The politics of the Eurozone crisis illustrates how the lingering tension between the exercise of political authority and its technocratic legitimation amplifies the democracy gap of international governance: A substantial increase in the EU's political authority has resulted in an unprecedented scope of intrusiveness, unsettling political and social fabrics in the crisis-ridden states; at the same time, these interventions are legitimized primarily with reference to technocratic, not democratic principles. This is not a coincidence: The policy solutions to address the crisis were aiming to de-politicize the EU's rescue of its ordoliberal economic constitution to avoid political opposition (Kriesi and Grande 2015; Oppermann 2014; Schimmelfennig 2014). For instance, from the outset of the crisis, the German government framed the challenge posed by the crisis as exceptional and even existential for the EU's survival (Oppermann 2014, 267). The Merkel government advocated the design of various institutional mechanisms, such as the 'debt brake' or the 'European Semester', to circumscribe member states' discretion in fiscal and budgetary matters. These strategies were actively aimed at de-politicizing the respective issues, framing them – as chancellor Merkel had (in)famously put it – as 'alternativlos' (without alternative) (Séville 2017). Crisis governance justifications thus largely followed the technocratic template highlighting the political and social desirability – if not inevitability – of the executed measures and their putative outcomes. Instead of seeking open deliberation about possible alternatives, 'TINA' (there is no alternative) arguments about the necessity of crisis measures (to avert the supposed threat to the political order) were advanced to pre-empt objections and reduce contestability (White 2015). The social and economic ramifications of the EU's crisis governance for member states' economies and welfare states underline the limits of the technocratic legitimation rationale.

The political backlash: As an initial consequence of the crisis, it has been shown that European issues have become more politicized (Kriesi and Grande 2016). A broad range of actors formulated positions on and demands towards the policies of European institutions. Originally, these were driven by variable substantive dissatisfactions. Debates revolved around policy questions, including, for instance, whether state budgets should be consolidated through austerity measures or whether economic growth should be stimulated by way of public investments. The technocratic justifications fell short of inciting deference to authoritative political allocations. On a wide array of mostly economic and partly also cultural (cross-national solidarity) issues, the direction of the EU was contested (Kriesi 2016). This plurality of views,

however, was not accommodated in the political process dominating the governance of the crisis. Given the responsiveness deficit inherent in the democracy gap, policy opposition did not translate into changing policies. To the contrary, to smoothly implement the neo-liberal policy solutions, both political and technocratic leaders of European institutions followed a strategy of de-politicization, seeking to shun democratic debate and to circumvent political and institutional constraints (see also Schimmelfennig 2014; Kreuder-Sonnen 2016).

As a consequence, policy contestation increasingly turned into polity contestation, that is, the public discourse transitioned from the politicization of substantive questions to the delegitimation of the political order. Dissatisfied voters developed both anti-EU sentiment and alienation from the domestic political mainstream that seemed complicit in the crisis politics – driving them into the arms of Eurosceptic challenger parties (Kreuder-Sonnen 2018a; Matthijs 2017). Whether motivated by left-wing economic or right-wing cultural demands, and whether embedded in political discourses of Europe's North-West, South, or East, these parties' delegitimation attempts have at least one common denominator: the allegedly undemocratic nature of the EU that empowers an allegedly unaccountable, self-serving technocratic elite at the expense of the (national) people.

In this vein, for example, Marine Le Pen, the leader of the French Front National (now: Rassemblement National) in 2011 accused the "Brussels bureaucracy" of transforming Europe into "a technocratic, totalitarian project" arguing that the constraints on budget sovereignty introduced during the crisis represented a "crime against democracy and [a] crime against France" (Le Pen 2011, authors' transl.). For her, the re-nationalization of decision-making has top priority, because "our most essential laws are decided in Brussels and imposed on the French people either without their knowledge or against their will" (Le Pen 2013, authors' transl.). Nigel Farage, leader of the UK Independence Party and the most recent winner of the European elections in the UK (with his newly founded Brexit Party), condemned EU crisis measures aimed at fiscal consolidation as "dictatorial" (Farage 2011) and in 2013 concluded that "eurozone membership is completely incompatible with nation state democracy" (Farage 2013). Similarly, the federal program commission of the German Alternative für Deutschland (AfD) in 2016 stated in retrospect that politics in Europe was marked by a "creeping de-democratization" and that the euro rescue politics represented "illegitimate and illegal intrusions into the democratic decision-making structures of the participating nation-states." (Federal Program Commission of the Alternative für Deutschland (AfD) 2016, authors' transl.). Even Hungarian Prime Minister Viktor Orbán, who is notorious for his xenophobic anti-

immigration campaigns, after the height of the refugee crisis claimed that the “main threat to the future of Europe are not those who want to come here to live, but our own political, economic and intellectual elites bent on transforming Europe against the will of the European people” (Orbán 2017).

The European far-left engaged in structurally similar de-legitimation attempts that also targeted the EU’s alleged lack of democracy. For instance, Pablo Iglesias, Secretary-General of the Portuguese party Podemos, declared in 2014: “Democracy in Europe has been the victim of an authoritarian derail. In the periphery of Europe, the situation is tragic, our countries have nearly become protectorates, new colonies, where powers that no one has elected are destroying social rights and threatening social and political cohesion in our societies.” (Iglesias 2014). In the same vein, Sahra Wagenknecht, then-minority whip for the German party DIE LINKE, has emphasized time and again that in her view, “the crisis management of the Euro group and the European institutions is less and less compatible with democratic values. The technocrats of the Troika fear democracy as much as a vampire fears the light.” (Wagenknecht 2015, authors’ transl.). Not least, the Greek protagonists during the crisis, Yanis Varoufakis and Alexis Tsipras of the Syriza party, strongly condemned what they perceived as deeply undemocratic methods of European crisis management. According to Varoufakis, the concept of democracy was “quite forgotten within the Eurogroup” and “some very powerful forces within the Eurogroup would want it to stay forgotten […].” (Channel 4 News 2015). In addition, Tsipras complained more than once that his democratically elected government was prevented from exercising its sovereign right to decide on how to achieve agreed upon objectives and how to distribute the burden. This was justifiable only if one adopted “a very extreme anti-democratic view […]. Elections shouldn’t take place; governments should be appointed then, technocrats. And they will be responsible for taking the decisions” (Tsipras 2015).

This supply of political arguments and positions resonated increasingly well with voter demands across Europe. Popular opposition to the EU’s crisis governance was reflected in a decline in the legitimacy beliefs underpinning support for the EU. Armingeon et al. found, for instance, that in the Eurozone countries that were hit hardest by the crisis, levels of trust in political institutions and satisfaction with democracy (both at the domestic and EU level) have eroded dramatically: Between 2007 and 2013, the proportion of the population that has become detached from the political system (at the national and EU level) has increased from 27% to 74% in Greece, 14% to 64% in Spain, and 39% to 58% in Italy (Armingeon, Guthmann, and Weisstanner 2016). These findings are echoed by Torreblanca and Leonard (2013), who find

that levels of trust in the EU among its citizenry have eroded markedly between 2007 and 2012. In sync with the decline in trust, voters increasingly put their hopes in populist fringe parties. As Hobolt and de Vries demonstrate empirically for both left and right, "citizens who were personally negatively affected by the crisis and who disapproved of EU actions during the crisis were more likely to cast a ballot for a Eurosceptic party" (Hobolt and de Vries 2016, 510). After a first surge in the 2014 EP elections, the numbers increased further especially for right-wing populist parties in the 2019 EP elections – consolidating and expanding a strong nationalistic faction in the EP. In core member states such as France, Italy, and the UK, they have become the strongest parties. Across Europe, they increased by about 5% and now occupy about one third of the seats in the EP.

5. Reactive sequences beyond the EU: The international trade and human rights regimes

So far, to account for the increasing de-legitimation of the LIO, we have laid out a theoretical argument about the self-undermining processes inhabiting the order's institutional characteristics and illustrated its plausibility in a highly developed sub-order of the LIO, namely the EU. Of course, the EU is not representative of the wealth of IOs underpinning the LIO. Given its extraordinarily high degree of political authority and unprecedented amounts of transnational integration, we must assume that the EU is publicly much more salient than other IOs, and its democracy gap will thus entail societal mobilization that is unlikely to be matched in other IOs. However, our argument is about trends, not magnitudes. In general, our expectation is that the more international institutions exercise tangible political authority without providing for appropriate democratic input legitimation, the higher the probability that the legitimacy which affected people, parties, and governments ascribe to these institutions declines. If our argument holds, we should thus be able to find evidence for the mechanism in particular in cases of increasing political authority exercised by non-majoritarian institutions that are shielded – by deliberate design – from democratic politics. We submit that our argument is matched by developments in two most different issue areas covered by the LIO: international trade and human rights. In the following we provide two simple vignettes for these cases that should highlight that the mechanism is not an idiosyncrasy of the EU but applicable to different pillars of the LIO.

The international trade regime, centered on the WTO and its core free trade principles of national treatment and most favored nation, has seen a steep rise in authority with the passage from the GATT to the WTO in 1994. Most importantly, the political dispute settlement procedure under GATT has been replaced with the permanent Dispute Settlement Mechanism (DSM) of the WTO where the quasi-judicial independent Appellate Body takes final decisions and makes conclusive determinations on the interpretation and application of WTO law (see Zangl 2008). This delegation of competences has firmly locked in the main tenets of the liberal trade regime. Moreover, the hardening of international trade rules has created growing distributional effects often leading to social stratification across industrialized and developing countries, but also – and importantly – across different groups of society within these groups of countries (Lakner and Milanovic 2016). Moreover, the expanding free trade agenda touches upon an increasing number of adjacent policy fields, such as environmental or consumer protection, which are seriously curtailed in their regulatory capacity due to the prospects of being challenged for the violation of WTO rules in front of the DSM – the so-called "regulatory chill effect." (Eckersley 2004). This development is reinforced by the global spread of regional and bilateral free trade, preferential trade, or investment agreements that almost all delegated dispute resolution to standing or ad hoc arbitration panels. As is widely acknowledged, this international 'constitutionalization' of (neo-)liberal policy goals undercuts the possibility of democratically authorized deviation from this paradigm (Finbow 2016; Schneiderman 2008).

Given their immunity to political contestation and inaccessibility for interest representation, the authority of DSMs in the free trade regime comes with a serious democracy gap. As a consequence, we see an increasing level of dissatisfaction with this sector of the LIO as well as growing traces of outright resistance. These come in diverse shapes and with different political motivations, but they are all designed to de-legitimize the institutions underpinning the international free trade regime. Two examples highlight the global spread of this phenomenon. First, civil society organizations in EU countries most directly targeted the democratic costs of free trade agreements and arbitration when vigorously opposing the adoption of the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA) in the years since opening negotiations on TTIP in 2013. Protest erupted less because of matters relating to the substance of free trade principles, but rather because of feared constraints on states' democratic right to regulate domestically salient issues (see Scott Cato 2016). The strongest criticism was levelled at the plans for investor-state arbitration, which would have led to the establishment of further quasi-judicial bodies with the delegated competence to adjudicate on claims brought forward by corporate actors against

member state regulatory policies (de Ville and Siles-Brügge 2016). Second, large parts of the US-American electorate have come to embrace the notion that free trade represents a potential danger for domestic jobs and local industries. As evinced by the support for presidential candidate Donald Trump in the 2016 elections, who continuously promised – as one of the few consistent positions – to oppose multilateral free trade deals and renegotiate existing agreements in order to increase domestic employment, the distributional effects of the regime have given American voters a source of dissatisfaction with this part of the LIO (Manza and Crowley 2017). Importantly, since the order is legally carved in stone and heavily institutionalized, Trump's populist response is to attack the trade system as a whole, undermining both its constitutive principles (e.g., through punitive tariffs) and its authoritative institutions (e.g., by blocking the nomination of judges for the WTO DSM).

In the international human rights regime, one type of institution has consistently gained authority in the post-Cold War era: international courts (ICs) (Alter 2014). In tune with a general increase of judicial authority across policy fields, it is particularly the ICs of regional human rights conventions such as the Inter-American Court of Human Rights (IACtHR) and the European Court of Human Rights (ECtHR) that have become increasingly influential. While international judicial remedies for human rights violations had long been politically constrained through the principle of jurisdiction by consent of the defending state, these human rights courts are today equipped with compulsory jurisdiction and provide direct access for non-state actors including individual claimants (Alter 2014, 5). As a consequence, human rights ICs can, inter alia, nullify executive acts of domestic governments and even legislative acts of democratically elected parliaments if they are found to violate human rights obligations.

The most common legitimation rationale of ICs consists in counter-majoritarian legalism (von Bogdandy and Venzke 2012, 14). In order to uphold the liberal tenets of constitutionalism, most importantly the protection of minority rights against a potential 'tyranny of the majority', ICs are conferred authority to override political measures that impinge on a previously agreed upon set of individual rights. ICs are thought to arrive at such conclusions in a putatively de-politicized, technical process of law interpretation and application. Democratic input legitimacy is thus presumed irrelevant, if not counterproductive, to the legitimation of ICs (see also Keohane, Macedo, and Moravcsik 2009). However, in at least two regards, IC authority has also become political by creating distributive consequences. First, the judicialization of the human rights regime may have led to its partial 'overlegalization' through which states are hampered in their ability to strike a balance between individual liberties and other important

societal objectives (Helfer 2002, 1853-1858). Arguably, active human rights ICs give expression to their liberal foundations in case law that creates obligations for states and rights for individuals extending into the future. This progressively narrows the political discretion – also of democratically elected parliaments – to decide on value allocations involving goal conflicts with individual liberties. This ties in with the second aspect, namely that regional "human rights courts have issued judgments about citizenship, religion, immigration, and other issues that directly concern the identity of polities" (Voeten 2019, 7). Here, ICs clearly interfere with conflicts over values and ideologies rendering them political actors irrespective of the legalistic procedure for arriving at their judgments. As Voeten argues, "in this sense the 'judicialization of politics' almost inevitably spurs a politicization of the judiciary." (Voeten 2019, 7).

Hence, the empowerment of ICs in the human rights regime has led to a democracy gap created by the expansion of political authority while retaining a purely non-majoritarian legitimation rationale. Dissatisfaction with ICs and the political consequences of their rulings can of course be publicly voiced, but such criticism is bound to go unheard, precisely because of the ICs' mandate to be aloof of politics. Consequently, dissatisfaction is likely to turn into polity-contestation and even resistance. Indeed, over the past decade or so, observers have noted a veritable backlash against international human rights courts (Madsen, Cebulak, and Wiebusch 2018; Voeten 2019). For example, after rendering judgments touching on the Tanzanian constitution and contentious issues such as Rwanda's dealing with perpetrators and their accomplices of the 1994 genocide, the very young African Court on Human and Peoples' Rights (ACtHPR) already faced serious and vocal resistance from both states, starting with Tanzania's outright rejection of rulings against it and culminating in Rwanda's withdrawal of its acceptance of direct individual applications to the Court. According to Daly and Wiebusch (2018, 294-295), this could be the beginnings of particular patterns of resistance that might 'escalate into a more systemic and even transnational critique of the court, resulting in either changes to the system, rendering it defunct by starving it of resources, or even shutting it down entirely'. Similarly, Venezuela and Trinidad and Tobago left the IACtHR after contentious rulings, and even several domestic courts in member states started resisting the Inter-American Court (Madsen, Cebulak, and Wiebusch 2018, 197). Not least, the ECtHR has been facing growing resistance since its vast expansion of authority after 1990. Not only did member states try to rebalance the system to the benefit of national politics with the 2012 Brighton Declaration, but both the government and the civil society in several member states such as the United Kingdom or Russia also more forcefully rejected the Court's authority altogether. In the case of the United

Kingdom, this is neatly traceable to ECtHR rulings that stopped the deportation of convicted Islamist terrorists due to their right to family life and gave prisoners the right to vote (Madsen 2016, 169-170). Dissatisfaction and resistance thus stemmed from the Court's involvement into highly polarized political matters, whose domestic democratic settlement was called into question by an international authority.

6. Conclusion

The LIO no longer enjoys the kind of 'permissive consensus' among political elites and broad sections of the publics in Western democracies it did in the past. Brexit, the decision by the United States to walk away from the Paris Climate Accord, the rising specter of protectionism and 'trade wars', and the electoral successes of populist, anti-internationalist political parties have put into question the taken-for-grantedness of liberal ideas and ideals, at the international as well as the domestic level. While the causes of dissatisfaction with the LIO are manifold, we argued in this paper that the fundamental delegitimation of the LIO has endogenous sources: It is, at least in parts, a homemade crisis.

To shed light on the endogenous sources of the LIO's legitimacy crisis, we focused on the mechanisms that help sustain the order, as well as those that threaten to undermine it. In a first step, we argued that the LIO is reinforced by institutional mechanisms that have helped to lock in liberal institutions, ideas, and policy choices. This liberal lock-in has been propelled by the delegation of governance tasks to allegedly technocratic international institutions, shielding them from political interference. Yet, these self-reinforcing institutional dynamics also trigger reactive sequences that threaten to undercut the LIO. The 'success' of the LIO puts a strain on democratic governance internationally and domestically. The more governance – with and through IOs – affects citizens' value choices and carries redistributive implications, the more likely it is that opposition to the institutions representing the LIO is on the rise. Precisely because the LIO has been so successful in shielding its institutions from political interference by focusing almost entirely on their output legitimacy, policy contestation lacks avenues of democratic access and is thus likely to turn into polity contestation.

Against this backdrop, future research should strive to address two lines of inquiry. First, resistance to the LIO may vary over time, across countries, and across different issue areas associated with the LIO. It is therefore important to analyze those conditions that moderate or amplify delegitimation in these different contexts. For instance, in times of crisis, when the

output legitimacy of international governance is in sharp decline, resistance to the LIO is more likely to be voiced and mobilized. Moreover, features of domestic politics are also likely to affect the mobilization of resistance to the LIO: the strength of populist parties that are particularly critical of international political authority, and domestic political opportunity structures – such as referendums – that raise the visibility and salience of international governance issues (see, for instance, Grande and Hutter 2016). Lastly, on the level of policies, certain policy issues subject to inter- or transnational governance conflicts, such as migration, resonate more strongly with the cultural-identitarian dimension of political conflict than others (e.g., agricultural subsidies). Populist parties, in particular, seek to mobilize resistance against inter- and transnational policies that can be construed as a cultural or identity threat to an 'in-group', which is commonly defined along lines of national identity. Second, while this paper theorizes a mechanism that challenges the LIO in the long run, our analysis does not imply that the LIO is inevitably doomed. The order may indeed be temporarily destabilized, but it is well possible that it eventually outlives the challenge and emerges even stronger – depending on the way that liberal internationalists react to the backlash. Future research thus should explore the effects of polity-contestation on the LIO: Under what conditions does polity-contestation lead to a deterioration of the LIO, for example, through fragmentation, disintegration, and decline? Under what conditions does polity-contestation breed reforms or even counter-resistance, geared towards re-stabilizing the LIO? (Zürn 2018, 264)

Finally, our analysis also carries normative implications. We contend that the de-politicization of socio-political value choices and the restricted access to contestation lies at the heart of the crisis of the LIO. We do not find that it is the normative elements of LI per se, which incite resistance. In effect, and as paradoxical as it may seem, if we want to protect the liberal substance of the order, it might be more advisable to open it to constant contestation than to shield it from political interference. On the one hand, the institutionalization of dissent would force the political representatives of the liberal majority to continuously justify the normative underpinnings of their decisions – increasing the likelihood of winning people's minds (or at least not losing them). On the other hand, it would complicate things for the narrative of being left behind, not heard, and ruled by distant elites.

References

Alter, Karen J. 2014. The New Terrain of International Law: Courts, Politics, Rights. Princeton: Princeton University Press.

Armingeon, Klaus, Kai Guthmann, and David Weisstanner. 2016. "How the Euro Divides the Union: The Effect of Economic Adjustment on Support for Democracy in Europe." Economic Review 14 (1): 1-26.

Barnett, Michael, and Martha Finnemore. 2005. "The Power of Liberal International Organizations." In Power in Global Governance, edited by Michael Barnett, and Raymond Duvall, 161-184. Cambridge: Cambridge University Press.

Bearce, David H., and Brandy J. Jolliff Scott. 2019. "Popular Non-Support for International Organizations: How Extensive and what does this Represent?" The Review of International Organizations 14 (2): 187-216.

Bell, Duncan. 2007. "Liberal Internationalism." In Encyclopedia of Governance, edited by Mark Bevir, 522-524. Thousand Oaks: Sage Publications.

Blyth, Mark. 2016. "Global Trumpism: Why Trump's Victory was 30 Years in the Making and why it won't Stop Here." Foreign Affairs Anthology. Accessed: September 10, 2018. https://www.foreignaffairs.com/articles/2016-11-15/global-trumpism.

Boli, John, and George M. Thomas, eds. 1999. Constructing World Culture: International Nongovernmental Organisations Since 1875. Stanford: Stanford University Press.

Börzel, Tanja A., and Thomas Risse. 2018. "From the Euro to the Schengen Crises: European Integration Theories, Politicization, and Identity Politics." Journal of European Public Policy 25 (1): 83-108.

Braun, Daniela, Swen Hutter, and Alena Kerscher. 2016. "What Type of Europe? The Salience of Polity and Policy Issues in European Parliament Elections." European Union Politics 17 (4): 570-592.

Channel 4 News. 2015. "Yanis Varoufakis: 'We've Made Hope Return to Europe'." Accessed: May 31, 2019. https://www.youtube.com/watch?v=OmqnYHmRg48.

Colgan, Jeff D., and Robert O. Keohane. 2017. "The Liberal Order is Rigged: Fix it now or Watch it Wither." Foreign Affairs 96 (3): 36-44.

Daly, Tom G., and Micha Wiebusch. 2018. "The African Court on Human and Peoples' Rights: Mapping Resistance Against a Young Court." International Journal of Law in Context 14 (2): 249-313.

de Ville, Ferdi, and Gabriel Siles-Brügge. 2016. TTIP: The Truth About the Transatlantic Trade and Investment Partnership. Cambridge: Polity Press.

de Vries, Catherine E. 2018. Euroscepticism and the Future of European Integration. Oxford: Oxford University Press.

de Wilde, Pieter, Ruud Koopmans, Wolfgang Merkel, Oliver Strijbis, and Michael Zürn, eds. 2019. The Struggle over Borders: Cosmopolitanism and Communitarianism. Cambridge: Cambridge University Press.

de Wilde, Pieter, and Hans-Jörg Trenz. 2012. "Denouncing European Integration: Euroscepticism as Polity Contestation." European Journal of Social Theory 15 (4): 537-554.

Doyle, Michael W. 2012. Liberal Peace: Selected Essays. London: Routledge.

Ecker-Ehrhardt, Matthias. 2014. "Why Parties Politicise International Institutions: On Globalisation Backlash and Authority Contestation." Review of International Political Economy 21 (6): 1275-1312.

Eckersley, Robyn. 2004. "The Big Chill: The WTO and Multilateral Environmental Agreements." Global Environmental Politics 4 (2): 24-50.

Eckstein, Harry. 1975. "Case Study and Theory in Political Science." In Handbook of Political Science: Vol. 7: Strategies of Inquiry edited by Fred I. Greenstein, and Nelson W. Polsby, 79-137. Reading: Addison-Wesley.

Farage, Nigel. 2011. "Contribution to the Debate on the State of the Union." Strasbourg, September 28, 2011.

Farage, Nigel. 2013. "Contribution to the Debate on the Preparations for the European Council Meeting of 14-15 March 2013." Strasbourg, March 13, 2013.

Federal Program Commission of the Alternative für Deutschland (AfD). 2016. Grundsatzprogramm der Alternative für Deutschland: Leitantrag der Bundesprogrammkommission und des Bundesvorstands. Translated by the Author. Accessed: May 31, 2019. https://www.afd.de/wp-content/uploads/sites/111/2016/03/Leitantrag-Grundsatzprogramm-AfD.pdf.

Finbow, Robert G. 2016. "Restructuring the State through Economic and Trade Agreements: The Case of Investment Disputes Resolution." Politics and Governance 4 (3): 62-76.

Fioretos, Orfeo. 2011. "Historical Institutionalism in International Relations." International Organization 65 (2): 367-399.

Follesdal, Andreas, and Simon Hix. 2006. "Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik." JCMS: Journal of Common Market Studies 44 (3): 533-562.

Genschel, Philipp, and Markus Jachtenfuchs, eds. 2014. Beyond the Regulatory Polity?: The European Integration of Core State Powers. Oxford: Oxford University Press.

Genschel, Philipp, and Bernhard Zangl. 2014. "State Transformations in OECD Countries." Annual Review of Political Science 17: 337-354.

Gill, Stephen, and Claire Cutler. 2014. "New Constitutionalism and World Order: General Introduction." In New Constitutionalism and World Order edited by Stephen Gill, and Claire Cutler, 1-22. Cambridge: Cambridge University Press.

Grande, Edgar, and Swen Hutter. 2016. "Beyond Authority Transfer: Explaining the Politicisation of Europe." West European Politics 39 (1): 23-43.

Grimm, Dieter. 2017. The Constitution of European Democracy. Oxford: Oxford University Press.

Habermas, Jürgen. 1996. Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy. Cambridge: MIT Press.

Hanrieder, Tine, and Michael Zürn. 2000. "Reactive Sequences in Global Health Governance." In International Politics and Institutions in Time edited by Orfeo Fioretos, 93-116. Oxford: Oxford University Press.

Hay, Colin. 2007. Why We Hate Politics. Cambridge: Polity Press.

Hirschl, Ran. 2004. Towards Juristocracy: The Origins and Consequences of the New Constitutionalism. Cambridge: Harvard University Press.

Helfer, Laurence R. 2002. "Overlegalizing Human Rights: International Relations Theory and the Commonwealth Carribean Backlash Against Human Rights Regimes." Columbia Law Review 102: 1832-1911.

Hix, Simon. 2015. "Democratizing a Macroeconomic Union in Europe." In Democratic Politics in a European Union Under Stress edited by Olaf Cramme, and Sara B. Hobolt, 180-198. Oxford: Oxford University Press.

Hobolt, Sara B., and Catherine de Vries. 2016. "Turning Against the Union?: The Impact of the Crisis on the Eurosceptic vote in the 2014 European Parliament Elections." Electoral Studies 44: 504-514.

Hooghe, Liesbet, and Gary Marks. 2015. "Delegation and Pooling in International Organizations." Review of International Organizations 10 (3): 305-328.

Hooghe, Liesbet, and Gary Marks. 2018. "Cleavage Theory Meets Europe's Crises: Lipset, Rokkan, and the Transnational Cleavage." Journal of European Public Policy 25 (1): 109-135.

Hooghe, Liesbet, Gary Marks, Tobias Lenz, Jeanine Bezuijen, Besir Ceka, and Svet Derderyan. 2017. Measuring International Authority: A Postfunctionalist Theory of Governance, Volume III. Oxford: Oxford University Press.

Iglesias, Pablo. 2014. "Maiden Speech During the Constitutive Session of the Eighth Parliament." Strasbourg, July 1, 2014.

Ikenberry, G. John. 2011. Liberal Leviathan. The Origins, Crisis, and Transformation of the American World Order. Princeton: Princeton University Press.

Ikenberry, G. John. 2017. "The Rise, Character, and Evolution of International Order." In International Politics and Institutions in Time edited by Orfeo Fioretos, 59-75. Oxford: Oxford University Press.

Ikenberry, G. John. 2018. "The End of Liberal International Order." International Affairs 94 (1): 7-23.

Inglehart, Ronald F., and Pippa Norris. 2016. "Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash." Faculty Research Working Paper Series. Accessed June 26, 2017. https://research.hks.harvard.edu/publications/getFile.aspx?Id=1401.

Inglehart, Ronald F., and Pippa Norris. 2017. "Trump and the Populist Authoritarian Parties: The Silent Revolution in Reverse." Perspectives on Politics 15 (2): 443-454.

Keohane, Robert O. 2012. "Twenty Years of Institutional Liberalism." International Relations 26 (2): 125-138.

Keohane, Robert O., Stephen Macedo, and Andrew Moravcsik. 2009. "Democracy-Enhancing Multilateralism." International Organization 63 (1): 1-31.

Koopmans, Ruud, and Michael Zürn. 2019. "Cosmopolitanism and Communitarianism - How Globalization Is Reshaping Politics in the 21st Century." In The Struggle Over Borders: Cosmopolitanism and Communitarianism edited by Pieter de Wilde, Ruud Koopmans, Wolfgang Merkel, Oliver Strijbis, and Michael Zürn, 1-34. Cambridge: Cambridge University Press.

Kreuder-Sonnen, Christian. 2016. "Beyond Integration Theory. The (Anti-)Constitutional Dimension of European Crisis Governance." JCMS: Journal of Common Market Studies 54 (6): 1350–1366.

Kreuder-Sonnen, Christian. 2018a. "An Authoritarian Turn in Europe and European Studies?" Journal of European Public Policy 25 (3): 452-464.

Kreuder-Sonnen, Christian. 2018b. "Political Secrecy in Europe: Crisis Management and Crisis Exploitation." West European Politics 41 (4): 958-980.

Kreuder-Sonnen, Christian, and Bernhard Zangl. 2015. "Which Post-Westphalia? International Organizations Between Constitutionalism and Authoritarianism." European Journal of International Relations 21 (2): 568-594.

Kriesi, Hanspeter. 2016. "The Politicization of European Integration." JCMS: Journal of Common Market Studies 54 (1): 32-47.

Kriesi, Hanspeter, and Edgar Grande. 2015. "The Europeanization of the National Political Debate." In Democratic Politics in a European Union Under Stress edited by Olaf Cramme, and Sara B. Hobolt, 67-86. Oxford: Oxford University Press.

Kriesi, Hanspeter, and Edgar Grande. 2016. "The Euro Crisis: A Boost to the Politicization of European Integration?" In Politicising Europe: Integration and Mass Politics edited by Swen Hutter, Edgar Grande, and Hanspeter Kriesi, 240-276. Cambridge: Cambridge University Press.

Laffan, Brigid, and Pierre Schlosser. 2016. "Public Finances in Europe: Fortifying EU Economic Governance in the Shadow of the Crisis." Journal of European Integration 38 (3): 237-249.

Lakner, Christoph, and Branko Milanovic. 2016. "Global Income Distribution: From the Fall of the Berlin Wall to the Great Recession." The World Bank Economic Review 30 (2): 203-232.

Le Pen, Marine. 2011. "Speech at the Front National Congress." Tours, January 16, 2011.

Le Pen, Marine. 2013. "Speech at the Summer Conference." Marseille, September 15, 2013.

Lenz, Tobias, and Gary Marks. 2016. "Regional Institutional Design: Delegation and Pooling." In The Oxford Handbook of Comparative Regionalism edited by Tanja A. Börzel, and Thomas Risse, 513-537. Oxford: Oxford University Press.

Levy, Jack S. 2008. "Case Studies: Types, Designs, and Logics of Inference." Conflict Management and Peace Sciences 25 (1): 1-18.

Madsen, Mikael R. 2016. "The Challenging Authority of the European Court of Human Rights: From Cold War Legal Diplomacy to the Brighton Declaration and Backlash." Law and Contemporary Problems 79 (1): 141-178.

Madsen, Mikael R., Pola Cebulak, and Micha Wiebusch. 2018. "Backlash Against International Courts: Explaining the Forms and Patterns of Resistance to International Courts." International Journal of Law in Context 14 (2): 197-220.

Mahoney, James. 2000. "Path Dependence in Historical Sociology." Theory and Society 29 (4): 507-548.

Mair, Peter. 2007. "Political Opposition and the European Union." Government and Opposition 42 (1): 1-17.

Manza, Jeff, and Ned Crowley. 2017. "Working Class Hero? Interrogating the Social Bases of the Rise of Donald Trump." The Forum 15 (1): 3-28.

Matthijs, Matthias. 2017. "Integration at what Price?: The Erosion of National Democracy in the Euro Periphery." Government and Opposition 52 (2): 266-294.

Matthijs, Matthias, and Kathleen McNamara. 2015. "The Euro Crisis' Theory Effect: Northern Saints, Southern Sinners, and the Demise of the Eurobond." Journal of European Integration 37 (2): 229-245.

Milner, Helen V. 1988. Resisting Protectionism: Global Industries and the Politics of International Trade. Princeton: Princeton University Press.

Moravcsik, Andrew. 2004. "Is there a 'Democratic Deficit' in World Politics?: A Framework for Analysis." Government and Opposition 39 (2): 336-363.

Mounk, Yascha. 2018. The People vs. Democracy: Why our Freedom is in Danger and how to Save it. Cambridge: Harvard University Press.

Mudde, Cas, and Cristóbal Rovira Kaltwasser, eds. 2012. Populism in Europe and the Americas: Threat or Corrective for Democracy? Cambridge: Cambridge University Press.

Oppermann, Kai. 2014. "Argumentationsmuster zur Krise in der Eurozone. Eine Analyse von Debattenbeiträgen der Regierung Merkel im Bundestag 2009-2012." Integration 37 (3): 262-274.

Orbán, Viktor. 2017. "Hungary and the Crisis of Europe." Hungarian Review 8 (1). Accessed: September 11, 2019. http://hungarianreview.com/article/20170124_hungary_and_the_crisis_of_europe.

Peters, Anne. 2009. "Humanity as the A and Ω of Sovereignty." European Journal of International Law 20 (3): 513-544.

Petmesidou, Maria, and Miguel Glatzer. 2015. "The Crisis Imperative, Reform Dynamics and Rescaling in Greece and Portugal." European Journal of Social Security 17 (2): 158-181.

Reus-Smit, Christian. 2007. "International Crises of Legitimacy." International Politics 44 (2-3): 157-174.

Rittberger, Berthold. 2005. Building Europe's Parliament: Democratic Representation Beyond the Nation State. Oxford: Oxford University Press.

Rittberger, Berthold, and Philipp Schroeder. 2016. "The Legitimacy of Regional Institutions." In The Oxford Handbook of Comparative Regionalism edited by Tanja A. Börzel, and Thomas Risse, 579-599. Oxford: Oxford University Press.

Rocabert, Jofre, Frank Schimmelfennig, Loriana Crasnic, and Thomas Winzen. 2018. "The Rise of International Parliamentary Institutions: Purpose and Legitimation." Review of International Organizations: 1-25. DOI: 10.1007/s11558-018-9326-3.

Ruggie, John G. 1982. "International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order." International Organization 36 (2): 379-415.

Scharpf, Fritz W. 1999. Governing in Europe: Effective and Democratic? Oxford: Oxford University Press.

Scharpf, Fritz W. 2013. "Political Legitimacy in a Non-Optimal Currency Area." MPIfG Discussion Paper 13/15. Accessed: May 12, 2015. http://www.mpifg.de/pu/mpifg_dp/dp13-15.pdf.

Schimmelfennig, Frank. 2014. "European Integration in the Euro Crisis: The Limits of Postfunctionalism." Journal of European Integration 36 (3): 317-337.

Schmidtke, Henning. 2018. "Elite Legitimation and Delegitimation of International Organizations in the Media: Patterns and Explanations." Review of International Organizations: 1-27. DOI: 10.1007/s11558-018-9320-9.

Schneiderman, David. 2008. Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise. Cambridge: Cambridge University Press.

Séville, Astrid. 2017. "From 'One Right Way' to 'One Ruinous Way'?: Discursive Shifts in 'There is no Alternative'." European Political Science Review 9 (3): 449-470.

Scott Cato, Molly. 2016. "People Power is Ending TTIP and Other Unpopular EU Free-Trade Deals." The Guardian. Accessed: June 11, 2018. https://www.theguardian.com/commentisfree/2016/oct/19/people-power-ending-ttip-eu-free-trade-deals-ceta.

Steenbergen, Marco R., Erica E. Edwards, and Catherine E. de Vries. 2007. "Who's Cueing Whom?: Mass-Elite Linkages and the Future of European Integration." European Union Politics 8 (1): 13-35.

Stephen, Matthew D., and David Skidmore. 2019. "The AIIB in the Liberal International Order." The Chinese Journal of International Politics 12 (1): 61-91.

Stephen, Matthew D., and Michael Zürn, eds. 2019. Contested World Orders: Rising Powers, Non-Governmental Organizations, and the Politics of Authority Beyond the Nation State. Oxford: Oxford University Press.

Tallberg, Jonas, Thomas Sommerer, Theresa Squatrito, and Christer Jönsson. 2013. The Opening Up of International Organizations: Transnational Access in Global Governance. Cambridge: Cambridge University Press.

Tallberg, Jonas, and Michael Zürn. 2019. "The Legitimacy and Legitimation of International Organizations: Introduction and Framework." Review of International Organizations: 1-26. DOI: 10.1007/s11558-018-9330-7.

Torreblanca, Jose I., and Mark Leonard. 2013. "The Continent-Wide Rise of Euroscepticism." European Council on Foreign Relations. Policy Memo. Accessed: September 11, 2019. https://www.ecfr.eu/page/-/ECFR79_EUROSCEPTICISM_BRIEF_AW.pdf.

Tsipras, Alexis. 2015. "Contribution to the Debate on the Situation in Greece." Strasbourg, July 8, 2015.

Voeten, Eric. 2019. "Populism and Backlashes Against International Courts." Perspectives on Politics: 1-16. DOI: 10.1017/S1537592719000975.

von Bogdandy, Armin, and Ingo Venzke. 2012. "In Whose Name? An Investigation of International Courts' Public Authority and Its Democratic Justification." European Journal of International Law 23 (1): 7-41.

Wagenknecht, Sahra. 2015. "Demokratie statt Austerität." Accessed: May 31, 2019. https://www.sahra-wagenknecht.de/de/article/2150.demokratie-statt-austeritaet.html.

Weber, Max. 1978. Economy and Society: An Outline of Interpretive Sociology. Berkeley: University of California Press.

White, Jonathan. 2015. "Emergency Europe." Political Studies 63 (2): 300-318.

Wiener, Antje. 2014. A Theory of Contestation. Heidelberg: Springer.

Zangl, Bernhard. 2008. "Judicialization Matters! A Comparison of Dispute Settlement Under GATT and the WTO." International Studies Quarterly 52 (4): 825-854.

Zangl, Bernhard, Frederick Heussner, Andreas Kruck, and Xenia Lanzendörfer. 2016. "Imperfect Adaptation: How the WTO and the IMF Adjust to Shifting Power Distributions Among their Members." Review of International Organizations 11 (2): 171-196.

Zielonka, Jan. 2018. Counter-Revolution: Liberal Europe in Retreat. Oxford: Oxford University Press.

Zürn, Michael. 2017. "From Constitutional Rule to Loosely Coupled Spheres of Liquid Authority: A Reflexive Approach." International Theory 9 (2): 261-285.

Zürn, Michael. 2018. A Theory of Global Governance: Authority, Legitimacy, and Contestation. Oxford: Oxford University Press.

Zürn, Michael, and Pieter de Wilde. 2016. "Debating Globalization: Cosmopolitanism and Communitarianism as Political Ideologies." Journal of Political Ideologies 21 (3): 280-301.

Zürn, Michael, Martin Binder, and Matthias Ecker-Ehrhardt. 2012. "International Authority and its Politicization." International Theory 4 (1): 69-106.

Zürn, Michael, Alexandros Tokhi, and Martin Binder. Forthcoming. "The International Authority Database (IAD)." Research & Politics.